



# The Constitutional Convention

Philadelphia, 1787

The Constitution is like the locomotive of a train?



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# Who wrote the Constitution?

- Delegates from states met in Philadelphia for four months to revise the Articles of Confederation; almost immediately they decided to write a new Constitution and to keep this secret
- The delegates were wealthy white men
- After being idolized as the “Founding Fathers” who must have been divinely inspired, Charles Beard argued that the delegates were motivated by their economic interests
- John Roche argued that while they had economic interests, the delegates were motivated most of all by the need to create a Constitution that their home state would approve of

- “By idolizing those whom we honor, we do a disservice both to them and to ourselves... We fail to recognize that we could go and do likewise”

- Quote from *Lies My Teacher Told Me*, by James Loewen



-Charles V. Willie

# Major disputes that had to be resolved

- National Power
  - How much power should the central government have?
- Legislative Representation
  - Should representation be proportional or equal?
- Trade Limits
  - Navigation Acts: passage with simple or super majority?
  - Slave Trade: should it be allowed to continue?
- Counting slaves
  - Should the enslaved be counted for the purposes of representation?
- Presidential selection
  - How should the president be selected? For how long?
- National Court
  - Should there be a national court?

# Major Disputes and Compromises: Power

- Dispute: How much power should the national government have compared with state governments?
  - Nationalists wanted a stronger central power that could override states
  - Confederatists (like NJ) wanted a weaker central power more like the Articles of Confederation
- Compromise
  - Expressed (Enumerated Powers) + Supremacy
    - The powers of the national government are specifically written down (enumerated) in the Constitution (in Article I, section 8, the part about Congress), and the national government would only be able to do the things on that list
    - The supremacy clause in Article VI would allow the central government to override states, but only in these specific areas

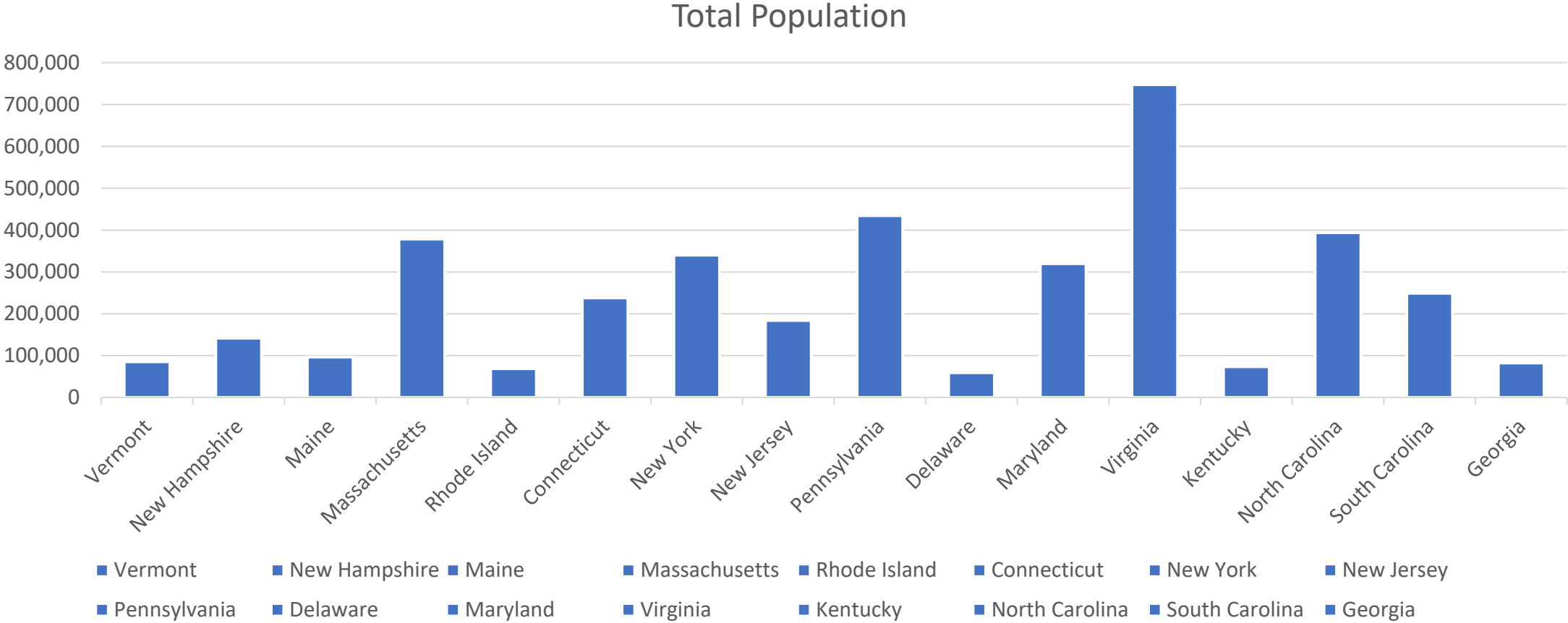


# Major Disputes and Compromises: Representation

- Dispute: How should legislative representation be apportioned
  - Large states wanted proportional representation
  - Small states wanted equal representation
- Compromise
  - Connecticut Compromise or “Great Compromise”
    - House Proportional +
    - Senate Equal (2 senators per state no matter what size)



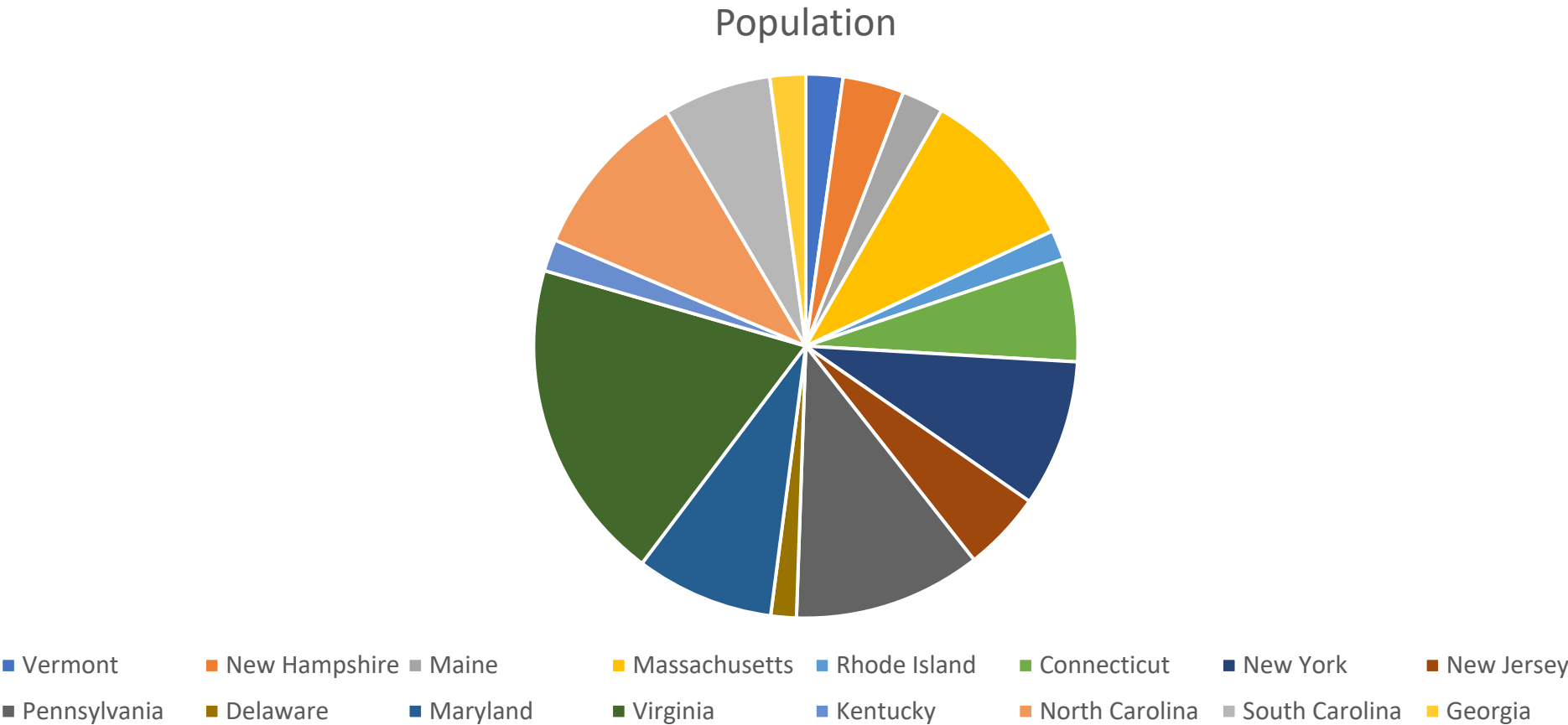
# The Total Population by State in 1790 (In a Bar Chart)





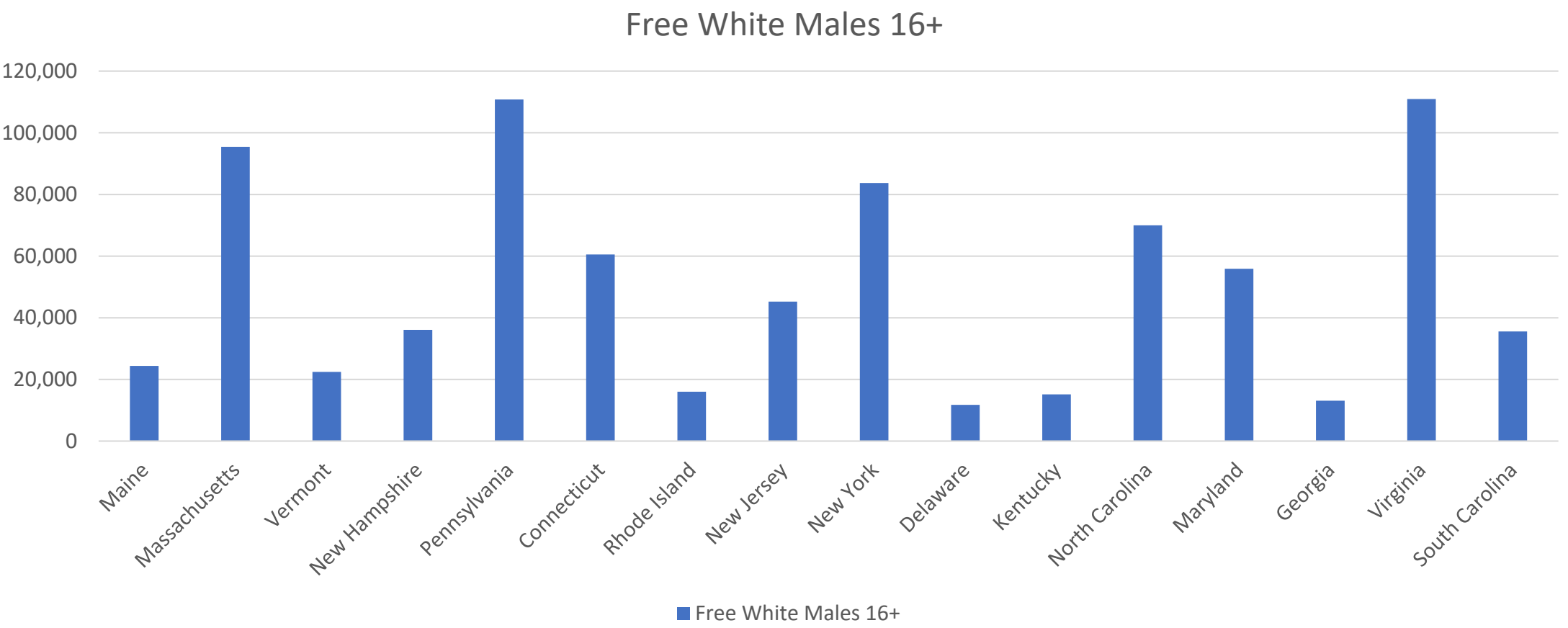
# The Total Population by State in 1790

(In a Pie Chart)





# Total of Free White Males 16 years of age and Older by State in 1790



# Major Disputes and Compromises: Limits on Trade

- Dispute:
  - Navigation Acts: the North wanted navigation acts to be passed with a simple majority vote (they didn't want the South to easily block tariffs and such) – the South wanted a supermajority to be necessary, like a 2/3 vote
  - The South wanted the Slave Trade to continue and the North did not
- Compromise:
  - Navigation Acts would be passed by a majority vote like usual legislation
  - The slave trade continued: it could not be banned until 1808
- *Note that this is not about slavery itself. Even though Northern states had ended or were in the process of ending slavery, the Constitutional Convention did not seriously consider abolishing slavery. Slavery did not end throughout the US until 1865.*



# Slave Voyages

Trans-Atlantic ▾ Intra-American ▾ African Names ▾ Resources ▾ About EN ▾

## Trans-Atlantic Slave Trade - Estimates

Current Query ?

View All

Reset All

### Time Frame



Show data from 1501 to 1866

Full extent of coverage by estimates is 1501 - 1866.

Apply

Reset

### Flag



- ☒ Spain / Uruguay
- ☒ Portugal / Brazil
- ☒ Great Britain
- ☒ Netherlands
- ☒ U.S.A.
- ☒ France
- ☒ Denmark / Baltic

Apply

Reset

### Regions



Create a Query Link

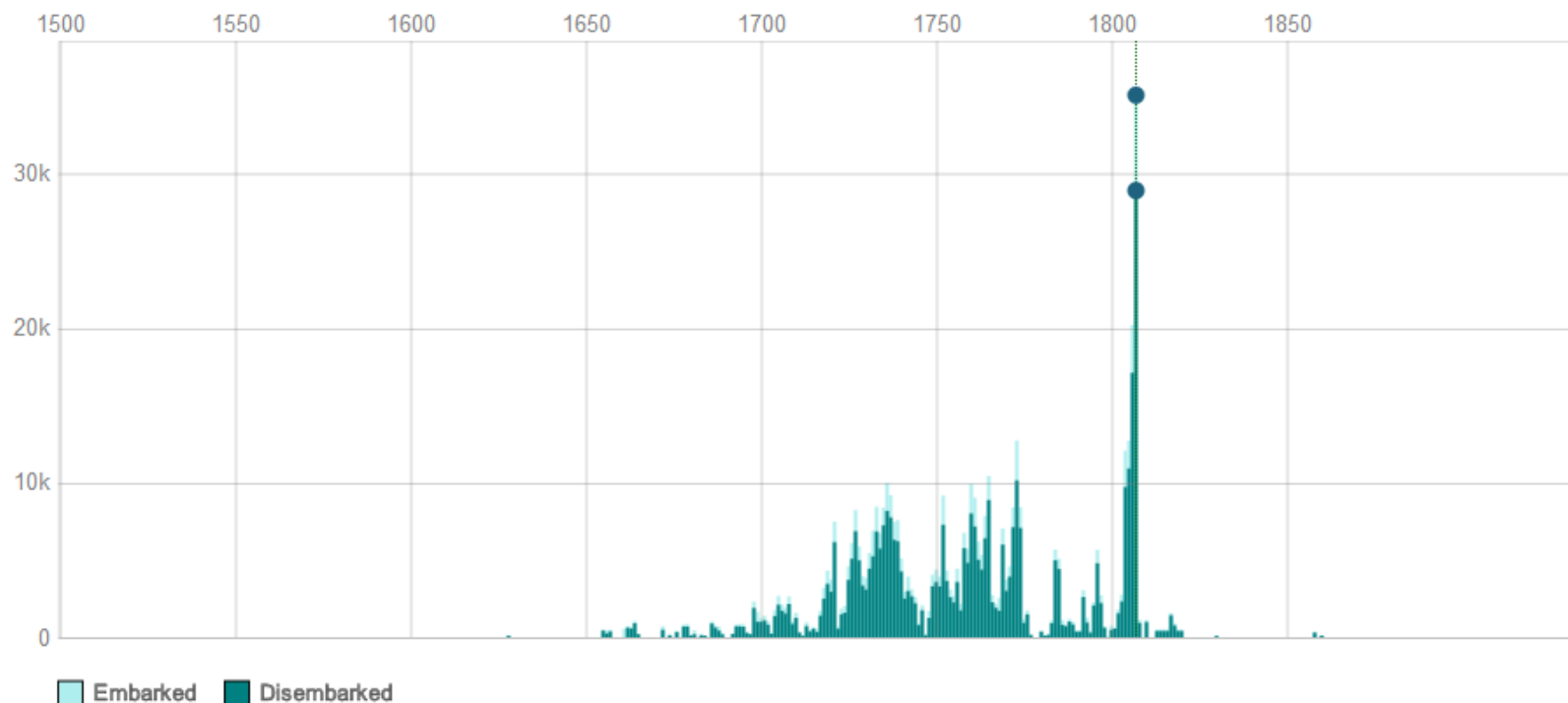


### Tables

### Timeline

### Maps

#### Timeline: Number of Captives Embarked and Disembarked per Year



Year:1807

Embarked:35,057

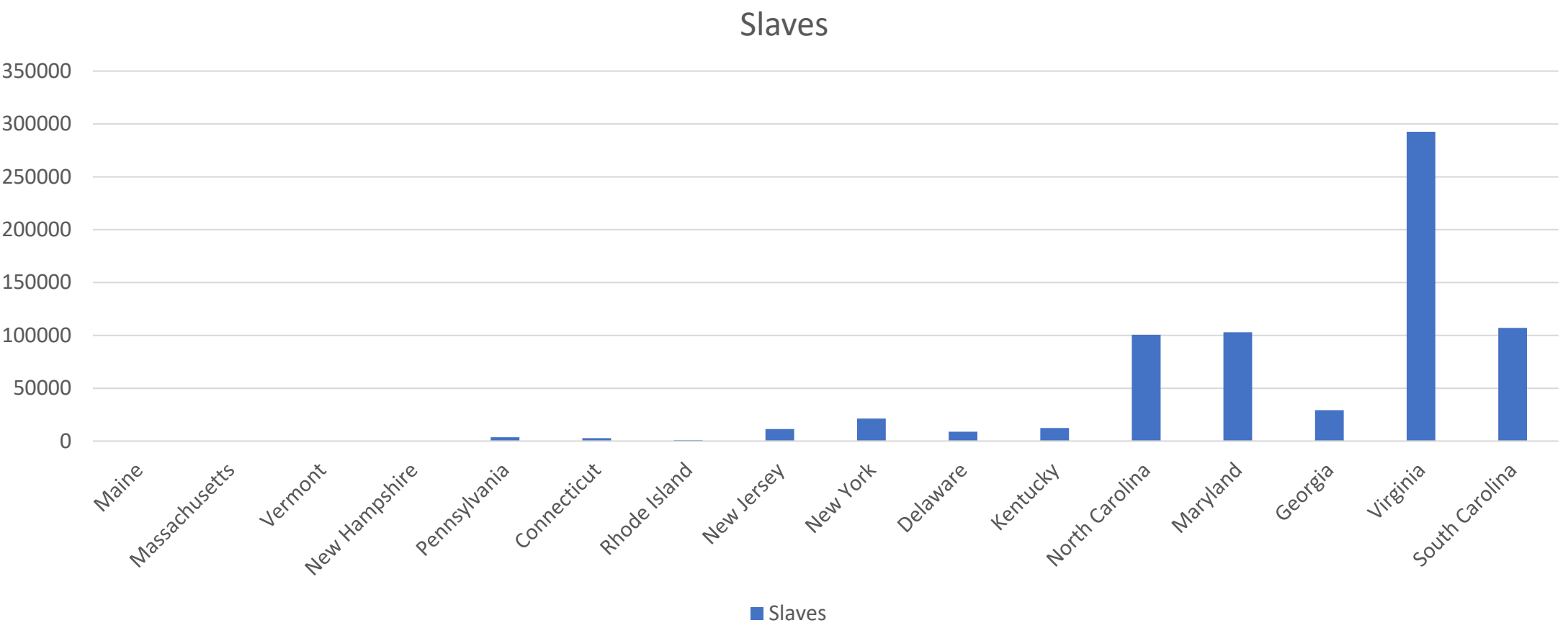
Disembarked:28,892

Download Timeline Data

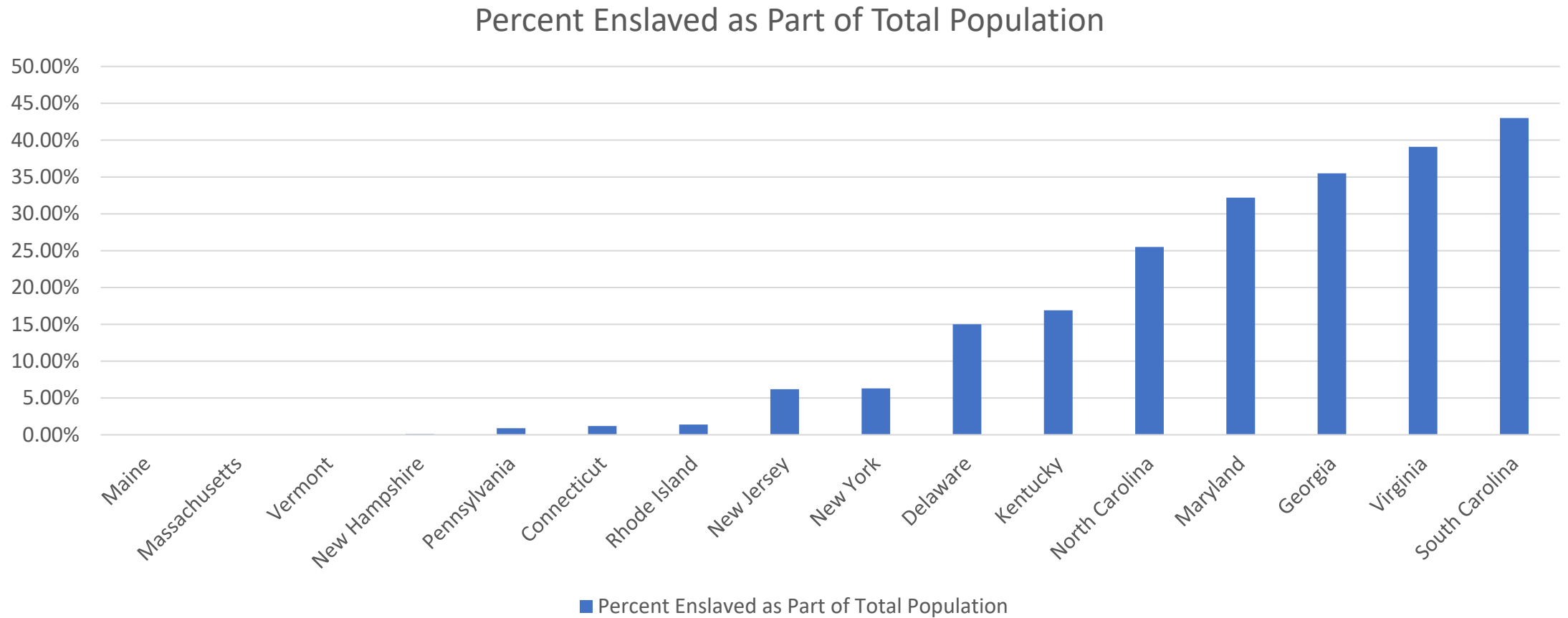
# Major Disputes and Compromises: Counting Slaves

- Dispute: When it was decided that the representation in the House of Representatives would be based on population:
  - The South wanted slaves counted as part of their population
    - Although slaves did not have any rights, the South wanted to increase their representation by having them counted
  - The North did not want slaves counted as part of the population
    - Since slaves were not being treated as citizens, they should not be included in the count that decided the number of representatives; this would give the South more power
- Compromise: The 3/5 Compromise:
  - An enslaved person counted as 3/5 of a person for both representation and direct taxation (The idea was that states could be taxed based on the proportion of their population, which would also be greater if slaves were counted. However, it turned out that direct taxation never happened.)

# Total Number of Enslaved Persons per State in 1790



# The Percentage of Total Population that was Enslaved in Each State in 1790





# Supreme Court Justice Thurgood Marshall quoted Gouverneur Morris at the Convention:

- “The inhabitant of Georgia [or] South Carolina who goes to the coast of Africa, and in defiance of the most sacred laws of humanity tears away his fellow creatures from their dearest connections and damns them to the most cruel bondages, shall have more votes in a Government instituted for protection of the rights of mankind, than the Citizen of Pennsylvania or New Jersey who views with a laudable horror, so nefarious a Practice.” Farrand, ad., The Records of the Federal Convention of 1787, vol. 11, 222 (New Haven, Conn., 1911).
- And Marshall pointed out that Morris ultimately supported the compromise
  - Quoted in Thurgood Marshall’s Bicentennial speech



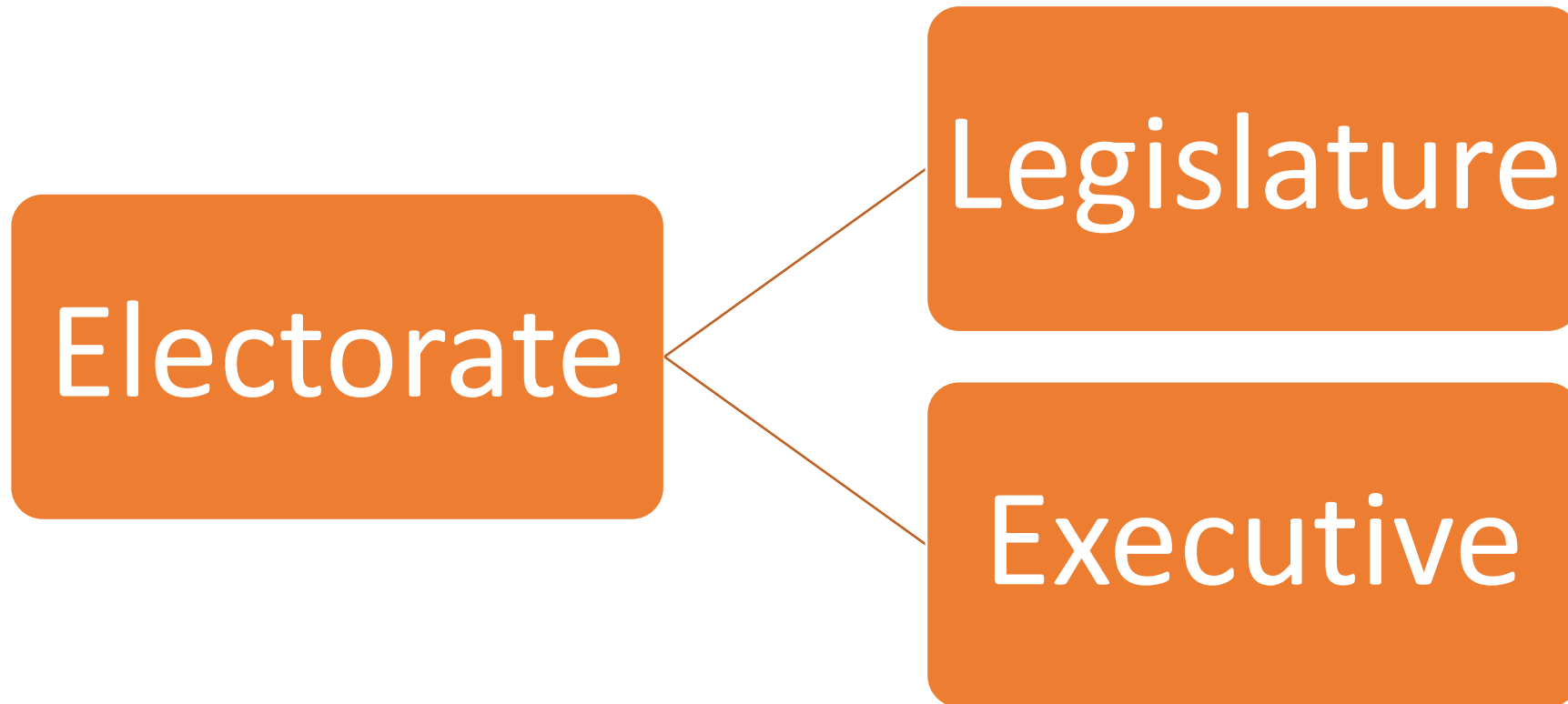
# Major Disputes and Compromises: the US President

- Dispute: How will the executive be chosen?
  - Should the Executive be One person or a Plural Executive
  - Will Congress Elect the President?
  - Will the Election be Direct or Indirect?
  - Will President Succeed Self (be able to be re-elected)?
- Solution: A Single President will be chosen:
  - One President
  - Not by Congress
  - In an indirect election through the Electoral College
  - The president can succeed self (in the original Constitution, the President re-election was unlimited)

England has a parliamentary system where the executive is elected by the legislators (by Parliament)



In a Presidential System, the executive is elected directly and separately from Congress



# Major Disputes and Compromises: the Supreme Court

- Dispute: Should there be a strong national court or should there just be the state courts?
- Compromise
  - Create a national Supreme
  - And leave the description and powers vague

# Some other issues

- The Convention avoided deciding about who could vote
  - They left the decision to the states
    - So some women voted in some states early in the Republic (Conn., Mass., NJ), free blacks voted in some states
    - But generally women, Blacks, and the poor would not get the right to vote until much later
- The delegates intentionally avoided using the word “slave” or “slavery” even though these are entrenched in the document
  - Look for the phrases “all other Persons” and “Importation of such Persons” and “person held to Service or Labour.”

After being written, the Constitution had to be approved (ratified)

- The Constitution had to be approved by conventions in  $\frac{3}{4}$  of the states in order for it to be approved.



# Ratification

- Argument: proponents and opponents published arguments
  - Federalist Papers v. Antifederalist
- Deal: a major complaint was the lack of a Bill of Rights
  - Hamilton and others argued that it was unnecessary and a bad idea because
    1. Since the powers of Congress are specified and limited, Congress will not be violating rights
    2. If one starts writing down rights, people might argue that any right not included on the list isn't a right
  - Still, eventually it was agreed that a Bill of Rights would be passed *after* ratification
- Delay: This especially affected New York which delayed its convention in hopes it would help defeat it
  - However, by that time enough states had ratified it and the United States would exist
  - The question then was, would New York join the US? (As a large and important state, it would have been devastating if New York had not joined.)