# Resource

## Model Research Paper

### The Constitution: A Model of Collaborative Effort

By Jeffrey Twinning

Who wrote the Constitution? Was it Thomas Jefferson? No, Jefferson was the main author of the Declaration of Independence, but he did not attend the Constitutional Convention in 1787 because he was in France serving as the American minister to that country. Was it George Washington? No, he was president of the convention but used his influence to maintain peace between the arguing factions rather than contributing his own ideas. Was it Benjamin Franklin? No, Franklin, the oldest delegate at age 81, contributed some of his wry wisdom to the debate but did not play a primary role in inventing the new government. Was it James Madison or Alexander Hamilton? No, these two giants were perhaps the thinkers most responsible for planning the structure of the new government and persuading the states to adopt the Constitution, but they were not its “authors” in the sense of writing the document. Instead, the Constitution was a collaboration among many people over a period of months and years, and this factor was critical in making it effective and durable.

In fact, the man who put the 1787 Constitution into its written form was a delegate whom relatively few Americans today have heard of: Gouverneur Morris of Pennsylvania. Morris, a proponent of a strong central government, “spoke more frequently than any delegate” (Asimov 138) and contributed the idea of a decimal money system to replace the clumsy British pound system. According to a U.S. State Department website, “Morris actually ‘wrote’ the Constitution” (About America 8). Among other achievements, Morris put the preamble into its inspiring 55-word form (Brinkley 111). However, it would be misleading to call Morris the author of the Constitution. As drafter and reviser, his task was to find clear, concise wording for the ideas that his fellow delegates had agreed upon.



Gouverneur Morris. Library of Congress, LC-USZ62-45482

Gouverneur Morris is a Founding Father who has today faded into relative obscurity, but he was an active participant in the Constitutional Convention and the person who physically drafted the Constitution.

The best way to study the Constitution’s collaborative origin is to follow the convention stage by stage as various delegates and states contributed.

#### The Constitutional Convention’s Origins and Central Issues

It was Alexander Hamilton who had the idea to hold the convention. He proposed the idea at an earlier convention, the Annapolis Convention of September 1786, whose purpose was a very narrow one—to resolve a dispute between Virginia and Maryland over control of the Chesapeake Bay and the Potomac River. At Annapolis, discontent with the weaknesses of the Articles of Confederation boiled to the surface, and Hamilton seized the opportunity to call for a convention the following May to address all the problems of the national government. On schedule, a group of 55 delegates from 12 states (Rhode Island did not attend) arrived in Philadelphia in the spring of 1787. They were men of learning, insight, and experience who were fully aware of the importance of their task, but they had to work hard to overcome their many sectional, political, and economic differences.

From the beginning, the Constitutional Convention was divided between delegates who wanted a strong central government and those who felt that most power should remain in the hands of the states. Some delegates walked out during the four months of the convention, disappointed at not getting their way. Nevertheless, most stayed and participated in healthy debate to reach several crucial compromises and agreements that laid the foundation for the government of the United States as we know it today.

#### The Virginia Plan, the New Jersey Plan, and the Connecticut Compromise

A series of plans took center stage, each one crafted to uphold the interests of its supporters. The first major plan presented was the Virginia Plan, created by Edmund Randolph, who was the governor of Virginia and one of the authors of that state’s constitution. Randolph wanted the United States to have a congress consisting of two houses. The lower house would be elected by the people, and each state would be represented in proportion to its population, just like the House of Representatives today. In contrast to today’s Senate, however, the upper house would be elected by the lower house from a list of candidates proposed by the state legislatures. Meanwhile, the president and the federal judges would be elected by both houses of Congress together.

Randolph’s plan gave greatest power to the large states. Those states would have the most votes in the lower house, which would in turn elect the other important branches. Not surprisingly, the smaller states objected to the Virginia Plan. Their alternative suggestion was the New Jersey Plan, which was brought forward by William Paterson. Paterson wanted each state to have one vote in the legislature, no matter how big or small that state was. The plan also gave Congress some additional powers that it did not have under the Articles of Confederation.

Both plans failed to gain enough support, but as Brinkley points out, neither Randolph nor Paterson had really thought their plans would be passed (108). The two plans were meant to start debate, and they did. That summer, Roger Sherman of Connecticut put forward a compromise, the Connecticut Compromise, also called the Great Compromise. This plan created a bicameral legislature composed of a lower house (the House of Representatives) that was popularly elected and an upper house (the Senate) whose members were appointed by the legislatures of their states. Because they had different structures, the lower house would favor the interests of the big states, and the upper house would favor the small states.

The delegates debated the plans for four months, six days a week, six hours a day, in the heat of summer in Philadelphia (Brinkley 108). The heat and intensity of feeling during the debate turned the Pennsylvania State House, now known as Independence Hall, into a pressure cooker. James Madison overcame his famous shyness to argue forcefully on behalf of a strong central government. Finally, on July 16, 1787, the convention approved a plan based on the Connecticut Compromise. This compromise included the idea that the Senate would not be elected by the people. Perhaps surprisingly, it was not until 1913 and the ratification of the 17th Amendment to the Constitution that popular election of senators came about.

#### Slavery and the Three-Fifths Compromise

More compromises needed to be hammered out before the Constitution became a finished document. Fierce debate arose over the question of how slaves were to be counted in a state’s population. The southern states wanted slaves to be counted in the population for the purpose of apportioning the House of Representatives, because that would give those states more representatives. However, the South did not want slaves to be counted as people for purposes of taxation, because a lower population count would mean lower taxes. The northern states wanted just the opposite, to count slaves for purposes of taxation but not for representation. After much debate, the two sides reached what came to be known as the Three-Fifths Compromise. A slave would count as three-fifths of a person for both taxation and representation. This compromise has been highly criticized ever since, but at the time the delegates believed it to be the only way out of a dilemma that threatened to block passage of the Constitution.

Some issues were omitted from the Constitution because the delegates could not come to a decision on them. Most famously, the Constitution does not take a stand on slavery. Many delegates opposed slavery, including some southerners, such as George Mason of Virginia. Mason, a strong supporter of individual rights, refused to sign the Constitution because it did not oppose slavery and did not yet include a bill of rights (Asimov 145). However, the feelings of both antislavery and proslavery delegates were so strong that in the end the delegates decided to put off the whole issue. In Article I, Section 9, the Constitution states only that the slave trade would not be prohibited until the year 1808. The document says nothing about what might happen after that.

#### The Electoral College and the Bill of Rights

Another important aspect of the Constitution that debate refined was the method of electing the president. Some delegates wanted the president to be popularly elected. Others wanted the president appointed by Congress. As a compromise, the delegates proposed an electoral college. The people of each state would vote for representatives called electors, who would in turn vote for president. The Electoral College, too, has been the subject of much criticism, but it has endured for more than 200 years.

| Problem Addressed by Delegates | Solution Reached by Delegates |
| --- | --- |
| Appropriate representation in Congress for both small and large states  | Connecticut Compromise  |
| Impact of southern slave populations on congressional representation and federal taxation  | Three-Fifths Compromise  |
| Whether the president should be elected by popular vote or appointed by Congress  | Electoral College  |

In several ways, the Constitution was kept vague to keep it flexible for future generations as well as to avoid getting bogged down in disagreement. For example, it does not define the powers of the president very clearly, and it does not say whether the Supreme Court can declare laws unconstitutional. Furthermore, the original Constitution contained no bill of rights. The absence of a bill of rights was an outrage to many delegates. Some strong voices, such as Alexander Hamilton, argued that a bill of rights was unnecessary, but others left the convention rather than sign a constitution that lacked such a bill. Later, when the states ratified the Constitution, Massachusetts, Maryland, and Virginia only agreed to vote for it in exchange for a promise that Congress would add a bill of rights (Asimov 144–145).

Madison, who originally opposed a bill of rights, saw that still more teamwork was necessary for the Constitution to become the law of the land. Accordingly, he became an influential spokesman for a bill of rights. He took the initiative to select a group of 12 amendments, which were later reduced to 10, from over 200 that had been proposed by various delegates (Rakove 4).

#### Finding Strength in Imperfection

In conclusion, in the making of the Constitution, a spirit of negotiation, innovation, and compromise was more important than the contribution of any individual. The arguments between big states and small states, between individuals favoring strong local government and those favoring strong national government, resulted in a system of government that has maintained its basic shape for more than 200 years. The framers did not believe they had created a perfect document. However, they had invented a system of checks and balances that could create unity out of the many conflicting views and interests within a large nation. As George Washington said in a letter, “The warmest friends and the best supporters the Constitution has, do not contend that it is free from imperfections; but they found them unavoidable and…the remedy must come hereafter.… I do not think we are more inspired, have more wisdom, or possess more virtue than those who will come after us” (Washington). Today, Americans may think that the open-ended quality of the Constitution is not an imperfection, but a strength. Looking at what was accomplished in Philadelphia in 1787, they may also conclude that Washington was wrong in one respect—that the framers really were more inspired, more virtuous, and wiser than almost any other leaders have ever been.

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