



The Beginnings of a New Republic

Winning the War Was Only the Beginning

When the last British troops left the United States at the end of the American Revolution, the thirteen former colonies had achieved something remarkable. They had defeated one of the world's great military powers and won their independence. What they had not yet figured out was how to govern themselves.

Americans had fought a revolution against a distant central government they believed had become too powerful. Understandably, they were reluctant to create another one. Their first national government, established under the **Articles of Confederation**, therefore left most political power in the hands of the individual states.

The result was less a unified nation than a loose association of thirteen largely independent states. Congress could declare war, conduct foreign affairs, make treaties, and request money from the states, but it could not directly tax the American people. It could not effectively regulate interstate or foreign commerce, and it had no independent executive branch to enforce its decisions. There was also no national judiciary comparable to the federal court system that would later be created under the Constitution. Congress could ask the states for money, but the states could—and frequently did—refuse.

From Annapolis to Philadelphia

Efforts to repair the system began cautiously. In 1786, representatives from several states met at Annapolis, Maryland, to discuss commercial problems among the states. Only five states sent delegates, so little could be accomplished. **Alexander Hamilton** and **James Madison**, however, helped turn the disappointing meeting into something more important. The delegates called for another convention to meet in Philadelphia the following year to consider broader changes to the national government.

In May 1787, delegates began arriving at the Pennsylvania State House—the building we now call Independence Hall. Their official assignment was to revise the Articles of Confederation. Instead, they eventually decided to replace them.

George Washington, whose prestige was almost unequaled, was unanimously elected president of the Constitutional Convention. His presence gave legitimacy to proceedings that might otherwise have been regarded with suspicion. **James Madison** arrived extraordinarily well prepared and became one of the Convention's intellectual leaders. **Alexander Hamilton** argued for an exceptionally strong national government. **Benjamin Franklin**, then 81 years old, used his enormous prestige and diplomatic skills to encourage compromise when disagreements threatened to break the Convention apart.

A Constitution Built on Compromise

The delegates agreed that the national government needed greater power, but agreement became much more difficult when they began deciding how that power should be distributed. Large states favored representation based on population, while small states feared they would be permanently dominated by their larger neighbors.

The dispute threatened the Convention until the **Great Compromise**, associated particularly with Connecticut's Roger Sherman, created a two-house Congress. Representation in the House of Representatives would be based on population, while every state would have two members in the Senate.

Other compromises were far less admirable. The Convention compromised over slavery, including the notorious **Three-Fifths Compromise**, under which three-fifths of the enslaved population would be counted for purposes of representation and direct taxation. The Constitution also protected the international slave trade from congressional prohibition until 1808. These provisions helped secure agreement among the states but left future generations to confront the terrible contradiction between American ideals of liberty and the continued existence of slavery.

The delegates also created an independently elected president, a federal judiciary, and a national government with powers that the Confederation Congress had never possessed. At the same time, authority was divided among three branches—legislative, executive, and judicial—with checks designed to prevent any one branch from becoming dominant.

The Constitution was signed on September 17, 1787. Writing it, however, was only half the battle. Nine of the thirteen states still had to ratify it before the new government could take effect.

Federalists Versus Anti-Federalists

The proposed Constitution immediately produced one of the great political debates in American history. Supporters became known as **Federalists**. They believed the experience of the Confederation had demonstrated that liberty could not survive without an effective government capable of maintaining order, regulating commerce, collecting revenue, providing national defense, and enforcing the laws.

Opponents became known as **Anti-Federalists**, but their position was more substantial than simple opposition to change. Americans had just fought a long war against what they regarded as centralized tyranny. Why, they asked, should they now surrender important powers of their states to another distant government?

Patrick Henry became one of the most forceful Anti-Federalist voices. **George Mason**, who had participated in the Constitutional Convention but refused to sign the finished document, objected in part because it contained no declaration of individual rights. Other prominent opponents included **Richard Henry Lee** and **Elbridge Gerry**.

Anti-Federalists particularly feared a powerful president, a federal judiciary whose authority could supersede state courts, and a Congress with broad taxing powers. Above all, many demanded explicit protection for individual liberties. Their concerns would profoundly influence the Constitution that eventually emerged.

The Federalist Papers Make the Case

The Federalists were better organized and made skillful use of newspapers and pamphlets to defend the proposed Constitution. Their most enduring contribution was a remarkable collection of 85 essays published under the name **Publius**. We know them today as **The Federalist Papers**.

Alexander Hamilton wrote most of the essays, **James Madison** wrote many of the most important discussions of republican government and constitutional structure, and **John Jay** contributed several essays dealing largely with foreign affairs and national unity. The essays were originally intended primarily to influence the ratification debate in New York, but their significance became much greater.

The Federalist Papers explained why the Articles had failed, why a stronger union was necessary, and how the Constitution's separation of powers and checks and balances could restrain the very government it empowered. Madison's famous argument in *Federalist No. 10* confronted the problem of political factions, while Hamilton defended the presidency and judiciary. Collectively, the authors argued that a large republic could preserve liberty rather than destroy it.

The Federalists ultimately won the ratification battle—but not without making an important concession to their opponents.

The Bill of Rights Seals the Bargain

The original Constitution did not contain the explicit list of individual liberties that many Americans expected. Federalists initially argued that such a list was unnecessary because the federal government possessed only those powers specifically granted to it. Anti-Federalists were not persuaded.

In several crucial states, Federalists gained support for ratification partly by accepting the principle that amendments protecting individual rights would be considered after the new government began operating. **James Madison**, although initially skeptical about the necessity of a bill of rights, recognized both its political importance and its value in reassuring Americans suspicious of federal power.

Madison would later introduce proposed amendments in the first Congress. Twelve were submitted to the states, and ten were ultimately ratified in 1791. Those ten amendments became the **Bill of Rights**, protecting freedom of religion, speech, press, assembly, and petition; recognizing the right to keep and bear arms; establishing protections against unreasonable searches and seizures; guaranteeing important rights of accused persons; and reserving undelegated powers to the states or the people.

In an important sense, therefore, the Anti-Federalists lost the battle over ratification but won a lasting victory. Their insistence on explicit protections for individual liberty permanently changed the Constitution.

Ratification: A Nation Agrees to Try

Delaware became the first state to ratify the Constitution on December 7, 1787. Pennsylvania and New Jersey soon followed. The crucial ninth ratification came from New Hampshire in June 1788, officially satisfying the requirement for the Constitution to take effect among the ratifying states.

But the new government could hardly succeed without Virginia and New York. Virginia was the largest and most populous state, while New York occupied a strategically important position between New England and the states to the south. Both contained strong Anti-Federalist opposition.

In Virginia, **James Madison** and **John Marshall** argued for ratification against **Patrick Henry** and **George Mason**. Virginia narrowly approved the Constitution in June 1788. In New York, **Alexander Hamilton** played a central role in another bitter ratification fight, and New York finally approved it in July.

North Carolina initially declined to ratify, largely because of concerns about individual rights, but joined the Union in 1789 after the new government was underway. Rhode Island held out until 1790.

The Constitution had survived its first great test.

A Government Born of Compromise

The Constitution was not the product of unanimous agreement. It was the product of compromise among people who held very different ideas about government. Large states compromised with small states. Advocates of a strong central government compromised with defenders of state authority. Federalists who believed a bill of rights was unnecessary eventually accepted amendments demanded by their opponents.

Some compromises, particularly those involving slavery, preserved profound injustices that would eventually threaten the survival of the nation itself. Others created the political structure that allowed thirteen independent-minded states to begin functioning as one country.

The Federalists had won the central argument: the United States would have a national government capable of governing. But the Anti-Federalists had also left their permanent mark. Their distrust of concentrated power helped ensure that the new government would operate under written constitutional limitations and that explicit protections for individual liberty would soon be added.

A Constitution That Endured

As the United States celebrates 250 years of independence, the Constitution created in the aftermath of the American Revolution has proved remarkably resilient. Written in 1787 for a young nation of fewer than four million people, it has survived civil war, economic depression, two world wars, political upheaval, enormous territorial expansion, and social changes its authors could scarcely have imagined.

Perhaps most remarkable is how little its basic framework has changed. In more than two centuries, the Constitution has been amended only 27 times—and the first ten of those amendments, the Bill of Rights, were added almost immediately. Some later amendments corrected profound shortcomings in the original document, abolishing slavery, extending citizenship and voting rights, and changing the machinery of government. Yet the fundamental structure created in Philadelphia—three branches of government, checks and balances, federalism, representative government, and a written Constitution as the supreme law of the land—remains intact.

The founders did not create a perfect government, nor did they pretend that they had. What they created was something perhaps more enduring: **a government capable of changing without destroying itself.**

Nearly 250 years after Americans declared their independence, their constitutional experiment continues.