

The Constitutional Convention



Overview

The American Revolution ended with the Treaty of Paris in 1783 but the nation's problems were not solved by a long way. The first government, created by the **Articles of Confederation**, was ineffective. It had created a **unicameral** system (one-house congress), no separate executive position, and no separate judicial (court) system to enforce any laws passed. The meant that the Thirteen States were still independent to run their own affairs.

The relationship between the United States and the major European nations was not good to say the least. The states had not complied with the terms of the Treaty of Paris as they never restored property belonging to the British loyalists and had failed to repay foreign debts for monies borrowed to finance the Revolutionary War. In addition, the weak central government could do nothing about the trade restrictions placed on the nation by Britain, who were also maintaining military outposts on the country's western frontier.

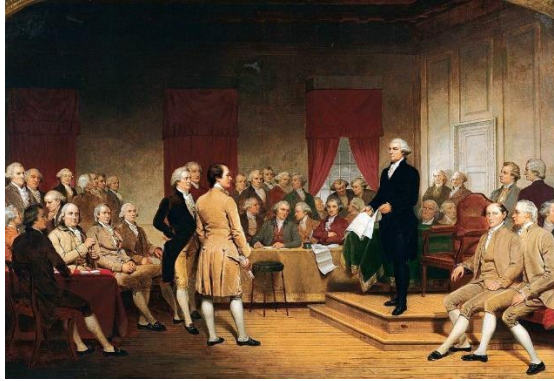
The United States had fallen into a post-Revolutionary War economic depression. They had no credit with their major trading partners. States were printing their own paper money, which turned out to be worthless. Many of the states began boundary disputes and the tax rates between each state for goods traded were excessive. The nation was in total disarray. **Shay's Rebellion** in New England was just one of several outbreaks of discontent against the local governments and the nation's situation as a whole.

The Annapolis Convention

At the end of the war George Washington went home and farmed his land. The many problems facing the nation forced him to take action to solve the social and political disputes and try to restore some type of financial stability.

In 1785 he hosted a meeting at his home in Mount Vernon, Virginia. To his disappointment, representatives from only four states attended (Virginia, Maryland, Delaware and Pennsylvania). Washington then called for a second meeting, to be held at Annapolis in Maryland. The second meeting, in 1786, became known as the **Annapolis Convention**. However, again there was disappointment as only five states sent delegates. In attendance were James Madison and Alexander Hamilton who persuaded the other delegates to hold a third convention, this time in Philadelphia. The main agenda for this meeting was to revise the Articles of Confederation.

The Philadelphia Convention



The demand to revise the Articles of Confederation was a success. Only Rhode Island refused to send delegates as it did not trust the other states.

In the summer of 1787, fifty-five white, male delegates from twelve states arrived at **Independence Hall** in Philadelphia. Most were wealthy and college-educated. Several of the men were lawyers who had already assisted in creating their own states' constitutions, despite them being young (under forty years of age).

The first issue of the convention was to elect a presiding officer and decide if the general public was to be involved. George Washington was the obvious choice for the position however the delegates chose not to include the people and kept the meeting in private.

Key People at the Convention

George Washington – Chairperson

Benjamin Franklin – Elder Statesman (he was now 81 years of age)

James Madison – becomes known as the ***Father of the Constitution***

Alexander Hamilton, Gouverneur Morris, John Dickinson

Key People NOT at the Convention

Thomas Jefferson, Thomas Paine, John Jay, John Adams – overseas on diplomatic business

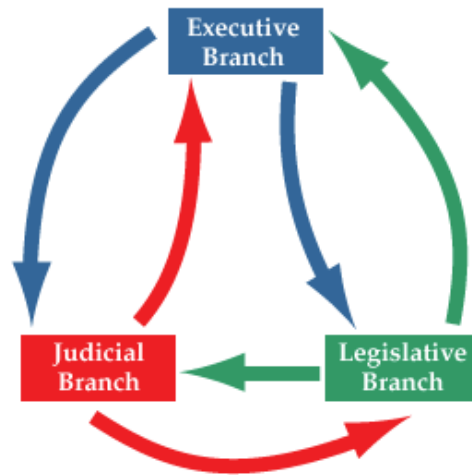
Samuel Adams, John Hancock – not chosen as delegates

Patrick Henry – opposed to federal powers so boycotted the convention

The Problems faced at the Convention

Once the discussions between the delegates began, not everyone agreed on the basic principles of the Articles of Confederation. Opinions were divided as to making simple changes or to create an entirely new document. James Madison and Alexander Hamilton, both strong nationalists, took control of the discussions. It was then voted that the Articles of Confederation had to be totally re-written and a new document, *The Constitution of the United States*, written.

Popular opinion in the 1780's did not trust strong governments as they could become too powerful and the nation could revert to times prior to the Revolution. James Madison and several other delegates wanted to utilize a system of **checks and balances**. It was a system where no one branch of government would have too much individual power but had sufficient power to check the others.



The convention agreed in principle with Madison's ideas but then faced a dilemma in regard to **representation** in the newly formed Congress.

The Virginia Plan was proposed by James Madison and favored the larger states such as Virginia and Pennsylvania. His idea was that the larger states should have proportionally more representation in congress than the smaller states.

The New Jersey Plan was proposed against the Virginia Plan. They believed that the smaller states should have the same voting rights as the larger states, namely each state would have one vote.

The Connecticut Plan, also known as **The Great Compromise**, solved the dispute. They proposed, and the delegates passed, a **bicameral** (two-house) plan for Congress. Each state would be given equal representation in the Senate. The House of Representatives would be formed where each state would be represented by members according to its population.

To determine the population for the number of delegates in the House of Representatives, it was agreed that a **census** would be taken every ten years and a formula was created based on the populations and representatives to determine how many people would represent their states.

The Issue of Slavery

Are slaves property or do they count as people during a census? Was slavery and the slave trade to be allowed in the *Constitution*? These two major problems faced the representatives and were issues of deep debate. The north and the south were split over this subject. The industrial north did not rely on slaves as workers but the south required many slaves for the cotton industry which was two-thirds of the nation's economy.

Finally, the following agreements were made:

The Three-Fifths Compromise was created where each slave could be counted as three-fifths of a person to determine a state's rate of taxation and number of representatives in the House of Representatives.

Import restrictions on new slaves were enforced for the next twenty years (until 1808). At that time Congress would be allowed to vote on the legality of slavery and abolish it if the law passed.



The control over **trade** was the next major issue faced. The industrial northern states demanded that the new, central government took full control over both international and interstate commerce. The south feared that taxes would be assessed on their agricultural exports. These tariffs would mean that their goods would be over-priced overseas and would lead to lost trade.

The Commercial Compromise was created. The new Congress would be responsible for control over both interstate and foreign trade. They would also dictate import policies including the assessment of import duties and tariffs. The compromise was that the government could NOT tax exports, allowing southern goods to be competitive. This law is still in effect today!

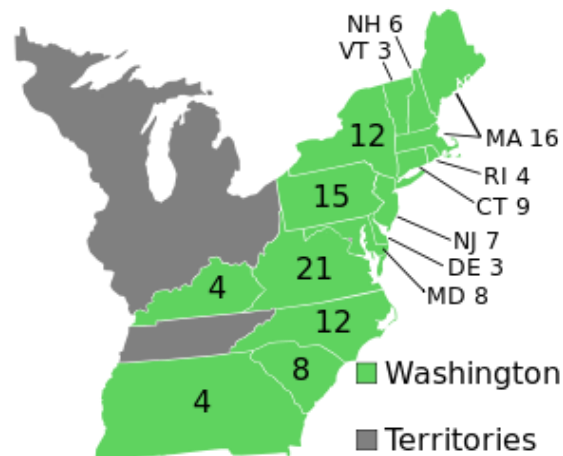
Who is to lead this new nation? This key question was the next on the agenda. It was agreed that the country needed a president but there were several disagreements regarding this appointment.

It was finally agreed that the president be given considerable powers. This included the power to **veto** any acts of Congress.

Some representatives proposed that the new chief executive hold this term of office for life but this was not the final solution. It was determined that the **term of office was for four years** but there **was no limit set as of the number of terms** a person could hold office.

In fear of a future conspiracy or mob rule, the convention created the **Electoral College System** for electing the president. The people would NOT directly elect the president. Instead delegates would be assigned to each state to choose the new leader. **The number of delegates would be equal to the total of the number of senators and members of the House of Representatives for that state.**

The first Electoral College Map of the election of George Washington



Finally, after 17 weeks of arguments and debates, a draft of the *Constitution* was written. The **Framers** (delegates) who put together this document knew that they would receive opposition to this document.

They decided that **Ratification** for approval only had to come from **9 out of 13 states**. Each state now had to host popularly elected conventions to discuss, debate, and vote on the proposed *Constitution*.

The process of ratification took several years to complete. Those that supported the idea of a **strong federal government** as stated in the *Constitution* were known as **Federalists**. Those who wanted a **weak federal government** and focused more on states' rights were known as **Anti-Federalists**.

The majority of the Federalists lived along the Atlantic Coast and in the cities. The majority of the Anti-Federalists were mostly small farmers and settlers in the western frontier areas of the country.

The differences between Federalists and Anti-Federalists		
	FEDERALISTS	ANTI-FEDERALISTS
LEADERS	George Washington (VA) Benjamin Franklin (PA) James Madison (VA) Alexander Hamilton (NY)	George Mason (VA) Patrick Henry (VA) James Winthrop (MA) John Hancock (MA) George Clinton (NY)
ARGUMENTS	Strong government needed to maintain law and order and preserve the Union	A strong government is opposite of the ideals of the Revolution. It is seen as a limited democracy and a restriction of states' rights
STRATEGY	Stress weakness of Articles of Confederation Proclaim that Anti-Federalists have no solution to the <i>Constitution</i> as it is written	Main argument was that the <i>Constitution</i> did not include protection of individual rights The new central government had more power than the British had prior to the Revolution
ADVANTAGES	A well organized group Strong leaders	Appealed to the people based on past experiences under colonial rule
DISADVANTAGES	The <i>Constitution</i> was a new document with no proof that it worked and did not have a Bill of Rights	The leaders and members were poorly organized and slow to respond to the challenges made by the Federalists

The Federalists promoted their ideas by publishing a series of 85 essays in a New York newspaper. They were written by James Madison, Alexander Hamilton, and John Jay. Each essay campaigned for the practicality of each major provision within the *Constitution* and became known as ***The Federalist Papers***.

The first three states to ratify the *Constitution* were Delaware, New Jersey, and Pennsylvania after the Federalists had promised to add a **bill of rights**. In 1788, after New Hampshire voted "yes" the required nine out of thirteen votes needed was attained, despite both Virginia and New York not yet voting.

Finally, after a close decision in the voting, Virginia accepted the document. Their actions prompted New York to also ratify the document. North Carolina and Rhode Island reversed their earlier decisions and approved the *Constitution* which finally became the "**supreme law of the land**" in May 1790.

