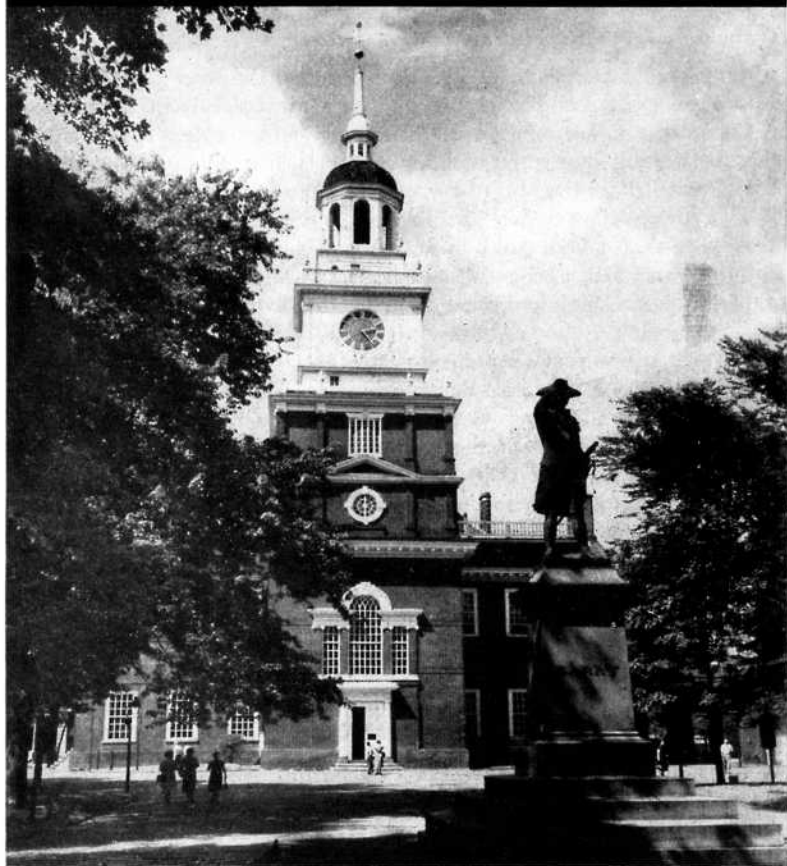


4. Drafting and Ratifying the Constitution



Philadelphia Convention and Visitors Bureau, Chamber of Commerce.

THE Constitution that was prepared at Philadelphia in 1787 and approved by most of the States in the following year has been regarded by many statesmen and scholars, as well as by common people, as one of the greatest works that has come from the mind of man. Its solutions were ingenious and many times of lofty imagination. Its foresight was great, greater than those who participated ever dreamt. But, like many great works of the human mind, it had a social explanation; it fitted together past, present, and future social forces into an enduring pattern. In social terms, the drafting and ratifying of the Constitution consummated a process that had been

going on since the end of the Revolution. This process may be described as one in which one group of leaders superseded another, adding its political ideals and institutions to those of its predecessors.

Transition from Revolution to Constitution

Many of the first band of American leaders, the men who fought the Revolution, signed the Declaration of Independence, and wrote the Articles of Confederation, were in terms of their own era radicals. They were perhaps most highly concerned with liberty, not only of the American colonies from Great Britain but also of the individual from the government. Partly because they believed, like the French democratic theorist Jean-Jacques Rousseau (1712–1778), that human freedom can be safe only in small political units, and partly because they were compelled by circumstances, they granted the national government under the Articles very few effective powers.

However, a few years' experience with this regime demonstrated that an excess of liberty in certain spheres of society was leading to the absence of political order. The growing turbulence of the 1780's at the same time diminished the prestige of the revolutionary leaders and stimulated the public demand for leadership that would restore order.

A loose grouping of such men made its appearance early in the 1780's. It was composed mainly of those who had been discontented with the Articles from the time of their adoption. With the passage of years this group continued to attract recruits; however, not until Shays' Rebellion, which shocked men of property in every State, did it win a considerable body of adherents throughout the nation. It was this group which stepped forward in 1787 to revive the balance between liberty and order.

DRAFTING THE CONSTITUTION

Membership of the Philadelphia Convention

The members of the Philadelphia Convention had much in common economically, socially, politically, and intellectually. They came almost exclusively from the prosperous and well-educated professional, mercantile, and financial groups of the coastal cities, and the landed interests. There was no member from the ranks of shopkeepers, city laborers, or small farmers. Among the fifty-five who actually attended the Convention (seventy-four altogether were chosen, but nineteen refused to take part), more than half had been to college. A similar fraction were lawyers; and there was a scattering of doctors and teachers. About two-thirds owned national or State bonds, giving them considerable interest in the stability of money and credit. Nearly one-half had lent money at interest; any cheapening of money would enable their debtors to pay them back in money that would be worth less. Approximately one-fourth were engaged in manufacturing or merchandising; a slightly greater fraction owned slaves.

Furthermore, the Convention included many members schooled in poli-

tics; more than two-thirds had been delegates to Congress; more than half had sat in State legislatures; and a few had been representatives in colonial assemblies. A few were then, or had been, State Governors or State judges. About one-fifth had participated in State constitutional conventions. Therefore this body consisted of many of the wealthiest and most influential men in the country. A large proportion of these leaders were tied together, directly and indirectly, by bonds of family, finance, and office. For example, Alexander Hamilton was the son-in-law of Major-General and Senator Philip Schuyler, whose nephew, Walter Livingston, had been a member of the Board of the Treasury under the Articles.

That the Philadelphia Convention was made up of different elements from those that led the Revolution is shown by the fact that among the thirty-nine signers of the Constitution were to be found only six of the forty-three surviving signers of the Declaration of Independence. Another signer of the Declaration, Elbridge Gerry, took part in the Convention but refused to endorse the Constitution. Several other signatories of the Declaration, such as Richard Henry Lee, were appointed to the Convention but declined to attend, and subsequently opposed ratification in their States. Patrick Henry, the firebrand of the Revolution, refused to go because he "smelt a rat." If he and others had gone, they might have caused the Convention leaders much trouble. Moreover, two of the most notable signers of the Declaration, John Adams and Thomas Jefferson, were unable to take part because they were abroad on diplomatic missions.

Organization and functioning of the Convention

The Philadelphia Convention was organized much like a legislature. However, at the first meeting two special rules were adopted. The first was that, as in the Congress of the day, each State was to have but one vote, cast according to the desires of the majority of its delegation. Hence the small States had as great a voice as the large States. The second important rule was that the sessions were to be conducted in secrecy; it was hoped that with no public audience the members would be able to complete their work more quickly and with less fear of criticism.

Also at their first meeting, the members chose George Washington as presiding officer. By parliamentary rule, the chairman cannot take part in debate and must be impartial; hence his great influence favoring strong and conservative federalism was exercised behind the scenes and in pushing the order of business to a successful conclusion. The members appointed a secretary as well, to keep the minutes of their doings. However, this journal later turned out to be a mere skeletal description of the actions of the Convention. The most nearly complete record of this gathering lies in the notes written daily by James Madison, perhaps the outstanding member.

In its functioning also, the Convention resembled a typical formal assembly. Much of its work was accomplished while the Convention operated as a committee of the whole, to facilitate its work. Although fifty-five delegates at one time or another attended meetings, usually only about thirty members were present. With so few listeners, speakers had little cause for

engaging in lengthy oratory. Instead, much of the time was passed in quiet discussion and debate. Moreover, like a legislative body, the Convention more than once referred a knotty question to a specially-chosen committee ("select committee") for deliberation and resolution.

Work of the Convention

The work of the Convention, which was of course the framing of a new Constitution, consisted primarily of adjusting differences among a number of interests. It must at the outset be stressed that the delegates were united in their sentiment that there must be a more powerful central government. This unity was, as noted above, largely the result of the process by which the delegates were chosen. At the same time there were significant differences, based on political ideals, economic attachments, sectional feelings, and other grounds. The principal task of the Convention was to achieve greater federated strength by means most pleasing to the strongest combination of interests, without driving any important group into enraged opposition. Hence no one interest group saw all of its desires fulfilled.

The Chief Issue: The chief issue before the Convention was that of determining the relationship of the national government to the States. The assemblage at Philadelphia might do no more than confer additional specific tasks upon the national government while reaffirming the sovereignty of the States. On the other hand, it might erect a strong central authority that would possess control over the States. The State legislatures would probably oppose the latter plan, for such a national government would greatly diminish the State powers; they visualized only the former project.

It should be noted that of the two possibilities, the former entailed merely amending the Articles; the latter implied drafting an entirely new Constitution. The will of the States can be seen from the authority that the Virginia legislature, the first to respond to the recommendations of the Annapolis Convention, gave its delegates: they were to unite with the representatives from the other States "in devising and discussing all such Alterations and farther Provisions as may be necessary to render the Foederal Constitution adequate to the Exigencies of the Union and in reporting such an Act for that purpose to the United States in Congress as when agreed to by them and duly confirmed by the several States will effectually provide for the same." This commission, which was copied or paraphrased by several other States, clearly authorized the members solely to amend the Articles. Indeed, the Delaware representatives were given the added instructions "that such Alterations or further Provisions, or any of them, do not extend to that part of the Fifth Article of the Confederation . . . which declares that 'in determining Questions in the United States in Congress Assembled each State shall have one Vote.'" This injunction revealed the essential position of the small States, which feared lest any amendment be adopted that would deny them equality in the legislative branch. Hence the delegates were also forced to decide whether or not to exceed the powers granted them by their legislatures.

Competing Interest Groups about the Chief Issue: The Convention quickly divided on the question of what powers the national government should possess; indeed, this rift had been evident even before the delegates assembled at Philadelphia, in the assertions emanating from the different States. One group at Philadelphia wished to establish a strong central authority. The other wished only to endow the existing central structure with a few added powers, so as to increase its efficiency in dealing with matters of interstate and foreign concern. In the main, the large States tended to favor the first plan; the small States, the second. That division probably arose from the fact that the large States expected to dominate any strong central government, whereas the small States feared to be so dominated.

However, at the end, a number of delegates did not permit the size of their States to determine their position; rather, they seem to have espoused one or the other plan according to their beliefs with respect to a strong central authority. For example, Alexander Hamilton, a delegate from New York, the fifth most populous State, urged the creation of an all-powerful central regime. On the other hand, George Mason, a representative from Virginia, the most populous State, refused to sign the Constitution since he felt that it made the national government too strong. In fact, the only question over which States chose sides on the basis of size was that of representation in the legislature. Therefore, with this one exception, one might best view the terms "large-State position" and "small-State position" as symbols, respectively, of proposals for a strong central government and for a weak central government. One should not expect those terms to mean a clear division of the big and the small States on votes, or a solidarity among the delegates from each type of State.

Proposals of the Two Groups: At one of the first meetings of the Convention, just after it had been organized, John Randolph of Virginia presented what has come to be called the Virginia Plan. This plan called for a strong central government, and it was endorsed by the large States. According to its preamble, "Resolved, that the Articles of Confederation ought to be so corrected and enlarged so as to accomplish the objects proposed by their institution; namely, 'common defense, security of liberty and general welfare.'" The plan recommended a bicameral or two-chambered legislature whose membership should be distributed among the States according to either the population or the amount of taxes paid by the State. The first house should be elected by the people, and the second house by the first but from a list of candidates nominated by the State legislatures. Each branch should be allowed to propose laws, for action by both branches. There should be a national executive and a national judiciary, to be named by the legislature. To checkrein the sovereignty of the States, it was urged that the national legislature be given the power to veto all State laws running counter to the national constitution, and that the national government be authorized to summon its armed forces against any State which did not perform its duties under the constitution. The Virginia Plan was debated for about two weeks after its introduction; and a large part of its recommendations were accepted by the majority at the Convention.

In reaction to the Virginia Plan, William Paterson of New Jersey offered a proposition for a national government of little more power than it possessed under the Articles; the New Jersey Plan is viewed as reflecting the wishes of the small States. This plan proclaimed, "Resolved that the Articles of Confederation ought to be so revised, corrected, and enlarged, as to render the federal Constitution adequate to the exigencies of Government, and the preservation of the Union." The Plan provided that the national government be empowered to levy a tariff on imported goods, and to regulate commerce. Furthermore, whereas the national authorities should continue to make requisitions upon the States, they should do so in proportion to the population of the States; and in the event of non-payment, these authorities might "direct the collection thereof." There should be a plural federal executive of several men appointed by Congress, and a federal court system whose judges would be chosen by the executive. If any State should oppose the enforcement of federal laws or treaties, "the federal Executive shall be authorized to call forth the power of the Confederate States, or so much thereof as may be necessary" to force compliance with the laws or treaties. The New Jersey Plan also provided that all laws and treaties made under the authority of the United States "shall be the supreme law of the respective States . . . any thing in the respective laws of the Individual States to the contrary notwithstanding." Although it was not recognized as uniquely significant at the time, this last clause came to be the keystone of the present Constitution.

There followed several days of debate in the Convention over the comparative merits of the Virginia and the New Jersey Plans, which are diagrammed in Figure 7. It is interesting to speculate what might have happened had the two plans been submitted at the same time; for when the Convention first gathered, the New Jersey Plan probably more closely mirrored what most delegates thought they were expected to produce. However, by the time the New Jersey Plan was offered, the spokesmen for the Virginia Plan appear to have convinced the majority of the need for a strong central government. Hence, when the debates were concluded, the Convention supported the Virginia Plan by a vote of seven States to three, the vote of Maryland being divided and New Hampshire and Rhode Island being unrepresented.

Consequently the delegates henceforth used the Virginia Plan as the basis for their deliberations. On the surface, the Plan did not really provide for more than a greatly strengthened confederative government. The provisions that the national government might veto acts of the States, and that it might coerce the States to perform their duties, show that the authors of this plan had as yet been unable to discard the practice of regarding the national government as primarily an agency of the States, dealing with States. It was only in the deliberations that followed that the adherents of the Plan asserted their intention of establishing a national government which dealt directly with the citizens.

The Connecticut Compromise: The Connecticut Compromise, sometimes termed the Great Compromise because of its importance, resolved the prob-

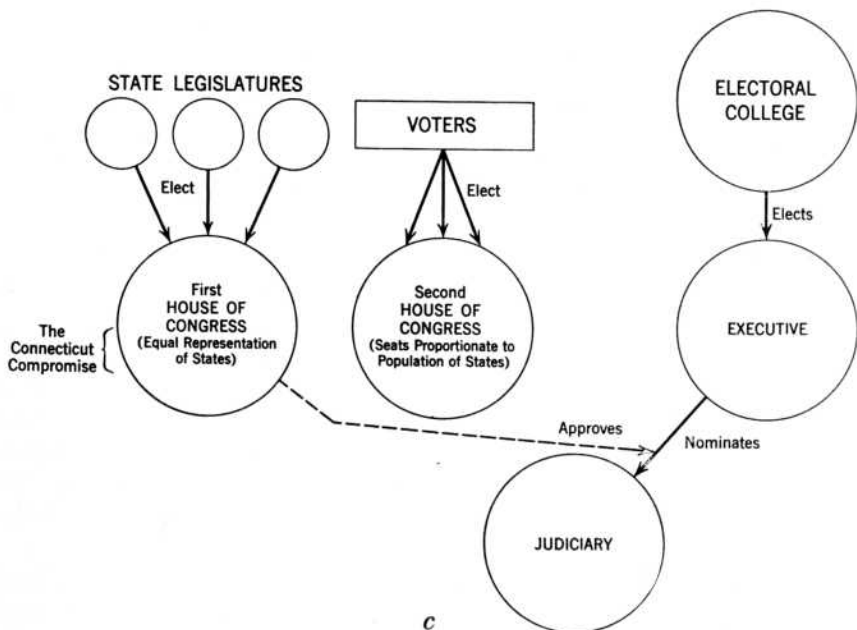
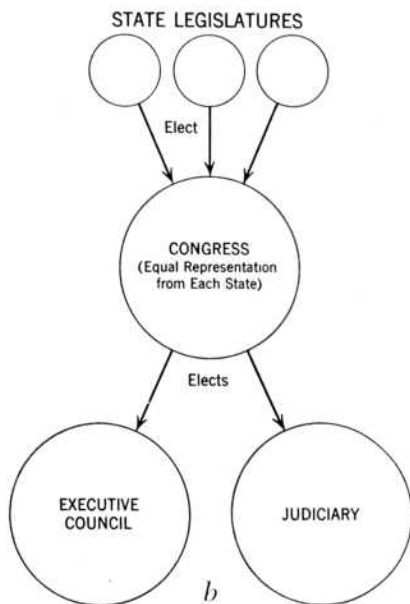
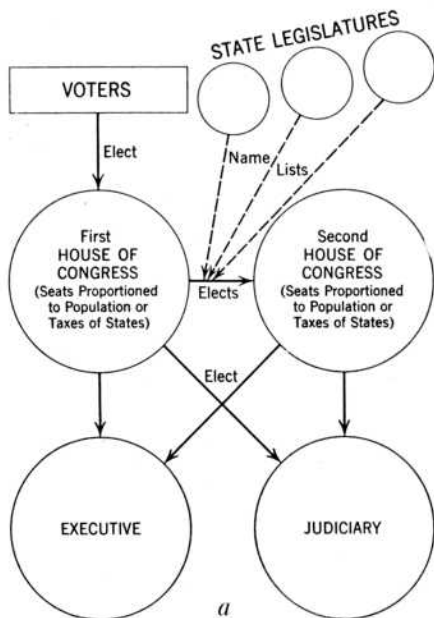


Figure 7. The Virginia (a), New Jersey (b), and Final Plans (c).

lem of apportioning representation in the national legislature. Although it had been hinted at in the recommendations of several of the States, it was brought forth officially by the Connecticut delegation, which had shown a tendency to side with the large States in erecting a strong central government. The Convention had voted to supplant the unicameral Congress of the Confederation with a bicameral legislature; the chief aim probably was to introduce internal checks into the legislative branch by letting one house review the work of the other. Then it had been provided, pursuant to the Virginia Plan, that membership in the lower house be distributed according to population; hence the large States might be thought to control this house.

Next the Convention turned to the question of representation in the upper house. It was now that the Connecticut delegates offered a proposal for equal representation in the second house, to placate the small States that were dissatisfied with proportional representation in the lower body. On the Connecticut suggestion the Convention at first divided evenly, five States to five. Now the members agreed to submit the issue to a committee having one representative from each State. Through some manipulations which can probably never be known, the large States were represented by such conciliatory men as Franklin of Pennsylvania, whereas the small States sent such unyielding deputies as Paterson of New Jersey. The result was a triumph for the small States; the committee urged that each State have an equal voice in the upper house, and the Convention so voted.

Sectional Interests and Compromises: Two general conflicts of sectional interests were carried before the Convention, the North-South and the East-West conflicts. Usually the former receives more notice; yet both were important. One must realize that in 1787 the slavery issue was not outstanding; slaves did not become a vital part of the southern economy until the United States had become a great cotton-producing country, which did not occur until after the introduction of the cotton gin in 1792. It is likely that whatever dispute there was at the Convention was greatly magnified by later historians writing under the impact of the slavery question. The principal dispute between North and South revolved about whether or not the slaves should be counted in apportioning seats in the House; including the slaves in the population would, of course, increase the number of seats held by the southern States. Ultimately the so-called "three-fifths compromise" was adopted, whereby five slaves should be counted as equal to three free men in the distribution of seats; to balance this concession, the delegates agreed to use the same fraction in levying any federal direct taxes. The relative unimportance of slavery at this time can be seen from the fact that only Georgia and South Carolina raised difficulties about this issue.

Another North-South compromise involved the federal regulation of commerce. At this time many governments financed themselves largely through taxes on both imports and exports. The southern States, which exported large amounts of raw materials and imported most of their finished goods, feared that they might contribute disproportionately to the support of the federal government, especially if the North should have a congressional

majority. Some southern States also were disturbed lest the national government ban the slave trade. Hence the southern States demanded that export taxes be prohibited, and that navigation acts require a two-thirds congressional majority. The northern States, on the other hand, wished the central government to have full powers over foreign trade. The issue was compromised when the southern States yielded their demand for an extraordinary majority in voting on navigation acts, in exchange for a constitutional guarantee that the slave trade would not be halted for twenty years and that no export taxes would be levied. Again, Maryland and Virginia agreed, not with Georgia and the Carolinas, but with those who denounced slavery.

The split between East and West, although less apparent at the Convention, was probably even more significant; for it involved the ultimate political disposition of the western regions. There was no compromise here; the West was not represented at the Convention, and in any case would have had little if any bargaining power. The decision marked rather the triumph of one eastern attitude over another. Many at the Convention wished that the West should never attain political equality with the coastal States; they argued that the territory would never be sufficiently civilized for such privileges. As Gouverneur Morris said, "The busy haunts of men, not the remote wilderness, was [sic] the proper school of political talents." Their chief concern, of course, was to assure eastern control of the national government. However, other delegates, perhaps mindful of the fact that the whole country had once been a wilderness, persuaded the majority to accept a provision for admitting new States on a par with the old. The final action guaranteed that the United States would be a republic of continental dimensions, not an Atlantic seaboard commonwealth with a vast interior colonial dependency.

Other Settlements and Conclusions: In completing its work the Convention had to settle many more problems, often by means of compromise. One of the most important concerned the election of the chief executive. The delegates in general hesitated to entrust the choice of this officer to the public; on the other hand, they sensed that election by the legislature would tend to subordinate the executive branch to the legislative. Hence the delegates proposed a system of indirect election through a special body to be termed the Electoral College. The Convention also had to agree on methods for choosing congressmen and federal judges. It assigned various powers among the different organs of the government, and it established means for amending the Constitution.

Sources and Authorship of the Constitution: As Figure 8 shows, the delegates were acutely aware of the many historical struggles between liberty and despotism. Yet the sources for much of the work of the Convention were quite American; many of them were part of the daily life of the delegates. One important source was the Articles of Confederation, particularly for the statements of congressional power. Even State constitutions, especially that of New York, afforded materials for the Constitution. The simple fact that the Constitution included a large element of the familiar doubtless eased the transition from the old government to the new, and hastened its acceptance by the general public. Many Americans of that generation lived

their lives out without fully realizing what great changes the Constitution had wrought.

The Constitution was the product of extensive rewriting. Once the Great Compromise had been adopted, the Virginia Plan was converted into a series of resolutions. These were then referred to a five-member committee on detail for expansion into a frame of government. After some days this committee reported to the Convention; the whole body then deliberated the work of the committee for about five weeks. A five-member committee on style now undertook to rephrase the work of the Convention in a single draft; this was chiefly the work of one committee member, Gouverneur Morris. The Convention made a few changes in the draft presented by the committee on style, then prepared to submit the document to the public.

At the end, it seemed desirable that the Convention appear to be unanimous; however, some of the delegates refused to sign the Constitution. Now Franklin, at the behest of Morris, suggested that the form be: "Done in Convention, by the unanimous consent of the States present. . . ." All but three of the forty-two members then present signed the Constitution; the document was released to the press; and the Convention adjourned for the last time.

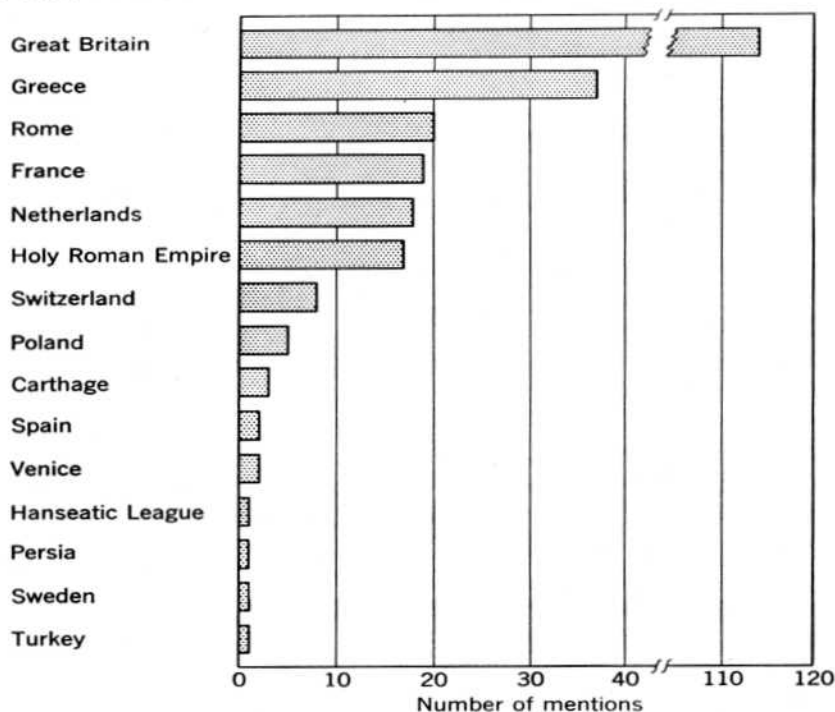


Figure 8. References to the Experiences of Other Nations During the Constitutional Convention. (As mentioned in the notes of James Madison.)

RATIFYING THE CONSTITUTION

The method of ratifying

It was provided in Article VII of the new Constitution that ratification was to be effected by a favorable vote in conventions in nine States. This clause demonstrates how far the delegates at Philadelphia had veered from their instructions to draft a group of amendments to the Articles; for, according to the Articles, this procedure was not only irregular but actually illegal. In the first place, Congress alone was authorized to propose amendments to the Articles. Furthermore, any amendments must be ratified by the State legislatures. Finally, an amendment, to become active, must secure the votes of all the States. However, the delegates realized that the State legislatures would be loath to ratify an instrument that would reduce their powers; and they could not see their way to obtaining ratification from all the States, especially since Rhode Island had not even sent delegates to Philadelphia. Furthermore, they felt that all the forces behind the new Constitution could be mustered for a supreme effort in electing friendly delegates to the special ratifying conventions.

Therefore, with some trepidation, they decided to send their work to the Confederation Congress, for approval of the ratifying procedure. A letter from George Washington, urging Congress to make haste, accompanied the Constitution. Already some opposition had arisen in Congress, led by Richard Henry Lee and by certain delegates at Philadelphia who had rejected the Constitution. Nevertheless, after some debate, Congress voted unanimously to submit the document to the State legislatures with instructions to refer it to the State conventions.

Public debate over ratification

Once the Constitution was made public, it became the subject of widespread debate. Soon the debaters split into contending groups of supporters and antagonists known respectively as Federalists and Antifederalists, which later became the first two political parties under the Constitution. The split had political, economic, and sectional aspects. Federalists insisted on the need for strengthening the central authority; Antifederalists argued that the new central government could not fail to become a tyranny (see Figure 9). Federalists found recruits especially from among the prosperous groups, the creditors, the hard-money proponents; they supported the constitutional clauses guaranteeing payment of the national debt and forbidding the States to emit bills of credit, which are a form of paper money backed by the credit of the State. (Art. VI, cl. 1; Art. I, sec. 10, cl. 1.) Antifederalists were more numerous among the small farmers and workingmen, the debtors, the paper-money advocates—those, in short, who had not been speculating in government securities or who wanted the States to issue inflated paper currency.

Federalists were concentrated along the coast, where the wealth and political influence of America then lay. Antifederalists included most of

To the PEOPLE of PENNSYLVANIA.

FRIENDS and FELLOW-CITIZENS,

THE late Convention have submitted to your consideration a plan of a new federal government. The subject is highly interesting to your future welfare.—Whether it be calculated to promote the greatness of civil society, viz. the happiness and prosperity of the community, it behoves you well to consider uninfluenced by the authority of names. Instead of that frenzy of enthusiasm, that has actuated the citizens of Philadelphia, in their approbation of the proposed plan, before it was possible that it could be the result of a rational investigation into its principles, it ought to be dispassionately and deliberately examined, and its own intrinsic merit, the only criterion of your patronage. If ever free and unbiassed discussion was proper or necessary, it is on such an occasion.—All the blessings of liberty and the dearest privileges of freemen, are now at stake and dependent on your prudent conduct. Those who are competent to the task of developing the principles of government, ought to be encouraged to come forward, and thereby the better enable the people to make a proper judgment; for the success of government is to abide, that few are able to judge for themselves; without such assistance the people are too apt to yield an implicit assent to the opinions of those characters, whose abilities are held in the highest esteem, and to those in whose integrity and patriotism they can confide; not considering that the love of domination is generally in proportion to talents, abilities, and superior acquirements, and that the men of the greatest purity of intention may be made instruments of despotism in the hands of the artful and designing. If it were not for the stability and attachment which time and habit gives to forms of government, it would be in the power of the enlightened and aspiring few, if they should combine, at any time to destroy the best establishments, and even make the people the instruments of their own subjugation.

But our situation is represented to be so critically dangerous, that, however repulsive and exceptionable the proposed plan of government may be, there is no alternative, between the adoption of it and absolute ruin.—My fellow citizens, things are not at that crisis, it is the argument of tyrants; the present distracted state of Europe secures us from injury on that quarter, and as to domestic afflictions, we have not so much to fear from them, as to depreciate us into this form of government, without it is a life and a proper one. For remember, of all possible evils, that of despotism is the worst and the most to be dreaded.

Besides, it cannot be supposed, that the first essay on so difficult a subject, is so well digested as it ought to be;—the proposed plan, after a mature deliberation, should meet the approbation of the respective States, the matter will end; but if it should be found to be fraught with dangers and inconveniences, a future general Convention being in possession of the objections, will be the better enabled to plan a suitable government.

CENTINEL.

—Library of Congress.

Figure 9. A Broadside Against the Constitution. "To the People of Pennsylvania" from "Centinel" was one of numerous propaganda leaflets and commentaries attacking the proposed Constitution and urging that it not be ratified.

the people of the interior, save the Germans and Scots-Irish of the Shenandoah valley; the interior folk not only were debtors but also feared lest the new government barter away the mouth of the Mississippi, which was necessary to them if they hoped to export their surplus grain. The residents of the Shenandoah valley were drawn perhaps because the commercial power of the new central government could assist their trade with Baltimore and Philadelphia, which, rather than the mouth of the Mississippi, were the terminal cities for their shipments of grain. A great many Americans, it is also proper to recall, had no sense of the defects of the Articles and no desire to see them changed.

Federalist advantages in the debates

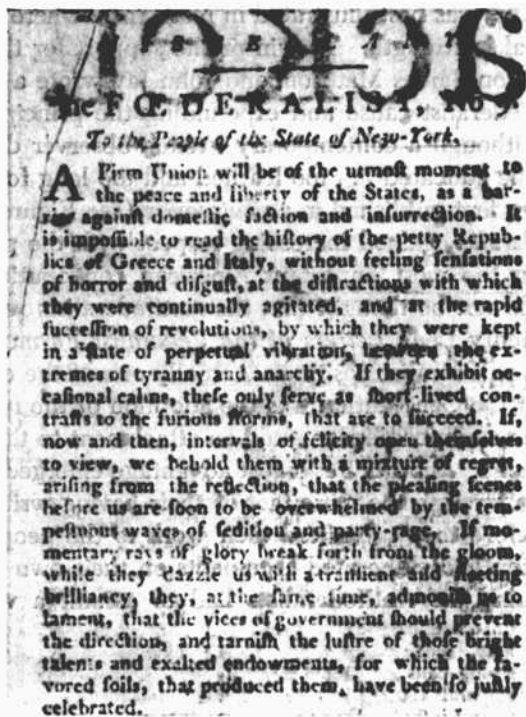
The Federalists had certain notable advantages in the contest over ratification. In their ranks were some of the best minds and most facile pens

of the nation. This was best illustrated in New York, where the two parties were nearly equal in strength. To win public support for the Constitution, Alexander Hamilton, James Madison, and John Jay wrote a series of essays defending the Federalist cause and expounding the principles of the new Constitution. Although a contemporary French observer derided them as "... no use to the educated ... too learned and too long for the ignorant," these brief essays, first published in a newspaper (see Figure 10) under the title of *The Federalist*, gained increasing respect with the passage of time. They are among the most important American contributions to political theory. It should not be thought that the Antifederalists were mute, however; Richard Henry Lee's *Letters of the Federalist Farmer* were an able defense of the Antifederalist position. Actually one of the cleverest acts of the supporters of the Constitution was the adoption of the name Federalist; for this name, to many people, connoted an attachment to the confederative form of government. Another Federalist advantage emerged from the unity that bound them through the mere fact of their having written the Constitution. Even before they submitted their work to the people, the authors of the Constitution had elaborated arguments on their own behalf. Hence from the beginning the Antifederalists had to assault a well-constructed fortress.

State adoptions

The First States: States began ratifying the Constitution in 1787, within three months of its being tendered to them. Among the first five States to ratify, four—Delaware, New Jersey, Georgia, and Connecticut—were small States. Evidently the granting of equal representation in the upper house had removed small-State fears that they would be dominated by the large States. After the first five States had adopted the Constitution, a brief period elapsed before the necessary four additional States acted. In Massachusetts the Antifederalists, led by John Hancock and Samuel Adams, offered determined resistance. Federalist leaders appear to have won Hancock by intimating that he would be supported for governor, that he might be named Vice President, and that if Virginia failed to ratify he would be in a good position to become the first President. Samuel Adams evidently convinced himself of the likelihood of adoption and of the resultant political dangers inherent in opposition. Hence after considerable discussion in the convention, Massachusetts voted to adopt the Constitution.

At the same time the convention offered a group of amendments to the Constitution, in the form of a Bill of Rights, which it proposed as a first order of business after ratification had been completed. Opponents of the Constitution had insisted all along that it created a potentially tyrannical central authority; the Federalists had repeatedly argued, however, that no tyranny was possible, since the national government had only certain delegated powers. Why, asked the Federalists, should the Constitution be amended to deny certain acts to the government when the Constitution did not authorize these acts in the first place? The Antifederalists were no more impressed with this argument now than they had been earlier. They



Courtesy of the New York Historical Society, New York City.

Figure 10. A Portion of One of the *Federalist Papers*.

consequently obliged the convention to submit amendments designed to erect barriers against the power of the federal government. Subsequently nearly every State ratifying after Massachusetts likewise presented desired amendments.

Now Maryland, South Carolina, and New Hampshire all ratified the Constitution. In the case of the last-named State, the Federalists had to resort to delaying tactics in order to win adoption. When the New Hampshire convention first assembled, it had an obvious Antifederalist majority. Supporters of the Constitution were able to procure an adjournment until certain members of the convention could change their stand. When the convention again met, eight States had now voted for ratification, a fact that probably served to convince some waverers. After a few days of deliberation, the New Hampshire convention voted for ratification. The requisite nine States had now endorsed the Constitution, so that on paper, at least, the new government could come into being.

Adoption by the Remaining States: Although nine States had now ratified the Constitution, the government could not hope to be effective without the adherence of Virginia and New York. Each of these States was peculiarly significant. At this time Virginia was the most populous State in the Union; and New York, although not one of the largest States, separated New Eng-

land from the rest of the country. Hence winning their ratification was essential to making the national government workable.

In Virginia the Antifederalists, under such leaders as Patrick Henry, were especially critical of the vast domestic powers of the new central government. Moreover, western Virginians feared lest the national government arrange a pact with Spain whereby the Spanish would receive the mouth of the Mississippi in exchange for a commercial treaty favorable to New England. However, under James Madison the Federalists won the day; the Virginia convention ratified the Constitution.

In New York a major objection was brought against the national power to levy tariffs. Americans had just waged a revolution partly to expel the cus-



Figure 11. Wavering Pillars of the Temple. An early cartoonist is moved to poetry by New York's ratification of the Constitution, and points also to the two reluctant states that had not yet acted.

tomsmen of a central authority; they did not now wish to admit others. Furthermore, since much of the seaborne trade of New Jersey, Connecticut, Massachusetts, and Vermont came through the port of New York City, the State had amassed a large portion of its revenue through State tariffs; the great landowners of the Hudson valley would have to assume a larger fraction of the burden of State financing if the federal government abolished the State customs. It was specifically in an effort to sway the voters of New York that Hamilton, Madison, and Jay wrote *The Federalist*, a fragment of which is reproduced as Figure 10. Certainly their work was influential; but another fact motivating the New York convention to ratify the Constitution was that, since Virginia had ratified, New York would stand with only North Carolina and Rhode Island outside the Union. Confronted by this possibility, the New York convention voted for adoption, although by the narrowest margin in any of the States. The battle for the Constitution now had been won. North Carolina and Rhode Island voted ratification in 1789 and 1790, respectively, after the federal government had threatened discrimination against their trade. Figure 11 shows how one cartoonist of the day celebrated the achievement of ratification.

Instituting the new government

When Congress was notified that the ninth State had adopted the Constitution, it directed that arrangements be made to name Senators, Representatives, and presidential Electors. It declared that New York City would be the first national capital, and that Congress should meet on March 4, 1789. Then Congress disbanded, leaving the United States to its new government.

QUESTIONS AND PROBLEMS

1. Describe the transformation of the personnel and attitudes of American leadership from the Revolutionary to the Constitutional Periods.
2. What were some of the traits and attitudes that the members of the Philadelphia Convention had in common and in what respects did they differ? (Do not take up their various positions in the debates.)
3. Define in one paragraph each of the following: the Virginia Plan; the New Jersey Plan; the Connecticut Compromise; Federalists.
4. What were the various sources of opposition to the Constitution and how were they effectively blocked?
5. What sectional interests were at stake in the drafting of the Constitution?