

Creating the Constitution

One American's Story

On May 15, 1787, Virginia Governor Edmund Randolph arrived in Philadelphia. The young nation faced conflict, as Shays's Rebellion had shown. Now delegates from throughout the states were coming to Philadelphia to discuss reforming the government.

Early in the convention Randolph spoke.

PRIMARY SOURCE

“Let us not be afraid to view with a steady eye the [dangers] with which we are surrounded. . . . Are we not on the eve of [a civil] war, which is only to be prevented by the hopes from this convention?”

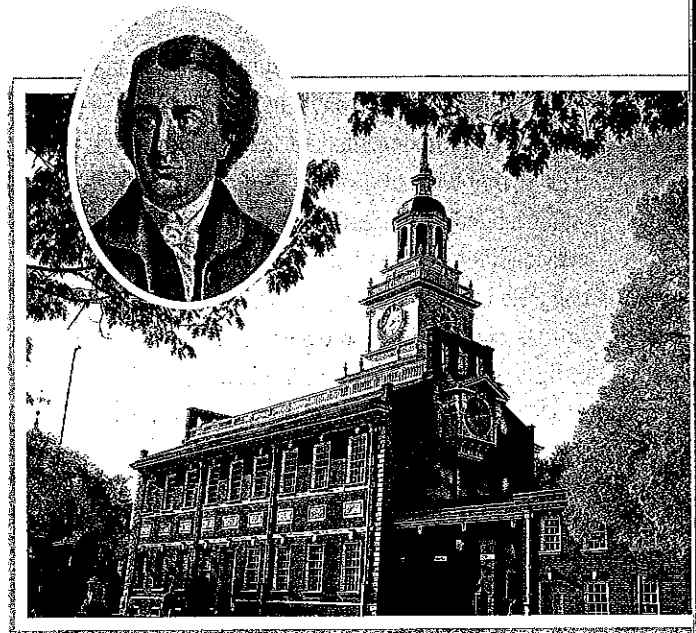
—Edmund Randolph, quoted in *Edmund Randolph: A Biography*

At first, many Americans doubted that the national government needed strengthening. But fear of rebellion and lawlessness had changed people's minds. For over four months, Congress debated how best to keep the United States from falling apart.

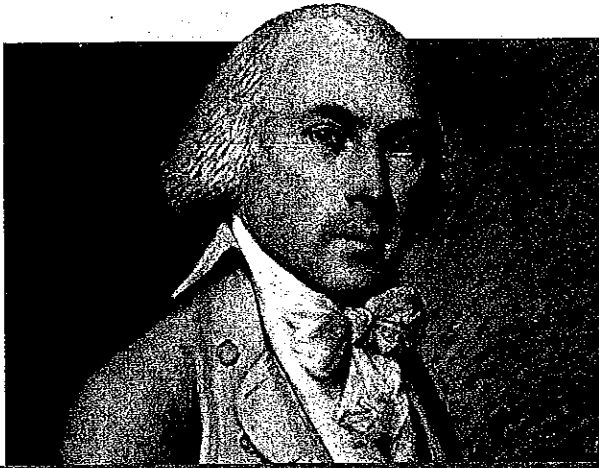
The Call for a Constitutional Convention

KEY QUESTION Why was there a call for a Constitutional Convention?

In September 1786, delegates from five states met in Annapolis, Maryland, to discuss ways to promote trade among the states. At the time, most states charged high taxes on goods imported from other states. The Annapolis delegates believed that creating national trade laws would help the economies of all the states. However, making such changes required amending the Articles of Confederation, because the national government had been granted no



The Pennsylvania State House is where (inset) Edmund Randolph attended the Constitutional Convention.



History Makers

James Madison 1751–1836

James Madison was a soft-spoken, scholarly man. In the months before the convention, Madison studied the history of other confederacies that had failed. He saw that without a strong central government, states tended to concentrate too much on their individual interests and not enough on the common good. He came to believe that simply revising the Articles of Confederation would not be enough. Out of this research emerged the Virginia Plan, which provided the basic structure of the new government.

Madison may have made the greatest contribution of any of the Founders at the Constitutional Convention. His contributions were so important that he earned the title "Father of the Constitution."

COMPARING Leaders

As you read through the chapter, look for other examples of Madison's leadership. Compare his leadership qualities to those of American statesmen described in previous chapters.



ONLINE BIOGRAPHY

For more on James Madison, go to the Research & Writing Center @ ClassZone.com

power to regulate trade among the states. Some delegates, led by Alexander Hamilton, called for a convention in Philadelphia the following May. Twelve states sent delegates to the Convention. Only Rhode Island declined.

Constitutional Convention The convention opened on May 25, 1787. The first order of business was to nominate a president for the convention. Every delegate voted for the hero of the Revolution, George Washington. Washington's quiet and dignified leadership set the tone for the convention.

The delegates did not want to be pressured by the politics of the day. For this reason, they decided their discussions would remain secret. Much of what we know today about the debates and drama of the Constitutional Convention is thanks to Virginia delegate **James Madison**. In addition to contributing many ideas that shaped the Constitution, Madison took detailed notes on the proceedings.

Who Was There? The 55 delegates to the **Constitutional Convention**, as the Philadelphia meeting became known, were a very impressive group. Many had been members of their state legislatures and had helped write their state constitutions. Along with other leaders of the time, these delegates are called the **Founders**, or Founding Fathers, of the United States. Many of the delegates who helped draft the proposals presented at the Convention were already well known. Roger Sherman, a Connecticut delegate, was a signer of The Declaration of Independence and the Articles of Confederation. Pennsylvania's Gouverneur Morris had also signed the Articles of Confederation. Morris and Washington were friends.

Another prominent Pennsylvania delegate, Scots-born James Wilson, was known for his brilliant legal mind. Wilson worked with James Madison in pushing for a system of **popular sovereignty**, which

is a government system in which the people rule. He backed the election of a national legislature by the people to be "not only the cornerstone, but the foundation of the fabric."

Who Was Missing? A number of key people were unable to attend. Thomas Jefferson and John Adams were overseas at their diplomatic posts. But

they wrote home to encourage the delegates. Others had a less positive outlook. For example, Patrick Henry, who had been elected as a delegate from Virginia, refused to go. He said he "smelled a rat . . . tending toward monarchy."

Also, the convention did not reflect the diverse U.S. population of the 1780s. There were no Native Americans, African Americans, or women among the delegates. These groups of people were not recognized as citizens and were not invited to attend. However, the framework of government the Founders established at the Constitutional Convention is the very one that would eventually provide full rights and responsibilities to all Americans.

SUMMARIZE Explain why the United States needed a constitutional convention.

Some Challenges of the Convention

KEY QUESTION What were some of the major challenges facing the Convention?

By 1787, many Americans realized that people and states often came into conflict and needed a government that could keep order. They wanted a government that was strong enough to protect people's rights but not so strong that it would oppress them.

Disagreements over Representation As the Convention began, the delegates disagreed about what form the new government would take. Two plans emerged. James Madison and the other Virginia delegates had drawn up their plan while they waited for the convention to open. Edmund Randolph presented the plan. The **Virginia Plan** proposed a government with three branches. The **executive branch** would enforce the laws. The **judicial branch** would interpret the laws. The third branch, the **legislative branch**, would create the laws.

The Virginia Plan wanted the legislature to have two sections: an Upper House and a Lower House. In both houses, the number of representatives

COMPARING Plans for Government

	VIRGINIA PLAN	NEW JERSEY PLAN
Legislative branch	Two (branches) houses: representation determined by state population or wealth Lower House: elected by the people Upper House: elected by lower house	One house: one vote for each state, regardless of size Elected by state legislatures
Executive branch	Appointed by Legislature	Appointed by Legislature
Judicial branch	Appointed by Legislature	Appointed by Executive

CRITICAL THINKING Analyze Which plan appealed more to the smaller states?

from each state would be based on the state's population or its wealth. The legislature would have the power to make laws "in all cases to which the separate states are incompetent [unable]."

As well as having its own distinct powers, each branch could check the powers of the other branches in certain circumstances. This system of "checks and balances" is a way of controlling the power of government. As James Madison said, "All power in human hands is liable to be abused." The Founders designed the new government to limit that abuse.

Delegates from the small states strongly objected to the Virginia Plan because it gave more power to states with larger populations. In response to the Virginia Plan, New Jersey delegate William Paterson presented an alternative. Like the Articles, the **New Jersey Plan** called for a single-house congress in which each state had an equal vote. Small states supported the New Jersey Plan.

The Great Compromise Emotions ran high as the delegates struggled to solve the problem of representation in the legislature. In early July, a committee led by Roger Sherman and other delegates from Connecticut offered a deal known as the **Great Compromise**. Sherman proposed:

PRIMARY SOURCE

“That the proportion of suffrage in the first branch should be according to the respective numbers of free inhabitants, and that in the second branch or Senate, each State should have one vote and no more.”

—Roger Sherman, June 11, 1787

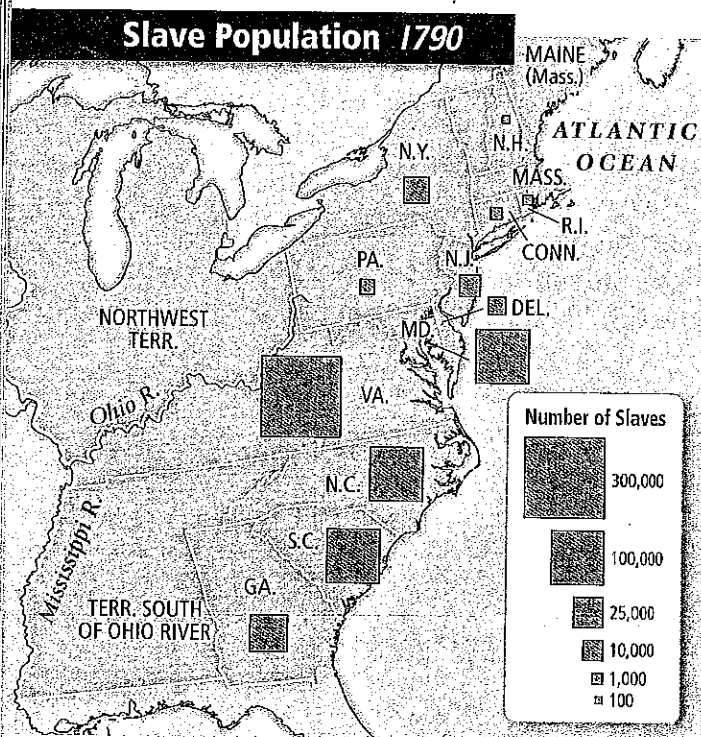
In other words, to satisfy the smaller states, each state would have an equal number of votes in the Senate. To satisfy the larger states, representation in the House of Representatives was set according to state populations. On July 16, 1787, the convention passed the plan.

PROBLEMS AND SOLUTIONS Describe the major challenges of the Convention in creating a stronger national government.

Challenges Over Slavery

KEY QUESTION How did the Constitutional Convention compromise over slavery?

Because representation in the House of Representatives would be based on the population of each state, the delegates had to decide who would be counted in that population. For example, were slaves to be counted as part of the population?



Connect Geography & History

- Place** Which state would have the greatest interest in having slaves counted as part of their population for purposes of representation?
- Clarify** Why did the North and the South have differing opinions on whether or not slaves should be counted as part of a state's population?

The Three-Fifths Compromise Representation based on population raised the question of whether slaves should be counted as people. The Southern states had many more slaves than the Northern states. Southerners wanted the slaves to be counted as part of the population for representation but not for taxation. Northerners, whose states had few slaves, argued that slaves were not citizens and should not be counted for representation but should be counted for taxation.

The delegates reached an agreement, known as the **Three-Fifths Compromise**. Three-fifths of the slave population would be counted for both purposes: representation in the legislature and taxation.

The delegates had another point of disagreement. Slavery had already been outlawed in several Northern states. Many Northerners wanted to see this ban extended to the rest of the nation. But Southern slaveholders disagreed. The delegates from South Carolina and Georgia stated that they would never accept any plan "unless their right to import slaves be untouched." Again, the delegates settled on a compromise. On August 29, they agreed that Congress could not ban the slave trade until 1808.

On September 17, 1787, the delegates passed the Constitution. All but three of the 42 delegates present signed the Constitution. It was then sent to each state for approval.

ANALYZE POINT OF VIEW Explain how the Constitutional Convention compromised on the issue of slavery.

Connecting History

Individual Rights vs Majority Rule

Congress decided to end the importation of Africans after 1808. However, the slave trade continued in the slave states.



Section Assessment



ONLINE QUIZ

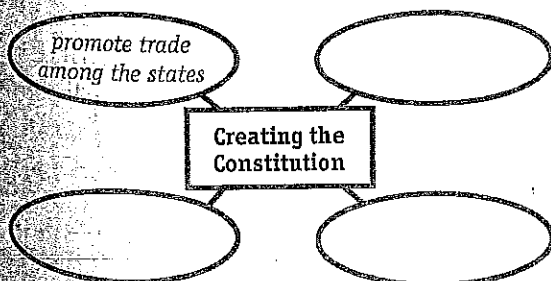
For test practice, go to [Interactive Review @ ClassZone.com](http://InteractiveReview@ClassZone.com)

TERMS & NAMES

1. Explain the importance of
 - Constitutional Convention
 - Founders
 - James Madison
 - legislative branch
 - Virginia Plan
 - checks and balances
 - New Jersey Plan
 - Great Compromise
 - executive branch
 - judicial branch
 - Three-Fifths Compromise

USING YOUR READING NOTES

2. **Summarize** Summarize the important achievements of the Constitution.



KEY IDEAS

3. What was the relationship between the Annapolis Convention and the Constitutional Convention?
4. Why did the Virginia delegates insist that the new government have three branches?
5. Under the Three-Fifths Compromise, how would each state's population be decided?

CRITICAL THINKING

6. **Analyze Point of View** Why did supporters of the Virginia Plan believe their plan was the best way to create a new government?
7. **Connect to Today** What American political traditions can be traced back to the Constitutional Convention?
8. **Art** Think about the Three-Fifths Compromise. Draw a political cartoon that expresses your views on the issue.