

# Compromises: Creating the U.S. Constitution

It was the summer of 1787, and things were rather troublesome. Shays' Rebellion, taxing problems, and other issues made people realize that the Articles of Confederation were just not working. Plus, the states really weren't unified; George Washington described the connection among the states as a "rope of sand" (and that wasn't a compliment). People started calling for change, and it was decided that something had to be done. The Articles of Confederation had to be fixed. Therefore, a convention was called in Philadelphia for May 1787.

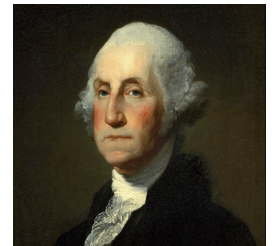


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Every state except Rhode Island sent representation to the Constitutional Convention. Fifty-five delegates, some of America's great early leaders, came together for this meeting. George Washington, Alexander Hamilton, Benjamin Franklin, and James Madison were among the most famous. Even though George Washington originally wasn't planning on attending, he played a key role in the process since he was selected to be the president of the convention. James Madison also played a critical role; he took copious notes, and he was one of the key writers of what would become the Constitution (definition: a document stating the laws and plan of a government).



<http://www.historicaldocuments.com/BenjaminFranklinAutobiography.jpg>



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Yet, that was the irony about this convention. The people who attended thought they were just fixing up the Articles of Confederation. However, it was soon clear that it would be better to discard that old document and generate something new.

Once that was determined, these leaders had critical decisions to make. They had recently fought in the American Revolution, which freed the U.S. government from British control. The Articles of Confederation were designed in such a way to avoid the type of government/ruling the Americans disliked; yet, it was almost an over-compensation because, instead of being a success, the system was full of weaknesses. Now the question was how to design a new government that could be strong enough to stand on its own while not being too powerful.

One thing everyone seemed to agree on was that there should be three branches of government. The legislative branch, which is Congress, would write and vote on the laws of the country. The executive branch, which includes the president, would ensure the laws were enforced. The judicial branch, which is the court system, would interpret the laws. This structure automatically solved some of the problems in the Articles of Confederation.

The founders also made sure each branch would keep the other branches in check/control. For example, if the lawmakers in Congress voted to create a new law, the president in the executive branch would have the power to veto, or reject, that law. In addition, the Supreme Court could say a law is unconstitutional, meaning that it goes against/ does not follow the Constitution. If

that is the case, then the law could no longer be in effect. The founders also put in more checks and balances to make sure one branch wouldn't become too powerful.

However, there were two significant problems still to solve. One was about representation. How many people would represent each state? Three plans were proposed to solve this question.

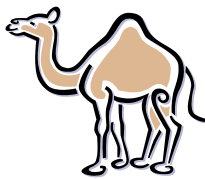


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James Madison represented the state of Virginia; his idea for the new government was called the Virginia Plan. In his plan, he called for a strong national government, one that would have more power over the states. Madison also wanted the Congress to be bicameral (aka two houses/groups in Congress); one would be called the Senate and the other the House of Representatives. Madison wanted the representation in Congress to be based on a state's population and how much money it could give the government. In other words, the more people a state had, the more say it would have in government decisions.



Madison's Virginia Plan was creative, but it had a problem. It really only made big states happy. Under Madison's plan, small states would hardly have a voice and they would lose a bunch of power. There was no way this plan would be accepted by states with smaller populations.



The small states realized they had to come up with their own plan. Therefore, the New Jersey Plan was introduced by William Paterson from New Jersey. Under this plan, the Congress was not split into a Senate and a House. It would be unicameral, with only one group of lawmakers, and each state would have one vote. This meant that all states would be represented equally and that the small states wouldn't lose their power. It also offered some ways to fix some of

the other issues in the Articles of Confederation. However, it wasn't good enough; this plan's problem was that the large states would never agree to it. In this plan, the large states felt like the small states would have too much of a voice.

After more debate, a new plan was finally offered by delegates from Connecticut. Roger Sherman from Connecticut is often given credit for the Connecticut Compromise, which is also known as the Great Compromise. This plan mixed the Virginia Plan with the New Jersey Plan. In the Great Compromise, there was a bicameral Congress, with a Senate and a House of Representatives. The Senate would have two people serving from each state, no matter the state's size; this pleased the small states. Meanwhile, the House of Representatives would have different numbers of representatives from each state. These numbers would depend on the state's total population; this would satisfy the large states.

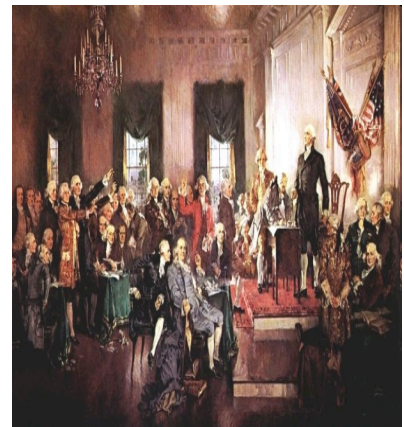
Though that problem was now solved, there was another situation to deal with: slavery. What is curious, though, is that the word "slavery" never shows up in the Constitution. References to the institution are made but never the word itself or a variation thereof.

Some delegates considered slavery to be evil and wanted to make it illegal. Other states, mostly in the South, depended on slavery for their economy. Many Southern delegates said they would leave the convention if anyone tried to abolish slavery in the new government. Not wanting to

risk the entire convention and miss the chance of forming a new government, the delegates agreed to keep slavery in states that already had it. In fact, it was determined that the slave trade could not even be dealt with again at the national level until 1808 (Article I, Section 9, Clause 1: “The Migration or Importation of *such Persons* as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or duty may be imposed on *such Importation* not exceeding ten dollars for each *Person*.”). (Though not italicized in the original, those words refer to slaves; also, “person” was used, though these individuals were considered property by their owners.)

Another disturbing agreement was the “three-fifths compromise.” Slave owners wanted their slaves to be counted as part of the state’s population. A higher state population meant more power in government. So, the slave states and free states came up with a formula; in the government’s population count, a slave would be counted as three-fifths of a person. This meant that for every five slaves, three would be counted towards the population. In the explanation of how the number of each state’s representatives would be determined (Article I, Section 2, Clause 3), it states, “Representatives... shall be determined by adding to the whole number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, *three fifths of all other Persons*”. Again, this portion in italics is a reference to slaves. Yet, this was a horrible way to look at things. Not only were these slaves not truly counted as full people, but they had absolutely no vote, no power, and no ability to be part of the new government.

After many debates, almost all delegates signed the proposed Constitution. This small group of national leaders had created an important new system of government. It wasn’t perfect, and changes have been made to it over the years, but to this day, it is the longest-lasting written constitution in world history. In a way, the whole thing was like the story of Goldilocks. The way the British had ruled was too harsh, and the Articles of Confederation were too weak, so the Constitution – even with its flaws – would be just right for the country on a new path in 1787.



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Articles of Confederation



Constitution



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