



# Constitutional Compromises

## Big States Versus Small States

The weaknesses of the Articles of Confederation were known to all serious observers in 1787. The problem for the delegates to the Constitutional Convention was what to do about them. The primary sticking point at the convention developed over the conflict between large states and small states. The large states were Virginia, Pennsylvania, and Massachusetts. Together they represented half the population of the United States. Each of them was more than ten times larger by population than Rhode Island, New Jersey, or Delaware. Georgia and the Carolinas, states with large land areas, were expected to rapidly increase in population. New York, Connecticut, and New Hampshire had small populations compared to Virginia and Pennsylvania.

The essence of the conflict was this: The large states believed that the new government should have proportional representation based on the number of people in a state. The Virginia Plan and its leaders, such as James Madison, thought it was undemocratic and unfair for the few voters of Delaware, for example, to have an equal vote with the many voters of Virginia. They perceived this as one of the fundamental flaws of the Articles of Confederation.

The small states were adamant that they would not be overwhelmed by the large states. They believed that their interests would not be protected and the new government would be run solely for the convenience of the large states. This issue nearly dissolved the convention. However, Roger Sherman proposed a Connecticut Compromise which suggested that every state have two votes—one based on population and one with each state equally represented. Years before he had proposed a similar idea for the Articles of Confederation but it was rejected.

This idea, which led to a House of Representatives based on population and a Senate with two votes from each state regardless of size, was ultimately accepted, although the voting was very close. The complete absence of Rhode Island from the convention and the failure of New Hampshire delegates to arrive would have given the large states a six to five majority but at the critical moment an almost unknown member from Maryland named Daniel of Saint Thomas Jenifer, a close friend of George Washington, deliberately stayed away from the convention so that his colleague Luther Martin could cast Maryland's vote with the smaller states. Georgia's vote would still have given the large states a majority but Abraham Baldwin, a representative of Georgia who was born in Connecticut, canceled the vote of the other Georgia delegate leaving a five-five tie. Intelligent members of the convention from other big states realized the smaller states had to have this compromise and one by one rose to accept it. In many ways, this is a model of how American government still works.



# Constitutional Compromises *(cont.)*

## Northern States vs. Southern States

The conflict between the smaller states and the larger states served to make the most observant members of the convention realize that the deeper issues really hinged on the differences between Northern and Southern interests. Northerners were often traders and ship builders who transported Southern farm crops, such as tobacco, rice, cotton, and sugar to other countries. The rural Southerners had a large slave population, but slavery was rapidly declining in the North because it wasn't very useful in economic terms and because Northern religious leaders often opposed it.

Northern delegates realized that Southern delegates had to protect slavery if their states were to accept the Constitution, but they used it as a bargaining chip to get some concessions for their states. When the bargaining was completed, there were five basic agreements.

1. Slavery would not be allowed in the new states which would develop in the Northwest Territory. All or part of six states would be formed from this territory—Illinois, Ohio, Indiana, Michigan, Wisconsin, and Minnesota.
2. Slaves could still be imported for the next 20 years until 1808. After that the issue was up to Congress to settle.
3. Export taxes, which were hated by Southern planters as well as some Northern businessmen, were forbidden. The federal and state governments would have to find other sources of revenue.
4. Three-fifths of the slaves in a state would be counted for the purposes of representation in Congress and for taxation. This "Three-fifth's Compromise" benefited the Southern states.
5. Southern slave owners would be permitted to search for runaway slaves in Northern states. This issue would lead to intense anger and conflict in the next 70 years.

## The Presidency

There was intense disagreement over the nature of the presidency. Some members wanted a very strong president with almost king-like tenure and powers. Alexander Hamilton wanted a president with a very long term or even a lifetime appointment with a veto over most legislation. Others wanted a president elected to a brief one or two-year term who had little control over legislation. Ultimately, they agreed upon a president with strong powers elected to a four-year term and able to be reelected.

## Separation of Powers

The members allowed the president to veto legislation, but they also allowed the Congress to override a veto with a two-thirds majority of both houses. They invented a Supreme Court to keep a check on the powers of both the president and Congress. The court also became an arbiter of difficult issues in the law.



# Ratifying the Constitution

## Getting Started

Writing the Constitution was enormously difficult. Getting it approved by the individual states was even harder. The delegates left the convention proud of their work, in most cases, but aware that they had a huge job ahead of them to convince the voters in their states to ratify the document.

The existing Confederation Congress meeting in New York immediately began the process leading to ratification. On September 28, 1787, just 11 days after the document was signed in Philadelphia, Congress asked the legislature of each state to submit the new plan of government to a convention for approval or rejection.

Publication of the document immediately provoked a widespread and spirited discussion of the proposed new government. Opposition to the constitution was very strong in some states and it is generally agreed that more people actually opposed the new government than favored it.

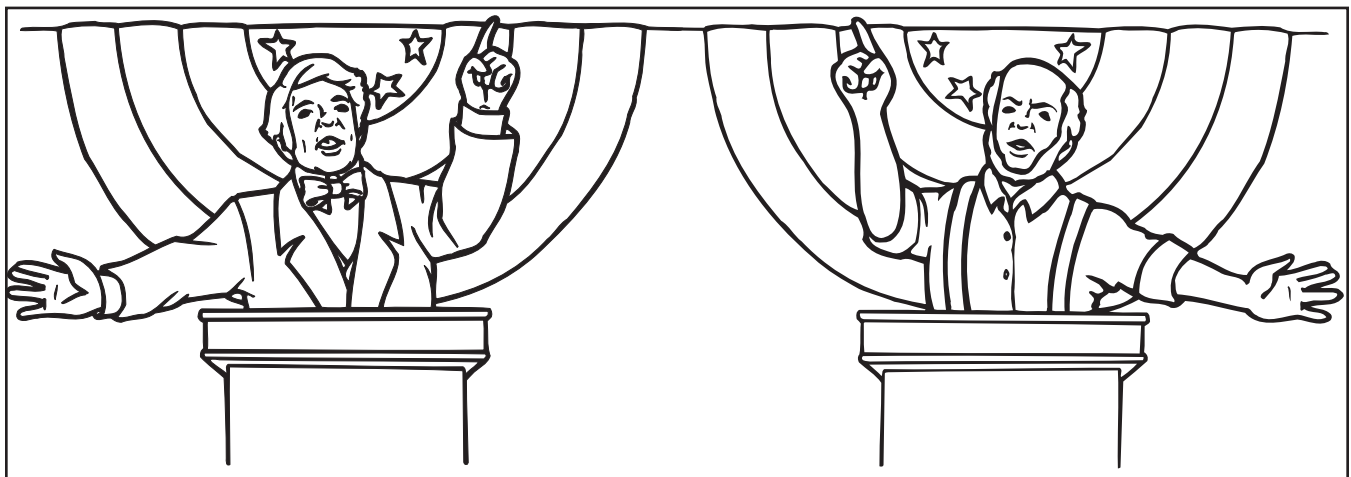
## Supporters and Opponents

Opposition was especially strong from the groups which were already afraid of the existing state and national governments. Poor farmers and other rural citizens distrusted any strong government. They remembered their experiences with British rule and feared a new government would become just as difficult. Debtors were especially fearful of a stronger government.

Supporters of the new plan often included big city businessmen, craftsmen, workers, and many large landowners who believed that a more efficient government would provide better protection and more opportunities for business to succeed.

Political supporters of the new plan were called the Federalists. They were disgusted with the weaknesses inherent in the Articles of Confederation. They felt the new nation was at the mercy of foreign nations and that financial ruin was likely due to the difficulty in raising revenue and paying war debts. They wanted a strong central government which the Constitution provided.

The opposition, who became known as Anti-Federalists, feared a strong central government or the emergence of a government which could exert force as the British government had done. They had just fought a revolution against one oppressive tyranny. They didn't want another. They were especially upset that no Bill of Rights was included in the document.





# Ratifying the Constitution *(cont.)*

## The Federalist Papers

The intellectual and political ideas at the center of the debate over ratification are expressed in The Federalist Papers, a series of 85 essays which provided the reasons for creating the new government and the rationale for supporting the Constitution. Written by James Madison, Alexander Hamilton, and John Jay, they were designed to sway public opinion in support of the document, especially in New York where opposition was strong.

The papers were each signed with the pseudonym “Publius” and published in local papers. Beginning on October 27, 1787, the essays detailed the many failures of the government as it operated under the Articles of Confederation and outlined the strengths and improvements in the new Constitution. The authors admitted that the Constitution wasn’t perfect and that compromises were necessary if a united nation was to be created. The Federalist Papers were widely reprinted and read throughout the states. These were among the most important reasons for eventual ratification by the states.

## Discussion and Debate

All of the arguments of the delegates at the Constitutional Convention were revisited by delegates to the state conventions, in the newspapers, and in public discussions. Resentments against other states, hatred of slavery and fear of domination by slave states in the North, fear of Northern opposition to slavery in the South, and distrust of large states by small states were all widely discussed.

The issue of a Bill of Rights was a real stumbling block for many delegates. It was widely perceived as a serious failure that one was not included with the document. Even many loyal supporters felt obliged to admit the problem and suggest that it had to be among the first pieces of business in the new government.

## State by State

Nonetheless, some states recognized that it was the best chance for success and the best deal they were likely to get. Delaware was the first to ratify on December 7, 1787, with the unanimous consent of their ratifying convention.

Pennsylvania voted on December 12 to ratify the Constitution, but it also had the unenviable distinction of having the most violent process. Two Anti-Federalist members of the Pennsylvania assembly were actually forced by a mob to attend a meeting which was voting on a ratification convention. James Wilson, a leading Anti-Federalist, was beaten after ratification by opponents armed with clubs.



# Ratifying the Constitution *(cont.)*

## The States Approve

New Jersey's convention unanimously approved the document on December 18, 1787. Georgia ratified on January 2, 1788. Connecticut ratified on January 9, 1788. On February 6 the Massachusetts convention narrowly approved the document. Maryland voted for ratification on April 28. South Carolina approved on May 23.

## The Critical States

But the two critical states were Virginia and New York. The physical size, the location, and large population of Virginia made it essential to the success of the new nation. New York's location and large physical area also made it a key state.

In Virginia the arguments were heated and the debates very intense. George Washington wrote letters to friends and supporters of the document. James Madison, John Marshall, and war hero "Light Horse Harry" Lee led the Federalists. Edmund Randolph, who had not signed the document as a delegate because it lacked a Bill of Rights, still supported it at the state level.

Patrick Henry was relentlessly opposed to any strong central government. He felt the Articles of Confederation were just fine because they did hamstring the government and prevent the kind of abuses suffered under the rule of King George III.

On June 25, 1788, Virginia ratified the Constitution in a close vote. They also recommended some amendments, including a Bill of Rights.

New York was the last major stumbling block. Sentiment was really strongly opposed to ratification in New York and had Virginia not approved of the new government, neither would have New York. But passage in Virginia and the strong support of leaders such as Alexander Hamilton and John Jay gradually swayed some delegates. The opposition leaders, Governor Clinton and Melancton Smith, had no better alternatives to suggest.

Then news arrived that New Hampshire had ratified on June 21, 1788. They had been the ninth state to ratify. Only nine states were needed to put the Constitution into effect and Virginia had also ratified to become the 10th state. The vote was close and the debate was fierce, but New York finally approved on July 26, 1788. North Carolina came on board in November of 1789, and Rhode Island finally approved in May 1790. The Constitution was the law of the land.



# Reading Comprehension Quiz

## Constitutional Compromises and Ratifying the Constitution

**Directions:** Read pages 20–24 about Constitutional Compromises and Ratifying the Constitution. Answer these questions based on the information in the selection. Circle the correct answer in each question below. Underline the sentence in the selection where the answer is found.

1. Which of the following was a feature of the Virginia Plan?  
A two votes for each state      C all states must agree  
B one vote for each state      D proportional representation
2. Why did the large states want voting in Congress to be based on population?  
A they had more people      C they feared slavery  
B they hated the smaller states      D to avoid war
3. Which compromise led to the establishment of a Congress with a Senate and a House of Representatives?  
A the Virginia Plan      C Three-fifth's Compromise  
B the Connecticut Compromise      D the New Jersey Compromise
4. Who deliberately stayed away from the convention during a crucial vote so that his colleague could cast Maryland's vote with the smaller states?  
A George Washington      C Abraham Baldwin  
B Luther Martin      D Daniel of St. Thomas Jenifer
5. What majority is required in Congress to override a presidential veto?  
A two-thirds      C three-fourths  
B three-fifths      D simple majority
6. Which part of government is designed to keep a check on the powers of both Congress and the presidency?  
A the Supreme Court      C the Senate  
B the army      D the state governors
7. How many states had to ratify the Constitution for it to take effect?  
A 50      C 13  
B 9      D 7
8. Which state was the first to ratify the Constitution?  
A Virginia      C Pennsylvania  
B Delaware      D New Jersey
9. Which Virginian did not support ratification?  
A Patrick Henry      C George Mason  
B Edmund Randolph      D John Marshall
10. Which two states were most critical to ratification?  
A Delaware and Maryland      C Massachusetts and Georgia  
B Virginia and New York      D New Jersey and Connecticut



# Answer Key

## Page 31

1. C      6. A
2. D      7. B
3. B      8. B
4. C      9. D
5. C      10. A

## Page 32

1. B      6. D
2. A      7. D
3. D      8. A
4. B      9. D
5. B      10. B

## Page 33

1. B      6. C
2. D      7. A
3. A      8. B
4. B      9. B
5. B      10. C

## Page 34

1. D      6. A
2. A      7. B
3. B      8. B
4. D      9. A
5. A      10. B

## Page 35

*Supreme Court Decisions*

D - F - A - C - B - E

*Amendment Match*

8 - 6 - 10 - 19 - 1 - 13 - 15-26 - 1 - 24 - 2 - 5 - 18 - 21-4 - 1 - 7 - 1 - 6 - 6 - 17 - 16-22 - 23

## Page 37

| State          | Date Admitted<br>Month/Year | Number of<br>Representatives | Number of<br>Senators |
|----------------|-----------------------------|------------------------------|-----------------------|
| New Hampshire  | June 1788                   | 3                            | 2                     |
| Massachusetts  | February 1788               | 8                            | 2                     |
| Rhode Island   | May 1790                    | 1                            | 2                     |
| Connecticut    | January 1788                | 5                            | 2                     |
| New York       | July 1788                   | 6                            | 2                     |
| New Jersey     | December 1787               | 4                            | 2                     |
| Pennsylvania   | December 1787               | 8                            | 2                     |
| Delaware       | December 1787               | 1                            | 2                     |
| Maryland       | April 1788                  | 6                            | 2                     |
| Virginia       | June 1788                   | 10                           | 2                     |
| North Carolina | November 1789               | 5                            | 2                     |
| South Carolina | May 1788                    | 5                            | 2                     |
| Georgia        | January 1788                | 3                            | 2                     |

2. Virginia  
Massachusetts  
Pennsylvania
3. Rhode Island  
Delaware

4. New York is located between the Northern and Southern states. It would have physically separated the nation.