Drafting the Constitution

**Main Idea**

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

**Why It Matters Now**

The Constitution remains the basis of our government.

**Terms & Names**

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

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

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

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

**Nationalists Strengthen the Government**

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

It was clearly time to talk about a stronger national government. In order to prevent abuse of power, the states had placed such severe limits on the government that the government was too weak.
Fearing that the new nation was about to disintegrate, George Washington addressed this issue.

**A PERSONAL VOICE  GEORGE WASHINGTON**

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

**CALL FOR CONVENTION** One of the nation’s biggest problems was trade between the states, which led to quarrels over the taxes that states imposed on one another’s goods and disagreements over navigation rights. In September 1786, leaders such as **James Madison** of Virginia and Alexander Hamilton called a meeting of state delegates to discuss issues of interstate trade. Only five states sent representatives to the convention, held in Annapolis, Maryland. Delegates decided to call for another meeting the following year in Philadelphia to deal with trade and other problems.

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

**CONVENTION HIGHLIGHTS**

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

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

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

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

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

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

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

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

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

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

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

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

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

Then the delegates established a system of checks and balances to prevent one branch from dominating the others. (See the chart below.) For example, the president has considerable power, but the Senate has to approve some of the president’s decisions. The president can veto acts of Congress, but Congress can override a veto by a
two-thirds vote. The Supreme Court assumes the power to interpret the Constitution, but the president appoints the justices, and Congress can bring them to trial for abuses of power.

The procedure for electing the president reflected two main concerns. Because there were no national political parties and because travel and communication were limited, there was a fear that the popular vote would be divided among many regional candidates. Also, many among the upper classes distrusted and feared the lower classes. Some did not trust the common people to vote wisely; others trusted them to vote the upper class out of power. So the delegates came up with a new system of electing the president.

Instead of voters choosing the president directly, each state would choose a number of electors equal to the number of senators and representatives the state had in Congress. The group of electors chosen by the states, known as the electoral college, would cast ballots for the candidates.

**CREATING THE CONSTITUTION** Finally, the delegates provided a means of changing the Constitution through the amendment process. After nearly four months of debate and compromise, the delegates succeeded in creating a constitution that was flexible enough to last through the centuries to come. Yet when George Washington adjourned the convention on September 17, 1787, he was somewhat uncertain about the future of the new plan of government.

Washington remarked to a fellow delegate, “I do not expect the Constitution to last for more than 20 years.”

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