The Constitutional Convention was a large meeting held in Philadelphia, Pennsylvania at Independence Hall from May of 1787 to Sept. to 1787 where 55 delegates representing their states.

• They came to revise, change or throw out the AOC and write a new Constitution.
GOAL of the Constitutional Convention was how to create a government that did not resemble King George but create a govt. that was powerful enough

• to tax
• to regulate trade
• to protect private property
• to enforce its laws

without taking away the rights that were fought for in the American Revolution?

Many Representatives (delegates) believed the AOC was too weak to solve the problems of the US and “mobocracy”.

• The decision was scrap the AOC and start over.

“Framers” who wrote the Constitution.

- President of Convention 
  George Washington

- Father Figure 
  Ben Franklin

- Father of Constitution 
  James Madison

Framers of the Constitution

- Republicans opposed any centralization of power.
- Federalists favored a stronger government. However, there was no agreement among the Federalists concerning the structure and division of power for this new government.
“The writing of the Constitution formed a task more difficult than can be well conceived by those who were not concerned in the execution of it. Adding to the difficulty the natural diversity of human opinions on all new and complicated subjects, it is impossible to consider the degree of concord which ultimately prevailed as less than a miracle.”

- Father of the Constitution and the Bill of Rights
- Believed in a strong central government
- Wrote part of The Federalist
- Would become our 4th president
Who wasn't invited to the Convention

Class Discussion

Who was not in the room?

How might that have changed things?

What influence did the Declaration of Independence and Articles have on the discussion?

First major argument between the delegates was over how many representatives each state would have in Congress.

What type of Congress should we have?

Large states (Massachusetts and Virginia) believed the more population, the more representatives in Congress.

Small states (New Jersey and Connecticut) believed each state should have equal representation.

LEGISLATIVE BRANCH

Statistics From the 1790 Census

<table>
<thead>
<tr>
<th>State</th>
<th>Population</th>
<th>Total Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Hampshire</td>
<td>141,865</td>
<td>1,796,975</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>278,675</td>
<td>4,027,905</td>
</tr>
<tr>
<td>Connecticut</td>
<td>227,586</td>
<td>1,547,797</td>
</tr>
<tr>
<td>North Carolina</td>
<td>250,520</td>
<td>1,808,719</td>
</tr>
<tr>
<td>South Carolina</td>
<td>249,073</td>
<td>1,207,361</td>
</tr>
<tr>
<td>Georgia</td>
<td>322,248</td>
<td>2,255,264</td>
</tr>
<tr>
<td>Total Population</td>
<td>3,351,906</td>
<td>2,531,664</td>
</tr>
</tbody>
</table>

VIRGINIA PLAN

James Madison

Bicameral Legislature

Based on Population

New Jersey Plan

William Paterson

Unicameral Legislature

One vote per state
Issues of representative government would be argued at Constitutional Convention

**Virginia Plan** proposed by the larger states
- Establish a national government with 3 branches.
- Establish a bicameral Congress.
  - People elect 1 house
  - That house elects 2nd house
- Representation in both houses based on state population

**New Jersey plan** proposed by small states
- Establish a unicameral Congress
  - Each state to have 1 vote
  - Equal representation
- States equally represented similar to the Articles of Confederation

**Virginia Plan vs. New Jersey Plan**

**People to elect their representatives.**
- 2 houses of Congress
- Bicameral

**2nd major argument between the delegates** was how to create an executive (president) which didn’t resemble King George III
- How would he/she be chosen?

**Created an Electoral College**
- Placed a “check and balance” on the people’s vote but tried to keep “representative democracy” in principle.
Historical Background

1. Why was the Electoral College created by the Framers?
   - Created as an alternative to either popular election or Congress electing the President.
   - Each state chose electors—based on the number of representatives each state has in Congress.

2. Electoral vote was state to state—each elector voted for two candidates. One vote per candidate.
   - Electors vote with the "will" of the people from the state they represented—*not* required.
   - Candidate with the most votes became President; runner-up became Vice President.

3. In case of a tie, the House of Representatives elected the President.
To what extent was the United States Constitution a total departure from the Articles of Confederation.

The Madisonian Model

- **Separation of Powers.** The legislative, executive, and judicial powers to be independent of each other.
- **Checks and Balances.** Government had considerably more power than under the Articles of Confederation. However, these men were distrustful of those who would hold this power and of the people who would select the governmental officials.

The Congress is the legislative branch, which makes the law; the President is the executive branch, which carries out the law; and the Supreme Court is the judicial branch, which interprets the law.

**Legislative Checks on Executive**
- Override a veto
- Declare war
- Impeachment

**Executive Checks on Legislative**
- Veto a law
- Ask for war
- Propose laws
- On Judicial
- Appoint judges

**Judicial Checks on Executive and Legislative**
- Declare an act of President or law of Congress unconstitutional
- Appointed for life

3 Branches are separate, have different powers, co-equal and checks and balances on one another to make sure one branch does not get too powerful.

- 3rd major argument between the delegates was how to limit the power of government.
- But, give it enough power to be effective.

Created a system of government

- Separated the powers of government into 3 branches that are co-equal but independent from one another.
- To make sure one branch didn’t become too powerful they created a system of checks and balances.
The 4th major argument between the delegates was over slavery.

- Southern states wanted their slaves to be counted as part of their population because it would give them more representation in Congress.
- Northern states wanted to abolish slavery.
  - Southern States would have left the Constitutional Convention if there was an attempt to abolish slavery.
  - North and South worked out 2 compromises.

- Northern states objected to the South’s proposal and would only agree to compromise.
  - 3 of every 5 slaves would be counted as part of a state’s total population.
  - It was supported by both North and South.

3/5’s Compromise

**Question:**

Should slaves be counted for purposes of representation in the lower house of Congress?

Consider the interests of your assigned state when answering.

**Answer:**

- Southern states wanted their slaves to be counted as part of the total population of their state.
  - Why?
    - This would give them more representatives in Congress.
  - Thus giving them more voting power in Congress and protecting their self-interest of slavery.
3/5's Compromise

- Northern states agreed to the 3/5's Compromise only if the South abolished the Slave Trade by 1807....
- Agreement was made....North was hoping slavery would eventually fade away and die out.
- This was their step towards abolishing slavery.

Georgia's Population

<table>
<thead>
<tr>
<th>White</th>
<th>300,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Slaves</td>
<td>100,000</td>
</tr>
<tr>
<td>(3/5's of 100,000)</td>
<td></td>
</tr>
<tr>
<td>3/5's of 100,000 = 60,000</td>
<td></td>
</tr>
<tr>
<td>300,000 + 60,000 = Total Population = 360,000</td>
<td></td>
</tr>
</tbody>
</table>

which would be counted towards representation in Congress.

- Law created at the Constitutional Convention in 1787.
- Escaped slaves captured had to be returned to their plantation owner.
- Not enforced in North and led to the creation of the Underground Railroad.
- Southerners would become bitter and ultimately left the US.

Framers created a Federal Government

- Fifth major argument between the delegates was how to solve the problem over the states having more power than the national government.
- Divided the powers of government on a geographic basis.
- They created 3 levels of government.
- National, state and local

Federal Government

- Supreme law of the land....
- US Constitution is over all levels of government.
- National Government is over the States.

Powers of government are divided between a National, state and local governments.

Powers of government are shared by all levels.
Supreme law of the land….
- It is above all levels of government and no act, law or public policy can be in conflict with it.
- National Government is over the States.

New Constitution gave the National Govt. 60% of governmental powers. National Govt. was over the states…..

With the new constitution, the National Government was given the power to tax, regulate trade, enforce its laws and over the states. National Govt. law would always be over the states.

The New Constitution corrected the weaknesses of the Articles of Confederation by giving the national government more power than the states with the ability to tax, regulate trade and enforce its laws.

**Articles of Confederation**
- States have most of the power and national govt. has little.
- No executive to carry out the laws of Congress
- No national courts—only state courts
- 9/13 states have to approve a law before it goes into effect
- Congress has no power to tax
- Congress can not regulate trade among the states.
- Each state coined its own money.
- No national currency.
- Unicameral Congress
- Articles only a "firm league of friendship"

**US Constitution**
- States have some power, but most power is given to the national govt.
  - Federal Government
  - Electoral College
  - 3 branches of govt.
  - Executive—enforces law
  - Legislative—makes law
  - Judicial—interprets law
- Checks and balances
- Congress given the power to tax, regulate trade and enforce laws.
- Only national govt. has the power to coin money
- Bicameral (2 house) Congress
- Equal Representation by States and a State's population
- Constitution established a strong National Govt. over the States and to form a more "perfect union"

**Table: How the Weaknesses of the Articles of Confederation Were Corrected by the Constitution**

<table>
<thead>
<tr>
<th>Articles of Confederation</th>
<th>US Constitution</th>
<th>Constitution</th>
</tr>
</thead>
<tbody>
<tr>
<td>States have most of the power and national govt. has little.</td>
<td>States have some power, but most power is given to the national govt.</td>
<td>A More Perfect UNION</td>
</tr>
<tr>
<td>No executive to carry out the laws of Congress</td>
<td>Federal Government</td>
<td>A Firm League of Friendship</td>
</tr>
<tr>
<td>No national courts—only state courts</td>
<td>Electoral College</td>
<td>States</td>
</tr>
<tr>
<td>9/13 states have to approve a law before it goes into effect</td>
<td>3 branches of govt.</td>
<td>Shared</td>
</tr>
<tr>
<td>Congress has no power to tax</td>
<td>Executive—enforces law</td>
<td>Proportional (House) Equal (Senate)</td>
</tr>
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<td>Congress can not regulate trade among the states.</td>
<td>Legislative—makes law</td>
<td>State &amp; Federal</td>
</tr>
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<td></td>
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<td>Checks and balances</td>
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<td></td>
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<td></td>
</tr>
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</table>

**Breakdown of Powers in a Federal System**
- **Delegated**
  - Powers given to national govt
  - Power to tax
  - Make treaties
  - Coin money
  - Establish Post Offices
  - Raise a military
  - Declare war
  - Admit new states
  - Build dams
  - Interstate highways
  - Fund NASA
  - Regulate naturalization
  - Establish courts
  - Recognize new countries
  - Copyright/Patents
  - Weights/measurements
  - Prohibit racism
  - Regulate commerce

- **Concurrent**
  - Powers shared by all 3 levels
  - Make/enforce laws
  - Maintain courts
  - Collect taxes
  - Charter banks
  - Protect welfare of people
  - Call out the militia

- **Reserved**
  - Powers given only in the states
  - Provide for education
  - Establish local govts
  - Conduct elections
  - Protect public safety
  - Build state highways
  - Raise a state militia
  - Issue licenses
  - Incorporate businesses
  - Regulate trade in state
  - Regulate drinking age
  - Set speed limit
  - Create countisies
  - Decide death penalty
  - Marriage definition
  - Medicinal marijuana

**How the Weaknesses of the Articles of Confederation Were Corrected by the Constitution**

- Federalism
- Sovereignty
- Representation of States
- Taxation
- Powers of Congress
- Legislation
- Amendments

**US Constitution**
- 2 houses of Congress
- Power to tax
- Regulate trade
- President
- Supreme court
- 2/3's of states needed
- New Constitution makes law
- A more perfect Union

**New Constitution Ratified in 1789**
- 2 houses of Congress
- Power to tax
- Regulate trade
- President
- Supreme court
- 2/3 Congress + 3/4 States
- A more perfect Union
Facts

• In order to ratify or approve the Constitution, the Framers voted to send it to the states to ratify. 9 of the 13 states needed to ratify.

• The vote was 39 supporting the Constitution (Federalists) and 16 opposing the Constitution (Anti-Federalists)

• Would later agree to a Bill of Rights

Factions Among Delegates

The beliefs of the delegates ranged from the near-monarchism of Hamilton to definite decentralized republicanism. Some of these last people left when they saw the federalist tenor of the proceedings.

Rise of Political Parties

Federalists

• A strong national govt over the states was needed to protect life, liberty, property and the pursuit of happiness

• Constitution was a “sound” document which “limited” the power of the national govt.

• Gave it power to settle problems within the country.

• Representative democracy is what the constitution was built on and stated in the Preamble, We the People.

• Appealed to more the wealthy, business owners and educated.

• George Washington
• Ben Franklin,
• John Adams,
• James Madison
• Alexander Hamilton

Anti-Federalists

• The national govt was too powerful and it would take away your right to life, liberty, property and the pursuit of happiness

• The constitution was a threat to the “rights” we fought for in the Revolution

• States” should have more authority than the national govt.

• Feared representative democracy was threatened because our rights were not protected.

• Appealed to the common man, farmers and less educated

• Patrick Henry
• Thomas Jefferson
• Sam Adams

Ratification

- The Federalist Papers
  • An attempt to persuade the public to support the new form of government.
  • Federalist #10 and Federalist #51 provide an excellent view of James Madison’s political theory concerning human nature.
### Ratification

In order for the new Constitution to become the “law of the land”, 9 of 13 states had to ratify the Constitution.

1. Delaware 30 – 0
2. Pennsylvania 46 – 23
3. New Jersey 38 – 0
4. Georgia 26 – 0
5. Connecticut 128 – 40
6. Massachusetts 187 – 168
7. Maryland 63 – 11
8. South Carolina 149 – 73
9. New Hampshire 57 – 47
10. Virginia 89 – 79
11. New York 30 – 27
13. Rhode Island 34 – 22

### Support for the New Constitution

- **Beard’s Thesis.** Historian Charles Beard argued that the Constitution was put through by an undemocratic elite intent on the protection of property.
- **State Ratifying Conventions.** These conventions were elected by a strikingly small part of the total population.
- **Support Was Probably Widespread.** Still, the defense of property was a value that was by no means limited to the elite. The belief that the government under the Articles was dangerously weak was widespread.

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### United States Constitution

**Supreme Law of the Land**

It represents our belief in:
- Power of govt. comes from the people
- Government power is limited
- Ordered, organized and structured govt.
- Representative democracy
- Written, May 1787 to Sept. 1787
- 7,000 words
- Longest lasting constitution in history
- Greatest symbol of democracy in the world

### Preamble

**WE THE PEOPLE**

of the United States,

- in order to form a more perfect Union
- establish Justice
- ensure domestic Tranquility
- provide for the common defense
- promote the general welfare
- and secure the Blessings of Liberty to ourselves and our Posterity

*do ordain and establish this Constitution for the United States of America.*

### Article 1

**Legislative Branch**

Makes the law

- Section 1--House of Representatives and Senate
- Section 2 & 3---Qualifications for Congress
- Section 4---Elections and Meetings
- Section 5---Rules of Order
- Section 6---Pay Privileges
- Section 7---How Bills Become Laws
- Section 8---Powers of Congress
- Section 9---Powers Denied to Congress
- Section 10---Powers Denied to States

### Powers of Congress

**Article 1 Section 8**

- Makes the law
- Power to tax
- To coin money
- Regulate foreign and interstate trade
- Raise and maintain armed forces
- Declare war
- Grant patents and copyrights
- Building hydroelectric dams
- Interstate highway system
- Prohibit racial discrimination
Article 2
Executive Branch
Signs, carries out or executes the law into action
• Section 1---Qualifications of President & Vice President
• Section 2---Presidential Powers
• Section 3---Presidential Duties
• Section 4---Impeachment

Article 2
Executive Power
• Signs or enforces the law
  • Veto power
• Commander in Chief
• Ask for a declaration of war
• Enter into a treaty
• Grants pardons and reprieves
• Appoints ambassadors, judges, and cabinet
• Call a special session of Congress

Article 3
Judicial Branch
Interprets the law (constitution)
• Section 1---Qualifications of Judges
• Section 2---Jurisdiction of Courts
• Section 3---Treason

Judicial Branch
Interprets the law (constitution)
**Article 4**

Concerning the States

- Section 1—rights and duties of states
- Section 2—rights and liabilities of citizens
- Section 3—admitting new states
- Section 4—guarantee to states

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**Article 5**

Amending the Constitution—adding on or changing the Constitution—27 Amendments

**Article 6**

Constitution, law of the land.....Supremacy Clause

**Article 7**

Ratification of Constitution by 9 states

---

The Bill of Rights

- A “Bill of Limits.” The package was assembled by Madison, who culled through almost two hundred state suggestions.
- No explicit limits on state government powers.
- Did not apply to state governments. The restrictions only were applicable to the national government until the 14th amendment incorporated some of these rights.

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The Formal Amendment Process

- Every government needs to be able to cope with any new and unforeseen problem. Any Constitutional change should, however, be taken on with extreme caution. If the process to amend the Constitution is rigorous, there should be ample time to consider the merits of such a change.
Amending the Constitution

- Although 11,000 amendments have been considered by Congress, only 33 have been submitted to the states after being approved, and only 27 have been ratified since 1789.
- Recent amendments have usually been accompanied by time limits for ratification.
- The National Convention Provision. Such a convention could be called and could rewrite the entire Constitution. The product of such a convention, however, would have to be ratified by the states in the same way as any amendment.
Informal Methods of Constitutional Change

- Congressional Legislation
- Presidential Action
- Judicial Review
- Interpretation, Custom, and Usage

Questions for Critical Thinking

- Why did the British place restrictions on the colonies?
- How was the term "people," as used in the Declaration of Independence, defined? Did the members of the Second Continental Congress mean all people? What about the rights of women? Native Americans? Slaves?

Questions for Critical Thinking

- What would have occurred if one or more of the states had rejected the Constitution? Could a single state have managed to survive outside the union of states?
- What do you believe Madison would think about interest groups in modern society?