

# Creating and Ratifying the Constitution

## GUIDE TO READING

### Main Idea

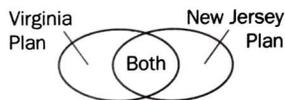
Delegates to the Constitutional Convention arrived with varying ideas and plans of government, which meant that compromise would be necessary to reach agreement.

### Key Terms

legislative branch, executive branch, judicial branch, Great Compromise, Three-Fifths Compromise, Electoral College, Federalists, federalism, Anti-Federalists

### Reading Strategy

**Comparing and Contrasting** As you read, compare the Virginia Plan to the New Jersey Plan by completing a Venn diagram like the one below.



### Read to Learn

- What plans of government did delegates offer at the Constitutional Convention?
- What compromises were agreed upon by the delegates?



## Americans in Action

Credit for the Great Compromise goes to Roger Sherman, whose name most Americans have never heard. As a boy, he was apprenticed to a shoemaker. Sherman's thirst for knowledge led him to learn on his own, even resorting to reading while sitting at his cobbler's bench. When Sherman was 19, his father died, and Sherman became the head of the household. Even as he struggled to support his mother and siblings, he read and acquired knowledge. In time, a self-educated Sherman became a practicing attorney. From there, appointments as justice of the peace, as a delegate to the colonial assembly, and as judge of the court of common pleas led him further into a life of public service.



Roger Sherman

## Two Opposing Plans

The delegates to the Constitutional Convention, like Roger Sherman, were determined to create a framework of government that all states could accept. Everyone knew that failure could mean disaster. Elbridge Gerry of Massachusetts spoke for most when he said,

“I would bury my bones in this city rather than [leave] . . . the convention without anything being done.”

On May 29, 1787, shortly after the convention began, the Virginia delegates proposed a plan for the new government. James Madison had designed what became known as the Virginia Plan.

Under the Articles of Confederation, the national government had consisted of only a legislative branch with a one-house Congress. The Virginia Plan, by contrast, called for a government with three branches. In addition to the **legislative branch** (the lawmakers), there would be an **executive branch**

to carry out the laws and a **judicial branch**—a system of courts—to interpret and apply the laws. The legislature, moreover, would be divided into two houses. In each house, states would be represented on the basis of their population. Large states would have more votes than smaller states.

The Virginia Plan appealed to delegates from Massachusetts, Pennsylvania, and

New York, as well as Virginia. The small states, however, feared that a government dominated by the large states would ignore their interests.

After two weeks of angry discussion, William Paterson of New Jersey presented an alternative proposal. The New Jersey Plan, as it is known, also called for three branches of government. However, the legislature would have only one house and each state would get one vote, as under the Articles of Confederation. Delegates from Delaware, New Jersey, and Maryland approved of this plan. It made their states equal in power to the big states. Of course, the large states would not accept this plan. They thought larger states should have more power than smaller states.

**Reading Check** **Contrasting** How did the Virginia Plan differ from the New Jersey Plan?

## Constitutional Compromises

For six weeks the delegates debated the merits of the two plans. Neither side wanted to give in. Some delegates even threatened to leave the convention; yet all the delegates shared the goal of creating a new constitution, so they kept working.

## The Great Compromise

A committee headed by Roger Sherman of Connecticut finally came up with an answer. The committee proposed that Congress have two houses—a Senate and a House of Representatives. Each state would have equal representation in the Senate, which would please the small states. In the House, representation would be based on population, which would please the big states. (See Chapter 6 for more information.)

After much discussion, the delegates decided to accept Sherman's plan. No group was completely happy, but this was a solution

# American Biographies



### Sam Ervin (1896–1995)

Sam J. Ervin, Jr., described himself as nothing but an “old country lawyer.” However, members of the U.S. Senate, where he served for 20 years, knew otherwise. Whenever Ervin, the crusty senator from North Carolina, arched his eyebrows, they braced themselves for a lecture in constitutional law.

“Senator Sam,” as he came to be known, believed the Constitution should be followed to the letter.

Born in Morganton, North Carolina, Ervin gained his love of the Constitution from his father, a fiery, self-taught lawyer. He defended the Constitution on the battlefields of World War I and upheld it in the North Carolina state legislature and on the North Carolina state supreme court.

In the U.S. Senate, Ervin helped break the power of Senator Joseph McCarthy, who had falsely charged hundreds of Americans in the 1950s with communist activities. In 1974 he headed the committee charged with investigating wrongdoings by President Richard Nixon (known as the Watergate investigation). Ervin believed the Constitution was “the wisest instrument the earth has ever known.” He spent his life ensuring that elected officials upheld it.



with which all could live. Historians call Sherman's plan the Connecticut Compromise or the **Great Compromise**. (A compromise is a way of resolving disagreements in which each side gives up something but gains something else.)

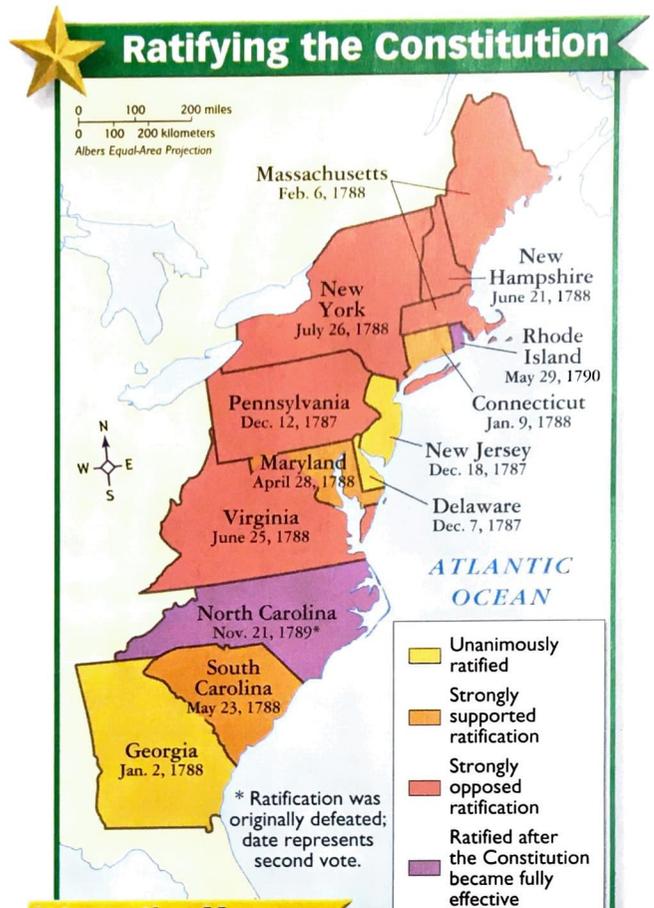
### The Three-Fifths Compromise

Although the Great Compromise settled the structure of Congress, questions remained about how to calculate the population for purposes of representation. At the time of the Constitutional Convention more than 550,000 African Americans, mostly in the South, were enslaved. The Southern states wanted to count these people as part of their populations to increase their voting power in the House of Representatives. The Northern states, which had few enslaved persons, opposed the idea. They argued that because enslaved persons were not allowed to vote or otherwise participate in government, they should not be used to give Southern states a stronger voice in Congress.

In the **Three-Fifths Compromise**, delegates agreed that every five enslaved persons would count as three free persons. Thus three-fifths of the slave population in each state would be used in determining representation in Congress. That number would also be used in figuring taxes.

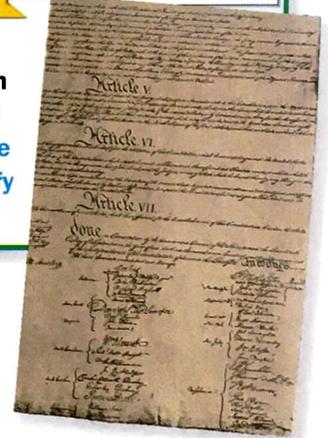
### Other Compromises

Northern and Southern delegates to the convention compromised on trade matters, too. The Northern states felt that Congress should be able to regulate both foreign commerce and trade between the states. The Southern states, however, feared that Congress would use this power to tax exports—goods sold to other countries. If this happened, the Southern economy would suffer because it depended heavily on exports of tobacco, rice, and other products.



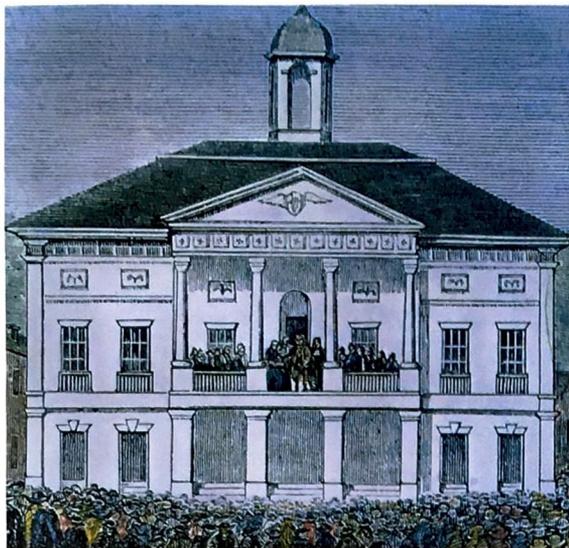
### Interpreting Maps

The Constitution survived strong opposition among many of the 13 states. Why were some states hesitant to ratify the Constitution?



The delegates signed the Constitution about four months after they convened.

Southerners also feared that Congress might stop slave traders from bringing enslaved people into the United States. Again, Southern delegates objected because Southern plantations depended on the labor of slaves. Again a compromise among the delegates would settle the issue.



**Federal Hall** New York City became the nation's temporary capital. George Washington was elected president, and Congress met for the first time in 1789 in Federal Hall. **The Constitution took effect after which state ratified it?**

After some discussion, the Southern states agreed that Congress could regulate trade between the states, as well as with other countries. In exchange, the North agreed that Congress could not tax exports, nor could it interfere with the slave trade before 1808.

The delegates compromised on various other disagreements about their new government. Some delegates, for example, thought members of Congress should choose the president; others believed that the people should vote to decide the presidency. The solution was the **Electoral College**, a group of people who would be named by each state legislature to select the president and vice president. The Electoral College system is still used today, but the voters in each state, not the legislatures, now choose electors.

**Reading Check Cause and Effect** What two arguments resulted in the Electoral College compromise?

## Approving the Constitution

All summer, the delegates to the Constitutional Convention hammered out the details of the new government. As their work drew to an end, some delegates headed home, but 42 remained. On September 17, 1787, they gathered for the last time. A committee, headed by Gouverneur Morris, had put their ideas in writing, and the Constitution was ready to be signed. All but three delegates signed their names at the bottom.

The next step was to win ratification, or approval, of the Constitution. The delegates had decided that each state would set up a ratifying convention to vote “yes” or “no.” When at least 9 of the 13 states had ratified it, the Constitution would become the supreme law of the land.

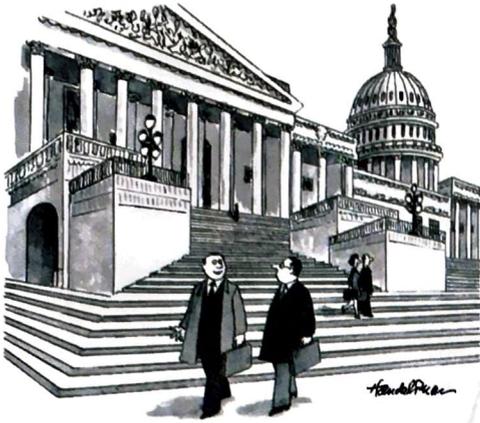
## A Divided Public

Americans reacted to the proposed Constitution in different ways. Supporters of the document called themselves **Federalists**. They chose this name to emphasize that the Constitution would create a system of **federalism**, a form of government in which power is divided between the federal, or national, government and the states.

To win support, the Federalists reminded Americans of the flaws in the Articles of Confederation. They argued that the United States would not survive without a strong national government. In a series of essays known as *The Federalist*, Alexander Hamilton, James Madison, and John Jay defended the Constitution. Madison argued in *The Federalist*, No. 10:

“A republic, by which I mean a government in which the scheme of representation takes place . . . promises the cure for which we are seeking. . . .”

Political Cartoons



"Hey, the Constitution isn't engraved in stone."

and it seems to be diverted toward money and time. Making the world a more convenient place for the company's revenue.

Those who opposed the Constitution, the **Anti-Federalists**, felt that it gave too much power to the national government and took too much away from the states. The Anti-Federalists also objected to the absence of a bill of rights. They thought the Constitution failed to provide protection for certain individual liberties, such as the freedoms of speech and religion.

**Analyzing Visuals** The writers of the Constitution looked to the future in many ways—including their decision to allow amendments to the document they created. **What is the setting for this cartoon? What do you imagine prompted the speaker to make the statement he did?**

Reaching Agreement

The Federalists eventually agreed with the Anti-Federalists that a bill of rights was a good idea. They promised that if the Constitution was adopted, the new government would add a bill of rights to it.

That promise helped turn the tide. Several states had already voted for ratification. On June 21, 1788, New Hampshire became the ninth state to do so, and the Constitution took effect. In time, the four remaining states ratified the Constitution, ending with Rhode Island in 1790. The 13 independent states were now one nation, the United States of America.

**Reading Check Identifying** What promise helped get the Constitution ratified?

SECTION 2 ASSESSMENT

Checking for Understanding

**1. Key Terms** Write short paragraphs about the Constitutional Convention using the group of terms below: **Federalists, federalism, Anti-Federalists, Great Compromise.**

Reviewing Main Ideas

- 2. Identify** With what issue did the Three-Fifths Compromise deal? How did it resolve this issue?
- 3. Explain** What was the purpose of *The Federalist*? Why did the Anti-Federalists object to the Constitution?

Critical Thinking

- 4. Drawing Conclusions** Why were Southerners at the Constitutional Convention fearful of government control of trade?
- 5. Comparing and Contrasting** On a graphic organizer like the one below, compare the views of the Federalists and the Anti-Federalists.

| Federalists | Anti-Federalists |
|-------------|------------------|
|             |                  |

Analyzing Visuals

**6. Interpret** Examine the map on page 57. Which states ratified the Constitution after it took effect?

★ BE AN ACTIVE CITIZEN ★

**7. Survey** Conduct a survey of at least 10 adults in which you ask them whether they favor continuing the Electoral College or amending the Constitution to have the presidency determined by the popular vote. Ask respondents to explain their answers.