

The Constitutional Convention

Philadelphia, Pennsylvania
May 25, 1787- - September 17, 1787

The Need for a New Government

The events of Shays Rebellion had proven that the Articles of Confederation were a failure. Continental Congress called for a convention of delegates to meet in Philadelphia to revise the Articles. However, when the delegates from the different states arrived at the Constitutional Convention in 1787, it wasn't a revision that occurred, but rather a whole new plan.



Independence Hall in Philadelphia

In May of 1787, delegates from 12 states arrived in Philadelphia to revise the current system of government. The delegates included plantation owners, lawyers, bankers and politicians. They varied in experience and age. Alexander Hamilton and James Madison were only in their thirties. Benjamin Franklin was 81. Many of the delegates had signed the Declaration of Independence and fought in the American Revolution. Not all of the state's delegates arrived on time, and Rhode Island didn't even send anyone to represent their state. The process of writing the Constitution took many months, with delegates coming and going, some to take care of personal business, and some leaving in protest. By the end of the convention, New York didn't even have enough delegates to vote, only Alexander Hamilton remained. But by September of 1787, the Constitution was complete. Compromise after compromise had allowed the process to proceed.

The Constitutional Convention Begins

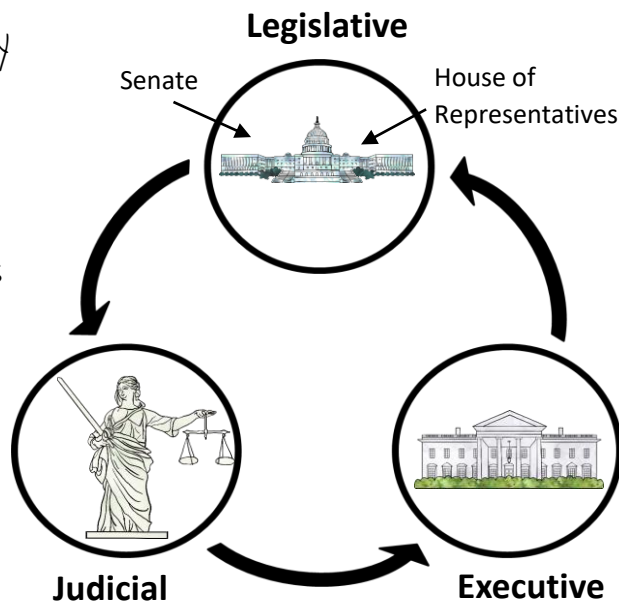
Although the convention was supposed to begin in early May, not enough delegates arrived until May 25th. George Washington was quickly elected president of the convention. Washington was aware that creating a new government was not going to be an easy process - a difficult task for the delegates was ahead. In order to protect the delegates, Washington swore everyone to secrecy. James Madison took notes of the debates during the convention. These notes were released only after his death. It is through these notes that we can learn about the complicated process that created our Constitution.



The delegates met in the Assembly Room

The Virginia Plan

When the Constitutional Convention officially began, the state of Virginia had the most representatives in Philadelphia and presented their plan first. The **Virginia Plan** was designed by James Madison. This plan introduced a strong national government that included three branches: executive, legislative and judicial. This plan included the concept of checks and balances, so that one branch of government could not become too powerful. The most controversial part of the plan focused on representation in the legislative branch. The Virginia Plan contained a bicameral (two houses) legislature, called Congress. Representation in both houses were based on the population. The Virginia Plan favored large states.



The New Jersey Plan

The debate over representation in the legislative branch raged for weeks with delegates from both small and large states fighting for representation. The **New Jersey Plan** was introduced next. It argued for the legislative branch to contain one house in which all states would have an equal number of votes, regardless of population. It also introduced the idea that *"the United States shall be the supreme law of the respective states"*. Instead of the final power resting with the states, it would now rest with the federal government.

The Virginia Plan

- Two house legislature
- Representation based on population
- Supported by larger states

The Great Compromise

- Two house legislature
- Equal representation in Congress for Senate
- Representation based on population in House

The New Jersey Plan

- One house legislature
- Equal representation in Congress
- Supported by smaller states

The Great Compromise

With two such opposite plans - large state versus small state, Virginia Plan versus New Jersey Plan, it seemed like the Constitutional Convention was going to fail, and with it, the United States. However in July, Roger Sherman introduced a new idea - combine the best of both the New Jersey and Virginia Plan. **The Great Compromise** proposed that the House of Representatives would have representations in proportion to its population. In the Senate, all states would have the same number of seats - 2 per state. The Great Compromise passed by one vote, but it was enough to keep the convention from failing in it's task to create a new government.

The Three-Fifths Compromise

Now that the debate over representation in the legislative branch was resolved, a new issue faced the delegates. The House of Representatives was going to be based on the population of a state, but who actually is going to be counted? Did enslaved African American count towards a higher population? The states in the South said yes! However, many other delegates felt they should not. Why should they count, giving the Southern States more power, when enslaved African Americans couldn't vote? Legally they weren't even citizens of the United States. Alexander Hamilton argued, there is "impropriety of representing men who have no will of their own."

The delegates were at an impasse - James Madison observed that "...the States were divided into different interests not by their...size...but principally from their having or not having slaves." After much debate, a compromise was finally reached. The **Three-Fifths Compromise** was presented. This solution proposed that out of every five enslaved African Americans, three would be counted for representation. This compromise gave Southern states about 30 percent more seats in Congress.

The Slavery Debate Continues



Issues from slavery created debate during the Constitutional Convention.

The debate over slavery and the slave trade also consumed the Convention. Many argued that slavery was "was inconsistent with the principles of the revolution." But the delegates from Southern states were adamant, they believed that the issue of slavery belonged to the states, not the federal government. Delegates from the North concluded that their main goal was to create a new government. They feared further debate would antagonize the South. Compromises over slavery were reached because delegates realized that the Constitution could not be created without the consent of the Southern states - "The true question at present is whether the Southern States shall or not be parties of the Union." The issue of the slave trade was put off on further generations. The delegates wrote in the Constitution that congress would not have the power to ban slave trade until 1808.

A final major issue involving slavery confronted the delegates. Southern states wanted other states to return those who had escaped slavery. A fugitive slave clause was placed in the in the Constitution. At the time, the delegates who agreed thought slavery was fading out. They did not anticipate the increase in slavery in the South from the invention of the Cotton Gin. The delegates compromises on slavery would have serious repercussions on the future United States.

Compromises lead to a Conclusion

By September 1787, the Constitutional Convention was over. The delegates had created an entirely new system of government, one that was radically different from government systems around the world. During the months of debate, delegates had compromised to create a model of government for the United States. This new government would rely on a series of checks and balances by dividing power between the Legislative, the Judicial, and the Executive branches of government.



Scene at the Signing of the Constitution of the United States

Pictured in this image are 39 of the 55 delegates at the convention: George Washington is standing on the dais, Benjamin Franklin is seated in the center of the painting with Alexander Hamilton leaning over to speak to him. Learn more about this painting [here](#).

According to James Madison, while the last members of the convention were signing the Constitution, Benjamin Franklin looked at George Washington. During the Convention, Franklin had observed a sun painted on the chair behind Washington. Franklin wondered if it was a rising or setting sun. He concluded, "I have the happiness to know that it is a rising and not a setting Sun."

Despite months of work, not everyone agreed on the final Constitution. Of the 55 delegates in attendance, only 39 voted in favor and accepted the Constitution. It was signed on September 17, 1787. Now it was up to each state to ratify or reject the Constitution.