



Forming a New Government

# Constitutional Convention

- ◆ May - September 1787
- ◆ 55 delegates from 12 states
- ◆ Philadelphia, Pennsylvania

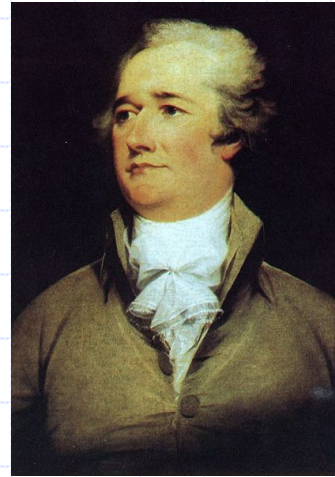


# Who attended?

- ◆ Mostly well educated, land-owning males
- ◆ George Washington was coaxed out of retirement to serve as President of Convention
- ◆ Ben Franklin was the oldest delegate at 81.
- ◆ John Adams, Thomas Jefferson and Patrick Henry were not present at the Convention.
  - Adams and Jefferson were serving as ambassadors to England and France, respectively.
  - Henry, along with Sam Adams did not attend because of their opposition to a strong central government

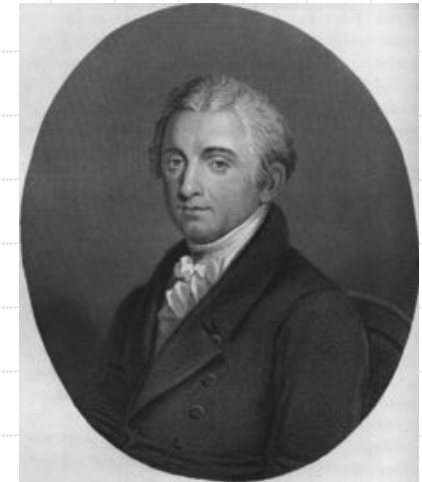
# Newcomers

- ◆ Alexander Hamilton – NY
  - 32 years old
  - Lieutenant Colonel and Chief of Staff to Washington during the Revolutionary War



Alexander Hamilton

- ◆ Gouverneur Morris – PA
  - 35 years old
  - Wooden leg
  - Half-brother of Lewis Morris
  - Wrote large portions of Constitution including the preamble



Gouverneur Morris

# James Madison

## “Father of the Constitution”



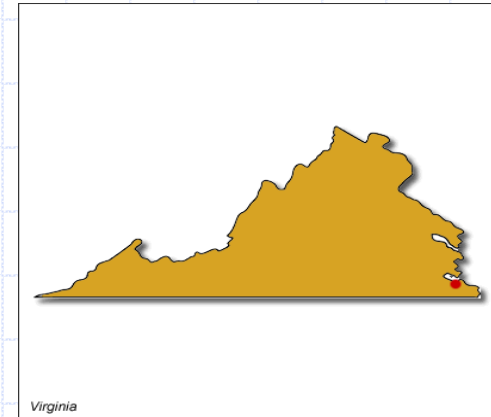
- ◆ 36 year old delegate from VA
- ◆ Great friends with Jefferson
- ◆ Bought and studied over 200 books about government and history in preparation for the Convention
- ◆ Took detailed notes as a record of the events at the Convention
- ◆ Instrumental in debate
- ◆ Advocated separation of powers, checks and balances, and popular sovereignty

# Agreement with Compromise

- ◆ After 16 weeks of debate, the delegates reached agreement on the structure of a new government for the United States based on the following principles:
  - Federalism
  - Popular Sovereignty
  - Separation of Powers
  - System of Checks and Balances

# Virginia Plan

- ◆ Written by James Madison
- ◆ Framework for the new constitution
- ◆ Divided government into 3 branches:
  - Legislative
    - ◆ Two houses (bicameral)
    - ◆ Representation was to be based on the population of each state (proportional)
    - ◆ popular sovereignty—a government's power comes from the consent of the governed.
  - Executive
  - Judicial



# New Jersey Plan



- ◆ Proposed in answer to the Virginia Plan
- ◆ Unicameral legislature
  - One house
  - Each state should be equally represented regardless of population
  - Maintained equality between large and small states



# The Great Compromise



- ◆ Offered by Roger Sherman
  - First suggested by Ben Franklin
- ◆ Created a bicameral legislature
  - The first chamber of Congress would be apportioned according to its population (House of Representatives).
  - In the second chamber, each state would have equal representation (Senate).

# Three-fifths Compromise

- ◆ Fundamental difference lies between slave and non-slave states
  - Over 90 percent of the slaves lived in five states (Georgia, Maryland, North Carolina, South Carolina, and Virginia)
  - Southern states wanted to count slaves in their population for representation, but not taxation; Northern states disagreed.
- ◆ Compromise: five slaves would be counted as three persons.
  - Supported by slave states to increase representation
  - Supported by non-slave states to increase southern tax requirements

# The North & South Compromise

- ◆ Congress shall have the power to impose and collect tariffs uniformly throughout the United States.
- ◆ Congress may not make any law prohibiting slavery before 1808.
- ◆ The southern states give up their demand that all laws must pass by a 2/3 majority vote.

# Bill of Rights

- ◆ Some delegates argued emphatically for a Bill of Rights
  - George Mason
  - Protected rights of the people
- ◆ Others felt that a Bill of Rights was unnecessary
  - People's rights were protected by the separation of powers and each state's bill of rights
- ◆ No Bill of Rights included in final draft



Statue of George Mason located between the FDR Memorial and the Jefferson Memorial.

# The Constitution is signed

- ◆ 39 of 42 remaining delegates signed the final draft
  - September 17, 1787
  - Three did not sign because there was no Bill of Rights
- ◆ Constitution then sent to the states for ratification





0007041 U.S. CONSTITUTION, 1787.  
Credit: The Granger Collection, New York

# Ratification

- ◆ Nation became split over support or opposition to the new Constitution
  - ◆ Federalists – supported Constitution, careful compromise offering a good balance of power
    - Madison, Hamilton, Washington, John Adams, John Jay
  - ◆ Anti-federalists – opposed Constitution, too much power to the central government with no Bill of Rights
    - Mason, Sam Adams, Patrick Henry
- ◆ Led to the publication of the *Federalist Papers*
  - Widely-read, strong influence in the debate over the Constitution

# The Federalist Papers

- ◆ Series of essays written in support of the Constitution
  - Convincing arguments and reasoning for a strong federal government
  - 85 in all
  - First published in newspapers
  - Most were written by Alexander Hamilton – 50
    - ◆ James Madison – 30
    - ◆ John Jay -5





# Constitution Ratified

- ◆ Nine states required for ratification
- ◆ Several states ratified only after being promised that a bill of rights would be enacted by the new government
- ◆ By June 1788, nine states had ratified the Constitution.
  - Virginia (largest population) and New York (business/trade center) were politically important
  - Persuaded to ratify by Madison, Jay and Hamilton
- ◆ Ratified by all states by May 1790

# Bill of Rights

- ◆ As promised, a Bill of Rights was submitted in 1789 during the First Congress
  - Written by James Madison
    - ◆ largely based on the Virginia Declaration of Rights written by George Mason
  - 12 amendments were submitted; 10 were eventually ratified by the states
- ◆ The Bill of Rights limits the power of the government and protects individual freedoms of United States citizens
- ◆ George Mason is known as the “Father of the Bill of Rights”
  - Unflinching insistence on their existence
  - Influenced Madison’s draft



# Bill of Rights Ratified

- ◆ 10 amendments (changes) were ratified by December 15, 1791
  - 2/3 of both houses of Congress
  - 3/4 of the states
  - Known as the Bill of Rights





# The United States Constitution

World's Oldest Written National Constitution