

# 5 The Making of the Constitution (1787–1791)

## KEY EVENTS

1786	Shays' Rebellion begins
1787	Constitutional Convention meets
1787	Great Compromise approved
1788	Constitution ratified
1791	Bill of Rights amends Constitution

## 1 A Sense of Crisis

### ★ Section Focus

★ **Key Terms** Shays' Rebellion ■ anarchy  
 ■ nationalist ■ Constitutional Convention

★ **Main Idea** Believing that national government and even liberty itself were in crisis, political leaders assembled in Philadelphia in 1787 to strengthen and restructure the national government.

★ **Objectives** As you read, look for answers to these questions:

1. Why did farmers in Massachusetts rebel against the authorities?
2. Why did some Americans of the mid-1780s want revisions in their government?
3. What were the men like who gathered to restructure the national government?

The embattled farmer, with musket or pitchfork in hand, ready to fight for liberty—this has become a popular image of the American Revolution. The embattled farmer of 1776 helped overturn British rule. Ten years later, however, embattled farmers were again a threat. This time they were challenging the Confederation.

During the Revolution, the meaning of liberty was clear. Liberty was freedom from the British. It was also the right to form a government that the American people controlled. With both peace and republican government in place, however, Americans learned that liberty was no longer so easy to define.

### SHAYS' REBELLION

By the mid-1780s Americans faced two crucial questions. What was liberty? How could liberty be preserved for future generations? The answers to these questions would take form in the Constitution of the United States.

The Massachusetts legislature had voted in 1781

to outlaw paper money because it was worth so little. Henceforth all debts were to be paid in hard currency. This law hurt farmers because farming brought in little hard currency with which to pay taxes or other debts. The legislature also passed laws, such as taxing young livestock, that further burdened farmers. When payment was demanded, many farmers lost their land and even ended up in prison. In one Massachusetts county, for instance, almost a third of the male residents could not pay their debts. In another county, 80 percent of the men in jail were there as debtors.

Was this liberty? the debt-ridden farmers asked. Was this why they had fought a revolution? In the fall of 1786, mobs of Massachusetts farmers began to march on the courts to stop the sale of farms for nonpayment of debts. This movement, more a group of scattered protests than a full-scale revolt, became known as **Shays' Rebellion**. (Daniel Shays, one of the leaders of the movement, had served with distinction during the war but now was in debt.)

The movement had little focus. One of Daniel Shays' men had urged on a rebellious mob of farmers by saying:

My boys, you are going to fight for liberty. If you wish to know what liberty is, I will tell you. It is for every man to do what he pleases, to make other people do as you please to have them, and to keep folks from serving the devil.

For many citizens such words were a prescription for **anarchy**. Anarchy is the complete disorder that can result from having no government or laws. Anarchy, many feared, was one step from tyranny. John Locke once said, "Wherever law ends, tyranny begins."

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—John Locke

State leaders in Boston announced that the rebels must obey the majority, even if it was wrong. The only way to change the wrong, Boston said, was to elect new representatives. That arch-rebel Sam Adams was so upset that he called the new rebels bandits. He went on to urge the execution of their leaders. Meanwhile, the prosperous towns and merchants raised funds to send the state militia after the rebels.

The movement reached a climax early in 1787. Shays and several hundred followers set out to seize the federal arsenal at Springfield. Challenged by the state militia, however, the rebels fled. Some 150 rebels were captured, while others, including Shays, escaped over the state line. When spring came, the voters elected a new state government that pledged to change the heavy-handed laws against debtors. For governor they chose John Hancock, who then pardoned the leaders of the revolt.

Shays' Rebellion, however, sent a shock wave through the country. For one thing, the national government had been too weak to act in the situation. For another, pockets of seething discontent existed in every state. Many feared more such revolts.

## A CALL FOR A CONVENTION

Meanwhile delegates from Virginia and Maryland had met to discuss questions about navigation on Chesapeake Bay and the Potomac River. Pleased with how they were able to reach an agreement, the delegates thought it would be helpful if all the states met to discuss disputes over commerce. Such a convention was to be held at Annapolis, Maryland, in September 1786.

When the convention met, though, delegates from only five states showed up. Two of the delegates, Alexander Hamilton from New York and James Madison from Virginia, persuaded the others that little could be done with so few states present. The Annapolis Convention then endorsed a report written by Hamilton that pointed out the defects of the Articles of Confederation. The Confederation could not negotiate trade treaties, the



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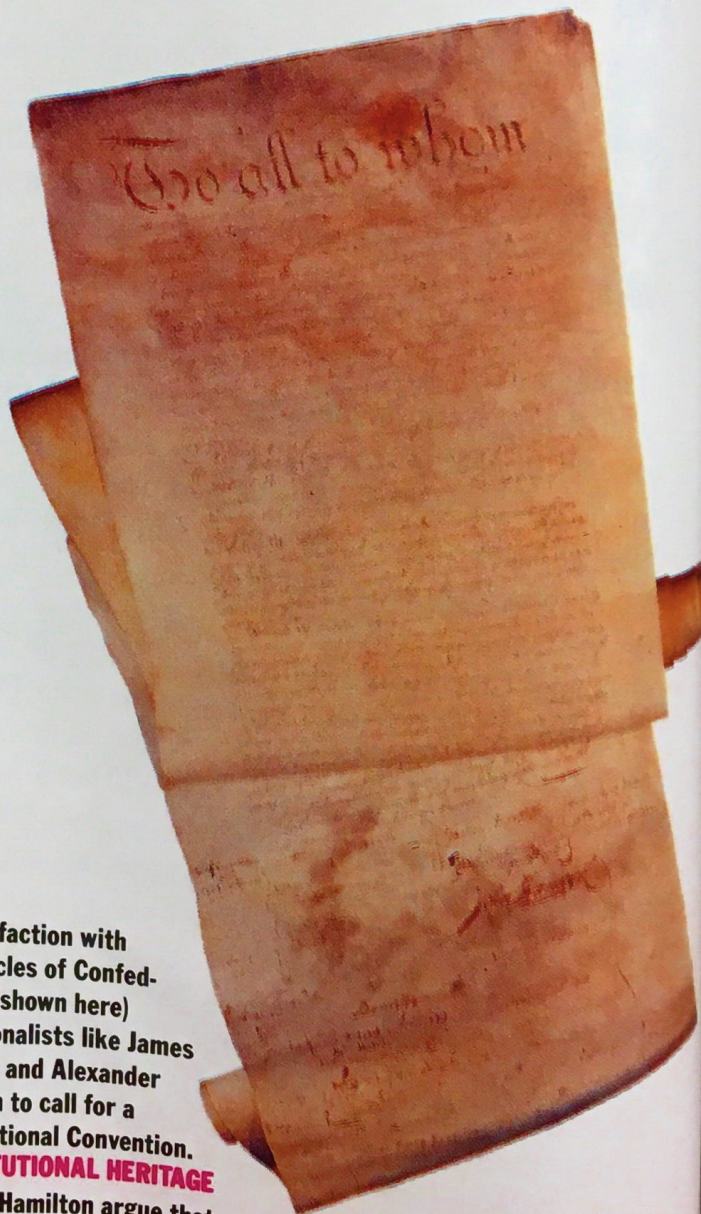
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report said. It could not pay its debts. It could not resolve disputes between the states. Nor could it tax. To remedy these defects, the report called for a special convention to consider ways to strengthen the Union. Those interested in strengthening the Union were called **nationalists**.

It was about this time that news of Shays' Rebellion swept through the states. Until then the nationalists had wanted a stronger government for reasons of commerce and taxation. With Shays' Rebellion they saw that a stronger government was also necessary to keep order. From Mount Vernon, George Washington wrote:

No morn ever dawned more favourable than ours did—and no day was ever more clouded than the present! . . . Without some alteration in our political creed, the superstructure we have been seven years raising at the expense of much blood and treasure, must fall. We are fast verging to anarchy & confusion.

Responding to the national feeling that something be done, Congress called for the states to send delegates to a convention. They would meet, Congress said, "for the sole and express purpose of revising the Articles of Confederation." The convention would begin the second Monday in May 1787 in Philadelphia.

### **THE CONVENTION DELEGATES**

Twelve states responded to the call to send delegates to Philadelphia, to attend what we call the **Constitutional Convention**. Only Rhode Island, which was torn by a paper-money dispute, declined to participate.

The 55 delegates who attended the Convention were among the most educated and most experienced men in America. About half were lawyers. Others included successful planters, merchants, and physicians. Three-fourths of them had sat in the Continental Congress. Many had been members of their state legislatures and had helped draft their state constitutions.

For all their experience, the delegates were a young group. Although the average age was 43, most were under the age of 40. (Today, the average age of Congress is 51.) It was mainly the younger

men who took on the challenge of putting the new nation on a firmer footing. Edmund Randolph, governor of Virginia, was 33. Charles Pinckney of South Carolina was 29. James Madison was 36. Alexander Hamilton was 30.

The two most eminent men in America attended the Convention. They were Benjamin Franklin, 81, and George Washington, 55. Some famous leaders were missing. John Adams was representing the nation in London, and Thomas Jefferson was in Paris. Patrick Henry refused to come, reportedly saying he "smelt a rat." Henry was suspicious of what the nationalists were up to and wanted no part of it.

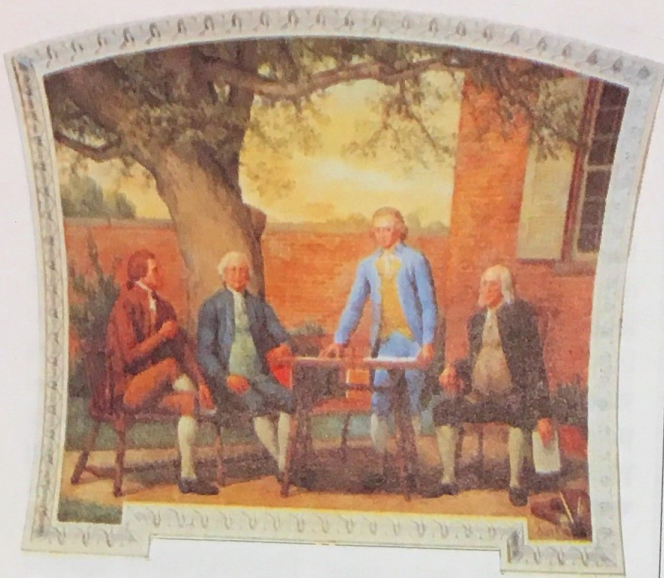
The Convention delegates shared certain fundamental goals and values. They certainly agreed with the Declaration of Independence, which stated that government must ensure the people's natural rights to life, liberty, and the pursuit of happiness. The Convention delegates also agreed that these natural rights could not exist without government. Government, therefore, was necessary to liberty.

The delegates believed that governments derive their just powers from the consent of the governed. Yet they knew that people in government might use their power to serve their own ends rather than the needs of the common people. They were also mindful that the people had no monopoly on either truth or virtue.

In 1776, in the flush of republican excitement, many delegates had believed that a successful republic depended on a virtuous people. By 1787, events had changed their minds. As George Washington said, "We have, probably, had too good an opinion of human nature in forming our confederation." And, as Madison would write, "If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary."

**"If men were angels, no government would be necessary."**

—James Madison



Hamilton, James Wilson, Madison, and Franklin appear from left to right in this mural of the Constitutional Convention. **CONSTITUTIONAL HERITAGE** According to the delegates, from where do governments derive their authority?

Thus, as the delegates began to wrestle with the issues of power and liberty, they did so assuming that people are by nature selfish. It was an immense challenge. The delegates had to try to devise a republic that would preserve liberty and yet *not* depend for success on the virtue of people.

### THE CONVENTION ASSEMBLES

On May 25, 1787, in the midst of a driving rain, 30 delegates from 7 states made their way to the Pennsylvania State House, now called Independence Hall. The rest would trickle in over the following weeks.

The first order of business was electing a president of the Convention. Robert Morris of Pennsylvania nominated George Washington, who was elected. As Washington rose to make his acceptance speech, many in the group must have looked around the room and remembered other times of crisis. It was in this room a dozen years before that Washington had been named commander-in-chief of the Continental Army. In the same room the Declaration of Independence had been signed. Now the nation faced another crisis.

Washington was not overly hopeful. "It is too probable that no plan we propose will be adopted," he said. "Perhaps another dreadful conflict

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—George Washington

is to be sustained." Nevertheless, he urged the Convention "to raise a standard to which the wise and the honest can repair [rally around]." He concluded, "The event is in the hand of God."

Having chosen the president and other officers, the Convention then decided on the rules that would govern its meetings. Members voted to conduct all deliberations in secret. To help ensure secrecy, the windows were nailed shut throughout the Convention. The resulting heat proved a terrible hardship when summer hit full force.

The delegates also decided that votes were not binding. In other words, a majority could vote for something, but then, as a result of later discussions, go back and reconsider the vote. This would happen often throughout the Convention.

Each day the Convention met, James Madison sat at a desk in front of the president's chair. Using his own shorthand system, he recorded everything that was said. Madison's notes allowed later generations to penetrate the closed windows and the secrecy of the Convention. We thus know something of the passions, the debates, and the compromises that went into the making of the Constitution.

### SECTION REVIEW

- 1. KEY TERMS** Shays' Rebellion, anarchy, nationalist, Constitutional Convention
- 2. PEOPLE** Daniel Shays, Alexander Hamilton, James Madison, George Washington
- 3. COMPREHENSION** What issues led to the call for a constitutional convention?
- 4. COMPREHENSION** In what ways were the delegates to the Convention similar in outlook and experience?
- 5. CRITICAL THINKING** Many Americans feared that anarchy might lead to tyranny. Explain how this could happen.