

CHAPTER
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Section 1

GUIDED READING *Experimenting with Confederation*

A. As you read, take notes that summarize how delegates to the Continental Congress answered three main questions about the new federal government.

1. Representation: By population or by state?	2. Supreme power: Can it be divided?	3. Western lands: Who gets them?

B. As you read this section, make notes that answer the questions below.

1. What was the new nation's major financial problem? _____

2. Why was the national government unable to solve its financial problems? _____

3. Why didn't Congress amend the Articles so it could impose a tariff? _____

4. Why do you suppose the central government under the Articles of Confederation was given such limited powers? _____

C. On the back of this paper, define **republic**, **republicanism**, and **confederation**. Then briefly explain each of the following:

Land Ordinance of 1785

Northwest Ordinance of 1787

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GUIDED READING *Drafting the Constitution*

Section 2

A. As you read how our Constitution was developed, take notes summarizing issues in the chart below.

<p>1. The Virginia Plan proposed a Congress composed of:</p>	<p>2. The New Jersey Plan called for a Congress consisting of:</p>
<p>↓</p>	
<p>3. The Virginia Plan proposed that representation in Congress be based on: Other large states agreed.</p>	<p>4. The New Jersey Plan proposed that congressional representation be based on: Other small states agreed.</p>
<p>5. How did the Great Compromise resolve this conflict?</p>	
<p>↓</p>	
<p>6. Northern states felt that representation in Congress should be based on the number of:</p>	<p>7. Southern states felt that representation should be based on the number of:</p>
<p>8. How did the Three-Fifths Compromise resolve this conflict?</p>	

B. On the back of this paper, identify or explain each of the following:

- | | | | |
|--------------------------|----------------------------|---------------------------|--------------------------|
| Shays's Rebellion | Roger Sherman | legislative branch | judicial branch |
| James Madison | checks and balances | executive branch | electoral college |

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GUIDED READING *Ratifying the Constitution*

Section 3

A. As you read this section, fill out the chart below with information about the people and ideas involved in the debate over the ratification of the Constitution.

<p>1. Who were the most important Federalists? Identify individuals and groups.</p>	<p>2. Who were the most important Antifederalists? Identify individuals and groups.</p>
<p>3. What were Federalist reasons for supporting ratification?</p>	<p>4. What were Antifederalist reasons for opposing ratification?</p>

B. Which rights do each of the following constitutional amendments in the Bill of Rights protect?

<p>1. First Amendment</p>	<p>2. Fourth Amendment</p>
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C. On the back of this paper, explain the relationship between the **Federalist Papers** and the **ratification** of the U.S. Constitution.

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SKILLBUILDER PRACTICE *Analyzing Issues*

One major issue the framers of the Constitution faced was the role of national government. Read the passage about the issues surrounding the division of powers and then fill out the chart below to help you analyze the issue. (See Skillbuilder Handbook, p. 1046)

The new United States floundered under the Articles of Confederation, as states acted in their own self-interest. Congress had no power to raise money to pay off debts from the war, and efforts to protect the country against foreign powers met with no support from the states. It became obvious to many that the fear of creating a strong central government had resulted in a government that was incapable of running the country successfully.

In 1787, fifty-five delegates met in Philadelphia to try to strengthen the Articles of Confederation. Most of the delegates had been deeply involved with the struggle for independence and had experience with governing or developing policies for the new United States. They shared a nationalist perspective. That is, they believed that unless the national government were freed from control by

the states' legislatures, the country would fall victim to foreign aggression or would simply fall apart.

While most delegates realized the necessity for a strong central government, they also shared with other Americans a deep-seated fear of tyranny by a strong leader or group. Traditionally, Europeans had immigrated to America to get away from harsh central governments that were unresponsive to the needs of the people and denied them freedom. The Revolutionary War had been fought to gain independence from a distant king who had no concept of or interest in the needs and welfare of the colonists. Many Americans worried that a strong national government in the new nation would be far away from many parts of the country. In a time when travel was often difficult and news traveled slowly, a distant central government might have trouble being responsive to local needs.

PROBLEMS: What problems were caused by the Articles of Confederation?

NEEDS: What major change was needed?

FEARS: What form of government did Americans most fear? Why?

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Section 3

GEOGRAPHY APPLICATION: REGION

The Constitution Becomes a Reality

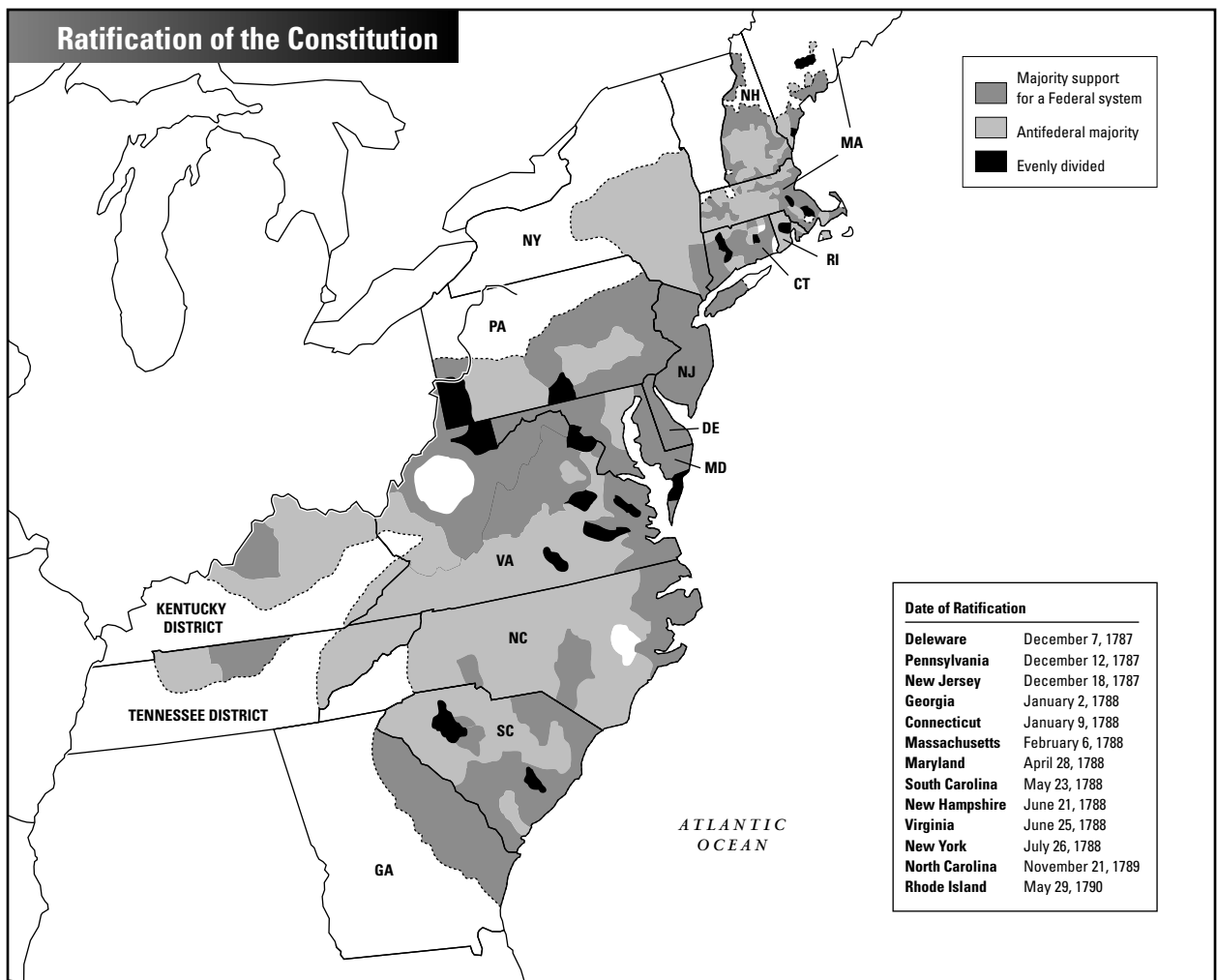
Directions: Read the paragraphs below and study the map and list of dates carefully. Then answer the questions that follow.

Congress decreed that approval of at least 9 of the 13 states was needed to ratify the Constitution. Ratification would not be easy. One state, Rhode Island, had not even sent delegates to the Constitutional Convention, protesting the mere notion of a national government. Areas of majority support, though, were plentiful.

Critics of the Constitution, known as Antifederalists, feared that a strong president could become a king, that states' rights would be lost, and

that the wealthy would rule. Then there was the problem of a lack of guaranteed individual rights. Eventually, Federalist supporters agreed to add a bill of rights to the Constitution.

The debate over ratification followed regional and economic interests. Many rural residents and craft workers opposed ratification. Business interests, large-property owners, and residents of large towns mostly favored it.



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Interpreting Text and Visuals

1. What were the main arguments of the Antifederalists against the ratification of the Constitution? _____

2. How many states had ratified the Constitution by the end of the year it was written? _____

Why is it not surprising that Rhode Island was the last state to ratify? _____

3. Which state's ratification guaranteed the Constitution's approval? Why? _____

4. Look at the map. Which states were totally in favor of a Federalist system? _____

5. Why are areas of Federalist majority generally along the Atlantic seacoast? _____

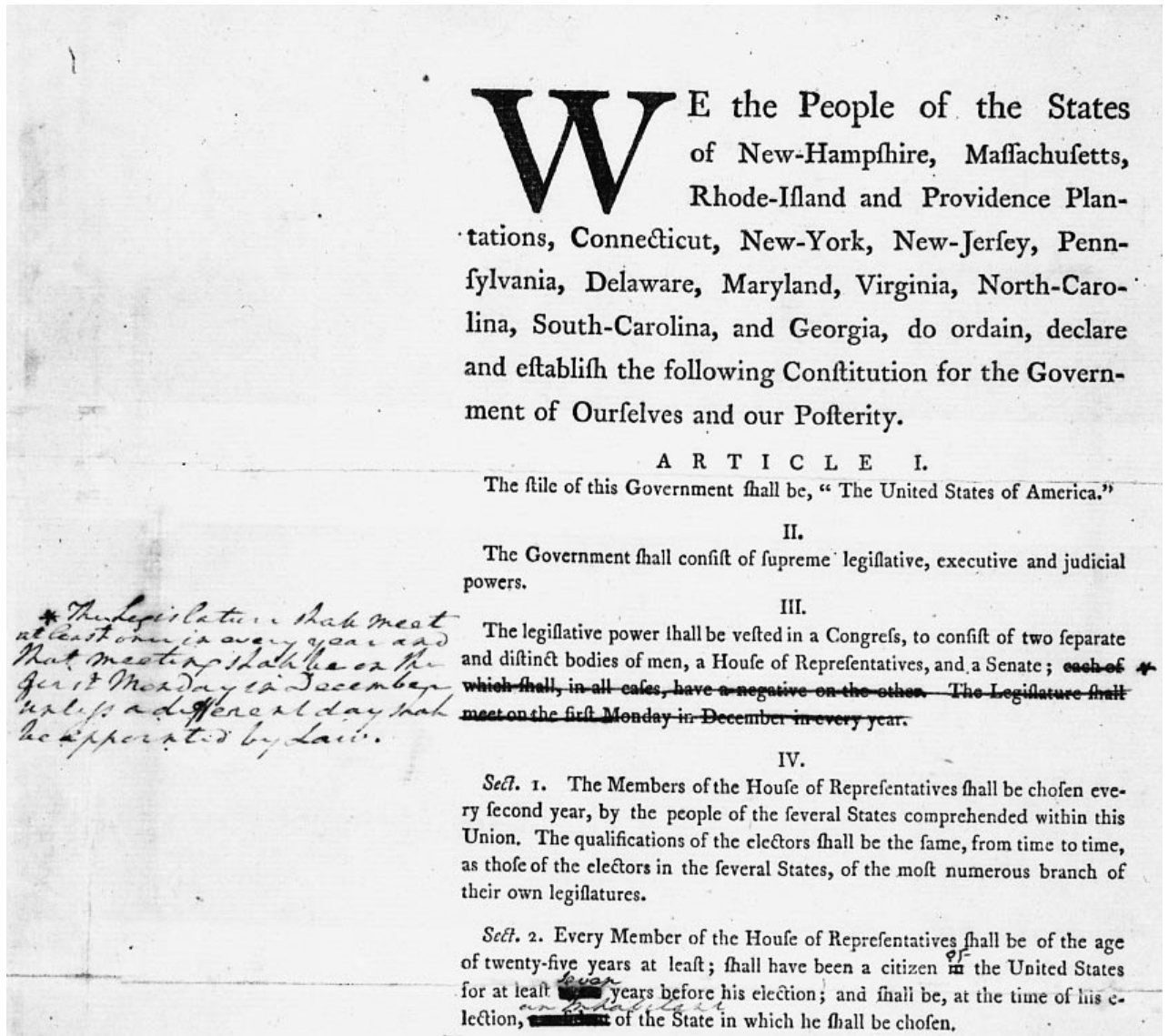
6. Why are areas of Antifederalist majority often found inland, in rural areas? _____

7. New York state shows only a tiny area of Federalist majority. How do you think New York was able to ratify the Constitution? _____

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PRIMARY SOURCE *from* The U.S. Constitution, First Draft

The first draft of the Constitution was printed on August 6, 1787, and submitted to the Constitutional Convention. The copy reprinted below is George Washington's personal copy, which includes his handwritten notes.



Discussion Questions

1. Compare this part of the first draft with the equivalent sections in the final copy printed on page 146 of your textbook. Discuss the major changes that were made in the document in only about five weeks time.
2. What change in the government was emphasized when "We the people of the United States" replaced the listing of the individual states in the Preamble? Why do you think this wording was so important at the time?

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PRIMARY SOURCE *from Patrick Henry's Antifederalist Speech*

Patrick Henry served as a delegate at the Virginia ratifying convention in 1788. At the convention, Antifederalists Henry, George Mason, and James Monroe squared off against Federalists James Madison, Edmund Pendleton, and George Wythe. A powerful orator, Henry delivered this speech to the convention. Despite Henry's opposition to the Constitution, the Federalists won the debate—Virginia became the tenth state to ratify the Constitution.

This Constitution is said to have beautiful features; but when I come to examine these features, sir, they appear to me horribly frightful. Among other deformities, it has an awful squinting; it squints toward monarchy; and does not this raise indignation in the breast of every true American? Your President may easily become king. Your Senate is so imperfectly constructed that your dearest rights may be sacrificed by what may be a small minority; and a very small minority may continue forever unchangeably this government, although horribly defective. Where are your checks in this government? Your strongholds will be in the hands of your enemies. It is on a supposition that your American governors shall be honest, that all the good qualities of this government are founded; but its defective and imperfect construction puts it in their power to perpetrate the worst of mischiefs, should they be bad men; and, sir, would not all the world, from the Eastern to the Western Hemisphere, blame our distracted folly in resting our rights upon the contingency of our rulers being good or bad? Show me that age and country where the rights and liberties of the people were placed on the sole chance of their rulers being good men, without a consequent loss of liberty! I say that the loss of that dearest privilege has ever followed, with absolute certainty, every such mad attempt.

If your American chief be a man of ambition and abilities, how easy is it for him to render himself absolute! The army is in his hands, and if he be a man of address, it will be attached to him, and it will be the subject of long meditation with him to seize the first auspicious moment to accomplish his design; and, sir, will the American spirit solely relieve you when this happens? I would rather infinitely—and I am sure most of this convention are of the same opinion—have a king, lords, and commons, than a government so replete with such

insupportable evils. If we make a king, we may prescribe the rules by which he shall rule his people, and interpose such checks as shall prevent him from infringing them; but the President, in the field, at the head of his army, can prescribe the terms on which he shall reign master, so far that it will puzzle any American ever to get his neck from under the galling yoke. I cannot with patience think of this idea. If ever he violate the laws, one of two things will happen: he will come at the head of the army to carry everything before him; or he will give bail, or do what Mr. Chief-Justice will order him. If he be guilty, will not the recollection of his crimes teach him to make one bold push for the American throne? Will not the immense difference between being master of everything and being ignominiously tried and punished powerfully excite him to make this bold push? But, sir, where is the existing force to punish him? Can he not, at the head of his army, beat down every opposition? Away with your President! we shall have a king: the army will salute him monarch; your militia will leave you, and assist in making him king, and fight against you: and what have you to oppose this force? What will then become of you and your rights? Will not absolute despotism ensue?

from David J. Brewer, ed., The World's Best Orations, vols. 6–10 (Metuchen, N.J.: Mini-Print, 1970), 2495–2496.

Discussion Questions

1. What kind of government did Patrick Henry fear would develop out of the new Constitution?
2. Why did Henry feel that a king would be preferable to a president under the new Constitution?
3. How would you counteract Henry's objections?
4. Explain why you agree or disagree with Henry's opinions.

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PRIMARY SOURCE *from* **The Federalist No. 2**

The following excerpt is from one of the Federalist Papers written by John Jay. As you read, consider Jay's reasons for creating a strong union.

When the people of America reflect that they are now called upon to decide a question, which, in its consequences, must prove one of the most important that ever engaged their attention, the propriety of their taking a very comprehensive, as well as a very serious, view of it, will be evident.

Nothing is more certain than the indispensable necessity of government, and it is equally undeniable, that whenever and however it is instituted, the people must cede to it some of their natural rights, in order to vest it with requisite powers. It is well worthy of consideration, therefore, whether it would conduce more to the interest of the people of America that they should, to all general purposes, be one nation, under one federal government, or that they should divide themselves into separate confederacies, and give to the head of each the same kind of powers which they are advised to place in one national government.

It has until lately been a received and uncontradicted opinion, that the prosperity of the people of America depended on their continuing firmly united, and the wishes, prayers, and efforts of our best and wisest citizens have been constantly directed to that object. But politicians now appear, who insist that this opinion is erroneous, and that instead of looking for safety and happiness in union, we ought to seek it in a division of the States into distinct confederacies or sovereignties. . . .

This country and this people seem to have been made for each other, and it appears as if it was the design of Providence, that an inheritance so proper and convenient for a band of brethren, united to each other by the strongest ties, should never be split into a number of unsocial, jealous, and alien sovereignties.

Similar sentiments have hitherto prevailed among all orders and denominations of men among us. To all general purposes we have uniformly been one people; each individual citizen everywhere enjoying the same national rights, privileges, and protection. As a nation we have made peace and war; as a nation we have formed alliances, and

made treaties, and entered into various compacts and conventions with foreign states. . . .

It is worthy of remark that not only the first, but every succeeding Congress, as well as the late convention, have invariably joined with the people in thinking that the prosperity of America depended on its Union. To preserve and perpetuate it was the great object of the people in forming that convention, and it is also the great object of the plan which the convention has advised them to adopt. With what propriety, therefore, or for what good purposes, are attempts at this particular period made by some men to depreciate the importance of the Union? Or why is it suggested that three or four confederacies would be better than one? I am persuaded in my own mind that the people have always thought right on this subject, and that their universal and uniform attachment to the cause of the Union rests on great and weighty reasons, which I shall endeavor to develop and explain in some ensuing papers. They who promote the idea of substituting a number of distinct confederacies in the room of the plan of the convention, seem clearly to foresee that the rejection of it would put the continuance of the Union in utmost jeopardy. That certainly would be the case, and I sincerely wish that it may be as clearly foreseen by every good citizen, that whenever the dissolution of the Union arrives, America will have reason to exclaim, in the words of the poet: "Farewell! A long farewell to all my greatness."

from Alexander Hamilton, John Jay, and James Madison, *The Federalist* (Washington and New York: Robert B. Luce, Inc., 1976), 7–12.

Research Options

1. Read another essay from the *Federalist Papers* by either Jay, Madison, or Hamilton. Write a brief summary of the essay to share with your classmates.
2. Find out more about the positions of either the Federalists or the Antifederalists. Then hold an informal class debate, presenting arguments for or against the new Constitution.

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PRIMARY SOURCE **Political Cartoon**

This Federalist cartoon shows Thomas Jefferson, aided by the devil and a bottle of brandy, trying to pull down the pillar of government, as the American eagle wards them off.



Reproduced from the original in the Henry E. Huntington Library and Art Gallery, San Marino, California.

Discussion Questions

1. How is Thomas Jefferson portrayed in the cartoon?
2. Why do you think the Federalists wanted to portray Jefferson in this way?
3. How do you think Federalists and Antifederalists at the time felt about the cartoon's depiction of Jefferson?
4. What do you think of the cartoon?

CHAPTER
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LITERATURE SELECTION *from Legacy*
by James A. Michener

Section 2

In this excerpt from the novel, young Simon Starr journeys to Philadelphia in 1787 to attend the Constitutional Convention. As you read, pay attention to Simon's impressions of the people he meets there.

On 9 May 1787, when Simon Starr left his family plantation in northern Virginia and started his five-day horseback ride to the Constitutional Convention in Philadelphia, he carried with him the letter of instruction his father had sent from his deathbed in western Massachusetts: “. . . make plans to fill my spot . . . Fashion a strong new form of government but protect Virginia's interests.” More than most delegates, Simon appreciated how difficult it would be to fulfill these two commands.

In the first place, his elders in Virginia had made it clear that he and the other delegates were authorized merely “to correct and improve our present Articles of Confederation, and under no circumstances to meddle with any new form of government.” For him to achieve what his father had wanted, a strong central government, would require ignoring these instructions.

In the second place, he realized that a new union could not be established unless the three big states—Massachusetts in the North, with its manufacturing; Pennsylvania in the middle, with its commerce; Virginia in the South, with its tobacco and cotton plantations—found some way to protect their majority interests while ensuring the small states like Rhode Island, New Hampshire and Delaware a respectable voice in whatever form of government emerged. Up to now, it had been one state—one voice, but with the big states constantly accumulating more power and responsibility, such an imbalance could not continue. Rhode Island did not carry the weight of Virginia in population, trade or wealth, and to claim that she did was folly.

He was perplexed as to how this impasse would be resolved, but he was sure of one thing: he would never allow Virginia's rights to be trampled.

Simon was twenty-eight years old that spring, a graduate of the College of New Jersey at Princeton, red-headed, quick to anger, interested in all aspects of American life. He had served as foot soldier in

the latter years of the Revolution, rising to the rank of captain, but he had known none of the commanding figures of that period. In recent years, however, he had corresponded with two of the most brilliant men in Virginia or the nation, George Mason and George Wythe, the dazzling professor of law at William and Mary College. Simon was literate, informed, patriotic, and determined to conduct himself with distinction at the Convention.

As he left that May he assured his wife and young son: “I'll be back for the fall harvest,” and as he rode down the long lane to the highway, he called out the same message to the slaves who lined the pathway to bid him farewell.

As one of the two youngest members of the Convention he would feel himself at a disadvantage.

In his compact canvas saddle bags he carried four books he had come to treasure at college: Thucydides' account of the Greek wars, John Locke's treatise on government, a book by Adam Smith on the political economy of nations, a saucy novel by Henry Fielding. In his head he carried about as good

an education as was then available in either the United States or Great Britain, but in both Princeton and Virginia he had been careful to mask any pretension to superiority. He was an earnest young man of solid ability who would always show deference to his elders. As one of the two youngest members of the Convention he would feel himself at a disadvantage, but he intended to associate himself with older men of talent and make his contribution through supporting them.

He rode into Philadelphia, a burgeoning city of some forty thousand, in the late afternoon of Sunday, 13 May 1787, and without difficulty he found Market Street, the main east-west thoroughfare, which he pursued toward the Delaware River until he came to Fourth Street. Here, in accordance with instructions, he turned south till he saw ahead, swaying in the evening breeze, the reassuring signboard of the Indian Queen Tavern. He tied his horse, took

down his saddle bags, and strode inside to announce himself to the innkeeper: “Simon Starr of Virginia, for the room assigned to my father, Jared Starr.”

At the mention of this name, several men who had been idly talking showed great interest and moved forward to meet the newcomer. In the next exciting moments he met members of the Virginia delegation, including four men of distinction: Edmund Randolph, James Madison, and the two older scholars with whom he’d been in correspondence, George Mason and George Wythe. Looking carefully at each as he was introduced, he said: “And General Washington’s a Virginian, too. Add him to you gentlemen, and Virginia’s to be strongly represented,” and Madison said quietly: “We planned it that way.”

“I rode hard to get here for tomorrow’s opening session,” Starr said, to which Madison replied, with a touch of asperity: “No need. There’ll be no session.”

“Why?” and young Starr learned the first basic fact about the Convention: “Takes seven of the thirteen states to form a legal quorum. Only four are here now.”

“When will the others arrive?” and Madison said sourly: “Who knows?”

Eleven days were wasted in idleness as delegates straggled in, and each evening Madison informed those already in attendance of the situation: “Two more states reported today. Perhaps by the end of next week.” If the nation was, as the Virginia delegation believed, in peril, the men designated to set it right seemed in no hurry to start.

And shortly, there was sobering news: “Rhode Island has refused to have anything to do with our Convention and will send no delegates.” This meant that only twelve states would do the work.

One night during the waiting period Starr returned to the Indian Queen, to see a group of delegates speaking with a newcomer, a slender, handsome, self-contained young man of thirty, so compelling in his manner that Simon whispered to a friend: “Who’s that?” and when the man said: “Alexander Hamilton, just in from New York,” Starr gasped so loudly that the newcomer turned, gazed at him with penetrating eyes, and said, almost grandly: “Yes?”

“I’m Jared Starr’s son.”

And now the icy reserve which Hamilton had been showing melted in the sun of remembered friendship. Elbowing his way out of the crowd, he hurried to Simon, embraced him warmly with both arms, and cried: “When I learned of your father’s death I felt mortally stricken. A man rarely finds such a trusted friend.”

They spent three hours together that first night, with Hamilton probing in a dozen different directions to determine Starr’s attitudes, and as the evening waned, it became clear that the two men had even more in common than Hamilton had had with old Jared Starr. Both believed in a strong kind of central government, in the right of large states to exercise large powers, and particularly in the sanctity of property. But toward the end of that first exploration Simon heard several of Hamilton’s opinions which could be interpreted as an inclination toward a monarchical form of government: “Simon, the world is divided into those with power and those without. Control of government must rest with the former, because they have most at hazard. Whatever kind of supreme ruler we devise, he should serve for life and so should the members of the stronger house, if we have more than one. That way we avoid

the domination of the better class by the poorer.”

“Poorer? Do you mean money?”

Hamilton bit his knuckle: “Yes, I suppose I do. But I certainly want those with no money to have an interest in our government. But actually voting? No, no. That should be reserved for those with financial interests to protect.”

When Simon accompanied Hamilton to the door of the Indian Queen, he experienced a surge of

devotion for this brilliant young man, so learned, so sure of himself, so clear-minded in his vision of what his adopted nation needed: “Father told me that you were the best man he’d ever met, Colonel Hamilton. Tonight I understand why.” Then, hesitantly, he added: “If I can help you in the days ahead, please let me know. You can depend on my support.”

In the next week, when the delegates chafed because a quorum had still not reached Philadelphia, Simon remained close to his Virginia delegation and watched with what care they laid their plans to assume intellectual and political control of the Convention. The three awesome minds,

“Whatever kind of supreme ruler we devise, he should serve for life and so should the members of the stronger house, if we have more than one.”

Mason, Madison, and Wythe, perfected a general plan they had devised for a wholly new government, and it was agreed that at the first opportunity on opening day, the imposing Edmund Randolph would present it as a working paper around which the other delegates would have to frame their arguments. “If we put up a good plan,” Madison said, “we’ll probably lose two-thirds of the minor details, but the solid structure will still remain.”

At the close of the Convention, a hundred and sixteen days later, Simon Starr would draft a perceptive memorandum regarding his major experiences; these notes would not record the great debates or the machinations by which the new government was formed, but they would depict honestly one young man’s reactions to the men who gathered in Philadelphia that hot summer, and no entry was more illuminating than his summary of the people involved:

Only twelve states nominated delegates and they authorized a total of 74 men to come to , and of these, only 41 stayed to the bitter end, but of these, only 39 were willing to sign our finished document.

One of his entries that was widely quoted in later years dealt with the composition of the membership, and although the comments on those who were there could have been provided by other observers, his list of those who were conspicuous by their absence was startling:

I was surprised at how many delegates had college degrees like my own. Harvard, Yale, King’s College in New York, the College of among them men from Oxford in England, the Inns of Court in London, Utrecht in Holland, and St. Andrews in Scotland. We were not a bunch of illiterate farmers. We were, said some, ‘the pick of the former Colonies.’

But I was equally impressed by the luminous names I expected to see in our group and didn’t. Patrick Henry was missing and so were the two Adamses from Massachusetts. Tom Jefferson was absent in France. John Marshall wasn’t here, nor James Monroe nor John Jay, John Hancock, my father’s friend, wasn’t here, nor famous Dr. Benjamin Rush. And I expected to see the famous writer and political debater Noah Webster, but he wasn’t here.

Eight men were on hand, however, whose presence gave not only Simon Starr but all the other delegates a sense of awe. These were the men who, eleven years before, had dared to sign the Declaration of Independence: these were the men who along with Simon’s father had placed their lives in jeopardy to defend the principle of freedom. One by one, these eight introduced themselves to Simon, reminding him of the high esteem in which his father had been held, and he was deeply moved by the experience. Two of the veterans earned a special place in his affections:

I was disappointed on opening day to find that Benjamin Franklin was not present, but on the morning of the second day I heard a commotion in the street outside our meeting hall and some cheering. Running to glimpse what might be happening, I saw coming down the middle of the street an amazing sight, a glassed-in ornate sedan chair of the kind used by European kings. It hung suspended from two massive poles which rested on the shoulders of eight huge prisoners from the local jail. Inside, perched on pillows, rode an old, baldheaded man who looked like a jolly bullfrog. It was Dr.

Franklin, most eminent of the delegates, and the oldest at eighty-one. Gout, obesity and creaking joints made it impossible for him to walk, hence the sedan chair. When the prisoners carried him into the hall, someone alerted him that I was present. Calling “Halt!” to the prisoners, he beckoned me to approach, and when I did he reached out with both hands to embrace me, and

tears came into his eyes: “Son of a brave man, be like him.”

Patrick Henry was missing and so were the two Adamses from Massachusetts. Tom Jefferson was absent in France.

Research Options

1. A historical novel takes its setting and some of its characters and events from history. Find out which characters in this excerpt are fictional and which actually lived. Then make a list of historical figures and compare it with those of your classmates.
2. Investigate the real-life story of one of the historical figures on your list. Then write a brief biographical sketch about this person. Work with your classmates to create a *Who’s Who of the Constitutional Convention*.

CHAPTER
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AMERICAN LIVES

John Jay

Nationalist with a Sense of Duty

Section 3

“A government which was to accomplish national purposes should command the national resources.”—John Jay, speech in favor of ratifying the Constitution (1788)

John Jay no sooner completed one public responsibility than he was given another. Jay long wished to retire, but a sense of duty compelled him to accept many years of public service, during which he tried to make the United States a truly united nation.

John Jay (1745–1829) was unusual among the Revolutionary leaders, as his ancestors were not from the British Isles. His grandfather had fled his native France when the French king banned his religion. Jay’s father was a prominent New York merchant, and his mother came from a family of wealthy Dutch landowners.

A delegate to the First Continental Congress, Jay preferred caution—and joint action. When the New Jersey assembly debated sending its own petition to the king, Jay argued against it. To be valid, he said, a petition must come from a “*United America* presented by Congress.” Once the colonies declared independence—and Britain sent troops to New York—Jay abandoned his caution and devoted his efforts to ensuring victory.

Now elected a member of the colony’s Provincial Congress, Jay returned to New York. He was chosen to draft the state constitution. That task complete, he was named the state’s first Chief Justice. Back in Philadelphia in 1778, he was elected president of the Congress. After a year in that post, he was sent to Spain to persuade the Spaniards to recognize American independence. Despite two years of effort, he could not. In 1782, he went to France to help negotiate the treaty that ended the Revolution.

Jay returned to the United States in 1784 hoping to retire, only to find that Congress had called upon him again. He was named secretary of foreign affairs—a post he held for six years. During this time he grew disappointed in the Confederation government. It was too weak to compel the British to pull their troops from the Northwest Territories as they had promised by treaty. He also saw that the states’ inability to act together had dire economic results. “Although we permit all nations to

fill our country with their merchandises, yet their best markets are shut against us,” he complained.

Jay became convinced that a stronger national government was needed. Antifederalists in New York denied him a seat at the Constitutional Convention of 1787. He did make his views known, however. In one letter, he urged the separation of powers: “Let Congress legislate. Let others execute. Let others judge,” he wrote. He hoped that the Constitution would ban slavery. But he believed that trying to end slavery would doom the document and did not push the issue. Jay contributed five of the Federalist Papers and joined Hamilton in winning the New York ratification debate.

With the Constitution ratified, duty called again. Jay was named the first Chief Justice of the U.S. Supreme Court. In one decision—*Chisholm v. Georgia*—he upheld his nationalist philosophy by ruling that a citizen of one state could sue another state. At the request of President John Adams, Jay went to England in 1794 to negotiate what came to be called Jay’s Treaty. He returned to a firestorm of protest over the treaty. He also learned that retirement was delayed once more—he had been elected governor of New York.

Jay served as governor for two terms. In one, he signed a law banning slavery in the state. In 1801, he was offered the job of Chief Justice again, but declined. He finally retired to private life, looking forward to a happy, quiet life with his wife. Unfortunately, she died the next year, and Jay lived another 27 years saddened by her loss.

Questions

1. Was Jay highly regarded by other leaders or not? Give reasons for your answer.
2. How did Jay’s experience in Congress convince him that the Confederation government needed to be strengthened?
3. Explain how Jay’s views on slavery were ahead of their time.

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AMERICAN LIVES **Patrick Henry**
Passionate Orator Full of Contradictions

Section 3

"Here is a revolution as radical as that which separated us from Great Britain. . . . Our rights and privileges are endangered, and the sovereignty of the states . . . relinquished."—Patrick Henry, speech against ratification of the Constitution (1788)

In 1775, Patrick Henry spoke passionately for independence: "I know not what course others may take; but as for me . . . give me liberty or give me death!" In 1788, he also spoke passionately against the new Constitution: "It is said eight states have adopted this plan. I declare that if twelve states and a half had adopted it, I would with manly firmness, and in spite of an erring world, reject it." Henry's oratory propelled him to a major role in Virginia and national politics, but his vivid speech-making often revealed contradictions.

Patrick Henry (1736–1799) failed in two attempts to become a merchant and chose a career in law. He relied on his intelligence and speaking skill to pass the bar exam. He became a successful lawyer, gaining wealth and some fame throughout Virginia. He soon entered politics.

Henry joined Virginia's House of Burgesses in May 1765 as the Stamp Act became an issue. He quickly shattered custom—new members were supposed to sit and watch—by introducing resolutions condemning the act. One said that the Burgesses, not Parliament, had the "sole exclusive right and power to lay taxes" in Virginia. Speaking in their favor, Henry compared King George III to rulers who had been overthrown. The assembly erupted in angry cries of "treason!"

In 1774, Virginia sent Henry and six others to Philadelphia as delegates to the First Continental Congress. His main contribution was, typically, a stirring speech urging united action: "The distinctions between Virginians, Pennsylvanians, New Yorkers and New Englanders are no more. I am not a Virginian, but an American." Back in Virginia, Henry again offered bold resolutions. They said that Virginia should "be immediately put into a position of defense" and "prepare a plan" for creating and arming a military force. Here he gave his famous "liberty or death" speech.

During the Revolution, Henry focused on Virginia politics, serving as governor five times. Hoping to secure Virginia's claim to western lands,

he sent George Rogers Clark with an armed force to Illinois territory to drive out the British. During this period, he and Thomas Jefferson began a feud that lasted the rest of Henry's life. Henry feuded with James Madison as well. These personal quarrels soon had an impact on politics.

While Henry was governor, John Jay negotiated a treaty with Spain that gave up American rights to trade on the Mississippi River. Henry—who felt the loss of trade would weaken Virginia's power—was infuriated. From then on he opposed national power.

This position—and the feud with Madison—came together when the Constitution was submitted to the states for approval. Henry spoke for 18 of Virginia's 23 days of debate. He objected to the lack of a guarantee of individual rights, and his objection is credited with the Bill of Rights being added to the Constitution. However, contradicting his words of 1774, Henry also objected because Virginia would lose power under a federal system: "This government is not a Virginian, but an American government." In the end, Virginia voted to ratify the Constitution. But Henry used his influence to get Antifederalists named as Virginia's two senators, denying James Madison a seat in the first Senate.

After the defeat, Henry retired for a time. Ironically, his last public role came in support of the Federalist Party—which Jefferson and Madison now opposed. The year he died, Henry, the great Antifederalist, was elected to Congress as a candidate of the Federalist party.

Questions

1. What contradictory stands did Henry take?
2. What actions and positions of Henry reveal concern with Virginia's power?
3. Support the argument that Henry should be as well known for his insistence on a Bill of Rights for the Constitution as for his "liberty or death" speech.

CHAPTER
5**Project****LIVING HISTORY** *Creating a Constitution*

PLANNING THE CONSTITUTION Before the delegates to the Constitutional Convention had even started drafting the U.S. Constitution, they had certain goals in mind—the most important of which was to strengthen the federal government. Before you begin drafting a constitution for your class or school, your group needs to agree on goals and to figure out the best ways to meet those goals. Use this form to help you:

1. **Identify two or three goals for your class or school.** (For example, one goal might be to have high academic achievement)

2. **Ways to meet those goals:**

- Who will run the school? How will he or she be chosen?
- Who will decide what is taught?
- How will students be evaluated?
- What are the rules for student behavior? How will these rules be passed and enforced?
- What is the procedure for changing the rules?
- How will decisions be reached about the guilt or innocence of someone accused of breaking the rules?

DRAFTING THE CONSTITUTION After your group has discussed your goals and how to reach them, you're ready to start writing. Here are some suggestions:

- Divide your group further into partners or individuals to draft different portions of your constitution. Then, get back together to discuss what you have written.
- Make sure your rules or laws are expressed clearly so that they can be understood and enforced. Discuss where clarification is needed.
- Keep your goals in mind. Do your rules or laws foster those goals?
- Settle any disputes among you by voting or coming up with a compromise.

REVISING THE CONSTITUTION After you've discussed where your constitution could be improved, work together on the wording for those improvements. Final questions to ask yourselves: Do you need to add or delete anything? Do you need a bill of rights? Share the writing of the final draft among your group members.

CHAPTER
5
Project

LIVING HISTORY *Standards for Evaluating
a Constitution*

IDEAS AND CONTENT	Exceptional	Acceptable	Poor
1. Creates a clear, well-ordered structure for the class or school			
2. Specifies rules for students to follow			
3. Explains the procedure for changing the rules			
4. Specifies how judgments (guilt or innocence) will be determined and rules enforced			
5. Supports the goals of government envisioned by the group			
INDIVIDUAL PERFORMANCE			
6. Is logically organized			
7. Contains clear explanations of rules and procedures			
8. Shows good judgment in the creation of rules and procedures			
9. Shows evidence of thoughtful discussion and individual effort			

Comments _____

Overall rating