Section 4

The Constitutional Convention

Readers Guide

Key Terms
interstate commerce, extralegal, anarchy

Find Out

■ How did the Connecticut Compromise settle the most divisive issue among members of the Constitutional Convention?
■ What were the key arguments presented by the Federalists and Anti-Federalists?

Understanding Concepts
Civil Liberties Why do you think many people insisted on a Bill of Rights in the Constitution?

The Constitutional Convention began its work on May 25, 1787. All the states except Rhode Island sent delegates. The state legislatures appointed 74 delegates to the Convention, but only 55 attended. Of these, 39 took a leading role.

The Convention Begins
The delegates had great practical experience in politics. Seven had served as governors of their states. Thirty-nine had served in the Confederation Congress. Many had helped write their state constitutions. Eight had signed the Declaration of Independence, and six delegates had signed the Articles of Confederation.

Several men stood out as leaders. The presence of George Washington ensured that many people would trust the Convention's work. Benjamin Franklin, world famous as a scientist and diplomat, now 81 years old, played an active role in the debates.

Two other Pennsylvanians also played key roles. James Wilson often read Franklin's speeches and did important work on the details of the Constitution. Gouverneur Morris, an eloquent speaker and writer, wrote the final draft of the Constitution.

From Virginia came James Madison, a brilliant advocate of a strong national government. His careful notes are the major source of information about the Convention's work. Madison is often called the Father of the Constitution because he was the author of the basic plan of government that the Convention eventually adopted.

Organization The Convention began by unanimously choosing George Washington to preside over the meetings. It also decided that each state would have one vote on all questions. A simple majority vote of those states present would make decisions. No meetings could be
held unless delegates from at least seven of the 13 states were present.

The delegates decided to keep the public and press from attending the sessions. This was a key decision because it made it possible for the delegates to talk freely.

Key Agreements

While the delegates originally came together to revise the Articles, they eventually agreed to abandon the former government and begin again. The delegates reached a consensus on many basic issues. All favored the idea of limited and representative government. They agreed that the powers of the national government should be divided among legislative, executive, and judicial branches. They all believed it was necessary to limit the power of the states to coin money or to interfere with creditors' rights. And all of them agreed that they should strengthen the national government.

The great debates and compromises of the Convention were not over these fundamental questions. Rather, they dealt with how to put these ideas into practice.

Decisions and Compromises

After the rules were adopted, the Convention opened with a surprise. It came from the Virginia delegation who presented a plan for a strong national government.

The Virginia Plan

On May 29 Edmund Randolph of Virginia introduced 15 resolutions that James Madison had drafted. They came to be called the Virginia Plan. The plan proposed a government based on three principles: (1) a strong national legislature with two chambers, the lower one to be chosen by the people and the upper chamber to be chosen by the lower. The legislature would have the power to bar any state laws it found unconstitutional; (2) a strong national executive to be chosen by the national legislature; and (3) a national judiciary to be appointed by the legislature.

The introduction of the Virginia Plan was a brilliant political move on the part of the nationalists. By offering a complete plan at the very start, the nationalists set the direction and agenda for the rest of the Convention. Eventually, and after much discussion by delegates who required a number of modifications, the Virginia Plan became the basis of the new Constitution.

The delegates debated the Virginia Plan for more than two weeks. Delegates from the smaller states soon realized that the larger, more populous states would be in control of a strong national government under the Virginia Plan. The smaller states wanted a less powerful government with more independence for the states.

The New Jersey Plan

On June 15 the delegates from the small states, led by William Paterson of New Jersey, made a counterproposal. The New Jersey Plan called for government based on keeping the major feature of the Articles of Confederation—a unicameral legislature, with one vote for each state. Congress, however, would be strengthened by giving it the power to impose taxes and regulate trade. A weak executive consisting of more than one person would be elected by Congress. A national judiciary with limited power would be appointed by the executive.

Paterson argued that the Convention should not deprive the smaller states of the equality they had under the Articles. Thus, his plan was designed simply to amend the Articles. The central government was to continue as a confederation of sovereign states. After some discussion the New Jersey Plan was rejected. The delegates returned to considering the Virginia Plan.

As the summer grew hotter, so did the delegates’ tempers. Soon the Convention was deadlocked over the question of the representation of states in Congress. Should the states be represented on the basis of population (favored by the large-state delegations) or should they be represented equally, regardless of population (favored by the small-state delegations)? The debate was bitter, and the Convention was in danger of dissolving.

The Connecticut Compromise

Finally, a special committee designed a compromise. Called the Connecticut Compromise because Roger Sherman and the delegation from that state played a key role on the committee, this plan was adopted after long debate. The compromise suggested that the legislative branch have two parts: (1) a House of Representatives, with state representation based on population. All revenue laws—concerning spending and taxes—would begin in this house;
and (2) a Senate, with two members from each state. State legislatures would elect senators.

The larger states would have an advantage in the House of Representatives, where representation was to be based on population. The smaller states would be protected in the Senate, where each state had equal representation.

The Three-Fifths Compromise

A second compromise settled a disagreement over how to determine how many representatives each state would have in the House. Almost one-third of the people in the Southern states were enslaved African Americans. These states wanted the slaves counted the same as free people to give the South more representation.

At the same time, the Southern states did not want enslaved persons counted at all for levying taxes. Because they did not have many slaves, the Northern states took the opposite position. They wanted the enslaved persons counted for tax purposes but not for representation.

The Three-Fifths Compromise settled this deadlock. Three-fifths of the enslaved people were to be counted for both tax purposes and for representation.

Compromise on Commerce and the Slave Trade

A third compromise resolved a dispute over commerce and the slave trade itself. The Northern states wanted the government to have complete power over trade with other nations. The Southern states depended heavily on agricultural exports. They feared that business interests in the North might have enough votes in Congress to set up trade agreements that would hurt them. They also feared the North might interfere with the slave trade.

Again, a compromise settled the issue. The delegates determined that Congress could not ban the slave trade until 1808. At the same time, they gave Congress the power to regulate both interstate commerce, or trade among the states, and foreign commerce. To protect the South's exports, however, Congress was forbidden to impose export taxes. As a result, the United States is one of the few nations in the world today that does not tax its exports.

The Slavery Question

The word slave does not appear in the Constitution. Beyond the compromises just discussed, the Constitution dealt with slavery only by noting that those escaping to free states could be returned to the slaveholders (Article IV, Section 2). At the time, many of the Northern states were outlawing slavery. Massachusetts had voted to end the slave trade. Delaware had forbidden importing enslaved persons. Connecticut and Rhode Island had decided that all enslaved persons brought into their states would be free. Pennsylvania had taxed slavery out of existence.

Whatever their personal beliefs about slavery, the delegates knew that the Southern states would never accept the Constitution if it interfered with slavery. Thus, in order to create the badly needed new government, the Founders compromised on
the slavery question. Their refusal to deal with slavery left it to later generations of Americans to resolve this great and terrible issue.

Other Compromises  The delegates compromised on several other issues to complete the Constitution. The debate over how to elect the president included the election of the president directly by the people, by Congress, and by state legislatures. The present Electoral College system, in which each state selects electors to choose the president, was finally agreed to as a compromise. Similarly, the president’s four-year term was a compromise between those wanting a longer term and those who feared a long term would give the president too much power.

On September 8, 1787, a Committee of Style and Arrangements began polishing the final draft. By September 17 the document was ready. Thirty-nine delegates stepped forward to sign the Constitution. The aging Ben Franklin had to be helped to the table to sign. As others went up to sign, he remarked that during the long debates he had often looked at the sun painted on the back of General Washington’s chair and wondered whether it was rising or setting. “But now at length I have the happiness to know,” he said, “it is a rising and not a setting Sun.”

Ratifying the Constitution  For the new Constitution to become law, 9 of the 13 states had to ratify it. The political debate over ratification lasted until May 29, 1790, when Rhode Island finally voted for approval. The Constitution, however, actually went into effect on June 21, 1788, when New Hampshire became the ninth state to ratify it.

The Federalists and Anti-Federalists  The great debate over ratification quickly divided the people in the states. Fervent debates broke out in the newspapers. One group, known as the Federalists, favored the Constitution and was led by many of the Founders. Their support came mainly from merchants and others in the cities and coastal regions. The other group, called the Anti-Federalists, opposed the new Constitution. They drew support largely from the inland farmers and laborers, who feared a strong national government. The lines of support, however, were not clearly drawn, and many city and business people agreed with the opponents of the Constitution.

The Anti-Federalists criticized the Constitution for having been drafted in secrecy. They claimed the document was extralegal, not sanctioned by law, since the Convention had been authorized only to revise the old Articles. They further argued that the Constitution took important powers from the states.

The Anti-Federalists’ strongest argument, however, was that the Constitution lacked a Bill of Rights. The Convention had considered including such a bill. However, the delegates decided that the inclusion was not needed because the Constitution did not give the government power to violate the people’s rights. Anti-Federalists warned that without a Bill of Rights, a strong national government might take away the human rights won in the Revolution. They demanded that the new Constitution clearly guarantee the people’s freedoms. Patrick Henry was a strong opponent of the Constitution. He stated:
The necessity of a Bill of Rights appears to me to be greater in this government than ever it was in any government before. . . . All rights not expressly and unequivocally reserved to the people are impliedly and incidentally relinquished to rulers. . . . If you intend to reserve your unalienable rights, you must have the most express stipulation; for . . . if the people do not think it necessary to reserve them, they will supposed to be given up.

—Patrick Henry, 1788

The Federalists, on the other hand, argued that without a strong national government, anarchy, or political disorder, would triumph. They claimed that only a strong national government could protect the new nation from enemies abroad and solve the country's internal problems. They also claimed that a Bill of Rights was not needed since eight states already had such bills in their state constitutions. To gain the necessary support, however, the Federalists promised to add a Bill of Rights as the first order of business under a new government.

Progress Toward Ratification
With the promise of a Bill of Rights, the tide turned in favor of the Constitution. Many small states ratified it quickly because they were pleased with equal representation in the new Senate. Although the Constitution went into effect when New Hampshire ratified it, Virginia and New York had not voted for approval. In Virginia, George Washington, James Madison, and Edmund Randolph helped swing a close vote on June 25, 1788. In New York, Alexander Hamilton argued the case for six weeks. Finally, on July 26, the Federalists in New York won by only three votes.

To help win the battle in New York, Hamilton, Madison, and John Jay published more than 80 essays defending the new Constitution. Later they were collected in a book called *The Federalist*. 1

Launching a New State  With ratification by Virginia and New York, the new government began, with New York City as the nation's temporary capital. George Washington was elected president and John Adams vice president. Voters elected 22 senators and 59 representatives, and on March 4, 1789, Congress met for the first time in Federal Hall in New York. On April 30 Washington took the oath of office to become the first president of the United States.

To fulfill the promises made during the fight for ratification, James Madison introduced a set of amendments during the first session of Congress. Congress approved 12 amendments and the states ratified 10 of them in 1791. These first 10 amendments became known as the Bill of Rights.

Checking for Understanding

1. **Main Idea** In a graphic organizer similar to the one at the right, analyze how the Connecticut Compromise provided fair treatment for both large and small states.

2. **Define** interstate commerce, extralegal, anarchy.

3. **Identify** Father of the Constitution, Patrick Henry.

4. **Identify** the key issues on which the delegates to the Constitutional Convention agreed.

5. **Who were the authors of The Federalist and what was the purpose for writing it?**

Critical Thinking

6. **Analyzing Information** Evaluate the impact of the Federalists and Anti-Federalists on the Constitution.

**Concepts IN ACTION**

**Civil Liberties** The Bill of Rights, important in the ratification of the Constitution, continues to be a strong foundation of the American political system. Analyze civil liberties issues in the news. Write a short news article about why the Bill of Rights is important today.
Using a Computerized Card Catalog

If you want to write a paper on a topic related to the colonial period, you will need to use a variety of reference materials for research. A computerized card catalog can help you narrow your search.

Learning the Skill

Go to the computerized card catalog in your school or local library. Type in the name of an author; the title of a book, videotape, audiocassette, or CD; or a subject heading. The computer will list on-screen the author, titles, or subjects you requested.

The "card" that appears on-screen also lists other important information, such as the year the work was published, who published it, what mediatype it is, and the language it is written or recorded in. Use this information to determine if the material meets your needs. Then check to see if the material is available. Find the classification and call number under which it is shelved.

Practicing the Skill

Follow the steps below to collect materials on the subject of the Articles of Confederation.

1. Go to the computerized card catalog in your school or local library and conduct a subject search on the Articles of Confederation. Did you have to broaden or narrow your search?

2. A list of subjects should appear on the computer screen. Follow the instructions on-screen to display all the titles under your subject. List four titles that contain information on the Articles of Confederation.

3. Select one title from your list that you want to learn more about. How do you find out more details on this?

4. How many copies of this work are available in the library? Where can you find this work in the library?

Application Activity

Use a library computerized card catalog to research and produce a brochure giving step-by-step directions on how to find background material and commentary on the Declaration of Independence.
The colonists used trade restrictions to protest the Stamp Act and the Intolerable Acts. Since that time, nations, groups, and individuals have continued to use trade restrictions as a means to protest unpopular or unfair policies. Use the Readers' Guide to Periodical Literature to find magazine articles detailing present-day examples of groups using these methods of protest.
Chapter 2: Origins of American Government

Cooperative Learning Activity

Organize into groups. Imagine that your group is aboard a space vehicle headed toward a planet that is capable of supporting human life. Once you land on the new planet, the first task is to decide what type of government your community will have. Decide on a model form of government under which you would like to live. Present your model to the class.

Skill Practice Activity

Using a Computerized Card Catalog Use a computerized card catalog to find out more about the British colonial legislation that led to the American Revolution.
1. Type “s/American Revolution.”
2. From the list of subjects that appears on-screen, determine which might contain information on acts of Parliament passed immediately before the American Revolution.
3. Follow the instructions on the computer screen to display all the titles under each subject you selected.
4. Which of the books on the screen would you examine to discover more about your subject?

Technology Activity

Using Software Programs Newspaper cartoons were important tools to stir public opinion against Great Britain at the time of the Revolution. Use software clip art to create a political cartoon that might have appeared in a colonial newspaper. The cartoon should illustrate the colonists’ feelings toward Britain.

Interpreting Political Cartoons Activity

1. What symbol represents the colonies in this 1779 political cartoon?
2. Who do you think the rider on the horse is?
3. What is the message of this cartoon?

Participating in Local Government

Every community has its unique history. In the course of development, the types of local government often changed. For example, as a village grew to become a city, the government evolved to meet new conditions. How did the structure of your local government change?

Investigate the history of your local government. Visit local government offices to find out when and how your community started, what type of government the community originally adopted, and who the early leaders were. Describe how the government grew and changed over the years. Prepare a brochure about the early governments of your community with the class.