**The Constitution**

*After the Revolutionary War, the problems with the Articles of Confederation became increasingly obvious, resulting in the Philadelphia Convention, whose purpose was to rewrite the Articles. However, instead of submitting the Articles for revision, the delegates decided to begin again, resulting in the drafting of a new frame of government outlined in the Constitution, a document that compromised conflicting interests, unifying all the states under a powerful federal government.*

**PHILADELPHIA CONVENTION:** A congressional convention met in Philadelphia to amend the Articles of Confederation in 1788. The delegates, which included Madison, Hamilton, and Franklin, believed that there should be checks and balances in the government to give each branch equal amounts of power. The convention ultimately scrapped the Articles and came up with the much more effective Constitution, in which various compromises were made to pacify sectional differences.

**Delegates: Alexander Hamilton, George Washington, Benjamin Franklin:** At the Philadelphia Convention in 1788, George Washington presided over the convention while he and Franklin helped in mediating heated debates. Hamilton wrote the "Federalist Papers," along with John Jay, in defense of the Constitution.

**Montesquieu, *The Spirit of Laws*:** Montesquieu was a French writer whose writings helped bring about the French Revolution. His book "*The Spirit of the Laws,*" written in 1748, examines types of government and how each evolves through factors such as location and climate. He believed in separate and balanced branches of government.

**James Madison, "Father of the Constitution":** Madison drafted the Virginia Plan of national government that became the basis for its bicameral structure in 1788. He also assisted in the writing of the "Federalist Papers" in order to persuade delegates who were fearful of centralized power.

**GREAT COMPROMISE:** Also called the Connecticut compromise, this compromise was introduced by the Connecticut delegation in 1788, and contained both the Virginia Plan and the New Jersey Plan. It provided for a presidency, a senate with states represented with two senators each, and a House of Representatives with representation according to population. The plan resolved the dilemma of using only one of the two self serving documents in the Constitution.

**VA Plan, NJ Plan:** The Virginia Plan called for an executive branch with two houses of Congress which were both based on population. The New Jersey Plan, introduced by William Patterson, called for a legislature with equal representation and increased powers for the national government.

**Checks and balances—examples:** Examples of checks and balances in the Constitution are the congressional power to impeach the president and the presidential power to appoint his cabinet. This system helps to keep all three branches of the government in check and maintain equal amounts of power.

**North-South Compromises:** There are two main North-South compromises in the Constitution. One dealt with the structure of Congress, the Great Compromise; the other dealt with slavery and the three-fifths clause. Both aided in easing the problems that arose because of the imbalance of power between states in the Articles of Confederation.

**Slavery and the constitution: slave trade, three-fifths clause, Fugitive Slave law:** Although the word "slavery" was not used in the Constitution, the idea surfaces in three places in the Constitution: the three-fifths clause, which lessened the power of the voting south by making the votes of three slaves equal that of five white votes; the Fugitive Slave Law, which captured and returned runaway slaves who fled into free territories, and lastly Congress’ option to ban the slave trade in Washington D. C. after 1808.

**Procedures for Amendments:** To amend the Constitution, a bill must first be proposed by either two-thirds of both houses or each state conventions. For the amendment to be ratified, three-fourths have to approve the bill. In order to protect the United States and its citizens, this process made it difficult to alter the Constitution without valid reason.

**Antifederalists:** Antifederalists were opponents of the Constitution who thought that it failed to balance power between the national and state governments. Believing that a balance was impossible to reach, the opponents thought that the new government would ultimately ruin the states.

**Supporters of the Constitution:** The supporters of the Constitution, including Hamilton, Jay, and Madison, who called themselves the Federalists. These men became important in the ratification process of the Constitution; they persuaded many of its opponents to ratify it through their speeches, the Federalist Papers, and other propaganda.

**Opponents of the Constitution:** The opponents of the Constitution were called the Antifederalists; they opposed it because it failed to balance power between the national and state governments. They thought that a balance would be impossible to reach and that the new government would ultimately ruin the states.

**George Mason, Bill of Rights:** Mason was a delegate at the Constitutional Convention and helped draft the Constitution. Troubled by its power and its failure to limit slavery or contain a bill of rights, he would not sign it. Some states refused to ratify the Constitution until 1791, when a bill of rights was added to the Constitution.

**The Ratification Fights:** Critics, such as Sam Adams, were successfully won over by the Federalists in Massachusetts. The fight in Virginia ended after the addition of the Bill of Rights, defeating Mason and Henry, and affected the decision in New York, where Hamilton won the fight using the "Federalist Papers."

***The Federalist Papers*, Jay, Hamilton, Madison:** The Federalist papers were written by Jay, Hamilton, and Madison in 1788, during the Philadelphia Convention as a response to Antifederalist objections to the Constitution. The eighty-five newspaper essays offered a glimpse of the framers’ intentions in designing the Constitution, and shaped the American philosophy of the government. They explained that the Constitution would protect the minority’s rights but would not make them too powerful.

***The Federalist*, number 10:** Madison, in the Federalist number ten, rejected the Antifederalist argument that establishing a republic in United States would lead to a struggle for power. He also argued that the Constitution would prevent the formation of national factions and parties.

**Implied Powers, Elastic Clause, Necessary and Proper Clause:** An implied power is one not granted in a job description, yet is meant to be taken. The elastic clause was included into the Constitution to allow flexibility. Congress was granted the right to make all laws which they deemed necessary and proper thus expanding their power.

**Loose, Strict Interpretation of the Constitution:** The strict interpretation of the constitution meant that it was to be followed exactly to the word, a philosophy adopted by Jefferson. Hamilton believed in a loose interpretation, or that powers implied within the Constitution should be included in the new government to fit changes over time.

**RESERVED AND DELEGATED POWERS:** Delegated powers were specifically enumerated rights granted to Congress and the President. The delegated powers of Congress included the ability to tax, issue currency, borrow money, declare war and sustain an army. All powers not stated specifically in the Constitution were reserved to the states as stated in the Tenth Amendment. These reserved powers were the result of flexibility in the Constitution to adapt over time.

**Undemocratic Elements in the Constitution:** According to Charles Beard, the Constitution was written to the advantage of the elite in the United States. The founding fathers did not believe in total democracy, or mob rule, and so used state legislatures and the electoral college to elect senators and the president, respectively.

**Flexibility in the Constitution:** The flexibility in the Constitution enabled it to adapt over time; there have only been sixteen amendments since 1791. Our founding fathers used vague language, and so Supreme Court interpretations of the Constitution changed over time; the Elastic clause and the reserved powers are examples of this ambiguity.

**Upper and Lower House:** The senate was seen as the upper house because there were less delegates, the age requirement was higher, and the term limits were six years as opposed to two for the House of Representatives. As a result the Senate was seen as more of an elitist institution while the House was viewed as reflective of the common people.

**Electoral College:** In order to protect the interests of the elite, land owning class, the framers of the Constitution added the electoral college as a safeguard against the majority opinion. As a result, electors could elect a presidential candidate without considering the popular vote and elections could be won without a majority in the popular vote.