

Topic 3.8

The Constitutional Convention and Debates Over Ratification

Thus I consent, sir, to this Constitution, because I expect no better, and because I am not sure that it is not the best.

Benjamin Franklin, 1787

Learning Objective: Explain the differing ideological positions on the structure and function of the federal government.

With these words, Benjamin Franklin, the oldest delegate at the **Constitutional Convention** in Philadelphia, attempted to overcome the skepticism of other delegates about the document that they had created. Would the new document, the Constitution, establish a central government strong enough to hold 13 states together in a union that could prosper and endure? Several problems led to a convention that wrote a new constitution, which was followed by intense debates on whether to ratify the new plan of government.

The Annapolis Convention

To review what could be done about the country's inability to overcome critical problems, George Washington hosted a conference at his home in **Mount Vernon**, Virginia (1785). Representatives from Virginia, Maryland, Delaware, and Pennsylvania agreed that the problems were serious enough to hold further discussions at a later meeting at Annapolis, Maryland, with all the states invited. Only five states sent delegates to the **Annapolis Convention** in 1786. After discussing ways to improve commercial relations among the states, **James Madison** and **Alexander Hamilton** persuaded the others that another convention should be held in Philadelphia for the purpose of revising the Articles of Confederation.

Drafting the Constitution at Philadelphia

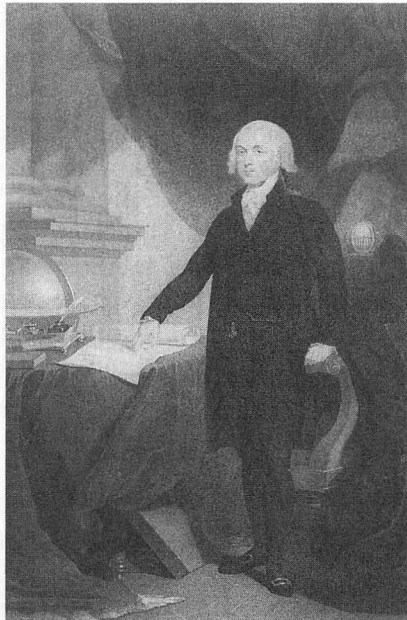
After a number of states elected delegates to the proposed Philadelphia convention, Congress consented to give its approval to the meeting. It called upon all 13 states to send delegates to Philadelphia "for the sole and express purpose of revising the Articles of Confederation." Only Rhode Island, not trusting the other states, refused to send delegates.

The Delegates

Of the 55 delegates who went to Philadelphia for the convention in the summer of 1787, all were White, all were male, and most were college-educated. As a group, they were relatively young (averaging in their early forties). With few exceptions, they were far wealthier than the average American of their day. They were well acquainted with issues of law and politics. A number of them were practicing lawyers, and many had helped to write their state constitutions.

The first order of business was to elect a presiding officer and decide whether or not to communicate with the public at large. The delegates voted to conduct their meetings in secret and say nothing to the public about their discussions until their work was completed. George Washington was unanimously elected chairperson. Benjamin Franklin, the elder statesman at age 81, provided a calming and unifying influence. The work in fashioning specific articles of the Constitution was directed by James Madison (who came to be known, despite his objections, as the Father of the Constitution), Alexander Hamilton, **Gouverneur Morris**, and **John Dickinson**. While they represented different states, these convention leaders shared the common goal of wanting to strengthen the young nation.

Several major leaders of the American Revolution were not at the convention. John Jay, Thomas Jefferson, and John Adams were on diplomatic business abroad, and Thomas Paine was also in Europe. Samuel Adams and John Hancock were not chosen as delegates. Patrick Henry, opposing any growth in federal power, refused to take part.



James Madison kept detailed notes on the debates at the convention. Since the convention did not allow outside observers and delegates were prohibited from talking to the press, his notes have shaped how historians interpret what happened during the convention. This engraving was probably made when Madison was in his 60s.

Source: David Edwin, c. Library of Congress.

Key Issues at the Convention

The convention opened with the delegates disagreeing sharply on its fundamental purpose. Some wanted to simply revise the Articles. Strong nationalists, such as Madison and Hamilton, wanted to draft an entirely new document. They argued that the confederate model of government, in which the states were loosely united under a weak central government, was unworkable. They believed in **federalism**, a system with a strong but limited central government. The nationalists quickly took control of the convention.

Americans in the 1780s generally distrusted government and feared that officials would seize every opportunity to abuse their powers, even if they were popularly elected. Therefore, Madison and other delegates believed in the **separation of powers**, dividing power among different branches of government. They wanted the new constitution to be based on a system of **checks and balances**, in which the power of each branch would be limited by the powers of the others. (For more on federalism and separation of powers, see Topic 3.9.)

Representation Especially divisive was the issue of whether the larger states such as Virginia and Pennsylvania should have proportionally more representatives in **Congress** than the smaller states such as New Jersey and Delaware. Madison's proposal—the **Virginia Plan**—favored the larger states. It was countered by the **New Jersey Plan**, which favored the smaller states. The issue was finally resolved by a compromise solution. Roger Sherman of Connecticut proposed the **Connecticut Plan** or the **Great Compromise**. It provided for a bicameral (two-house) Congress. In the **Senate**, states would have equal representation, but in the **House of Representatives**, each state would be represented according to the size of its population.

Slavery Two contentious issues grew out of slavery. Should enslaved people be counted in the state populations? Southerners argued they should. Northerners said that since they did not have the rights of citizens, they should not. The delegates agreed to the **Three-Fifths Compromise**, which counted each enslaved individual as three-fifths of a person for the purposes of determining a state's level of taxation and representation. Should the slave trade be allowed? Some delegates wanted to ban it for humanitarian reasons. Others were concerned about maintaining a supply of labor. The delegates decided to guarantee that enslaved people could be imported for at least 20 years longer, until 1808. Congress could vote to abolish the practice after that date if it wished.

Trade The northern states wanted the central government to regulate interstate commerce and foreign trade. The south was afraid that export taxes would be placed on its agricultural products such as tobacco and rice. The **Commercial Compromise** allowed Congress to regulate interstate and foreign commerce, including placing tariffs (taxes) on foreign imports, but it prohibited placing taxes on any exports.

The Presidency The delegates debated over the president's term of office. Some argued that the chief executive should hold office for life. The delegates limited the president's term to four years but with no limit on the number of terms. They also debated the method for electing a president. Rather than having voters elect a president directly, the delegates decided to assign to each state a number of electors equal to the total of that state's representatives and senators. This **Electoral College system** was instituted because the delegates feared that too much democracy might lead to mob rule. Finally, the delegates debated what powers to give the president. They finally decided to grant the president considerable power, including the power to veto acts of Congress.

Ratification Procedure On September 17, 1787, after 17 weeks of debate, the Philadelphia convention approved a draft of the Constitution to submit to the states for ratification. Anticipating opposition, the Framers (delegates) specified in Article VII that a favorable vote of only nine states out of 13 was required for ratification. Each state would hold popularly elected conventions to debate and vote on the proposed Constitution.

Federalists and Anti-Federalists

Ratification was fiercely debated for almost a year, from September 1787 until June 1788. Supporters of the Constitution and its strong federal government were known as **Federalists**. Opponents who feared that that new government would be too strong were known as **Anti-Federalists**. Federalists were most common along the Atlantic Coast and in the large cities, while Anti-Federalists tended to be small farmers and settlers on the western frontier.

DEBATING THE CONSTITUTION		
Issue	Federalists	Anti-Federalists
Position on Constitution as Proposed	<ul style="list-style-type: none"> Supported ratification 	<ul style="list-style-type: none"> Opposed ratification
Arguments	<ul style="list-style-type: none"> A stronger central government was needed to maintain order and preserve the Union 	<ul style="list-style-type: none"> A stronger central government would destroy the work of the Revolution, limit democracy, and restrict states' rights
Strategies	<ul style="list-style-type: none"> Emphasized the weaknesses of the Articles of Confederation Portrayed Anti-Federalists as merely negative opponents with no solutions 	<ul style="list-style-type: none"> Argued that the proposed Constitution contained no bill of rights to protect individual freedoms Claimed the proposed Constitution gave the central government more power than the British ever had
Advantages	<ul style="list-style-type: none"> Strong leaders Well-organized Widespread concern about the problems under the Articles 	<ul style="list-style-type: none"> Widespread distrust of government power because of experiences as colonists
Disadvantages	<ul style="list-style-type: none"> The Constitution was new and untried The original Constitution lacked a bill of rights 	<ul style="list-style-type: none"> Less united than the Federalists

The Federalist Papers

A key element in the Federalist campaign for the Constitution was a series of highly persuasive essays written for a New York newspaper by James Madison, Alexander Hamilton, and John Jay. The 85 essays, later published in book form as *The Federalist Papers*, presented cogent reasons for believing in the practicality of each major provision of the Constitution.

The Path to Ratification

The Federalists won early victories in the state conventions in Delaware, New Jersey, and Pennsylvania—the first three states to ratify. However, the Federalists were not confident of victory in enough other states for ratification.

Debate on a Bill of Rights One of the main objections expressed by the Anti-Federalists was that the proposed Constitution lacked a list of specific rights that the federal government could not violate. They argued that Americans had fought the Revolutionary War to escape a tyrannical government in Britain. What was to stop a strong central government under the Constitution from acting similarly? Only by adding a bill of rights could Americans be protected against such a possibility.

Federalists responded that since members of Congress would be elected by the people, they did not need to be protected against themselves. Furthermore, people should assume that all rights were protected rather than create a limited list of rights that might allow unscrupulous officials to assert that unlisted rights could be violated. However, to win support for the Constitution, the Federalists promised to add to it a bill of rights as the first order of business for a new Congress. (For the language of the Bill of Rights, see Topic 3.9.)

Ratification Achieved With this promise, the Federalists successfully addressed the Anti-Federalists' most significant objection. With New Hampshire voting yes in June 1788, the Federalists won the necessary nine states to achieve ratification of the Constitution. Even so, the large states of Virginia and New York had not yet acted. If they failed to ratify, any chance for national unity and strength would be in dire jeopardy.

Final States In 1788, Virginia was by far the most populous of the original 13 states. There, the Anti-Federalists rallied behind two strong leaders, George Mason and Patrick Henry, who viewed the Constitution and a strong central government as threats to Americans' hard-won liberty. Virginia's Federalists, led by Washington, Madison, and John Marshall, managed to prevail by a close vote only after promising a bill of rights.

News of Virginia's vote had enough influence on New York's ratifying convention (combined with Alexander Hamilton's efforts) to win the day for the Constitution in that state. North Carolina in November 1789 and Rhode Island in May 1790 reversed their earlier rejections and thus became the last two states to ratify the Constitution as the new "supreme law of the land."

REFLECT ON THE LEARNING OBJECTIVE

1. Explain the competing philosophical views on the organization and tasks of the new government.

KEY TERMS BY THEME

Founders (NAT, SOC)

James Madison
Alexander Hamilton
Gouverneur Morris
John Dickinson
Federalists
Anti-Federalists
The Federalist Papers

A Constitution (POL, ARC)

Constitutional Convention
Mount Vernon Conference
Annapolis Convention
federalism
separation of powers
checks and balances
Congress

Virginia Plan
New Jersey Plan
Connecticut Plan; Great
Compromise
Senate
House of Representatives
Three-Fifths Compromise
Commercial Compromise
Electoral College system

MULTIPLE-CHOICE QUESTIONS

Questions 1–3 refer to the following excerpt.

“The plan of government now proposed is evidently calculated totally to change, in time, our condition as a people. Instead of being 13 republics under a federal head, it is clearly designed to make us one consolidated government. . . .

The essential parts of a free and good government are a full and equal representation of the people in the legislature. . . .

There are certain rights which we have always held sacred in the United States, and recognized in all our constitution, which, by adoption of the new Constitution in its present form, will be left unsecured. . . . I am fully satisfied that the state conventions ought most seriously to direct their exertions to altering and amending the system proposed before they shall adopt it.”

Richard Henry Lee, *On the Rights that Must Be Preserved in the New Constitution*, 1787

1. Richard Henry Lee’s concerns expressed in this excerpt would have been supported most by people in which of the following groups?
 - (A) Merchants who wanted stronger support of commerce
 - (B) Slave owners who opposed the three-fifths compromise
 - (C) Quakers who advocated for greater freedom of conscience
 - (D) Politicians who philosophically favored more local autonomy

2. People who advocated for ratification of the Constitution responded to Lee and others who shared his views by
 - (A) agreeing to add of a bill of rights
 - (B) meeting with Lee at the Mount Vernon Conference
 - (C) renegotiating the Commercial Compromise
 - (D) rejecting the Great Compromise
3. Based on the excerpt, Lee would have most likely advocated for which of the following types of changes?
 - (A) Strengthening the power of the chief executive
 - (B) Replacing the compromise on slavery taxation and representation
 - (C) Protecting the independence of the judiciary
 - (D) Eliminating one house in the two-house legislature

SHORT-ANSWER QUESTION

Use complete sentences; an outline or bulleted list alone is not acceptable.

1. Answer (a), (b), and (c).
 - (a) Briefly explain how ONE compromise passed at the Constitutional Convention altered the development of the United States.
 - (b) Briefly explain ONE specific criticism of a compromise passed at the Constitutional Convention that would have altered the development of the United States.
 - (c) Briefly explain ONE specific criticism brought forth by the Anti-Federalists concerning the power of the new federal government.