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American Government

Midterm Essay

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Mid-Term Essay on the Constitutional Convention

Although we now take it for granted, the United States did not always have a Constitution for the government to follow. When the thirteen colonies first declared their independence at the Second Continental Convention in 1776, the Articles of Confederation were quickly formed so that this new government would have at least something to work with, though these would prove to be faulty. These articles gave the states a large amount of self-governing powers, and very few powers to the national government. Although this was a step in the right direction, away from the monarchism the US so desperately wished to avoid, it was a step too far. With a very weak national government, organization on national issues became very difficult, and with no way to force states to pay national debts, foreign ties became strained, and many states became angered with each other. These conflicts began to increase in volume and magnitude, though nothing was done to change the articles. However, Shays’ Rebellion, in which 4,000 Massachusetts men attacked the state government in a protest against its restrictive laws, as well as multiple other similar protests, captured the attention of many, and they decided that the Articles of the Confederation needed to be changed. So, in May of 1787 the Constitutional Convention began. This convention, although it did not result in a perfect Constitution, provides a prime example of political compromise and conflict to study.

Even though there was a consensus on major points of what the Constitution should contain, many issues were heavily debated upon. Many debates were raised at this convention, with almost all the major ones resolved at the convention, and the unresolved debates, were resolved a few years later by the Bill of Rights, which was passed by the 1st Congress. Some of these debates were on, in no particular order: method of election, whether of the president or to Congress, control of trade, how many members from each state could become part of Congress, and how federal-state conflicts are resolved. Each member at this convention could have varying positions on these issues, depending on the demographics and positions of his state. These debates and their respective compromises set the groundwork for our current political structure.

One of the major debates in this convention was over the number of people from each state that would be a part of the national legislature. In the Articles of the Confederation, each state had one vote in national matters. Those states with large populations did not like this, as there was the possibility that a large majority would support or be against certain laws, while they could do nothing if the few people in the small states were for the opposing side. These large states presented these ideas in the Virginia Plan, which would give states with larger populations larger portions of the national legislature. However, the small states did not want population-based votes, due to the fear that larger states’ populations would make the votes from small states irrelevant. To combat this, the small states presented the New Jersey Plan, in which every state was given equal representation, despite size differences. Neither plan was passed; instead, a compromise was formed in the Connecticut Plan, which split the legislature into two groups: The Senate, which would have two representatives from each state, and the House, with the number of representatives determined by the population of each state. This plan was agreed upon, and has allowed for the small states to have a voice in national matters, though not too large of one due to their small size. As well, the election to each of these groups followed a similar pattern, with the general population voting for representatives in the House, and the state legislatures deciding the Senate members. The presidential election also followed a version of this system, with the general population voting on members of the electoral college, with the number of members dependent on the state’s population. This version favors majority choice, as would make sense in deciding the president of the nation, though it is possible that the candidate that the majority of the national population chose is not the one who receives the most electoral college votes, as in the 2016 election. In the 2016 election, Donald Trump received 77 more electoral votes than his closest competitor, Hilary Clinton, though Clinton received almost 3 million more votes in the popular election (Peters & Woolley, 2016). The United States thus gained a relatively balanced legislative system, which both gives each individual state a voice, as well as the majority of the national population, without swinging too far in either direction.

As slavery still was legal in many of the southern states, some issues in the Constitutional Convention revolved around conflicting views between slave and non-slave states. The primary debate where the slave and non-slave states conflicted was whether slaves counted the same as a citizen for population-based laws, such as taxation and delegation to the House of Representatives. It was eventually agreed upon in the Three-Fifths Compromise that a slave would count as three-fifths of a person for taxation and delegation purposes. The issue of who controlled importation and exportation was also relevant to this conflict. As the slave states wanted to continue the slave trade, they wanted complete control over their commerce, though the non-states wanted Congress to control all commerce, as would then end the slave trade as well as the recapture of escaped slaves. A compromise was found by giving Congress control over trade, though there was a 20-year allowance for the slave trade to continue. This was a step in the right direction for those against slavery, though it did not end up being large enough, with conflicts between slave and non-slave states rising until the Civil War finally settled the issue. This issue, though it may appear to have no effect on the current political landscape, in fact set a precedence of national power over state power for commerce, the effects of which are still felt today.

To make sure the United States was true to its original identity as a free country, limits to the national government’s power were necessary. A system of checks and balances was created to avoid any one branch of the government from gaining too much power, and the Bill of Rights was formed and added to the Constitution three years after the Constitutional Convention to protect individual rights from the government. These two crucial parts of the Constitution make the United States unique as compared to other governments, and have been the foundation of the political landscape for over 200 years.

Another issue which was heavily debated at the Constitutional Convention was over the balance of national, state, and local powers. Although few direct state vs federal conflicts were present at the convention, a method of solving future problems of this type was necessary for a functioning government. This method became known as Federalism, and is based upon each level of the government controlling different pieces of the overall legislation. One of the primary pieces of the Constitution gives the national government precedence over state and local government when they conflict. To prevent the national government from ruling over everything, the Tenth Amendment in the Bill of Rights, which was added to the Constitution in 1791, gave reserved power to state and local governments, stating that where the national government doesn’t already have laws, the state and local governments can create their own. This results in a slight variance in laws from state to state, though there are general federal regulations which apply to the entire nation. Although the original idea of federalism was designed with strict barriers between the different levels of government, the current model of federalism is much more of a mixture, with the different levels of the government working together on certain issues, with strict separation on others. So, although the original idea of federalism is not that which is used today, federalism has significantly shaped the current political climate by allowing differing levels of government to work together on issues to make changes in policy for the benefit of the people as a whole.

Aside from shaping the current political landscape, the Constitutional Convention allows for a study of compromise in politics. In the Constitutional Convention, most issues were solved by finding a middle ground in the issue, as opposed to giving one side full control over certain issues while giving them none in others. I believe that this method of compromise was extremely helpful for its time, as the United States was still a young nation. As well, these types of compromises minimize conflict, as some may value one issue much more than the other, and the “trading” of issues might be viewed as negative by one side, leading to unrest. By instead splitting issues in half, each side is secure in the fact that it has at least half of each issue, regardless of the importance of the issue. As well, by meeting about halfway for each issue, it would become much easier to later change the compromise to side more with one side or another without much conflict, depending on the needs of the country. This is shown by the possibility of some changes to the compromises between slave and non-slave states in the Constitutional Convention. If the members of the Constitutional Convention had instead chosen to allow slaves to be counted the same as citizens for apportionment purposes, while giving Congress full control over commerce, there would be multiple detrimental differences in society today. Slavery would have lasted much longer in the United States, which would negatively alter perceptions of race for the current age, and the national government would have more power over commerce than they do now, which might result in fewer goods transferred from state to state. However, once a government and its people understand what they need, the compromise can be shifted, though it should not be shifted too much, in case the law turns out to be slightly faulty. Overall, this will result in a Constitution which will change slightly from generation to generation, to meet the needs of the people. Although the possibility of a changing Constitution may frighten people, change should be accepted as a necessary evil in the current age. Just ask the 1600s European explorers, the pilgrims on the Mayflower, and the Founding Fathers.

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