

# The Constitutional Convention, 1787

## Why A Convention?

By 1786, Americans understood that the Articles of Confederation had to be changed. Without the power to tax or control trade, Congress had to depend on asking the states for money, and they often turned down requests. Congress also did not have the money to pay soldiers for their services in the Revolutionary War or to repay debts from foreign countries, like France, that had given money to support the war effort. By 1786, the United States was basically bankrupt. In addition, the young nation faced many other challenges and threats. States would favor trade from certain states over others and southern states battled northern states for economic advantages. The country was also not prepared to fight a war – and other nations wondered whether treaties with the U.S. were worth the paper they were printed on. Because of all these problems European nations dismissed the United States as, “a third-rate republic”.

America's creditor class [the people who loaned money] had other worries. In Rhode Island (called “Rogue Island” by many elites), a state government dominated by the debtor class [the people that owed money] passed laws basically forgiving all debts and was considering a law that would redistribute land and property every thirteen years. The creditor class was outraged! And in western Massachusetts angry farmers, led by Daniel Shays, took up arms and engaged in active rebellion to gain debt relief.

By February of 1787 the Continental Congress was convinced that something needed to be done, they agreed to call for a convention of delegates to meet in May in Philadelphia, “to devise such further provisions as shall appear to them necessary to render the constitution of the Federal Government adequate to the [demands] of the Union.” Basically they wanted to amend or change the Articles of Confederation.

Across the country, the cry “Liberty!” filled the air. *But what liberty?* The word “liberty” at the time had many meanings. Should the delegates be most concerned with protecting liberty of thought, liberty of contract (meaning, for many at the time, the right of creditors to collect debts owed under their contracts), or the liberty to hold property (debtors complained that this liberty was being taken by banks and other creditors)? And the cry for liberty could mean two very different things when thinking about slavery – for some, the liberty to own slaves needed protection, while for others liberty meant ending slavery.

## The Constitutional Convention

On May 25, 1787, delegates from the various states met in the Pennsylvania State House in Philadelphia. The delegates to the Constitutional Convention did not represent a cross-section of 1787 America. The Convention included no women, no slaves, no Native Americans or racial minorities, and no laborers. As one historian noted it was a, “Convention of the well-bred, the well-fed, the well-read, and the well-wed.” The delegates included some very well-known figures from American history, such as George Washington, James Madison, Benjamin Franklin, and Alexander Hamilton. Other prominent Americans of the time, who might be expected to have been in Philadelphia, did not attend for various reasons. Prominent non-attendees include John Adams and Thomas Jefferson.

The very first thing the delegates did was to appoint George Washington president of the Convention because he was so well respected. Next they established the rules – including complete secrecy about the deliberations. (Several delegates, most notably James Madison, took extensive notes, but these were not published until decades later.) Though throughout the convention the delegates would disagree on some of the finer details of creating the Constitution, the writers agreed on one thing; that the United States should be a **republic**, a government where citizens rule through their elected representatives. This was because the writers believed in **republicanism**, the idea that governments should be based on the consent of the people.

The main business of the Convention began four days later when Governor Edmund Randolph of Virginia presented and defended a plan for new structure of government (called the “**Virginia Plan**”) that had been drafted by fellow Virginia delegate, James Madison. The Virginia Plan called for a strong national government with both branches of the legislative branch decided by population. The plan gave the national government the power to legislate, “in all cases in which the separate States are [useless]” and even planned for a national Council of Revision that had veto power over state governments.

Delegates from smaller states, and states who did not want broad federal powers, opposed many of the provisions in the Virginia Plan. Charles Pinckney of South Carolina asked whether supporters of the plan, "meant to abolish the State Governments altogether." On June 14, delegate William Paterson of New Jersey presented a competing plan, called the "**New Jersey Plan**". The New Jersey Plan kept federal powers rather limited and created no new Congress. Instead, the plan enlarged some of the powers then held by the Continental Congress. Paterson made clear the stubborn opposition of delegates from many of the smaller states to any new plan that would deprive them of equal voting power ("equal suffrage") in the legislative branch.

### **Compromise**

Over the next three months, delegates found compromises between the Virginia and New Jersey Plans. Congress was granted new powers to regulate the economy, currency, and national defense, but they were not allowed to veto new state laws. The delegates from the southern states also insisted that Congress could not limit the slave trade, but they would come back to the issues in twenty years. Though slaves were denied the right to vote and were not seen as citizens – they were allowed to be counted as 3/5 of a person in order to determine the number of representatives in Congress and the number of electoral votes in the Electoral College. This became known as the "**Three-Fifths Compromise**". Most importantly, perhaps, delegates compromised on the thorny issue of deciding members of Congress, an issue that had bitterly divided the larger and smaller states. Under a plan put forward by delegate Roger Sherman of Connecticut ("the **Connecticut Compromise**" or "**Great Compromise**"), representation in the House of Representatives would be based on population (one representative per 30,000 people) while each state would have an equal number of two senators in the new Senate.

By September, the final compromises were made, the final clauses polished, and it came time to vote. In the Convention, each state had one vote, no matter how many delegates they sent. In the end, 39 of the 55 delegates supported adoption of the new Constitution, just enough to win support from each of the twelve attending state delegations. (Rhode Island, which had opposed the Convention, sent no delegation.) Following a signing ceremony on September 17, most of the delegates went to the City Tavern on Second Street where, according to George Washington, they "dined together and took cordial leave of each other."

However, before the Constitution could become the law of the land, it would have to withstand public scrutiny and debate. For two days, September 26 and 27, Congress debated whether to reprimand the delegates to the Constitutional Convention for exceeding their authority by creating a new form of government instead of simply revising the Articles of Confederation. They decided to drop the matter. Instead, on September 28, Congress asked the state legislatures to call ratification conventions in each state. Article VII stipulated that nine states had to ratify the Constitution for it to go into effect.

### **Questions**

**\*\* Answer on a separate sheet of paper. Bullet points are fine!**

1. Why was the idea of "liberty" so difficult when it came to the Constitutional Convention?
2. What is a republic? How is this different from democracy?
3. Explain the quote "Convention of the well-bred, the well-fed, the well-read, and the well-wed."
4. What was the Virginia Plan and who proposed it?
5. What was the New Jersey Plan and who proposed it?
6. What new powers did the federal gov't gain in the Constitution?
7. How did the delegates deal with the issue of slavery?
8. What was the Connecticut Compromise?
9. Which state did not send a delegation to the Constitutional Convention?
10. How many states had to ratify the Constitution for it to go into effect?