

▣ **Key historical events that shaped the Constitutional Convention**

- ▣ Period of British rule over colonies
- ▣ Stamp Act (1765 (which British enacted to pay for French and Indian War (taxed publications and legal doc.) → “taxation without representation” and escalation of events from Tea Act (1773) to Boston Tea Party to Intolerable Acts (1774) → Constitutional Congress declared Independence
- ▣ Revolutionary War
- ▣ Many people remained Tories during war → made it difficult for founders to create a lasting republic
- ▣ Problems with Articles of Confederation
- ▣ 1st attempt resembled limited govt. (powers of govt. restricted to prevent tyranny) too much
- ▣ basis for organizing govt. during war because of lack of alternative
- ▣ after the war, trade suffered and America was indebted to many foreign nations, but they were unable to repay the debts because there was no way of collecting revenue from the states
- ▣ Political theories of the framers
- ▣ Republican democracy (interest of people represented through elected leaders)
- ▣ Rejection of monarchy
- ▣ Limitations on govt. power that would protect individual rights
- ▣ Govt. gains legitimacy through “consent of governed” (regular elections in which people under that govt. participate)
- ▣ Central purpose of govt. is to uphold natural rights (declaration defines them as life, liberty, and the pursuit of happiness)
- ▣ Human nature and its implications for democracy
- ▣ Federalist papers
- ▣ Framers viewed people as self-interested
- ▣ Madison argued that govt. can't control causes of factions
- ▣ The govt. must however try to control the effects of factions
- ▣ Economic interests
- ▣ Charles Beard argued that the framers wanted to revise the AOC and strengthen the national govt. to protect their own property holdings and investments; but his attack was countered by showing that opponents of the Constitution also came from the upper class

- Most Americans worked on small farms/artisans/business owners → economic equality of citizens figured into debates
- Significant regional economic differences did exist
- South: agricultural (cotton and tobacco dependent on slave labor) → favored free trade because of export economy and slave trade
- Mid-Atlantic and Northern: smaller farms, manufacturing, fishing, trading → favored govt. managed trade and commercial development
- All in all though, population favored stronger national govt. and reform of AOC
- Division remained between supporters of empowering national govt. (Federalists) and those who favored strong state govt. (Anti-federalists)
- **Politics of compromise at the Constitutional Convention**
- Central players of convention were: James Madison, Gouverneur Morris, Edmund Randolph, James Wilson, Benjamin Franklin and George Washington
- Many issues over changes were:
- Majority rule vs. minority rights
- Madison concerned with tyranny by majority factions because in democracy minority tyranny would be controlled by republican principle (majority could outvote minority)
- Madison: to control majority tyranny factions must be set against one another to prevent tyranny of one majority faction → “double protection” of separation of powers (checks and balances and dividing powers across state and local govt.)
- Madison: pluralism- having a variety of parties/interests w/in a govt. will strengthen the system, ensuring no group possesses total control
- General principle pleased federalists and anti-federalists
- Large states vs. small states
- Large states pushed for Virginia Plan: based representation in national legislature on population; included other proposals to strengthen national govt.
- Small states pushed for New Jersey Plan: each state should receive equal representation in the national legislature, regardless of size
- CT proposed Great Compromise: Congress would have 2 houses (Senate with 2 legislators per state and House with representation based on the population)
- Legislative vs. executive (and how to elect exec.)

- many delegates rejected idea of single executive
- Virginia Plan: single exec. who shared legislative power with judges in Council of Revision with power to veto legislation passed by Congress
- Ultimately agreed on single exec. with limited power through checks and balances
- Significant power granted to exec.: veto (could be overridden by Congress w/ support of 2/3 of both chambers)
- Virginia Plan: proposed the president be elected as parliament elected prime minister
- But delegates decided that the president would be elected by electoral college based on number of representatives and senators; members of each state legislature would determine state's electors
- Issues: electors became agents of parties rather than using their own judgment to pick the most qualified candidate; emergence of parties created technical errors in Constitution → electors ended up casting one vote for president and one for vice president candidate of their own party (created tie in 1800 election; fixed in 12th amendment)
- National power vs. state and local power
- Overall compromise that addressed tensions regarding balance of power was 2nd of Madison's "double protections" (federalism: divided power between autonomous levels of govt. that controlled different areas of policy)
- 10th amendment was concession to anti-federalists (reserved powers: any powers not given to the national govt. by the constitution, or not prohibited to the states, are reserved by the states or the people)
- National supremacy clause (Article IV): says any national law is supreme law of the land and takes precedence over any state law that conflicts with it
- Slave states vs. non-slave states
- Southern states wouldn't agree to any provisions limiting slavery, but finally...
- Three-Fifths Compromise: decision to count each slave as 3/5ths of a person in a state's pop. for the purposes of determining the number of house members and the distribution of taxes
- Other issues, importation of slaves and runaway slaves, handled by logrolling (ex. Northern states returned runaways to owners)