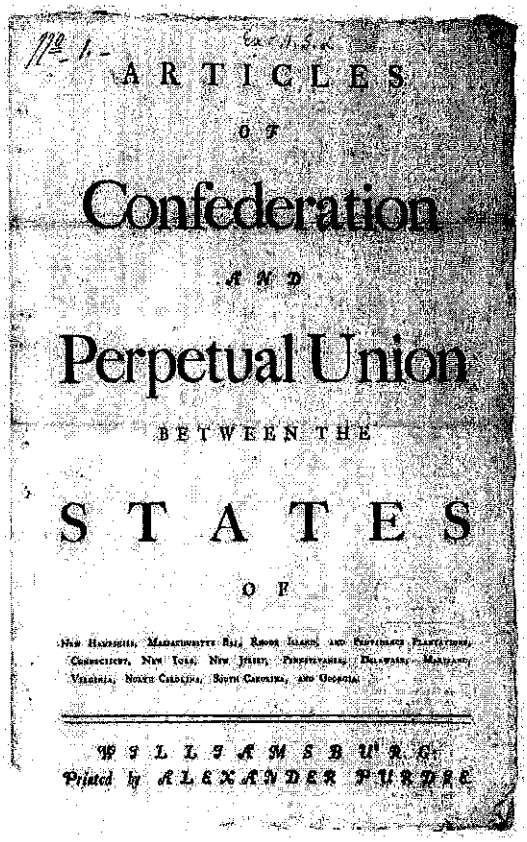
A More Perfect Union Historical Background

The United States under the Articles of Confederation

Historian John Fiske labeled the 1780s the "critical period of American history." The decade was a time of great peril for the young nation. America's difficulties emerged from a complex set of changes related to the end of the Revolutionary War, rising tensions among the thirteen states, and a weak national government operating under the **Articles of Confederation**.

The Articles of Confederation were drafted in 1776 and approved by the Second Continental Congress the following year but were formally **adopted** only after four long years of petty wrangling among the states. The Articles established a weak national government that left the country vulnerable and disunited. With the states protective of local rights and having little allegiance to a national government, many people insisted that the United States should be nothing more than "a firm league of friendship." After the end of major military operations in 1781, some states began largely ignoring the **Confederation** government. They frequently refused to pay congressional requisitions and consistently sent to Philadelphia men of inferior talent and quality. Few people believed that a nation as large and diverse as the United States could be ruled by a strong government while simultaneously preserving individual freedoms and liberties. In the interests of stability and security, it seemed wiser to allow the states to govern their own territories with the national Congress serving as a coordinating body.

Several economic and diplomatic crises in the mid-1780s made the Articles' shortcomings abundantly clear. At the end of the Revolutionary War, American **commerce** slowed considerably as military contracts evaporated and spending declined. Meanwhile, pent-up demand for manufactured goods led to a dramatic increase in imports from Great Britain. American exports, however, increased at a much less robust pace. The resulting economic downturn led to severe deflation and made both public and private debts


ARTICLES
OF
Confederation
AND
Perpetual Union
BETWEEN THE
STATES
OF
WILLIAMSBURG:
Printed by ALEXANDER PURDIE.

Articles of Confederation and Perpetual Union between the States . . ., printed by Alexander Purdie, Williamsburg, Virginia, 1777. An American Time Capsule, Rare Book and Special Collections Division, Library of Congress, portfolio 178, folder 26.

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more burdensome. Bankruptcies, unemployment, and poverty increased throughout the nation.

Diplomatic troubles added to America's economic woes. In July 1783, for instance, the British government closed its ports at home and in the British Caribbean to American shipping. This action delivered a double blow to the United States: it weakened the young nation's budding maritime industries and limited its ability to export food surpluses overseas. There were also diplomatic troubles with Spain, which possessed the North American territories west of, and the navigation rights to, the Mississippi River. In 1784, Spain closed the Mississippi to American trade, a move that devastated American settlers in the western territories who needed the river to transport their agricultural produce to market. Because the Confederation government was weak, neither Great Britain nor Spain felt compelled to yield to American diplomatic demands to remove the damaging trade restrictions.

The Push for Reform and the Road to Philadelphia

Many American leaders began to realize that the Articles of Confederation needed to be overhauled. Fortunately, constitutional precedents for how to proceed were already in place. Soon after the Declaration of Independence was signed in 1776, the states began writing their own constitutions. This process gradually established several fundamental principles that later guided leaders in Philadelphia: 1. New systems of government should be written only by specially selected constitutional conventions, not by state legislatures; 2. The products of the conventions must be **ratified** by the broader population; 3. Constitutions were to be viewed as legally superior to ordinary statutory laws; and 4. Republics based on written constitutions should have a standardized structure, with a **bicameral** legislature, an **executive branch**, and an independent **judicial branch**.

"A N.W. View of the State House in Philadelphia taken 1778," engraved by James Trenchard, in *Columbian Magazine, or Monthly Miscellany* 1, no. 11 (July 1787), frontispiece. Courtesy of the Library of Congress, Rare Book and Special Collections Division.

The initial push for national reform emerged from the growing concerns of Virginians. In March 1785, representatives from Virginia and Maryland met to discuss and resolve a number of complicated issues, including contested navigation rights on the Potomac River. James Madison, who attended the meeting, viewed the face-to-face discussions as a model for solving the nation's larger problems. He convinced the Virginia General Assembly to issue a call for a national convention to reform the economic and commercial elements of the Articles of Confederation. The resulting Annapolis Convention convened in September 1786. Although the convention was regarded as a failure (only five states sent **delegations**), its representatives called for another national convention to be held the following spring in Philadelphia. In the meantime, Madison began working on an entirely new system of government, which would later be known as the **Virginia Plan**.

The Philadelphia Convention (May–June 1787): Competing Plans, Competing Interests

The **Constitutional Convention** convened in Philadelphia in late May 1787 with twelve state delegations in attendance (only Rhode Island refused to participate). The Convention achieved such broad-based participation largely because of a popular uprising in western Massachusetts in the fall of 1786. Known as **Shays' Rebellion**, the uprising involved several thousand farmers taking up arms to protest land foreclosures and the imprisonment of citizens who could not pay their debts during the hard economic times. Shays' Rebellion raised fears across the nation that the United States, with a central government unable to preserve peace and order, was sinking into chaos.

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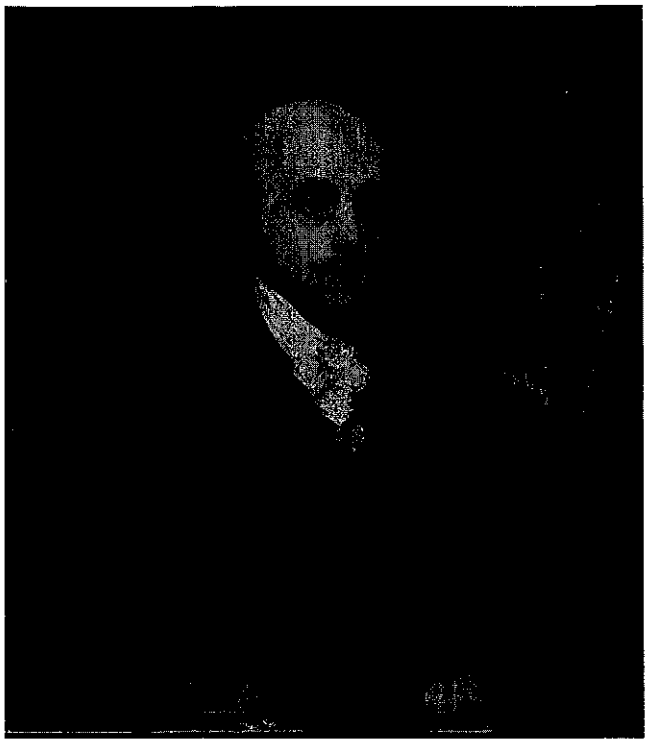
The various crises facing the nation were serious enough to draw George Washington out of retirement to join the Virginia delegation in Philadelphia. Washington was the most prominent **delegate** at the Constitutional Convention, and his popularity and prestige gave the gathering considerable legitimacy. Members recognized his importance and elected him to chair the Convention. The other delegates in Philadelphia were also men with wealth, influence, and national political experience. Nearly three-quarters of the delegates were former members of the Continental Congress, and most of the remaining representatives had served in the Continental Army.

Serious discussions began on May 29, with Edmund Randolph proposing James Madison's Virginia Plan. The plan's fifteen resolutions called for a radically different national government, with a two-house **legislative branch** having membership proportional to each state's population, a national judiciary, and an executive branch headed by a president selected by the legislature. Because this government would be "national & supreme" in all matters, state laws were to be subjected to congressional review and possible **veto**. If it had been passed without **amendments**, the Virginia Plan would have created, in the words of historian John Murrin, "a sovereign parliament for America."

As they debated the details of Madison's proposal, delegates from the smaller states grew increasingly uneasy, especially because of the proposed proportional membership of the bicameral legislature. To prevent smaller states from being marginalized, William Paterson of New Jersey offered an alternative proposal. The **New Jersey Plan**, as it was known, was more modest in scope than the Virginia Plan. The plan preserved the power of the states by retaining a **unicameral** legislature in which each state had one vote. It also gave the national government the power to tax and proposed a national judiciary and a plural executive branch (with its members selected by Congress). Thus, one month after the Convention opened, two very different plans were on the table—neither of which received a majority of support. Many delegates began to worry that the Constitutional Convention might end in failure.



"James Madison," by Gilbert Stuart, Washington, D.C., 1804. From the collections of the Colonial Williamsburg Foundation.

Compromising Toward Our Constitution (June–September 1787)

On June 19, the Constitutional Convention rejected the New Jersey Plan by a vote of seven states to three. The small-state delegations, however, still disliked many elements of the Virginia Plan, which they believed diminished their national influence and eroded state **sovereignty**. The gridlock was broken on July 5 when a committee examining the powers and responsibilities of the new Congress proposed changing the Virginia Plan. The committee suggested, instead of proportional representation in both houses, equal representation for states in the upper house and proportional representation in the lower house. Known as the **Connecticut Compromise** (after Roger Sherman and Oliver Ellsworth of Connecticut who proposed the idea), the plan was accepted by the full Convention on July 16 on a five states to four vote, with the Massachusetts delegation divided. Several weeks later, the Convention abandoned the Virginia Plan's proposed federal veto over state laws in return for the adoption of the Constitution's **supremacy clause**. Finally, the Convention decided to **enumerate** the powers of the Congress. These

* bicameral

* Also known as "The Great Compromise"

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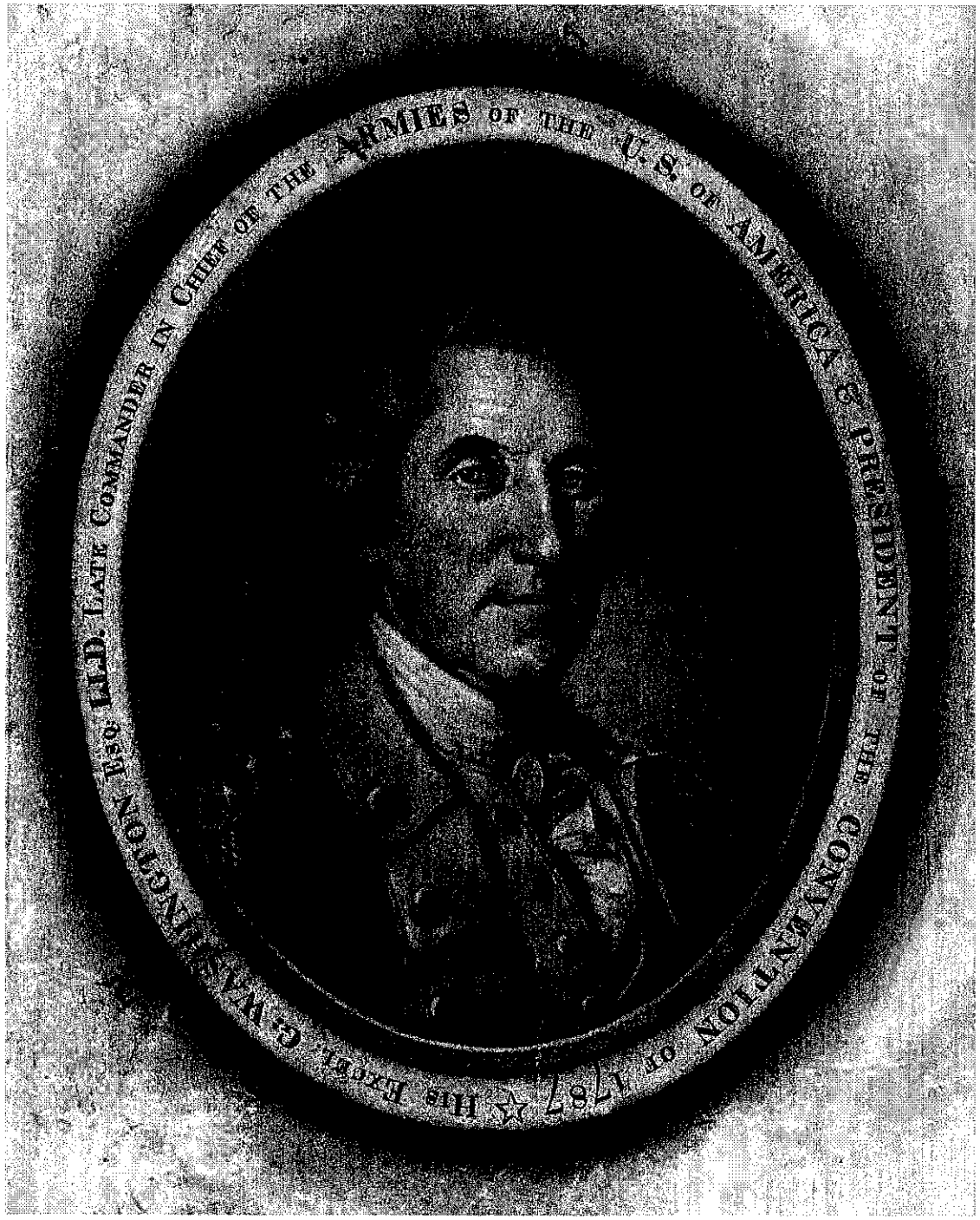

"His Excel: G: Washington Esq: L.L.D. Late Commander in Chief of the Armies of the U. S. of America & President of the Convention of 1787," painted and engraved by Charles Willson Peale, Philadelphia, Pennsylvania, 1787. Courtesy of the Library of Congress, Prints and Photographs Division.

powers were wide-ranging, but their enumeration placed specific limitations on the legislature. Limitations were also placed on the states, including prohibitions on printing/coining money, engaging in diplomacy, and imposing duties on commercial imports. Madison was upset by some of these **compromises**, but the changes led to the development of American **Federalism**—that unique process whereby both the states and the federal government retain significant powers and responsibilities.

There were also important compromises regarding the presidency. Many delegates were unhappy with the Virginia Plan's proposal for a president to be elected by the legislature to a seven-year term but who was ineligible for

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reelection. Although many Americans were suspicious of executive power, a small group of delegates, including James Wilson and Alexander Hamilton, argued that the president should be elected independently of the legislature. This position eventually led to the creation of the **Electoral College** whereby the states select the chief executive.

As the debates continued into August, the importance of presidential powers grew, in part, because George Washington tacitly let it be known that he would be willing to serve. As a result, the president was given command of the military and control over diplomacy. It was during these discussions that the Convention developed the principle of **checks and balances**. In essence, each branch of government had a primary function, but its activities were commingled with the others to prevent any one branch from acting in isolation and without restraint. For example, the president was given a role in recommending legislation to Congress as well as a limited veto over legislation. The **Senate**, on the other hand, was given the task of ratifying diplomatic treaties negotiated by the executive branch.

Throughout August, many of the debates also focused on slavery. These deliberations were often heated but eventually led to a series of compromises that enabled the Convention to complete its work. Crucial problems regarding slavery remained unresolved, however, and were left to subsequent generations of Americans. The first important matter concerned representation. Initially debated in June, many southern delegates had wanted slaves to be counted fully in population figures to boost their states' power in the new government. Realizing that slaves would never be treated as equal political citizens, northern delegates objected. Eventually, the Convention adopted the **Three-Fifths Compromise**, which counted five slaves as three free people in representation calculations. The rule was generally viewed as a compromise, but it actually favored the South by greatly enhancing its national power until the Civil War. Returning to the slavery issue in August, debate over the Atlantic slave trade caused additional ill will. Representatives from Georgia and South Carolina insisted that the trade be preserved intact while other delegates, such as George Mason from Virginia (a slave owner himself), condemned the commerce as barbaric. Insulted by such accusations, South Carolina's delegation claimed that Virginians, who had the largest enslaved population in the union, simply wanted to drive up the prices of their own slaves. Unable to resolve the matter, the full Convention referred it to a committee, which recommended outlawing America's participation in the slave trade in 1808. Finally, an article was added to the Constitution that required the return of slaves who escaped to any free state. Despite the fact that many delegates opposed slavery and would not even allow the word to be used in the Constitution's final draft, they agreed with Madison's practical argument that, "great as the evil is, a dismemberment of the union would be worse."

The judiciary received much less attention from the Convention, although most delegates supported the creation of a federal court system. But the Constitution's details in Article III were so vague that the first **U. S. Congress** later had to pass the Judiciary Act of 1789 to flesh out the courts' structure (such as the number of justices on the **U. S. Supreme Court**) and more fully lay out the role of the courts within the national legal system. The delegates in Philadelphia were also silent on the crucial issue of judicial review.

As the Convention was concluding in early September, Gouverneur Morris of New York realized that the Constitution lacked a **preamble**. Therefore, he drafted one almost as an afterthought. Morris asserted that the Constitution was a product not of a "firm league of friendship" among various sovereign states (as the Articles of Confederation had been) but of "We the People of the United States." The new government's purpose was to "form a more perfect Union," to enable Americans to "secure the Blessings of Liberty to ourselves and our **Posterity**." In other words, the Constitution would guarantee the **inalienable** rights of "Life, Liberty and the pursuit of Happiness" as declared by the Declaration of Independence.

On September 12, George Mason proposed inserting a bill of rights into the new Constitution. Although several state ratifying conventions would later demand additional protections for individual rights, the delegates **unanimously** rejected the idea. The Convention finished its

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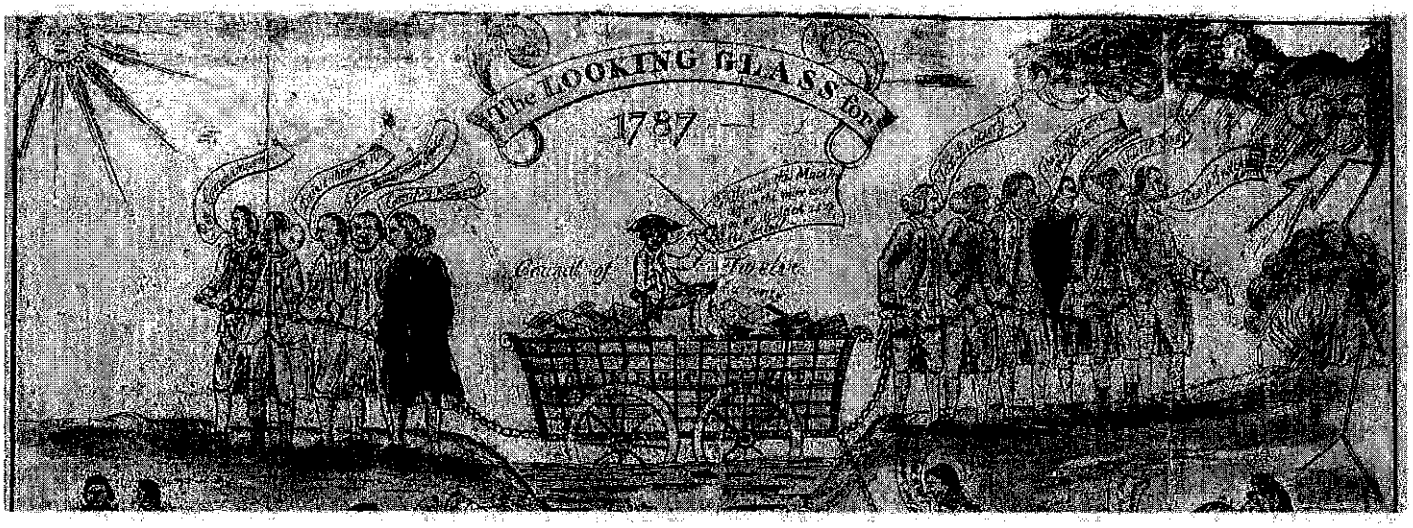
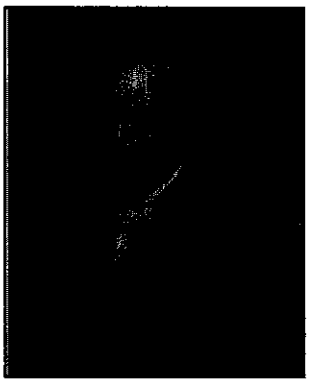


Detail from "The Looking Glass for 1787. A House Divided against Itself Cannot Stand," engraved by Amos Doolittle, New Haven, Connecticut, 1787. Courtesy of the Library of Congress, Prints and Photographs Division. This satirical print illustrates the political divisions common throughout the country on the eve of the ratification of the U. S. Constitution. In this detail, members of the Federalist and Anti-Federalist factions are shown attempting to pull a heavily loaded wagon labeled "Connecticutt" out of the mud. The driver warns the men who are unsuccessfully pulling the wagon in opposite directions, "Gentlemen this Machine is deep in the mire and you are divided as to its releaf."



"Alexander Hamilton," engraved by E. Prud'homme, New York, New York, ca. 1835, after a painting by Archibald Robertson. Courtesy of the Library of Congress, Prints and Photographs Division.

work five days later. Several prominent delegates refused to endorse the final document, but thirty-nine remaining delegates signed and forwarded the new government framework to the Confederation Congress, suggesting that it should be effective after **ratification** by nine states.

Debating the Constitution—Federalists vs. Anti-Federalists

Like the Constitutional Convention in Philadelphia, the year-long national debate over ratification was a remarkable moment in American history. Throughout the United States, Americans from all walks of life vigorously debated the wisdom of replacing the Articles of Confederation with the Constitution.

Supporters of the new constitution adopted the name "**Federalists**" to describe themselves. Their opponents eventually took the name "**Anti-Federalists**." Federalists were mainly leaders from urban or commercial regions that frequently engaged in interstate and international commerce; Anti-Federalists tended to be men from **agrarian** counties that participated primarily in local trade. Going into the state ratifying conventions, the Federalists had several advantages. First, they had many well-known politicians and writers on their side, including George Washington, Benjamin Franklin, James Madison, and Alexander Hamilton. These well-tested men of national experience knew and trusted one another. The Anti-Federalists, on the other hand, were generally men of local outlook and perspective. While prominent leaders in their counties and states, they knew few fellow Anti-Federalists elsewhere, making it difficult for them to coordinate their messages in the national campaign to sway public opinion. Nevertheless, the Anti-Federalists made several compelling arguments. They argued that successful republican governments could exist only in small countries where "the feelings and interests of the people at large" could truly be represented and where men in power would be held strictly accountable to the people. Above all, Anti-Federalists feared that a distant and powerful central government would eventually become hostile to the needs and liberties of ordinary people.

The Federalists countered the Anti-Federalists in several ways. In particular, Madison, Hamilton, and John Jay wrote a series of brilliant essays

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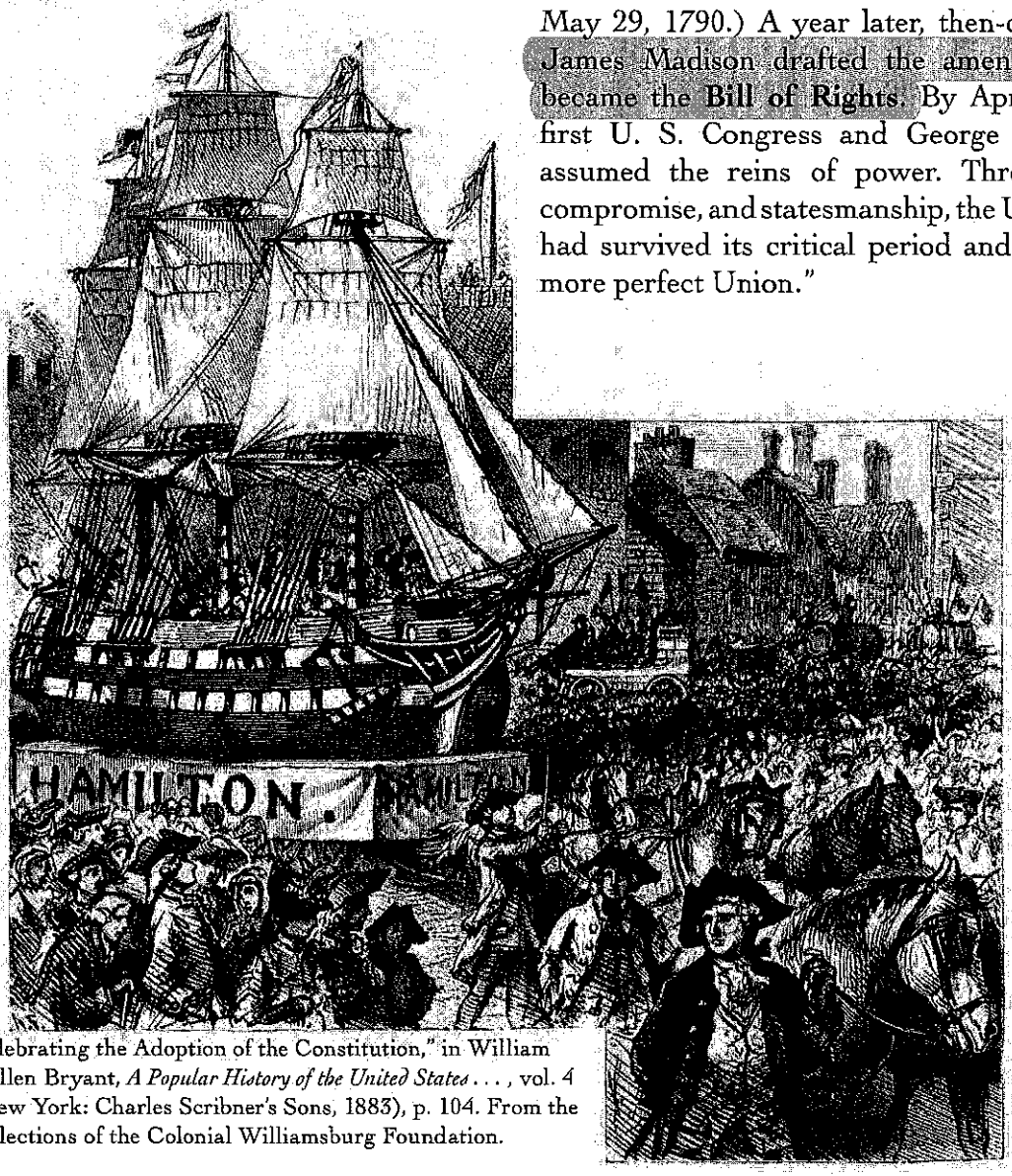
defending the Constitution. Eventually published as ***The Federalist Papers***, these essays argued that the Constitution should be ratified because it would bring political and economic stability to the nation while protecting the people's fundamental liberties and freedoms. In Federalist No. 10, for example, Madison pointed out that factions and political instabilities occur in both small and large republics because differing opinions and interests are inherent in all human societies. The best way to protect against faction, Madison said, was "to extend the sphere" of government, just as the Federalists were proposing with the Constitution. In a large republic with multiple factions, no single group could dominate the government. Instead, various parties would have to compromise and accommodate others' points of view. Thus, individual freedoms would be better protected and political stability preserved.

Ratification

The thirteen state ratifying conventions were held beginning in late 1787. In December 1787, Delaware, New Jersey, and Pennsylvania ratified the Constitution by wide margins. Georgia, Connecticut, and Massachusetts ratified in January and February 1788. By May, both Maryland and South Carolina had ratified. On June 21, New Hampshire became the ninth state to ratify, thus ensuring that the Constitution would be adopted. But the two largest states in the union—Virginia and New York—were politically divided and had not yet voted. Eventually, both states narrowly voted to ratify, largely on the promise that a bill of rights would be written to more securely protect individual liberties. By mid-1788, eleven states had ratified the Constitution. (North Carolina ratified on November 21, 1789. Rhode Island ratified on May 29, 1790.) A year later, then-congressman James Madison drafted the amendments that became the **Bill of Rights**. By April 1789, the first U. S. Congress and George Washington assumed the reins of power. Through crises, compromise, and statesmanship, the United States had survived its critical period and emerged "a more perfect Union."



"Celebrating the Adoption of the Constitution," in William Cullen Bryant, *A Popular History of the United States . . .*, vol. 4 (New York: Charles Scribner's Sons, 1883), p. 104. From the collections of the Colonial Williamsburg Foundation.

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Glossary

adopt(s/ed/tion)—to accept formally and put into effect.

agrarian—agricultural.

amendment(s)—a change in wording or meaning in a law or bill.

Anti-Federalist(s)—an opponent of a strong centralized national government; opposed the U. S. Constitution during the debate over its ratification.

Articles of Confederation—1781 plan establishing a limited national government in the United States. The Articles were replaced by the U. S. Constitution.

bicameral—a form of government having two legislative bodies.

Bill of Rights—the first ten amendments added to the U. S. Constitution in 1791, which protect certain individual rights and privileges, including freedom of religion, speech, press, and assembly; the right to a speedy jury trial in criminal cases; and protection against excessive bail and cruel and unusual punishment.

checks and balances—a system in which each branch of government is able to check, or control, the actions of the other branches. See also *separation of powers*.

commerce—the exchange or buying and selling of goods on a large scale involving transportation from place to place.

compromise(s)—a settlement of differences in which each side makes concessions.

confederation—an association of political entities for a common purpose; a group of states united under a weak central government.

Connecticut Compromise—a compromise at the Constitutional Convention calling for a two-house legislature with the lower house elected on the basis of population and the upper house representing each state equally. Also known as the Great Compromise.

Constitutional Convention—a meeting held in Philadelphia, Pennsylvania, in 1787 to consider changes to the Articles of Confederation. The Convention resulted in a draft of the U. S. Constitution.

delegate(s)—representative.

delegation(s)—a group of persons chosen to represent others.

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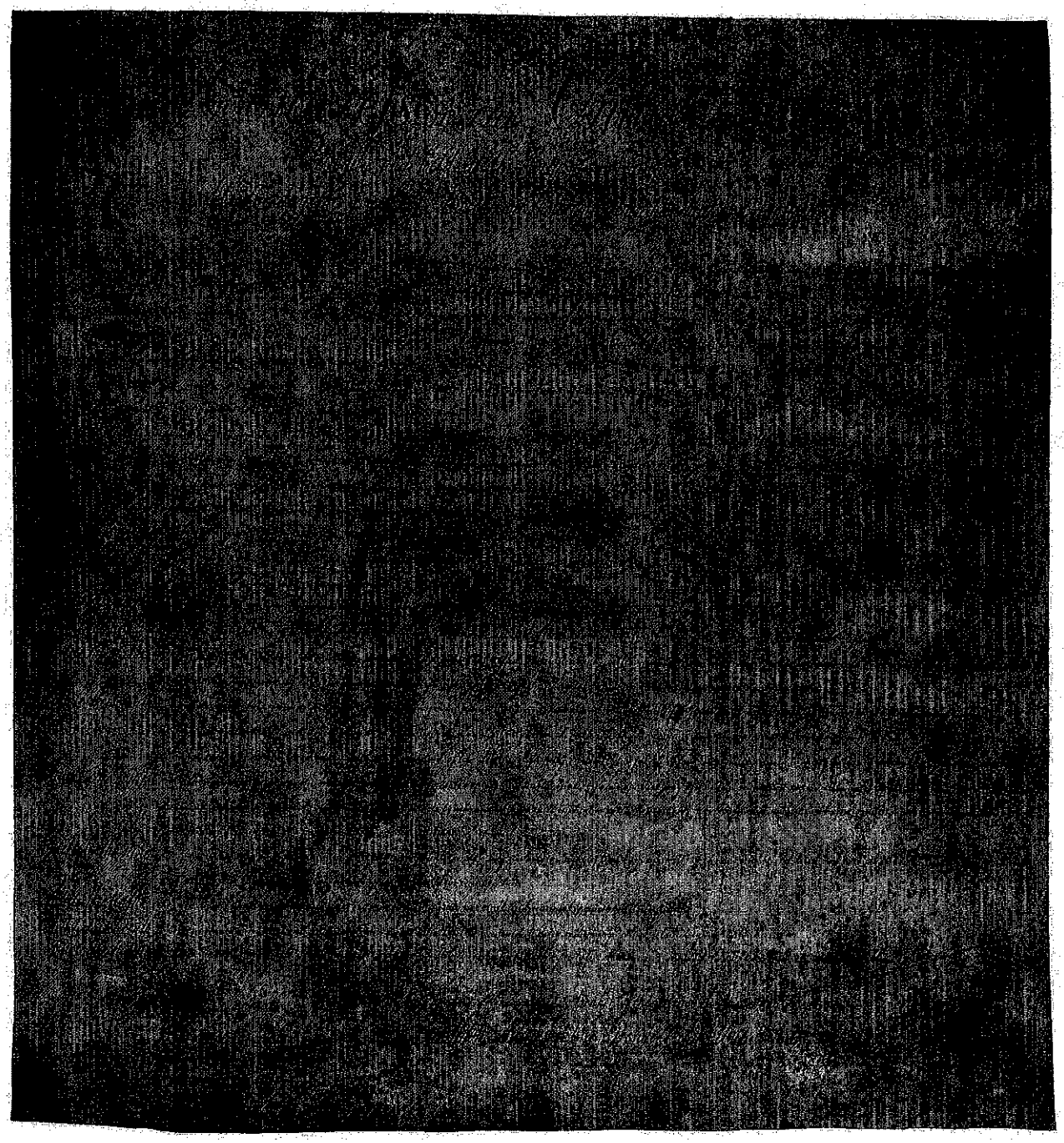

Engrossed Bill of Rights, September 25, 1789; General Records of the United States Government; Record Group 11; National Archives.

Electoral College—a body of electors in each state that meets every four years to elect the president and vice president of the United States.

enumerate—specify item by item.

executive branch—the branch of government, headed by the president, that carries out laws.

Federalism—a system of government in which power is shared among the state and national authorities.

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Federalist(s)—a supporter of a strong centralized national government; supported the U. S. Constitution during the debate over its ratification.

The Federalist Papers—a series of essays written by James Madison, Alexander Hamilton, and John Jay supporting the ratification of the U. S. Constitution.

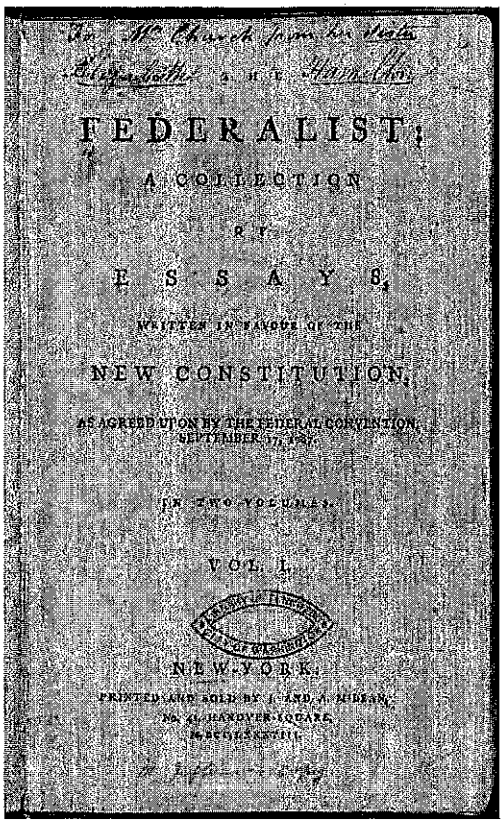
House of Representatives—the lower house of the U. S. Congress in which representatives are divided among the states based on the population of each state.

inalienable—incapable of being alienated, surrendered, or transferred.

judicial branch—the branch of government, composed of courts and judges, that interprets and applies laws.

legislative branch—the branch of government that makes laws; Congress.

New Jersey Plan—a framework for the Constitution, introduced by William Paterson of New Jersey, that called for equal state representation in the national legislature regardless of population.


FEDERALIST:
A COLLECTION
OF
ESSAYS,
WRITTEN IN FAVOUR OF THE
NEW CONSTITUTION,
AS AGREED UPON BY THE FEDERAL CONVENTION,
SEPTEMBER 17, 1787.
IN TWO VOLUMES.
VOL. I.
NEW-YORK:
PRINTED AND SOLD BY J. AND A. MCLEAN,
NO. 41, HANOVER-SQUARE.
MDCCLXXXVIII.

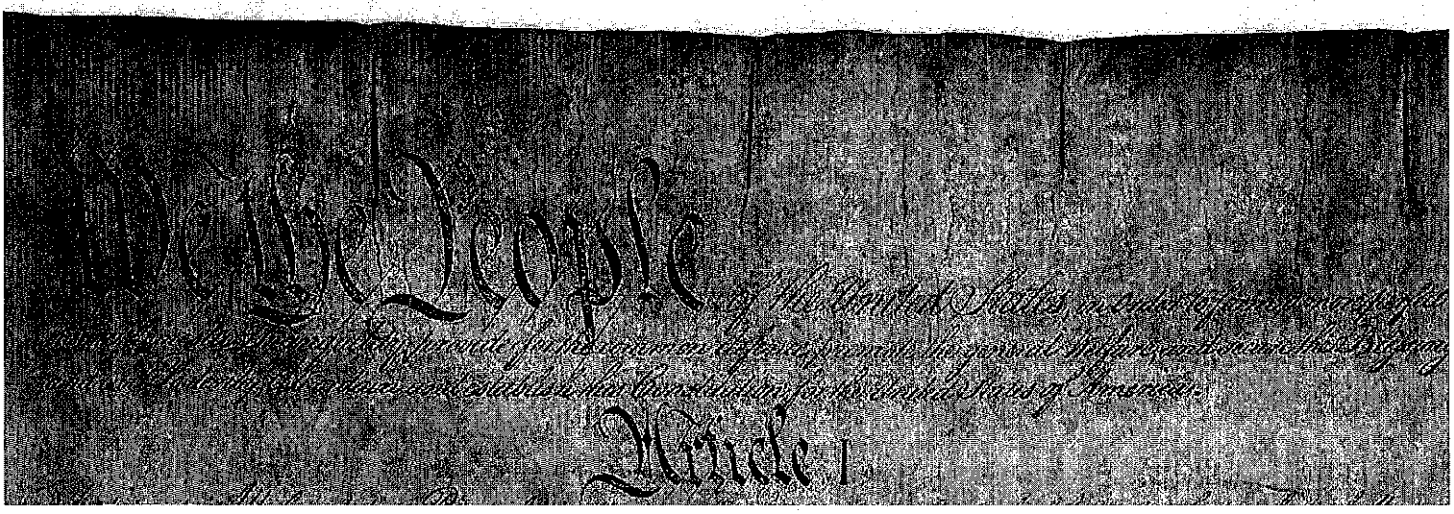
John Jay, James Madison, and Alexander Hamilton, *The Federalist: A Collection of Essays, Written in Favour of the New Constitution . . .*, vol. 1 (New York: J. and A. McClean, 1788). Courtesy of the Library of Congress, Rare Books and Special Collections Division.

posterity—all future generations.

preamble—an introductory statement, especially the first part of a constitution or law, that states the intent of the document.

quorum—the minimum number of members who must be present for official business to take place.

ratification—official, formal vote of approval.


We the People
Article I.

Detail, Constitution, RG 360; National Archives.

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ratify(ies/ied/ing)—to approve or sanction.

Senate—the upper house of the U. S. Congress in which each state has two senators.

separation of powers—the principle and practice of dividing the powers of a government among several branches to prevent abuse of authority.

Shays' Rebellion—a central and western Massachusetts uprising against taxes led by Daniel Shays in 1786 and 1787.

sovereignty—the right of a country or state to rule itself and manage its own affairs.

supremacy clause—a clause in the U. S. Constitution (Article VI, Paragraph 2) establishing the Constitution, federal statutes, and U. S. treaties as the highest form of law in the American legal system, mandating that state judges **uphold** them even if state laws or constitutions conflict.

term of office—the length of time a person (usually a politician) serves in a particular office.

Three-Fifths Compromise—a compromise at the Constitutional Convention that called for three-fifths of a state's enslaved population to be counted for the purposes of determining legislative representation.

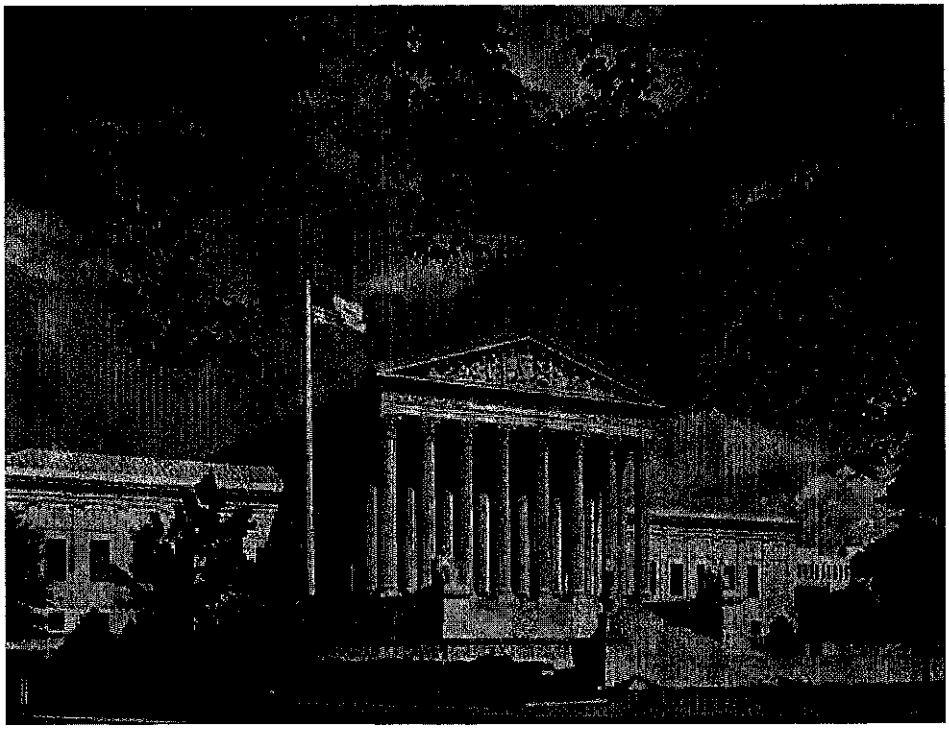
unanimous(ly)—having the complete agreement and consent of all.

unicameral—a form of government having a single legislative body.

uphold—sustain or maintain.

U. S. Congress—the combined legislative bodies of the United States, that is, the House of **Representatives** and the Senate.

U. S. Supreme Court—the highest federal court in the United States, consisting of a chief justice and eight associate justices, which has jurisdiction over all other courts in the nation.



U. S. Supreme Court building. Still Picture Records Section, Special Media Archives Services Division (NWCS-S), National Archives at College Park, MD.

veto—an executive-level rejection of a bill or law submitted by a legislature.

Virginia Plan—a framework for the Constitution, authored by James Madison and introduced by Edmund Randolph of Virginia, that called for representation in the national legislature based on the population of each state.

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Time Line of Events

Sept. 5–Oct. 26, 1774	First Continental Congress
May 10, 1775–March 1, 1781	Second Continental Congress
1781–1789	Confederation Congress
1789–present	U. S. Congress

1776	May	The Second Continental Congress recommends that the colonies form a new government.
	June 12	The Continental Congress appoints a committee to draft the Articles of Confederation.
	July 4	The Continental Congress adopts the Declaration of Independence. The document itself is not signed until August 2.
	July 12	The Continental Congress begins debating the Articles of Confederation.
1777	November 15	The Second Continental Congress approves the Articles of Confederation and sends them to the states for ratification.
1781	March 1	The Articles of Confederation are ratified.

1783 The Treaty of Paris is signed, officially ending the Revolutionary War. Great Britain recognizes the United States as an independent nation. European powers agree that the new nation will possess the land between Florida and the Canadian borders, west to the Mississippi River (except southern Louisiana and New Orleans, which is controlled by Spain).

1786	January	The Virginia General Assembly calls for states to send delegates to Annapolis, Maryland, in September to discuss "a uniform system in their commercial regulations."
	Summer	Americans suffer through a post-war economic depression, including a shortage of currency, high taxes, farm foreclosures, and bankruptcies.
	August	Shays' Rebellion begins in Massachusetts. Ends in February 1787.
	September 11–14	At the Annapolis Convention, five states meet to discuss modifications to the Articles of Confederation but instead call for a meeting of all the states.

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