

A Rising Sun

*The Constitutional Convention
and the Fight to Ratify, 1787–1791*

- Unit 3**
- 3.8 The Constitutional Convention and Debates over Ratification
 - 3.9 The Constitution

“But now at length I have the happiness to know that it is a rising and not a setting Sun.”

Benjamin Franklin

At the signing of the Constitution, as recorded in James Madison’s notes, September 17, 1787

What the exam expects

Explain the issues that created the greatest controversies during the ratification of the Constitution.

The biggest fights were over national power and individual rights. **Anti-Federalists** feared that a distant government with the power to tax would swallow the states, and they attacked the missing bill of rights. **Federalists** defended the plan in *The Federalist Papers* and won close states by promising amendments, which became the **Bill of Rights**.

How did the Constitutional Convention settle disputes over representation and slavery?

Delegates settled both fights by compromise, and they protected slavery without ever naming it. The **Great Compromise** ended the clash between the **Virginia Plan** and the **New Jersey Plan** by basing House seats on population and giving each state an equal Senate vote. Slave states won the **Three-Fifths Compromise** and protection for slave imports until 1808.

Briefly explain one way the Constitution addressed a criticism of the Articles of Confederation.

Critics said the Articles left Congress too weak to collect taxes, regulate trade, or stop **Shays's Rebellion**. The Constitution gave Congress **enumerated powers** over taxes and trade, added the **Necessary and Proper Clause** to carry them out, and through **federalism** let the national government act directly on citizens.

Analyze the ways in which Enlightenment ideas contributed to constitutional government in the United States.

Enlightenment writers warned that concentrated power leads to tyranny, so the framers divided it. Following Montesquieu, they created a **separation of powers** with **checks and balances** such as the veto and impeachment. In **Federalist No. 10**, Madison argued that a large republic, full of competing factions, would protect rights better than a small one.

Don't mix these up

- × “The Constitutional Convention wrote the Bill of Rights.” The Convention voted ten states to none against drafting a bill of rights, and the First Congress proposed the amendments in 1789.
- × “The Virginia and New Jersey plans tried to settle the status of enslaved people.” Large and small states backed the two plans in a fight over representation, and the Three-Fifths Compromise decided how to count enslaved people.
- × “Jefferson read the Constitution loosely, and Hamilton read it strictly.” Hamilton read the Necessary and Proper Clause loosely to justify a national bank in 1791, and Jefferson's strict reading found no such power.

Study list

	What it was	Why it matters
Shays's Rebellion Shays' Rebellion 1786–1787	An armed uprising of western Massachusetts farmers, many of them veterans, who closed courts to stop seizures for debts and taxes. Militia cannon killed four at Springfield in January 1787.	Because Congress could not pay troops to stop it, many leaders decided the Articles had failed.
Constitutional Convention Philadelphia Convention 1787	A secret meeting in Philadelphia, with George Washington presiding, where 55 delegates from every state but Rhode Island wrote a new constitution. Congress had approved the meeting only to revise the Articles.	Delegates compromised over representation, slavery, and trade until large and small states, and slave and free states, could all accept the plan.
Virginia Plan 1787	Madison's plan for three branches and a two-house Congress, with seats in both houses based on free population or taxes paid. Virginia's governor, Edmund Randolph, presented it to the Convention.	The plan made replacing the Articles the Convention's starting point, and its seats by population pitted large states against small ones.
New Jersey Plan 1787	William Paterson's small-state plan to keep the Articles' one-house Congress, with one vote per state, while letting it tax imports and regulate trade.	The Convention rejected it seven states to three, but the small states kept fighting for an equal vote in Congress.
Three-Fifths Compromise Three-Fifths Clause 1787	The rule in Article I that added three-fifths of a state's enslaved people, whom the text called "all other Persons," to its count for House seats and direct taxes.	Enslaved people could not vote, yet counting them gave slave states more power in Congress until the Civil War.
Great Compromise 1787	The Connecticut delegates' plan for a two-house Congress that based House seats on population and gave each state an equal vote in the Senate.	The five-to-four vote broke a deadlock between large and small states that had stalled the Convention for weeks.
Slave Trade Clause 1787	Article I's promise that Congress would not ban the import of enslaved people before 1808. Congress's ban took effect January 1, 1808, the first day the clause allowed.	Deep South delegates made it their price for union, and New England backed it to win majority rule on trade laws.
Fugitive Slave Clause 1787	A clause in Article IV that barred a state from freeing anyone "held to Service or Labour" who fled there, and said that person "shall be delivered up" to the claimant.	Congress built the Fugitive Slave Acts of 1793 and 1850 on it, and enforcing them bitterly divided North and South.

	What it was	Why it matters
Electoral College 1787	A body of electors that chooses the president. Each state gets as many electors as it has House and Senate seats, and its legislature decides how to pick them.	Electors let the framers keep the president independent of Congress without a national popular vote, which most delegations opposed.
Enumerated powers 1787	The powers the Constitution lists for Congress, mostly in Article I, Section 8, including the power to tax, regulate trade, coin money, raise armies, and declare war.	The powers to tax and regulate trade fixed the worst weaknesses of Congress under the Articles.
Necessary and Proper Clause 1787	The last power in Article I, Section 8, which lets Congress make all laws “necessary and proper” for carrying out the government’s powers.	Read broadly, the clause let Congress claim implied powers beyond the list, which started the fight between loose and strict construction.
Federalism 1787	The division of power between the national government and the states. The national government handled defense, foreign affairs, and interstate trade, while local matters stayed with the states.	Unlike the Articles’ league of states, the new national government could tax and govern citizens directly.
Separation of powers 1787	The Constitution’s split of government into three branches, giving lawmaking to Congress, enforcement to the president, and judging to the federal courts.	The framers followed Montesquieu, who taught that liberty could not survive if one body made, enforced, and judged the law.
Checks and balances 1787	Tools such as the president’s veto, Congress’s two-thirds override, Senate approval of appointments, and impeachment, which let each branch block the others.	Where the Articles and early state constitutions trusted a strong legislature, the Constitution gave the president a veto over Congress.
Federalists 1787–1788	Supporters of ratifying the Constitution and a stronger national government, strongest among merchants and creditors in port cities. Their leaders included Madison, Hamilton, John Jay, and Washington.	After Shays’s Rebellion, Federalists argued that only a stronger union could keep order, pay its debts, and protect American trade.
Anti-Federalists 1787–1788	The Constitution’s opponents, strong among backcountry farmers, who feared that a distant “consolidated” government would swallow the states and threaten liberty. Patrick Henry, George Mason, and George Clinton spoke for them.	Distrust of central power lived on in the 1790s, when western farmers resisted federal taxes in the Whiskey Rebellion.

	What it was	Why it matters
<i>The Federalist Papers</i> <i>The Federalist</i> 1787–1788	A series of 85 newspaper essays, signed “Publius,” that Hamilton, Madison, and John Jay wrote to persuade New Yorkers to ratify the Constitution. Hamilton wrote most of them.	The essays made the clearest case that a strong but limited national government would protect liberty, and courts still cite them.
Federalist No. 10 1787	Madison’s essay on faction, a group that unites around a passion or interest against others’ rights or the common good. He argued that a large republic would control faction.	Anti-Federalists such as Brutus said a free republic had to be small, and Madison answered that size itself would protect rights.
Ratification 1787–1790	The approval of the Constitution by special conventions in the states, nine of which had to say yes before it could take effect. New Hampshire became the ninth on June 21, 1788.	Close votes in Massachusetts, Virginia, and New York came with recommended amendments, which Madison drew on for the Bill of Rights.
Bill of Rights 1791	The first 10 amendments to the Constitution, which Madison steered through the First Congress. They protected freedom of religion, speech, and the press, the right to a jury trial, and other rights.	Congress kept the Federalists’ ratification promise, but until the 1900s the amendments limited only the federal government.

Also in the film

James Madison 1787–1791	The delegate behind the Virginia Plan, who kept the Convention’s fullest notes and later drafted the Bill of Rights.
Alexander Hamilton 1787–1788	New York’s lone signer, who wrote most of <i>The Federalist Papers</i> and led his state’s Federalists to a narrow win.
Commercial Compromise 1787	The deal that let Congress regulate trade by simple majority but never tax exports, which shielded southern tobacco and rice.
George Mason 1787	A Virginia delegate who wrote most of his state’s Declaration of Rights and refused to sign a Constitution without one.
Patrick Henry 1788	Virginia’s leading Anti-Federalist, who demanded to know who had authorized “We, the people” instead of “We, the states.”
Tenth Amendment 1791	The amendment that left all undelegated powers with the states or the people, without the Articles’ word “expressly.”

Short-answer practice

“There is no Declaration of Rights, and the laws of the general government being paramount to the laws and constitution of the several States, the Declarations of Rights in the separate States are no security.”

George Mason, *Objections to This Constitution of Government*, September 1787

(a) Briefly describe ONE argument Mason makes against the proposed Constitution in the excerpt.

(b) Briefly explain ONE way Federalists answered objections like Mason’s during the ratification debates.

(c) Briefly explain how ONE feature of the 1787 Constitution separated powers among the legislative, executive, and judicial branches.

Shays's Rebellion

Shays' Rebellion

1786–1787

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Constitutional Convention

Philadelphia Convention

1787

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Virginia Plan

1787

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New Jersey Plan

1787

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Three-Fifths Compromise

Three-Fifths Clause

1787

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Great Compromise

1787

A Rising Sun

Slave Trade Clause

1787

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Fugitive Slave Clause

1787

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Electoral College

1787

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Enumerated powers

1787

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The Philadelphia meeting where delegates wrote the Constitution instead of revising the Articles.

The Constitution gave the national government far more power than the Articles had.

Paterson's plan for a one-house Congress with one equal vote for each state.

Equal representation for states survived in the Senate.

The deal that based House seats on population and gave each state an equal vote in the Senate.

The Electoral College copied its mix of population and state equality.

The clause that let enslavers reclaim people who escaped into free states.

Escaping to a free state did not make a person free.

The powers the Constitution lists for Congress, such as taxing, regulating trade, and declaring war.

Federalists said the list kept the new government limited.

A 1786 revolt of indebted Massachusetts farmers who shut the courts to save their farms.

The revolt strengthened the movement for a new constitution.

Madison's plan for a two-house Congress with seats based on free population, favoring large states.

Small states answered it with the New Jersey Plan.

The rule counting three-fifths of enslaved people toward a state's House seats and taxes.

Slave states won extra House seats and, with them, extra electors.

The clause that kept Congress from banning slave imports until 1808.

Slavery and the slave trade between states kept growing after 1808.

The system of state electors, equal to each state's seats in Congress, that chooses the president.

Even the smallest state got three electors, which gave small states extra weight.

Necessary and Proper Clause

1787

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Federalism

1787

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Separation of powers

1787

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Checks and balances

1787

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Federalists

1787–1788

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Anti-Federalists

1787–1788

A Rising Sun

The Federalist Papers

The Federalist

1787–1788

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Federalist No. 10

1787

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Ratification

1787–1790

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Bill of Rights

1791

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The division of power between the national government and the states.

Under the Supremacy Clause, federal law outranks state law.

Powers like the veto and impeachment that let each branch limit the other two.

“Ambition must be made to counteract ambition,” Madison wrote in Federalist No. 51.

Opponents of the Constitution who feared a strong central government and demanded a bill of rights.

They lost ratification but won the Bill of Rights.

Madison’s essay arguing that a large republic would keep any one faction from taking control.

With many competing interests, no majority could easily trample others’ rights.

The first 10 amendments, which protected individual rights from the federal government.

The amendments answered the Anti-Federalists’ main objection.

The clause letting Congress make laws needed to carry out its listed powers.

Hamilton used it to justify the First Bank of the United States.

The split of government into three branches that make, enforce, and judge the law.

The Articles had put all national power in a one-house Congress.

Supporters of the Constitution, who wanted a stronger national government than the Articles allowed.

A promise to add a bill of rights won over the close states.

Essays by Hamilton, Madison, and Jay urging New York to ratify the Constitution.

Madison’s Nos. 10 and 51 defended a large republic and checks and balances.

The approval of the Constitution by state conventions, nine of which had to agree.

Nine states could start the government without waiting for all 13.

Model answers

- (a) Briefly describe ONE argument Mason makes against the proposed Constitution in the excerpt.

Mason argued that the Constitution needed its own bill of rights. Since federal laws would be “paramount” to state laws and constitutions, the rights in each state’s declaration would give people “no security” against the new government.

- (b) Briefly explain ONE way Federalists answered objections like Mason’s during the ratification debates.

Federalists promised to add amendments after ratification, and that promise carried Massachusetts, which ratified 187 to 168 in February 1788. In 1789 Congressman Madison proposed the amendments that became the Bill of Rights.

- (c) Briefly explain how ONE feature of the 1787 Constitution separated powers among the legislative, executive, and judicial branches.

Article I gave lawmaking power to Congress, Article II gave executive power to the president, and Article III gave judicial power to the Supreme Court and lower courts. Each could check the others, since the president could veto bills and two-thirds of each house could override a veto.