

Chapter 9- The Confederation and the Constitution

1776-1790

A. Introduction

1. The American Revolution was not a revolution in the sense of a radical or total change; what happened was accelerated evolution rather than outright revolution
2. Some striking changes were ushered in, affecting social customs, political institutions, and ideas about society, government, and even gender roles in the Americas
3. The weakening of the aristocratic upper crust (exodus of Loyalists), with all its culture and elegance, paved the way for new, Patriot elites to emerge—more democratic ideas

B. The Pursuit of Equality

1. Most states reduced property-holding requirements for voting; most Americans ridiculed the lordly pretensions of Continental Army officers who formed an exclusive hereditary order, the Society of Cincinnati, and citizens parted with primogeniture (eldest son)
2. A protracted fight for separation of church and state resulted in notable gains
 1. Although the Congregational Church continued to be legally established in some New England states, the Anglican Church, tainted by association with the British crown, was humbled; de-anglicized, it reformed as the Protestant Episcopal Church
 2. The struggle for divorce between religion and government was hardest in Virginia; it was prolonged to 1786 when Thomas Jefferson, his co-reformers and the Baptists, won a complete victory with the passage of the Virginia Statue of Religious Freedom
3. The democratic sentiments unleashed by the war challenged the institution of slavery
 1. Philadelphia Quakers in 1775 founded the world's first antislavery society; the Continental Congress in 1774 called for the complete abolition of the slave trade, a summons to which most of the states responded positively
 2. Several northern states went further and either abolished slavery outright or provided for the gradual emancipation of blacks; few idealistic master freed their humans
 3. This revolution of sentiments was sadly incomplete; no states south of Pennsylvania abolished slavery, and in both North and south, the law discriminated harshly against freed blacks and slaves alike; emancipated African-Americans could be barred from purchasing property, holding certain jobs, and educating their children
 4. Laws against interracial marriage also sprang up at this time
4. The sorry truth is that the fledgling idealism of the Founding Fathers was sacrificed to political practicality; a fight over slavery would have fractured the fragile national unity

5. Likewise incomplete was the extension of the doctrine of equality to women
 1. Some women did serve (disguised) in the military, and New Jersey's new constitution in 1776 even for a time, enabled women to vote but most did traditional women work
 2. Yet women did not go untouched by Revolutionary ideals; central to republican ideology was the concept of "civic virtue"—the notion that democracy depended on the unselfish commitment of each citizen to the public good
 3. The idea of "republican motherhood" thus took root, elevating women to a newly prestigious role as the special keepers of the nation's conscience (educational opportunities for women expanded, in the expectation that educated wives and mothers could better cultivate the virtues demanded by the Republic in citizens

C. Constitution Making in the States

1. The Continental Congress in 1776 called upon the colonies to draft new constitutions
 1. The Continental Congress was actually asking the colonies to summon themselves into being as new states; the sovereignty of these new states, according to the theory of republicanism, would rest on the authority of the people
 2. Massachusetts contributed one especially noteworthy innovation when it called a special convention to draft its constitution and then submitted the final draft directly to the people for ratification; once adopted in 1780, the Massachusetts constitution could be changed only by another specially called constitutional convention
2. The newly penned state constitutions had many features in common with one another
 1. Their similarity made easier the drafting of a workable federal charter later in time
 2. In British tradition, a "constitution" was not a written document but rather an accumulation of laws, customs, and precedents; Americans invented something else
 3. The documents they drafted were contracts that defined the powers of government, as did the old colonial charters, but they drew their authority from the people
 4. As written documents the state constitutions were intended to represent a fundamental law, superior to the transient whims of ordinary legislation (bills of rights)
 5. All of them deliberately created weak executive and judicial branches; there was a deep distrust of despotic governors and arbitrary judges (His Majesty's officials)
3. In all the new state governments, the legislatures, most democratic branch of government, were given sweeping powers; the democratic character of the new state legislatures was vividly reflected by the presence of enfranchised members of the poorer western districts

4. Their influence was powerfully felt in their several successful movements to relocate state capitals from the haughty eastern seaports into the less pretentious interior
5. In the Revolutionary era, the capitals of New Hampshire, New York, Virginia, North Carolina, South Carolina, and Georgia were all moved westward; these shifts portended political shifts that deeply discomfited many more conservative Americans

D. Economic Crosscurrents

1. Economic changes begotten by the war were noteworthy, but not overwhelming
 1. States seized control of former crown lands, and although rich speculators had their day, many of the large Loyalist holdings were confiscated and cut up into small farms
 2. The frightful excesses of the French Revolution were avoided, partly because cheap land was easily available; it is highly significant that in the United States, economic democracy, broadly speaking, preceded political democracy
2. A sharp stimulus was given to manufacturing by the prewar nonimportation agreements and later by war itself; goods that had formerly been imported from Britain were mostly cut off and the ingenious Yankees were forced to make their own (mainly soil-tillers)
3. Economically speaking, independence had drawbacks; much of the coveted commerce of Britain was still reserved for the loyal parts to the empire; American ships were now barred from British and British West Indies harbors—hated British Navigation Laws
4. New commercial outlets compensate partially for the loss of old ones
 1. Americans could now trade freely with foreign nations, subject to local restrictions
 2. Enterprising Yankee shippers ventured boldly and profitably into the Baltic and China Seas; war had spawned demoralizing extravagance, speculation, and profiteering, with profits for some as indecently high as 300 percent
 3. Runaway inflation had been ruinous to many citizens, and Congress had failed in its feeble attempts to curb economic laws; the average citizen was probably worse off financially at the end of the shooting than at the start of the war with Britain
5. The whole economic and social atmosphere was unhealthy; a newly rich class of profiteers was noisily conspicuous; the controversy leading to the Revolutionary War had bred keen distaste for taxes and encouraged disrespect for the majesty of the law generally

E. A Shaky Start Toward Union

1. The Revolution had dumped the responsibility of creating and operating a new central government into their laps; prospects for erecting a lasting regime were not bright
 1. It is always difficult to set up a new government and doubly difficult to set up a new type of government; the picture was further clouded in America by leaders preaching natural rights” and looking suspiciously at all persons clothed with authority

2. Disruptive forces stalked the land; the departure of the conservative Tory element left the political system inclined toward experimentation and innovation
3. Hard times, the bane of all regimes, set in shortly after the war and hit bottom in 1786
4. British manufacturers, with dammed-up surpluses, began flooding the American market with cut-rate goods; American industries suffered from such competition
2. Yet hopeful signs could be discerned; the thirteen sovereign states were basically alike in governmental structure and functioned under similar constitutions
3. Americans enjoyed a rich political inheritance, derived partly from Britain and partly from their own homegrown devices for self-government (blessed with political leaders)

F. Creating a Confederation

1. The Second Continental Congress of Revolutionary days was little more than a conference of ambassadors from the thirteen states—it was totally without constitutional authority though it asserted some control over military affairs and foreign policy
2. In nearly all respects, the thirteen original states were sovereign, for they all coined money, all raised armies and navies, and all erected tariff barriers to protect economy
3. Before declaring independence in 1776, the Congress appointed a committee to draft a written constitution for the nation; the finished product was the Articles of Confederation
 1. Adopted by Congress in 1777, it was translated into French after the Battle of Saratoga so as to convince France that America had a genuine government in the making; the Articles were not ratified by all thirteen states until 1781
 2. The chief apple of discord was western lands; six of the jealous states, including Pennsylvania and Maryland, had no holdings beyond the Allegheny Mountains and seven, notably New York and Virginia, were favored with enormous acreage, in most cases on the basis of earlier charter grants (six land-hungry states argued for cause)
 3. A major complaint was that the land-blessed states could sell their trans-Allegheny tracts and thus pay off pensions and other debts incurred in the common cause
 4. States without such holdings would have to tax themselves to defray these obligations
 5. Why not turn the whole western area over to the central government?
4. Unanimous approval of the Articles of Confederation by the thirteen states was required, and land-starved Maryland stubbornly held out until March 1, 1781; Maryland at length gave in when New York surrendered its western claims and Virginia seemed about to

5. Congress pledged itself to dispose of these vast areas for the “common benefit” and further agreed to carve from the public domain not colonies, but a number of republican states, which in time would be admitted to the Union on terms of complete equality
6. This amazing commitment faithfully reflected the anticolonial spirit of the Revolution, and the pledge was later fully redeemed in the famed Northwest Ordinance of 1787
7. Fertile public lands thus transferred to the central government proved to be an invaluable bond of union; a uniform national land policy was finally made possible

G. The Articles of Confederation: America’s First Constitution

1. The Articles of Confederation provided loose confederation—“firm league of friendship”
 1. Thirteen independent states were thus linked together for joint action in dealing with common problems; a clumsy Congress was to be the chief agency of government; there was no executive branch and judicial arm was left almost exclusively to states
 2. Congress, though dominant, was securely hobbled; each state had a single vote and all bills dealing with subjects of importance required the support nine states
 3. Any amendment of the Articles themselves required unanimous ratification; this was almost impossible and this meant that the amending process was unworkable
2. The shackled Congress was weak—and was purposely designed to be weak; suspicious states, having just won control over taxation and commerce from Britain, had no desire to yield their newly acquired privileges to an American parliament—even their own making
3. Two handicaps of the Congress were crippling to the confederation of states
 1. The Congress had no power to regulate commerce, and this loophole left the states free to establish conflictingly different laws regarding tariffs and navigation
 2. The Congress could not enforce its tax-collection program; it established a tax quota for each of the states and then asked them please to contribute their “government by supplication”—was lucky if in any year it received one-fourth of its requests
4. The feeble national government in Philadelphia could advise and advocate and appeal but in dealing with independent states, it could not command or coerce or control
 1. It could not act directly upon the individual citizens of a sovereign state
 2. In 1783, a dangerous threat came from a group of mutinous Pennsylvania soldiers who demanded back pay; after Congress had appealed in vain to the state for protection, the members were forced to move in disgrace to Princeton College
 3. The new Congress, with all its paper powers, was even less effective than the old Continental Congress, which wielded no constitutional powers at all
5. Yet the Articles of Confederation, though weak, proved to be a landmark in government

1. They were for those days a model of what a loose confederation ought to be; still the troubled times demanded not a loosely woven confederation but a tightly knit one
2. This involved the yielding by the states of their sovereignty to a complete recast federal government, which in turn would leave them free to control their affairs
6. The anemic Articles of Confederation were a significant stepping-stone toward the present Constitution; they clearly outlined the general powers that were to be exercised by the central government, such as making treaties and establishing a postal service
7. The Articles kept alive the flickering ideal of union and held the states together until such time as they were ripe for the establishment of a strong constitution by peaceful, evolutionary methods (leap from old boycott Association of 1774 to the Constitution)

H. Landmarks in Land Laws

1. The Congress of the Confederation succeeded in passing supremely farsighted pieces of legislation; these related to an immense part of the public domain recently acquired from the states and commonly known as the Old Northwest (land northwest of the Ohio River, east of the Mississippi River, and south of the Great Lakes of the United States)
 1. The Land Ordinance of 1785 provided that the acreage of the Old Northwest should be sold and that the proceeds should be used to help pay off the national debt; after much forestalling, it was to be divided into townships six miles square, each of which in turn was to be split into thirty-six sections of one square mile each
 2. The sixteenth section of each township was set aside to be sold for the benefit of the public schools—a priceless gift to education in the Northwest
 3. The Northwest Ordinance of 1787 related to the governing of the Old Northwest and came to grips with the problem of how a nation should deal with its colonies
 4. The solution provided was a judicious compromise: temporary support then equality
 5. There would be two evolutionary territorial states, during which the area would be subordinate to the federal government and when the territory had 60,000 inhabitants, it might be admitted by Congress as a state, with all the privileges of all the states
2. The Northwest Ordinance also forbade slavery in the Northwest—a path breaking gain
3. The wisdom of Congress in handling this explosive problem deserves praise; if it had attempted to chain the new territories in permanent subordination, a second American Revolution almost certainly would have erupted in later years (East vs. West)
4. The scheme worked so well that its basic principles were ultimately carried over from the Old Northwest to other frontier areas (Congress neatly solved the problem of empire)

I. The World's Ugly Duckling

1. Foreign relations remained troubled during these anxious years of the Confederation
 1. Britain refused for eight years to send a minister to America's capital
 2. Britain flatly declined to make a commercial treaty or to repeal its ancient Navigation Laws; Lord Sheffield argued persuasively in a widely sold pamphlet that Britain would win back America's trade anyhow as commerce would naturally follow
 3. The British also officially shut off their profitable West Indies trade from the United States, though the Yankees, with their time-tested skill in smuggling, continued
2. Scheming British agents were also active along the far-flung northern frontier
 1. They intrigued with the Allen brothers of Vermont and sought to annex the rebellious area to Britain and along the northern border, the redcoats continued to hold a chain of trading posts on U.S. soil and maintained their fur trade with the Indians
 2. An excuse for remaining was the failure of the American states to honor the treaty of peace was debts and Loyalists (barrier against future American attacks on Canada)
3. All these grievances against Britain were maddening to patriotic Americans; some citizens demanded that the United States force the British into line by imposing restrictions on their imports to America; but Congress could not control commerce, and the states refused to adopt a uniform tariff policy ("easy states" attracted more trade)
4. Spain, though recently an enemy of Britain, was openly unfriendly to the new Republic
 1. Spain controlled the mouth of the all-important Mississippi, down which the pioneers of Tennessee and Kentucky were forced to float their produce
 2. In 1784 Spain closed the river to American commerce, threatening the West with strangulation and Spain claimed a large area north of the Gulf of Mexico, including Florida, which had been granted to the United States by the British in 1783
 3. At Natchez, on disputed soil, Spain held an important fort and also schemed with the neighboring Indians, grievously antagonized by the rapacious land policies of Georgia and North Carolina, to hem in the Americans east of the Alleghenies
 4. Spain and Britain together, radiating their influence out among resentful Indian tribes prevented American from exercising effective control over about half of its territory
5. Even France, America's ally, cooled off now that it had humbled Britain; the French demanded the repayment of money loaned during the war & restricted trade to W.I. ports
6. Pirates of the North African states were ravaging America's Mediterranean commerce and enslaving Yankee sailors; the British had purchased protection for their own subjects but the colonists in the Americans no longer enjoyed this shield from the pirates

J. The Horrid Specter of Anarchy

1. Economic storm clouds continued to loom in the mid-1780s; the requisition system of raising money was breaking down; some states refused to pay, while complaining bitterly about the tyranny of "King Congress" and the nation's credit was evaporating abroad
2. Individual states were getting out of hand; quarrels over boundaries generated numerous minor pitched battles; some states were levying duties on goods from their neighbors; and a number of states were again starting to grind out depreciated paper currency
3. An alarming uprising, known as Shays's Rebellion, flared up in western Massachusetts in 1786; impoverished backcountry farmers were losing their farms through mortgage foreclosures and tax delinquencies; led by Captain Daniel Shays these desperate debtors demanded cheap paper money, lighter taxes, and a suspension of property takeovers
 1. Massachusetts authorities responded with drastic action; supported partly by contributions from wealthy citizens, they raised a small army; several skirmishes occurred and the movement collapsed after three were killed and one was wounded
 2. Daniel Shays, who believed that he was fighting anew against tyranny, was condemned to death but was later pardoned by authorities
 3. Shays's followers were crushed and the outbursts of these and other distressed debtors struck fear in the hearts of the propertied class, who began to suspect that the Revolution had created a "mobocracy" which threatened their best interests
4. Unbridled republicanism, it seemed to many of the elite, had fed an insatiable appetite for liberty that was fast becoming license; civic virtue was no longer sufficient to rein in self-interest and greed; if republicanism was too shaky a ground upon to construct a new nation, a stronger central government would provide the needed foundation
 1. Friends and critics of the Confederation agreed that it needed some strengthening; the chief differences arose over how this goal should be attained and how a maximum degree of states' right could be reconciled with a strong central government
 2. The adoption of a completely new constitution certainly spared the Republic much costly indecision, uncertainty, and turmoil on its own part
5. The nationwide picture was actually brightening before the Constitution was drafted; nearly half the states had not issued paper currency, and prosperity was beginning to emerge from the fog of depression; overseas shipping had regained its place in 1789

K. A Convention of "Demigods"

1. Control of commerce touched off the chain reaction that led to constitutional convention
 1. Interstate squabbling over the issue had become so alarming by 1786 that Virginia, taking the lead, issued a call for a convention at Annapolis, Maryland
 2. Nine states appointed delegates, but only five were finally represented; with so laughable a showing, nothing could be done about the ticklish question of commerce

3. A charismatic New York, Alexander Hamilton, brilliantly saved the convention from complete failure by engineering the adoption of his report; it called upon Congress to summon a convention to meet in Philadelphia the next year, not to deal with commerce alone, but to bolster the entire fabric of the Articles of Confederation
2. Congress, though slowly and certainly dying in New York City, was reluctant to take a step that might hasten its day of reckoning but after six of the states had seized the bit in their teeth and appointed delegates, Congress belatedly issued the call for a convention “for the sole and express purpose of revising” the Articles of Confederation
 1. Every state chose representatives, except for independent-minded Rhode Island; these leaders were all appointed by the state legislatures, whose members had been elected by voters who could qualify as property holders—this brought together a select group
 2. 55 emissaries from twelve states finally convened at Philadelphia on May 25, 1787 and smallness of the assemblage facilitated intimate acquaintance and compromise
 3. Sessions were held in complete secrecy, with armed sentinels posted at the doors; delegates knew that they would generate heated differences and they did not want to advertise their won dissensions or put the ammunition of arguments into opposition
3. The caliber of the participants was extraordinarily high—“demigods,” called by Jefferson
4. The crisis was such as to induce the ablest men to drop their personal pursuits and come to the aid of their country including George Washington, Benjamin Franklin, James Madison (“Father of Constitution), Alexander Hamilton among others
5. Most of the fiery Revolutionary leaders of 1776 were absent; Thomas Jefferson, John Adams, and Thomas Paine were in Europe; Samuel Adams and John Hancock were not elected by Massachusetts and Patrick Henry declined to attend on the behalf of Virginia
6. It was perhaps well that these architects of revolution were absent; the time had come to yield the stage to leaders interested in fashioning solid political systems

L. Patriots in Philadelphia

1. The fifty-five delegates were a conservative body: lawyers, merchants, shippers, land speculators, and moneylenders; not a single spokesperson was present from the poorer debtor groups; nineteen owned slaves; and they were young but experienced
2. Above all they were nationalists, more interested in preserving and strengthening the young Republic than in further stirring the roiling cauldron of popular democracy
3. The delegates hoped to crystallize the last evaporating pools of revolutionary idealism into a stable political structure that would endure; they strongly desired a firm, dignified, and respected government—they believed in republicanism but sought to protect America

4. In a broad sense, the piratical Day of Algiers, who drove the delegates to their work, was a Founding Father; they aimed to clothe the central authority with genuine power, especially in controlling tariffs, so that the United States could wrest helpful commercial treaties from foreign nations (Lord Sheffield can also be considered a Founding Father)
5. Delegates were determined to preserve the union, forestall anarchy, and ensure security of life and property against dangerous uprisings by the “mobocracy”; above all they sought to curb the unrestrained democracy rampant in the various states (grinding necessity extorted the Constitution from a reluctant nation)

M. Hammering Out a Bundle of Compromises

1. Some of the travel-stained delegates when they first reached Philadelphia, decided upon a daring step—they would completely scrap the old Articles of Confederation instead of revise it
 1. A scheme proposed by populous Virginia, and known as “the large-state plan” was first pushed forward as the framework of the Constitution; its essence was the representation in both houses of a bicameral Congress should be based on population
 2. Tiny New Jersey, suspicious of Virginia, countered with “the small-state plan” which provided for equal representation in a unicameral Congress by states, regardless of size and population, as under the existing Articles of Confederation
 3. The weaker states feared that under the Virginia scheme, the stronger states would band together and lord it over the rest (danger loomed over the convention)
2. After bitter and prolonged debate, the “Great Compromise” of the convention was hammered out and agreed upon; the larger states were conceded representation by population in the House of Representatives and the smaller states were appeased by equal representation in the Senate in which each state would have two senators
3. As the big states obviously yielded more, the delegates agreed that every tax bill or revenue measure must originate in the House, where population counted more heavily
4. In a significant reversal of the arrangement most state constitutions had embodied, the new Constitution provided for a strong, independent executive in the presidency; the framers were here partly inspired by the example of Massachusetts and Shays’s Rebellion
5. The president was to be military commander in chief and to have wide powers of appointment to domestic offices including judgeships and veto power over legislation
6. The Constitution as drafted was a bundle of compromises: they stand out in every section
 1. A vital compromise was the method of electing the president indirectly by the Electoral College, rather than by direct means; while the large states would have the advantage in the first round of popular voting, as a state’s share of electors was based on the total of its senators and representatives in Congress, the small states would

gain a larger voice if no candidate got a majority of electoral votes and the election was thrown to the house of Representatives, where each state had only one vote

2. Sectional jealousy also intruded; the South thought that the voteless slave populations counted as people but the North replied no arguing that slaves were not citizens
3. As a compromise between total representation and none at all, it was decided that a slave might count as three-fifths of a person; memorable “three-fifths compromise”
7. Most of the states wanted to shut off the African slave trade but South Carolina and Georgia, requiring slave labor in their rich paddies and malarial swamps, raised protests
8. By way of compromise the convention stipulated that the slave trade might continue until the end of 1807 at which time Congress could turn off the spigot (no slave trade in states)

N. Safeguards for Conservatism

1. The area of agreement was large or otherwise the convention would have disbanded
 1. Economically, the members of the Constitutional Convention generally saw eye to eye; they demanded sound money and the protection of private property
 2. Politically, they were in basic agreement; they favored a stronger government, with three branches and with checks and balances among them
 3. Finally, the convention was virtually unanimous in believing that manhood-suffrage democracy—government—was something to be feared and fought
2. Daniel Shays still frightened the conservative-minded delegates; they deliberately erected safeguards against the excesses of the “mob,” and they made these barriers quite strong
 1. The awesome federal judges were to be elected indirectly by the Electoral College; the lordly senators were to be chosen indirectly by state legislatures
 2. Only in the case of one-half of one of the three great branches—the House of Representatives—were qualified citizens permitted to choose their officials by vote
3. Yet the new charter also contained democratic elements; above all, it stood foursquare on the two great principles of republicanism: that the only legitimate government was one based on the consent of the governed, and that the powers of government should be limited—in this case specifically limited by a written constitution
4. The virtue of the people, not the authority of the state, was to be the ultimate guarantor of liberty, justice, and order (“We the people” began the preamble to the Constitution)
5. At the end of seventeen muggy weeks May 25 to September 17, 1787—only 42 of the original 55 members remained to sign the Constitution; three of the forty-two refused

O. The Clash of Federalists and Antifederalists

1. The Founding Fathers early foresaw that nationwide acceptance of the Constitution would not be easy to obtain; a formidable barrier was unanimous ratification by all thirteen states, as required for amendment by the still-standing Articles of Confederation
2. But since Rhode Island was certain to veto the Constitution, the delegates stipulated that when nine states had registered their approval through specially elected conventions, the Constitution would become the supreme law of the land in those states ratifying
3. It was in effect an appeal over the heads of the Congress that had called the convention, and over the heads of the legislatures that had chosen its members, to the voters
4. The American people were astonished, so well had the secrets of the convention been concealed; the public had expected the Articles of Confederation to be patched up but now the precious jewel of state sovereignty was swallowed up; the antifederalists who opposed the stronger federal government were arrayed against the federalists
 1. A crew gathered in the antifederalist camp behind prominent revolutionaries like Samuel Adams, Patrick Henry, and Richard Henry Lee; their followers included the poorest classes and were joined by paper-moneyites and debtors (forced to pay debts)
 2. Silver-buckled federalists had power and influence on their side; they enjoyed the support of such commanding figures as George Washington and Benjamin Franklin
 3. Most of them lived in the settled areas along the seaboard and overall, they were wealthier than the antifederalists, more educated, and better organized (press control)
5. Antifederalists voiced vehement objections to the “gilded trap” known as the Constitution
 1. They cried that it had been drawn up by aristocratic elements and was antidemocratic; they likewise charged that the sovereignty of the states was being submerged and that the freedoms of the individual were jeopardized by the absence of a bill of rights
 2. They decried the dropping of annual elections for congressional representatives, the erecting of a federal stronghold, the creation of a standing army, the omission of any reference to God, and the questionable procedure of ratifying with only nine states

P. The Great Debate in the States

1. Special elections were held in the various states for members of the ratifying conventions
 1. The candidates federalist or antifederalist were elected on the basis of their pledges for or against the Constitution; four small states quickly accepted the Constitution
 2. Pennsylvania, number two on the list of ratifiers, was the first large state to act, but not until high-handed irregularities had been employed by the federalist legislature in calling a convention (this was still forced as antifederalist members were forced)

3. Massachusetts, the second most populous state, provided an acid test; if the Constitution had failed in Massachusetts, the entire movement might easily have bogged down; the Boston ratifying convention at first contained an antifederalist majority which included grudging Shaysites, and the aging Samuel Adams
4. The assembly buzzed with dismaying talk of summoning another constitutional convention; the absence of a bill of rights alarmed the anti-federalists but the federalists gave them solemn assurance that the first congress would add such a safeguard by amendment and ratification was then secured in Massachusetts (close)
2. Three more states fell into line; New Hampshire, whose convention at first had contained a strong antifederalist majority; the federalists cleverly arranged a prompt adjournment and then won over enough waverers to secure ratification
3. Nine states—but Virginia, New York, North Carolina, and Rhode Island—were under the “new federal roof” and the document was officially adopted on June 21, 1788

Q. The Four Laggard States

1. Proud Virginia, the biggest and most populous state, provided fierce antifederalist opposition; Patrick Henry professed to see the document the death warrant of liberty
 1. George Washington, James Madison, and John Marshall, on the federalist side, lent influential support; with New Hampshire about to ratify, the new Union was formed
 2. After exciting debate in the state convention, ratification carried, 89 to 79
2. New York also experience an uphill struggled, burdened as it was with its own heavily antifederalist state convention; Alexander Hamilton contributed his sparking personality and persuasive eloquence to shipping up support for federalism as framed
 1. Joined by John Jay and James Madison in penning a masterly series of articles for the NY newspapers (the Federalist papers were designed as propaganda)
 2. New York finally yielded; realizing that the state could not prosper apart from the Union, the convention ratified the document by the close count of 30 to 27 and it approved thirty-two proposed amendments and issued a call for yet another convention to modify the Constitution in the following months and years
3. Last-ditch dissent developed in only two states; a hostile convention met in North Carolina, then adjourned without taking a vote; Rhode Island did not even summon a ratifying convention, rejecting the Constitution by popular referendum
4. The two most ruggedly individualist centers of the colonial era thus ran true to form and there were to change their course, albeit unwillingly, only after the new government had been in operation for some several months (race for ratification was close and bitter)
5. The four states ratified, not because they wanted to but because they had to

R. A Conservative Triumph

1. The minority had triumphed—twice; a militant minority of American radicals had engineered the military Revolution that cast off the unwritten British constitution
2. Eleven states, in effect, had seceded from the Confederation, leaving two still in
3. A majority had not spoken; only about one-fourth of the adult white males in the country, chiefly the propertied people, had voted for delegates to the ratifying conventions
4. Conservatism was victorious; safeguards had been erected against mob-rule excesses, while the republican gains of the Revolution were conserved
5. The federalists were convinced that by setting the drifting ship of state on a steady course, they could restore economic and political stability
6. If the architects of the Constitution were conservative, it is worth emphasizing that they conserved principle of republican government through redefinition of popular sovereign
7. Unlike the antifederalists, who believed that the sovereignty of the people resided in a singled branch of government—the legislature—the federalists contended that every branch—executive, judiciary, and legislature—effectively represented the people
8. By ingeniously embedding the doctrine of self-rule in a self-limiting system of checks and balances among these branches, the Constitution reconciled the potentially conflicting principles of liberty and order