

# Constitutional Convention

## States' Plans

Since the delegates at the Philadelphia Convention decided to throw out the Articles of Confederation, the floor was opened to suggestions for the basic structure of the new government. Edmund Randolph, representing Virginia, proposed a plan largely devised by James Madison. Madison, who felt that Randolph was a more powerful speaker and would be better able to gain support for the plan, suggested a bicameral, or two-house, legislature. This legislature would be charged with selecting a president of the United States as well as court officials for a federal judicial system.

Under Virginia's plan, population would drive representation, which would give larger states, such as Virginia, a distinct advantage over smaller states. Not surprisingly, delegates from smaller states resisted this plan. They feared that larger states, with their increased representation, would render the smaller states voiceless and ultimately meaningless. Representatives from the smaller states feared a loss of identity along with a loss of power if the Virginia Plan, or Large States Plan, was adopted.

William Paterson, a delegate from New Jersey, developed an alternate plan which would prevent the inequities of populous representation. The New Jersey Plan offered a unicameral Congress with each state having one vote. Under this plan, Congress would sit atop the governmental hierarchy with the most power, including the powers to tax and regulate trade. The executive and judicial branches would be separate from Congress and would not be as powerful. This plan closely resembled the unicameral government described in the Articles of Confederation.

Just as representatives from smaller states fought against Virginia's proposal, the delegates from larger states resented the restriction of power created by New Jersey's suggestion. Delegates from the larger states felt that they should receive some acknowledgement of power based on their size. With the battle lines dividing the delegates based on state size, the Philadelphia Convention came to a standstill.

The summer of 1787, Philadelphia was experiencing both a literal and a figurative heat wave, and the rising temperatures outside caused tempers to flare inside the Convention. Unproductive anger and debate created conflict that ironically only eased as the heat broke. As the weather became more comfortable, the delegates began to set aside their differences and consider compromises.

## Compromise Reigns

The discord among the states' delegates regarding the plans submitted by Virginia and New Jersey eventually subsided, and a negotiation—called the Great Compromise—for the new governmental structure was reached. This compromise was heavily promoted by Connecticut's Roger Sherman, and the terms "Great Compromise" and "Connecticut Compromise" are used interchangeably. Under Sherman's compromise, a bicameral legislature would combine elements of both Virginia's and New Jersey's plans to appease both the small and large states. With this plan, there would be two houses, initially called the "lower house" and the "upper house" due to their location in the two-story building that would house them.

The lower house, which would become the House of Representatives, would be made up of a number of delegates based on each state's population. These representatives were to be elected directly by the people. The upper house, which would become known as the Senate, would be limited to two delegates from each state. The election of senators would be carried out by the legislatures of each state. As a further compromise, it was agreed that all bills concerned with taxation and revenue would begin in the lower house.

The Great Compromise also led to other important decisions about the government's framework. In contrast to the long-standing fear of granting power to one sovereign authority figure, the Constitution gave the President a substantial amount of power. The President was granted the power to appoint officials, including judges, the power to veto legislation, and the role of Commander-In-Chief of the military.

Defining the structure of the United States government was certainly a "Great Compromise," but it was not the only compromise that made its way into the Constitution. Commerce regulations were also hotly debated. Northern industrial states wanted federal tariffs to keep out cheaper European products. By forcing the purchase of domestic goods, the Northern delegates hoped to raise revenues for the federal government through taxation.

Those opposed to this idea included delegates from cotton and tobacco producing states, who relied heavily on trade with Europe and who resisted the idea of tariffs for exports. Furthermore, fearing unreasonable changes to trade regulations, these mostly Southern delegates asked for a two-thirds majority rule on all commerce bills in Congress. After much debate, a Commerce Compromise was reached that required no tax on exports, and only a simple majority needed to pass commerce bills through Congress.

A third long-standing debate and eventual area of compromise at the Philadelphia Convention, questioned whether slaves should be counted as people or property. Although there was no intention of allowing slaves the same rights as free men, some argued that they should be counted as people to increase their states' population count and thus the number of delegates in the lower house. Supporters of this school of thought were primarily Southerners who were eager for the power that their states would gain if the large number of slaves in the south were counted as people.

Conversely, Northerners feared an increase in power by the south that might result from counting slaves as people. These delegates argued that slaves should be counted as property, and therefore taxed as such, since doing so could bring much-needed revenue to the federal government.

Eventually, the delegates compromised on the slavery issue as well. Slaves were declared to count as three-fifths of a person for the purpose of population counts. However, neither the word slavery nor slave was used in the Constitution. Rather, it refers to the Three-Fifths Compromise as applying to "all other persons."

Still, it was apparent whom the Three-Fifths Compromise targeted, since it went a step further and addressed the issue of the African slave trade. Northerners expected the African slave trade to dwindle and eventually become unnecessary, and they wanted the Constitution to reflect that expectation. Southerners only knew that they had an immediate and ongoing need for slave labor in their fields and paddies, so they resisted slave trade restrictions.

In addition to addressing the issues of population counts, the Three-Fifths Compromise stated that Congress would not restrict overseas slave trade for a period of twenty years, but following 1807 Congress was free to readdress the issue. In 1808, Congress did revisit the issue and decided to disallow overseas slave trade. By that point it was nearly moot since every state except Georgia had included an embargo on overseas slaves in their state constitutions.

With the Great Compromise, Commerce Compromise, and the Three-Fifths Compromise in place, the proposed Constitution was ready to go to the states for ratification.