

## The Constitutional Convention: Background Narrative

By 1787, the United States was in crisis. The then-current form of government under the Articles of Confederation was mostly ineffective. Interstate commerce was a major problem as states placed tariffs on goods from other states. There was no national executive, no real judicial branch (Congress acted as the judicial branch). The legislative branch consisted of a unicameral or one house congress. Congress was limited in its powers so as not to interfere with the powers belonging to the individual states.

In the spring of 1787, Alexander Hamilton, a prominent New York attorney, organized a convention to take place in Philadelphia's Independence Hall. The purpose of the convention was to discuss and remedy the problems associated with the Articles of Confederation. Each state was invited to send delegates to participate in the event. The Philadelphia Convention (later to be known as the Constitutional Convention) began on May 25, 1787. Twelve of the thirteen states sent delegates. The only state to boycott the proceedings was Rhode Island. In total, 55 delegates would play a role at various times in the convention.

The delegates who participated in the convention did not reflect the diversity then present in the nation. Many of the delegates were wealthy planters or lawyers. Many owned slaves. Since they were not considered viable participants in the political process, women, blacks, and Native Americans were not represented at the convention.

The leader of the convention was Revolutionary War hero, George Washington of Virginia. Washington assumed command of the debates, yet did not take part in the debates themselves. Benjamin Franklin, representing his adopted state of Pennsylvania, was the oldest delegate present at 81 years of age. James Madison, arguably the most prepared delegate, took copious notes during the confidential debates that followed. His role at the convention would eventually earn him the title, "Father of the Constitution".



As the delegates discussed ways to repair the Articles of Confederation, it soon became apparent that they were designing a new system of government, one more suitable for the young United States. However, issues soon arose that created contentious debate amongst the delegates. One of these issues dealt with the very nature of the new government. The states with larger populations favored James Madison's Virginia Plan. This plan consisted of a strong national government with three branches (Executive, Legislative, and Judicial) and a bicameral (two house) legislature (Congress) with a Senate and a House of Representatives whose memberships would be based upon a state's population. Madison's plan also gave the national government the power to tax, a power that rested solely within the states under the Articles of Confederation.

The less populated states, feeling threatened by Madison's plan, created another plan of government. The New Jersey Plan, written by William Patterson of New Jersey was also known as the Small State Plan. This plan mirrored one part of the Virginia Plan in that it called for a national government of three branches (Executive, Legislative, and Judicial). However, the Legislative Branch would be unicameral (one house) with each state having only one vote. The states would maintain the sole power of taxation. In essence, the New Jersey (or Small State Plan) was very similar to the government under the Articles of Confederation. As the different plans split the convention into factions, the delegation from Connecticut, led by Roger

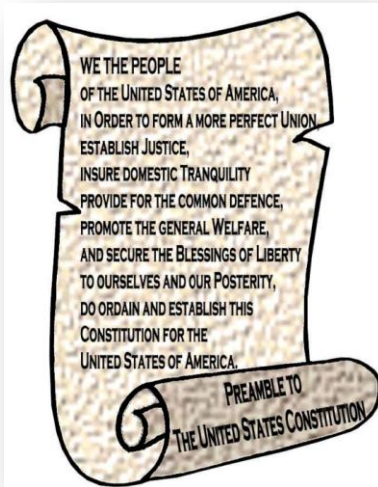
Sherman, created a compromise plan known as the Connecticut Plan or the Great Compromise. This plan called for a government with three branches (Executive, Legislative, and Judicial). The Legislative Branch would be bicameral with a Senate (with equal representation for all states with two senators per state) and a House of Representatives (whose membership would be based upon a state's population). The Great Compromise was able to settle the debate in the convention and helped create the federal system of government under the United States Constitution.



Slavery was a topic of debate that threatened the hopes of a new federal constitution and the

very union itself. Many southern states wanted their slaves to be counted as part of their population. This would give slave-holding states an advantage in the House of Representatives and in the Electoral College. The debate was settled with the Three-Fifths Compromise which allowed slaves to be counted as  $\frac{3}{5}$  of a free white person when the population of a given state was counted for representation purposes.

The Three-Fifths Compromise settled the representation debate, but there were two other areas concerning slavery that were yet unsettled. Slave-holding states were worried that Congress may (in the future) have enough votes to legalize the international slave trade. The delegates at the convention created the Slave Trade Clause which forbade Congress from voting against the international slave trade until 1808. The final slave debate focused on runaway slaves. Slave states wanted a guarantee that if caught, runaway slaves would be returned to their owner. The convention agreed to include the Fugitive Slave Clause in the Constitution which forced all states to return fugitive slaves to their owner.



Given the debates on the nature of our government and slavery, it is clear that compromise was the key to success at the Constitutional Convention. Once the document was signed on September 17, 1787, it was presented to the states for ratification. Delaware was the first state to ratify the document. Once it was ratified by the required ninth state (New Hampshire), the Constitution took effect on March 4, 1789. The document created by 55 delegates during the warm summer of 1787 was destined to see our nation through times of peace and times of war. As a testament to the genius of those men, the government they created has lasted over 220 years.

### 1790 United States Census Data

State Total	Population	Slave Population
Connecticut	237,946	2,764
Delaware	59,096	8,887
Georgia	82,548	29,264
Maryland	319,728	103,036
Massachusetts	378,787	0
New Hampshire	141,885	158
New Jersey	184,139	11,423
New York	340,120	21,324
North Carolina	393,751	100,572
Pennsylvania	434,373	3,737
Rhode Island	68,825	948
South Carolina	249,073	107,094
Virginia	691,737	292,627

**Source:** Center for Civic Education, We the People. CA: Center for Civic Education, 1990.