



SECTION 3

The Constitution

Reading Focus

Why did delegates meet for the Constitutional Convention?

What were some of the main issues debated at the Constitutional Convention?

How is the federal government balanced under the U.S. Constitution?

Key Terms

Constitutional Convention

Virginia Plan

New Jersey Plan

Great Compromise

Three-Fifths Compromise

federalism


legislative branch

executive branch

judicial branch

checks and

balances

N 1786 A PENNSYLVANIA newspaper reported rumors that John Adams, ambassador to Britain, was receiving his salary from the French because the U.S. government could not afford to pay him. "Ought we not to blush . . . that the ambassadors of the states are . . . depending on foreign charity for their support?" asked the newspaper's editors. John Adams's wife, Abigail, agreed. She felt that running an embassy with very little money was an embarrassment. She noted that "with the present salary and the present temper of the English no one need envy the embassy." Such problems led some Americans to seek a more effective national government.



John Adams

The Granger Collection, New York

★ The Constitutional Convention

By the mid-1780s many American political leaders were alarmed by the variety of problems that had arisen under the Articles of Confederation. The U.S. government could do little in response to humiliating treatment by Britain and Spain. Cooperation among the states was almost nonexistent, as shown by the poor turnout at the Annapolis Convention. Most political leaders

agreed that changes to the central government were essential for the survival of the United States.

Meeting in Philadelphia

In February 1787 the Confederation Congress invited each state to send delegates to a convention in Philadelphia. These delegates planned to discuss the much needed revision of the Articles of Confederation. This **Constitutional Convention** was held in May in Philadelphia's Old State House,

called Independence Hall, where Americans had officially declared their independence.

Congress said in its invitation that the convention was for

“the sole and express purpose of revising the Articles of Confederation, to render [make] the federal constitution adequate to the exigencies [needs] of government, and the preservation of the Union.”

The delegates decided to keep the proceedings and debates a secret until they had accomplished their task. They agreed that they would work more effectively without further public input.

Twelve states sent a total of 55 delegates to participate in the Constitutional Convention. Only Rhode Island refused to send a delegation. The delegates were a remarkable group. Many were college educated, and most were well read in history, law, and political philosophy. More than half had served in Congress, and most of the others had served in state legislatures.

James Madison proved to be one of the most important delegates to the convention. He had thought carefully about the different ways that Americans could construct a government that preserved the powers of the states within a strong union. Madison saw the convention as an important turning point because the delegates “were now to decide the fate of republican government.”

Madison participated actively in the convention, taking detailed notes and contributing to discussions. He also helped persuade George Washington, the hero of the Revolutionary War, to participate and lend his authority to the proceedings. The delegates quickly and unanimously elected Washington—who headed the Virginia

delegation—to be president of the convention. Other active delegates included Virginia Declaration of Rights author George Mason, Roger Sherman of Connecticut, and James Wilson of Pennsylvania, one of the most skilled lawyers in the country.



James Madison



This engraving advised women that their proper place was in the home. The message reflected the attitudes of many men and women in the early days of the republic.

Absent Voices

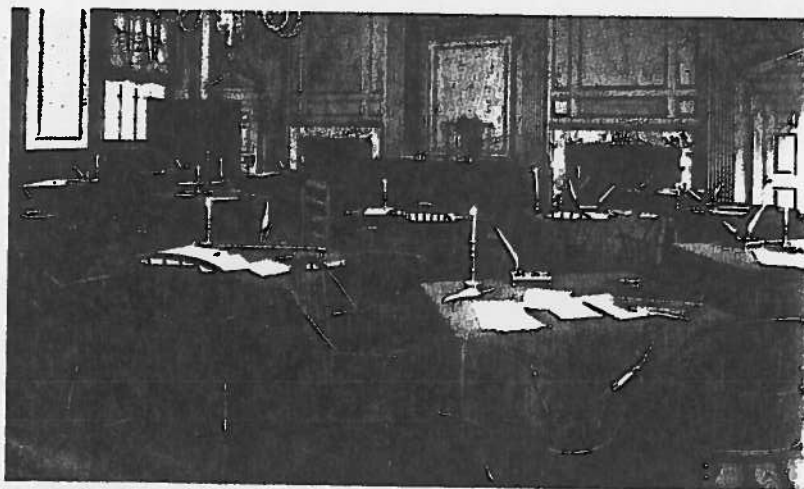
Several important leaders did not attend the convention. John Adams was serving as ambassador to Great Britain, while Thomas Jefferson was serving as ambassador to France. Others, such as Revolutionary heroes Samuel Adams and Patrick Henry, chose not to attend because they opposed holding such a convention.

Congress did not invite women, African Americans, or American Indians to participate in the convention. Members of these groups did not yet have the rights of full citizens, including the right to represent other citizens in government.

★ The Great Compromise

Several issues divided the delegates to the Constitutional Convention. Some members of the convention thought the Articles of Confederation simply should be revised, while others thought they should be completely rewritten. This situation was further complicated because those who favored rewriting held different points of view

regarding the approach to take. For example, small and large states had different concerns about representation. States also differed over regional issues, including economic concerns, that separated northerners from southerners, and easterners from westerners. In addition, some delegates supported a strong national government, while others supported a less centralized, weaker national government.



Both the Declaration of Independence and the Constitution were signed in Philadelphia's Independence Hall.

The Virginia Plan

After the delegates had met for four days, Edmund Randolph of Virginia presented a plan for government—called the large-state plan or **Virginia Plan**—which James Madison had mainly drafted. It offered a new federal constitution that would give sovereignty, or supreme power, to the central government. The Virginia Plan provided for three branches of national government—executive, judicial, and legislative. The legislature in this plan would be a bicameral, or two-house, legislature with representatives chosen in proportion to state populations. Delegates from the smaller states strongly objected to Madison's plan to have population determine representation in both legislative houses.

The New Jersey Plan

The delegates discussed the Virginia Plan for two weeks. New Jersey delegate William Paterson then presented the small-state or **New Jersey Plan**, which proposed keeping the existing organization of Congress. It called for a unicameral, or one-house, legislature with each state entitled to an equal number of votes. This arrangement was meant to ensure that even states with small populations would have an equal voice in the federal government.

The New Jersey Plan proposed that all acts ratified by Congress "shall be the supreme law of the respective States . . . and the Judiciary of the several States shall be bound thereby in their decisions." The plan also gave the federal government the power to tax citizens in all states and allowed the

government to regulate commerce. Delegates from the large states objected to this plan, arguing that representation based on population was more fair.

Compromise

In June, after much debate, the delegates were still unable to agree on how states should be represented in the proposed Congress. Eventually, the convention formed a committee to address this matter. Roger Sherman was among those on the committee who proposed a compromise, which some historians call the **Great Compromise**. To satisfy supporters of the New Jersey Plan, every state, regardless of its size, would have an equal vote in the upper house of the legislature. For those who preferred the Virginia Plan, the Great Compromise proposed that in the lower house each state would receive one representative for every 40,000 inhabitants. This compromise did not solve all the conflicts over representation, however.

★ The Three-Fifths Compromise

The debate over representation also involved regional differences. Southern delegates wanted slaves to be counted as part of their state populations so they would have more representatives in Congress. Northerners thought that slaves should be counted in deciding a state's taxes but not in determining representation.

To resolve this problem, Edmund Randolph and James Wilson proposed that three fifths of the slaves in each state be counted as part of that state's population when allotting representatives to the lower house. New York delegate Gouverneur Morris spoke passionately against this proposal, arguing:

“The admission of slaves into the Representation [in any way at all] comes to this: that the inhabitant of [a state] who goes to the coast of Africa and in defiance of the most sacred laws of humanity tears away his fellow creatures from their dearest connections and damns them to the most cruel bondage, shall have more votes in a Government instituted [established] for protection of the rights of mankind, than the citizens of [a state] who view with . . . horror, so nefarious [evil] a practice.”

Despite Morris's speech against it, the delegates voted to accept this proposal, which they called the **Three-Fifths Compromise**.

Another controversial issue involved the foreign slave trade. Some of the delegates—such as George Mason of Virginia and John Dickinson of Delaware—wanted the federal government to ban, or stop, the slave trade altogether.

Delegates opposed to a constitutional ban on the slave trade, such as Charles Pinckney of South Carolina, quickly responded that the economies of South Carolina and Georgia would suffer greatly without importing slaves. John Rutledge, also of South Carolina, added, “The people of these States will never be such fools as to give up so important an interest.” Many of these southern delegates then threatened to oppose the new constitution and withdraw from the Union if an immediate ban on the slave trade was made part of the document.

To resolve this conflict, delegates reached another compromise.

Northern delegates agreed to let the slave trade continue without interference for 20 years. In exchange, southern delegates agreed to drop their demand that laws in Congress be passed with a two-thirds majority vote.

The delegates omitted, or left out, the word *slavery* or *slave* in the Constitution. They referred instead to “free Persons” and “all other persons.” Oliver Ellsworth summed up the view of many delegates when he said, “The morality or wisdom of slavery . . . are considerations belonging to the states themselves.”

★ Our Living Constitution

The delegates to the Constitutional Convention worked hard to strengthen the national government without allowing it to become too powerful. The delegates wanted to address not just the shortcomings of the Articles of Confederation but also to correct some of the imbalances that had appeared in the new state constitutions. To ensure that the new national government avoided problems that the states had encountered, the delegates proposed to balance the powers within the national government.



This antislavery painting shows the goddess “Liberty” extending knowledge to newly freed slaves.

The Library Company of Philadelphia

The Articles of Confederation and the Constitution

ARTICLES

CONSTITUTION

EXECUTIVE BRANCH

No executive to administer and enforce legislation; Congress has sole authority to govern.

Executive committee to oversee government when Congress is out of session

President administers and enforces federal laws.

LEGISLATIVE BRANCH

A unicameral (one-house) legislature

Each state had one vote, regardless of population.

Nine votes (of the original 13) to enact legislation

A bicameral (two-house) legislature

Each state has equal representation in the Senate; each state is represented according to population in the House of Representatives.

Simple majority to enact legislation

JUDICIAL BRANCH

No national court system

Congress to establish temporary courts to hear cases of piracy

National court system, headed by the Supreme Court

Courts to hear cases involving national laws, treaties, and the Constitution as well as cases between states, between citizens of different states, or between a state and citizen of another state

OTHER MATTERS

Admission to the Confederation by 9 votes (of 13)

Amendment of the Articles by unanimous vote

The states retained independence.

Congress to admit new states; all must have a republican form of government

Amendment of the Constitution by two-thirds vote of both houses of Congress or by national convention, followed by ratification by three fourths of the states

The states accept the Constitution as the supreme law of the land.

Checks and Balances

The balanced government that the delegates designed was based on the idea of **federalism**. Federalism is the distribution of governmental power between a central authority and the states or provinces that make up the nation.

The federal government is organized under three branches. The first is the **legislative branch**, or Congress, which is responsible for proposing bills and passing them into laws. Congress is made up of two houses. The Senate, or upper house, is composed of two members from each state. In the House of Representatives, or lower house, each state is represented according to its population. The second branch of the federal government is the **executive branch**, which includes the president and the administrative departments of the

government. The third branch is the **judicial branch**, which is made up of all the national courts. This branch is responsible for interpreting laws, punishing criminals, and settling disputes between states. (For the full text of the U.S. Constitution, see page 266.)

The framers of the Constitution established **checks and balances**, a system to prevent any branch of government from becoming too powerful. For example, the framers gave Congress power to propose and pass bills into law, but also gave the president the power to veto congressional legislation. In later years, people interpreted the Constitution as providing the judicial branch with its own check—the Supreme Court's power to determine whether a law passed by Congress is unconstitutional.

Balancing Power

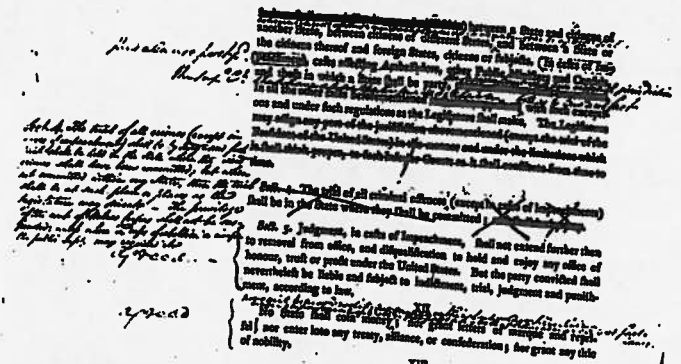
Another key to the balance of power established by the Constitution is the federal government's authority to enforce federal laws in the states. Article VI of the Constitution states:

"This Constitution and the Laws of the United States . . . which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding."

This means that as a part of the Union, each state is committed to the authority of the federal government's laws over state laws. In addition, the article notes that state legislators, officials, and judges are committed "by Oath . . . to support this Constitution." The federal government has the power to enforce its laws through the use of troops under the command of the president.

While the federal government's power was strengthened under the new Constitution, states kept sovereign, or independent, control over certain government functions. The states kept control over local government, education, the chartering

Part of an early draft of the Constitution, with comments written in the margin by George Washington



of corporations, the development and administration of civil and criminal law, the supervision of religious bodies, and the general oversight of the welfare of their citizens.

Although the delegates realized that the Constitution was not a perfect document, they believed that they had created a strong government through the balance of powers. In September 1787, after 16 weeks of exhausting, sometimes fiery debates and discussions, delegates signed a final draft of the Constitution and sent it off to Congress. The Congress then sent the document to the states for ratification.

SECTION 3 REVIEW

Identify and explain the significance of the following:

- Constitutional Convention
- James Madison
- Virginia Plan
- William Paterson
- New Jersey Plan
- Roger Sherman
- Great Compromise
- Three-Fifths Compromise
- federalism
- legislative branch
- executive branch
- judicial branch
- checks and balances

Reading for Content Understanding

- 1 Main Idea** Why was the Constitutional Convention called? Name two important delegates to the convention as well as two important people who did not attend.

- 2 Main Idea** What issues divided delegates at the convention?

- 3 Citizenship and Democracy** Why did the framers of the Constitution establish a system of checks and balances?

- 4 Writing Describing** Write a paragraph describing how the system of checks and balances provides the basis for the federal government.

- 5 Critical Thinking Drawing Conclusions** Why do you think the issue of slavery was controversial when framing the Constitution?