

Part IV: The Road to the Constitutional Convention

The War of Independence settled the question of America's political ties to Britain. The defeat of the mother country meant that the thirteen states could claim complete self-rule. What remained to be settled, however, was who within the newly independent states would rule.

Although the Declaration of Independence had proclaimed that "all men are created equal" and possessed "certain unalienable Rights," in practice the situation was quite different. Most states limited the right to vote to white male adults who were taxpayers or who owned a set amount of land. While the proportion of Americans who farmed their own land was much higher than in Britain, a sizeable minority of white men in many states did not meet the property requirements for voting.

Even within the body of citizens eligible to vote, political influence was far from equal. The patriot leadership was drawn primarily from the wealthy, educated classes. Most prominent patriots mistrusted the judgment of the small farmers, craftsmen, and other ordinary Americans who made up the vast majority of the country's population. Members of the patriot elite expected to continue guiding the new nation after independence and to avoid the pitfalls of what many of them called "popular rule."

Many of these same men, however, developed state constitutions that paved the way for a more democratic society. In response to the abuses of royal governors during colonial times, they approved strict limits on the authority of the new state governors and instead concentrated most of the power in the popularly elected state legislatures. In states with a two-house legislature, representatives to the upper house were usually elected by a more narrowly defined group of voters than representatives to the lower house.

America's Political Foundation

During the 1780s, the state legislatures

were political battlegrounds. The divisions extended beyond the struggle between rich and poor. In many cases, personal alliances built around family and business relations generated rivalries that cut across economic lines. The notion of political parties had not yet taken hold. Instead, the alliances were described as "factions."

Some factions were especially sensitive to the hardships of small farmers, many of whom owed substantial debts. With little money in circulation, the farmers were struggling to pay their loans and taxes. The "popular" factions pushed laws through the state legislatures to increase the supply of money by printing paper currency, establish state-run land banks to loan money to farmers, and delay the process of foreclosing on farmland and livestock for unpaid debts. The efforts to protect small farmers raised concern among the wealthy classes of the new society. In some states, like Rhode Island, the factions representing small farmers and other struggling debtors remained in control for most of the decade.

At the same time, town dwellers enjoyed a much greater voice in the state legislatures than their counterparts in the countryside. The districts electing representatives were not of equal size. Rather, the population of the city districts was much lower than the population of rural districts, meaning that the vote of an urban shopkeeper often counted for more than the vote of a small farmer.

What qualities did the upper class feel were necessary for participation in government?

The debate over who should rule was in many respects a class issue. Members of the upper class believed that they should direct the new nation not only because of their wide-ranging responsibilities and experiences but because they believed they were men of character and moral stature. Building moral character was considered to be an important function for government, as well as for families and churches. The bills of rights issued

by Massachusetts and Virginia specifically stressed the importance of character.

America's elite felt that strong moral character among the citizenry was the foundation for a successful republic. "Liberty" was seen as more than an absence of heavy-handed governmental restrictions. It also meant the active participation of the citizen in the government and society.

“A frequent recurrence to the fundamental principles of the constitution, and a constant adherence to those of piety, justice, moderation, temperance, industry, and frugality, are absolutely necessary to preserve the advantages of liberty, and to maintain a free government.”

—Article XVIII, Massachusetts Bill of Rights

America's political leaders were convinced that their experiment would fail without a willingness to sacrifice self-interest in the name of the greater good. They believed that men of justice, moderation, practical wisdom, and courage were capable of overcoming their differences on particular issues to pursue the betterment of society and protect the rights of individuals.

America's elite believed that individuals who were dependent on others could not form independent judgments of their own. As a result, a majority of the country's population was left out of the political system. The right to vote was frequently denied to craftsmen and laborers who worked for others. Women, who were legally dependent on their husbands, and slaves were completely excluded from the political process. Most states also did not give voting rights to indentured servants, who were obligated to work for their sponsors for a set period of time.

Why were leaders of the Roman Republic admired in America?

The emphasis on character and the sense of mission among America's leaders were

reflected in their fascination with the Roman Republic and its legendary heroes. Political figures based their pen names on figures from Roman history. Instruction in Latin and Greek was considered the cornerstone of a proper education. The architectural styles of Roman civilization were adapted by American builders. Even plays, novels, and histories dealing with themes from Roman history enjoyed widespread popularity.

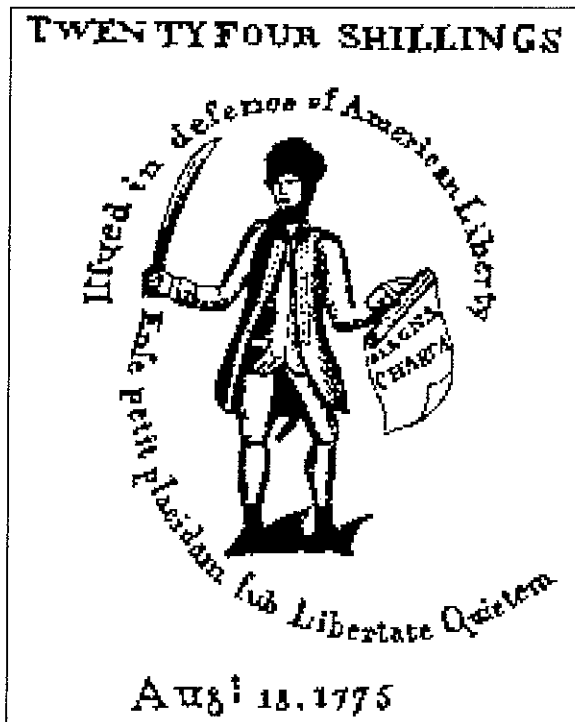
America's elite frequently held up prominent Roman leaders, such as Brutus, Cicero, Cincinnatus, Regulus, and Cato, as role models. The values of Rome's "patricians"—the small group of senators who crafted the laws of the ancient republic—were idealized. Within the patriot leadership, George Washington best personified the selfless devotion to the cause of the nation that was attributed to the patricians. He emerged from the War of Independence as the only American leader universally respected in the thirteen states.

America's elite found the classical age of ancient Greece far less appealing. In contrast to the Roman Republic, the Athens of Pericles (in the second half of the fifth century B.C.E.) was a direct democracy in which every citizen could debate and vote on the issues. Athenian citizens were chosen at random to fill top government positions for a one-year term.

Direct democracy held little appeal for America's founding fathers. They much preferred the model offered by the Roman system, in which the upper classes led the government and military. For them, the lessons of history illustrated the dangers of a democratic, as opposed to a republican, form of government. Athens' democracy was destroyed by war and internal strife soon after Pericles' death, while the Roman Republic flourished for more than four centuries (from about 500 to 30 B.C.E.).

Steps Toward a National Government

In addition to questions about the nature of the American republic, debate within the new nation revolved around the role of the central government. Many Americans were



Paper money issued by Massachusetts.

satisfied with the system established by the Articles of Confederation. They praised state legislatures for responding to the interests of voters and supported the guarantees of individual rights that had been included in many of the new state constitutions.

The strength of the economy also suggested that America was on the right track. By 1787, trade had risen to prewar levels and economic output had recovered from a postwar slump. The planned development of the western lands acquired from Britain in the Treaty of Paris promised future prosperity. Moreover, the country's population was continuing to rise at a rapid rate, reaching 3.9 million (including slaves) by the end of the 1780s.

Other Americans, however, saw serious shortcomings in the confederation system. The "Federalists," as they became known, were clearly in the minority in the 1780s, much like the patriot leaders who demanded independence in 1776. Nonetheless, they presented a persuasive case for strong national government.

The Federalists came from a broad cross section of the elite. Among their ranks were those who argued that a strong central government was necessary to promote commerce and settlement. Merchants, for example, wanted a standard set of laws to enable them to conduct business and collect debts across state lines. Shipowners, sea captains, and exporters pressed for strong government to promote overseas trade. On the frontier, settlers and land speculators doubted the ability of the Continental Congress to protect their lands, especially in territorial disputes with the Spanish and British.

The aftermath of the War of Independence also generated support for the Federalist cause. Squabbles among the states and the weakness of the Continental Congress led many former officers in the Continental Army to feel that their wartime sacrifices were being dishonored. Investors who had bought war bonds issued by the Congress or the states insisted that they be paid.

What weaknesses surfaced in the confederation?

The framers of the Declaration of Independence were largely responsible for writing the Articles of Confederation. They sought to prevent the rise of a strong central government that might threaten their rights.

The Articles of Confederation proved especially weak in two areas—finances and foreign affairs. Congress had no authority to raise revenue for the operations of the national government. Instead, it was completely dependent on the states for funding, and the states jealously guarded their control of the national purse strings. As a result, the 1780s were marked by one financial crisis after another. Several amendments were proposed to the articles that would have allowed Congress to raise revenue by taxing imports. For the amendments to take effect, however, they needed to be approved by all the states. None cleared the hurdle.

European governments viewed the young American republic as weak. Although the

Articles of Confederation gave Congress the exclusive right to negotiate treaties with foreign governments, in practice the national government lacked the power to enforce them. Congress, for example, was unable to compel the states to respect a treaty it approved on the treatment of loyalist claims in America.

Likewise, foreign governments quickly recognized that America could not force them to live up to their obligations, as the British showed in delaying their withdrawal from forts in the Great Lakes region. Foreign ambassadors secretly played one state against another and even turned to bribery to influence members of Congress.

What attempt was made to reform the confederation?

The problems of the Articles of Confederation were brought into sharper focus in September 1786, when representatives from five states met in Annapolis, Maryland. The convention was originally organized to address a long-running border dispute between Maryland and Virginia regarding the use of the Potomac River, their common boundary. With the involvement of three additional states, the Annapolis meeting became a forum for discussing ideas to improve relations among the states.

Before returning home, the delegates to Annapolis called on Congress to convene a meeting in the spring of 1787 to “take into consideration the trade and commerce of the United States.” In February 1787, Congress agreed that the Articles of Confederation should be revised.

“It is expedient, that on the second Monday in May next, a convention of delegates, who shall have been appointed by the several states, be held at Philadelphia, 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 federal constitution adequate to the exigencies of government, and the preservation of the union.”

—Resolution of the Continental Congress,
February 21, 1787

What was Shays’s Rebellion?

While Congress was studying the recommendations of the Annapolis meeting, a rebellion among small farmers in western Massachusetts brought a new sense of urgency to the calls for reform. Many of the rebellious farmers were deep in debt to the merchants of Boston and other coastal cities. They had first pressed the Massachusetts legislature to stop state courts from foreclosing on their land. When the legislators did not respond to their pleas, the farmers took matters in their own hands.

Led by Daniel Shays, a former militia captain, two thousand farmers seized control of Hampshire County in western Massachusetts. They closed the courts there and prevented sheriffs from carrying out court orders to take away the land of local farmers.

What became known as “Shays’s Rebellion” featured a long list of grievances. Most immediate were the complaints that the shortage of cash in Massachusetts left farmers unable to meet their debts and that they were often subjected to unjust punishment. The farmers also had a larger political agenda.

They demanded that the Massachusetts constitution be revised, that the state legislature assemble outside of Boston, and that many of the state’s lower courts be abolished. The farmers directed much of their anger toward lawyers, who, in their words, “have done more damage to the people at large, especially the common farmers, than the savage beasts of prey.”

Shays’s Rebellion horrified much of America’s elite. The wealthy in every state feared that indebted small farmers would rise up against authority. Abigail Adams, in a letter to Thomas Jefferson, applauded when a regiment

of the state militia organized in Boston smashed the uprising and captured its leaders.

“Ignorant, restless desperados, without conscience or principles have led a deluded multitude to follow their standard, under pretense of grievances which have no existence but in their imaginations. Some of them were crying out for a paper currency, some for an equal distribution of property, some were for annihilating all debts.... There is the necessity of the wisest and most vigorous measures to quell and suppress it. Instead of that laudable spirit which you approve, which makes a people watchful over their liberties and alert in the defense of them, these mobbish insurgents are for sapping the foundation, and destroying the whole fabric at once.”

—Abigail Adams

Jefferson shared the concern of his wealthy friends about the shakiness of America’s governing institutions. Nonetheless, he viewed rebellion as a necessary part of the political process. “The tree of liberty must be refreshed from time to time with the blood of patriots and tyrants,” Jefferson wrote. “It is its natural manure.”

Philadelphia—May 1787

Many of the issues raised by Shays’s Rebellion continued to simmer as delegates from



A farmer is shown attacking a local official in the Shays's Rebellion.

Courtesy of the Library of Congress.

the states prepared to meet in Philadelphia in May 1787. Even without the uprising, there was ample controversy in the air.

Prominent patriots feared that the convention would strengthen the national government at the expense of the states and individual liberty. Upon learning of the proposed convention, Patrick Henry responded by saying that he “smelt a rat.” Similarly, Samuel Adams was suspicious “of a general revision of the Confederation.” Several of the central figures of the independence struggle, such as John Adams and Thomas Jefferson, were out of the country on diplomatic missions at the time of the convention. Others were not included in their state delegations.

In the end, the gathering in Philadelphia brought together a narrow slice of America’s elite. While all the state legislatures, except Rhode Island, sent delegates, many arrived late

or left for extended periods during the deliberations. In all, fifty-five men participated. At no time were more than eleven state delegations present. Typically, about thirty delegates attended the daily meetings. Twenty-seven of the delegates belonged to the Society of Cincinnati, a group whose members saw themselves as the eighteenth century counterparts of Rome's patricians and were holding their meeting in Philadelphia at the same time as the convention. More than half of the delegates at the convention had been trained as lawyers.

Why was the agenda in Philadelphia uncertain?

The convention officially opened on May 25, 1787, when a quorum of seven state delegations was reached. The delegates unanimously elected George Washington as president of the convention. Washington did not actively take part in the debates of the gathering until the final day. Nonetheless, he was an imposing presence. Few of the delegates doubted that Washington would be chosen as America's first national leader after the convention.

From the outset, the delegates agreed to conduct their deliberations in secret. No official minutes of the meetings were recorded, although a number of delegates took private notes. (The most extensive set of notes, written by James Madison, was not made public until 1831.) In keeping with the Articles of Confederation, each state delegation, regardless of the number of members, was granted one vote.

The delegates shared a general conviction that the national government needed to be strengthened. There remained, however, thorny areas of disagreement. The Delaware legislature, for example, had instructed its delegates to defend the fifth article of the Articles of Confederation, which gave each state equal representation in Congress. Large states contended that the arrangement was unfair. Questions revolving around the collection of taxes, slavery, and voting rights also posed obstacles. Finally, no one knew for sure how the recommendations of the convention would be received by the rest of the nation.

Part V: The Constitution of 1787

After nearly four months of debate, controversy, and compromise, the state delegates at the Philadelphia convention agreed on September 15, 1787, to the final draft of a new Constitution. The document reflected the give and take of the long, heated sessions on the second floor of the Pennsylvania State House. Many provisions, such as those dealing with state representation in the national government, went through numerous stages of revision. If the convention had continued, delegates would undoubtedly have made further changes.

How did the new Constitution deal with most difficult issues?

Delegates did not reach consensus on some issues, such as how slaves should be classified for purposes of political representation and taxation. To break the deadlock between southern and northern states, the delegates agreed to count each slave as equivalent to three-fifths of a free person. (The formula was borrowed from a proposed amendment to the Articles of Confederation.) Other key questions remained unanswered as well. In the end, the delegates to the convention presented their draft not so much as a polished document, but with the acknowledgment that after four months of work they were not going to make much more progress.

In many respects, the Constitution put forward resembled a patchwork quilt. Each section of the document had been crafted separately and then loosely stitched together at the end. Some sections seemed to clash with others, but from a larger perspective a clear pattern stood out.

How was the new government organized?

The delegates created a strong national government with interdependent executive, legislative, and judicial branches. They spelled out the general powers of the national legislature, and yet left much room for interpretation. The Constitution asserted the supremacy of

the national government while allowing the states to hold onto broad areas of authority. In many instances, the boundary between the jurisdiction of the national government and the states seemed intentionally fuzzy.

Why didn't all the delegates sign the proposed Constitution?

When the draft Constitution was finally put before the Philadelphia convention, only thirty-nine of the original fifty-five delegates signed it. A few of the delegates had left in protest, while others were drawn away for personal reasons. Rhode Island had not bothered to send a delegation to Philadelphia, while two of the three New York delegates had walked out to protest the establishment of a strong central government. Some of the most vocal participants in the convention, including Elbridge Gerry, Edmund Randolph, and George Mason, refused to sign the document because of their opposition to specific provisions.

Even among the delegates who signed the Constitution, no one was entirely happy with the document. Benjamin Franklin, the oldest delegate at the convention, conceded that he did not approve of every section of the Constitution. However, he told his fellow delegates at the last meeting of the convention that the proposed Constitution they were carrying with them back to their home states was needed to establish an effective national government.

“I doubt, too, 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 astonished me to find this system approaching so near to perfection as it

does. I consent to this Constitution because I expect no better and because I am not sure that it is not the best. The opinions I have had of its errors, I sacrifice to the public good."

—Benjamin Franklin

Excerpts from the U.S. Constitution

We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

Article I

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

Section 2.1 The House of Representatives shall be composed of members chosen every second year by the people of the several states, and the electors [voters] in each state shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

Section 2.3 Representatives and direct taxes shall be apportioned among the several states... according to their respective numbers [populations], which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons [slaves].

Section 3.1 The Senate of the United States shall be composed of two senators from each state chosen by the legislature thereof, for six years; and each senator shall have one vote.

Section 4.1 The times, places, and manner of holding elections for senators and representatives shall be prescribed in each state by the legislature thereof.

Section 7.2 Every bill which shall have passed the House of Representatives and the Senate, shall, before it becomes a law, be presented to the President of the United States; if he approves he shall sign it, but if not he shall return it....If after such reconsideration two thirds of that House shall agree to pass it, it shall be sent, together with the [President's] objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a law.

Section 8. The Congress shall have the power

- 1) To lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States...;
- 2) To borrow money on the credit of the United States;
- 3) To regulate commerce with foreign nations, and among the several states...;
- 5) To coin money, regulate the value thereof...;
- 9) To constitute tribunals [courts] inferior to the Supreme Court;
- 11) To declare war...;

18) To make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this Constitution in the government of the United States...;

Section 9.1 The migration or importation of such persons [slaves] as any of the states now existing shall think proper to admit, shall not be prohibited by Congress prior to the year 1808....

Section 9.4 No capitation [tax on individuals], or other direct tax shall be laid unless in proportion to the census or enumeration....

Section 10.1 No state shall...coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts.

Article II

Section 1.1 The executive power shall be vested in a President of the United States. He shall hold his office during the term of four years.

Section 1.2 Each state shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of senators and representatives to which the state may be entitled in Congress.... The electors shall meet in their respective states, and vote by ballot for two persons.... The person having the greatest number of votes [if a majority] shall be the President....

Section 2.1 The President shall be the commander in chief of the army and navy of the United States....

Section 2.2 He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the senators present concur....

Article III

Section 1 The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may establish....

Section 2.1 The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties...to controversies to which the United States shall be a party...between a State and citizens of another state...between citizens of different states.

Article IV

Section 1 Full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state....

Section 2.1 The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states....

Section 3.1 New states may be admitted by the Congress into this Union....

Section 4 The United States shall guarantee to every state in this Union a republican form of government, and shall protect each of them against invasion and...against domestic violence.

Article V

The Congress, whenever two thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or on the application of the legislatures of two thirds of the several states, shall call a convention for proposing amendments; which in either case, shall be valid as part of this Constitution when ratified by the legislatures of three fourths of the several states, or by conventions in three fourths thereof.

Article VI

1. All debts contracted and engagements entered into before the adoption of this Constitution shall be valid against the United States....

2. This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made under the authority of the United States shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any state to the contrary notwithstanding....

Article VII

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

The Great Debate: Ratifying the Constitution of 1787

Eleven days after the Philadelphia convention ended, Congress recommended that the final draft of the Constitution be submitted to the thirteen states. Although the convention delegates had gone well beyond the scope of their instructions, Congress raised no objections to their proposal.

Congress also approved the controversial procedure suggested by the convention for ratifying the Constitution. According to the Articles of Confederation, the individual state legislatures should have voted on the Constitution. The convention delegates, however, called on each state legislature to assemble a state convention for the purpose of voting on the Constitution. The method for selecting the delegates was to be decided by the states.

Several states reacted quickly, organizing state conventions and approving the draft Constitution with little debate. The Delaware convention unanimously accepted the Constitution on December 6, 1787. A few days later, supporters of the Constitution in Pennsylvania rushed the document through the ratification process before their opponents could present their case. Within a month, New Jersey, Georgia, and Connecticut also approved the Constitution.

What were the issues in the ratification debate?

By early 1788, however, fierce debates on ratification were already underway in the states of New York, Massachusetts, and Virginia. Four central issues stood out.

- Were the security and prosperity of the United States threatened by the shortcomings of the Articles of Confederation?
- Were the delegates to the Philadelphia convention justified in drafting a new Constitution, rather than following their instructions to revise the Articles of Confederation?
- Did the powers granted to the national government under the proposed Constitution pose a threat to individual liberty and the rights of the states?
- Should amendments guaranteeing individual rights be added to the Constitution to prevent the abuse of power by the national government?

In theory, the Constitution could have taken effect with the approval of nine of the thirteen states. In fact, rejection of the document by a major state would have forced a new round of negotiations, and might very well have sunk attempts to form a stronger national government.

The Philadelphia convention had conducted its deliberations in secret. Nonetheless, the public quickly entered the ratification debate. Both sides expressed their opinions with conviction.

Supporters of the Constitution viewed the document as a means for rescuing the country from the shortcomings of the Articles of Confederation. They expected that the Constitution would win the backing of America's most prominent citizens. Opponents, however, found much to criticize. They saw in the Constitution a threat to their liberties and an attempt to create a dominant aristocracy in American society.

“These lawyers, and men of learning, and moneyed men, that talk so finely, and gloss over matters so smoothly, to make us poor illiterate people swallow down the pill, expect to get into Congress themselves; they expect to be the managers of the Constitution, and get all the power and all the money into their own hands, and then they will swallow up all of us little folks, like the great whale.”

—Opponent of the draft Constitution

The ratification debate hardened the political divisions in American society. The Federalists, who had been behind the drive to draft a new Constitution, now faced a well-defined opposition, known as the “Anti-

Federalists.”

The Anti-Federalists were in fact supporters of confederation, or even a loose form of federalism. The Federalists were best described as “nationalists” because they favored a strong national government.

The Federalists and Anti-Federalists engaged in a war of words in America’s newspapers. Not since the months just before the outbreak of the War of Independence had the temperature of American politics reached such heights. As the ratification battle raged in early 1788, three distinct positions emerged.

Options in Brief

Option 1: Unite Around the Constitution

Our nation is on the brink of anarchy. Our current plight has been brought upon us by the Articles of Confederation and the pettiness of the states. If we want to save our nation, we must immediately adopt the Constitution that was drafted in Philadelphia. The national government proposed in the Constitution will have the authority to act on behalf of all of our citizens. Our opponents are trying to frighten the public with groundless fears. But look seriously at what is being proposed. The Constitution puts forth a structure in which our nation will be governed by leaders of wisdom, experience, justice, and virtue. The record of so-called “democracy” in several states has proven the logic of this approach. We learned twelve years ago that we had to join together or perish. Today, we must follow the same path if we are to fulfill the destiny that Divine Providence has laid out for us.

Option 2: Clearly Define Individual Rights

Beware the Federalist Constitution! The document that is being forced on the country is dangerously flawed. Let us step back and weigh the present situation. There is no crisis that demands an immediate response. We must calmly and deliberately go about revising the Constitution to establish a solid foundation for forming a more perfect union. We must carefully define and limit the authority we grant our government. We must add to the Constitution a bill of rights to safeguard the liberties of America’s citizens. We should not take anything for granted. Even governments established in the name of liberty have been known to infringe on the liberties of the citizenry. With so much in doubt, we must not act in haste. The noble experiment we are carrying out on these shores demands that we strive for perfection.

Option 3: Trust in the Common Citizen

Free citizens—defend your rights! The self-anointed aristocracy that gathered in Philadelphia last summer has devised a scheme to deprive Americans of their liberties. Are we to trade the liberty cap of the free citizen for the yoke of the serf? Never! The Federalists have whipped up fears of chaos to win support for their Constitution. In fact, they are concerned mainly with protecting their wealth and investments. The strong national government suggested by the Philadelphia convention would allow only a handful of wealthy men to participate in the affairs of the republic. Our political system must be grounded in the common citizen—not a privileged elite. The states are the proper defenders of the republican form of government. We must remember always that the only source of legitimate authority is the citizenry. We must not give away the rights we shed blood to gain.

Option 1: Unite Around the Constitution

Our nation is on the brink of anarchy. At home, the threat of rebellion and revolt hangs over us, while commerce is hamstrung by the tangle of laws and taxes imposed by the states. On our borders, foreign powers occupy our territory with little regard for our claims. In the capitals of Europe, we are mocked for our weakness and inability to pay our debts.

Our current plight has been brought upon us by the Articles of Confederation and the pettiness of the states. Fortunately, we finally have before us the means to escape from our predicament. If we want to save our nation, we must immediately adopt the Constitution that was drafted in Philadelphia.

The states have proven that they are incapable of promoting our national well-being. They have been unwilling to provide the national government the money necessary to pay America's debts and carry out the functions required of a nation. Seized by the popular forces of democracy, several have flooded their economies with worthless paper money, passed laws preventing creditors from collecting their debts, and thwarted commerce from neighboring states.

The national government proposed in the Constitution will have the authority to act on behalf of all of our citizens. The president will see that America's laws are enforced fairly and consistently. The Supreme Court will ensure that the Constitution becomes the standard by which the laws of the states are judged. The Congress will take measures to address the nation's problems and end the feuding among the states.

Of course, there are doubters. Some say that the United States is too large to be governed as a single state. To them we respond that the size of our republic will be turned to our advantage. In a nation so large and diverse, no region or narrow interest group will be able to dominate the national government and act contrary to the public good. The Constitution's division of power among the three components of the national government will also protect our freedoms and liberties. The executive, judicial, and legislative branches each have the authority to check the abuses and excesses of the others.

Our opponents are trying to frighten the public with groundless fears. They claim that the state governments will be abolished. In fact, the Constitution grants the states and the citizenry all of the powers not specifically assigned to the national government. They argue that the national government will take away the natural rights of life, liberty, and property. On the contrary, the very preamble of the Constitution emphasizes the importance of individual rights.

Finally, they cry "aristocracy!" But look seriously at what is being proposed. The Constitution puts forth a structure in which our nation will be governed by leaders of wisdom, experience, justice, and virtue. Elected officials in the executive and legislative branches will serve for limited terms, and may be voted out of office. The record of so-called "democracy" in several states has proven the logic of this approach. The Constitution makes way for men of high standing to take their rightful place in government.

The men who gathered in Philadelphia know what is best for the nation. They spent long hours deliberating the same issues that are now being raised. Rather than attack their motives, we should thankfully trust in their judgment. How many young states have had the benefit of a George Washington to guide them through their early years? Ancient Rome would have been blessed to have had such patriots. Do you imagine that they would somehow betray the best interests of our country?

We learned twelve years ago that we had to join together or perish. Today, we must follow the same path if we are to fulfill the destiny that Divine Providence has laid out for us. If we are to create a more perfect union, we must ratify the new Constitution.

Beliefs and Assumptions Underlying Option 1

1. Men of wisdom, virtue, and experience should be responsible for guiding our young republic.

2. Governments controlled by the popular forces of democracy eventually slide into anarchy and civil war. Many of the states currently controlled by popular factions have already taken the first steps toward self-destruction.

3. Divine Providence has intended that our people—bound by language, custom, religion, geography, and values—form a strong, unified nation.

4. The central government should assume the powers necessary to effectively govern national affairs, leaving the remaining responsibilities in the hands of the states.

Supporting Arguments for Option 1

1. Establishing a strong, central government will advance our foreign relations, allowing our nation to pay its debts, protect its citizens, and enforce the treaties America has signed with foreign countries.

2. The large, well-structured republic that has been proposed will block selfish interests from turning government to their own advantage at the expense of the common good.

3. A strong, central government will settle disputes among the states and prevent local uprisings, such as Shays's Rebellion, from erupting.

4. Checks and balances among the legislative, executive, and judicial branches of government will ensure that no individual or institution threatens the liberties of our citizens.

From the Historical Record

Newspaper essay by John Jay, New York lawyer

"It would be more to the interest of the people of America that they should be one nation, under one federal government than that they should divide themselves into separate confederacies and give to the head of each the same kinds of powers which they are advised to place in one national government.

"Independent America was not composed of detached and distant territories, but of one connected, fertile, wide spreading country.

Providence has been pleased to give this one connected country to one united people, a people descended from the same ancestors, speaking the same language, professing the same religion, attached to the same principles of government, very similar in their manners and customs, and who, by their joint counsels of arms and efforts, fighting side by side throughout a long and bloody war, have nobly established their general liberty and independence.

“The convention was composed of men highly distinguished by their patriotism, virtue and wisdom. They passed many months in cool uninterrupted and daily consultations; and finally, without having been awed by power, or influenced by any passions except love for their country, they presented and recommended to the people the plan produced by their joint and very unanimous counsels.”

Newspaper essay by Alexander Hamilton, New York lawyer

“If these states should be either wholly disunited or only united in partial confederacies, the subdivisions will have frequent and violent contests with each other. The causes of hostility are numerous. Some take their origin entirely in private passions and interests. If Shays had not been a desperate debtor it is much to be doubted whether Massachusetts would have been plunged into a civil war. The genius of a republic is pacific [peaceful]; the spirit of commerce has a tendency to soften the manners of men and to extinguish those inflammable humours which have so often kindled into wars. A firm Union will be of the utmost moment to the peace and liberty of the states as a barrier against domestic faction and insurrection....

“We have reached almost the last stage of national humiliation. There is scarcely any thing that can wound the pride, or degrade the character of an independent nation which we do not experience. Do we owe debts to foreigners and to our own citizens? These remain without any proper or satisfactory provision for their discharge. Have we valuable territories and important posts in the possession of a foreign power, which by express stipulations ought long since to have been surrendered? We have neither troops, nor treasury, nor government.... The price of improved land in most parts of the country is much lower than can be accounted for by the market and can only be fully explained by that want [lack] of private and public confidence [in the government and economy].

“We must extend the authority of the union to the persons of the citizens—the

only proper objects of government. Why has government been instituted at all? Because the passions of men will not conform to the dictates of reason and justice, without constraint.... We cannot expect that the persons entrusted with the administration of the [states] will execute the resolutions or degrees of the general authority. The reverse of this results from the constitution of human nature.”

Newspaper essay by James Madison, Virginia landowner

“Among the numerous advantages promised by a well constructed Union, none deserves to be more accurately developed than its tendency to break and control the violence of faction [interest groups]. The instability, injustice and confusion introduced into the public councils have been the mortal diseases under which popular [democratic] governments have everywhere perished. Our [state] governments are too unstable, the public good is disregarded in the conflicts of rival parties, and measures are too often decided, not according to the rules of justice, and the rights of the minority party, but by the superior force of an interested and over-bearing majority.

“The latent cause of faction is sown in the nature of man. The most common and durable source of factions has been the various and unequal distribution of property. Those who hold and those who are without property have ever formed distinct interests in society.

“The cause of faction cannot be removed; and relief is only to be sought in the means of controlling its effects. The two great points of difference between a Democracy and a Republic are, first, the delegation of the government, in the latter to a small number of citizens elected by the rest: secondly, the greater number of citizens and greater sphere of country, over which the latter may be extended....

“Extend the sphere [territory] and you take in a greater variety of parties and interests; you make it less probable that a majority of the whole will have a common motive to invade the rights of other citizens....

“Wherever the real power in government lies, there is the danger of oppression. In our

[state] governments the real power lies in the majority of the community, and the invasion of private rights is chiefly, not from acts of government contrary to the sense of its citizens, but from acts in which government is the mere instrument of the majority of citizens.”

Option 2: Clearly Define Individual Rights

Beware the Federalist Constitution! The document that is being forced on the country is dangerously flawed. Like peddlers of shabby merchandise, the Federalists are concealing the defects of their goods, exaggerating the benefits, and insisting that you act immediately. The American people have more sense than that.

Almost all of us recognize that there are serious shortcomings in the present system. Almost all of us are frustrated that one or two states have thwarted efforts to strengthen the national government under the Articles of Confederation. That was why Congress and all but one of the states took steps to convene the gathering in Philadelphia. Indeed, the delegates were perhaps justified in going beyond their duties to draft a new Constitution. The document they produced is certainly worthy of consideration. But do these men, distinguished as they may be, possess a monopoly on wisdom? Are we to accept their judgement without question, as if they speak with the voice of God?

For a moment, let us step back and weigh the present situation. There is no crisis that demands an immediate response. We are not threatened with invasion. Yet we are told that we must rush to enact the proposed Constitution. The best approach is quite the opposite. We must calmly and deliberately go about revising the Constitution to establish a solid foundation for forming a more perfect union.

First, we must recognize that those who are given power over others frequently abuse it. This is human nature. Power tends to corrupt the soul. As citizens of these United States of America, we must carefully define and limit the authority we grant our government. In particular, we must guard against the dangers of placing a standing army in the hands of a powerful executive. From Caesar in ancient Rome to Cromwell in seventeenth century England, history contains many examples of military strongmen who have taken away the liberties of their people. We must learn from the misfortunes of the past. We cannot assume that our country's army will always be led by selfless patriots like George Washington.

Second, and most important, we must add to the Constitution a bill of rights to safeguard the liberties of America's citizens. Only a few short years ago, we took up arms to defend our rights as Englishmen. The most far-sighted leaders of our state governments have insisted that bills of rights be inserted into their state constitutions. Should not these same rights be guaranteed in our national Constitution? We should not take anything for granted. Even governments established in the name of liberty have been known to infringe on the liberties of the citizenry. The rights that we hold most dear—trial by a jury of our peers, freedom of worship, an unfettered press—must be clearly spelled out in our Constitution.

The Federalists admit that amendments to the proposed Constitution are needed. But they want you to first buy the goods and then address the problems. They argue that the document produced in Philadelphia is as fragile as a house of cards. Make one or two modifications, they warn, and the whole structure will come tumbling down. But consider the danger in their line of reasoning. The Federalists plan to establish a strong national government and then to immediately ask the officials at the head of our country to voluntarily reduce their powers. Should we expect such restraint from men in authority?

With so much in doubt, we must not act in haste. There is no more important task before the American people than the framing of a Constitution. We are a nation of laws, and our laws will derive their legitimacy from the wisdom of our Constitution. We will most likely not undertake this project again in our lifetimes. Let us craft the document that will govern America with the utmost precision. The noble experiment we are carrying out on these shores demands that we strive for perfection.

Beliefs and Assumptions Underlying Option 2

1. Governments inevitably seek to increase their power at the expense of individual liberty.

2. Considering that these United States do not face an immediate crisis, we should move calmly and carefully to craft a constitution for our nation.

3. A bill of rights should be included in the national Constitution to protect individuals from the power of a strong, central government.

4. A standing army under the control of a strong government poses a threat to individual liberty.

Supporting Arguments for Option 2

1. Including specific rights—such as freedom of religion, trial by jury, and freedom of the press—in the national Constitution will safeguard individual liberty.

2. Carefully balancing political power between the national government and the states will best protect the freedom and independence for which we have fought.

3. Building a strong consensus around the Constitution through compromise will ensure the success of our new national government.

4. Clearly defining the limits of government power will prevent the rise of a military dictatorship.

From the Historical Record

Newspaper essay by "A Plebian," New York

"The plan [proposed Constitution] is defective. Some of the powers granted are dangerous; others not well defined. Amendments are necessary. Why then not amend it? Why not remove the cause of danger? The instrument is yet in the hands of the people; it is not signed, sealed, and delivered. The people have the power to give it any form they please. With regard to our public and national concerns, what is there in our condition that threatens us with any immediate danger? We are at peace with all the world."

Newspaper essay by "Brutus," New York

"Many instances can be produced in

which the people have voluntarily increased the powers of their rulers; but few, if any, in which rulers have willingly abridged [reduced] their authority. This is a sufficient reason to induce you to be careful, in the first instance, how you deposit the powers of government....The powers of the general [national] legislature extend to every case that is of the least importance—there is no thing valuable to human nature, nothing dear to freeman, but what is within its power.

"The common good, therefore, is the end [goal] of civil government.... But it is not necessary for this purpose that individuals should relinquish all their natural rights. Some are of such a nature that they cannot be

surrendered.... Others are not necessary to be resigned in order to attain the end for which government is instituted. Rulers have the same propensities as other men; they are as likely to use the power with which they are vested for private purposes, and to the injury and oppression of those over whom they are placed.... The peoples in all countries where any sense of freedom remains have fixed barriers against the encroachments of their rulers. The country from which we have derived our origin [Britain] is an eminent example of this. Their Magna Charta and bill of rights have long been the boast, as well as the security, of that nation.... This principle is a fundamental one in all the constitutions of our own states.

“For the security of life, in criminal prosecutions, the bills of rights of most of the states have declared that no man shall be held to answer for a crime until he is made fully acquainted with the charge brought against him; he shall not be compelled to accuse or furnish evidence against himself, the witness against him shall be brought face to face, and he shall be fully heard by himself or counsel. Are not provisions of this kind as necessary in the general government, as in that of a particular state?

“In the bills of rights of the states it is declared that a well regulated militia is the proper and natural defense of a free government—that as standing armies in time of peace are dangerous, they are not to be kept up, and that the military should be kept under strict subordination to, and controlled by the civil power. The same security is as necessary in this Constitution and much more so; for the general government will have the sole power to raise and to pay armies.”

Resolution of the Massachusetts Ratifying Convention

“It is the opinion of this Convention that certain amendments and alterations in the said Constitution would remove the fears and quiet

the apprehensions of many of the good people of the Commonwealth, and more effectually guard against an undue administration of the federal government.... That it be explicitly declared that all powers not expressly delegated by the aforesaid Constitution are reserved to the several states, to be by them exercised.... That no person shall be tried for any crime by which he may incur an infamous punishment, or loss of life, until he be first indicted by a grand jury.”

Letter from Thomas Jefferson, Virginia landowner, to James Madison

“I do not like the omission of a bill of rights providing clearly and without the aid of sophisms for freedom of religion, against monopolies, the eternal and unremitting force of the habeas corpus laws, and trials by jury.... A bill of rights is what the people are entitled to against every government on earth, general or particular, and what no just government should refuse or rest on inference.... I hope therefore a bill of rights will be formed to guard the peoples against the federal government, as they are already guarded against their state governments in most instances.”

Pamphlet by Robert Whitehill, Pennsylvania landowner

“It is the nature of power to seek its own increase, and thus the loss of liberty is the necessary consequence of a loose or extravagant delegation of authority. National freedom has been and will be the sacrifice of ambition and power; and it is our duty to employ the present opportunity in stipulating such restrictions as are best calculated to protect us from oppression and slavery....In entering into the social compact, men ought not to leave their rulers at large, but erect a permanent land mark by which they may learn the extent of their authority, and the people be able to discover the first encroachments on their liberties.”

Option 3: Trust in the Common Citizen

Free citizens—defend your rights! For six years, we fought to throw off the tyranny of British rule. Now we face a new threat from within our borders. The self-anointed aristocracy that gathered in Philadelphia last summer has devised a scheme to deprive Americans of their liberties. They are telling us that the American people are incapable of self-government and that we must turn our public affairs over to the so-called “better classes.” Is this the freedom for which we shed blood? Are we to trade the liberty cap of the free citizen for the yoke of the serf? Never!

Look closely at the small circle of conspirators that assembled in Philadelphia. It is made up almost exclusively of rich merchants, investors, and lawyers. These were not the men who stood bravely at the Concord Bridge and Valley Forge. Few can plow a straight furrow or hold out hands calloused from honest work. And yet, these same men want us to bow to them as if they were Roman patricians.

The Federalists have whipped up fears of chaos to win support for their Constitution. In fact, they are concerned mainly with protecting their wealth and investments. The crises that they have manufactured are no more than the inevitable birth pangs of our new nation. The proposed Constitution is hardly the answer to our problems. The strong national government suggested by the Philadelphia convention would allow only a handful of wealthy men to participate in the affairs of the republic. Who else would be able to travel seven hundred miles to serve in Congress or seek justice in the national court?

Our political system must be grounded in the common citizen—not a privileged elite. There is no better guarantee of liberty than a democracy founded on the good judgment of independent small farmers. Political power must be widely dispersed to give the greatest number of our citizens an opportunity to participate in government. None of us is more than a few days journey away from our state capitals, even in Virginia and Georgia. The states are the proper defenders of the republican form of government.

In contrast to the state governments, there is little room in the proposed Constitution for the common man to express his views. At every turn, the popular voice of democracy is stifled. Only the representatives in the lower house would be chosen by the citizens at large. In the Senate, small states would be equal to large states in voting power. The plantation owners of the southern states have even insisted that their slaves be taken into account in determining representation.

Of particular danger is the clause which grants Congress the power “to make all laws which shall be necessary and proper” to fulfill its role. This is a blank check that the American people are expected to blindly sign. The delegates to the Philadelphia convention are asking us to turn over the rights that inspired our struggle for independence. Perhaps they should have reread the Declaration of Independence before drafting their Constitution.

What our would-be aristocrats in fact have in mind is a return to the Old World. Under the proposed Constitution, the president would conspire with the Senate to secure his re-election and rule with the authority of a king. Together, they would exercise their treaty-making power to impose their will on the entire nation. The national government would

grow rich on taxes, while the state legislatures would be starved of revenue. Should any of the states raise a cry of protest, the president would be quick to order a professional standing army to punish his critics. A military tyranny would be just over the horizon.

Our patriots did not give their lives to create such a government. On the contrary, the proposed Constitution is a slap in the face to the cause of liberty. We must remember always that the only source of legitimate authority is the citizenry. We must not give away the rights we shed blood to gain.

Beliefs and Assumptions Underlying Option 3

1. Concentrated power inevitably attracts power-hungry men. The political foundation of our republic must rest on the good sense of the common citizen.

2. The hardships that presently afflict many of us are related to the effects of the War of Independence, not to the Articles of Confederation.

3. The territory of these United States is much too large and its people too diverse for a republican form of government to operate fairly and effectively.

4. Maintaining a balance of political power between a strong, central government and the states would be impossible. Eventually, the national government would deprive the states of their sources of revenue and authority.

Supporting Arguments for Option 3

1. Protecting the power of state governments will thwart the ambitions of those seeking to impose a monarchy or an aristocracy on our nation.

2. A loose confederation will allow each state to develop along its chosen path and avoid regional conflicts on divisive issues, such as slavery and trade.

3. Dividing political authority among the states will ensure that the common citizen has greater access to power and will be more likely to participate in government.

4. Building our political system around the common citizen will elevate the character and virtue of those in whom we place our trust.

From the Historical Record

Newspaper essay by "Philadelphiensis," Pennsylvania

"The president general will be king to all intents and purposes [under the proposed Constitution], and one of the most dangerous kind.... He is vested with powers exceeding those of the most despotic monarch we know of in modern times. What a handsome return have these men made to the people of America for their confidence. Through the misconduct of these bold conspirators we have lost the most glorious opportunity that any country ever had to establish a free system of government. America under one purely democratic rule would be rendered the happiest and most

powerful in the universe, but under the proposed one, composed of an elective king and a standing army, officers by his sycophants, the starvelings of Cincinnati, and an aristocratic Congress of the well born, an iota of happiness, freedom, or national strength cannot exist."

Letter from Thomas Jefferson, Virginia landowner, to James Madison

"The president seems a bad edition of a Polish king. He may be reelected from four years to four years for life. Reason and experience prove to us that a chief magistrate, so

continuable, is an officer for life. I wish that at the end of the four years they had made him [the president] ineligible a second time.”

Newspaper essay by Elbridge Gerry, Massachusetts merchant

“The Constitution proposed has few, if any federal features, but is rather a system of national government.... However respectable the members may be who signed the Constitution, it must be admitted that a free people are the proper guardians of their rights and liberties—that the greatest men may err and that their errors are sometimes of the greatest magnitude.”

Newspaper essay by George Mason, Virginia landowner

“The Senate with its great powers will destroy any balance in the government and enable them to accomplish what usurpations they please upon the rights and liberties of the people.... The judiciary is so constructed and extended as to absorb and destroy the judiciaries of the several states; thereby rendering law as tedious, intricate and expensive, and justice as unattainable, by a great part of the community, as in England, and enabling the rich to oppress and ruin the poor....

“By declaring all treaties supreme laws of the land, the Executive and the Senate have in many cases, an exclusive power of legislation.... By requiring only a majority to make all commercial and navigation laws, the five southern states (whose produce and circumstances are totally different from that of the eight Northern and Eastern states) will be ruined.... This government will commence in a moderate Aristocracy; it is at present impossible to foresee whether it will produce a monarchy or a corrupt oppressive Aristocracy.”

Newspaper essay by Richard Henry Lee, Virginia landowner

“It must be admitted that our federal system [Articles of Confederation] is defective, and that some of the state governments are not well administered. But we attribute to the defects in our government many evils and em-

barrassments which are most clearly the result of the late war....

“It is the opinion of many great authors that a free elective government cannot be extended over large territories. One national government and general legislature alone can never extend equal benefits to all parts of the United States. Different laws, customs, and opinions exist in the different states.... It would be impossible to collect a representation of the parts of the country five, six, and seven hundred miles from the seat of government.

“The people of this country, in one sense, may all be democratic; but if we make the proper distinction between the few men of wealth and abilities, and consider them as the natural aristocracy of the country, and the great body of the people, the middle and lower classes, as the democracy in it, this federal representative branch [Congress] will have but very little democracy in it.

“When [and if] the people shall adopt the proposed Constitution, it will be their last and supreme act. Whenever this Constitution or any part of it shall be incompatible with the ancient customs, rights, the laws, or the state constitutions heretofore established in the United States, it will entirely abolish them and do them away.... Once power is transferred from the many to the few, all changes become extremely difficult; the government in this case being beneficial to the few, they will be exceedingly clever and adroit in preventing any measures which may lead to a change; and nothing will produce it, but great exertions and severe struggles on the part of the common people.”

Newspaper essay by “Brutus,” New York

“The legislature of the United States are vested with the great and uncontrollable powers of laying and collecting taxes, regulating trade, instituting courts...and other general powers. And are by this clause invested with the power of making all laws, proper and necessary, for carrying all these into execution. They may so exercise this power as entirely to annihilate all the state governments.”