

8.5 Issue: How Should States Be Represented in the New Government?

When the convention began, most delegates believed that their task was to revise the Articles of Confederation. To their surprise, the Virginia delegation presented them with a completely new plan of government. After a lengthy debate, the delegates made a bold move. They agreed to throw out the Articles of Confederation and write a new constitution.

While the delegates—later known as the *framers*—agreed to design a new framework of government, they were divided on a key issue. Where should the government's power to rule come from? The states? Or the people? Under the Articles of Confederation, the answer was the states. Madison's answer in the Virginia Plan was that the government's power should come directly from the people.

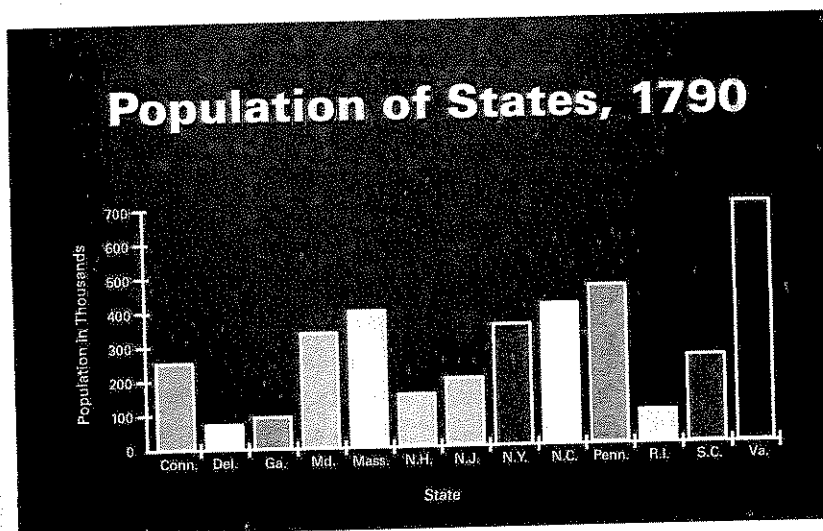
The Virginia Plan The Virginia Plan called for a strong national government with three branches or parts. A legislative branch, or congress, would make laws. An executive branch would carry out ("execute") the laws. A judicial branch, or system of courts, would apply and interpret the laws.

Under the Virginia Plan, Congress was to be made up of two houses, the House of Representatives and the Senate. The number of lawmakers that a state could send to Congress depended on its population. States with a large number of people would have more representatives than smaller states.

Delegates from Virginia, Pennsylvania, and other large states liked the Virginia Plan. Having the new government represent people, not states, would give them more representatives and more power in both houses of Congress.

The New Jersey Plan Not surprisingly, delegates from the small states disliked the Virginia Plan. Just as the convention was about to vote on it, William Paterson of New Jersey introduced a rival proposal.

Like the Virginia Plan, the New Jersey Plan called for a government with three branches. However, the legislative branch would have just one house, not two. And each state would have an equal vote in Congress, no matter how big or small. This plan, Paterson argued, would keep the small states from being "swallowed up" by their more populous neighbors.



A major issue that confronted the Constitutional Convention was how to determine representation in the new government. Should each state have the same number of representatives, or should representation be based on population? Looking at this chart, which states would want equal representation for each state?

8.6 Resolution: The Great Compromise

Roger Sherman, a signer of the Declaration of Independence, helped construct the Great Compromise that called for a Congress of two houses. Each state had equal representation in one house and representation based on population in the other house.



The New Jersey Plan was warmly received by delegates from small states. The majority of delegates, however, saw Paterson's plan as little improvement over the Articles of Confederation and rejected it. But they could not agree on what should replace it.

Tempers Rise The debate over who Congress should represent continued into July, with tempers rising day by day.

To most delegates from large states, representation based on population seemed both logical and fair. "Can we forget for whom we are forming a Government?" asked James Wilson of Pennsylvania. "Is it for men, or for the imaginary beings called States?"

To Wilson, the answer was obvious. But his logic could not overcome the fears of small-state delegates. One hot Saturday afternoon, Gunning Bedford of Delaware tore into the delegates from large states. "They insist," he said, "they will never hurt or injure the lesser states." His reply was, "I do not, gentlemen, trust you!" If the large states continued trying to "crush the smaller states," Bedford warned, "the small ones will find some foreign ally of more honor and good faith who will take them by the hand and do them justice."

Rufus King of Massachusetts was shocked at this reference to foreign powers. He shot back that he was "grieved, that such a thought had entered into the heart." Still, every delegate knew that Britain, France, and Spain were just waiting for the United States to fall apart so that they could pick up the pieces.

compromise an agreement in which both sides in a dispute agree to give up something they want in order to achieve a settlement

A Compromise Is Reached Finally, a **compromise** was proposed based on a plan put forward earlier by Roger Sherman of Connecticut.

The compromise plan kept a two-house Congress. The first house, the House of Representatives, would represent the people. In this house, the number of representatives from each state would be based on the state's population. The second house, the Senate, would represent the states. Each state would have two senators, to be elected by their state legislatures.

The vote was very close, but the compromise plan was approved. This plan saved the convention and became known as the Great Compromise.

8.7 Issue: How Should Slaves Be Counted?

The Great Compromise kept the framers working together. But having agreed to base representation in one house of Congress on state population, they faced a new and difficult question. As Gouverneur Morris of Pennsylvania put it, "Upon what principle shall the slaves be computed in the representation?"

People or Property? By the time of the convention, nine tenths of the slaves lived in the South. Like everyone else, southerners wanted as many representatives in the House as possible. They argued that slaves should be counted the same as any other people in determining representation.

Delegates from the North challenged this idea. Were slaves to be considered people with a right to be represented in Congress? Or were they property?

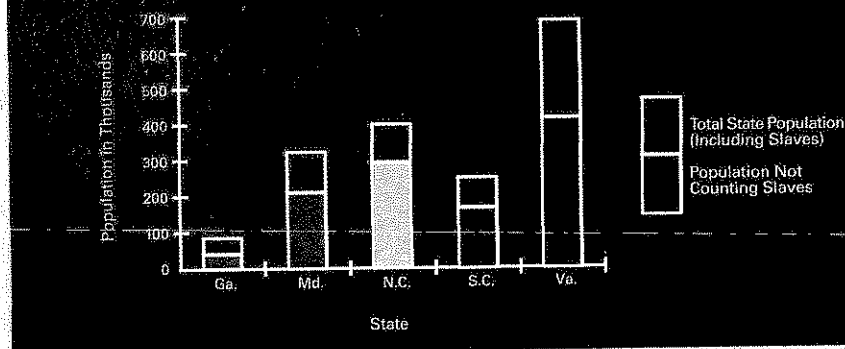
"Blacks are property and are used to the southward as horses and cattle to the northward," argued Elbridge Gerry of Massachusetts. Most northern delegates agreed. Slaves should be counted only as property that could be taxed like any other property. If slaves were to be counted as people in determining representation in Congress, said Morris, "then make them citizens and let them vote."

New Thinking on Slavery This argument signaled a growing division over slavery among white Americans. As you read in Chapter 7, the Declaration of Independence and the Revolutionary War forced many whites to reexamine their views on slavery. Some became active in trying to end what they now saw as a great evil. Benjamin Franklin, for example, became president of an antislavery society in 1787. In the North, this new thinking led one state after another to pass laws ending slavery.

Although many southerners were uneasy about slavery, they were not yet ready to abolish it. The South's economy was still too dependent on the labor of enslaved African Americans. But some southern states did pass laws making it easier for owners to free their slaves.

The question facing the framers was how far they could take this new thinking in a nation that was becoming half-slave and half-free.

Comparative Population Counts for Southern States, 1790



How would representatives from the states shown in this chart want slaves to be counted? Would they want slaves to be counted as population for determining representation in Congress, or would they want slaves to be counted as property that could be taxed?

8.8 Resolution: The Three-Fifths Compromise

After a bitter debate, Madison proposed a compromise. Count each slave as three fifths of a person, he suggested, when determining a state's population. The delegates approved this idea, known as the *three-fifths compromise*.

The three-fifths compromise made a mockery of the statement in the Declaration of Independence that "all men are created equal." Still, the delegates adopted the compromise because it seemed the only way to keep the convention moving forward.

The Slave Trade A dispute over trade raised another question about slavery. To help business in the North, northern delegates favored giving Congress broad power to control trade between the states and other countries. This proposal made southern delegates nervous. They worried that Congress might try to tax southern export crops such as rice and tobacco. Southerners also worried that Congress would use its power over trade to outlaw the slave trade—the importing of slaves from Africa.

Southerners had reason to be fearful. By 1787, several states had outlawed the slave trade within their boundaries. And a majority of the convention's delegates favored ending the slave trade completely.

South Carolina and Georgia, however, objected that their economies

would collapse without a constant supply of fresh slaves. Neither state would agree to any constitution that threatened the slave trade.

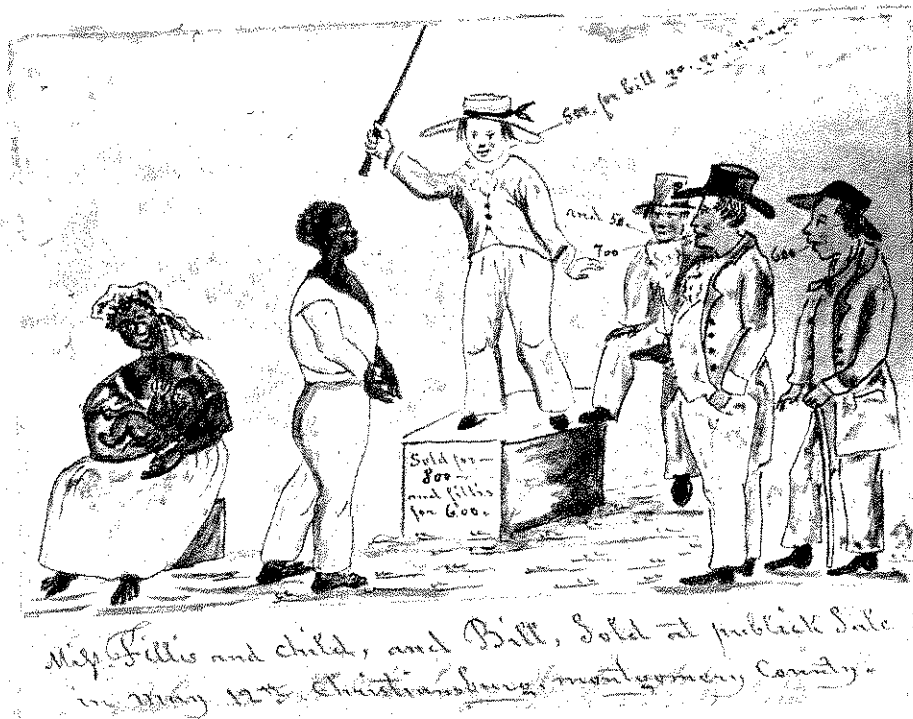
Again, the delegates settled on a compromise. Congress would have the power to control trade, but with two limitations. First, Congress could not place any tax on exports going to other countries. Second, Congress could not interfere with the slave trade for 20 years, or until 1808.

To satisfy southerners, the delegates also agreed to a provision known as the "fugitive slave clause." This clause said that escaped slaves had to be

returned to their owners, even if they were caught in a free state.

Without such compromises, the states might never have come together in a single union. Still, the compromises only postponed the day when Americans would have to resolve the terrible contradiction between slavery and the ideals of liberty and equality. Meanwhile, generations of African Americans would spend their lives in bondage.

Northern and southern delegates agreed to a compromise regarding the slave trade. Congress could control trade but could not tax exports or interfere with the slave trade for 20 years.



8.9 Issue: How Should the Chief Executive Be Elected?

Another major question facing the delegates concerned who would head the new government's executive branch. Early in the convention, Charles Pinckney urged the creation of a "vigorous executive." James Wilson followed with a proposal that a single person serve as the chief executive.

A sudden silence fell over the convention. A single executive? Just the words brought to mind unhappy memories of King George III.

Wilson broke the silence by explaining that good government depends on clear, timely, and responsible leadership. Such leadership, he said, is most likely to be found in a single person.

One Executive or Three? Edmund Randolph of Virginia disliked this proposal. He preferred a three-member executive drawn from different parts of the country. Three people, he argued, could lead the country better than one.

Benjamin Franklin opposed a single executive for different reasons. "The first man put at the helm will be a good one," said Franklin, thinking of George Washington. "Nobody knows what sort may come afterwards." The next chief executive, he warned, might be overly ambitious or too "fond of war."

In spite of these objections, the framers agreed to a single executive, to be called the *president*. To keep this leader from becoming too kinglike, they limited the president's term to four years. A vice president was also to be elected to fill that term if the president died in office.

Choosing the Chief Executive Equally troubling was the issue of how to choose the chief executive. Some delegates wanted Congress to appoint the president. Gouverneur Morris objected. The president "must not be made a flunky of the Congress," he argued. "It must not be able to say to him: 'You owe your appointment to us.'"

Several delegates thought that the people should elect the president. Madison, however, argued that voters would naturally vote for someone from their own state. As a result, this method would not be fair to candidates from small states.

Still others suggested that the president be elected by a specially chosen group of "electors" from each state. Such a group, they felt, would be able to look beyond state interests to make a wise choice for the entire country.



Many delegates felt that ordinary citizens, such as those pictured above, were not suited to elect the president. Roger Sherman stated, "The people should have as little to do as may be about the government. They want information, and are constantly liable to be misled."

8.10 Resolution: The Electoral College

Electoral College The group established by the Constitution to elect the president and vice president. Voters in each state choose their electors.

After some 60 votes on the issue of how to elect the president, the framers reached another compromise. Neither Congress nor the people, they decided, should choose the president and vice president. Instead, a special body called the **Electoral College** would elect the government's leaders.

The Electoral College System The Electoral College is made up of electors who cast votes to elect the president and vice president every four years. Each state has as many electors in the Electoral College as the number of senators and representatives it sends to Congress.

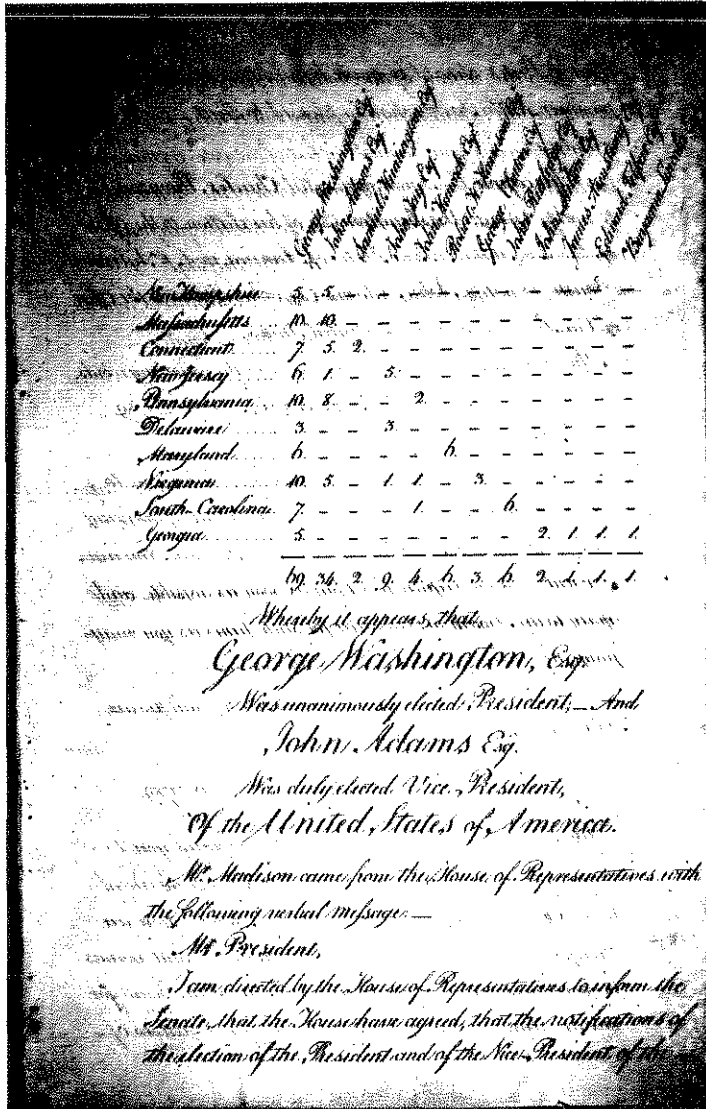
The delegates left the method of choosing electors up to each state. Before 1820, state legislatures chose electors in most states. Today, the people choose their state's electors when they vote in presidential elections. The electors then cast their ballots for president and vice president on a date chosen by Congress.

Originally, the electors voted for two candidates without saying which one they preferred for president or vice president. The candidate receiving the most votes became president. The runner-up became vice president. As you will read in Chapter 11, this system caused great confusion in the election of 1800 and was later changed.

Political Parties and Elections The Electoral College system looks very odd to most Americans today. In our age of instant communication, it is hard to appreciate the framers' concern that voters would not know enough about candidates outside their own state to choose a president wisely.

The delegates could not have predicted how quickly communications would improve in the United States. Nor could they foresee the rise of national political parties. Within a few years of the convention, political parties were nominating candidates for president and educating voters in every state about those candidates.

The Electoral College system still affects presidential elections today. In most states, the candidate who gets the most votes—even if less than a majority—gets all of that state's electoral votes. As a result, a candidate can win a majority in the Electoral College without necessarily winning a majority of the votes cast across the country. In fact, in the election of 2000, George W. Bush won the presidency over Al Gore, even though more voters nationally chose Gore.



This is a copy of the Electoral College vote for the election of 1789. At that time, which states had the most electoral votes?

8.11 The Convention Ends

By the end of summer, the hard work of designing the Constitution was finished. But the new plan still had to be accepted by the states.

ratify To formally approve a plan or an agreement. The process of approval is called *ratification*.

Approving the Constitution The first question was how many states would have to **ratify**, or approve, the Constitution before it could go into effect. Should ratification require approval by all 13 states? By a majority of 7 states? The framers compromised on 9 states.

The second question was who should ratify the Constitution—the people, or state legislatures? Ratification by state legislatures would be faster and easier. Madison, however, argued strongly that the people were “the fountain of all power” and should decide. The majority of delegates agreed. The Constitution would be ratified at special conventions by delegates elected by the people in each state.

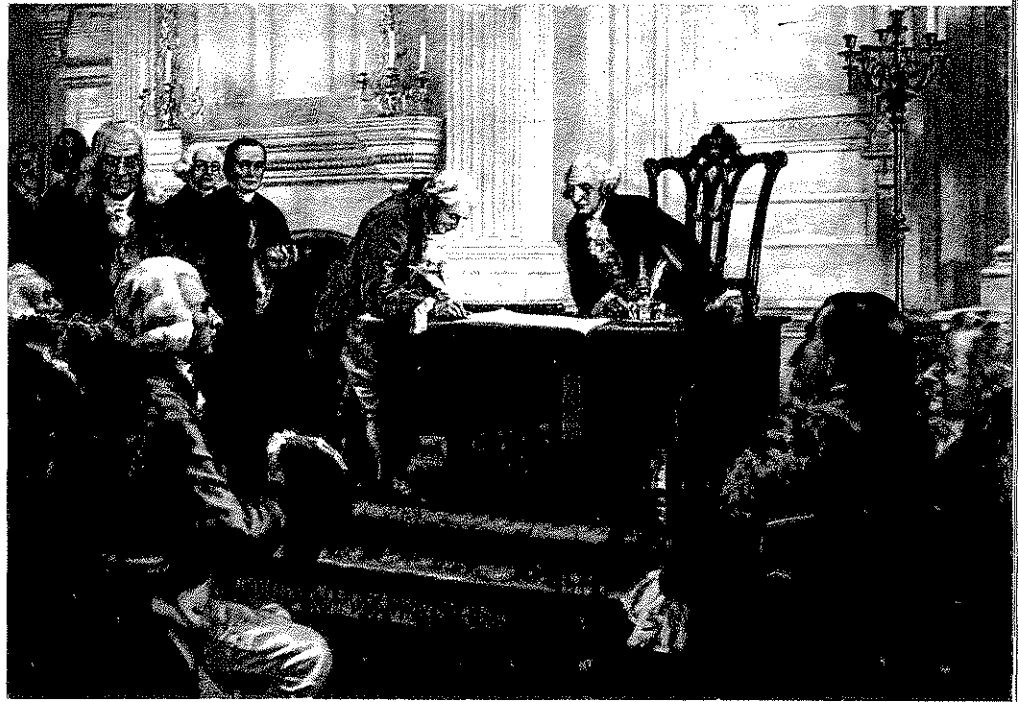
Signing the Constitution

On September 17, 1787, the delegates declared the Constitution complete. As this last meeting began, Franklin shared his final thoughts, which would be printed in more than 50 newspapers.

“I confess that I do not entirely approve of this Constitution,” he began. But no convention could produce a perfect plan. “It therefore astonishes me,” he continued, “to find this system approaching so near to perfect... and I think it will astonish our enemies.” Franklin added that he approved the final plan “because I expect no better, and because I am not sure that it is not the best.” He urged “every member of the convention” to “put his name to this instrument.”

Not everyone was won over by Franklin’s words. Fourteen delegates left the convention before it ended, and three other doubters—Edmund Randolph and George Mason of Virginia, and Elbridge Gerry of Massachusetts—did not sign the Constitution either. Mason felt it gave too much power to the national government. Gerry refused to sign because he believed the new plan did not protect the rights of the people.

When the signing was over, Franklin confessed that he had often looked at the sun carved on the back of George Washington’s chair and wondered whether it was about to rise or set. “But now,” he said, “I have the happiness to know that it is a rising and not a setting sun.” A new day was dawning for the United States.



Only 38 of the original 55 delegates signed the Constitution on September 17, 1787. Fourteen delegates had returned home before the conclusion of the convention, and three others also refused to sign.