

The Virginia Plan

No State had more to do with the calling of the convention than Virginia did. It was not surprising, then, that its delegates should offer the first plan for a new constitution. On May 29 the **Virginia Plan**, largely the work of Madison, was presented by Randolph.

The Virginia Plan called for a new government with three separate branches: legislative, executive, and judicial. The legislature—Congress—would be bicameral. Representation in each house was to be based either upon each State's population or upon the amount of money it gave for the support of the central government. The members of the lower house, the House of Representatives, were to be popularly elected in each State. Those of the upper house, the Senate, were to be chosen by the House from lists of persons nominated by the State legislatures.

Congress was to be given all of the powers it held under the Articles. In addition, it was to have the power "to legislate in all cases to which the separate States are incompetent" to act, to veto any State law in conflict with national law, and to use force if necessary to make a State obey national law.

Under the proposed Virginia Plan, Congress would choose a "National Executive" and a "National Judiciary." Together, these two branches would form a "Council of revision." They could veto acts passed by Congress, but a veto could be overridden by the two houses. The executive would have "a general authority to execute the National laws." The judiciary would "consist of one or more supreme tribunals [courts], and of inferior tribunals."

The Virginia Plan also provided that all State officers should take an oath to support the Union, and that each State be guaranteed a republican form of government. Under the plan, Congress would have the exclusive power to admit new States to the Union.

The Virginia Plan, then, would create a new constitution by thoroughly revising the Articles. Its goal was the creation of a truly national government with greatly expanded powers and, importantly, the power to enforce its decisions.

The Virginia Plan set the agenda for much of the convention's work. But some delegates—especially those from the smaller States of

Delaware, Maryland, and New Jersey, and from New York—found it too radical.¹⁵ Soon they developed their counterproposals. On June 15 William Paterson of New Jersey presented the position of the small States.

The New Jersey Plan

Paterson and his colleagues offered several amendments to the Articles, but not nearly so thorough a revision as that proposed by the Virginia Plan. The **New Jersey Plan** retained the unicameral Congress of the Confederation, with each of the States equally represented. To those powers Congress already had, would be added closely limited powers to tax and to regulate trade between the States.

The New Jersey Plan also called for a "federal executive" of more than one person. This plural executive would be chosen by Congress and could be removed by it at the request of a majority of the States' governors. The "federal judiciary" would be composed of a single "supreme Tribunal," appointed by the executive.

Among their several differences, the major point of disagreement between the two plans centered on this question: How should the States be represented in Congress? Would it be on the basis of their populations or financial contributions, as in the Virginia Plan? Or would it be on the basis of State equality, as in the Articles and the New Jersey Plan?

For weeks the delegates returned to this conflict, debating the matter again and again. The lines were sharply drawn. Several delegates, on both sides of the issue, threatened to withdraw. Finally, the dispute was settled by one of the key compromises the Framers were to make as they built the Constitution.

Compromises

The disagreement over representation in Congress was critical. The large States expected to dominate the new government. The small

¹⁵The Virginia Plan's major support came from the three largest States: Virginia, Pennsylvania, and Massachusetts. New York was then only the fifth largest State. Alexander Hamilton, the convention's most outspoken champion of a stronger central government, was regularly outvoted by his fellow delegates from New York.

Slavery in the United States, 1790

State	Total Population	Slave Population	Percent Slave Population
Connecticut	238,000	2,648	1.11
Delaware	59,000	8,887	15.06
Georgia	83,000	29,264	35.26
Maryland	320,000	103,036	32.20
Massachusetts	476,000	0	0.0
New Hampshire	142,000	157	0.11
New Jersey	184,000	11,423	6.21
New York	340,000	21,193	6.23
North Carolina	394,000	100,783	25.58
Pennsylvania	434,000	3,707	0.85
Rhode Island	69,000	958	1.39
South Carolina	249,000	107,094	43.01
Virginia	692,000	292,627	42.29

SOURCES: *Historical Statistics of Black America*;
Historical Statistics of the United States, Colonial Times to 1970



Interpreting Tables The agricultural economy of the southern States relied on slave labor to produce cotton, tobacco, and other crops. **Why did the southern States want slaves counted in their States' total population?**

States feared that they would not be able to protect their interests. Tempers flared on both sides. The debate became so intense that Benjamin Franklin suggested that “henceforth prayers imploring the assistance of Heaven . . . be held in this Assembly every morning before we proceed to business.”

The Connecticut Compromise

The conflict was finally settled by a compromise suggested by the Connecticut delegation. Under the **Connecticut Compromise**, it was agreed that Congress should be composed of two houses. In the smaller Senate, the States would be represented equally. In the House, the representation of each State would be based upon its population.

Thus, by combining basic features of the rival Virginia and New Jersey Plans, the convention’s most serious dispute was resolved. The agreement satisfied the smaller States in particular, and it made it possible for them to support the creation of a strong central government.

The Connecticut Compromise was so pivotal to the writing of the Constitution that it has often been called the Great Compromise.

The Three-Fifths Compromise

Once it had been agreed to base the seats in the House on each State’s population, this question

arose: Should slaves be counted in the populations of the southern States?

Again debate was fierce. Most delegates from the southern States argued that slaves should be counted. Most of the northerners took the opposing view. The table on this page shows the significant percentage of slaves among the populations of the southern States.

Finally, the Framers agreed to the **Three-Fifths Compromise**. It provided that all “free persons” should be counted, and so, too, should “three-fifths of all other persons.” (Article I, Section 2, Clause 3. For “all other persons” read “slaves.”) For the three-fifths won by the southerners, the northerners exacted a price. That formula was also to be used in fixing the amount of money to be raised in each State by any direct tax levied by Congress. In short, the southerners could count their slaves, but they would have to pay for them.

This odd compromise disappeared from the Constitution with the adoption of the 13th Amendment, which abolished slavery, in 1865. For 140 years now, there have been no “all other persons” in this country.

The Commerce and Slave Trade Compromise

The convention agreed that Congress had to have the power to regulate foreign and interstate

trade. To many southerners that power carried a real danger, however. They worried that Congress, likely to be controlled by northern commercial interests, would act against the interests of the agricultural South.

They were particularly fearful that Congress would try to pay for the new government out of export duties, and southern tobacco was the major American export of the time. They also feared that Congress would interfere with the slave trade.

Before they would agree to the commerce power, the southerners insisted on certain protections. So, according to the **Commerce and Slave Trade Compromise**, Congress was forbidden the power to tax the export of goods from any State. It was also forbidden the power to act on the slave trade for a period of at least 20 years. It could not interfere with “the migration or importation of such persons as any State now existing shall think proper to admit,” except for a small head tax, at least until the year 1808.¹⁶

A “Bundle of Compromises”

The convention spent much of its time, said Franklin, “sawing boards to make them fit.” The Constitution drafted at Philadelphia has often been called a “bundle of compromises.” These descriptions are apt, if they are properly understood.

There were differences of opinion among the delegates, certainly. After all, the delegates came from 12 different States that were widely separated in geographic and economic terms. The delegates often reflected the interests of their States. Bringing these interests together did require compromise. Indeed, final decisions on issues such as selection of the President, the treaty-making process, the structure of the national court system, and the amendment process were reached as a result of compromise.

But by no means did all, or even most, of what shaped the document come from compromises. The Framers agreed on many of the basic issues they faced. Thus, nearly all the delegates were convinced that a new *national* government, a federal government, had to be created, and had to

have the powers necessary to deal with the nation’s grave social and economic problems. The Framers were also dedicated to the concepts of popular sovereignty and of limited government. None questioned for a moment the wisdom of representative government. The principles of separation of powers and of checks and balances were accepted almost as a matter of course.

Many disputes did occur, and the compromises by which they were resolved came only after hours and days and even weeks of heated debate. The point here, however, is that the differences were not over the most fundamental of questions. They involved, instead, such vital but lesser points as these: the details of the structure of Congress, the method by which the President was to be chosen, and the practical limits that should be put on the several powers to be given to the new central government.

Sources of the Constitution

The Framers were well educated and widely read. They were familiar with the governments of ancient Greece and Rome and those of contemporary Great Britain and Europe. They knew the political writings of their time, of such works as William Blackstone’s *Commentaries on the Laws of England*, the Baron de Montesquieu’s *The Spirit of the Laws*, Jean Jacques Rousseau’s *Social Contract*, John Locke’s *Two Treatises of Government*, and many others.

More immediately, the Framers drew on their own experiences. Remember, they were familiar with the Second Continental Congress, the Articles of Confederation, and their own State governments. Much that went into the Constitution came directly, sometimes word for word, from the Articles. A number of provisions were drawn from the several State constitutions, as well.

The Convention Completes Its Work

For several weeks, through the hot Philadelphia summer, the delegates took up resolution after resolution. Finally, on September 8, a committee was named “to revise the stile of and arrange the articles which had been agreed to” by the

¹⁶Article I, Section 9, Clause 1. Congress promptly banned the importation of slaves in 1808, and in 1820 it declared the slave trade to be piracy. The smuggling of the enslaved into this country continued until the outbreak of the Civil War, however.



▲ Detail from Washington's chair at the Constitutional Convention.

convention. That group, the Committee of Style and Arrangement headed by Gouverneur Morris, put the Constitution in its final form.

Then, on September 17, the convention approved its work and 39 names were placed on the finished document.¹⁷ Perhaps none of the Framers were

completely satisfied with their work. Nevertheless, wise old Benjamin Franklin put into words what many of the Framers must have thought on that final day:

PRIMARY Sources

“Sir, I agree with this Constitution to all its faults, if they are such; because I think a general Government necessary for us . . . I doubt . . . whether any other Convention we can obtain, may be able to make a better Constitution. For when you assemble a number of men to have the advantage of their joint wisdom, you inevitably assemble with those men, all their prejudices, their passions, their errors of opinion, their local interests, and their selfish views. From such an assembly can a perfect production be

expected? It therefore astonishes me, Sir, to find this system approaching so near to perfection as it does . . . ”

—Notes of Debates in the Federal Convention of 1787, James Madison

On Franklin's motion, the Constitution was signed. Madison tells us that

PRIMARY Sources

“ . . . Doctor Franklin, looking toward the President's 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 . . . 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. ”

—Notes of Debates in the Federal Convention of 1787, James Madison

¹⁷Three of the 41 delegates present on that last day refused to sign the proposed Constitution: Edmund Randolph of Virginia, who later did support ratification and served as Attorney General and then Secretary of State under President Washington; Elbridge Gerry of Massachusetts, who later became Vice President under Madison; and George Mason of Virginia, who continued to oppose the Constitution until his death in 1792. George Read of Delaware signed both for himself and for his absent colleague John Dickinson.

Section 4 Assessment

Key Terms and Main Ideas

1. Identify the **Framers** of the Constitution and describe, in general, their backgrounds and experiences.
2. What momentous decision did the Framers make at the beginning of the Philadelphia Convention?
3. Why did the delegates from the smaller States object to the **Virginia Plan**?
4. What was agreed to under the **Connecticut Compromise**?
5. What sources influenced the Framers in writing the Constitution?

Critical Thinking

6. **Making Comparisons** Compare and contrast the Virginia Plan and the New Jersey Plan.
7. **Determining Relevance** The Three-Fifths Compromise and the Commerce and Slave Trade Compromise were included

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in the Constitution at the insistence of the southern States. Why did States in the South think these items were important and what price, if any, did southern States pay for their inclusion?

8. **Drawing Conclusions** The Constitution has been called a “bundle of compromises.” Is this an accurate description of the document? Explain your answer.

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5

Ratifying the Constitution

Section Preview

OBJECTIVES

1. **Identify** the opposing sides in the fight for ratification and describe the major arguments for and against the Constitution.
2. **Describe** the inauguration of the new government of the United States of America.

WHY IT MATTERS

The Constitution could not take effect until it had been ratified by nine States. The battle between those who supported and those who opposed the Constitution was hard fought in all the States.

POLITICAL DICTIONARY

- ★ **Federalists**
- ★ **Anti-Federalists**
- ★ **quorum**

Today, the Constitution of the United States is the object of extraordinary respect and admiration, both here and abroad. But in 1787 and 1788, it was widely criticized, and in every State there were many who opposed its adoption. The battle over the ratification of the Constitution was not easily decided.

The Fight for Ratification

Remember, the Articles of Confederation provided that changes could be made to them only if all of the State legislatures agreed. But the new Constitution was intended to replace, not amend, the Articles. The Framers had seen how crippling the unanimity requirement could be. So, the new Constitution provided that

FROM THE
Constitution

“The ratification of the conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.”

—Article VII

The Congress of the Confederation agreed to this irregular procedure. After a short debate, it sent copies of the new document to the States on September 28, 1787.

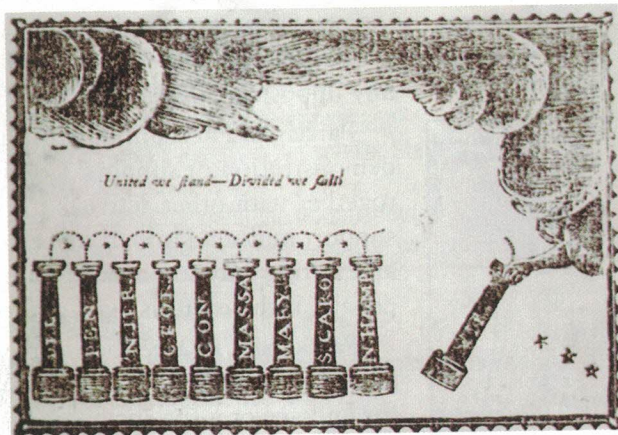
Federalists and Anti-Federalists

The Constitution was printed, circulated, and debated vigorously. Two groups quickly emerged in each of the States: the **Federalists**, who favored ratification, and the **Anti-Federalists**, who opposed it.

The Federalists were led by many of those who had attended the Philadelphia Convention. Among them, the most active and the most effective were James Madison and Alexander Hamilton. Their opposition was headed by such well-known Revolutionary War figures as Patrick Henry, Richard Henry Lee, John Hancock, and Samuel Adams.

The Federalists stressed the weaknesses of the Articles. They argued that the many difficulties facing the Republic could be overcome only by a new government based on the proposed Constitution.

The Anti-Federalists attacked nearly every part of the new document. Many objected to the ratification process, to the absence of any mention of God, to the denial to the States of



▲ **Interpreting Political Cartoons** This cartoon, printed in the *New Hampshire Gazette* on June 26, 1788, shows the States as pillars, with nine upright and a tenth being raised. **What is the message of the words in the cartoon?**

a power to print money, and to many other features of the Framers' proposals.

Two major features of the proposed Constitution drew the heaviest fire: (1) the greatly increased powers of the central government and (2) the lack of a bill of rights. The proposed document did not provide for such basic liberties as freedom of speech, press, and religion, nor for the rights of fair trial. At Virginia's ratifying convention, Patrick Henry said of the proposed Constitution, "I look upon that paper as the most fatal plan that could possibly be conceived to enslave a free people."

Nine States Ratify

The contest for ratification was close in several States, but the Federalists finally won in all of them. Delaware was the first State to ratify. On June 21, 1788, New Hampshire brought the number of ratifying States to nine.

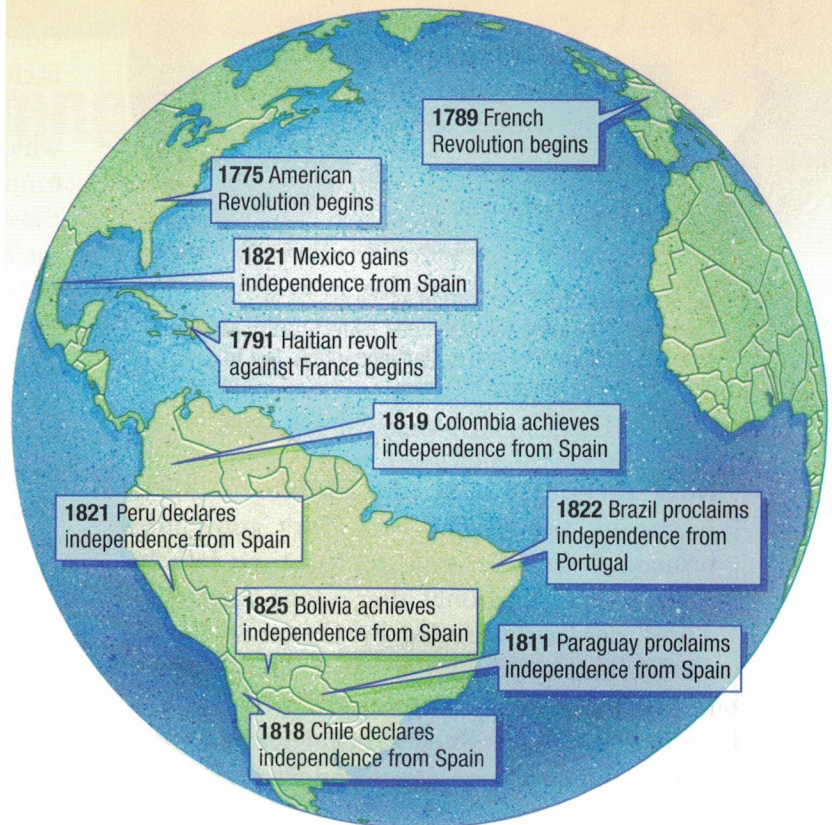
Under Article VII, New Hampshire's ratification should have brought the Constitution into effect, but it did not. Neither Virginia nor New York had yet ratified, and without either of these key States the new government could not hope to succeed.

Virginia's Ratification

Virginia's vote for ratification followed New Hampshire's by just four days. The brilliant debates in its convention were followed closely throughout the State. The Federalists were led by Madison, the young John Marshall, and Governor Edmund Randolph (even though he had refused to sign the Constitution at Philadelphia). Patrick Henry, leading the opposition, was joined by such outstanding Virginians as James Monroe, Richard Henry Lee, and George Mason (another of the non-signers).

Although George Washington was not one of the delegates to Virginia's convention, his strong support for ratification proved vital. With Madison, he was able to get a reluctant Jefferson to support the document. Had Jefferson fought as did other Anti-Federalists, Virginia might never have ratified the Constitution.

An Era of Revolutions



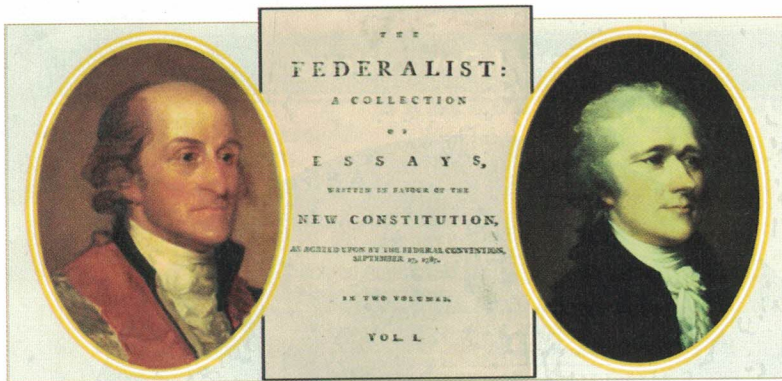
Interpreting Maps The American Revolution was one of many struggles for independence that took place around the world between 1775 and 1825. *Do you think this global turmoil was coincidence, or were the events in various countries somehow connected?*

Ratification of the Constitution

State	Date	Vote
Delaware	December 7, 1787	30–0
Pennsylvania	December 12, 1787	46–23
New Jersey	December 18, 1787	38–0
Georgia	January 2, 1788	26–0
Connecticut	January 9, 1788	128–40
Massachusetts	February 6, 1788	187–168
Maryland	April 28, 1788	63–11
South Carolina	May 23, 1788	149–73
New Hampshire	June 21, 1788	57–46
Virginia	June 25, 1788	89–79
New York	July 26, 1788	30–27
North Carolina	November 21, 1789*	195–77
Rhode Island	May 29, 1790	34–32

*Second vote; ratification was originally defeated on August 4, 1788, by a vote of 184–84.

Interpreting Tables Virginia's ratification came only after a long struggle. *In what other States was ratification won by only a narrow margin?*



▲ **Defending the Constitution** All the essays in *The Federalist* were signed with the pen name Publius. Modern scholars attribute fifty-one to Hamilton (right), five to Jay (left), and twenty-nine to Madison.

New York, The Last Key State

A narrow vote in the New York convention brought the number of States to 11, on July 26. New York ratified only after a long battle. The Anti-Federalists were led by Governor George Clinton and by two of the State's three delegates to the Philadelphia Convention.¹⁸

The contest in New York gave rise to a remarkable campaign document: *The Federalist*. It was a collection of 85 essays supporting the Constitution written by Alexander Hamilton, James Madison, and John Jay. Those essays were first published as letters to the people in various newspapers of the State and soon were collected in book form. Though written in haste, they remain an excellent commentary on the Constitution, and are among the best political writings in the English language.

Inaugurating the Government

On September 13, 1788, with 11 of the 13 States “under the federal roof,” the Congress of the Confederation paved the way for its successor.¹⁹ It chose New York as the temporary capital.²⁰ It set the first Wednesday in January as the date on which the States would choose presidential electors. The first Wednesday in February was set as the date on which those electors would vote, and the first Wednesday in March as the date for the inauguration of the new government.

The new Congress convened on March 4, 1789. It met in Federal Hall, on Wall Street in New York City. But because it lacked a **quorum** (majority), it could not count the electoral votes until April 6. Finally, on that day, it found that George Washington had been elected President by a unanimous vote. John Adams was elected Vice President with a substantial majority.

On April 30, after an historic trip from Mount Vernon to New York, Washington took the oath of office as the first President of the United States.

¹⁸Robert Yates and John Lansing had quit Philadelphia in July, arguing that the convention had gone beyond its authority. Like many other Anti-Federalist leaders, Governor Clinton later supported the Constitution.

¹⁹Neither North Carolina nor Rhode Island had ratified the new Constitution before it became effective. As you can see in the table on page 57, the Constitution failed in a first convention in North Carolina and was finally approved by a second one in late November of 1789. Rhode Island did not hold a ratifying convention until May of 1790, more than a year after Washington's inauguration.

²⁰The District of Columbia did not become the nation's capital until 1800. Congress moved its sessions from New York to Philadelphia in December 1790. It held its first meeting in the new “federal city,” Washington, D.C., on November 17, 1800.

Section 5 Assessment

Key Terms and Main Ideas

1. What was the **Federalist** position on the adoption of the Constitution? Why did they feel that way?
2. Who were the **Anti-Federalists**?
3. What was “irregular” about the ratification of the Constitution?

Critical Thinking

4. **Expressing Problems Clearly** Why might the failure of New York and Virginia to ratify have doomed the Constitution?
5. **Understanding Point of View** The Anti-Federalists were greatly concerned that the proposed Constitution increased

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the powers of the central government and lacked a bill of rights. Why would these specific issues have been important to them?

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