



BASICSPLAINER – THE CONSTITUTION

Although the American Revolution that freed the country from the British Empire began in 1775, the founding of the current U.S. governmental system occurred between 1787 and 1789, with the drafting and ratification of the **Constitution**.

The U.S. Revolutionary War won independence for the thirteen colonies as of 1781. The hastily-cobbled-together **Articles of Confederation** system that governed the new states during the 1780s gave each state equal say and preserved a great deal of **sovereignty** (fundamental governmental authority) for the states. But in preserving this local sovereignty, the Articles failed to grant the central government much power, rendering it impotent in many cases. As a postwar economic slump gave rise to debtor's revolts, a concerned group of politicians sought to reform the system, first at a small Annapolis Convention in 1786, and, when that effort failed, in Philadelphia the following summer. This better-attended **Constitutional Convention** of 55 elected state delegates chose to scrap the Articles and author a new Constitution that created a more powerful central government.

According to the rules written into the new Constitution, it would not take effect until nine of the 13 states approved, or "**ratified**", the document. Ratification was the job not of the existing state legislatures, but of separately elected state ratifying conventions.¹

Those who favored the new Constitution faced many who opposed it – either because they sought to preserve the decentralized Articles, or because they held out for a revision that would include only modest changes. Advocates for the Constitution called themselves **Federalists**, because the word "federal" refers to a system in

which subunits (in this case, states) retain significant authority. In choosing this name, Federalists were contending that the new document was not as centralized as its opponents claimed. Proponents of the Constitution successfully labeled its opponents **Anti-Federalists**, although the "Anti-Federalists" would have objected to that name – just as today's opponents of legal abortion would object to being called "anti-choice." The term "Anti-Federalist" was a coded attack that stuck.²

The crucial ratification debate that took place in the state of New York gave rise to a famous series of anonymous essays known collectively as **The Federalist Papers**, attributed to an author called "Publius" (secretly Alexander Hamilton, James Madison, and John Jay). These essays provide insights into what several key Federalists thought about the meaning of the Constitution.

The skilled and well-organized Federalists won the assent of the ninth state, New Hampshire, in June 1787 and secured positive votes from the important large states of Virginia and New York shortly thereafter. The lack of a **bill of rights** in the final document prompted some states to urge the new Congress to add amendments protecting individual rights as soon as it could. James Madison, elected to the first House of Representatives, obliged by introducing twelve proposed amendments, ten of which became what is now known as the Bill of Rights.

The Constitution remains the fundamental governing document of the U.S. and has only been amended 27 times (most recently in 1992). Amendments are tough to enact, as they typically require the approval of two thirds of each house of Congress, plus three quarters of the states.³

¹ For a definitive account of these debates, see Pauline Maier, *Ratification: The People Debate the Constitution, 1787-1788* (New York: Simon & Schuster, 2010).

² For more on the Anti-Federalist point of view, see Herbert Storing, *What the Anti-Federalists Were For* (Chicago: University of Chicago Press, 1981).

³ Alternatively, two-thirds of the states may call a constitutional convention for the purpose of authoring and proposing amendments, but none of the 27 amendments has taken this route.