US History – The Constitutional Convention

When the Thirteen Original Colonies gained their independence from Great Britain, they were governed by the Articles of Confederation. The Articles of Confederation loosely unified the states under a single government body called the Confederation Congress. There were no separate branches of government and Congress had only limited powers. After fighting to free themselves from Britain’s domineering rule, the states did not want to create a new government that might become tyrannical. The government created by the Articles, however, was very weak. Congress had no power to raise taxes or control trade, so the economy was very weak and the new nation was heavily in debt. Congress could not create an army or enforce treaties, which left the new nation open to threats from foreign nations. Every state, regardless of its size, got one vote and any amendments or changes to the Articles required a unanimous vote from the states. The new government could not even print a standard currency for the entire nation. As the weaknesses of the Confederation Congress became clear, people began to call for a stronger central government. In May 1787, every state except Rhode Island sent delegates to Philadelphia to revise the Articles of Confederation. The delegates quickly decided to abandon the Articles and write a brand new framework of government – a new Constitution. Their meeting is therefore known as the Constitutional Convention.

At the Constitutional Convention, there were two main plans put forward to reorganize the national government. The Virginia Plan, written mainly by James Madison, called for a government of three branches. The legislative branch would make laws, the executive branch would carry out the laws, and the judicial branch would interpret the laws. Under the Virginia Plan, the new government would have a bicameral or two-house legislature. The Virginia Plan proposed that representation in both houses should be based on the population of each state. This would give the more populous states more representatives, and thus more influence, than states with smaller populations. William Patterson of New Jersey introduced an alternative approach. The New Jersey Plan would have created a somewhat more powerful national government with a unicameral, or one-house, legislature in which all states had equal representation. Delegates from the smaller states welcomed the New Jersey Plan. For almost a month, the delegates at the Constitutional Convention debated the two plans point by point. They continued to argue about the critical issue of representation in Congress. The debate grew so heated at times that some delegates threatened to walk out.

Finally, Roger Sherman of Connecticut proposed a compromise designed to satisfy both sides. His plan called for a bicameral legislature with a different form of representation in each house. In the Senate, states would have equal representation. In the House of Representatives, states would have representation based on their population. Sherman’s plan, known as the Great Compromise, resolved the thorny issue of representation in Congress and allowed the convention to move forward.

Other issues also divided the delegates. Those from northern states differed sharply with those from southern states on the question of slavery. Many northern delegates wanted the constitution to include a provision abolishing slavery. But most southerners opposed ending a system of labor on which their agricultural economy depended. These differences over slavery spilled over into debates on representation and taxes. Since most slaves lived in the South, delegates from the South wanted slaves to be counted when determining representation in the House of Representatives. Yet they did not want slaves counted when determining each state’s share of taxes to support the national government. In contrast, delegates from the North wanted slaves to be counted for taxation, but not when determining representation. After much debate, the delegates reached another important compromise. For purposes of both representation and taxation, a slave was to be counted as three-fifths of all “free persons.” The Three-Fifths Compromise helped hold the new nation together. However, by treating a slave as less than a free person, this provision contradicted the basic ideal of equality set forth in the Declaration of Independence. This contradiction between democratic ideals and the cruel inequality of slavery would haunt the nation for decades to come and would eventually result in the Civil War.

The framer’s main goal in crafting the Constitution was to create a system of limited government. They knew that absolute power often leads to the abuse of rights. On the other hand, they also knew that a lack of governmental power could result in chaos and instability. The framers tried to make sure that the Constitution gave the government enough power to ensure peace and order, but not so much power that its power went unchecked.

One principle that lies at the heart of democratic rule is popular sovereignty. Popular sovereignty means that political power comes not from the government or its leaders, but from the people. The framers understood that making the people the ultimate source of power is the best assurance that government will act in the people’s interest. For example, the President and all members of Congress are elected by the people. This principle is also found in the opening phrase of the Preamble: “We the people.”

The Constitution would also divide power in the national government among the three separate branches. This separation of powers was a key component in the framers’ vision of a limited government. In the framers’ view, separating the powers of government among the three branches would insure that no one branch would dominate. The framers took this principle a step further by inserting provisions into the Constitution that would allow each branch to check, or limit, the power of each of the other branches. This system of checks and balances can be seen in many parts of the Constitution. For example, the president has the power to make treaties, however such treaties must be approved by a two-thirds vote of the Senate to take effect. In this way, the Senate can check the power of the President. Another clause establishes the president’s veto power over bills passed by Congress. It says that the president can refuse to sign a bill and instead send it back to Congress. The clause goes on to say, however, that if Congress passes the bill again by a two-thirds majority, it becomes law without the president’s signature, thus checking the president’s veto power.

The Constitution also divided power between the central government and the various state governments in a system of federalism. In creating a system of federalism, the Constitution also created three types of power: delegated, reserved, and concurrent. Delegated powers are those powers granted to the national government. Delegated powers include regulating immigration, making treaties, and declaring war. Reserved powers are those powers kept by the states. Reserved powers allow states to set marriage a divorce laws, issue driver’s licenses, and establish schools, among many other things. Concurrent powers are those that are shared by the federal and state governments. Examples of concurrent powers include taxation and law enforcement.

Finally, our Constitution seeks to limit the power of government by including specific protections for individual rights. The debate over individual rights played a major role in the struggle to ratify the Constitution. The Anti-Federalists argued that the Constitution did not offer adequate protection for individual rights. The Bill of Rights was added to address their concerns. Individual rights receive their broadest protection under the First Amendment, which protects the rights of individuals to speak their minds and act on their beliefs without fear of arrest or persecution by the government. In addition, the Bill of Rights protects other basic rights such as trial by jury, due process of law, and the right to bear arms.