

= Constitutional Convention (United States) =

The Constitutional Convention (also known as the Philadelphia Convention , the Federal Convention , or the Grand Convention at Philadelphia) took place from May 25 to September 17 , 1787 , in Philadelphia , Pennsylvania . Although the Convention was intended to revise the Articles of Confederation , the intention from the outset of many of its proponents , chief among them James Madison and Alexander Hamilton , was to create a new government rather than fix the existing one . The delegates elected George Washington to preside over the Convention . The result of the Convention was the creation of the United States Constitution , placing the Convention among the most significant events in the history of the United States .

The most contentious disputes revolved around the composition and election of the Senate , how " proportional representation " was to be defined (whether to include slaves or other property) , whether to divide the executive power between three persons or invest the power into a single president , how to elect the president , how long his term was to be and whether he could run for reelection , what offenses should be impeachable , the nature of a fugitive slave clause , whether to allow the abolition of the slave trade , and whether judges should be chosen by the legislature or executive . Most of the time during the Convention was spent on deciding these issues , while the powers of legislature , executive , and judiciary were not heavily disputed . Once the Convention began , the delegates first agreed on the principles of the Convention , then they agreed on Madison 's Virginia Plan and began to modify it . A Committee of Detail assembled during the July 4 recess and produced a rough draft . Most of this rough draft remained in place , and can be found in the final version of the constitution . After the final issues were resolved , the Committee on Style produced the final version , and it was voted on and sent to the states .

= = Historical context = =

Before the Constitution was drafted , the nearly 4 million inhabitants of the 13 newly independent states were governed under the Articles of Confederation , created by the Second Continental Congress . It soon became evident to nearly all that the chronically underfunded Confederation government , as originally organized , was inadequate for managing the various conflicts that arose among the states . As the Articles of Confederation could only be amended by unanimous vote of the states , any state had effective veto power over any proposed change . In addition , the Articles gave the weak federal government no taxing power : it was wholly dependent on the states for its money , and had no power to force delinquent states to pay .

Once the immediate task of winning the American Revolutionary War had passed , the states began to look to their own interests , and disputes arose . These included a dispute between Maryland and Virginia over the Potomac River and opposition to Rhode Island 's imposing taxes on all traffic passing through it on the post road that linked all the states . James Madison suggested that state governments should appoint commissioners " to take into consideration the trade of the United States ; to examine the relative situation and trade of said states ; to consider how far a uniform system in their commercial regulations may be necessary to their common interests and permanent harmony " .

In September 1786 , at the Annapolis Convention , delegates from five states called for a Constitutional Convention in order to discuss possible improvements to the Articles of Confederation . The Constitutional Convention took place in Philadelphia on May 14 , 1787 . Rhode Island , fearing that the Convention would work to its disadvantage , boycotted the Convention and , when the Constitution was put to the states , initially refused to ratify it .

= = The Convention = =

Due to the difficulty of travel in the late 18th century , very few of the selected delegates were present on the designated day of May 14 , 1787 , and it was not until May 25 that a quorum of seven states was secured . (New Hampshire delegates would not join the Convention until more than

halfway through the proceedings , on July 23 .) James Madison arrived first , and soon most of the Virginia delegation arrived . While waiting for the other delegates , the Virginia delegation produced the Virginia Plan , which was designed and written by James Madison . On May 25 , the delegations convened in the Pennsylvania State House .

George Washington was unanimously elected president of the Convention , and it was agreed that the discussions and votes would be kept secret until the conclusion of the meeting . Although William Jackson was elected as secretary , his records were brief and included very little detail . Madison 's Notes of Debates in the Federal Convention of 1787 , supplemented by the notes of Robert Yates , remain the most complete record of the Convention . Throughout the debate , delegates constantly referred to precedents from history in support of their position . Most commonly , they referred to the history of England , in particular the Glorious Revolution (often simply called " The Revolution ") , classical history (mainly the Roman Republic and the leagues of Greek city @-@ states) , and recent precedents from Holland and Germany .

Outside the Convention in Philadelphia , there was a national convening of the Society of the Cincinnati . Washington was said to be embarrassed . The 1776 " old republican " delegates like Elbridge Gerry (MA) found anything military or hereditary anathema . The Presbyterian Synod of Philadelphia and New York convention was meeting to redefine its Confession , dropping the faith requirement for civil authority to prohibit false worship . Protestant Episcopalian Washington attended a Roman Catholic Mass and dinner . Revolution veteran Jonas Phillips , of the Mikveh Israel Synagogue , petitioned the Convention to avoid a national oath including belief in both Old and New Testaments . Merchants of Providence , Rhode Island , petitioned for consideration , even though their Assembly had not sent a delegation .

Manasseh Cutler came directly from the U.S. Capital in New York and found himself a frequent dinner guest among the delegates . He carried grants of five million acres to parcel out among The Ohio Company and " speculators " , some of whom would be found among those attending the Convention . A Philadelphia guest of Robert Morris , Noah Webster would write a pamphlet as " A Citizen of America " immediately after the signing . " Leading Principles of the Federal Convention " advocated adoption of the Constitution . It was published much earlier and more widely circulated than today 's better known Federalist Papers .

= = = James Madison 's blueprint = = =

While waiting for the Convention to formally begin , James Madison sketched out his initial draft , which became known as the Virginia Plan and reflected his views as a strong nationalist . By the time the rest of the Virginia delegation arrived , most of the Pennsylvania delegation had arrived as well . They agreed on Madison 's plan , and formed what came to be the predominant coalition . By the time the Convention started , the only blueprints that had been assembled were Madison 's Virginia Plan , and Charles Pinckney 's plan . As Pinckney didn 't have a coalition behind his plan , Madison 's plan was the starting point for deliberations .

The Convention agreed on several principles . Most importantly , they agreed that the Convention should go beyond its mandate merely to amend the Articles of Confederation , and instead should produce a new constitution outright . While some delegates thought this illegal , the Articles of Confederation were closer to a treaty between sovereign states than they were to a national constitution , so the genuine legal problems were limited . Another principle they agreed on was that the new government would have all the powers of the Confederation Congress , plus additional powers over the states . Once agreeing on these principles , the Convention voted on the Virginia plan and signaled their approval for it . Once this was done , they began modifying it .

Madison 's plan operated on several assumptions that were not seriously challenged . During the deliberations , few raised serious objections to the planned bicameral congress , nor the separate executive function , nor the separate judicial function . As English law had typically recognized government as having two separate functions , law making embodied in the legislature , and law executing embodied in the king and his courts , the division of the legislature from the executive and judiciary was a natural and uncontested point .

The division of the legislature into an upper and lower house wasn't questioned either, despite the obscure origins of the English House of Lords and its role as the representative of the hereditary nobility. Americans had seldom known any but bicameral legislatures, both in Britain and in most state governments. The main exceptions to this were the dysfunctional Confederation Congress and the unicameral Pennsylvania legislature, which was seen as quickly vacillating between partisan extremes after each election. Experience had convinced the delegates that an upper house was necessary to tame the passions of the lower classes against the interests of wealthy merchants and landowners. Since America had no native hereditary aristocracy, the character of this upper house was designed to protect the interests of this wealthy elite, the "minority of the opulent," against the interests of the lower classes, who constituted the majority of the population.

On Thursday, June 7, it was proposed that senators should be chosen directly by the state legislatures, instead of by popular vote, as this method was more likely to preserve the power of the upper classes. Convention delegate Elbridge Gerry of Massachusetts observed that "the great mercantile interest and of stockholders, is not provided for in any mode of election @-@ they will however be better represented if the State legislatures choose the second branch." The proposal was carried unanimously.

The delegates also agreed with Madison that the executive function had to be independent of the legislature. In their aversion to kingly power, American legislatures had created state governments where the executive was beholden to the legislature, and by the late 1780s this was widely seen as being a source of paralysis. The Confederation government was the ultimate example of this.

Furthermore, in the English tradition, judges were seen as being agents of the King and his court, who represented him throughout his realm. Madison believed that in the American states, this direct link between state executives and judges was a source of corruption through patronage, and thought the link had to be severed between the two, thus creating the "third branch" of the judiciary which had been without any direct precedent before this point. Madison, however, did not believe that the judiciary should be truly independent, but rather beholden to the legislature rather than the executive. At the Convention, some sided with Madison that the legislature should choose judges, while others believed the president should choose judges. A compromise was eventually reached that the president should choose judges and the Senate confirm them.

In a few areas, Madison's plan included provisions that had little support among the delegates. Few agreed with Madison that the legislature should be able to invalidate state laws, so the idea was dropped. While most thought there should be some mechanism to invalidate bad laws by congress, few agreed with Madison that a board of the executive and judges should decide on this. Instead, the power was given solely to the executive in the form of the veto. Many also thought this would be useful to protect the executive, whom many worried might become beholden to an imperial legislature. Also, during the deliberations, the New Jersey Plan was introduced, although it was more of a protest to the excessive national character of the Virginia plan, and was not seriously considered. The office of Vice President was also included later in the deliberations, mainly to provide the president a successor if he was unable to complete his term.

= = = The early debate = = =

Each state was allowed to cast a single vote either for or against a proposal during the debates in accordance with the majority opinion of the state's delegates. Throughout the Convention, delegates would regularly come and go, with only 30 ? 40 being present on a typical day. Consequently, if a state's delegates were equally divided in their views on a given proposal, or if too few of the state's delegates were in attendance to establish a quorum for the delegation when votes were being cast on a particular proposal, that state's delegation had essentially no effect on the outcome of the vote on the proposal. Thus, for example, after two of New York's three delegates abandoned the Convention in mid July with no intention of returning, New York was left unable to vote on any further proposals at the Convention, although Hamilton would continue to periodically attend and occasionally to speak during the debates.

The first area of major dispute was the manner by which the lower house would be apportioned . A minority wanted it to be apportioned so that all states would have equal weight , though this was never seriously considered . Most wanted it apportioned in accordance with some mixture of property and population . Though there was discussion on how to calculate property for this purpose , the issue of property was later dropped because of its difficulty , and an assumption that property would closely correlate to population .

Most accepted the desire among the slave states to count slaves as part of the population , although their servile status was raised as a major objection against this . The Three @-@ Fifths Compromise assessing population by adding the number of free persons to three @-@ fifths of " all other persons " (slaves) was agreed to without serious dispute . In 1783 , when attempting to assess a national taxation system , the Confederation Congress had considered a three fifths ratio , which did not achieve unanimity . This compromise resulted in a large coalition of states , including the small slave states of South Carolina and Georgia , backing the Virginia plan and thus expanding the power of the primary coalition . That the lower house was to be elected directly by the voters was also accepted without major dispute .

More contentious than the lower house was the question of the upper house . Few agreed with Madison that its members should be elected by the lower house . James Wilson suggested election by popular vote versus election by state legislature , but his proposal was shot down 10 @-@ 1 by the delegates . Most delegates didn 't question the intelligence of the voters , rather what concerned them was the slowness by which information spread in the late 18th century .

At the time of the Convention , they noted that local newspapers said little of current events , and what little they had was sketchy and dated . Local papers even said little about the meeting of the Convention . Alexander Hamilton proposed extending the term in office for senators to life , considering earlier proposals of four and seven years inefficient to enable the " rich and well born " to have a " distinct , permanent share in the government , " which could " check the imprudence of democracy . " Moreover , Hamilton proposed that senators not be elected directly by the general public , but by " electors " chosen for that purpose .

Besides the problems of direct election , the new Constitution was seen as such a radical break with the old system , by which delegates were elected to the Confederation Congress by state legislatures , that the Convention agreed to retain this method of electing senators to make the constitutional change less radical . The more difficult problem was the issue of apportionment . The Connecticut delegation offered a compromise , whereby the number of representatives for each state in the lower house would be apportioned based on the relative size of the state 's population , while the number of representatives in the upper house would be the same for all of the states , irrespective of size . The large states , fearing a diminution of their influence in the legislature under this plan , opposed this proposal . Unable to reach agreement , the delegates decided to leave this issue for further consideration later during the meeting .

The delegates couldn 't agree on whether the executive should be a single person , or a board of three . Many wished to limit the power of the executive and thus supported the proposal to divide the executive power between three persons . The possible problems of this system , in addition to the knowledge that George Washington would probably be the first president , calmed the fears enough so that the proponents of a singular executive could accumulate a large coalition . This issue came up occasionally after the matter was settled , but was never again seriously doubted .

Another issue concerned the election of the president . Few agreed with Madison that the executive should be elected by the legislature . There was widespread concern with direct election , because information diffused so slowly in the late 18th century , and because of concerns that people would only vote for candidates from their state or region . A vocal minority wanted the national executive to be chosen by the governors of the states .

The issue was one of the last major issues to be resolved , and was done so in the electoral college . At the time , before the formation of modern political parties , there was widespread concern that candidates would routinely fail to secure a majority of electors in the electoral college . The method of resolving this problem therefore was a contested issue . Most thought that the house should then choose the president , since it most closely reflected the will of the people . This caused dissension

among delegates from smaller states , who realized that this would put their states at a disadvantage . To resolve this dispute , the Convention agreed that the house would elect the president if no candidate had an electoral college majority , but that each state delegation would vote as a bloc , rather than individually .

As the Convention was entering its second full month of deliberations , it was decided that further consideration of the prickly question of how to apportion representatives in the national legislature should be referred to a committee composed of one delegate from each of the eleven states that were present at that time at the Convention . The members of this " Grand Committee , " as it has come to be known , included Elbridge Gerry , Oliver Ellsworth , Robert Yates , William Paterson , Gunning Bedford , Jr . , George Mason , William Davie , John Rutledge , Abraham Baldwin , and Benjamin Franklin . In its report to the Convention on July 5 , the committee offered a compromise . The large states had opposed the Connecticut Compromise , because they felt it gave too much power to the smaller states . The Grand Committee 's proposal made two important modifications . It added the requirement that revenue bills originate in the lower house and not be subject to modification by the upper house (although this Origination Clause would later be modified so that revenue bills could be amended in the upper house , or Senate) .

The proposal also specified that each senator ? rather than each state delegation ? was to get one vote , and that each state would have multiple senators . This meant that the senators would each be voting individually , rather than as a bloc by state as delegates always had . This made senators free agents , presumably acting on behalf of their state at large , rather than as mere agents of the state legislatures . As such , the Senate would bring a federal character to the government , not because senators were elected by state legislatures , but because each state was equally represented in the Senate , which was the main aim of the smaller states . It was this , not simply Madison 's earlier agreement to replace the word national with the word federal , that convinced the delegates that the Constitution had a federal character . The final document was thus a mixture of Madison 's original " national " constitution and the desired " federal " Constitution that many of the delegates sought .

= = = The first draft = = =

The Convention adjourned from July 26 to August 6 to await the report of the Committee of Detail , which was to produce a first draft of the Constitution . It was chaired by John Rutledge , with the other members including Edmund Randolph , Oliver Ellsworth , James Wilson , and Nathaniel Gorham .

Though the committee did not record minutes of its proceedings , three key surviving documents offer clues to the committee ? s handiwork : an outline by Randolph with edits by Rutledge , extensive notes and a second draft by Wilson , also with Rutledge ? s edits , and the committee ? s final report to the Convention . From this evidence it is thought that the committee used the original Virginia Plan , the decisions of the Convention on modifications to that plan , and other sources , such as the Articles of Confederation , provisions of the state constitutions , and even Charles Pinckney 's plan , to produce the first full draft , which author David O. Stewart has called a " remarkable copy @-@ and @-@ paste job . "

Randolph adopted two rules in preparing his initial outline : that the Constitution should only include essential principles , avoiding minor provisions that would change over time , and that it should be stated in simple and precise language .

Much of what was included in the committee ? s report consisted of numerous details that the Convention had never discussed but which the committee correctly viewed as uncontroversial and unlikely to be challenged ; and as such , much of the committee ? s proposal would ultimately be incorporated into the final version of the Constitution without debate . Examples of these details included the Speech and Debate Clause , which grants members of Congress immunity for comments made in their jobs , and the rules for organizing the House of Representatives and the Senate .

However , Rutledge , himself a former state governor , was determined that while the new national

government should be stronger than the Confederation government had been , the national government ? s power over the states should not be limitless ; and at Rutledge ? s urging , the committee went beyond what the Convention had proposed . As Stewart describes it , the committee " hijacked " and remade the Constitution , altering critical agreements the Convention delegates had already made , enhancing the powers of the states at the expense of the national government , and adding several far @-@ reaching provisions that the Convention had never discussed .

The first major change , insisted on by Rutledge , was meant to sharply curtail the essentially unlimited powers to legislate ? in all cases for the general interests of the Union ? that the Convention only two weeks earlier had agreed to grant the Congress . Rutledge and Randolph worried that the broad powers implied in the language agreed on by the Convention would have given the national government too much power at the expense of the states . In Randolph ? s outline the committee replaced that language with a list of 18 specific ? enumerated ? powers , many adopted from the Articles of Confederation , that would strictly limit the Congress ? authority to measures such as imposing taxes , making treaties , going to war , and establishing post offices . Rutledge , however , was not able to completely convince all of the members of the committee to accept the change . Over the course of a series of drafts , a catchall provision (the ? Necessary and Proper Clause ?) was eventually added , most likely by Wilson , a nationalist little concerned with the sovereignty of individual states , giving the Congress the broad power ? to make all Laws that shall be necessary and proper for carrying into execution the foregoing powers , and all other powers vested by this Constitution in the government of the United States , or in any department or officer thereof . ? Another revision of Wilson ? s draft also placed eight specific limits on the states , such as barring them from independently entering into treaties and from printing their own money , providing a certain degree of balance to the limits on the national government intended by Rutledge ? s list of enumerated powers . In addition , Wilson ? s draft modified the language of the Supremacy Clause adopted by the Convention , to ensure that national law would take precedence over inconsistent state laws .

These changes set the final balance between the national and state governments that would be entered into the final document , as the Convention never challenged this dual @-@ sovereignty between nation and state that had been fashioned by Rutledge and Wilson .

Another set of radical changes introduced by the Committee of Detail proved far more contentious when the committee ? s report was presented to the Convention . On the day the Convention had agreed to appoint the committee , Southerner Charles Cotesworth Pinckney , of South Carolina , had warned of dire consequences should the committee fail to include protections for slavery in the Southern states , or allow for taxing of Southern agricultural exports . Pinckney and his fellow Southern delegates must have been delighted to see that the committee had included three provisions that explicitly restricted the Congress ? authority in ways favorable to Southern interests . The proposed language would bar the Congress from ever interfering with the slave trade . It would also prohibit taxation of exports , and would require that any legislation concerning regulation of foreign commerce through tariffs or quotas (that is , any laws akin to England 's ? Navigation Acts ?) pass only with two @-@ thirds majorities of both houses of Congress . While much of the rest of the committee ? s report would be accepted without serious challenge on the Convention floor , these last three proposals would provoke outrage from Northern delegates and slavery opponents .

The final report of the committee , which became the first draft of the Constitution , was the first workable constitutional plan , as Madison 's Virginia Plan had simply been an outline of goals and a broad structure . Even after it issued this report , the committee continued to meet off and on until early September .

= = = Further modifications and concluding debate = = =

Another month of discussion and relatively minor refinement followed , during which several attempts were made to alter the Rutledge draft , though few were successful . Some wanted to add property qualifications for people to hold office , while others wanted to prevent the national

government from issuing paper money . Madison in particular wanted to push the Constitution back in the direction of his Virginia plan .

One important change that did make it into the final version included the agreement between northern and southern delegates to empower Congress to end the slave trade starting in 1808 . Southern and northern delegates also agreed to strengthen the Fugitive Slave Clause in exchange for removing a requirement that two @-@ thirds of Congress agree on " navigation acts " (regulations of commerce between states and foreign governments) . The two @-@ thirds requirement was favored by southern delegates , who thought Congress might pass navigation acts that would be economically harmful to slaveholders .

Once the Convention had finished amending the first draft from the Committee of Detail , a new set of unresolved questions were sent to several different committees for resolution . The Committee of Detail was considering several questions related to habeas corpus , freedom of the press , and an executive council to advise the president . Two committees addressed questions related to the slave trade and the assumption of war debts .

A new committee was created , the Committee on Postponed Parts , to address other questions that had been postponed . Its members , such as Madison , were delegates who had shown a greater desire for compromise and were chosen for this reason as most in the Convention wanted to finish their work and go home . The committee dealt with questions related to the taxes , war making , patents and copyrights , relations with Indian tribes , and Franklin 's compromise to require money bills to originate in the House . The biggest issue they addressed was the presidency , and the final compromise was written by Madison with the committee 's input . They adopted Wilson 's earlier plan for choosing the president by an electoral college , and settled on the method of choosing the president if no candidate had an electoral college majority , which many such as Madison thought would be " nineteen times out of twenty " .

The committee also shortened the president 's term from seven years to four years , freed the president to seek re @-@ election after an initial term , and moved impeachment trials from the courts to the Senate . They also created the office of the vice president , whose only roles were to succeed a president unable to complete a term of office and to preside over the Senate . The committee transferred important powers from the Senate to the president , for example the power to make treaties and appoint ambassadors . One controversial issue throughout much of the Convention had been the length of the president 's term , and whether the president was to be term limited . The problem had resulted from the understanding that the president would be chosen by Congress ; the decision to have the president be chosen instead by an electoral college reduced the chance of the president becoming beholden to Congress , so a shorter term with eligibility for re @-@ election became a viable option .

Near the end of the Convention , Gerry , Randolph , and Mason emerged as the main force of opposition . Their fears were increased as the Convention moved from Madison 's vague Virginia Plan to the concrete plan of Rutledge 's Committee of Detail . Some have argued that Randolph 's attacks on the Constitution were motivated by political ambition , in particular his anticipation of possibly facing rival Patrick Henry in a future election . The main objection of the three was the compromise that would allow Congress to pass " navigation acts " with a simple majority in exchange for strengthened slave provisions . Among their other objections was an opposition to the office of vice president .

Though most of their complaints did not result in changes , a couple did . Mason succeeded in adding " high crimes and misdemeanors " to the impeachment clause . Gerry also convinced the Convention to include a second method for ratification of amendments . The report out of the Committee of Detail had included only one mechanism for constitutional amendment , in which two @-@ thirds of the states had to ask Congress to convene a convention for consideration of amendments . Upon Gerry 's urging , the Convention added back the Virginia Plan 's original method whereby Congress would propose amendments that the states would then ratify . All amendments to the Constitution have been made through this latter method .

Despite their successes , these three dissenters grew increasingly unpopular as most other delegates wanted to bring the Convention 's business to an end and return home . As the

Convention was drawing to a conclusion , and delegates prepared to refer the Constitution to the Committee on Style to pen the final version , one delegate raised an objection over civil trials . He wanted to guarantee the right to a jury trial in civil matters , and Mason saw in this a larger opportunity . Mason told the Convention that the constitution should include a bill of rights , which he thought could be prepared in a few hours . Gerry agreed , though the rest of the committee overruled them . They wanted to go home , and thought this was nothing more than another delaying tactic .

Few at the time realized how important the issue would become , with the absence of a bill of rights becoming the main argument of the anti @-@ Federalists against ratification . Most of the Convention 's delegates thought that states already protected individual rights , and that the Constitution did not authorize the national government to take away rights , so there was no need to include protections of rights . Once the Convention moved beyond this point , the delegates addressed a couple of last @-@ minute issues . Importantly , they modified the language that required spending bills to originate in the House of Representatives and be flatly accepted or rejected , unmodified , by the Senate . The new language empowered the Senate to modify spending bills proposed by the House .

= = = Drafting and signing = = =

Once the final modifications had been made , the Committee of Style and Arrangement was appointed " to revise the style of and arrange the articles which had been agreed to by the house . " Unlike other committees , whose members were named so the committees included members from different regions , this final committee included no champions of the small states . Its members were mostly in favor of a strong national government and unsympathetic to calls for states ' rights . They were William Samuel Johnson (Connecticut) , Alexander Hamilton (New York) , Gouverneur Morris (Pennsylvania) , James Madison (Virginia) , and Rufus King (Massachusetts) . On Wednesday , September 12 , the report of the " committee of style " was ordered printed for the convenience of the delegates . For three days , the Convention compared this final version with the proceedings of the Convention . The Constitution was then ordered engrossed on Saturday , September 15 by Jacob Shallus , and was submitted for signing on September 17 . It made at least one important change to what the Convention had agreed to ; King wanted to prevent states from interfering in contracts . Although the Convention never took up the matter his language was now inserted , creating the contract clause .

Gouverneur Morris is credited , both now and then , as the chief draftsman of the final document , including the stirring preamble . Not all the delegates were pleased with the results ; thirteen left before the ceremony , and three of those remaining refused to sign : Edmund Randolph of Virginia , George Mason of Virginia , and Elbridge Gerry of Massachusetts . George Mason demanded a Bill of Rights if he was to support the Constitution . The Bill of Rights was not included in the Constitution submitted to the states for ratification , but many states ratified the Constitution with the understanding that a bill of rights would soon follow . Shortly before the document was to be signed , Gorham proposed to lower the size of congressional districts from 40 @,@ 000 to 30 @,@ 000 citizens . A similar measure had been proposed earlier , and failed by one vote . George Washington spoke up here , making his only substantive contribution to the text of the Constitution in supporting this move . The Convention adopted it without further debate . Gorham would sign the document , although he had openly doubted whether the United States would remain a single , unified nation for more than 150 years . Ultimately , 39 of the original 55 delegates ended up signing , but it is likely that none were completely satisfied . Their views were summed up by Benjamin Franklin , who said ,

I confess that There are several parts of this Constitution which I do not at present approve , but I am not sure I shall never approve them I doubt too whether any other Convention we can obtain , may be able to make a better Constitution It therefore astonishes me , Sir , to find this system approaching so near to perfection as it does ; and I think it will astonish our enemies ...

Rhode Island never sent delegates , and two of New York 's three delegates did not stay at the

Convention for long . Therefore , as George Washington stated , the document was executed by " eleven states , and Colonel Hamilton . " Washington signed the document first , and then moving by state delegation from north to south , as had been the custom throughout the Convention , the delegates filed to the front of the room to sign their names .

At the time the document was signed , Franklin gave a persuasive speech involving an anecdote on a sun that was painted on the back of Washington 's Chippendale chair . As recounted in Madison 's notes :

Whilst the last members were signing it Doctor . Franklin looking towards the Presidents Chair , at the back of which a rising sun happened to be painted , observed to a few members near him , that Painters had found it difficult to distinguish in their art a rising from a setting sun . I have said he , often and often in the course of the Session , and the vicissitudes of my hopes and fears as to its issue , looked at that behind the President without being able to tell whether it was rising or setting : But now at length I have the happiness to know that it is a rising and not a setting Sun .

The Constitution was then submitted to the states for ratification , pursuant to its own Article VII .

= = Proposed plans = =

Several plans were introduced , with the most important plan being that of James Madison (the Virginia Plan) . The Convention 's work was mostly a matter of modifying this plan . Charles Pinckney also introduced a plan , although this wasn 't considered and its exact character has been lost to history . After the Convention was well under way , the New Jersey Plan was introduced though never seriously considered . It was mainly a protest to what some delegates thought was the excessively radical change from the Articles of Confederation . Alexander Hamilton also offered a plan after the Convention was well under way , though it included an executive serving for life and therefore the delegates felt it too closely resembled a monarchy . Historians are unsure how serious he was about this , and some have speculated that he may have done it to make Madison 's plan look moderate by comparison . The Connecticut Compromise wasn 't a plan but one of several compromises offered by the Connecticut delegation . It was key to the ultimate ratification of the constitution , although was only included after being modified by Benjamin Franklin in order to make it more appealing to larger states .

= = = Virginia Plan = = =

Prior to the start of the Convention , the Virginian delegates met and , drawing largely from Madison 's suggestions , came up with what came to be known as the Virginia Plan , also known as the Large State Plan . For this reason , James Madison is sometimes called the Father of the Constitution . Presented by Virginia governor Edmund Randolph on May 29 , 1787 , the Virginia Plan proposed a very powerful bicameral legislature . Both houses of the legislature would be determined proportionately . The lower house would be elected by the people , and the upper house would be elected by the lower house . The executive would exist solely to ensure that the will of the legislature was carried out and would therefore be selected by the legislature . The Virginia Plan also created a judiciary , and gave both the executive and some of the judiciary the power to veto , subject to override .

= = = New Jersey Plan = = =

After the Virginia Plan was introduced , New Jersey delegate William Paterson asked for an adjournment to contemplate the Plan . Under the Articles of Confederation , each state had equal representation in Congress , exercising one vote each . The Virginia Plan threatened to limit the smaller states ' power by making both houses of the legislature proportionate to population . On June 14 and 15 , 1787 , a small @-@ state caucus met to create a response to the Virginia Plan . The result was the New Jersey Plan , otherwise known as the Small State Plan .

Paterson 's New Jersey Plan was ultimately a rebuttal to the Virginia Plan , and was much closer to

the initial call for the Convention : drafting amendments to the Articles of Confederation to fix the problems in it . Under the New Jersey Plan , the existing Continental Congress would remain , but it would be granted new powers , such as the power to levy taxes and force their collection . An executive branch was created , to be elected by Congress (the plan allowed for a multi @-@ person executive) . The executives would serve a single term and were subject to recall on the request of state governors . The plan also created a judiciary that would serve for life , to be appointed by the executives . Lastly , any laws set by Congress would take precedence over state laws . When Paterson reported the plan to the Convention on June 15 , 1787 , it was ultimately rejected , but it gave the smaller states a rallying point for their interests .

= = = Hamilton 's plan = = =

Unsatisfied with the New Jersey Plan and the Virginia Plan , Alexander Hamilton proposed his own plan . It also was known as the British Plan , because of its resemblance to the British system of strong centralized government . In his plan , Hamilton advocated virtually doing away with state sovereignty and consolidating the states into a single nation . The plan featured a bicameral legislature , the lower house elected by the people for three years . The upper house would be elected by electors chosen by the people and would serve for life . The plan also gave the Governor , an executive elected by electors for a life @-@ term of service , an absolute veto over bills . State governors would be appointed by the national legislature , and the national legislature had veto power over any state legislation .

Hamilton presented his plan to the Convention on June 18 , 1787 . The plan was perceived as a well @-@ thought @-@ out plan , but it was not considered , because it resembled the British system too closely . It also contemplated the loss of most state authority , which the states were unwilling to allow .

= = = Pinckney 's plan = = =

Immediately after Randolph finished laying out the Virginia Plan , Charles Pinckney of South Carolina presented his own plan to the Convention . As Pinckney did not reduce it to writing , the only evidence we have are Madison 's notes , so the details are somewhat vague . It was a confederation , or treaty , among the thirteen states . There was to be a bicameral legislature made up of a Senate and a House of Delegates . The House would have one member for every one thousand inhabitants . The House would elect Senators who would serve by rotation for four years and represent one of four regions . Congress would meet in a joint session to elect a President , and would also appoint members of the cabinet . Congress , in joint session , would serve as the court of appeal of last resort in disputes between states . Pinckney did also provide for a supreme Federal Judicial Court . The Pinckney plan was not debated , but it may have been referred to by the Committee of Detail .

= = = Connecticut Compromise = = =

The Connecticut Compromise , forged by Roger Sherman from Connecticut , was proposed on June 11 . In a sense it blended the Virginia (large @-@ state) and New Jersey (small @-@ state) proposals . Ultimately , however , its main contribution was in determining the apportionment of the Senate , and thus retaining a federal character in the constitution . Sherman sided with the two @-@ house national legislature of the Virginia Plan , but proposed " That the proportion of suffrage in the 1st. branch [house] should be according to the respective numbers of free inhabitants ; and that in the second branch or Senate , each State should have one vote and no more . " This plan failed at first , but on July 23 the question was finally settled .

What was ultimately included in the constitution was a modified form of this plan . In the Committee of Detail , Benjamin Franklin added the requirement that revenue bills originate in the house , and rather than the state delegations voting as a bloc as instructed by their state legislatures , Franklin 's

modification made them free agents . As such , the Senate would bring a federal character to the government , not because senators were elected by state legislatures , but because each state was equally represented .

= = Slavery = =

Among the most controversial issues confronting the delegates was that of slavery . Slavery was widespread in the states at the time of the Convention . Twenty @-@ five of the Convention 's 55 delegates owned slaves , including all of the delegates from Virginia and South Carolina . Slaves comprised approximately one @-@ fifth of the population of the states ; and apart from northernmost New England , where slavery had largely been eliminated , slaves lived throughout all regions of the country . The majority of the slaves (more than 90 %) , however , lived in the South , where approximately 1 in 3 families owned slaves (in the largest and wealthiest state , Virginia , that figure was nearly 1 in 2 families) . The entire agrarian economy of the South was based on slave labor , and the Southern delegates to the Convention were unwilling to accept any proposals that they believed would threaten the institution .

Whether slavery was to be regulated under the new Constitution was a matter of such intense conflict between the North and South that several Southern states refused to join the Union if slavery were not to be allowed . Delegates opposed to slavery were forced to yield in their demands that slavery practiced within the confines of the new nation be completely outlawed . However , they continued to argue that the Constitution should prohibit the states from participating in the international slave trade , including in the importation of new slaves from Africa and the export of slaves to other countries . The Convention postponed making a final decision on the international slave trade until late in the deliberations because of the contentious nature of the issue . During the Convention 's late July recess , the Committee of Detail had inserted language that would prohibit the federal government from attempting to ban international slave trading and from imposing taxes on the purchase or sale of slaves . The Convention could not agree on these provisions when the subject came up again in late August , so they referred the matter to an eleven @-@ member committee for further discussion . This committee helped work out a compromise : Congress would have the power to ban the international slave trade , but not for another twenty years (that is , not until 1808) . In exchange for this concession , the federal government 's power to regulate foreign commerce would be strengthened by provisions that allowed for taxation of slave trades in the international market and that reduced the requirement for passage of navigation acts from two @-@ thirds majorities of both houses of Congress to simple majorities .

Another contentious slavery @-@ related question was whether slaves would be counted as part of the population in determining representation of the states in the Congress , or would instead be considered property and as such not be considered for purposes of representation . Delegates from states with a large population of slaves argued that slaves should be considered persons in determining representation , but as property if the new government were to levy taxes on the states on the basis of population . Delegates from states where slavery had become rare argued that slaves should be included in taxation , but not in determining representation .

Finally , delegate James Wilson proposed the Three @-@ Fifths Compromise . This was eventually adopted by the Convention .

= = Delegates = =

The states had originally appointed seventy representatives to the Convention , but a number of the appointees did not accept or could not attend , leaving 55 delegates who would ultimately craft the Constitution .

Almost all of the fifty @-@ five delegates had taken part in the Revolution , with at least twenty @-@ nine having served in the Continental forces , most in positions of command . All but two or three had served in colonial or state government during their careers . The vast majority (about 75 %) of the delegates were or had been members of the Confederation Congress , and many had

been members of the Continental Congress during the Revolution . Several had been state governors . Just two delegates , Roger Sherman and Robert Morris , would be signatories to all three of the nation ' s founding documents : the Declaration of Independence , the Articles of Confederation , and the Constitution .

More than half of the delegates had trained as lawyers (several had even been judges) , although only about a quarter had practiced law as their principal means of business . There were also merchants , manufacturers , shippers , land speculators , bankers or financiers , two or three physicians , a minister , and several small farmers . Of the twenty @-@ five who owned slaves , sixteen depended on slave labor to run the plantations or other businesses that formed the mainstay of their income . Most of the delegates were landowners with substantial holdings , and most , with the possible exception of Roger Sherman and William Few , were very comfortably wealthy . George Washington and Robert Morris were among the wealthiest men in the entire country .

(*) Did not sign the final draft of the U.S. Constitution . Randolph , Mason , and Gerry were the only three present in Philadelphia at the time who refused to sign .

The names of several prominent Founders are notable for their not having participated in the Constitutional Convention . Thomas Jefferson was abroad , serving as the minister to France (nonetheless , Jefferson , in a letter to John Adams , would describe the delegates approvingly as a gathering of " demi @-@ gods ") . John Adams was in Britain , serving as minister to that country , but he wrote home to encourage the delegates . Patrick Henry refused to participate because he " smelt a rat in Philadelphia , tending toward the monarchy . " Also absent were John Hancock and Samuel Adams . Many of the states ' older and more experienced leaders may have simply been too busy with the local affairs of their states to attend the Convention , which had originally been planned to strengthen the existing Articles of Confederation , not to write a constitution for a completely new national government .