

Part IV: The Road to the Constitutional Convention

The War of Independence settled the question of America's political ties to Britain. The defeat of the mother country meant that the thirteen states could claim complete self-rule. What remained to be settled, however, was who within the newly independent states would rule.

Although the Declaration of Independence had proclaimed that "all men are created equal" and possessed "certain unalienable Rights," in practice the situation was quite different. Most states limited the right to vote to white male adults who were taxpayers or who owned a set amount of land. While the proportion of Americans who farmed their own land was much higher than in Britain, a sizeable minority of white men in many states did not meet the property requirements for voting.

Even within the body of citizens eligible to vote, political influence was far from equal. The patriot leadership was drawn primarily from the wealthy, educated classes. Most prominent patriots mistrusted the judgment of the small farmers, craftsmen, and other ordinary Americans who made up the vast majority of the country's population. Members of the patriot elite expected to continue guiding the new nation after independence and to avoid the pitfalls of what many of them called "popular rule."

Many of these same men, however, developed state constitutions that paved the way for a more democratic society. In response to the abuses of royal governors during colonial times, they approved strict limits on the authority of the new state governors and instead concentrated most of the power in the popularly elected state legislatures. In states with a two-house legislature, representatives to the upper house were usually elected by a more narrowly defined group of voters than representatives to the lower house.

America's Political Foundation

During the 1780s, the state legislatures

were political battlegrounds. The divisions extended beyond the struggle between rich and poor. In many cases, personal alliances built around family and business relations generated rivalries that cut across economic lines. The notion of political parties had not yet taken hold. Instead, the alliances were described as "factions."

Some factions were especially sensitive to the hardships of small farmers, many of whom owed substantial debts. With little money in circulation, the farmers were struggling to pay their loans and taxes. The "popular" factions pushed laws through the state legislatures to increase the supply of money by printing paper currency, establish state-run land banks to loan money to farmers, and delay the process of foreclosing on farmland and livestock for unpaid debts. The efforts to protect small farmers raised concern among the wealthy classes of the new society. In some states, like Rhode Island, the factions representing small farmers and other struggling debtors remained in control for most of the decade.

At the same time, town dwellers enjoyed a much greater voice in the state legislatures than their counterparts in the countryside. The districts electing representatives were not of equal size. Rather, the population of the city districts was much lower than the population of rural districts, meaning that the vote of an urban shopkeeper often counted for more than the vote of a small farmer.

What qualities did the upper class feel were necessary for participation in government?

The debate over who should rule was in many respects a class issue. Members of the upper class believed that they should direct the new nation not only because of their wide-ranging responsibilities and experiences but because they believed they were men of character and moral stature. Building moral character was considered to be an important function for government, as well as for families and churches. The bills of rights issued

by Massachusetts and Virginia specifically stressed the importance of character.

America's elite felt that strong moral character among the citizenry was the foundation for a successful republic. "Liberty" was seen as more than an absence of heavy-handed governmental restrictions. It also meant the active participation of the citizen in the government and society.

“A frequent recurrence to the fundamental principles of the constitution, and a constant adherence to those of piety, justice, moderation, temperance, industry, and frugality, are absolutely necessary to preserve the advantages of liberty, and to maintain a free government.”

—Article XVIII, Massachusetts Bill of Rights

America's political leaders were convinced that their experiment would fail without a willingness to sacrifice self-interest in the name of the greater good. They believed that men of justice, moderation, practical wisdom, and courage were capable of overcoming their differences on particular issues to pursue the betterment of society and protect the rights of individuals.

America's elite believed that individuals who were dependent on others could not form independent judgments of their own. As a result, a majority of the country's population was left out of the political system. The right to vote was frequently denied to craftsmen and laborers who worked for others. Women, who were legally dependent on their husbands, and slaves were completely excluded from the political process. Most states also did not give voting rights to indentured servants, who were obligated to work for their sponsors for a set period of time.

Why were leaders of the Roman Republic admired in America?

The emphasis on character and the sense of mission among America's leaders were

reflected in their fascination with the Roman Republic and its legendary heroes. Political figures based their pen names on figures from Roman history. Instruction in Latin and Greek was considered the cornerstone of a proper education. The architectural styles of Roman civilization were adapted by American builders. Even plays, novels, and histories dealing with themes from Roman history enjoyed widespread popularity.

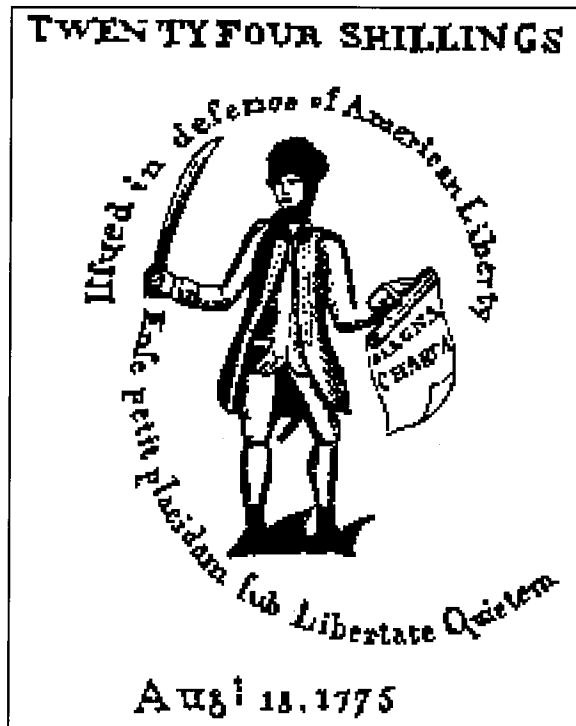
America's elite frequently held up prominent Roman leaders, such as Brutus, Cicero, Cincinnatus, Regulus, and Cato, as role models. The values of Rome's "patricians"—the small group of senators who crafted the laws of the ancient republic—were idealized. Within the patriot leadership, George Washington best personified the selfless devotion to the cause of the nation that was attributed to the patricians. He emerged from the War of Independence as the only American leader universally respected in the thirteen states.

America's elite found the classical age of ancient Greece far less appealing. In contrast to the Roman Republic, the Athens of Pericles (in the second half of the fifth century B.C.E.) was a direct democracy in which every citizen could debate and vote on the issues. Athenian citizens were chosen at random to fill top government positions for a one-year term.

Direct democracy held little appeal for America's founding fathers. They much preferred the model offered by the Roman system, in which the upper classes led the government and military. For them, the lessons of history illustrated the dangers of a democratic, as opposed to a republican, form of government. Athens' democracy was destroyed by war and internal strife soon after Pericles' death, while the Roman Republic flourished for more than four centuries (from about 500 to 30 B.C.E.).

Steps Toward a National Government

In addition to questions about the nature of the American republic, debate within the new nation revolved around the role of the central government. Many Americans were



Paper money issued by Massachusetts.

satisfied with the system established by the Articles of Confederation. They praised state legislatures for responding to the interests of voters and supported the guarantees of individual rights that had been included in many of the new state constitutions.

The strength of the economy also suggested that America was on the right track. By 1787, trade had risen to prewar levels and economic output had recovered from a postwar slump. The planned development of the western lands acquired from Britain in the Treaty of Paris promised future prosperity. Moreover, the country's population was continuing to rise at a rapid rate, reaching 3.9 million (including slaves) by the end of the 1780s.

Other Americans, however, saw serious shortcomings in the confederation system. The "Federalists," as they became known, were clearly in the minority in the 1780s, much like the patriot leaders who demanded independence in 1776. Nonetheless, they presented a persuasive case for strong national government.

The Federalists came from a broad cross section of the elite. Among their ranks were those who argued that a strong central government was necessary to promote commerce and settlement. Merchants, for example, wanted a standard set of laws to enable them to conduct business and collect debts across state lines. Shipowners, sea captains, and exporters pressed for strong government to promote overseas trade. On the frontier, settlers and land speculators doubted the ability of the Continental Congress to protect their lands, especially in territorial disputes with the Spanish and British.

The aftermath of the War of Independence also generated support for the Federalist cause. Squabbles among the states and the weakness of the Continental Congress led many former officers in the Continental Army to feel that their wartime sacrifices were being dishonored. Investors who had bought war bonds issued by the Congress or the states insisted that they be paid.

What weaknesses surfaced in the confederation?

The framers of the Declaration of Independence were largely responsible for writing the Articles of Confederation. They sought to prevent the rise of a strong central government that might threaten their rights.

The Articles of Confederation proved especially weak in two areas—finances and foreign affairs. Congress had no authority to raise revenue for the operations of the national government. Instead, it was completely dependent on the states for funding, and the states jealously guarded their control of the national purse strings. As a result, the 1780s were marked by one financial crisis after another. Several amendments were proposed to the articles that would have allowed Congress to raise revenue by taxing imports. For the amendments to take effect, however, they needed to be approved by all the states. None cleared the hurdle.

European governments viewed the young American republic as weak. Although the

Articles of Confederation gave Congress the exclusive right to negotiate treaties with foreign governments, in practice the national government lacked the power to enforce them. Congress, for example, was unable to compel the states to respect a treaty it approved on the treatment of loyalist claims in America.

Likewise, foreign governments quickly recognized that America could not force them to live up to their obligations, as the British showed in delaying their withdrawal from forts in the Great Lakes region. Foreign ambassadors secretly played one state against another and even turned to bribery to influence members of Congress.

What attempt was made to reform the confederation?

The problems of the Articles of Confederation were brought into sharper focus in September 1786, when representatives from five states met in Annapolis, Maryland. The convention was originally organized to address a long-running border dispute between Maryland and Virginia regarding the use of the Potomac River, their common boundary. With the involvement of three additional states, the Annapolis meeting became a forum for discussing ideas to improve relations among the states.

Before returning home, the delegates to Annapolis called on Congress to convene a meeting in the spring of 1787 to “take into consideration the trade and commerce of the United States.” In February 1787, Congress agreed that the Articles of Confederation should be revised.

“It is expedient, that on the second Monday in May next, a convention of delegates, who shall have been appointed by the several states, be held at Philadelphia, for the sole and express purpose of revising the Articles of Confederation, and reporting to Congress and the several legislatures, such alterations and provisions therein, as shall, when agreed to

in Congress, and confirmed by the states, render the federal constitution adequate to the exigencies of government, and the preservation of the union.”

—Resolution of the Continental Congress,
February 21, 1787

What was Shays’s Rebellion?

While Congress was studying the recommendations of the Annapolis meeting, a rebellion among small farmers in western Massachusetts brought a new sense of urgency to the calls for reform. Many of the rebellious farmers were deep in debt to the merchants of Boston and other coastal cities. They had first pressed the Massachusetts legislature to stop state courts from foreclosing on their land. When the legislators did not respond to their pleas, the farmers took matters in their own hands.

Led by Daniel Shays, a former militia captain, two thousand farmers seized control of Hampshire County in western Massachusetts. They closed the courts there and prevented sheriffs from carrying out court orders to take away the land of local farmers.

What became known as “Shays’s Rebellion” featured a long list of grievances. Most immediate were the complaints that the shortage of cash in Massachusetts left farmers unable to meet their debts and that they were often subjected to unjust punishment. The farmers also had a larger political agenda.

They demanded that the Massachusetts constitution be revised, that the state legislature assemble outside of Boston, and that many of the state’s lower courts be abolished. The farmers directed much of their anger toward lawyers, who, in their words, “have done more damage to the people at large, especially the common farmers, than the savage beasts of prey.”

Shays’s Rebellion horrified much of America’s elite. The wealthy in every state feared that indebted small farmers would rise up against authority. Abigail Adams, in a letter to Thomas Jefferson, applauded when a regiment

of the state militia organized in Boston smashed the uprising and captured its leaders.

“Ignorant, restless desperados, without conscience or principles have led a deluded multitude to follow their standard, under pretense of grievances which have no existence but in their imaginations. Some of them were crying out for a paper currency, some for an equal distribution of property, some were for annihilating all debts.... There is the necessity of the wisest and most vigorous measures to quell and suppress it. Instead of that laudable spirit which you approve, which makes a people watchful over their liberties and alert in the defense of them, these mobbish insurgents are for sapping the foundation, and destroying the whole fabric at once.”

—Abigail Adams

Jefferson shared the concern of his wealthy friends about the shakiness of America’s governing institutions. Nonetheless, he viewed rebellion as a necessary part of the political process. “The tree of liberty must be refreshed from time to time with the blood of patriots and tyrants,” Jefferson wrote. “It is its natural manure.”

Philadelphia—May 1787

Many of the issues raised by Shays’s Rebellion continued to simmer as delegates from



A farmer is shown attacking a local official in the Shays’s Rebellion.

Courtesy of the Library of Congress.

the states prepared to meet in Philadelphia in May 1787. Even without the uprising, there was ample controversy in the air.

Prominent patriots feared that the convention would strengthen the national government at the expense of the states and individual liberty. Upon learning of the proposed convention, Patrick Henry responded by saying that he “smelt a rat.” Similarly, Samuel Adams was suspicious “of a general revision of the Confederation.” Several of the central figures of the independence struggle, such as John Adams and Thomas Jefferson, were out of the country on diplomatic missions at the time of the convention. Others were not included in their state delegations.

In the end, the gathering in Philadelphia brought together a narrow slice of America’s elite. While all the state legislatures, except Rhode Island, sent delegates, many arrived late

or left for extended periods during the deliberations. In all, fifty-five men participated. At no time were more than eleven state delegations present. Typically, about thirty delegates attended the daily meetings. Twenty-seven of the delegates belonged to the Society of Cincinnati, a group whose members saw themselves as the eighteenth century counterparts of Rome's patricians and were holding their meeting in Philadelphia at the same time as the convention. More than half of the delegates at the convention had been trained as lawyers.

Why was the agenda in Philadelphia uncertain?

The convention officially opened on May 25, 1787, when a quorum of seven state delegations was reached. The delegates unanimously elected George Washington as president of the convention. Washington did not actively take part in the debates of the gathering until the final day. Nonetheless, he was an imposing presence. Few of the delegates doubted that Washington would be chosen as America's first national leader after the convention.

From the outset, the delegates agreed to conduct their deliberations in secret. No official minutes of the meetings were recorded, although a number of delegates took private notes. (The most extensive set of notes, written by James Madison, was not made public until 1831.) In keeping with the Articles of Confederation, each state delegation, regardless of the number of members, was granted one vote.

The delegates shared a general conviction that the national government needed to be strengthened. There remained, however, thorny areas of disagreement. The Delaware legislature, for example, had instructed its delegates to defend the fifth article of the Articles of Confederation, which gave each state equal representation in Congress. Large states contended that the arrangement was unfair. Questions revolving around the collection of taxes, slavery, and voting rights also posed obstacles. Finally, no one knew for sure how the recommendations of the convention would be received by the rest of the nation.