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Chapter Three

FRAMING THE CONSTITUTION



If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: You must first enable the government to control the governed; and in the next place oblige it to control itself.

—James Madison, *Federalist* No. 51

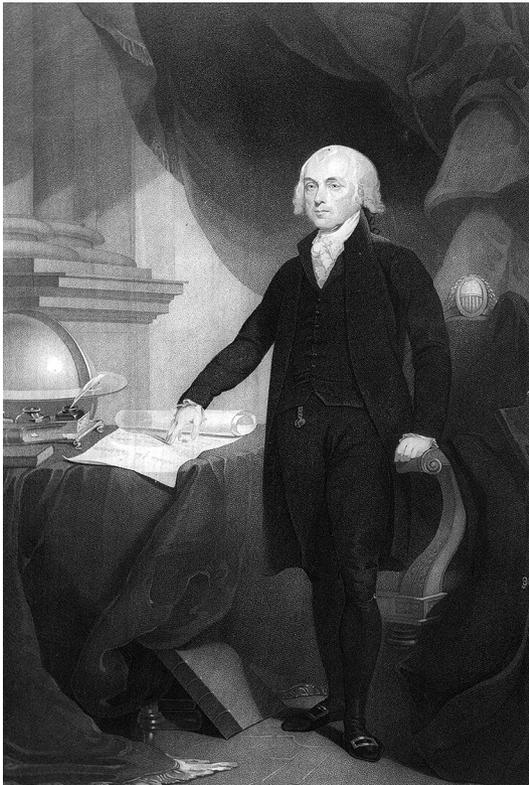
As the shortcomings of the Articles of Confederation became increasingly clear, Congress called for a convention of delegates from all thirteen states to be held in May 1787. The prominent Americans who gathered in Philadelphia quickly decided to throw out the weak and ineffective Articles and create an entirely new national government for the United States. They spent nearly four months debating the merits of different political theories and carefully considering every detail of the government's structure and function. They ended up forming a strong central government comprised of three separate branches—legislative, executive, and judicial—that each served to limit and balance the power of the others. They also created a bicameral legislature with equal representation of states in one house and proportional representation of states based on population in the other house. To the disgust of some delegates, the northern and southern states reached a compromise that allowed slavery to continue in the United States. On September 17, 1787, the Framers wrapped up their meetings and affixed their signatures to the historic document that marked the culmination of their work: the Constitution of the United States.

Failure of the Articles of Confederation

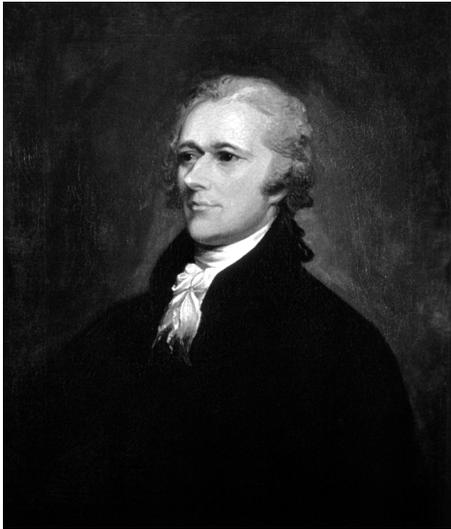
Once the United States officially gained its independence in 1783, it became increasingly clear that the wartime government established under the Articles of Confederation could not handle the challenging issues facing the fledgling nation. Prominent political and business leaders in various states began to realize that major changes were needed to make the central government strong enough to hold the country together (see “Founders Agree to Revise the Articles,” p. 154). Men who had signed the Declaration of Independence and fought in the American Revolution wrote urgent letters to each other in which they pointed out the shortcomings in the current system of government. “The disinclination of the individual states to yield competent powers to Congress for the federal government . . . will, if there is not a change in the system, be our

downfall as a nation,” George Washington wrote to Benjamin Harrison. “I have many and powerful [fears] indeed which predict the worst consequences from a half starved, limping government that appears to be always moving upon crutches and tottering at every step.”¹

Groups of leaders met on several occasions in an effort to resolve conflicts that the Confederation Congress was not able to address. In 1785, for instance, Washington hosted a meeting of representatives of Virginia and neighboring Maryland at his estate, Mount Vernon. The group negotiated settlements to longstanding disputes between the two states about their borders, navigation rights on the Potomac River, and trade relations. The Mount Vernon Conference attendees decided to organize a larger meeting to discuss the problems with the federal government. Commissioners from five states met on September 11, 1786, in Annapolis, Maryland. One of their main points of agreement



James Madison studied various forms of government in preparation for the Constitutional Convention of 1787.



Alexander Hamilton (1757–1804)

Signer of the Constitution and Main Author of the Federalist Papers

Alexander Hamilton was born on January 11, 1757 (some sources say 1755), on the island of Nevis in the British West Indies. He was the illegitimate son of James Hamilton, a Scottish trader, and Rachel Faucett Lavien, a Frenchwoman who was married to another man at the time of his birth. James Hamilton abandoned the family when Alexander was very young, forcing his mother to raise him and his older brother alone. They moved to the island of St. Croix, where they were considered social outcasts and struggled to survive.

In 1768 Hamilton’s mother died, leaving him an orphan. Determined to overcome his difficult circumstances, the young man took a job as a clerk in a trading company owned by Nicholas Cruger, a New York businessman. Hamilton quickly showed a knack for understanding the complicated financial aspects of the business, and he impressed Cruger with his intelligence and strong work ethic. Hamilton soon found another mentor in the Reverend Hugh Knox, a Scottish Presbyterian minister who tutored him in science and literature. Recognizing Hamilton’s potential, the two men raised enough money to send him to New York to further his education.

Becomes an American Patriot

In 1773 the teenaged Hamilton arrived in New York City and enrolled at King’s College, which eventually became Columbia University. He left school the following year, however, when growing tensions between England and its American colonies over taxation and other policies appeared likely to lead to war. Hamilton visited the scene of the Boston Tea Party—a protest action in which American Patriots dumped British tea into the harbor—and returned to New York as a firm supporter of American independence. He entered the political debate by publishing a pamphlet called “A Full Vindication of the Measures of Congress,” which defended the steps taken by colonial leaders in response to British policies.

Founders Agree to Revise the Articles

Within a few years of gaining its independence from England, the young United States confronted a series of economic, political, and social problems that threatened its very survival. The weak central government that had been created under the Articles of Confederation proved unable to resolve these problems. In 1786 John Jay—an influential New York lawyer, politician, and diplomat—sent George Washington the first letter excerpted below. Jay expresses deep concern about the “delicate situation” facing the country. He asks Washington to lead an effort to revise the Articles of Confederation and create a strong central government for the United States. But Washington, who retired from public service after the Revolutionary War, expresses reluctance to get involved. Although he shares Jay’s concerns, he is not convinced that the American people are committed to the idea of forming a new government.

[From John Jay to George Washington, March 16, 1786]

Dear Sir,

Although you have wisely retired from public employments, and calmly view from the temple of fame, the various exertions of the sovereignty and independence which providence has enabled you to be so greatly and gloriously instrumental in securing to your country; yet I am persuaded you cannot view them with the eye of an unconcerned spectator.

Experience has pointed out errors in our national government, which call for correction, and which threaten to blast the fruit we expected from our “Tree of Liberty.” The convention proposed by Virginia may do some good and would perhaps do more, if it comprehended more objects—an opinion begins to prevail that a general convention for revising the Articles of Confederation would be expedient. Whether the people are yet ripe for such a measure, or whether the system proposed to be attained by it, is only to be expected from calamity and commotion, is difficult to ascertain. I think we are in a delicate situation, and a variety of considerations and circumstances give me uneasiness. It is in contemplation to take measures for forming a general convention—the plan is not matured—if it should be well concerted and take effect, I am fervent in my wishes, that it may comport with the line of life you have marked out for yourself, to favor your country with your counsels on such an important and single occasion. I suggest this merely as a hint for consideration, and am with the highest respect and esteem dear Sir, your most obedient and very humble servant,

John Jay

IMPORTANT PEOPLE, PLACES, AND TERMS

Amendment

A change or addition; Article V describes the amendment process for the Constitution.

American Revolution. *See* Revolutionary War

Antifederalist

A person who opposed ratification of the Constitution and establishment of a strong federal government.

Apportionment

The method used to determine the distribution or allotment of seats in a legislative body.

Articles of Confederation

The document that established the first central government for the independent United States during the Revolutionary War; it took effect in 1781 and was replaced by the Constitution in 1789.

Bicameral

A legislature consisting of two chambers or houses.

Bill of Rights

The first ten amendments that were added to the U.S. Constitution in 1791 to provide explicit protection for the fundamental rights and liberties of American citizens.

Checks and balances

Provisions in the Constitution that serve to restrain or limit the powers of each branch of government.

Colonies

Settlements established in America that remained subject to British rule until 1776.

CHRONOLOGY

1400s

European explorers begin reaching the shores of North America. *See p. 8.*

1607

The first permanent European settlement in what eventually becomes the United States is founded at Jamestown, Virginia. *See p. 8.*

1619

Virginia Colony establishes a representative government with members elected by male landowners. *See p. 12.*

1620

The Pilgrims establish Plymouth Colony in Massachusetts and sign a self-governing agreement called the Mayflower Compact. *See p. 8.*

1680

The population of the American colonies begins to diversify as increasing numbers of immigrants arrive from European nations other than England and thousands of enslaved Africans are forcibly brought to America to serve as laborers. *See p. 10.*

1690

The total number of European colonists in North America reaches 250,000. *See p. 10.*

1750

The total population of the American colonies reaches 1.5 million. *See p. 13.*

1754

May – A violent encounter in the Ohio Country between French troops and Virginia militia led by George Washington marks the beginning of the worldwide conflict between France and England known as the French and Indian War or Seven Years' War. *See p. 14.*

June – Benjamin Franklin proposes the Albany Plan of Union, which would create a unified government for the thirteen American colonies, but the colonial legislatures reject it. *See p. 14.*

1763

February – British and American forces win the French and Indian War, giving England possession of all French territory in North America east of the Mississippi River. *See p. 17.*

SOURCES FOR FURTHER STUDY

“America’s Founding Documents.” U.S. National Archives. <https://www.archives.gov/founding-docs>.

This online companion to the Charters of Freedom exhibit at the U.S. National Archives explores the history and meaning of the Constitution and the Bill of Rights, provides background information on the Framers, and describes the debates at the Constitutional Convention.

Center for Civic Education. “Constitution Day and Citizenship Day.” <http://www.civiced.org/resources/curriculum/constitution-day-and-citizenship-day>.

This Web site offers a wealth of resources aimed at meeting federal curriculum requirements for Constitution Day, including lesson plans, classroom activities, and research topics.

Collier, Christopher, and James Lincoln Collier. *Creating the Constitution, 1787*. New York: Benchmark Books, 1999.

Aimed at students, this readable volume places the framing and ratification of the Constitution within the sweep of American history.

Founders Online. U.S. National Archives and Records Administration. <http://founders.archives.gov/>.

This Web site collects the correspondence and other writings of key Founders of the United States in a searchable database.

“Making the Revolution: Constitution, 1787–1791.” *America in Class*, National Humanities Center. <http://americainclass.org/sources/makingrevolution/constitution/constitution.htm>.

This informative Web site offers supplemental resources relating to each article and amendment in the Constitution, including introductory notes, primary documents, classroom discussion questions, and links to additional information.

Moehn, Heather. *The U.S. Constitution: A Primary Source Investigation into the Fundamental Law of the United States*. New York: Rosen, 2003.

This book tells the story of the framing and ratification of the Constitution in accessible prose.

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