

Lesson 3 - The Roots of American Democracy

Section 1 - Introduction

On July 4, 1976, Americans celebrated their nation's 200th birthday. Two centuries earlier, the United States of America had come into being with the signing of the Declaration of Independence. In 1776, no one had been more pleased than John Adams, who had worked tirelessly for independence. The anniversary of that first Independence Day would, he hoped, “be commemorated as the day of deliverance.” He added,

It ought to be solemnized with pomp and parade, with shows, games, sports, guns, bells, bonfires, and illuminations, from one end of this continent to the other, from this time forward forevermore.

In 1976, President Gerald Ford marked the bicentennial with a speech in Philadelphia, where the Declaration was signed. “The American adventure is a continuing process,” he said. “As one milestone is passed, another is sighted . . . As we begin our third century, there is still so much to be done.” Across the nation that evening, magnificent fireworks displays lit the skies, just as Adams had hoped.

Eleven years later, on September 17, 1987, Americans celebrated another bicentennial—this time to commemorate the signing of the U.S. Constitution. In Philadelphia, where the Constitution had been written during a long hot summer, a quarter of a million people turned out for a grand celebration. The spectators watched as 20,000 musicians and performers marched past Independence Hall. Among the marchers were fife and drum players and bell-ringing town criers dressed in colonial garb.

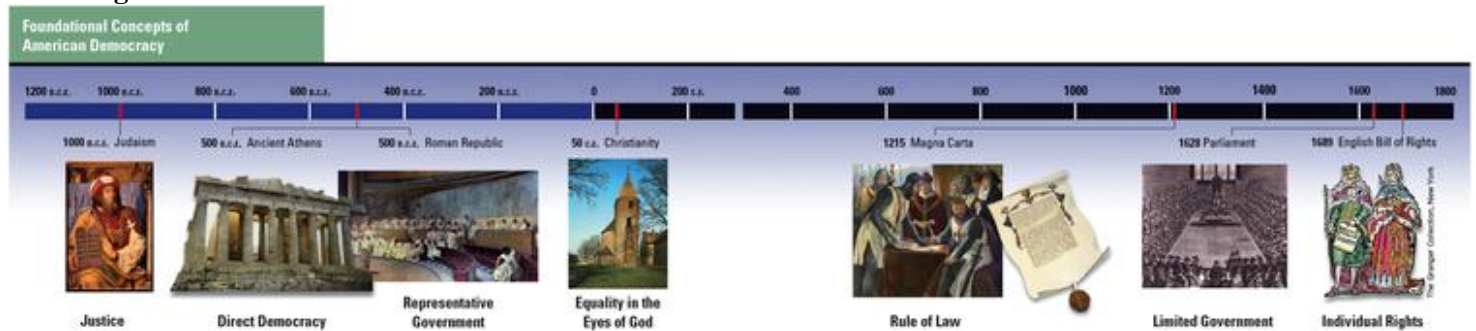
At 4:00 p.m., the hour in which the Constitution was signed in 1787, former U.S. chief justice Warren Burger rang a replica of the Liberty Bell. At that moment, other bells rang out in communities across the nation and at U.S. embassies and military bases around the world.

These two bicentennial events reminded Americans that they live in a country that is held together not by blood or history, but by ideas. Those ideas, first put forth in the Declaration and then given shape in the Constitution, were not new. Some had roots extending into ancient times. But never before had anyone tried to build a nation on something so powerful, yet intangible, as ideas. That the nation’s founders had succeeded so well is indeed something to celebrate.

Section 2 - Ideas That Shaped Colonial Views on Government

The Declaration of Independence and the U.S. Constitution are among the most important political documents ever written. Their authors—men like Thomas Jefferson, John Adams, Benjamin Franklin, and James Madison—were among the most creative political thinkers of their time. But these men did not operate in an ideological vacuum. They were influenced by political ideas and ethical teachings that had roots in ancient times. These ideas and beliefs helped shape political views in the colonies and eventually gave rise to the American system of government.

The Religious and Classical Roots of Colonial Ideas About Government



Colonial thinkers were strongly influenced by the ethical ideas shared by the Judeo-Christian religious traditions. Their notion of justice, for example, was rooted in the principles of ancient Judaism, which stressed that people should seek to create a just society based on respect for the law.

They were also influenced by the concept of **natural law**. This was the belief that there exists, beyond the framework of human laws, a universal set of moral principles that can be applied to any culture or system of justice. According to the

Christian philosopher Thomas Aquinas, people could discover these natural laws using both reason and their inborn sense of right and wrong. A human law that violated natural law, many colonists believed, was unjust and should be changed.

Colonial leaders also looked to the past for ideas about how to govern a society. From the Greek city-state of Athens came the tradition of direct democracy, or decision making by all citizens. Direct democracy took root in New England's town meetings, where citizens gathered to discuss and solve their local problems.

From the Roman Republic came the idea of **representative government**, or decision making by officials elected from the citizenry. Many colonists also admired the Roman idea of **civic virtue**. They understood this to mean a willingness to serve one's country.

The English Roots of American Government

The traditions and principles of English government also had a great influence on political views in the colonies. Although the colonists eventually rebelled against British rule, they had great respect for Britain's constitutional system. This system was based on a set of laws, customs, and practices that limited the powers of government and guaranteed the people certain basic rights. In fact, one reason the colonists rebelled was to secure the "rights of Englishmen" that they believed had been denied to them.

This tradition of English rights was based on three key documents: the Magna Carta, the Petition of Right, and the English Bill of Rights. The first—the Magna Carta, or "Great Charter"—was signed by King John in 1215. A **charter** is a written grant of authority. The Magna Carta was forced on the king by English nobles, who were angered by the heavy taxes and arbitrary rules imposed by their monarch.

The Magna Carta defined the rights and duties of English nobles and set limits on the monarch's power. For example, the charter stated that the monarch could not make special demands for money from his nobles without their consent. In time, this provision was used to support the argument that no tax should be levied by a monarch without Parliament's consent.

In addition, the Magna Carta established the principle of the **rule of law**. One article of the charter says that the king cannot sell, deny, or delay justice. Another states that "no free man shall be seized or imprisoned . . . except by the lawful judgment of his equals or by the law of the land." The Magna Carta made it clear that all people, including the monarch, were subject to the rule of law.

Over the next few centuries, English monarchs often ignored or defied the principles set down in the Magna Carta. Royal taxation and abuse of power sparked ongoing struggles with Parliament. In 1628, Parliament tried to limit the power of King Charles I by passing a law called the Petition of Right. This second key document prohibited arbitrary arrests and the quartering of troops in private homes without the owners' consent. The Petition of Right underscored the principle of **limited government** by affirming that the king's power was not absolute.

The third key document, the English Bill of Rights, was passed by Parliament in 1689. At the time, Britain was just emerging from years of political turmoil and civil war. Parliament offered the throne to a new king and queen, William and Mary of Orange, but insisted that they accept the Bill of Rights as a condition of their rule.

The English Bill of Rights reaffirmed the principle of **individual rights** established in the Magna Carta and the Petition of Right. New individual rights guaranteed to British subjects included the right to petition the king, the right to bear arms, and freedom from cruel and unusual punishments. Other provisions included the right to trial by jury and to hold elections without royal interference. The English Bill of Rights also finally established the power of Parliament over the monarchy. The king could not levy taxes or maintain an army during peacetime, for example, without Parliament's consent.

The Contributions of English Enlightenment Thinkers

Colonial leaders were also strongly influenced by the ideas of the Enlightenment, an intellectual movement of the 1600s and 1700s. Enlightenment thinkers stressed the value of science and reason, not only for studying the natural world, but also for improving human society and government.

Two key figures of the early Enlightenment were the English philosophers Thomas Hobbes and John Locke. Both men helped develop the social-contract theory, which stated that people in society agreed to give up some of their freedom to governments in exchange for security and order.

Hobbes first introduced the idea that government was the result of a social contract between people and their rulers. In his book *Leviathan*, published in 1651, Hobbes theorized that people had once lived in a state of nature. This state was an imaginary time before any governments had been formed. People living in this mythical time were free to do as they pleased, without laws or other restraints. Because some people used their freedom to prey on others, however, the result was a war of “every man against every man.” For most people, Hobbes wrote, life in this time was “solitary, poor, nasty, brutish, and short.”

To escape from this misery, Hobbes argued, people entered into a social contract. This contract obliged the people to give up some of their freedom by agreeing to obey an absolute ruler. In exchange for this pledge of obedience, the ruler agreed to bring peace and order to society. Hobbes was obviously not promoting democracy in his writing, but his social-contract theory did lay the groundwork for the idea that government was formed by the consent of the people.

Locke took the idea of a social contract between the people and their rulers a step further. In his *Second Treatise on Government*, published in 1689, Locke argued that in the state of nature, all people were equal and enjoyed certain **natural rights**, or rights that all people have by virtue of being human. These rights include the right to life itself, to liberty, and to the ownership of property produced or gained through one’s own labors.

Locke agreed with Hobbes that it was in people’s self-interest to enter into a social contract that exchanged some of their freedom for the protection of government. He went on to argue that this social contract was provisional. If a ruler failed to protect the people’s life, liberty, and property, then the people had a right to overthrow that ruler and establish a new government.

The idea that the purpose of government was to protect the rights of the people exerted a powerful influence on colonial thinkers. Eventually this idea would be used to help justify the American Revolution.

Influences of French Enlightenment Thinkers

Two French thinkers also made major contributions to political thought during the Enlightenment. One was Charles-Louis de Secondat, more commonly known as Baron de Montesquieu. The other was Jean-Jacques Rousseau.

Montesquieu is most famous for his book *The Spirit of Laws*, published in 1748. In this book, Montesquieu argued that governments should be organized in a way that prevents any one person or group from dominating or oppressing others. This argument led him to propose a three-branch system of government—executive, legislative, and judicial—with separate functions for each branch. In this system, each branch would act to limit the power of the other branches. This principle of **separation of powers** was so admired by Americans that they applied it to their colonial governments.

Rousseau was a Swiss-born philosopher who spent much of his life in France. In his book *The Social Contract*, Rousseau extended the social contract still further. He added the idea that for a government formed by a social contract to have legitimacy, it must be based on **popular sovereignty**, or the general will of the people. He wrote,

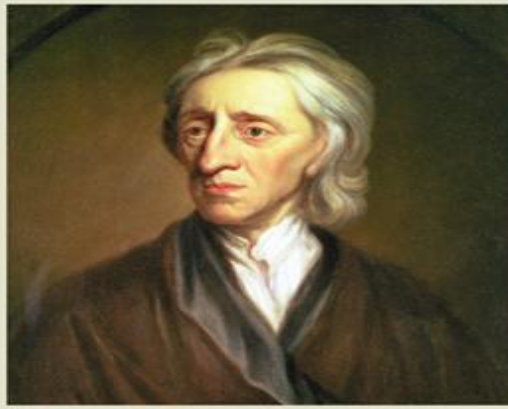
The heart of the idea of the social contract may be stated simply: Each of us places his person and authority under the supreme direction of the general will, and the group receives each individual as an indivisible part of the whole.
—Jean-Jacques Rousseau, *The Social Contract*, 1762

Rousseau further argued that if a government acted contrary to the general will, it had broken the social contract and should be dissolved. Many colonial leaders agreed with Rousseau that government should be based on the will of the people. Thomas Paine, whose book *Common Sense* helped push the colonies toward independence, was particularly influenced by Rousseau’s writings.



The Granger Collection, New York

Thomas Hobbes (1588–1679) was an English philosopher who developed the notion of a social contract between rulers and their subjects. He thought that people were too selfish to govern themselves and needed the protection of a strong ruler. He wrote, "All mankind [has] a perpetual and restless desire of power . . . that ceaseth only in death."



John Locke (1632–1704) was an English political theorist and philosopher whose ideas helped lay the foundations for democratic government. Unlike Hobbes, Locke believed that people formed governments to protect their rights, not to save them from themselves. "The end [purpose] of law is not to abolish or restrain," he wrote, "but to preserve and enlarge freedom."



Baron de Montesquieu (1689–1755) was a French aristocrat and political philosopher. He believed that democracy was the best form of government. But he said that power must be divided among different groups for democracy to work. "When the [lawmaking] and [law enforcement] powers are united in the same person," he wrote, "there can be no liberty."



Jean-Jacques Rousseau (1712–1778), a French philosopher, believed that people were naturally good but were corrupted and enslaved by society. "Man is born free," he observed, but "everywhere he is in chains." Rousseau said that governments had a duty to secure freedom for their people. If they did not, they had no right to exist. "Force does not create right," he wrote. "Obedience is due only to legitimate powers."

Section 3 - From Ideas to Independence: The American Revolution

The colonists gathered ideas about government from many sources and traditions. But these ideas did not all come from the study of ancient history or European philosophy. They were also shaped by the colonists' everyday experiences of life in colonial America.

Colonial Experience with Self-Government

Most of the 13 colonies were established under royal charters issued by the king. These charters gave ultimate power to the king and his appointed officials. But because the colonies were so far from Britain, the charters left a significant amount of local control in the hands of the colonists themselves.

In several colonies, the settlers modified their royal charters or added other agreements. One example of an early agreement was the Mayflower Compact. This historic document was named after the *Mayflower*, the small ship that brought English colonists to Massachusetts in 1620.

Before the settlers landed, they drew up a **compact**, or agreement, for the governing of the new colony. In this compact, they agreed to live in a "Civil Body Politic." They also agreed to obey "just and equal Laws" enacted by representatives of their choosing "for the general good of the Colony." This was the first written framework for self-government in the American colonies.

New England colonists soon developed their own form of local government, a version of direct democracy known as the town meeting. At these meetings, residents could discuss issues and make decisions that affected their community.

Later, in 1641, colonists in Massachusetts created New England's first code of laws, called the Massachusetts Body of Liberties. Following in the tradition of English government, this code guaranteed certain basic rights to the colonists.

By the early 1700s, most colonies had developed a governing structure of executive, legislative, and judicial branches. The executive was a governor, usually appointed by the king. Royal governors had substantial power, although that power could be partly limited by colonial legislatures.

The legislatures typically consisted of two houses. The upper house was a council appointed by the governor. The lower house was an elected assembly with members chosen by voters in the colony.

The first elected assembly in the colonies was Virginia's House of Burgesses, established in 1619. Later, the other colonies formed elected assemblies. Like Parliament, these assemblies held the "power of the purse"—the power to approve new taxes or spending—which meant they could exercise some control over the governor.

The colonial assemblies were hardly models of democracy, because in most cases only white, male landowners were allowed to vote. Nevertheless, the assemblies reflected a belief in self-government. They also affirmed the principle that the colonists could not be taxed except by their elected representatives. Over time, the assemblies would play an increasingly important role in colonial government.

From "Benign Neglect" to Armed Rebellion

By the mid-1700s, the colonies were accustomed to managing their own affairs. Although Britain provided defense and a market for products grown or produced in the colonies, it rarely interfered with the day-to-day business of government. In the 1760s, however, Britain reversed this policy of "benign neglect" by enforcing taxes and restrictions on the colonies. This change came about after the French and Indian War, a war fought against France and its Indian allies on North American soil.

Britain won the French and Indian War in 1763. As a result, it gained control of Canada and the Ohio Valley, areas formerly claimed by France. To defend that territory, Britain had to station more troops in the colonies. The British government argued that the colonies should pay some of the cost of this added defense. To achieve that end, Parliament enacted the Stamp Act in 1765, which said Americans must buy stamps to place on their deeds, mortgages, liquor licenses, playing cards, almanacs, and newspapers.

The Route to Rebellion

A series of actions and events starting in the 1760s set the American colonies on a course toward armed revolution and independence.



1770 Boston Massacre

Protesters in Boston provoke British soldiers, causing them to fire into the crowd, killing five people. Paul Revere's famous engraving of the event helps spark further protests.



1775 Fighting begins

Militia troops skirmish with British soldiers at Lexington and Concord, beginning the American Revolution.



1765 Stamp Act

A tax levied by Parliament on all paper goods in the colonies raises cries of "no taxation without representation."

1767 Townshend Acts

These acts place duties on goods imported into the colonies. The colonists resist by boycotting all British goods.



1773-1774 Boston Tea Party and the Intolerable Acts

Colonists protesting the Tea Act dump taxed tea into Boston Harbor. Britain responds by imposing the Intolerable Acts on the colonies. George Washington calls the acts "repugnant to every principle of natural justice."

1776 Declaration of Independence

The Continental Congress adopts a resolution declaring the colonies to be "Free and Independent States."

The colonists were outraged. In their eyes, the stamps were a form of taxation. As British citizens, only their elected representatives could tax them. Therefore, because the colonies had no representation in Parliament, the taxes were illegal.

Raising the cry of "no taxation without representation," the colonists united in protest against the Stamp Act. In response, the British government repealed the hated act. But it continued trying to control the colonies through taxes and other measures. Protests continued and violence flared. On March 5, 1770, British troops shot and killed five agitators in Boston, an incident known as the Boston Massacre.

In 1773, Parliament tried again to force the colonies to accept its authority, this time by placing a tax on imported tea. Late that year, three ships arrived in Boston Harbor with the first load of taxed tea. Colonists dressed as Indians emptied 342 chests of tea into the harbor in defiance of British authority.

In a belated effort to crack down on such protests, Parliament imposed sanctions known in the colonies as the Intolerable Acts. These harsh penalties further inflamed colonial resistance to British rule. Hoping to defuse the escalating conflict, colonial leaders gathered in Philadelphia in 1774. This assembly, called the First Continental Congress, called for peaceful opposition to British policies.

By this time, however, colonial patriots were already forming **militias**, or groups of armed citizens, to defend their rights. On April 19, 1775, militia troops from Massachusetts clashed with British soldiers in battles at Lexington and Concord. These skirmishes marked the beginning of the American Revolution.

The Decision to Declare Independence

Shortly after fighting broke out in Massachusetts, the Continental Congress met again. The delegates quickly voted to form a Continental Army made up of volunteers from all the colonies. They chose George Washington, a leading officer in the Virginia militia, to be the new army's commanding officer.

Still, the Congress hesitated to call for a final break with Britain. Many delegates hoped instead that a peaceful resolution could be found. John Adams of Massachusetts, however, was not among them. Over the next year, Adams worked tirelessly to convince his fellow delegates that independence should be their goal.

Finally, in June 1776, the Congress formed a committee to draft a declaration of independence. This committee consisted of five men: Thomas Jefferson of Virginia, John Adams of Massachusetts, Benjamin Franklin of Pennsylvania, Roger Sherman of Connecticut, and Robert R. Livingston of New York. The task of crafting the first draft went to Jefferson. A gifted writer steeped in Enlightenment ideas, Jefferson wrote,

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.

—Declaration of Independence, 1776

In these two sentences, Jefferson set forth a vision of a new kind of nation. Unlike old nations based on blood ties or conquest, this new nation was born of two key ideas. The first is that governments are formed to protect people's "unalienable" rights. In a slight twist on Locke, Jefferson defined those basic individual rights as the rights to life, liberty, and the pursuit of happiness. The second key idea is that governments derive "their just powers from the consent of the governed."

The Declaration goes on to say that if a government fails to protect people's rights, the people should abolish it and form a new one. To bolster the case for doing just that, the Declaration details "a long train of abuses" that violated the colonists' rights. The document concludes with the bold declaration that

These United Colonies are, and of Right ought to be Free and Independent States; . . . they are Absolved from all Allegiance to the British Crown, and . . . all political connection between them and the State of Great Britain, is and ought to be totally dissolved . . . 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.

—Declaration of Independence, 1776

On July 4, 1776, the members of Congress formally approved the Declaration of Independence. The Declaration was later written on parchment for delegates to sign. By signing the Declaration, the delegates were making a formal declaration of war against what was then the most powerful nation on Earth.

Creating a New Government During Wartime

The fighting with Great Britain dragged on for five more years, finally ending in 1781 with the surrender of the British army at Yorktown, Virginia. During this time, the Continental Congress served as the new nation's government. It raised troops and supplies for the war effort, borrowed large sums of money, and negotiated treaties with foreign countries. Most of this was done without the backing of a constitution, but not for lack of trying on the part of Congress.

After declaring independence, Congress appointed a committee to prepare a plan of government known as the Articles of Confederation. This plan was approved by Congress in 1777 and sent to the states for **ratification**, or formal approval. The states did not get around to approving the Articles until 1781, just months before the fighting ended.

With or without a constitution, Congress had a hard time managing the war effort. It depended on the states for funding and was often short of money. As a result, it had difficulty supplying the troops with arms and provisions. Many soldiers had to fight without adequate weapons, uniforms, or food to sustain them.

By the war's end, many Americans were skeptical of Congress's ability to govern the new nation. Some believed that the country needed a strong ruler to ensure stability. The obvious choice was George Washington, commander of the army and hero of the revolution.

In 1782, an army officer who longed for such a strong ruler wrote a letter to Washington. In it, he expressed his hope, shared by many of his fellow officers, that the independent American states would be joined into "a kingdom with Washington as the head." The general was appalled. He had fought for too long to sever ties with a monarchy to aspire to becoming a new king. He responded to his admirer,

Be assured Sir, no occurrence in the course of the War, has given me more painful sensations than your information of there being such ideas existing in the Army . . . banish these thoughts from your mind.

—George Washington, 1782

Although Washington rejected the idea of an American monarchy, this incident hinted at some of the difficulties facing the new American government.

Section 4 - Putting Ideas to Work: Framing New Constitutions

The Articles of Confederation was only one of many new plans of government drafted during the war. Each of the 13 states also needed a constitution. As leaders in each state set about this task, they found few models to guide them. England did not have a written constitution. Its system of government was based on an assortment of laws, policies, and customs developed over the centuries. When it came to writing formal constitutions, the Americans were on their own.

State Constitutions: Giving Power to the People

In framing their new plans of government, state lawmakers demonstrated their commitment to constitutionalism, or the idea that government should be based on an established set of principles. These principles included popular sovereignty, limited government, the rule of law, and majority rule. The lawmakers also separated the powers of government by creating executive, legislative, and judicial branches, just as Montesquieu had described.

In addition, all state constitutions began with a statement of individual rights. The first of these, the Virginia Declaration of Rights, was adopted in June 1776 as part of Virginia's constitution. It served as a model for other state constitutions and later for the U.S. Bill of Rights.

The governments created under the new state constitutions derived their power from the people. However, they were not completely democratic. The states typically limited voting rights to white men who paid taxes or owned a certain amount of property. None of the original 13 state constitutions specifically outlawed slavery, and all states south of Pennsylvania denied slaves equal rights as human beings.

Governing Under the Articles of Confederation

The national government created under the Articles of Confederation was much weaker than the governments established in the states. Although some members of Congress wanted a strong central government, the majority preferred a loose confederation, with most powers remaining at the state level. The Articles emphasized that each state would retain its "sovereignty, freedom, and independence." Any power not specifically given to Congress was reserved for the states.

The government created under the Articles consisted only of a congress, with members chosen by the states. It had neither an executive to carry out laws nor a judicial branch to settle legal questions. On paper, at least, Congress did have several key powers. It could declare war, negotiate with foreign countries, and establish a postal system. It could also settle disputes between states. But it had no power to impose taxes, which meant it was often starved for funds.

Despite these limitations, Congress held the nation together through years of war. It also enacted at least one landmark piece of legislation, the Northwest Ordinance of 1787. This law established procedures for the creation of new states in the Northwest Territory, a region bounded by the Ohio and Mississippi rivers. The Northwest Ordinance served as a model for all territories that later entered the Union as states.

For the most part, however, the government created by the Articles of Confederation was a failure. Lacking the power to levy taxes, Congress could not raise the funds needed to support the Continental Army. It had to borrow heavily to fund the revolution. After the war, it had no way to raise funds to repay those debts.

Equally troubling, Congress lacked power to control trade among the states. After the war, states began setting up trade barriers and quarreling among themselves. Matters came to a head when farmers, led by Daniel Shays, attacked a federal arsenal in Springfield, Massachusetts. Although Shays' Rebellion was finally put down by state troops, it revealed how little Congress could do to hold together the increasingly unstable country.

By 1786, it was clear to many of the nation's leaders that the government formed under the Articles was not working. That fall, representatives from various states met at Annapolis, Maryland, to discuss trade issues. While there, they issued a call for a constitutional convention to meet the following year in Philadelphia.

In theory, the purpose of the convention was to revise the Articles of Confederation. Once the delegates met, however, they decided to scrap the Articles and create an entirely new constitution. The table below lists some of the weaknesses of the Articles and explains how they were eventually fixed under the new plan of government.

Convening the Constitutional Convention

On May 25, 1787, the Constitutional Convention began. Delegates from all the states except Rhode Island came together at the Pennsylvania State House in Philadelphia, later known as Independence Hall. They met in the same room where the Declaration of Independence had been signed 11 years before.

The 55 delegates were prominent in American political life. All were white men. Among them were former soldiers, governors, members of Congress, and men who had drafted state constitutions. Their average age was 42.

The delegates represented a wide range of personalities and experience. At 81, Benjamin Franklin was the senior member. The wisdom and wit of this writer, inventor, and diplomat enlivened the proceedings. George Washington lent dignity to the gathering, while his former military aide Alexander Hamilton brought intellectual brilliance. Other delegates, like Roger Sherman of Connecticut, contributed legal and business experience. James Madison of Virginia was perhaps the most profound political thinker and the best prepared of all the delegates.

Several key figures were not at the convention. Both Thomas Jefferson and John Adams were in Europe, serving as U.S. diplomats. On reading over the delegates' names, Jefferson described the convention as "an assembly of demigods."

Other leaders, like Samuel Adams of Massachusetts and Patrick Henry of Virginia, were suspicious of efforts to strengthen the central government. They, too, did not attend.

During the convention, no one played a greater role than Madison. Although he was just 36 years old, he had already served in Congress and the Virginia legislature. He was a serious student of politics and democratic theory. As the meetings got underway, he took detailed notes of the discussions and worked tirelessly to promote the new plan. For his role in shaping the new framework, he is rightly called the Father of the Constitution.

Reaching a Compromise on Representation

The first thing the delegates did was elect George Washington as the convention's presiding officer. They also adopted rules of procedure, including a vow of secrecy. Although it was stiflingly hot and humid in Philadelphia that summer, they shut the doors and windows of their meeting room to keep the proceedings private. They knew that the public was intensely curious about their discussions, and they did not want public pressure to affect their decisions.

Next, the Virginia delegates, who favored a strong national government, put forth a plan for a new constitution. The Virginia Plan, written mainly by James Madison, was clearly designed to replace the Articles, not to revise them. It called for a government of three branches. The legislative branch would make the laws, the executive branch would carry out the laws, and the judicial branch would interpret the laws.

Under the Virginia Plan, the new government would have a **bicameral**, or two-house, legislature. The Virginia Plan proposed that representation in both houses should be based on the population of each state. This would give the more populous states more representatives, and thus more influence, than states with smaller populations.

For about two weeks, the delegates discussed the details of the Virginia Plan. Some thought it gave too much power to the national government. Some opposed a bicameral legislature. Moreover, the smaller states did not like their representation in Congress being tied to population.

On June 13, William Patterson of New Jersey introduced an alternative approach. The New Jersey Plan proposed a series of amendments to the Articles of Confederation. These changes would have created a somewhat more powerful national government with a **unicameral**, or one-house, legislature in which all states had equal representation. Delegates from the smaller states welcomed the New Jersey Plan. But after several days of debate, the convention voted to reject this proposal and return to discussion of the Virginia Plan.

For the next month, the delegates debated the Virginia Plan point by point. They continued to argue about the critical issue of representation in Congress. The debate grew so heated at times that some delegates threatened to walk out.

Finally, Roger Sherman of Connecticut proposed a compromise designed to satisfy both sides. His plan called for a bicameral legislature with a different form of representation in each house. In the Senate, states would have equal representation. In the House of Representatives, states would have representation based on their populations. Sherman’s plan, known as the Great Compromise, resolved the thorny issue of representation in Congress and allowed the convention to move forward.

Compromises on Slavery and Commerce

Large and Small, Slave and Free

The nation’s first census, taken in 1790, revealed great differences among the states. With nearly 750,000 people, Virginia had more than 12 times the population of tiny Delaware. By 1790, some northern states had completely abolished slavery. In contrast, almost a third of Maryland’s population consisted of slaves. These differences made compromises over representation essential if the nation were to remain united.



Source: 1790 Census of the United States, U.S. Census Bureau, www.census.gov.

Other issues also divided the delegates. Those from northern states differed sharply with those from southern states on questions of slavery and commerce. Many northern delegates wanted the constitution to include a provision for abolishing slavery. But most southerners opposed ending a system of labor on which their agricultural economy depended.

These differences over slavery spilled into debates on representation and taxes. Since most slaves lived in the South, delegates from the South wanted slaves to be counted when determining representation in the House of Representatives. Yet they did not want slaves counted when determining each state’s share of taxes to support the national government. The graph above shows which states had large slave populations at that time.

In contrast, delegates from the North wanted slaves to be counted for taxation, but not when determining representation. After much debate, the delegates reached another important compromise. For purposes of both representation and taxation, a slave was to be counted as three-fifths of all “free persons.”

The Three-Fifths Compromise helped hold the new nation together. However, by treating a slave as less than a free person, this provision contradicted the basic ideal of equality set forth in the Declaration of Independence. This contradiction between democratic ideals and the cruel inequality of slavery would haunt the nation for decades to come and would eventually result in the Civil War.

Delegates from the North and South also argued over commerce. Northerners favored giving Congress broad powers to control trade. Southerners worried that Congress might outlaw the slave trade and place heavy taxes on southern exports of crops, such as cotton and tobacco. Again the delegates reached a compromise. Congress would have the power to regulate foreign and interstate commerce, but it could not tax exports, and it could not outlaw the slave trade until 1808.

Creating the Executive Branch: One Head or Many?

Another major issue concerned the formation of the executive branch. Some delegates wanted a single executive to head the government. Others were concerned that giving power to a single leader might give rise to a monarchy or tyranny. Instead they favored an executive committee made up of at least two members. In the end, however, the delegates voted for a single president.

The next question was how to choose the president. Some delegates thought Congress should do it, while others favored popular elections. They finally decided to set up a special body called the **Electoral College**. This body would be made up of electors from each state who would cast votes to elect the president and vice president. Each state would have as many electors as the number of senators and representatives it sent to Congress. Adding the two senators to the number of electors from each state boosted the influence of small states and of those with large slave populations.

On September 17, 1787, after months of hard work, the Constitution was signed by 39 of the 42 delegates present. The document they signed that day began with these ringing words:

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, 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.

—Preamble to the Constitution, 1787. After that, it was up to the states to decide whether this plan of government would indeed establish “a more perfect Union.”

Mending the Articles of Confederation	
Weaknesses of the Articles of Confederation	Weaknesses Fixed Under the Constitution
Congress could not levy or collect taxes, leaving the government starved for funds.	Congress has the power to levy taxes to support the government.
Congress could not regulate trade among the states or with other countries.	Congress has the power to regulate interstate trade and trade with foreign countries.
Congress had only one house, and each state had only one vote in Congress, regardless of population.	Congress has two houses, and representation in the House of Representatives is based on population.
Nine out of 13 states in Congress had to agree to pass a major law.	Laws are passed by a simple majority of members of Congress.
All 13 states had to agree to amend the Articles.	Amendments can be ratified by three-fourths of the states.
The government lacked an executive branch to enforce laws and a court system to settle legal disputes.	The government has a legislative branch, an executive branch, and a judicial branch.
Congress could not create a uniform currency. Money was issued by states.	Congress has the sole power to issue money.
The states could and did ignore laws passed by Congress.	The Constitution and laws passed by Congress are the “supreme Law of the Land.”
The states were loosely joined in a “league of friendship.”	The states are bound together in a permanent union.

Section 5 - Ratifying the Constitution

The Constitution included a provision for ratification. To go into effect, the new plan of government would need to be ratified by at least 9 of the 13 states. Ratification was to take place at state conventions made up of delegates elected for this purpose. Success was by no means assured.

The pro-ratification effort was led by supporters of the Constitution who called themselves **Federalists**. They favored the creation of a strong federal government that shared power with the states. Their opponents were known as **Anti-Federalists**. These were people who preferred the loose association of states established under the Articles of

Confederation. The battle between these two groups was played out in the press, in state legislatures, and at the state ratifying conventions.

Anti-Federalists Speak Out Against the Constitution

Anti-Federalists opposed the Constitution for various reasons. Some worried about the increased powers of taxation granted to the national government. Others were concerned that the government would create a large standing army or that a federal court system would overrule state courts.

In general, however, the Anti-Federalists had two chief complaints about the proposed Constitution. The first was that the Constitution would make the national government too powerful. The second was that it did not contain a bill of rights.

The Anti-Federalists feared that a strong national government would lead to tyranny. They believed that the states, being smaller, were more able to represent the people's rights and preserve democracy. For that reason, they argued that the states, not the national government, should hold most of the power.

The Anti-Federalist camp initially included some of the leading figures of the American Revolution, including Samuel Adams, Patrick Henry, and John Hancock. In their minds, the Constitution represented a betrayal of the democratic ideals that had motivated the American Revolution.

Federalists Defend the Constitution

In the face of such criticism, the Federalists mounted a spirited defense of the Constitution. Three men led this campaign: Alexander Hamilton, James Madison, and John Jay. Hamilton and Madison had helped frame the Constitution. Jay was a prominent New York lawyer, diplomat, and political leader who had played a key role in the revolution.

Together, these men wrote a series of 85 essays known as *The Federalist Papers*. These essays were published over the course of several months and made a strong case for the new plan of government. Some historians have called the publication of these papers one of the most powerful public relations campaigns in history.

The Federalist Papers authors explained the key features of the Constitution and tried to undercut the claims of their opponents. In *The Federalist* No. 10, for example, Madison addressed the Anti-Federalists' charge that it would be impossible to make representative government work over a large territory like the United States. Madison countered that the size of the United States was actually an advantage in establishing a representative government. Because such a government would represent so many people, it would be less likely to fall under the sway of factions, or groups that want power for selfish ends. The governments of small nations, he argued, were more prone to being taken over by factions, because factions find it easier to win over a small population than a large one. As Madison wrote,

The fewer the distinct parties and interests, the more frequently will a majority be found of the same party; and the smaller the number of individuals composing a majority, . . . the more easily will they . . . execute their plans of oppression. Extend the sphere [to a larger government], 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.

—James Madison, *The Federalist* No. 10, 1787

In *The Federalist* No. 51, Madison addressed the concern that a strong national government would lead to tyranny. He explained how the checks and balances built into the Constitution were designed to keep this from happening. "If men were angels," he wrote, "no government would be necessary. If angels were to govern," he continued, "neither external nor internal controls on government would be necessary." In a government of men, he argued, "ambition must be made to counteract ambition."

It is impossible to know how many minds were changed by these essays. But over more than two centuries, these have proved to be invaluable insights to the thinking and intentions of the Constitution's framers.

The Constitution Goes into Effect

By January 1788, Delaware, Pennsylvania, and New Jersey had ratified the Constitution. Georgia and Connecticut soon followed. In Massachusetts, however, the ratifying convention deadlocked over a key issue: the lack of a bill of rights. After much debate, the Massachusetts delegates agreed to ratify after receiving assurance that such a list of rights would be added after ratification.

A number of other states ratified with the same understanding. By the summer of 1788, all but two states had ratified. The Constitution was now in effect. North Carolina would join the new union in 1789, and Rhode Island in 1790.

Meanwhile, Congress prepared to make way for the new government. Elections were held for the Senate and House of Representatives. A date was also set in February 1789 for the first presidential election.

The winner of that election, by unanimous vote in the Electoral College, was George Washington. The former general had previously retired to his home, Mount Vernon, in Virginia. But he answered the call to duty and made his way to New York City, the seat of the first federal government. There, in Federal Hall on April 30, 1789, Washington placed his hand on a Bible, and like every president since that day, repeated this solemn oath:

I do solemnly swear [or affirm] that I will faithfully execute the office of President of the United States, and will to the best of my ability, preserve, protect and defend the Constitution of the United States.

Section 6 - Adding the Bill of Rights

In his inaugural speech, President Washington urged Congress to move quickly to draft a bill of rights for the Constitution. Those amendments, he said, should show “a reverence for the characteristic rights of freemen and a regard for public harmony.” In urging Congress to take on this task, Washington was acting on promises made during the ratification process. He knew that without the pledge of a bill of rights, the Constitution would not have been ratified.

Proposing a List of Rights

No one was more aware of that pledge than James Madison. He had made just such a promise while lobbying for ratification in his home state of Virginia. As a new member of the House of Representatives, Madison immediately set out to draft a bill of rights.

Like most Federalists, Madison had initially opposed a bill of rights, arguing that the democratic principles embedded in the Constitution made such protections unnecessary. Even if one branch of the new national government tried to curtail the individual rights of citizens, he argued, the other branches would act to prevent such abuses.

Thomas Jefferson persuaded Madison to change his mind. In a letter to Madison, Jefferson wrote, “a bill of rights is what the people are entitled to against every government on earth . . . and what no just government should refuse.” Another reason for adding a bill of rights to the Constitution, he observed in a later letter to Madison, was “the legal check which it puts into the hands of the judiciary.”

In 1789, Madison introduced to Congress a series of proposed amendments. His list of rights drew from the many different proposals made at the state ratifying conventions. Madison also pulled ideas from other documents, including the Virginia Declaration of Rights, adopted in 1776. Another was the Virginia Statute for Religious Freedom, written by Thomas Jefferson in 1779. The English Bill of Rights was a key influence, as well.

Madison also drew from the writings of William Blackstone, a prominent English lawyer and judge. In his famous work *Commentaries on the Laws of England*, Blackstone wrote extensively about the “personal liberty” and the “rights of persons.” Among those rights, Blackstone argued, was “liberty of the press,” which he saw as “essential to the nature of a free state.”

Having introduced his bill of rights, Madison faced an uphill battle getting the amendments approved by Congress. Some legislators wanted to postpone them in favor of more pressing matters. Others wanted to wait until flaws in the new government became more apparent. But Madison insisted on quick action, saying that the public might otherwise think “we are not sincere in our desire to . . . secure those rights.”

Once Congress finally agreed to debate Madison’s proposed amendments, lawmakers were merciless in their criticisms. After months of debate, Madison wrote to a friend that getting a bill of rights through Congress had become “a nauseous project.” In the end, however, Congress approved 12 amendments and passed them on to the states for ratification.

Ratifying the Bill of Rights

Most states quickly ratified the Bill of Rights. By the summer of 1790, nine states had approved at least 10 of the amendments. Shortly afterward, Vermont became the 14th state in the Union, which raised the number of states necessary for ratification to 11. On December 15, 1791, Virginia became the 11th state to ratify the Bill of Rights.

Two of the proposed amendments, however, failed to win ratification in 1791. The first, dealing with the number of members of the House of Representatives, was never adopted. The other, limiting the ability of Congress to increase the salaries of its members, was finally ratified two centuries later as the Twenty-seventh Amendment.

Three of the original 13 states—Georgia, Massachusetts, and Connecticut—failed to ratify in 1791. All three finally voted for ratification in 1939, on the 150th anniversary of the Bill of Rights. By then, the Bill of Rights had become an integral part of the framework of American government.

Summary

The United States was founded on a set of ideas and principles developed over many centuries. Those ideas helped give rise to a system of representative government based on the rule of law and a respect for individual rights and liberties.

Ideas on government American colonists drew their ideas about government from various sources, including classical civilizations, English law, and Enlightenment philosophy. They combined those ideas with their own experiences in colonial self-government.

Declaring independence Accustomed to self-rule, colonists were quick to react when Great Britain tried to impose taxes on the colonies. In 1776, the colonies declared themselves to be “Free and Independent States.”

Framing constitutions While fighting for independence, Americans wrote state constitutions and a national plan of government called the Articles of Confederation. Weaknesses in the Articles led to the framing of a new constitution that gave more power to the national government.

Ratifying the Constitution By 1788, enough states had ratified the Constitution to make it the law of the land. A new government, with George Washington as president, was installed in 1789.

Adding the Bill of Rights To satisfy critics of the Constitution, James Madison drafted a series of amendments to protect individual rights. The Bill of Rights was ratified by the states in 1791 and became the first 10 amendments to the Constitution.