Constitution Building

The U.S. Constitution

The national government's inability to respond to the depression and to regional conflicts like Shays's Rebellion compelled the states to convene regional conferences to discuss ways to strengthen the nation's economy. Representatives from Maryland and Virginia met at George Washington's estate at Mount Vernon in 1785 to discuss navigation on the Potomac River. The delegates attending the Mount Vernon Convention concluded that all of the states should meet to discuss interstate commerce, so they called for the meeting to be held at Annapolis, Maryland.

However, representatives from only five of the 13 states attended the Annapolis Convention in 1786: New York, New Jersey, Delaware, Pennsylvania, and Virginia. The delegates focused their discussions on commercial conflicts in the Chesapeake Bay area that arose due to shortcomings in the Articles of Confederation. They had hoped to improve cooperation in economic and political matters and bring an end to conflicts that were hindering economic development. Recognizing the need for participation by all of the states, Alexander Hamilton called for another meeting to be held in Philadelphia the following May to revise the Articles of Confederation.

A total of 55 delegates from 12 states attended the Philadelphia Convention in May of 1787. Rhode Island was the only state that did not participate. Rhode Island's absence created a problem for the convention because amending the Articles of Confederation required a unanimous vote from all of the states. Consequently, the delegates chose to begin writing a new document, which was to become the United States Constitution.

The delegates agreed to keep the discussions private while the proceedings were underway. They were concerned that representatives would not speak freely or be willing to compromise if the details of the debate were publicized in their home states. However, James Madison and other delegates kept journals of the discussions that provide historical documentation of the proceedings.

Each of the delegates came to Philadelphia with perspectives that influenced their objectives for the convention. Wealthy landowners wanted to shape and protect property rights for themselves and members of their class. Some delegates came with the idealistic notion of creating a perfect Union, while others were concerned with the practical matters of sovereignty, trade, and international relationships. Many delegates had been instrumental in developing their state constitutions and consequently had specific notions of what should be included in the national document.

Despite their diverse perspectives, the delegates did manage to find common ground on several philosophical and practical issues: the state of human nature, the causes of political conflict, the objects of government, and the nature of a republican government.

Because these highly educated men had all read the philosophy of English philosopher Thomas Hobbes, many of the delegates held a somewhat cynical view of human nature. While proponents of John Locke's less cynical philosophy challenged the Hobbes-inspired view, they did not prevail. The delegates concluded that people were inherently self-interested and would be forever susceptible to the temptations of power and money. They believed that government should play a role in containing or restraining this natural human tendency toward self-interest.
The men at Philadelphia agreed that one of the major causes of political conflict was the distribution of wealth. In those days, land ownership was the primary source of wealth. The delegates also cited several other sources of political conflict such as religion, views of governing, and attachment to various leaders.

These sources of political conflict resulted in the development of factions—what we might call "parties" or "interest groups" today. The Philadelphia delegates, as described later in "The Federalist Papers" (see Federalist #10 and #51), believed that majority and minority factions would eventually tyrannize each other, if given the opportunity. When one faction gained control, it would try to secure its own agenda at the expense of its rival faction. The delegates believed that governments that are controlled by factions are by nature unstable and tyrannical. Consequently, they agreed that factions must be constrained to maintain an effective government.

The Constitutional authors agreed that the main object of government was the preservation of property and the right of individuals to acquire and hold wealth. This view devalued other functions of government such as national security and promotion of general welfare. However, the perspective reflected the backgrounds of the delegates, who were mostly wealthy landowners.

The delegates also found common ground regarding the nature of government. They concluded—once again borrowing from Enlightenment philosophers—that an effective government had to be balanced. The power of one entity should offset the power of another to achieve this equilibrium. Doing so required the government to have checks on its own power. This perspective underlies the concepts of checks and balances and separation of powers within the U.S. Government.

Once the participants had reached agreement about the basic form of the government, they had to determine how the states would be represented in the new Congress. The issue of legislative representation was a contentious one. Two proposals were debated and a compromise was reached.

William Patterson of New Jersey offered the first proposal. Under the New Jersey Plan, each state would be equally represented in the legislature, regardless of population. Each state would have one vote in the unicameral Congress. The judicial and executive branches would be separate from Congress and would not be as powerful. The New Jersey Plan closely resembled the government described in the Articles of Confederation.

An opposing strategy was proposed by Edmund Randolph of Virginia. The Virginia Plan called for each state to be represented in proportion to its population. Not surprisingly, delegates from smaller states resisted the Virginia Plan. They feared that larger states, with their additional representation, would render the smaller states voiceless.

The delegates resolved the conflict by approving a compromise plan conceived by Roger Sherman and William Johnson of Connecticut. The Connecticut Compromise, or Great Compromise, proposed that a bicameral, or two-chambered, Congress be established. One house, the Senate, would have two members from each state, much like the New Jersey Plan. Representation in the second body, the House of Representatives, would be based on population, similar to the Virginia Plan.

Slavery was another issue that divided the delegates. Slavery was legal in every state except Massachusetts, although it was concentrated in the south. Some delegates wanted to abolish slavery altogether, but the opposition of the southern delegation was strong. Due to the fragile nature of adoption, the convention stopped short of banning the institution but did agree that Congress could limit the future importation of slaves.
Since slavery was to continue for the foreseeable future, the delegates had to determine how slaves should be counted for representation purposes in Congress. Representatives of the slave-holding states wanted all slaves counted for representation in the House. Free states maintained that if all slaves were counted for representation, they should also be counted for taxation. Approving what came to be known as the Three-Fifths Compromise, the delegates agreed that representation and taxation would be based on the number of free persons plus three of every five slaves.

In addition to establishing a legislative branch, the Constitution also created a strong executive branch. The convention also approved a national court system that instituted a system of federalism, allowing the creation of national, state, and local courts.

The new Constitution gave the government economic powers to regulate and influence the nation's commerce and economy. These powers included the power to levy taxes, pay debts, borrow money, create money and regulate its value, regulate domestic and international commerce, and establish bankruptcy laws. Thus, all the weaknesses of the Articles of Confederation were addressed in this new document.

The economic motivation of the Constitution's founders was the focus of a book written by progressive, philosopher, and author Charles Beard in 1913. In "An Economic Interpretation of the Constitution," Beard characterized the founding fathers as men of great political and social prominence. As money lenders, land owners, slave owners, and investors, Beard claimed the founding fathers had much to lose if the nation failed. Beard theorized that the Constitution was developed to keep the wealthy in power and increase their material wealth. He maintained that they would secure power of the executive branch through the Electoral College, the legislature through election of the Senate by state legislatures, and the judicial branch through executive appointment and Senate Confirmation.

Beard's argument was later challenged by Jackson T. Main and attacked by Forrest McDonald, Robert E Brown, and John Roche, but his theory did compel others to note the nature of representation at the Constitutional Convention. Common farmers, craftsmen, and other middle-class citizens were not among the delegates.

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