Creating the Constitution

Teaching Notes

* What? May 1787 55 delegates meet in Philadelphia State House, i.e. “Philadelphia Convention”
* Original purpose is to revise the Articles of Confederation, realize they need to scratch the articles and start over
* Who?
* 55 delegates from every state, except Rhode Island
* Most were lawyers, merchants, planters
* Rich, well educated, outstanding leaders (i.e. George Washington, Ben Franklin, Alexander Hamilton)
* Why make a new constitution?
* Needed a unified currency
* Needed to be able to impose a tax on the states to repay debt from the war
* Articles couldn’t be amended without consent of every state- almost impossible!
* Each state, regardless of population, had only one vote in congress
* Questions and compromises:
* How to give equal representation to both small and large states
* Great Compromise- Bicameral Legislature
  + - * Senate represents states, 2 senators each
      * House of Reps. Represents people, population based
* How to count the slaves
* South: slaves should count as people= more representation for smaller pop. of south
* North: slaves should count as property= more taxable goods
* 3/5 Compromise
* Count 3 out of every 5 slaves as a person
* The slave trade/runaway slaves
* South: does not want congress to be able to pass laws about business and trade, fear they might outlaw slave trade
* North: wants congress to be able to pass laws about business and trade to help northern industry
* Commerce Compromise:
* Congress cannot interfere with slave trade for 20 years
* Congress cannot tax exports
* Congress can tax slaves entering country
* Runaway slaves must be returned
* How to choose the president
* Ideas for limiting a rulers power came from:
* English Magna Carta (1215)
* Philosopher John Locke (If a ruler violates peoples rights, the people should rebel!)
* Philosopher Baron de Montesquieu (separate the powers into branches)
* Decide on The Electoral College- special group of electors from each state
* # Reps in the house + # of senators = # of electors for your state
* Voting process:
* People vote for a candidate- “popular vote”
* The candidate with the most votes for a state is given all electoral votes
* There are 538 electoral votes up for grabs- a candidate must win 270 to win election
* Maine and Nebraska can split their vote
* Approving the Constitution
* Framers decide the constitution should be ratified by 9 out of 13 states before going into effect
* September 17, 1787 constitution is ready for signing- not all delegates sign
* Federalists
* Supporters of the constitution
* Wanted a strong national govmt
* National govmt would share powers with states
* Would unite states into a republic
* Alexander Hamilton, John Jay, James Madison write The Federalist Papers to gain support
* Anti-Federalists
* Opposed constitution
* Wanted list of individual and state powers
* Congress would ruin country with taxes
* President has too much power
* John Hancock, Sam Adams, Patrick Henry, said the constitution did not protect basic liberties
* Bill of Rights
* NY and VA hold out on signing to demand a bill of rights
* Created by James Madison
* Originally had 12 amendments, only 10 were put in place
* Guarantee personal freedoms
* Limit govmt’s power in some proceedings (esp judicial!)
* Ratification
* Newspapers in every state print the constitution
* Created 3 branches of government, listed powers and duties of each branch
* 9 states needed to ratify it to go into effect
* Delaware was the first
* New Hampshire was the ninth
* March 4, 1789- New government begins!