

## ISSUE #1 AT THE CONSTITUTIONAL CONVENTION:

*How will the states and the people be represented in the new government?*

During the summer of 1787, delegates to the Constitutional Convention in Philadelphia debated on what type of legislative body the new national government of the United States should have. Edmund Randolph of Virginia proposed what would be called the Virginia Plan. This plan called for a bicameral (two house) legislature. Membership in both houses would be in proportion to a state's population. Small states (in terms of population) opposed this idea fearing they would be powerless against the large states. Large states favored this plan since they felt states with a larger population would contribute more financially through taxes to the new national government. Therefore, large states should have a greater say in government.

In response, smaller populated states responded with a plan of their own. William Patterson of New Jersey proposed the New Jersey Plan. Under this plan, there would be a unicameral (one house) legislature where each state would have equal representation regardless of its population size. Large states opposed this plan because it was a repeat of the weak Congress that existed under the Articles of Confederation. Small states favored the plan because it treated all states equally.

The debate went on for weeks and the Convention became deadlocked over the issue. Some states even threatened to withdraw from the Convention. Finally, a committee consisting of one delegate from each state was formed to create a compromise. This became known as the Great Compromise. It created a bicameral legislature. In the upper house, each state would have equal representation, meaning two senators per state. The lower house would have representation based on population, meaning one representative for every 30,000 people.

The Great Compromise blended the Virginia and New Jersey Plans, easing the fears of the small states.

## ISSUE #2 AT THE CONSTITUTIONAL CONVENTION:

*What should we do about slavery? Do we allow it? Should slaves count as people?*

The three-fifths compromise was an agreement between Southern and Northern states reached during the Constitutional Convention of 1787 in Philadelphia, during which the basic framework of the United States was established. Under this compromise, only three-fifths of the slave population was counted for the purpose of taxation and representation in Congress. Counting slaves as part of the population rather than as property would give the Southern states more political clout.

As all compromises do, the three-fifths compromise started as a dispute. Most of the Northern states did not want to count slaves at all, arguing that they should be treated as property, since they didn't have votes or any other power. The Southern states, however, wanted to count slaves as people so that they would get more representation in Congress, solidifying their political power. The North resisted this, fearing that counting slaves in this way would increase the Congressional seats apportioned to the South, thereby making the South extremely formidable.

In the end, two representatives, James Wilson and Roger Sherman, came up with the three-fifths compromise, which was designed to meet the demands of both sides. Recognizing the desire of the South and wanting to reach out to the Southern states to encourage them to ratify, the three-fifths compromise allowed the government to count part of the slave population, while allaying the fears of the North about Southern power.

Of course, many people in the Northern states kept slaves as well, but the vast majority of slaves in America at the time were working on Southern plantations as agricultural laborers. Under the three-fifths compromise, plantation owners in the South gained considerable political power, which they used to promote their own political agenda and desires.

The language of the Constitution avoided using the term "slaves," with the relevant text reading: "...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." Some people have suggested that the "all other persons" language indicated that the framers of the Constitution opposed slavery, and that they wished to establish a document which would be flexible in the event that slavery was abolished. It is more likely, however, that the language was designed to give wiggle-room so that others in addition to slaves could be counted under this definition, given that slavery was widespread and commonly accepted by the Founders.

## ISSUE #3 AT THE CONSTITUTIONAL CONVENTION:

*Where should this new national government be located? In the North or in the South?*

Upon the ratification and adoption of the Constitution in 1789, the young government of the United States did not have a permanent home. Because of the divide in ideals between north and south (already), no one could agree on the permanent location of the federal seat of government. It was even proposed that the Capitol should change locations every ten years because of the distrust of the development of a powerful national government. The Compromise of 1790, created between Alexander Hamilton, Thomas Jefferson, and James Madison, set the eventual location of the Capitol to be at a brand new location, the District of Columbia.

Alexander Hamilton wanted the Capitol to be in his home state of New York. Jefferson and Madison, however, wanted it on the Potomac River in South. Both sides greatly feared that the location of the Capitol would affect national policy; a northern location would produce a government that would favor northern ideals, and would force an end to the Southern way of life, whereas a Southern location would promote slavery.

At the same time as this debate, Alexander Hamilton was consumed with trying to get Congress to pass his financial plan to set the country on a bright financial future. A large piece of this plan was that the national government would assume all state debts incurred in the Revolutionary War. Southern states, having already paid off their war debts, despised this policy. "Why should we help repay the debt of the Northern states?", many southerners asked.

And so a compromise was born between Alexander Hamilton and Thomas Jefferson and James Madison. Hamilton gave Jefferson and Madison their capital in the south; it would be placed along the Potomac River and would be given the name of the District of Columbia. Too prevent any northern or southern bias, the capital would in a district, free from the influence of any one state. In return, southern states agreed to consolidate all state debt into one "national debt."

# ISSUE #4 AT THE CONSTITUTIONAL CONVENTION:

*How can we guarantee this new, strong government will not overstep its bounds and infringe on the rights of citizens?*

## A History of the Bill of Rights

"[A] bill of rights is what the people are entitled to against every government on earth, general or particular, and what no just government should refuse."

--- Thomas Jefferson December 20, 1787

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In the summer of 1787, delegates from the 13 states convened in Philadelphia and drafted a remarkable blueprint for self-government -- the Constitution of the United States. The first draft set up a system of checks and balances that included a strong executive branch, a representative legislature and a federal judiciary.

The Constitution was remarkable, but deeply flawed. For one thing, it did not include a specific declaration - or bill - of individual rights. It specified what the government could do but did not say what it could not do. For another, it did not apply to everyone. The "consent of the governed" meant propertied white men only.

The absence of a "bill of rights" turned out to be an obstacle to the Constitution's ratification by the states. It would take four more years of intense debate before the new government's form would be resolved. The Federalists opposed including a bill of rights on the ground that it was unnecessary. Federalists argued that the system of checks and balances found throughout the Constitution was protection enough for the people. Also, Federalists believed that if they began listing rights that belonged to the people that some would naturally be left out. Could the government not allow those freedoms since they were not listed? They believed it best to list none rather than try to do all. The Anti-Federalists, who were afraid of a strong centralized government, refused to support the Constitution without one. Anti-Federalists argued that there needed to be clear and strict boundaries for the new government; to prevent another tyrannical government the rights of the people needed to be explicitly stated. If the rights of the people were not written down and guaranteed, Anti-Federalists argued, even a well-intentioned government could eventually grow to take away the people's basic rights.

In the end, popular sentiment was decisive. Recently freed from the despotic English monarchy, the American people wanted strong guarantees that the new government would not trample upon their newly won freedoms of speech, press and religion, nor upon their right to be free from warrantless searches and seizures. So, the Constitution's framers heeded Thomas Jefferson who argued: "A bill of rights is what the people are entitled to against every government on earth, general or particular, and what no just government should refuse, or rest on inference."

The American Bill of Rights, inspired by Jefferson and drafted by James Madison, was adopted, and in 1791 the Constitution's first ten amendments, known as the Bill of Rights, became the law of the land.