

Drafting the Constitution

by Sophia



WHAT'S COVERED

State governments and the Continental Congress under the Articles of Confederation continued to face a variety of challenges after the United States achieved independence in 1783. The most important of these challenges came from below, or from lower classes (including urban laborers and rural folk) who directly challenged American political elites amidst a period of economic uncertainty. Such economic problems, along with the political challenges that accompanied them, set the stage for the drafting of the U.S. Constitution in the fall of 1787 and the creation of a stronger national government.

Our examination of the drafting of the U.S. Constitution breaks down as follows:

1. The Economic Crisis of the 1780s and Social Unrest

Despite overseeing the military and foreign affairs necessary to achieve independence, the inability of the Continental Congress to tax its own citizens made the United States unable to deal with dire economic problems and the social unrest that accompanied them by the late 1780s.

Funding the war effort had proved very difficult for the Continental Congress. Whereas the British could pay in specie (gold or silver coinage), the Americans relied on paper money backed by loans obtained in Europe to pay its soldiers and to conduct everyday business. The Congress printed a large amount of paper money, known as Continental dollars, but the printing of this money, along with the fact that each state printed money of its own, contributed to runaway inflation within the United States. By 1781, inflation was such that 146 Continental dollars were worth only one dollar in gold.



DID YOU KNOW

The phrase “Not worth a Continental” soon became a shorthand term for something of no value in the United States.

Soldiers in the Continental Army, as well as urban laborers and manufacturers, were among the hardest hit by rampant inflation and the economic recession that accompanied it. One soldier in the Continental Army, Joseph Plumb Martin, recounted how he received no pay in paper money after 1777 and only one month’s payment in specie in 1781. After the war, demobilized soldiers and a number of other laborers searched desperately for work. Manufacturers and exporters also struggled after the war. Upon achieving independence, the United States was no longer subject to the protective economic policies that it had

experienced within the British Empire. Thus, British producers and manufacturers now competed with the United States, and their goods flooded American markets by the late 1780s.

A number of farmers, including many in western Massachusetts, were also in a difficult position. Massachusetts and other states raised taxes in order to pay off the debt accrued during the Revolutionary War, and rural landowners bore much of the burden. They faced high taxes and debts, which they found nearly impossible to pay with the worthless state and Continental paper money. Many were veterans of the Continental Army who had returned to their farms and families after the fighting ended. Now, unable to pay taxes, they faced losing their homes to foreclosure (seizure of property in lieu of overdue loan payments).

For several years after the peace in 1783, indebted farmers in Massachusetts petitioned the state legislature for redress. They asked how could people pay their debts and state taxes when paper money proved worthless. They also questioned the location of the state capital in Boston, which catered to the merchant elite and made it difficult for western farmers to attend legislative sessions. Overall, to indebted farmers, the situation by the late 1780s seemed hauntingly familiar. Revolutionaries had defeated Great Britain, but a new self-serving government seemed to have arisen in its place.



DID YOU KNOW

By the late 1780s, a farmer from western Massachusetts owed as much as six times in taxes as he had once owed to King George III.

2. Shays' Rebellion (1786-87)

In 1786, when the Massachusetts legislature refused to address the petitioners' requests, citizens took up arms and closed courthouses across the state to prevent foreclosure on farms in debt. The farmers wanted their debts forgiven and they demanded that the 1780 constitution—which was the darling of John Adams and other revolutionary elites suspicious toward democracy—be revised so that citizens beyond the wealthy elite could serve in the legislature.

Many of those who took up arms against the state government were veterans of the War for Independence, including Captain Daniel Shays. Although Shays was only one of many former officers in the Continental Army who took part in the revolt, authorities in Boston singled him out as a ringleader, and the uprising became known as **Shays' Rebellion**.



TERM TO KNOW

Shays' Rebellion

A rebellion of western Massachusetts farmers, led by Daniel Shays, against the state government.



This woodcut, from Bickerstaff's Boston Almanack of 1787, depicts Daniel Shays and Job Shattuck. Shays and Shattuck were two of the leaders of the rebels who rose up against the Massachusetts government between 1786 and 1787. As Revolutionary War veterans, both men wear the uniform of officers of the Continental Army.

The Massachusetts legislature responded to the closing of the courthouses with a flurry of legislation, much of it designed to punish the rebels. The government offered the rebels clemency if they took an oath of allegiance. Otherwise, local officials were empowered to use deadly force against them without fear of prosecution. Rebels would lose their property, and if any militiamen refused to defend the state, they would be executed.

Despite these measures, the rebellion continued. To address the uprising, Governor James Bowdoin raised a private army of 4,400 men, funded by wealthy Boston merchants, without the approval of the legislature. The climax of Shays' Rebellion came in January 1787, when the rebels attempted to seize the federal armory in Springfield, Massachusetts. A force loyal to the state defeated them there, although the rebellion continued into February.

3. From Revolution to Constitution

Prior to Shays' Rebellion, there had been efforts to address the nation's perilous state. In early 1786, **James Madison** of Virginia advocated a meeting of states to address the widespread economic problems that plagued the new nation. Heeding Madison's call, the Virginia legislature invited all 13 states to meet in Annapolis, Maryland, to work on solutions to the issue of commerce between the states. Eight states responded to the invitation, but the resulting Annapolis Convention failed to provide any solutions because

only five states actually sent delegates.



PEOPLE TO KNOW

James Madison

4th president of the United States (Democratic-Republican), author of the Federalist Papers and the Kentucky and Virginia Resolutions, key member of the Constitutional Convention

Delegates from those states, however, agreed to a plan put forward by **Alexander Hamilton** for a second convention to meet in Philadelphia in May 1787. Shays' Rebellion gave greater urgency to the planned convention. In February 1787, in the wake of the uprising in western Massachusetts, the Continental Congress authorized the Philadelphia convention and, this time, all the states except Rhode Island agreed to send delegates.



DID YOU KNOW

The concept of a constitutional convention, or a designated representative body that convened with the sole purpose of writing law, was first applied by Massachusetts when it wrote its 1780 constitution.



PEOPLE TO KNOW

Alexander Hamilton

1st Secretary of the Treasury, leading figure in the Federalist Party, key advisor to George Washington, and architect of the nation's financial system

To men of property throughout the United States, Shays' Rebellion, along with the dire financial situation that affected the states as well as the national government, suggested that the republic was falling into anarchy, chaos, and stagnation. For instance, by 1787, **George Washington** believed that current conditions had created "anarchie [and] Confusion," and he openly expressed concern that a demagogue could take over the entire nation.



PEOPLE TO KNOW

George Washington

1st president of the United States, established the precedent of a two-term limit on the office

4. The Constitutional Convention (1787)

There were a number of individuals who agreed with Washington and, in the summer of 1787, 55 delegates from 12 states gathered in Philadelphia, Pennsylvania, for what became known as the Constitutional Convention. The delegates included well-known leaders such as Washington and Benjamin Franklin, but they also included younger, less well-known men such as Alexander Hamilton (from New York) and James Madison (from Virginia). The stated purpose of the convention was to amend the Articles of Confederation. Very quickly, however, the attendees decided to create a new framework for a national government: the United States Constitution.



DID YOU KNOW

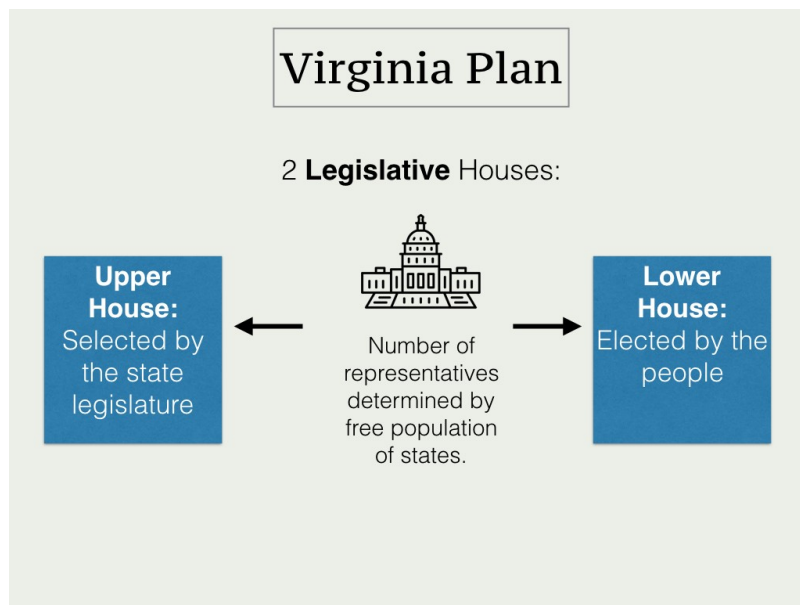
The delegates at the Constitutional Convention met in secret. Historians know of the proceedings only because James Madison kept careful notes of what transpired.

The majority of delegates in Philadelphia agreed on a republican form of government with three branches:

executive, legislative, and judicial. Much of the debate during the convention centered on the issue of representation in the legislative branch.

| Branch of Government | What? | Who? |
|----------------------|----------------------|--|
| Legislative | Makes the laws | Congress |
| Judicial | Evaluates the laws | Supreme court and other federal courts |
| Executive | Carries out the laws | President, vice president, cabinet members |

James Madison wrote the Virginia Plan, which proposed a national government with two legislative houses (or bicameral legislature), an executive branch, and a separate judiciary (see diagram below).



Under the Virginia Plan, representation to both houses of the legislature was to be determined by the free population of the states. This proposal alarmed delegates from smaller states, who feared the political dominance of Virginia, New York, and other large or otherwise populous states.

To counter Madison's scheme, William Paterson introduced the New Jersey Plan, which proposed that all states have equal votes in a unicameral national legislature. He also addressed the economic problems of the day by calling for the Congress to have the power to regulate commerce and to raise revenue through taxes on imports and through postage (see diagram below).

New Jersey Plan

1 **Legislative** House:



All states have equal votes.

Congress has ability to regulate commerce and raise revenue through taxes.

Roger Sherman from Connecticut offered a compromise to break the deadlock over the thorny question of representation. He proposed the Connecticut Compromise, also known as the **Great Compromise**.



TERM TO KNOW

Great Compromise

Outlined a bicameral legislature in which the upper house, or Senate, would have equal representation for all states. Each state would be represented by two senators chosen by the state legislatures. Only the lower house, or House of Representatives, would have proportional representation, or representation based on a state's population.

The Great Compromise

2 **Legislative** Houses:

Upper House (Senate):

Each state represented by two senators chosen by state legislature.



Lower House (House of Representatives):

Members elected by the people of the state

Equal representation for all states.

Proportional representation for each state

The question of slavery stood as another major issue for the Constitutional Convention because delegates from southern states wanted enslaved people to be counted along with White people, or “free inhabitants,” when determining a state's total population. This, in turn, would augment the number of representatives accorded to those states in the House of Representatives.

Some northern delegates, such as Gouverneur Morris of New York, hated slavery and did not even want the term included in the new national plan of government. Meanwhile, the delegates who represented slaveholders defended the institution by arguing that it increased the production of commodities that the United States could export, thus adding important revenue to the treasury. They also argued that slavery

imposed great burdens upon slaveholders and, as a result, they deserved special consideration, including that of counting enslaved people for the purposes of representation.

Convention delegates ultimately reached a series of compromises in which the Constitution did not mention slavery directly but still protected the institution. The Constitution stated that the U.S. government could not introduce any legislation against the international slave trade for at least twenty years (1808). The document also featured a fugitive slave provision, stating "No person held to Service or Labour [i.e. slavery] in one State...escaping into another, shall...be discharged from such Service or Labour." Instead, the Constitution required that such individuals should "be delivered up on Claim of the Party to whom such Service or Labour may be due" or, in other words, that runaways should be returned to their owners.

Most notably, the Convention agreed to the **Three-Fifths Compromise**.



TERM TO KNOW

Three-Fifths Compromise

The counting of each slave as three-fifths of a White person when determining population for the purposes of representation and taxation in Congress.

Article 1, Section 2 of the Constitution

Article 1, Section 2 of the Constitution stipulated that "Representatives and direct Taxes shall be apportioned among the several states...according to their respective Number, which shall be determined by adding to the whole number of free Persons, including those bound for service for a Term of Years [white servants], and excluding Indians not taxed, three fifths of all other persons."

Since representation in the House of Representatives was based on the population of a state, the Three-Fifths Compromise granted extra political power to states with large enslaved populations.

The debate over slavery during the Constitutional Convention revealed that the institution was increasingly coming into question, especially in northern states. However, by incorporating the Three-Fifths Compromise and other provisions that protected racial slavery, it was also clear that the Constitutional Convention would not end the institution. Rather, the concessions regarding slavery would enable enslavers to look to the national government to protect their institution.

Finally, many of the delegates to the Constitutional Convention continued to have serious reservations about democracy, which they believed promoted anarchy. To allay these fears, the Constitution featured several provisions to limit the voice of the people, the most notable of which being the **Electoral College**.



TERM TO KNOW

Electoral College

The mechanism by which electors, based on the number of representatives from each state, choose the President and Vice-President of the United States.

Convention delegates knew that George Washington would be elected the first President of the United States. After him, though, the decision would not be as clear and the delegates did not believe that such a decision should be left to the American people.

The original intent of the Electoral College was as follows:

- The number of electors for each state would be determined by adding together its allocation of senators and representatives.
- The electors for each state would be decided by either the state legislature or a popular vote (initially, the majority of states chose the former approach).
- Each elector cast two votes: one for president; one for vice-president. The candidate who received the most votes would become president. Whoever received the second-most votes would become vice president.

If no candidate received a majority of votes, the decision fell to the House of Representatives, who, voting by state delegation, chose the president. The Senate would choose the vice president.

Critics of the Electoral College argue that the process prevents the direct election of the President. However, given the context of the late 1780s, this was exactly what the delegates to the Constitutional Convention desired. The College was an expression of the Convention's consensus on elite, republican rule. Designated electors or, in the absence of a majority, Congress, were expected to identify the wisest, most virtue-minded individuals to lead the nation. The people were expected to trust the judgment of their representatives.



DID YOU KNOW

A presidential election in which a popular vote was counted (alongside the Electoral College) did not occur until 1824.



REFLECT

Since the creation of the Electoral College, there have been five instances where a presidential candidate won the popular vote but lost the Electoral College and, therefore, the election (1824, 1876, 1888, 2000, 2016). If you were a delegate from the Constitutional Convention who had the opportunity to view these elections, how would you explain the Electoral College and respond to criticism against it?



SUMMARY

The economic and social problems that plagued state governments and the Continental Congress under the Articles of Confederation set the stage for the Constitutional Convention of 1787 and the proposal for a stronger central government. The Articles of Confederation originally reflected a view that power should be located in the states and not in a national government. However, neither the state governments nor the Confederation government could solve the enormous economic problems resulting from the War for Independence. Social unrest, evidenced by Shays' Rebellion in Massachusetts, further contributed to a decision to revise the Confederation government. Although the stated purpose of the Constitutional Convention was to modify the Articles of Confederation, the delegates' mission shifted to the drafting of the U.S. Constitution and the construction of a stronger, federal government that consolidated rule among republican elites.

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TERMS TO KNOW

Electoral College

The mechanism by which electors, based on the number of representatives from each state, chose the president and vice-president of the United States. The total number of electors is equal to the total number of senators and members of the House of Representatives, and to win the presidency, a candidate must receive a majority of electoral college votes.

Great Compromise

Outlined a bicameral legislature in which the upper house, or Senate, would have equal representation for all states. Each state would be represented by two senators chosen by the state legislatures. Only the lower house, or House of Representatives, would have proportional representation, or representation based on a state's population.

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DATES TO KNOW

1783

The Revolutionary War ends.

1786–1787

Shay's Rebellion involves the rebellion of western Massachusetts farmers against the state government.

1786

The Annapolis Convention fails to provide any solutions to the issue of commerce between the states because only five states actually sent delegates.

1787

The Constitutional Convention takes place and the Constitution is released for state ratification.

