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# Question Four



## SUPPORTING QUESTIONS

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- 2 WHY ARE WE THE, AND NOT THESE UNITED STATES?
- 3 DOES THE CONSTITUTION EMBODY OUR FOUNDING BELIEFS?
- 4 WHY DO WE HAVE A BILL OF RIGHTS?

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## Question Four



Freedom is a word we use regularly in the study of American history, but it is a concept that we do not often stop to consider. What exactly is freedom? Is it freedom from something, such as oppression by a tyrannical government, or is it freedom of something, such as the freedom to exercise your own religion without government interference?

Perhaps our sense of freedom in America has changed over time. For the original New England colonists, freedom was about religion, but today we yearn for freedom from the fear of terrorism.

At the founding of the nation in the 1780s, the wealthy White men who gathered in Philadelphia to craft our current system of government had to define freedom and find a way to guarantee it for future generations. Government, they knew had to protect rather than take away freedom. Of course, their ideas about freedom and ours were different. Many of them owned slaves, which is anathema to our sense of freedom.

What do you think? What is freedom?



# 1

## F I R S T Q U E S T I O N WAS THE AMERICAN REVOLUTION ACTUALLY REVOLUTIONARY?



### INTRODUCTION

In the previous unit, we explored the American Revolution and accurately celebrated the amazing changes it brought to both the nation and the world. A new nation was born, as was an admirable tradition of rejecting tyranny in favor of representative government. Enlightenment ideals were lifted out of the pages of philosophy and made real on the battlefield.

School children have, for centuries, been indoctrinated with a love for the brave Founding Fathers who put their names to the Declaration of Independence and across the nation we celebrate that important day with barbeques, pool parties and fireworks. However, there is not universal acceptance of the glorified view of the Revolution.

For many Americans, life after the Revolution remained mostly unchanged, or even worse. The Revolution may have swept out British authority, but the seats of power were replaced by wealthy, White men of property. Basic liberties were not guaranteed, and Native Americans suffered far more at the hands of White Americans than they had under British rule.

From the most cynical viewpoint, the Founders were wealthy men who stood to lose under the economic structures of mercantilism and British taxation so they manipulated the public into supporting a war so they could usurp power.

Of course, such a view ignores the idealism of the Revolution and all those who have drawn inspiration from it, but it is worth looking at the outcome of the Revolution for different groups of Americans and asking ourselves just how revolutionary things were for them.

Ask yourself: Was the American Revolution actually revolutionary?

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## THE MEANING OF THE DECLARATION

"When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation."

So begins the Declaration of Independence. But what was the Declaration? Why do Americans continue to celebrate its public announcement as the birthday of the United States, July 4, 1776? While that date might just mean a barbecue and fireworks to some today, what did the Declaration mean when it was written in the summer of 1776?

On one hand, the Declaration was a formal legal document that announced to the world the reasons that led the thirteen colonies to separate from the British Empire. Much of the Declaration sets forth a list of abuses that were blamed on King George III. One charge levied against the King sounds like a Biblical plague: "He has erected a multitude of New Offices, and sent hither swarms of Officers to harrass our people, and eat out their substance."

The Declaration was not only legalistic, but practical too. Americans hoped to get financial or military support from other countries that were traditional enemies of the British. However, these legal and pragmatic purposes, which make up the bulk of the actual document, are not why the Declaration is remembered today as a foremost expression of the ideals of the Revolution.

The Declaration's most famous sentence reads, "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." Even today, this inspirational language expresses a profound commitment to human equality.

This ideal of equality has certainly influenced the course of American history. Early women's rights activists at Seneca Falls in 1848 modeled their Declaration of Sentiments in precisely the same terms as the Declaration of Independence. "We hold these truths to be self-evident," they said, "that all men and women are created equal." Similarly, the African-American anti-slavery activist David Walker challenged white Americans in 1829 to "See your Declaration Americans!!! Do you understand your own language?" Walker dared America to live up to its self-proclaimed ideals. If all men were created equal, then why was slavery legal?

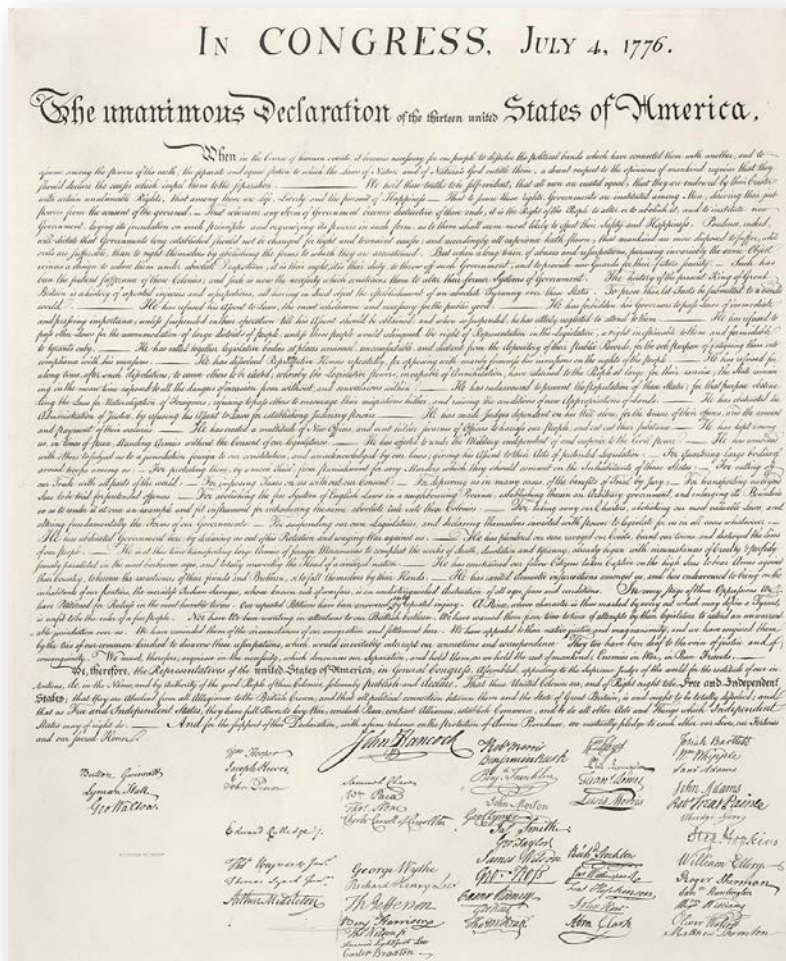
The ideal of full human equality has been a major legacy, and ongoing challenge, of the Declaration of Independence. But the signers of 1776 did not have quite that radical an agenda. The possibility for sweeping social changes was certainly discussed in 1776. For instance, Abigail Adams suggested to her husband John Adams that in the "new Code of Laws" that he helped draft at the Continental Congress, he should, "Remember the Ladies, and be more generous and favorable to them." It didn't work out that way.

Thomas Jefferson provides the classic example of the contradictions of the Revolutionary Era. Although he was the chief author of the Declaration, he also owned slaves, as did many of his fellow signers. They did not see full human equality as a positive social goal. Nevertheless, Jefferson was prepared to criticize slavery

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much more directly than most of his colleagues. His original draft of the Declaration included a long passage that condemned King George for allowing the slave trade to flourish. This implied criticism of slavery, a central institution in early American society, was deleted by just one vote of the Continental Congress before the delegates signed the Declaration.



So, what did the signers intend by using such idealistic language? Look at what follows the line, “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, That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness.”

These lines suggest that the whole purpose of government is to secure the people's rights and that government gets its power from “the consent of the governed.” If

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that consent is betrayed, then “it is the right of the people to alter or abolish” their government. When the Declaration was written, this was a radical statement. The idea that the people could reject a monarchy, and replace it with a republican government based on the consent of the people was a revolutionary change.

Historians must be careful to balance the meaning of events in their own time and the meaning they have taken on over time. The sentiments expressed in the Declaration of Independence are enormously important now. However, the generation of Americans who secured independence did not share the same ideas about equality we associate with the Declaration. The fact was that for many people in America, very little changed because of the Revolution.

## THE SOLDIERS

Americans remember the famous battles of the American Revolution such as Bunker Hill, Saratoga, and Yorktown, in part, because they were Patriot victories. But this apparent string of successes is misleading.

The Patriots lost more battles than they won and, like any war, the Revolution was filled with hard times, loss of life, and suffering. In fact, the Revolution had one of the highest casualty rates of any American war. Only the Civil War was bloodier.

In the early days of 1776, most Americans were naïve when assessing just how difficult the war would be. Great initial enthusiasm led many men to join local militias where they often served under officers of their own choosing. Yet, these volunteer forces were not strong enough to defeat the British army, which was the most highly trained and best equipped in the world. Because most men preferred serving in the militia, the Continental Congress had trouble getting volunteers for General George Washington's Continental Army. This was in part because, the Continental Army demanded longer terms and harsher discipline.

Washington correctly insisted on having a regular army as essential to any chance for victory. After a number of militia losses in battle, the Congress gradually developed a stricter military policy. It required each state to provide a larger quota of men, who would serve for longer terms, but who would be compensated by a signing bonus and the promise of free land after the war. This policy aimed to fill the ranks of the Continental Army, but was never entirely successful. While the Congress authorized an army of 75,000, at its peak Washington's main force never had more than 18,000 men. The terms of service were such that only men with relatively few other options chose to join the Continental Army.

Part of the difficulty in raising a large and permanent fighting force was that many Americans feared the army as a threat to the liberty of the new republic. The ideals of the Revolution suggested that the militia, made up of local Patriotic volunteers, should be enough to win in a good cause against a corrupt enemy. Beyond this idealistic opposition to the army, there were also more pragmatic difficulties. If a wartime army camped near private homes, they often seized food and personal property. Exacerbating the situation was Congress inability to pay, feed, and equip the army.

As a result, soldiers often resented civilians whom they saw as not sharing equally in the sacrifices of the Revolution. Several mutinies occurred toward the end of the war, with ordinary soldiers protesting their lack of pay and poor conditions. Not only were soldiers angry, but officers also felt that the country did not treat them well. Patriotic

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civilians and the Congress expected officers, who were mostly elite gentlemen, to be honorably self-sacrificing in their wartime service. When officers were denied a lifetime pension at the end of the war, some of them threatened to conspire against the Congress. General Washington, however, acted swiftly to halt this threat before it was put into action.

The Continental Army defeated the British, with the crucial help of French financial and military support, but the war ended with very mixed feelings about the usefulness of the army. Not only were civilians and those serving in the military mutually suspicious, but also even within the army soldiers and officers could harbor deep grudges against one another. The war against the British ended with the Patriot military victory at Yorktown in 1781. However, the meaning and consequences of the Revolution had not yet been decided.

## THE LOYALISTS

Any full assessment of the American Revolution must try to understand the place of Loyalists, those Americans who remained faithful to the British Empire during the war.

Although Loyalists were steadfast in their commitment to remain within the British Empire, it was a very hard decision to make and to stick to during the Revolution. Even before the war started, a group of Philadelphia Quakers were arrested and imprisoned in Virginia because of their perceived support of the British. The Patriots were not a tolerant group, and Loyalists suffered regular harassment, had their property seized, or were subject to personal attacks.

The process of tar and feathering, for example, was brutally violent. Stripped of clothes, covered with hot tar, and splattered with feathers, the victim was then forced to parade about in public. Unless the British Army was close at hand to protect Loyalists, they often suffered at the hands of local Patriots and often had to flee their own homes. About one-in-six Americans was an active Loyalist during the Revolution, and that number undoubtedly would have been higher if the Patriots hadn't been so successful in threatening and punishing people who made their Loyalist sympathies known.

One famous Loyalist is Thomas Hutchinson, a leading Boston merchant from an old American family, who served as governor of Massachusetts. Viewed as pro-British by some citizens of Boston, Hutchinson's house was burned in 1765 by an angry crowd protesting the Crown's policies. In 1774, Hutchinson left America for London where he died in 1780 and always felt exiled from his American homeland. One of his letters suggested his sad end, for he, "had rather die in a little country farm-house in New England than in the best nobleman's seat in old England." Like his ancestor, Anne Hutchinson who suffered religious persecution from Puritan authorities in the early 17th-century, the Hutchinson family suffered severe punishment for holding beliefs that other Americans rejected.

Perhaps the most interesting group of Loyalists were enslaved African-Americans who chose to join the British army. The British promised to liberate slaves who fled from their Patriot masters. This powerful incentive, and the opportunities opened by the chaos of war, led some 50,000 slaves (about 10 percent of the total slave population in the 1770s) to flee. When the war ended, the British evacuated 20,000 formerly enslaved African Americans and resettled them as free people.

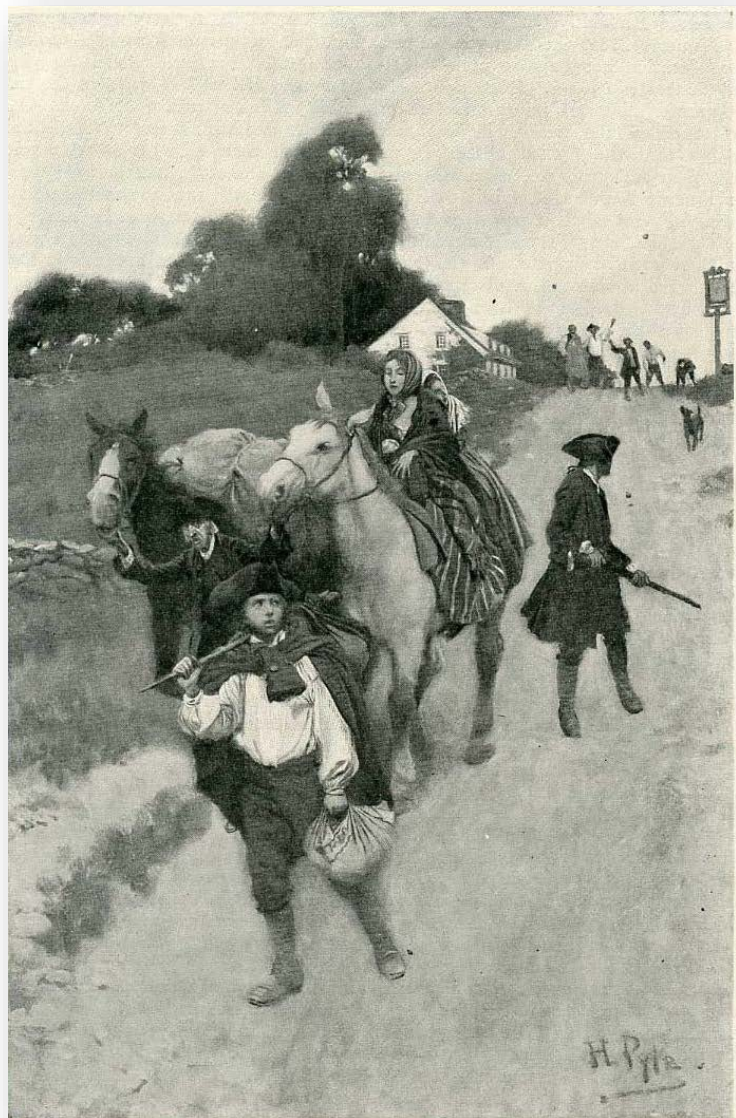
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Along with this group of black Loyalists, about 80,000 other Loyalists chose to leave the independent United States after the Patriot victory in order to remain members of the British Empire. Wealthy men like Thomas Hutchinson who had the resources went to London. But most ordinary Loyalists went to Canada where they would come to play a large role in the development of Canadian society and government. In this way, the American Revolution played a central role shaping the future of two North American countries.

### Secondary Source: Sketch

Tory Refugees on their way to Canada, a sketch by American artist Howard Pyle. The work appeared in Harper's Monthly in December 1901.



### AFRICAN AMERICANS

The American Revolution, as an anti-tax movement, centered on Americans' right to control their own property. In the 18th century "property" included other human beings.

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In many ways, the Revolution reinforced American commitment to slavery. On the other hand, the Revolution also hinged on radical new ideas about “liberty” and “equality,” which challenged slavery's long tradition of extreme human inequality. The changes to slavery in the Revolutionary Era revealed both the potential for radical change and its failure more clearly than any other issue.



**Secondary Source: Engraving**

Bishop Richard Allen, founder of the African Methodist Episcopal Church

Slavery was a central institution in American society during the late-18th century, and was accepted as normal and applauded as a positive thing by many white Americans. However, this broad acceptance of slavery among the White population began to be challenged in the Revolutionary Era. The challenge came from several sources, partly from Revolutionary ideals, partly from a new evangelical religious commitment that stressed the equality of all Christians, and partly from a decline in the profitability of tobacco in the most significant slave region of Virginia and adjoining states.

The decline of slavery in the period was most noticeable in the states north of Delaware, all of which passed laws outlawing slavery quite soon after the end of the war. However, these gradual emancipation laws were very slow to take effect. Many of them only freed the children of current slaves, and even then, only when the

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children turned 25 years old. Although laws prohibited slavery in much of the North, slavery persisted well into the 19th century.

Even in the South, there was a significant movement toward freeing slaves. In states where tobacco production no longer demanded large numbers of slaves, the free black population grew rapidly. By 1810, one third of the African American population in Maryland was free, and in Delaware, free blacks outnumbered enslaved African Americans by three to one. Even in the powerful slave state of Virginia, the free black population grew more rapidly than ever before in the 1780s and 1790s. This new free black population created a range of public institutions for themselves that usually used the word “African” to announce their distinctive pride and insistence on equality.

The most famous of these new institutions was Richard Allen's **African Methodist Episcopal Church** founded in Philadelphia.



**African Methodist Episcopal Church:**

The first major protestant religious organization established primarily by and for African Americans in the United States.

Although the rise of the free black population is one of the most notable achievements of the Revolutionary Era, it is crucial to note that the overall impact of the Revolution on slavery also had negative consequences. In rice-growing regions of South Carolina and Georgia, the Patriot victory confirmed the power of the master class. Doubts about slavery and legal modifications that occurred in the North and Upper South, never took serious hold among whites in the Lower South. Even in Virginia, the move toward freeing slaves was made more difficult by new legal restrictions in 1792.

In the North, where slavery was on its way out, racism still persisted, as in a Massachusetts law of 1786 that prohibited whites from legally marrying African Americans, Native Americans, or people of mixed race. The Revolution clearly had a mixed impact on slavery and contradictory meanings for African Americans.

## WOMEN

The Revolutionary rethinking of the rules for society also led to some reconsideration of the relationship between men and women. At this time, women were widely considered inferior to men, a status that was especially clear in the lack of legal rights for married women. Laws did not recognize wives' independence in economic, political, or civic matters in Anglo-American society of the eighteenth century.

Even future first ladies had relatively little influence. After the death of her first husband, Dolley Todd Madison, had to fight her deceased spouse's heirs for control of his estate. And Abigail Adams, an early advocate of women's rights, could only encourage her husband John, to “remember the ladies” when drawing up a new federal government. She could not participate in the creation of this government herself.

The Revolution increased people's attention to political matters and made issues of liberty and equality especially important. As Eliza Wilkinson of South Carolina explained in 1783, “I won't have it thought that because we are the weaker sex as to bodily strength we are capable of nothing more than domestic concerns. They won't even allow us liberty of thought, and that is all I want.”

Judith Sargent Murray wrote the most systematic expression of a feminist position in this period in 1779, although was not published until 1790. Her essay, *On the Equality of the Sexes*, challenged the view that men had greater intellectual capacities than

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women. Instead, she argued that whatever differences existed between the intelligence of men and women were the result of prejudice and discrimination that prevented women from sharing the full range of male privilege and experience. Murray championed the view that the order of nature demanded full equality between the sexes, but that male domination corrupted this principle.

Like many other of the most radical voices of the Revolutionary Era, Murray's support for gender equality was largely met by shock and disapproval. Revolutionary and early America remained a place of male privilege. Nevertheless, the understanding of the proper relationships among men, women, and the public world underwent significant change in this period. The republican thrust of revolutionary politics required intelligent and self-disciplined citizens to form the core of the new republic. This helped shape a new ideal for wives as republican mothers who could instruct their children, sons especially, to be intelligent and reasonable individuals. This heightened significance to a traditional aspect of wives' duties brought with it a new commitment to female education and helped make husbands and wives more equal within the family.

Although **Republican Motherhood** represented a move toward greater equality between husbands and wives, it was far less sweeping than the commitment to equality put forth by women like Judith Sargent Murray. In fact, the benefits that accompanied this new ideal of motherhood were largely restricted to elite families that had the resources to educate their daughters and to allow wives to not be employed outside the household. Republican motherhood did not meaningfully extend to White working women and was not expected to have any place for enslaved women.



**Republican Motherhood:** An idea that developed after the American Revolution centered on the belief that it was the role of women to uphold the ideals of the Revolution by passing on republican values to the next generation. The term was coined by historians in the 20<sup>th</sup> Century.

## NATIVE AMERICANS

While the previous explorations of African American and white female experience suggest both the gains and limitations produced in the Revolutionary Era, from the perspective of almost all Native Americans the American Revolution was an unmitigated disaster. At the start of the war, Patriots worked hard to try to ensure native neutrality, for they could provide strategic military assistance that might decide the struggle. Gradually, however, it became clear to most native groups that an independent America posed a far greater threat to their interests and way of life than a continued British presence that restrained American westward expansion.

Cherokees and Creeks, among others tribes in the southern interior and most Iroquois nations in the northern interior provided crucial support to the British war effort. With remarkably few exceptions, Native American support for the British was close to universal.

The experience of the Iroquois Confederacy in current-day northern New York provides a clear example of the consequences of the Revolution for Native American. The Iroquois represented an alliance of six different native groups who had responded to the dramatic changes of the Colonial Era more successfully than most other Natives in the eastern third of North America. Their political alliance, which had begun to take shape in the 1400, even before the arrival of European colonists, was the most durable factor in their persistence in spite of the disastrous changes brought on by European contact. During the American Revolution, the Confederacy fell apart for the first time since its creation as different Iroquois groups fought against one another.

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The Mohawk chief Thayendanegea, known to English-speaking Americans as Joseph Brant, was the most important Iroquois leader in the Revolutionary Era. He convinced four of the six Iroquois nations to join him in an alliance with the British and was instrumental in leading combined Native, British, and Loyalist forces on punishing raids in western New York and Pennsylvania in 1778 and 1779. These were countered by a devastating Patriot campaign into Iroquois country that was explicitly directed by General Washington to both engage warriors in battle and to destroy all Indian towns and crops so as to limit the military threat posed by the Native-British alliance.



**Secondary Source: Painting**

The Siege of the Fort at Detroit by Frederic Remington.

In spite of significant Native American aid to the British, the European treaty negotiations that concluded the war in 1783 had no native representatives. The Iroquois and other tribes had not surrendered nor suffered a final military defeat, however, the United States claimed that its victory over the British meant a victory over Natives as well. Not surprisingly, due to their lack of representation during treaty negotiations, Native Americans received very poor treatment in the diplomatic arrangements. The British retained their North American holdings north and west of the Great Lakes, but granted the new American republic all land between the Appalachian Mountains and the Mississippi River. In fact, this region was largely unsettled by Whites and mostly inhabited by Native Americans. As a member of the Wea tribe complained about the failed military alliance with the British, “In endeavoring to assist you it seems we have wrought our own ruin.” Even groups like the Oneida, one of the Iroquois nations that allied with the Americans, were forced to give up traditional lands.

Despite the sweeping setback to Native Americans represented by the American Revolution, native groups in the trans-Appalachian west would remain a vital force and a significant military threat to the new United States. Relying on support from Spanish colonists in New Orleans as well as assistance from the British at Fort Detroit, various Native groups continued to resist Anglo-American incursions well into the 1800s.

Although the outcome of the Revolution for most Native American groups was disastrous, their continued struggle for autonomy, independence, and full legal

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treatment resulted in partial victories at a much later date. In some ways, this native struggle showed a more thorough commitment to certain revolutionary principles than that demonstrated by the Patriots themselves.

## YEOMEN AND ARTISANS

The Revolution succeeded for many reasons, but central to them was broad popular support for a social movement that opposed monarchy and the hereditary privilege. Diverse Americans rallied to the cause to create an independent American republic in which individuals would create a more equal government through talent and a strong commitment to the public good. Two groups of Americans most fully represented the independent ideal in this republican vision for the new nation: yeomen farmers and urban artisans. These two groups made up the overwhelming majority of the White male population, and they were the biggest beneficiaries of the American Revolution.

The **yeomen farmer** who owned his own modest farm and worked it primarily with family labor remains the embodiment of the ideal American: honest, virtuous, hardworking, self-sufficient, and independent. These same values made yeomen farmers central to the republican vision of the new nation. Because family farmers did not exploit large numbers of other laborers and because they owned their own property, they were seen as the best kinds of citizens to have political influence in a republic.

 **Yeoman Farmer:** An American who owned his own modest farm a primarily with family labor. According to Thomas Jefferson, he was the embodiment of the ideal American: honest, virtuous, hardworking, and independent.

While yeomen represented the largest number of White farmers in the Revolutionary Era, artisans were a leading urban group making up at least half the total population of seacoast cities. Artisans were skilled workers drawn from all levels of society from poor shoemakers and tailors to elite metal workers. The silversmith Paul Revere is the best-known artisan of the Revolution, and exemplifies an important quality of artisans. They had contact with a broad range of urban society. These connections helped place artisans at the center of the Revolutionary movement and it is not surprising that the origins of the Revolution can largely be located in urban centers like Boston, New York, and Philadelphia, where artisans were numerous. Like yeomen farmers, artisans also saw themselves as central figures in a republican order where their physical skill and knowledge of a specialized craft provided them with the personal independence and hard-working virtue to be good citizens.

The representatives elected to the new republican state governments during the Revolution reflected the dramatic rise in importance of independent yeomen and artisans. A comparison of the legislatures in six colonies (New York, New Hampshire, New Jersey, Maryland, Virginia, and South Carolina) before the war reveals that 85% of the assemblymen were very wealthy, but by war's end in 1784, yeomen and artisans of moderate wealth made up 62% of elected officials in the three northern states, while they formed 30%, a significant minority, in the southern states. The Revolution's greatest achievement, and it was a major change, was the expansion of formal politics to include independent workingmen of modest wealth.

## THE AGE OF REVOLUTION

The American Revolution needs to be understood in a broader framework than simply that of domestic events and national politics. The American Revolution started a trans-Atlantic Age of Revolution. Thomas Paine, the author of *Common Sense*, permits a biographical glimpse of the larger currents of revolutionary change in this

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period. Paine was English-born and had been in the American colonies less than two years when he wrote what would become the most popular publication of the American Revolution.

Paine foresaw that the struggle to create an independent republic free of monarchy was a cause of worldwide importance. For Paine, success would make America “an asylum for all mankind.” After the war, Paine returned to England and France where he continued his radical activism by publishing a defense of the French Revolution, in 1791 in his most famous work, *The Rights of Man*. Paine also served as a politician in revolutionary France. His international role reveals some of the connections among different countries at the time.



### Secondary Source: Painting

The Storming of the Bastille on July 14, 1789 is one of the iconic events of the French Revolution. The people of Paris raided the infamous prison and released political prisoners. Bastille Day is a national holiday in France, roughly equivalent to the Fourth of July in the United States.

The French Revolution surely sprung from important internal dynamics, but the connection between the French struggle that began in 1789 and the American Revolution was widely acknowledged at the time. As a symbol of the close relationship, the new French government sent President Washington the key to the door of the Bastille, the prison that had been destroyed by a Parisian revolutionary crowd in one of the great collective actions of the French Revolution. For a time, most Americans celebrated the French overthrow of an absolutist monarch in favor of a constitutional government.

However, in 1792 and 1793 the French Revolution took a dark turn with the beheading of the king. Thus began a period of radicalization that saw significant action on behalf of oppressed groups, including the poor, women and racial outcasts. Unfortunately, this period was also marked by rapidly rising violence that was often sanctioned by the revolutionary government. The violence swept beyond the boundaries of the French revolutionary republic, as it became locked in a war against a coalition of traditional European powers headed by Great Britain.

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The winds of the Age of Revolution soon carried back across the Atlantic to the French colony of St. Domingue in the Caribbean. Here, enslaved people responded to the Paris government's abolition of racial distinctions with a rebellion that began in 1791. Long years of violent conflict followed that ended with the creation of the independent black-run Republic of Haiti in 1804 and the United States was joined by a second republican experiment in the New World.

In comparison to the French and Haitian Revolutions, the lack of radical change in the American Revolution is glaring. The benefits of the American Revolution for the poor, for women, and, perhaps most of all, for enslaved people, were very limited. Nevertheless, the American Revolution did transform American society in meaningful ways and it accomplished its changes with comparatively little internal violence.

Most notably of all, the American Revolution created new republican political institutions that proved to be remarkably stable and long lasting. For all its limitations, the American Revolution had built a framework that allowed for future inclusion and redress of wrongs.

### CONCLUSION

For most Americans, life was not significantly different after the Revolution. For some, they were decidedly worse off. For a Revolution purportedly intended to bring rights inspired by the Enlightenment to the masses, few people actually enjoyed any more rights after all was said and done than they had under British rule.

What do you think? Was the American Revolution actually revolutionary?

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## SUMMARY

The Declaration of Independence is one of the most important documents in American history. The introduction laid out basic ideas about human freedom and the meaning of America. Over time we have expanded our idea of what the Declaration means and who it applies to. For example, in the beginning the phrase “all men are created equal” only applied to White men who owned property. Today, we include men and women of all races and all stations in life.

Soldiers who fought in the War for Independence had a difficult time. In the beginning of the war, the American army was made up of various volunteer militias. As the war progressed, Washington fashioned a professional army, but they were poorly paid and poorly equipped by Congress and mutinies and desertion were common. At the end of the war, the army was a powerful force and the people and the government were suspicious that military officers might try to take power for themselves.

Loyalists were treated poorly throughout the war and especially afterward. Many fled to Britain or Canada.

The Revolution was not an advancement in freedom for African Americans. The British offered freedom for slaves who agreed to fight for the British army, so the Americans were effectively fighting to perpetuate slavery. There was a rise in the population of free African Americans in the North during the war and institutions such as churches developed. The ideas of liberty expressed in the Declaration were embraced by African Americans in later generations who used it as a rallying cry for emancipation and civil rights.

Although women contributed a great deal to the success of the war effort, they were not included in the new governments that followed. Women did become the primary teachers of revolutionary ideas to their children, thus gaining the position of preservers and perpetuators of the essential nature of the American experiment.

Native Americans lost badly. Tribes had almost universally supported the British who had promised to help secure their land rights against encroaching American settlers. The British loss contributed to efforts by Native American leaders to form intertribal alliances between the Great Lakes and Mississippi River area against the new American nation.

Because the Founding Fathers gave voting rights to White men who owned land, small farmers came out of the Revolution as victors. Artisans such as silversmith Paul Revere also came out of the Revolution well. Of course, most of the Founding Fathers were wealthy landowners and they also benefited from the Revolution.



#### KEY CONCEPTS

**Republican Motherhood:** An idea that developed after the American Revolution centered on the belief that it was the role of women to uphold the ideals of the Revolution by passing on republican values to the next generation. The term was coined by historians in the 20th Century.



#### PEOPLE AND GROUPS

**African Methodist Episcopal Church:** The first major protestant religious organization established primarily by and for African Americans in the United States.

**Yeoman Farmer:** An American who owned his own modest farm a primarily with family labor. According to Thomas Jefferson, he was the embodiment of the ideal American: honest, virtuous, hardworking, and independent.



# 2

## S E C O N D Q U E S T I O N WHY ARE WE THE, AND NOT THESE UNITED STATES?



### INTRODUCTION

Today we call ourselves “the United States,” but this was not always so. When Washington and the Colonial Army effectively secured independence at Yorktown in 1781, most people referred to their new nation as “these United States.”

This may seem like a minor difference, but consider the implications of how we speak of our nation. If we are “these United States,” we must think of ourselves as a collection of individual parts. If we are “the United States,” we are thinking first of the whole, and then noting that it is made up of parts. It is a bit like talking about M&Ms or a bag of M&Ms. In the first case, we are speaking of a plural and in the second a singular entity.

How did this change come about? How did Americans stop thinking of themselves as a collection of individual colonies or states, and start thinking about themselves as a single nation? When did we stop being citizens of New York, Massachusetts, or Rhode Island before being American?

This is the question you will explore here. Why are we THE United States and not THESE United States?

## 2 WHY ARE WE THE, AND NOT THESE UNITED STATES?



### STATE CONSTITUTIONS

The states faced serious and complicated questions about how govern themselves after independence. What did it mean to replace royal authority with institutions based on popular rule? How was popular sovereignty, the idea that the people were the highest authority, to be institutionalized in the new state governments? For that matter, who were the people?

Every state chose to answer these questions in different ways based on distinctive local experiences, but in most cases colonial traditions were continued, with some modifications, so that the governor lost significant power, while the assemblies, the legislative branch that represented the people most directly, became much more important. The new rules created in three states to suggest the range of answers to the question about how to organize republican governments based upon popular rule.

Pennsylvania created the most radical state **constitution** of the period. Following the idea of popular rule to its logical conclusion, Pennsylvania created a state government with several distinctive features. First, the Pennsylvania Constitution of 1776 abolished property requirements for voting as well as for holding office. All adult man who paid taxes were allowed to vote or even to run for office. This was a dramatic expansion of who was considered a political person, but other aspects of the new state government were even more radical. Pennsylvania also became a **unicameral** government where the legislature only had one body. Furthermore, the office of the governor was entirely eliminated. Radicals in Pennsylvania observed that the governor was really just like a small-scale king and that an upper legislative body, like the House of Lords in Parliament, was supposed to represent wealthy men and aristocrats. Rather than continue those forms of government, the Pennsylvania constitution decided that the people could rule most effectively through a single body with complete legislative power.

Many conservative Patriots viewed Pennsylvania's new design with horror. When John Adams described the Pennsylvania constitution, he only had bad things to say. To him it was "so democratical that it must produce confusion and every evil work." Clearly, popular rule did not mean sweeping democratic changes to all Patriots.

South Carolina's State Constitution of 1778 created new rules at the opposite end of the political spectrum from Pennsylvania. In South Carolina, white men had to possess significant property to vote, and they had to own even more property to be allowed to run for political office. In fact, these property requirements were so high that 90% of all White adults were prevented from running for political office.

This dramatic limitation of who could be an elected political leader reflected a central tradition of Anglo-American political thought in the 1700s. Only individuals who were financially independent were believed to have the self-control to make responsible and reasonable judgments about public matters. As a result poor white men, all women, children, and African Americans, both free and slave, were considered too dependent on others to exercise reliable political judgment. While most of these traditional exclusions from political participation have been ended, age limitations remain largely unchallenged.

The creation of the Massachusetts State Constitution of 1780 offered yet another way to answer some of the questions about the role of "the people" in creating a



**Constitution:** Document that outlines the form and function of the United States government. Written in 1787, it has been amended less than 30 times.



**Unicameral:** A legislature with only one group or body of representatives.

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republican government. When the state legislature presented the voters with a proposed constitution in 1778, it was rejected because the people thought that this was too important an issue for the government to present to the people. If the government could make its own rules, then it could change them whenever it wanted and easily take away peoples' liberties. Following through on this logic, Massachusetts held a special convention in 1780 where specially elected representatives met to decide on the best framework for the new state government.

This idea of a special convention of the people to decide important constitutional issues was part of a new way of thinking about popular rule that would play a central role in the ratification of the national Constitution in 1787-1788.

### THE ARTICLES OF CONFEDERATION

While the state constitutions were being created, the Continental Congress continued to meet as a general political body. Despite being the central government, it was a loose confederation and most power was held by the individual states. By 1777 members of Congress realized that they should have some clearly written rules for how they were organized. As a result the **Articles of Confederation** were drafted and passed by the Congress in November.

 **Articles of Confederation:** The plan for government created during the War for Independence. It featured a unicameral legislature, no executive, and favored state power over federal power. It proved ineffective and was replaced by the Constitution.

This first national constitution for the United States was not particularly innovative, and mostly put into written form how the Congress had operated since 1775.

Even though the Articles were rather modest in their proposals, they were not ratified by all the states until 1781. Even this was accomplished largely because the danger of war demanded greater cooperation.

The purpose of the central government was clearly stated in the Articles. The Congress had control over diplomacy, printing money, resolving controversies between different states, and, most importantly, coordinating the war effort. The most important action of the Continental Congress was probably the creation and maintenance of the Continental Army. Even in this area, however, the central government's power was quite limited. While Congress could call on states to contribute specific resources and numbers of men for the army, it was not allowed to force states to obey the central government's request.

The organization of congress itself demonstrates the primacy of state power. Each state had one vote. Nine out of thirteen states had to support a law for it to be enacted. And, any changes to the Articles themselves would require unanimous agreement. In the one-state, one-vote rule, state sovereignty was given a primary place even within the national government. Furthermore, the whole national government consisted entirely of the unicameral Congress with no executive and no judicial organizations.

The national Congress' limited power was especially clear when it came to money issues. Not surprisingly, given that the Revolution's causes had centered on opposition to unfair taxes, the central government had no power to raise its own revenues through taxation. All it could do was request that the states give it the money necessary to run the government and wage the war. In 1780, with the outcome of the War for Independence still very much undecided, the central government had run out of money and was bankrupt! As a result, the paper money it issued was basically worthless. To say something is "not worth a continental" is to say it has no value. Clearly, it comes from this time period.

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Robert Morris, who became the Congress' superintendent of finance in 1781, forged a solution to this dire dilemma. Morris expanded existing government power and secured special privileges for the Bank of North America in an attempt to stabilize the value of the paper money issued by the Congress. His actions went beyond the limited powers granted to the national government by the Articles of Confederation, but he succeeded in limiting runaway inflation and resurrecting the fiscal stability of the national government.



### Primary Source: Photograph

Independence Hall in Philadelphia. Originally known as the Pennsylvania State House, the building housed the Pennsylvania colonial and state governments, as well as the Continental Congress. Both the Declaration of Independence and the Constitution were signed there. The Liberty Bell hung in its tower (although it is now in a museum across the street).

### SUCCESSES UNDER THE ARTICLES OF CONFEDERATION

The central failure of the Congress was related to its limited FISCAL POWER. Because it could not impose taxes on the states, the national government's authority and effectiveness was severely limited. Given this major encumbrance, the accomplishments of the Congress were actually quite impressive. First of all, it raised the Continental Army, kept it in the field, and managed to finance the war effort.

Diplomatic efforts helped the war effort too. Military and financial support from France secured by Congress helped the Americans immeasurably. The diplomatic success of the treaty of alliance with France in 1778 was unquestionably a major turning point in the war. Similarly, the success of Congress' diplomatic envoys to the peace treaty ending the war also secured major — and largely unexpected — concessions from the British in 1783. The treaty won Americans' fishing rights in rich Atlantic waters that the British navy could have controlled. Most importantly, Britain granted all its western lands south of the Great Lakes to the new United States.

Although winning these western lands from the British was an important diplomatic victory for the United States, actually having them created new problems. Ownership of this land and how to best settle it was enormously controversial. Before independence, each colony had claimed lands west of the Appalachian Mountains. As part of ratifying the Articles of Confederation, each state had ceded its claim to

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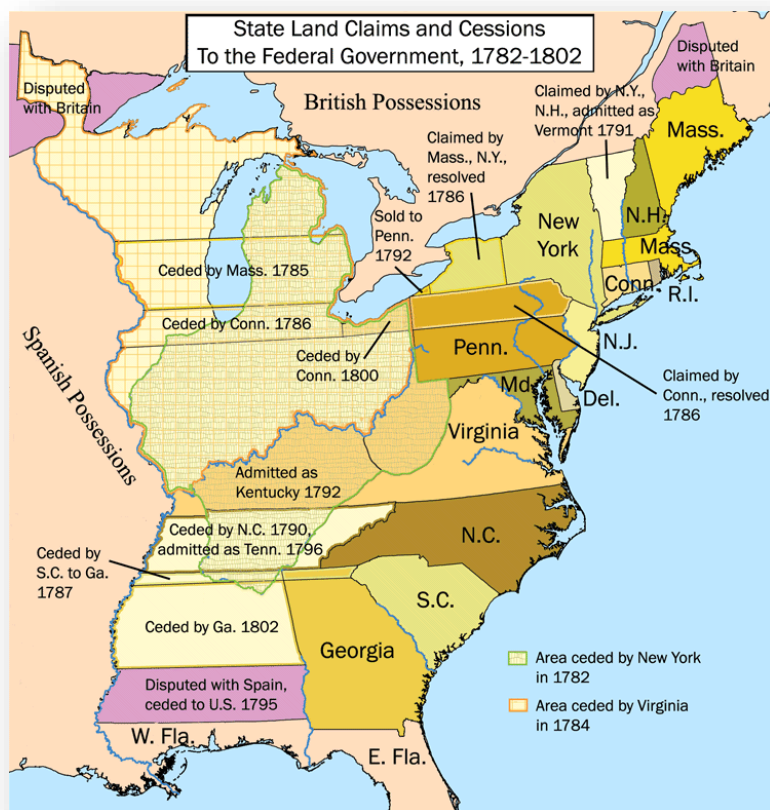


western land to the national government, but the lure of wealth in the West might lead state leaders to reassert their old claims.

To make matters worse, many Americans had ignored legal restrictions on western settlement, such as the Proclamation of 1763, and simply struck out for new land that they claimed as their own by right of occupation. How could a national Congress with limited financial resources and no coercive power deal with this complex problem?


### Secondary Source: Map


Land claims ceded by the first 13 states during the Articles of Confederation Era.



The Congressional solution was a remarkable act of statesmanship that tackled several problems and did so in a fair manner. The Congress succeeded in asserting its ownership of the western lands and used the profits from their sale to pay the enormous expenses associated with settlement such as construction of roads and providing military protection. Second, the Congress established a process for future states in this new area to join the Confederation. The new states would be sovereign and not suffer secondary colonial status. That is, they would be states equal to the original thirteen members.

The actual process by which Congress took control of the area of western lands north of the Ohio River indicated some of its most impressive actions. Congress passed three laws – the **Ordinance of 1784**, the **Land Ordinance of 1785** and the **Northwest Ordinance of 1787**, regarding the settlement of this **Northwest Territory**. Together, these three laws established an admission policy to the United States based on

 **Ordinance of 1784, Land Ordinance of 1785 and Northwest Ordinance of 1787:** Laws that outlined the process of settlement of the Northwest Territory. They provided for an orderly, rectangular pattern of land division, set aside land for schools, and banned slavery.

 **Northwest Territory:** Area that today includes Ohio, Indiana, Illinois, Michigan and Wisconsin.

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population, organized the settlement of the territory on an orderly rectangular grid pattern that helped make legal title more secure, and prohibited the expansion of slavery to this large region which would eventually include the states of Ohio, Indiana, Illinois, Michigan, and Wisconsin.

The resolution of a potentially crisis-filled western land policy was perhaps the most outstanding accomplishment of the first national government. A political process for adding new states as equals was created. A partial solution to the national revenue crisis was found. Together these policies fashioned a mechanism for the United States to be a dynamic and expanding society. Most remarkably of all, Congressional western policy put into practice some of the highest Revolutionary ideals that often went unheeded. By forbidding slavery in the Northwest as an inappropriate institution for the future of the United States, the Congress' achievements should be considered quite honorable. At the same time, however, there were people whose rights were infringed upon by this same western policy. The control of land settlement by the central government favored wealthy large-scale land developers over small-scale family farmers. Furthermore, Native Americans' claim to a western region still largely unsettled by Whites, was ignored.

### THE ECONOMIC CRISIS OF THE 1780S

The **economic problems** faced by the Congress deeply affected the lives of most Americans in the 1780s. The war had disrupted much of the American economy. On the high seas, the British navy had superiority and destroyed most American ships, crippling the flow of trade. On land, where both armies regularly stole from local farms in order to find food, farmers suffered tremendously.

When the fighting came to an end in 1781, the economy was in a shambles. Exports to Britain were restricted. Further, British law prohibited trade with Britain's remaining sugar colonies in the Caribbean. Thus, two major sources of colonial-era commerce were eliminated. A flood of cheap British manufactured imports that sold at lower prices than comparable American goods made the post-war economic slump worse. Finally, the high level of debt taken on by the states to fund the war effort added to the economic crisis by helping to fuel rapid inflation.

This crisis was a grave threat to individuals, as well as to the stability and future of the young republic. Independence had been declared and the war had made that a reality, but now the new republican governments, at both the state and national level, had to make difficult decisions about how to respond to serious economic problems. Most state legislatures passed laws to help ordinary farmers deal with their high level of debt. Repayment terms were extended and imprisonment for debt was relaxed.

However, the range of favorable debtor laws passed by the state legislatures in the 1780s outraged those who had extended loans and expected to be paid, as well as political conservatives. Political controversy about what represented the proper economic policy mounted and approached the boiling point. As James Madison of Virginia noted, the political struggles were primarily between "the class with, and [the] class without, property." Just as the republican governments had come into being and rethought the meaning of popular government, the economic crisis threatened their future.



**Economic Crisis of the 1780s:** Period after the conclusion of the War for Independence characterized by unemployment, debt, a stagnant economy and social and political upheaval. Hamilton's economic plans were designed to address this crisis.

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### SHAYS' REBELLION

The crisis of the 1780s was most intense in the rural and relatively newly settled areas of central and western Massachusetts. Many farmers in this area suffered from high debt as they tried to start new farms. Unlike many other state legislatures in the 1780s, the Massachusetts government didn't respond to the economic crisis by passing pro-debtor laws. Such laws included provisions for forgiving debt and printing more paper money. More currency in circulation would have driven the value of money and made it less expensive for debtors to pay off their loans. Without such laws on the books, local sheriffs seized many farms. Worse, it was not uncommon for debtors to be taken to court. If they could not pay, they would be thrown in prison until they did. Of course, it is hard to manage a farm and raise any money from prison, so both the wealthy merchants of Boston who had extended the loans and the courts were hated in western Massachusetts.


These conditions led to the first major armed rebellion in the post-Revolutionary United States. Once again, Americans resisted high taxes and unresponsive government that was far away. But this time it was Massachusetts's settlers who were angry with a republican government in Boston, rather than with the British government across the Atlantic.


The farmers in western Massachusetts organized their resistance in ways similar to the American Revolutionary struggle. They called special meetings of the people to protest conditions and agree on a coordinated protest. This led the rebels to close the courts by force in the fall of 1786 and to liberate imprisoned debtors from jail.


Soon events flared into a full-scale revolt when the resisters came under the leadership of **Daniel Shays**, a former captain in the Continental Army. This was the most extreme example of what could happen in the tough times brought on by the economic crisis. Some thought of the **Shaysites** (named after their military leader) as heroes in the direct tradition of the American Revolution, while many others saw them as dangerous rebels whose actions might topple the young experiment in republican government.

James Bowdoin, the governor of Massachusetts, was clearly in the latter group. He organized a military force funded by eastern merchants, many of whom would benefit if the farmers were forced to pay off their debts, to confront the rebels. This armed force crushed the movement in the winter of 1786-1787 as the Shaysites fell apart when faced with a strong army organized by the state. While the rebellion disintegrated quickly, the underlying social forces that propelled such dramatic action remained. The debtors' discontent was widespread and similar actions occurred on a smaller scale in Maine (then still part of Massachusetts), Connecticut, New York, and Pennsylvania among others places.

While Governor Bowdoin had acted decisively in crushing the rebellion, the voters turned against him in the next election. Perhaps rightly, the voters believed that the state's wealthy few were running the government and ignoring the needs of the masses. This high level of discontent, popular resistance, and the election of pro-debtor governments in many states threatened the political notions of many political and social elites. **Shays' Rebellion** demonstrated the high degree of internal conflict lurking beneath the surface of post-Revolutionary life.

 **Daniel Shays:** Farmer and former Revolutionary War soldier who organized a rebellion in Western Massachusetts in 1786-87. He and his followers were upset about economic inequalities and debt laws that disadvantaged farmers.

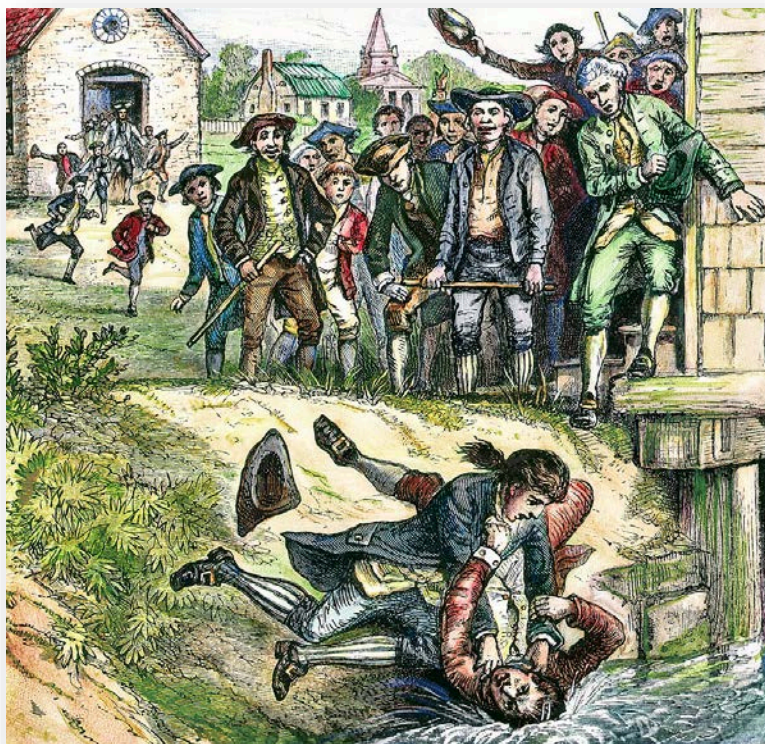
 **Shaysites:** Followers of Daniel Shays.

 **Shay's Rebellion:** Uprising in Western Massachusetts led by Daniel Shays in 1786-87. Farmers were upset about economic conditions and debt laws and closed down courthouses to prevent repossession of lands and debtors prison convictions.

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In the end, 4,000 people signed confessions acknowledging participation in the events of the rebellion in exchange for amnesty. Several hundred participants were eventually indicted on charges relating to the rebellion, but most of these were pardoned. Eighteen men were convicted and sentenced to death, but most of these were overturned on appeal, pardoned, or had the sentences commuted. Only two men were ever hanged for their participation in the rebellion.



### Secondary Source: Illustration

One artist's impression of Shaysites attacking the courts.

Shays himself was pardoned in 1788 and returned to his farm but was vilified in the Boston press. He moved to the New York where he died poor and obscure in 1825.

Thomas Jefferson was serving as ambassador to France at the time and refused to be alarmed by Shays' Rebellion. He argued in a letter to James Madison on January 30, 1787 that occasional rebellion serves to preserve freedoms. "The tree of liberty must be refreshed from time to time with the blood of patriots and tyrants. It is its natural manure." It is one of his most frequently quoted lines, although his political insights were probably incorrect.

More astute, was Shay's former commander, George Washington, now in retirement at Mount Vernon, Virginia. He had been calling for constitutional reform for many years. When his friend Henry Lee wrote and asked him to use his influence to calm the protestors, he replied, "You talk, my good sir, of employing influence to appease the present tumults in Massachusetts. I know not where that influence is to be found, or, if attainable, that it would be a proper remedy for the disorders. Influence is not government. Let us have a government by which our lives, liberties, and properties will be secured, or let us know the worst at once." As Washington knew, the Articles

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of Confederation were not up to the task of preserving the liberties he and his fellow Patriots had won in the Revolution.

### CONCLUSION

Most Americans forget that between the signing of the Declaration of Independence and the start of George Washington's presidency 13 years had passed. Going from a collection of colonies to a unified nation under the constitutional system of government we are familiar with today was a long, complicated, controversial and occasionally violent process.

We may despair when hearing the news of failed nations around the world and think that they would be better off if they just followed our example. However, we were no better than most other people at figuring out how to create a "more perfect union."

What happened that brought us around? What made it possible for 13 separate states to realize they needed to be truly unified in order to survive? What do you think? How did we become THE United States and not THESE United States?

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### SUMMARY

During the War for Independence the states and Congress formed new systems of government. These formed the basis for ideas that would eventually become part of the Constitution.

The national government was organized under a set of rules called the Articles of Confederation. It emphasized state power, giving only limited responsibility to the national congress. This was because the Revolution had been prompted by conflicts with a power national government in Britain that Americans believed had too much authority. Having a weak central government led to problems down the road.

There were some important political agreements made during the Articles of Confederation government. Most notably, Congress agreed to a set of laws laying out the process for the lands of the Old Northwest (today's Midwest) to become states. Within these laws were the seeds of the Civil War since they banned slavery in the territory. The laws ignored Native Americans.

An economic crisis in the 1780s increased social problems and showed the weaknesses of the government. In Massachusetts, poor farmers could not afford to pay back loans and found themselves in danger of losing land or going to debtor's prison. Daniel Shays led a rebellion of these farmers against that state government. His rebellion failed, but it showed the rift between the wealthy who dominated government, and the people. It also showed the need for a strong federal government to maintain domestic security.



### KEY CONCEPTS

**Unicameral:** A legislature with only one group or body of representatives.



### LOCATIONS

**Northwest Territory:** Area that today includes Ohio, Indiana, Illinois, Michigan and Wisconsin.



### LAWS

**Constitution:** Document that outlines the form and function of the United States government. Written in 1787, it has been amended less than 30 times.

**Articles of Confederation:** The plan for government created during the War for Independence. It featured a unicameral legislature, no executive, and favored state power over federal power. It proved ineffective and was replaced by the Constitution.

**Ordinance of 1784, Land Ordinance of 1785 and Northwest Ordinance of 1787:** Laws that outlined the process of settlement of the Northwest Territory. They provided for an orderly, rectangular pattern of land division, set aside land for schools, and banned slavery.



### PEOPLE AND GROUPS

**Daniel Shays:** Farmer and former Revolutionary War soldier who organized a rebellion in Western Massachusetts in 1786-87. He and his followers were upset about economic inequalities and debt laws that disadvantaged farmers.

**Shaysites:** Followers of Daniel Shays.



### EVENTS

**Economic Crisis of the 1780s:** Period after the conclusion of the War for Independence characterized by unemployment, debt, a stagnant economy and social and political upheaval. Hamilton's economic plans were designed to address these problems.

**Shay's Rebellion:** Uprising in Western Massachusetts led by Daniel Shays in 1786-87. Farmers were upset about economic conditions and debt laws and closed down courthouses to prevent repossession of lands and debtors' prison convictions.



# 3

## T H I R D   Q U E S T I O N DOES THE CONSTITUTION EMBODY OUR FOUNDING IDEALS?



### INTRODUCTION

The 1780s has often been termed the “Critical Period” for the new nation. The dangers posed by economic crisis and the disillusionment that came with the collapse of Revolutionary expectations for dramatically improved conditions combined to make the decade a period of discontent, reconsideration, and, in the end, a dramatic new proposal for redirecting the nation. Just as the Revolution had been born of diverse and sometimes conflicting perspectives, even among the Patriots, so too, ideas about the future of the United States in the 1780s were often cast in dramatic opposition to one another.

The new plan for the nation was called the Federal Constitution. It was drafted by a group of national leaders in Philadelphia in 1787, who then presented it to the general public for consideration. The Constitution amounted to a whole new set of rules for organizing government and indicates how much had changed since 1776.

The proposed national framework called for a strong central government that would have authority over the states. At the same time, the proposed Constitution also involved the people in deciding whether or not to accept the new plan through a process called ratification.

This plan was much closer in spirit to the British government that the colonists had overthrown than the loose confederation of states they created during the Revolution, which begs the question: does the Constitution embody our founding beliefs?

For some Founding Fathers, the new form of government was the best way to protect the hard-won liberties so eloquently articulated by Jefferson in 1776. However, for Jefferson, and many others, the Constitution and its emphasis on strong centralized government was a knife in the back of those very ideals.

What do you think? Does the Constitution embody our founding beliefs?

### 3 DOES THE CONSTITUTION EMBODY OUR FOUNDING BELIEFS?



#### THE FOUNDERS

At the time Daniel Shays and his followers were attempting to force the government to take a new course of action in response to hard times, another group of Americans gathered to consider a very different vision for the future of the republic. The group was especially concerned about economic policy and the way that competing state policies often worked at cross-purposes. Responding to such concerns, the Virginia legislature called for a convention to meet in Annapolis, Maryland, in 1786 to discuss commercial matters. Only twelve delegates came from five states, but they agreed to meet again the next year in Philadelphia.

When Shays' Rebellion erupted, colonial leaders had even stronger reasons to meet to discuss plans for responding to the range of problems of the 1780s. Following on the possibility of widespread popular unrest that Shays' Rebellion had shown was entirely possible, the Congress, in January 1787, directed the meeting to consider revisions to the Articles of Confederation.

The **Constitutional Convention** in Philadelphia drew fifty-five delegates from twelve states (Rhode Island refused to send anyone to a meeting about strengthening the power of the central government). Most of the delegates had gained national-level experience during the Revolution by serving as leaders in the military, the Congress, or as diplomats. The impressive group included many prominent Revolutionary leaders like Benjamin Franklin, George Washington, and Robert Morris. Some of the older leaders of the Revolution, however, were not present. Thomas Jefferson and John Adams were abroad serving as diplomats to France and England, respectively.

Meanwhile, key local leaders like Sam Adams of Boston had lost his bid to be a delegate, while the Virginian patriot Patrick Henry was elected, but refused to go because he opposed the purpose of the Convention. In their place were a number of younger leaders who had been less prominent in the Revolution. Most notable among them were the Virginian **James Madison** and **Alexander Hamilton** of New York.

These national political heavyweights, known to us now as the **Founding Fathers** did not, however, include people from western parts of the country, nor did it include any artisans or tenant farmers. Indeed, there was only a single person of modest wealth whom we could consider a yeoman farmer. These were superstars and that meant that they did not reflect anything close to the full range of American society. Partly because the delegates had already served as national representatives, they shared a general commitment to a strong central government. Many were nationalists who thought the Articles of Confederation gave too much power to the states and were especially concerned about state governments' vulnerability to powerful local interests. Instead, the delegates to the Philadelphia Convention aimed to create an energetic national government that could deal effectively with the major problems of the period from external matters of diplomacy and trade to internal issues of sound money and repayment of public debt.

#### MADISON'S FRAMEWORK

In spite of the common vision and status that linked most of the delegates to the Philadelphia Convention, no obvious route existed for how to revise the Articles of Confederation to build a stronger central government.



**Constitutional Convention:** Meeting of American leaders in 1787 and chaired by George Washington.

Under the guidance of James Madison they discarded the Articles of Confederation and drafted the Constitution.



**James Madison:** Father of the Constitution and later 5<sup>th</sup> President.



**Alexander Hamilton:** First Secretary of the Treasury. He was a Federalist, one of the authors of the Federalist

Papers during the debate over ratification of the Constitution. His financial plans included assuming state debts, creating a national bank, and promoting manufacturing. He was killed in a duel with Aaron Burr.



**Founding Fathers:** The American leaders who led the nation through the Revolution, establishment of the new government, and in the first years of the Constitution. They include George

Washington, Thomas Jefferson, John Adams, James Madison, Benjamin Franklin and Alexander Hamilton.

### 3 DOES THE CONSTITUTION EMBODY OUR FOUNDING BELIEFS?



#### Primary Source: Painting

James Madison, who is appropriately remembered as the Father of the Constitution would later serve as the fourth president.

The meeting began by deciding several important procedural issues that significantly shaped how the Convention operated. First, George Washington was elected as the presiding officer. They also decided to continue the voting precedent followed by the Congress where each state was allotted one vote.

Perhaps most importantly, they agreed to hold their meeting in secret. There would be no public access to the Convention's discussions and the delegates agreed not to discuss matters with the press. The delegates felt that secrecy would allow them to explore issues with greater honesty than would be possible if everything that they said became public knowledge. In fact, the public knew almost nothing about the actual proceedings of the Convention until James Madison's notes about it were published after his death in the 1840s.

The delegates also made a final crucial and sweeping early decision about how to run the Convention. They agreed to go beyond the instructions of the Congress by not merely considering revisions to the Articles of Confederation, but to discard it entirely and try to construct a whole new national framework.

### 3 DOES THE CONSTITUTION EMBODY OUR FOUNDING BELIEFS?



The stage was now set for James Madison, the best prepared and most influential of the delegates at the Philadelphia Convention. His proposal, now known as the **Virginia Plan**, called for a strong central government with three distinctive elements.

First, it clearly placed the federal government above the state governments. No longer would the federal government be depended on the will of the states.

Second, the powerful central government would have a close relationship with the people, who could directly vote for some national leaders.

Third, Madison proposed that the central government be made up of three distinct branches to **separate power**: a **bicameral legislature**, an **executive**, and a **judiciary**. The lower house of the legislature would be elected directly by the people and then the lower house would elect the upper house. Together they would choose the executive and judiciary.

By having the foundational body of the proposed national government elected by the people at large, rather than through their state legislatures, the national government would remain a republic with a direct link to ordinary people even as it expanded its power.

Madison's Virginia Plan was bold and creative. Further, it established a strong central government, which most delegates supported. Nevertheless, it was rejected at the Convention by opposition from delegates representing states with small populations. These small states would have their national influence dramatically curbed in the proposed move from one-state one-vote to general voting for the lower legislative house where overall population would be decisive.

The smaller states, countered with another proposal, dubbed the **New Jersey Plan** that would continue along the lines the Articles of Confederation. This plan called for a unicameral legislature with the one vote per state formula still in place.

Although the division between high and low population states might seem simplistic, it was the major hurdle that delegates to the Convention needed to overcome in order to design a stronger national government.

After long debates and a close final vote, the Virginia Plan was accepted as a basis for further discussion. This agreement to continue to debate also amounted to a major turning point. The delegates had decided that they should craft a new constitutional structure to replace the Articles. This was so stunning a change and such a large expansion of their original instructions from the Congress that two New York delegates left in disgust.

#### CONSTITUTION THROUGH COMPROMISE

Representation remained the core issue for the Philadelphia Convention. What was the best way for authority to be delegated from the people and the states to a strengthened central government?

After still more deeply divided argument, a proposal put forward by delegates from Connecticut, a small population state, struck a compromise that was narrowly approved. They suggested that representatives in the two houses of the proposed bicameral legislature be selected through different means. The upper house, or **Senate**, would reflect the importance of state sovereignty by including two people from each state regardless of size. Meanwhile, the lower house, the **House of**



**Virginia Plan:** Plan for government proposed at the Constitution Convention that included a unicameral legislature with representation based on population.



**Separation of Powers:** Principle that legislative, executive and judicial power should be divided between different people/groups in government to avoid tyranny.



**Bicameral:** A legislature with two separate groups or bodies of representatives. Legislation must pass both bodies.



**Legislative Branch:** The group of people in a government responsible for drafting and approving laws.



**Executive Branch:** The person or group in government responsible for carrying out laws.



**Judicial Branch:** The person or group in government responsible for mediating disputes and interpreting the meaning of laws.



**New Jersey Plan:** Plan for government proposed at the Constitution Convention that included a unicameral legislature with each state receiving equal representation regardless of population.



**Senate:** The upper house of Congress. Each state has two representatives who serve for six-year terms.



**House of Representatives:** The lower house of Congress. Representation from each state is based on population and members serve two-year terms.

### 3 DOES THE CONSTITUTION EMBODY OUR FOUNDING BELIEFS?



**Representatives**, would have different numbers of representatives from each state determined by population. Representation would be adjusted every ten years through a federal **census** that counted every person in the country.



**Census:** A count of the entire population every ten years in order to determine representation in the House of Representatives.



#### Primary Source: Photograph

The interior of the Capitol rotunda as it appears today. Paintings of famous events in American history adorn the walls. Wings on the North and South ends of the building house the Senate and House of Representatives.



#### Primary Source: Photograph

Marine One, the president's helicopter arrives at the South Lawn of the White House. First called the Presidential Palace, it was given its current name after the building was painted after being burned by the British in the War of 1812.

By coming up with a mixed solution that balanced state sovereignty and popular sovereignty tied to actual population, the Constitution was forged through what is known as the Connecticut, or **Great Compromise**. In many respects this compromise reflected a victory for small states, but compared with their dominance in the



**Great Compromise:** Compromised negotiated by James Madison at the Constitutional Convention resulting in a bicameral legislature with the Senate including two representatives from each state and the House with representation based on population.

### 3 DOES THE CONSTITUTION EMBODY OUR FOUNDING BELIEFS?



Congress under the Articles of Confederation it is clear that negotiation produced something that both small and large states wanted.

Other major issues still needed to be resolved, however, and, once again, compromise was required on all sides. One of the major issues concerned elections themselves. Who would be allowed to vote? The different state constitutions had created different rules about how much property was required for white men to vote. The delegates needed to find a solution that could satisfy people with many different ideas about who could have the franchise, that is, who could be a voter.

For the popular lower house, any White man who paid taxes could vote. Thus, even those without property, could vote for who would represent them in the House of Representatives. This expanded the franchise in some states. To balance this opening, the two Senators in the upper house of the national government would be elected by the state legislatures. Finally, the **president**, that is, the executive branch, would be elected at the state level through the **Electoral College** whose numbers reflected representation in the state legislatures.

To modern eyes, the most stunning and disturbing constitutional compromise by the delegates was over the issue of slavery. Some delegates considered slavery an evil institution and George Mason of Virginia even suggested that the trans-Atlantic slave trade be made illegal by the new national rules. Delegates from South Carolina and Georgia where slavery was expanding rapidly in the late-18th Century angrily opposed this limitation. If any limitations to slavery were proposed in the national framework, then they would leave the convention and the plan for a stronger central government would fizzle. Their fierce opposition allowed no room for compromise and as a result the issue of slavery was treated as a political, rather than a moral, question.

The delegates agreed that a strengthened union of the states was more important than the Revolutionary ideal of equality. This was a pragmatic, as well as a tragic, constitutional compromise, since it may have been possible, as suggested by George Mason's comments, for the slave state of Virginia to accept some limitations on slavery at this point.

The proposed constitution actually strengthened the power of slave states in several important respects. Through the **Fugitive Clause**, for example, governments of free states were required to help recapture runaway slaves who had escaped their masters' states. Equally disturbing was the **Three-Fifths Compromise**, which established a method for determining representation in the lower house of the legislature. Slave states wanted to have additional political power based on the number of human beings that they held as slaves. Delegates from free states wouldn't allow such a blatant manipulation of political principles, but the inhumane compromise that resulted meant counting enslaved persons as three-fifths of a free person for the sake of calculating the number of people a state could elect to the House of Representatives.

In the end, the Founding Fathers all agreed, without saying so aloud, that slavery was a topic too controversial to discuss, and for the first decades of the nation's existence, it was an issue ignored. Like a growing tumor, however, the question of ending slavery would continue to be a problem that American public officials could not find a way to resolve.



**President:** The chief executive in the American government.



**Electoral College:** A group of electors selected from each state who officially vote for president.



**Fugitive Clause:** A clause in the Constitution requiring states to recapture runaway slaves.



**Three-Fifths Compromise:** A compromise negotiated at the Constitutional Convention in which slaves were counted as 3/5 of a person in counting population to determine representation in the House of Representatives.

### 3 DOES THE CONSTITUTION EMBODY OUR FOUNDING BELIEFS?



After hot summer months of difficult debate in Philadelphia from May to September 1787, the delegates had fashioned new rules for a stronger central government that extended national power well beyond the scope of the Articles of Confederation. The Constitution was the **supreme law of the land**. The proposed rules also would restrict state actions, especially concerning passing pro-debtor laws. At the end of the long process of creating the new plan, thirty-eight of the remaining forty-one delegates showed their support by signing the proposed Constitution. This small group of national political superstars had created an entirely new plan for government through hard work and compromise.

Now another challenge lay ahead. Could they convince the people in the states to accept the new plan?



**Supreme Law of the Land:** Nickname for the Constitution referencing the fact that no laws or government actions can be counter to the Constitution.

**Primary Source: Photograph**

The Supreme Court Building in Washington, DC sits across a plaza from the Capitol. The first Supreme Court met inside the Capitol, but eventually moved to its own home.

#### WE THE PEOPLE

The Constitution is not a particularly exciting document to read. It is at its heart a set of rules explaining how government works. Unlike the Declaration of Independence, it contains little in the way of inspirational prose. But the **Preamble** is unlike the rest of the documents. In it, the Founding Fathers explained why government exists. For example, they designed the new government to unite the states, to provide defense against foreign threats, provide for a system of justice, improve the lives of Americans, and preserve liberties for future generations.



**Preamble:** Opening paragraph of the Constitution. It outlines the purpose of government and opens with the words "We the People..."

**Primary Source: Document**

The famous words as they appear on the Constitution itself.

### 3 DOES THE CONSTITUTION EMBODY OUR FOUNDING BELIEFS?



Most famously, however, the Preamble's first three words explicitly declare that the government's power is derived from the consent of the citizens. Yet these words – **We the People** – were followed in the first draft of the Preamble by a listing of all the states. It seems that even then, after having negotiated all the compromises that made national unity possible, Americans still had a hard time thinking of themselves first and foremost as citizens of a singular, unified nation.

#### CONCLUSION

In their later life, John Adams and Thomas Jefferson had a long correspondence in which the two founders worked out their differing views of the Revolution and its meaning. For Adams, the Constitution was the best incarnation of the nation's founding ideals. The Constitution separated power between branches, provided for checks and balances, shared power with local governments, and protected essential individual rights.

For Jefferson, the Constitution represented a dangerous move toward centralized power. It was a door for wealthy elites to wield power over the nation's yeoman farmers.

What do you think? Does the Constitution embody our founding ideals?



**We the People:** First three words of the Preamble to the Constitution indicating that government is an extension of the will of the people.

### 3 DOES THE CONSTITUTION EMBODY OUR FOUNDING BELIEFS?



#### SUMMARY

Colonial leaders met in Philadelphia to find solutions to the weaknesses of the Articles of Confederation. Their first important decision was to discard the Articles altogether and start over.

George Washington served as the Constitutional Convention's president, but James Madison was the intellectual leader and primary author of the new system of government.

One important debate was the nature of the legislature. Populous states wanted a legislature that would have representation based on population. Smaller states promoted a plan for equal representation for each state. The Great Compromise produced our current Congress with a House of Representatives and a Senate.

The Founding Fathers were concerned about too much democracy. They created the Electoral College as a forum for debate in the selection of the president, thus insulating the president from the fickle will of the people. Our strange system of electing presidents today in a winner-take-all system is due to this early decision.

The Constitution protected slavery. It included requirements that states help return runaway slaves and gave slaves states extra representatives in the House. Slaves could be counted as 3/5 of a person.

The Preamble lays out the purpose of government. Its opening words "We the People" emphasize the idea that government represents the people's wishes and is chosen by the people.



## KEY CONCEPTS

**Virginia Plan:** Plan for government proposed at the Constitution Convention that included a unicameral legislature with representation based on population.

**Separation of Powers:** Principle that legislative, executive and judicial power should be divided between different people/groups in government to avoid tyranny.

**Bicameral:** A legislature with two separate groups or bodies of representatives. Legislation must pass both bodies.

**Legislative Branch:** The group of people in a government responsible for drafting and approving laws.

**Executive Branch:** The person or group in government responsible for carrying out laws.

**Judicial Branch:** The person or group in government responsible for mediating disputes and interpreting the meaning of laws.

**New Jersey Plan:** Plan for government proposed at the Constitution Convention that included a unicameral legislature with each state receiving equal representation regardless of population.

**Census:** A count of the entire population every ten years in order to determine representation in the House of Representatives.

**Great Compromise:** Compromise negotiated by James Madison at the Constitutional Convention resulting in a bicameral legislature with the Senate including two representatives from each state and the House with representation based on population.

**Three-Fifths Compromise:** A compromise negotiated at the Constitutional Convention in which slaves were counted as 3/5 of a person in counting population to determine representation in the House of Representatives.



## LAWS

**Fugitive Clause:** A clause in the Constitution requiring states to recapture runaway slaves.

**Supreme Law of the Land:** Nickname for the Constitution referencing the fact that no laws or government actions can be counter to the Constitution.

**Preamble:** Opening paragraph of the Constitution. It outlines the purpose of government and opens with the words "We the People..."

**We the People:** First three words of the Preamble to the Constitution indicating that government is an extension of the will of the people.



## EVENTS

**Constitutional Convention:** Meeting of American leaders in 1787 and chaired by George Washington. Under the guidance of James Madison they discarded the Articles of Confederation and drafted the Constitution.



## PEOPLE AND GROUPS

**James Madison:** Father of the Constitution and later 5th President.

**Alexander Hamilton:** First Secretary of the Treasury. He was a Federalist, one of the authors of the Federalist Papers during the debate over ratification of the Constitution. His financial plans included assuming state debts, creating a national bank, and promoting manufacturing. He was killed in a duel with Aaron Burr.

**Founding Fathers:** The American leaders who led the nation through the Revolution, establishment of the new government, and in the first years of the Constitution. They include George Washington, Thomas Jefferson, John Adams, James Madison, Benjamin Franklin and Alexander Hamilton.

**Senate:** The upper house of Congress. Each state has two representatives who serve for six-year terms.

**House of Representatives:** The lower house of Congress. Representation from each state is based on population and members serve two-year terms.

**President:** The chief executive in the American government.

**Electoral College:** A group of electors selected from each state who officially vote for president.

# 4

## F O U R T H Q U E S T I O N WHY DO WE HAVE A BILL OF RIGHTS?



### INTRODUCTION

Most Americans take the Bill of Rights for granted. Speaking our minds, going to church, trials by jury and guns for sale at Walmart are so commonplace most of us never bother to notice, or even consider the fact that the world is very different in other places and at other times. But how did this come to pass? How did approving new rules for government end up producing one of the world's most impressive guarantees of basic liberties?

We are certainly all lucky that history turned out the way it did, but why do we have a Bill of Rights?

## 4 WHY DO WE HAVE A BILL OF RIGHTS?



### RATIFYING THE CONSTITUTION

A framework for a new and stronger national government had been crafted at the Constitutional Convention in Philadelphia, but how could the proposed system be made into law? Could the framers convince the public that the weak central government of the Articles of Confederation needed to be discarded in favor of an entirely new system? The Articles required that any changes in constitutional law be presented to the state legislatures, and that any successful alteration required unanimous approval. Since the new proposal increased the power of the national government at the expense of state sovereignty, it was a certainty that one, and probably several more, state legislatures would oppose the changes. Rhode Island had already refused to send a delegate to the Philadelphia Convention because it opposed any stronger revisions in the Articles, much less the sweeping proposal that ended up being produced there.

Aware of the major challenge before them, the framers of the new plan crafted a new approach through a ratifying procedure that went directly to the people. By this method, the Constitution would become law if nine of the thirteen states approved it after holding special conventions to consider the issue. Building on a model adopted by Massachusetts in passing its state constitution of 1780, the framers suggested that constitutional law was of such sweeping significance that it would be inappropriate to have it approved through ordinary political channels.

Instead, special conventions should be held for the people to evaluate such important changes. Politicians in Congress were well aware of the weaknesses of the current central government and shared the framers' sense that the state legislatures were very likely to oppose the new plan, so Congress approved the new terms of this unusual, and arguably illegal, ratification route. Surprisingly, so too did state legislatures that began arranging for the election of special delegates to the state ratification conventions.

A great debate about the future of the nation was about to begin.

### FEDERALISTS

The supporters of the proposed Constitution called themselves **Federalists**. Their adopted name implied a commitment to a loose, decentralized system of government. In many respects **federalism**, which implies a weak central government, was the opposite of the proposed plan that they supported. A more accurate name for the supporters of the Constitution would have been Nationalists.

The nationalist label, however, would have been a political liability in the 1780s. Traditional political belief of the Revolutionary Era held that strong centralized authority would inevitably lead to an abuse of power, but the Federalists knew that the problems of the country in the 1780s stemmed from the weaknesses of the central government created by the Articles of Confederation so it was time to strike a more even balance.

For Federalists, the Constitution was required in order to safeguard the liberty and independence that the American Revolution had created. While the Federalists definitely had developed a new political philosophy, they saw their most important role as defending the social gains of the Revolution. As James Madison, one of the great



**Federalists:** One of the first two political parties. They supported the Constitution, strong central government, Hamilton's financial plans, and favored Britain over France. Washington and Adams were the only president's from this party.



**Federalism:** A belief in strong central government with some powers being reserved to the states.

## 4 WHY DO WE HAVE A BILL OF RIGHTS?



Federalist leaders later explained, the Constitution was designed to be a “republican remedy for the diseases most incident to republican government.”



### Primary Source: Painting

Charles Shirreff's miniature of Alexander Hamilton as he appeared in 1790.

The Federalists had more than an innovative political plan and a well-chosen name to aid their cause. Many of the most talented leaders of the era who had the most experience in national-level work were Federalists. For example, only two national-level celebrities of the period, Benjamin Franklin and George Washington, favored the Constitution. In addition to these revered figures, the Federalists were well organized, well-funded, and made especially careful use of the printed word. Most newspapers supported the Federalists' political plan and published articles and pamphlets to explain why the people should approve the Constitution.

In spite of this range of major advantages, the Federalists still had a hard fight in front of them. Their new solutions were a significant alteration of political beliefs. Most significantly, the Federalists believed that the greatest threat to the future of the United States did not lie in the abuse of central power, but instead could be found in what they saw as the excesses of democracy as demonstrated all too clearly in popular disturbances like Shays' Rebellion.

How could the Federalists convince the undecided portion of the American people that for the nation to thrive, democracy needed to be constrained in favor of a stronger central government?

## 4 WHY DO WE HAVE A BILL OF RIGHTS?



### ANTI-FEDERALISTS

The **Anti-Federalists** were a diverse coalition of people who opposed ratification of the Constitution. Although less well organized than the Federalists, they also had an impressive group of leaders who were especially prominent in state politics.

Ranging from political elites like James Winthrop in Massachusetts to Melancton Smith of New York and Patrick Henry and George Mason of Virginia, the Anti-Federalists were joined by a large number of ordinary Americans, particularly yeomen farmers who predominated in rural America. The one overriding social characteristic of the Anti-Federalists as a group was their strength in newer settled western regions of the country.

In spite of the diversity that characterized the Anti-Federalist opposition, they did share a core view of American politics. They believed that the greatest threat to the future of the United States lay in the government's potential to become corrupt and seize more and more power until its tyrannical rule completely dominated the people. Having just succeeded in rejecting what they saw as the tyranny of British power, such threats were a part of the nation's collective recent memory.

To Anti-Federalists the proposed Constitution threatened to lead the United States down an all-too-familiar road of political corruption. All three branches of the new central government threatened Anti-Federalists' traditional belief in the importance of restraining government power.

The President's vast new powers, especially a veto that could overturn decisions of the people's representatives in the legislature, were disturbing. The court system of the national government appeared likely to encroach on local courts. Meanwhile, the proposed lower house of the legislature would have so few members that only elites were likely to be elected. Furthermore, they would represent people from such a large area that they would hardly know their own constituents. The fifty-five members of the proposed national House of Representatives was smaller than most state legislatures in the period. Since the new legislature was to have increased fiscal authority, especially the right to raise taxes, the Anti-Federalists feared that before long Congress would pass oppressive taxes that they would enforce by creating a standing national army.

This range of objections boiled down to a central opposition to the sweeping new powers of the proposed central government. George Mason, a delegate to the Philadelphia Convention who refused to support the Constitution, explained, the plan was "totally subversive of every principle which has hitherto governed us. This power is calculated to annihilate totally the state governments." The rise of national power at the expense of state power was a common feature of Anti-Federalist opposition.

The most powerful objection raised by the Anti-Federalists, however, hinged on the lack of protection for individual liberties in the Constitution. Most of the state constitutions of the era had built on the Virginia model that included an explicit protection of individual rights that could not be intruded upon by the state. This was seen as a central safeguard of people's rights and was considered a major Revolutionary improvement over the unwritten protections of the British constitution.

Why, then, had the delegates to the Philadelphia Convention not included a bill of rights in their proposed Constitution? Most Anti-Federalists thought that such



**Anti-Federalists:** People opposed to the ratification of the Constitution.

They feared tyrannical central government and successfully argued for the inclusion of the Bill of Rights. They later formed the Democratic-Republican Party.

## 4 WHY DO WE HAVE A BILL OF RIGHTS?



protections were not granted because the Federalists represented a sinister movement to roll back the gains made for ordinary people during the Revolution.

### RATIFICATION STATE BY STATE

The ratification process started when the Congress turned the Constitution over to the state legislatures for consideration through specially elected state conventions of the people. Five state conventions voted to approve the Constitution almost immediately in December 1787 and January 1788, and in all of them the vote was unanimous (**Delaware**, New Jersey, Georgia) or nearly unanimous (Pennsylvania, Connecticut). Clearly, the well-organized Federalists began the contest in strong shape as they rapidly secured five of the nine states needed to make the Constitution law. The Constitution appeared to have broad popular support.



**First State:** Delaware, which ratified the Constitution in December of 1787.

#### Primary Source: License Plate

Delaware is still proud of their status as the first to ratify the Constitution.



However, a closer look at who ratified the Constitution in these early states and how it was done indicates that the contest was much closer than might appear at first glance. Four of the five states to first ratify were small states that stood to benefit from a strong national government that could restrain abuses by their larger neighbors.

The process in Pennsylvania, the one large early ratifier, was nothing less than corrupt. The Pennsylvania State Assembly was about to have its term come to an end, and had begun to consider calling a special convention on the Constitution, even before Congress had forwarded it to the states. Anti-Federalists in the state assembly tried to block this move by refusing to attend the last two days of the session, since without them there would not be enough members present for the state legislature to make a binding legal decision. As a result extraordinarily coercive measures were taken to force Anti-Federalists to attend. Anti-Federalists were found at their boarding house and then dragged through the streets of Philadelphia and deposited in the Pennsylvania State House with the doors locked behind them. The presence of these Anti-Federalists against their will, created the required number of members to allow a special convention to be called in the state, which eventually voted 46 to 23 to accept the Constitution.

The first real test of the Constitution in an influential state with both sides prepared for the contest came in Massachusetts in January 1788. Here influential older Patriots like Governor John Hancock and Sam Adams led the Anti-Federalists. Further, the

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rural western part of the state, where Shays' Rebellion had occurred the previous year, was an Anti-Federalist stronghold. A bitterly divided month-long debate ensued that ended with a close vote (187-168) in favor of the Constitution. Crucial to this narrow victory was the strong support of artisans who favored the new commercial powers of the proposed central government that might raise tariffs on cheap British imports that threatened their livelihood. The Federalists' narrow victory in Massachusetts rested on a cross-class alliance between elite nationalists and urban workingmen.

The Massachusetts vote also included an innovation with broad significance. John Hancock who shifted his initial opposition to the Constitution led the move toward ratification. Satisfied that certain amendments protecting individual rights were going to be considered by the first new Congress that would meet should the Constitution become law. This compromise helped carry the narrow victory in Massachusetts and was adopted by every subsequent state convention, with the sole exception of Maryland.

By the spring, conventions in the required nine states had ratified, and the Constitution became law. However, with powerful, populous and highly divided Virginia and New York yet to vote, the legitimacy of the new national system had not yet been fully resolved.

### VIRGINIA, NEW YORK, AND THE FEDERALIST PAPERS

The convention in Virginia began its debate before nine states had approved the Constitution, but the contest was so close and bitterly fought that it lasted past the point when the technical number needed to ratify had been reached. Nevertheless, Virginia's decision was crucial to the nation. No one could imagine the early history of the United States without Virginia in the union. What if leaders like George Washington, Thomas Jefferson, and James Madison were not citizens of the United States? In the end, Virginia approved the Constitution, with recommended amendments, in an especially close vote (89-79).

Perhaps no state was as deeply divided as New York. The nationalist-urban artisan alliance could strongly carry New York City and the surrounding region, while more rural upstate areas were strongly Anti-Federalist. The opponents of the Constitution had a strong majority when the convention began and set a tough challenge for Alexander Hamilton, the leading New York Federalist. Hamilton managed a brilliant campaign that narrowly won the issue (30-27) by combining threat and accommodation. On the one hand, he warned that commercial areas around New York City might separate from upstate, rural New York if it did not ratify. On the other hand, he accepted the conciliatory path suggested by Massachusetts; amendments would be acceptable after ratification.

The debate in New York produced perhaps the most famous exploration of American political philosophy, now called **The Federalist Papers**. Originally, they were a series of 85 anonymous letters to newspapers, which were co-written by Alexander Hamilton, James Madison, and John Jay. Together they tried to assure the public of the two key points of the Federalist agenda. First, they explained that a strong government was needed for a variety of reasons, but especially if the United States was to be able to act effectively in foreign affairs. Second, it tried to convince readers that because of the separation of powers in the central government, there was little chance of the national government evolving into a tyrannical power. Instead of

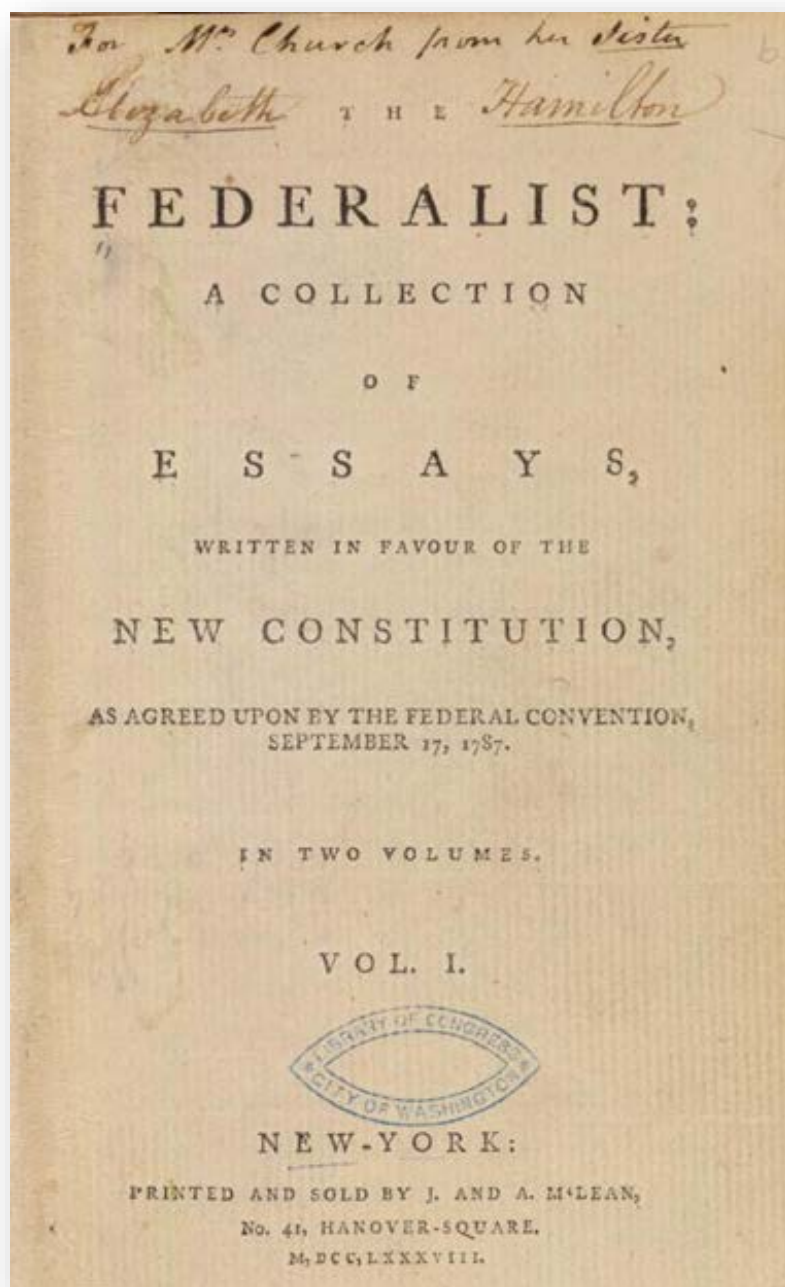


**The Federalist Papers:** A group of essays published under the penname Publius in New York arguing in favor of ratification of the Constitution. Written by Alexander Hamilton, James Madison and John Jay, they serve as a record of the ideas of the Founding Fathers.

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growing ever stronger, the separate branches would provide a check and balance against each other so that none could rise to complete dominance.



The cover of the first collection of the Federalists Papers, the essays written under the pseudonym Publius in favor of ratification of the Constitution. They were actually written by Alexander Hamilton, John Jay and James Madison.

The influence of these newspaper letters in the New York debate is not entirely known, but their status as a classic of American political thought is beyond doubt. Although Hamilton wrote the majority of the letters, James Madison authored the ones that are most celebrated today, especially **Federalist, Number 10**.



**Federalist, Number 10:** One of the most famous of the Federalist Papers. Madison argued that a larger republic would not lead to greater abuse of power, as had traditionally been thought, but actually could work to make a large national republic a defense against tyranny.

## 4 WHY DO WE HAVE A BILL OF RIGHTS?



Here Madison argued that a larger republic would not lead to greater abuse of power, as had traditionally been thought, but actually could work to make a large national republic a defense against tyranny. Madison explained that the large scope of the national republic would prevent local interests from rising to dominance and therefore the larger scale itself limited the potential for abuse of power. By including a diversity of interests, he identified agriculture, manufacturing, merchants, and creditors, the different groups in a larger republic would cancel each other out and prevent one corrupt interest from controlling all the others.

Madison was one of the first political theorists to offer a profoundly modern vision of self-interest as an aspect of human nature that could be employed to make government better, rather than more corrupt. In this, he represents a key figure in the transition from a traditional republican vision of America, to a modern liberal one where self-interest has a necessary role to play in public life.


### THE BILL OF RIGHTS

With the narrow approval of the Constitution in Virginia and New York, in June and July 1788, respectively, the Federalists seemed to have won an all-out victory. The relatively small states of North Carolina and Rhode Island would hold out longer, but with 11 states ratifying and all the populous ones among them, the Federalists had waged a remarkable political campaign of enormous significance and sweeping change.

The ratification process included ugly political manipulation as well as brilliant developments in political thought. For the first time, the people of a nation freely considered and approved their form of government. It was also the first time that people in the United States acted on a truly national issue. Although still deciding the issue state-by-state, everyone was aware that ratification was part of a larger process where the whole nation decided upon the same issue. In this way, the ratification process itself helped to create a national political community built upon and infusing loyalty to distinct states. The development of an American national identity was spurred on and closely linked to the Constitution.

The Federalists' efforts and goals were built upon expanding this national commitment and awareness. But the Anti-Federalists even in defeat contributed enormously to the type of national government created through ratification. Their key objection challenged the purpose of a central government that didn't include specific provisions protecting individual rights and liberties. Since the new national government was even more powerful and even more distant from the people, why didn't it offer the kinds of individual protections in law that most state constitutions had come to include by 1776?

To the Anti-Federalists, the separation of powers was far too mild a curb against the threat of government tyranny. As a result, as states began ratifying the Constitution, they called for further protections to be taken up by the new Congress as soon as it met. This loomed on the unresolved political agenda of the national Congress and the adoption of the **Bill of Rights**, the first ten amendments to the Constitution, is a legacy of the victory-in-defeat of Anti-Federalists. Their continued participation in the political process even when they seemed to have lost on the more general issue had immense importance.

 **Bill of Rights:** The first ten amendments to the Constitution. Ratified in 1791, they outline essential freedoms of all citizens.

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Together, the Bill of Rights protects some of Americans' most treasured liberties. With some, there is a clear connection to the grievances delineated in the Declaration of Independence. Americans did not want their new government to have the power to do to them what the British had done in the 1770s.

The **First Amendment** prohibits the making of any law respecting an establishment of religion, impeding the free exercise of religion, abridging the freedom of speech, infringing on the freedom of the press, interfering with the right to peaceably assemble or prohibiting the petitioning for a governmental redress of grievances.

In *Everson v. Board of Education* in 1947, the Supreme Court drew on Thomas Jefferson's correspondence to call for "a wall of separation between church and State", though the precise boundary of this separation remains in dispute. Speech rights were expanded significantly in a series of court decisions that protected various forms of political speech, anonymous speech, campaign financing, pornography, and school speech.



**First Amendment:** Amendment to the Constitution that guarantees freedom of religion, speech, press, assembly and petition.



### Secondary Source: Painting

American artist Norman Rockwell's work celebrating freedom of religion, one of the five freedoms guaranteed by the First Amendment.

The Supreme Court has interpreted the **Second Amendment** to mean that individual citizens have the right to keep and bear arms. Clearly, the Founders had not forgotten the value of the colonial militias who fired the opening volleys of the Revolution at



**Second Amendment:** Amendment to the Constitution that guarantees the right to bear arms.

## 4 WHY DO WE HAVE A BILL OF RIGHTS?




Lexington and Concord 16 years before. The Second Amendment embodies the belief that without weapons, citizens are at the mercy of an oppressive government. Long a controversial issue in American political, legal, and social discourse, the Second Amendment has been at the heart of several recent Supreme Court decisions.




### Primary Source: Photograph

In recent decades the National Rifle Association has organized protests and brought cases to court against laws that restrict gun ownership and use. They point to the Second Amendment as the foundation of their position.


The **Third Amendment** restricts the quartering of soldiers in private homes, in response to Quartering Acts passed by the British parliament during the Revolutionary War. The amendment is one of the least controversial of the Constitution, and, as of 2018, has never been the primary basis of a Supreme Court decision.

 **Third Amendment:** Amendment to the Constitution that forbids the government from requiring citizens to house soldiers in private homes. It is a reaction to the Quartering Act.


The **Fourth Amendment** guards against unreasonable searches and seizures, along with requiring any warrant to be judicially sanctioned and supported by probable cause. It was adopted as a response to the British abuses during the American Revolution. The amendment is the basis for the exclusionary rule, which mandates that evidence obtained illegally cannot be introduced into a criminal trial.

 **Fourth Amendment:** Amendment to the Constitution that prevents unreasonable searches and seizures and requires the police to obtain a warrant.

The **Fifth Amendment** protects the rights of those accused of crimes. It prevents a person from being tried twice for the same crime, legally known as double jeopardy, and being forced to testify against oneself. A person who “pleads the Fifth” in court is exercising this right. The amendment guarantees the right to due process, grand jury screening of criminal indictments, and compensation for the seizure of private property under eminent domain. The amendment was the basis for the court's decision in *Miranda v. Arizona* in 1966 which established that defendants must be informed of their rights to an attorney and against self-incrimination prior to interrogation by police.

 **Fifth Amendment:** Amendment to the Constitution that guarantees certain rights to those accused of a crime, including protection against double jeopardy, and against testifying against oneself.

The **Sixth Amendment** establishes a number of rights of the defendant in a criminal trial including the right to know the charges, the right to a public, speedy trial by jury, the right to confront witnesses and compel witnesses to appear in court. The amendment guarantees the right to have representation in court by an attorney, and in 1963, the Supreme Court ruled in *Gideon v. Wainwright* that the amendment guaranteed the right to legal representation in all felony prosecutions in both state

 **Sixth Amendment:** Amendment to the Constitution that guarantees those accused of a crime the right to a fair, speedy, public trial, the right to an attorney and the right to confront accusers.

## 4 WHY DO WE HAVE A BILL OF RIGHTS?



and federal courts, thus setting up the current system of public defenders for those who cannot afford their own attorney.

The **Seventh Amendment** guarantees jury trials in federal civil cases that deal with claims of more than twenty dollars.



**Seventh Amendment:** Amendment to the Constitution that guarantees a jury trial for civil cases.

The **Eighth Amendment** forbids the imposition of excessive bails or fines, though it leaves the term “excessive” open to interpretation. The most frequently litigated clause of the amendment is the last, which forbids cruel and unusual punishment. This clause was only occasionally applied by the Supreme Court prior to the 1970s, generally in cases dealing with means of capital punishment. In *Furman v. Georgia* in 1972, some members of the Court found capital punishment itself in violation of the amendment, arguing that the clause could reflect “evolving standards of decency” as public opinion changed. Others found certain practices in capital trials to be unacceptably arbitrary, resulting in a majority decision that effectively halted executions in the United States for several years.



**Eighth Amendment:** Amendment to the Constitution that prohibits cruel and unusual punishment.

The **Ninth Amendment** declares that the rights enumerated in the Constitution are not an explicit and exhaustive list of individual rights. It was rarely mentioned in Supreme Court decisions before the second half of the 20th century, when it was cited by several of the justices in *Griswold v. Connecticut* in 1965 when the Court voided a statute prohibiting use of contraceptives as an infringement of the right of marital privacy. This right was, in turn, the foundation upon which the Supreme Court built decisions in several landmark cases, including, *Roe v. Wade* in 1973 that legalized abortion.



**Ninth Amendment:** Amendment to the Constitution that states that citizens have rights although they may not be listed in the Constitution.

The **Tenth Amendment** reinforces the principles of separation of powers and federalism by providing that powers not granted to the federal government by the Constitution, nor prohibited to the states, are reserved to the states or the people. The amendment provides no new powers or rights to the states, but rather preserves their authority in all matters not specifically granted to the federal government.



**Tenth Amendment:** Amendment to the Constitution that gives states all powers not explicitly given to the federal government in the Constitution.

### CONCLUSION

Americans do and should be grateful for the set of circumstances that produced the Bill of Rights. The Founding Fathers and the people who demanded it in the 1780s gave us a tremendous gift. Perhaps a few might have considered the longevity of the document, but no doubt, it was a product more of its own time, than one written with generations 200-plus years in the future in mind.

We might not be able to imagine a world without it, but the Bill of Rights did not always exist. It is time to stop and consider that the world as we know it was not inevitable. Why do we have a Bill of Rights?

## 4 WHY DO WE HAVE A BILL OF RIGHTS?



### SUMMARY

The Constitution could not take effect until 9 of the 13 states ratified it. This led to an important period during which the public debated the merits of the new form of government. Central to this debate was the balance of power between the states and the federal government. Also important was the idea of individual freedom and the power of government over people.

Federalists liked the new more powerful federal government. Alexander Hamilton and James Madison were Federalists. With John Jay they wrote the Federalists Papers to explain the virtues of the new Constitution. Their work remains an important explanation of the ideas that underlie our system of government.

Anti-Federalists saw the new Constitution as dangerous. They believed that states should hold more power than the federal government. Thomas Jefferson led this faction. Their most important objection was that the Constitution had no protections for individuals. The Federalists argued that separating power between three branches would prevent the government from becoming too powerful and taking away people's rights. However, the Anti-Federalists won the argument.

In the end, the Constitution was adopted as the Federalists wanted, and a Bill of Rights was added as the Anti-Federalists wanted. The Bill of Rights protects many of the basic freedoms that the British had violated before the Revolution. These include the right to free speech, press, religion, petition, and assembly. It guarantees the right to a trial by jury, protection from warrantless search and seizure and the right to own a gun.



## KEY CONCEPTS

**Federalism:** A belief in strong central government with some powers being reserved to the states.



## LAWS

**Bill of Rights:** The first ten amendments to the Constitution. Ratified in 1791, they outline essential freedoms of all citizens.

**First Amendment:** Amendment to the Constitution that guarantees freedom of religion, speech, press, assembly and petition.

**Second Amendment:** Amendment to the Constitution that guarantees the right to bear arms.

**Third Amendment:** Amendment to the Constitution that forbids the government from requiring citizens to house soldiers in private homes. It is a reaction to the Quartering Act.

**Fourth Amendment:** Amendment to the Constitution that prevents unreasonable searches and seizures and requires the police to obtain a warrant.

**Fifth Amendment:** Amendment to the Constitution that guarantees certain rights to those accused of a crime, including protection against double jeopardy, and against testifying against oneself.

**Sixth Amendment:** Amendment to the Constitution that guarantees those accused of a crime the right a fair, speedy, public trial, the right to an attorney and the right to confront accusers.

**Seventh Amendment:** Amendment to the Constitution that guarantees a jury trial for civil cases.

**Eighth Amendment:** Amendment to the Constitution that prohibits cruel and unusual punishment.

**Ninth Amendment:** Amendment to the Constitution that state that citizens have rights although they may not be listed in the Constitution.

**Tenth Amendment:** Amendment to the Constitution that gives states all powers not explicitly given to the federal government in the Constitution.



## PEOPLE AND GROUPS

**Federalists:** One of the first two political parties. They supported the Constitution, strong central government, Hamilton's financial plans, and favored Britain over France. Washington and Adams were the only president's from this party.

**Anti-Federalists:** People opposed to the ratification of the Constitution. They feared tyrannical central government and successfully argued for the inclusion of the Bill of Rights. They later formed the Democratic-



## DOCUMENTS

**The Federalist Papers:** A group of essays published under the penname Publius in New York arguing in favor of ratification of the Constitution. Written by Alexander Hamilton, James Madison and John Jay, they serve as a record of the ideas of the Founding Fathers.

**Federalist, Number 10:** One of the most famous of the Federalist Papers. Madison argued that a larger republic would not lead to greater abuse of power, as had traditionally been thought, but actually could work to make a large national republic a defense against tyranny.



## LOCATIONS

**First State:** Delaware, which ratified the Constitution in December of 1787.



## Question Four



It has been said that freedom isn't free, and the Patriots who won our freedom on the battlefields of the War for Independence are rightfully remembered as American heroes. But what exactly is that freedom they fought to win?

The Founding Fathers first tried to preserve freedom through the Articles of Confederation, but farmers in Western Massachusetts rose up against that government. In their minds, the wealthy were manipulating government to their own purposes and taking away their freedom, sometimes quite literally, in the form of debtor's prisons.

So the Articles were scrapped and replaced by the Constitution which has guided us for the past 200 years. The process of ratifying that Constitution gives us interesting insights into what Americans believed freedom was at the time, and the Bill of Rights, the most important outcome of that debate, has helped define freedom throughout the nation's history. But what does freedom mean to you?

What is freedom?



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