

The Creation of the U.S. Constitution



Shays' Rebellion: To pay off its war debts, Massachusetts implemented large increases in its property taxes following the war. These taxes were particularly hard on the state's many small farmers who were already

being hurt by the weak economy. Those who were unable to pay their taxes and other debts faced the possibility of having their farms repossessed. These small farmers, many of whom had fought in the War of Independence, grew angry. They had not worked this hard and fought a war for the privilege of becoming homeless. In the autumn of 1786, the farmers began to organize. In January 1787, over 1,000 farmers led by army veteran **Daniel Shays** stormed the arsenal at Springfield, Massachusetts. What could have developed into civil war in Massachusetts was easily squelched by the state militia. Those identified as leaders of the rebellion were tried, convicted, and then pardoned by a state legislature that had become sympathetic with their concerns. As a result of the rebellion, laws were changed to help alleviate the plight of the Massachusetts farmers.

More importantly, Shays' Rebellion caused Americans to begin thinking about law and order. Although the rebellion was successfully put down by the state militia, people questioned as to whether future rebellions in other states could be halted so easily. If civil war broke out in one state, would it spread to neighboring

states? Also, if the individual states had trouble keeping the peace locally, what chance would they have of warding off an attack from another nation such as Spain, France, or Britain?

The Constitutional Convention: Americans grew to realize that their survival depended upon establishing a stronger central government, one which could keep order and provide for the common defense. In May 1787 delegates from the states met in Philadelphia at the Constitutional Convention. Presided over by George Washington, the delegates assumed the monumental task of designing a new federal government.

The delegates met for four straight months, during which time they brainstormed, presented their ideas, argued, and compromised. Finally, on September 17, 1787, the delegates signed the final draft of the Constitution. The delegates, who had conducted their meetings with the utmost secrecy, were now ready to present the fruits of their labor to the American public.

The Constitution: The Constitution defined the duties and limitations of the new federal government. It provided for three branches of government: the **Executive**, the **Legislative**, and the **Judicial**. Each branch would operate independently and have certain checks on the powers granted to the other branches. For example, only the Legislative branch would have the ability to pass laws, but the Executive branch could veto laws passed by the Legislative branch, and the Judicial branch could rule laws unconstitutional (*an*

implied power). In turn, the Legislative branch would have the power to remove the head of the Executive branch, the President, or any judge in the Judicial branch through the power of impeachment. In the eyes of the Founding Fathers, this system of **checks and balances** would prevent any one branch of the federal government from growing too powerful.

The Constitution also defined the relationship between the federal government and the states. Under the **Articles of Confederation**, each state had the right to regulate and tax interstate and foreign trade. The Constitution stipulated that these rights be taken away from the states and given to the new federal government. The states would also lose their right to print money. The states would retain most of their rights to regulate intrastate activities, provided their actions did not contradict the Constitution.

The Connecticut Compromise: In return for turning over many of their powers to the new federal government, the states would select who served in this government. A major point of controversy in the Constitutional Convention was the degree of representation each state would receive. The less populous states wanted each state to have equal representation. Predictably, the more populous states desired proportional representation based on population. The Connecticut Compromise addressed the concerns of both parties by providing for two bodies of Congress. In one, the House of Representatives, each state would be allotted seats based on population. For example, a state with five times the population of

another would receive five times the number of congressional seats. In the other legislative body, the Senate, states would be allotted two seats each, regardless of population. The head of the Executive branch, the President, would be elected by the states with each state having the number of electoral votes equal to its total number of senators and representatives. Presidents would serve four-year terms. An indecisive Presidential election would result in the House of Representatives electing the President.

The Three-Fifths Compromise: Many of the northern delegates to the Constitutional Convention wanted to use the document to outlaw slavery throughout the states. The southern delegates made it clear that they would not be part of a Union in which the right of individuals to own slaves was abridged. Consequently, language was included in the Constitution which protected the property rights of slaveholders. As slaves constituted a substantial portion of the southern population, the southern delegates demanded that slaves be counted in the census for the purpose of awarding seats in the House of Representatives. The Northerners, arguing that the Southerners themselves considered slaves as property, believed slaves should not be counted. In the end, the two sides compromised, agreeing to count each slave as three-fifths of a person when determining the population of a given state for allotting House seats. Ironically and **disgustingly**, by their mere existence, southern slaves helped to bolster the political power of their owners, power their owners would use to ensure these slaves would remain slaves well into the future.

Suffrage Rights: The U.S. Constitution remained silent as to who would be allowed to participate in the electoral process, preferring to leave this issue to the individual states. As a result, white males, who dominated the state governments in the late 1780s, continued to extend the right of suffrage to their fellow white males. Black men would not be enfranchised with the vote until the latter half of the nineteenth century. Women, black or white, would not be guaranteed the right to vote until 1920.

The Amendment Process: The authors of the Constitution wisely realized that its survival would depend on its ability to adapt to the times. **In particular, many foresaw the day that the Country would be ready and able to abolish slavery nationwide.** That abolishment would need to become part of the Constitution. Consequently, a mechanism was outlined in **Article V** of the Constitution by which amendments could be made to the Constitution. **The amendment process was designed to be arduous in order to dissuade the passage of trivial amendments.** Yet if it became clear to the people of the United States that a change in the Constitution was necessary, that change could be made without discarding the entire document.

The Bill of Rights: One weakness of the U.S. Constitution was that it was largely silent on issues of individual rights and freedoms. The drafters of the Constitution intended originally for such issues to be left to the individual states. When the delegates to the Constitutional

Convention went out to sell their document to the American public, it became clear the public wanted certain individual liberties guaranteed at the federal level.

In 1789 Virginian James Madison proposed twelve amendments to the Constitution. Of these, ten were ratified. These first ten amendments to the U.S. Constitution became known as the Bill of Rights. **The Bill of Rights is the cornerstone which would make the United States the premiere bastion and defender of liberty and freedom worldwide in the years to come.** The individual liberties guaranteed by the Bill of Rights are summarized as follows:

- **First Amendment:** *Freedom of religion, speech, and the press. Individuals have the right to assemble peaceably and to petition the government for a redress of grievances.*
- **Second Amendment:** *The right to bear arms.*
- **Third Amendment:** *Freedom from having troops quartered in one's home.*
- **Fourth Amendment:** *Freedom from unreasonable search and seizure.*
- **Fifth Amendment:** *The right not to be denied life, liberty, or property without due process of law. The right not to be tried twice for the same offense. Exempts individual from testifying against self.*
- **Sixth Amendment:** *The right to a speedy, public trial. The right to be informed of charges pending. The right to defense counsel and to call witnesses on one's behalf. The right to face accusers.*
- **Seventh Amendment:** *The right to trial by jury.*
- **Eighth Amendment:** *Freedom from cruel and unusual punishment.*

- ***Ninth Amendment:*** *Provides for individual rights not explicitly stated in the Constitution.*
- ***Tenth Amendment:*** *Powers not delegated to the federal government by the Constitution, nor prohibited by it to the states, are reserved for the states and the people.*

In June 1788 the Constitution was adopted as the law of the land. The Bill of Rights was added in 1791. Elections were held in early 1789. In April 1789 the newly elected representatives, senators, and the nation's first President, George Washington, took their places in the capital of the United States, New York City.

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