

# Creating the Constitution

## SECTION

# 3

### If YOU were there...

You are a merchant in Connecticut in 1787. You have been a member of your state legislature for several years. This spring, the legislature is choosing delegates to a convention to revise the Articles of Confederation. Delegates will meet in Philadelphia. It means leaving your business in others' hands for most of the summer. Still, you hope to be chosen.

### Why would you want to go to the Constitutional Convention?

**BUILDING BACKGROUND** It did not take long for people to realize that the Articles of Confederation had many weaknesses. By the mid-1780s most political leaders agreed that changes were needed. To make those changes, they called on people with experience in government.

## Constitutional Convention

In February 1787 the Confederation Congress invited each state to send delegates to a convention in Philadelphia. The goal of the meeting was to improve the Articles of Confederation.

**Delegates to the Constitutional Convention met in Philadelphia's Independence Hall.**

## What You Will Learn ...

### Main Ideas

1. The Constitutional Convention met to improve the government of the United States.
2. The issue of representation led to the Great Compromise.
3. Regional debate over slavery led to the Three-Fifths Compromise.
4. The U.S. Constitution created federalism and a balance of power.

### The Big Idea

A new constitution provided a framework for a stronger national government.

## Key Terms and People

Constitutional Convention, p. 164  
James Madison, p. 164  
Virginia Plan, p. 164  
New Jersey Plan, p. 165  
Great Compromise, p. 165  
Three-Fifths Compromise, p. 166  
popular sovereignty, p. 167  
federalism, p. 167  
legislative branch, p. 167  
executive branch, p. 167  
judicial branch, p. 167  
checks and balances, p. 167



Use the graphic organizer online to take notes on the conflicts that arose during the Constitutional Convention and the compromises that were reached.

## Signing of the Constitution



Roger Sherman

James Madison

James Wilson

The **Constitutional Convention** was held in May 1787 in Philadelphia's Independence Hall to improve the Articles of Confederation. However, delegates would leave with an entirely new U.S. Constitution. This decision angered some of the participants.

Most delegates were well educated, and many had served in state legislatures or Congress. Benjamin Franklin and **James Madison** were there. Revolutionary War hero George Washington was elected president of the Convention.

Several important voices were absent. John Adams and Thomas Jefferson could not attend. Patrick Henry chose not to attend because he did not want a stronger central government. Women, African Americans, and Native Americans did not take part because they did not yet have the rights of citizens.

**READING CHECK** **Summarizing** What was the purpose of the Constitutional Convention?

## Great Compromise

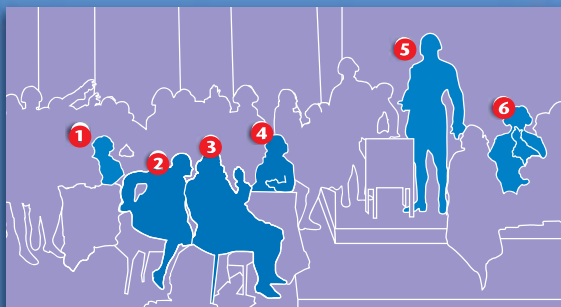
Several issues divided the delegates to the Constitutional Convention. Some members wanted only small changes to the Articles of Confederation, while others wanted to rewrite the Articles completely.

Those delegates who wanted major changes to the Articles had different goals. For example, small and large states had different ideas about representation, economic concerns such as tariffs, and slavery. In addition, delegates disagreed over how strong to make the national government.

## Virginia Plan

After the delegates had met for four days, Edmund Randolph of Virginia presented the **Virginia Plan**. He proposed a new federal constitution that would give sovereignty, or supreme power, to the central government. The legislature would be bicameral—made





- |                      |                     |
|----------------------|---------------------|
| 1 Roger Sherman      | 4 James Madison     |
| 2 Alexander Hamilton | 5 George Washington |
| 3 Benjamin Franklin  | 6 James Wilson      |

This painting shows the signing of the Constitution on September 17, 1787. James Madison, number 4 on the diagram, became known as the “Father of the Constitution” for his ideas about government and his ability to lead the delegates to agreement. Which person did the artist choose to make the focus of this painting? Why do you think that is?

up of two houses, or groups of representatives—and chosen on the basis of state populations. Larger states would thus have more representatives than would smaller states. Delegates from the smaller states believed that it would give too much power to the larger states.

### New Jersey Plan

The smaller states came up with a plan to stop the larger states from getting too much

power. New Jersey delegate William Paterson presented the small-state or **New Jersey Plan**, which called for a unicameral, or one-house, legislature. The plan gave each state an equal number of votes, and thus an equal voice, in the federal government. The plan gave the federal government the power to tax citizens in all states, and it allowed the government to regulate commerce.

### Compromise Is Reached

After a month of debate, the delegates were unable to agree on how states should be represented. The convention reached a deadlock.

Finally, Roger Sherman of Connecticut proposed a compromise plan. The legislative branch would have two houses. Each state, regardless of its size, would have two representatives in the Senate, or upper house. This would give each state an equal voice, pleasing the smaller states. In the House of Representatives, or lower house, the number of representatives for each state would be determined by the state’s population. This pleased the larger states. The agreement to create a two-house legislature became known as the **Great Compromise**. James Wilson, a great speaker, saw his dream of a strong national government come true.

#### THE IMPACT TODAY

All U.S. states but one modeled their legislative branches on the federal one, with a House of Representatives and a Senate. Nebraska has a unicameral legislature.

**READING CHECK** **Contrasting** How did the Virginia Plan and New Jersey Plan differ?



## Primary Source

### POINTS OF VIEW

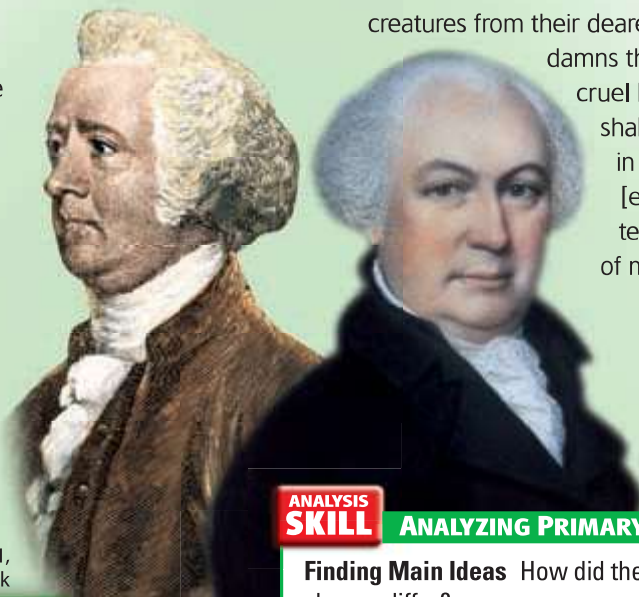
## Compromise and the Slave Trade

The issue of slavery highlighted the growing division between the North and the South. Gouverneur Morris of New York spoke with much emotion against the Three-Fifths Compromise. Also, the idea of banning the foreign slave trade prompted southerners such as John Rutledge of South Carolina to defend the practice.

“If the Convention thinks that North Carolina, South Carolina, and Georgia will ever agree to the plan [to prohibit the slave trade], unless their right to import slaves be untouched, the expectation is vain [useless].”

—John Rutledge,

quoted in *The Atlantic Monthly*, February 1891,  
by Frank Gaylord Cook



“The admission of slaves into the Representation . . . comes to this: that the inhabitant of [a state] who goes to the coast of Africa and . . . tears away his fellow creatures from their dearest connections and damns them to the most cruel bondage [slavery], shall have more votes in a Government [established] for protection of the rights of mankind.”

—Gouverneur Morris,

quoted in *Founding the Republic*, edited by  
John J. Patrick

### ANALYSIS SKILL

### ANALYZING PRIMARY SOURCES

**Finding Main Ideas** How did these two views of slavery differ?

## Three-Fifths Compromise

The debate over representation also involved regional differences. Southern delegates wanted enslaved Africans to be counted as part of their state populations. This way they would have more representatives, and more power, in Congress. Northerners disagreed. They wanted the number of slaves to determine taxes but not representation.

To resolve this problem, some delegates thought of a compromise. They wanted to count three-fifths of the slaves in each state as part of that state's population to decide how many representatives a state would have. After much debate, the delegates voted to accept the proposal, called the **Three-Fifths Compromise**. Under this agreement only three-fifths of a state's slave population would count when determining representation.

Another major issue was the foreign slave trade. Some of the delegates believed slavery was wrong and wanted the federal government to ban the slave trade. Others said that the southern states' economies needed the slave trade. Many southern delegates said they would leave the Union if the Constitution immediately ended the slave trade. Also at issue was Congress's ability to tax imports and exports.

Worried delegates reached another compromise. The Commerce Compromises allowed Congress to levy tariffs on imports, but not exports, and allowed the importation of slaves until the end of 1807. The delegates omitted, or left out, the words *slavery* and *slave* in the Constitution. They referred instead to “free Persons” and “all other Persons.”

**READING CHECK Summarizing** What compromise was reached over the issue of the slave trade?

## The Living Constitution

Most Convention delegates wanted a strong national government. At the same time, they hoped to protect **popular sovereignty**, the idea that political authority belongs to the people. Americans had boldly declared this idea in the Declaration of Independence.

### Federalist Government

The delegates also wanted to balance the power of the central government with the power of the states. Therefore, the delegates created **federalism**. Federalism is the sharing of power between a central government and the states that make up a country. Under the previous confederal system, states were loosely joined together without a strong central government.

Under the Constitution, each state must obey the authority of the federal, or national, government. States have control over government functions not specifically assigned to the federal government. This includes control of local government, education, the chartering of corporations, and the supervision of religious bodies. States also have the power to create and oversee civil and criminal law. States, however, must protect the welfare of their citizens.

## Checks and Balances

The Constitution also balances the power among three branches, each responsible for separate tasks. The first is the **legislative branch**, or Congress. Congress is responsible for proposing and passing laws. It is made up of two houses, as created in the Great Compromise. The Senate has two members from each state. In the House of Representatives each state is represented according to its population.

The second branch, the **executive branch**, includes the president and the departments that help run the government. The executive branch makes sure the law is carried out. The third branch is the **judicial branch**. The judicial branch is made up of all the national courts. This branch is responsible for interpreting laws, punishing criminals, and settling disputes between states.

The framers of the Constitution created a system of **checks and balances**, which keeps any branch of government from becoming too powerful. For example, Congress has the power to pass bills into law. The president has the power to veto, or reject, laws that Congress passes. However, Congress can override the president's veto with a two-thirds

### LINKING TO TODAY

#### Legislative Branch

When it first met in 1789, the U.S. House of Representatives had just 65 members. As the nation's population grew, more members were added. Today, the number has been set at 435, to prevent the size of the House from growing unmanageable. Though the numbers of women and minorities in Congress are still unrepresentative of the population as a whole, Congress has become more diverse. Linda and Loretta Sanchez, pictured here, are the first sisters to serve in Congress at the same time.

ANALYSIS  
SKILL

ANALYZING INFORMATION

How is the change in makeup of the legislative branch shown through Linda and Loretta Sanchez?





## The Constitution Strengthens the National Government

QUICK  
FACTS

### Strengths of the Constitution

- ✓ most power held by national government
- ✓ three branches of government
- ✓ legislative branch has many powers
- ✓ executive branch led by president
- ✓ judicial branch to review the laws
- ✓ firm system of checks and balances

### Weaknesses of the Articles of Confederation

- most power held by states
- one branch of government
- legislative branch has few powers
- no executive branch
- no judicial system
- no system of checks and balances

majority vote. The Supreme Court has the power to review laws passed by Congress and strike down any law that violates the Constitution by declaring it unconstitutional.

The final draft of the Constitution was completed in September 1787. Only 3 of the 42 delegates who remained refused to sign. The signed Constitution was sent first to Congress and then to the states for ratification. The delegates knew that the Constitution was not a perfect document, but they believed they had protected the ideas of republicanism.

**READING CHECK** **Comparing and Contrasting** What are the differences between monarchies, federal systems, and confederal systems?

**SUMMARY AND PREVIEW** The Constitution balanced power among three branches of the federal government but was only written after many compromises. In the next section you will read about Antifederalist and Federalist views of the Constitution, and the struggle to get it approved by the states.

## Section 3 Assessment



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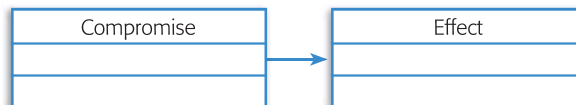
ONLINE QUIZ

### Reviewing Ideas, Terms, and People

1. a. **Recall** Why did the Confederation Congress call for a **Constitutional Convention**?  
b. **Elaborate** Why do you think it was important that most delegates had served in state legislatures?
2. a. **Identify** What was the **Great Compromise**?  
b. **Draw Conclusions** How did state issues lead to debate over structure of the central government?
3. a. **Explain** What was the debate between North and South over counting slave populations?  
b. **Contrast** How did delegates' views differ on the issue of the foreign slave trade?
4. a. **Recall** Why did the framers of the Constitution create a system of **checks and balances**?  
b. **Evaluate** Did the Constitution resolve the weaknesses in the Articles of Confederation? Explain your answer.

### Critical Thinking

5. **Identifying Cause and Effect** Review your notes on the Constitutional Convention compromises. Then copy the graphic organizer below and use it to show how the compromises affected the framework of the new government.



### FOCUS ON WRITING

6. **Thinking about the Constitution** Look back through what you've just read and make a list of important features of the Constitution. Be sure to note important compromises.