

Lesson Twenty-Four

The Constitutional Convention

LESSON IDEA

To show how delegates from thirteen separate and suspicious states finally agreed upon a unique form of government which would protect the rights of the minorities while being fair to majorities.

PREPARATION

Read the two sections of *Your Rugged Constitution* described in "During The Week" and decide which would be most appropriate for family discussion after the lesson.

THE ATMOSPHERE WAS TENSE and tempers were touchy when delegates began arriving in Philadelphia in May 1787 to decide how the Articles of Confederation should be revised. Some strongly believed that the Articles should be done away with, not revised. Others were determined to accept only minor revisions. Each faction suspected the others of favoring their own states or economic interests at the expense of the country as a whole. Delegates from the Southern States, for example, thought that New Englanders would be interested primarily in protecting their manufacturing interests. Those men from Massachusetts had the same uneasy feeling about Virginians and their plantation culture. Delegates from small states mistrusted those from large ones, fearing that their independence would be threatened by the size and influence of the latter.

Delegates of like mind gathered in small groups. At some dinner tables, the discussion centered on the philosophy of Locke, the history of Greece, and the laws of Rome. At others, debates raged over reforms likely to be accepted by the people and what compromise measures could be safely adopted.

THE CONVENTION, which began on May 25th, could have deteriorated into a fruitless and factious debate. Instead, its success in solving the most vexing problems would make it one of history's major events.

One of the reasons was the unanimous selection

of George Washington as presiding officer. Washington's fairness, patience in hearing all sides of an issue, and skill in preventing serious disagreements from becoming fatal hurdles, guided the delegates through four months of tedious meetings. The final consensus was reached in mid-September.

At the start of the Convention, Washington made a brief but powerful speech. With a few well-chosen words he stopped the talk of weak compromises, and the avoidance of major issues, due to fear of public reaction. It was entirely possible, he warned, "that no plan [of government] we propose will be adopted. Perhaps another dreadful conflict is to be sustained. If, to please the people we offer what we ourselves disapprove, how can we afterward defend our work? Let us raise a standard to which the wise and the honest can repair; the event is in the hands of God."

Washington's words reminded delegates of the serious nature of their task.

The first few days of discussion were devoted to establishing rules for the Convention.

It was decided, for instance, to debate in secret until the delegates a final decision was reached. Today, after more than 200 years, many liberals who ridicule the Constitution and suggest replacing it with some type of socialistic alternative, claim that the Philadelphia delegates were rich and selfish men who sought to establish a government that would enable them to increase their wealth at the expense of general citizenry. The secrecy rule, these critics contend, confirms that the delegates were trying to hide their true intentions. This line of reasoning is seriously flawed. Does anyone know why?

[Compare secrecy at the Philadelphia convention with government secrecy of our era, such as efforts by a Democratic Administration to hide evidence relating to scandals involving President Bill Clinton, and earlier efforts by a Republican Administration to hide evidence relating to the Watergate scandal involving President Richard Nixon. The latter secrecy was intended to perma-

nently protect the two Presidents. The secrecy rule of the Constitutional Convention, on the other hand, was to last only until the Convention adjourned, and its purpose was not to suppress evidence of criminal behavior, but simply to allow delegates to discuss all aspects of government, from monarchy to democracy to republic, without fear of being publicly quoted out-of-context and in a detrimental manner. Daily news headlines like “Convention Argues Merits of Monarchy,” would have totally misled the average American and created unnecessary apprehension about the Convention’s work. It is one thing for elected officials to keep government decisions secret from the public forever, but quite another to keep debates secret only until a finished plan can be agreed upon and submitted to the people for approval or disapproval.]

When the delegates to the Philadelphia Convention began their deliberations, they had three plans on the table: the Virginia plan, the Hamilton plan, and minor modifications of the existing Articles of Confederation.

The Virginia Plan, presented by Edmund Randolph, proposed more centralization of power in a federal government than the delegates eventually accepted. There were other defects as well, and after thorough consideration the proposal was rejected.

The same fate awaited Hamilton’s plan, which provided for even more centralization of power than did the Virginia Plan, including the establishment of a new monarchy. Hamilton proposed that presidents be elected for life.

The third plan, calling for revision of the Articles of Confederation, was also rejected following lengthy debate.

As the discussion and debate proceeded, delegates from small and large states, and from North and South, learned to respect each other’s opinions. Washington’s unique leadership qualities — which included a willingness to listen to all sides, allow delegates to express themselves at length, and permit delegates to revisit issues as many times as the wished — had a noticeably positive impact on the Convention, causing South Carolina’s Charles Cotesworth Pinckney to write: “I will confess that I had prejudices against the Eastern States before I came here, but I have

found them as liberal and candid as any man whatever.” [A “liberal” of the 1700’s was one who valued individual freedom (especially freedom from government dictates). Today, the term designates those who favor more government controls (sometimes deceptively described as “progressive measures”) at the expense of individual freedoms. Whereas the “liberal” of the 1700s was open-minded and freedom-oriented, the “liberal” of today demands politically-correct allegiance to a collectivist agenda.]

The delegates generally accepted the planks of the Virginia Plan that divided government power into three distinct entities. Can anyone name those three branches of government? First was the legislative branch that would make the laws. Second was the executive branch that would enforce the laws. And third was the judicial

FOR SERIOUS STUDENTS

For an absorbing account of the history of governments from ancient to modern times, see *The Mainspring Of Human Progress* by Henry Grady Weaver. Among other things, Weaver explains why some nations stagnate for long periods without economic progress, while the United States was transformed from a wilderness into the most prosperous and productive nation in world history in less than 100 years. How did it happen? What is the mainspring (prime mover) of human economic progress?

The Mainspring Of Human Progress may be purchased for \$5.95 in paperback from [The Foundation for Economic Education still carries it. Could we restock it?— rwl]

Let’s discuss the delegates’ dilemma by citing a specific example: a vote to increase taxes. If a small state had only six votes to California’s 52, Texas’ 31, or New York’s 30, would it be fair to be outvoted by those three simply because they had more people and representatives? Why not? What are the dangers of majority rule? Are majorities always right? [Explain the dangers that majorities can pose to minorities. The Amish religious sect, for instance, constitutes a tiny percentage of our nation’s population. Since their culture and beliefs differ significantly from those of most Americans, they would always be outvoted, so might not be allowed to peacefully live as they wish. Suppose, as farfetched examples, that the majority decided to eliminate or imprison all redheaded people, or Lutherans, or Baptists. How could such minorities be protected from the majority?]

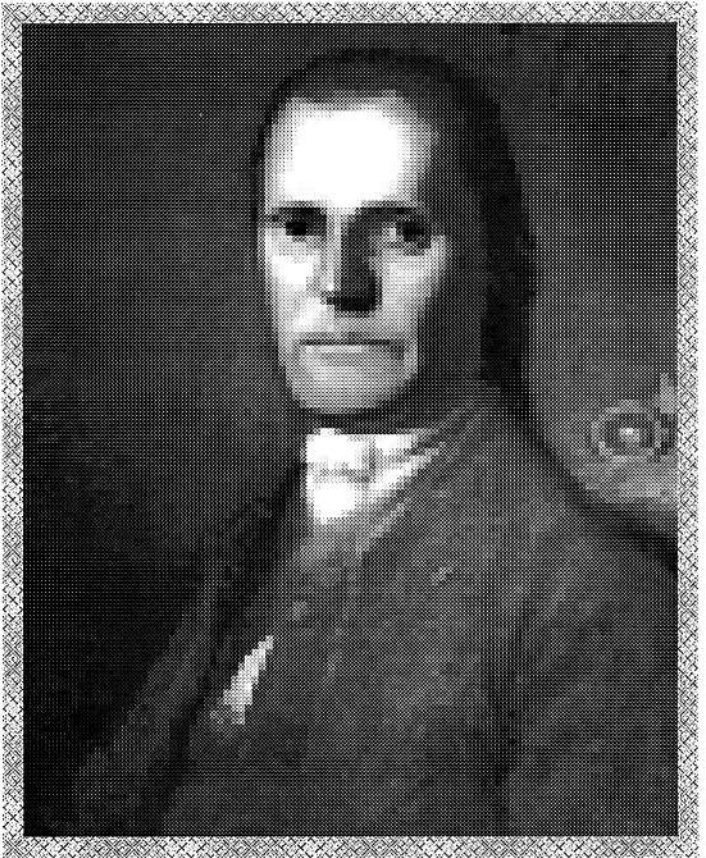
branch that would apply the laws (including the Constitution) to disputes by interpreting them according to the intent of those who wrote them.

The major disagreement of the Convention arose over the question of representation in the national legislature. The Virginia delegation was adamant that representation should be based on population, but the smaller states feared they would be totally dominated in such an arrangement. They refused to go along. For a time a hopeless deadlock seemed inevitable.

Let's discuss the delegates' dilemma by using a specific example — voting on an increase in taxes. If our state had only six votes to New York's thirty-nine or California's forty-three, would it be fair for us to be outvoted by New York and California simply because they had more people and more representatives? Why not? What are the dangers of such majority rule? Is the majority always right? [Explain the dangers to minorities of majority rule. The Amish, for example, constitute a very small percent of our population. With a culture different from the majority, they would always be outvoted and conceivably might not be permitted to live in their chosen way. Suppose, as a far-fetched example, that the majority decided to eliminate or imprison all redheaded people, or Lutherans, or Baptists? How could these minorities be protected against the majority?]

WASHINGTON DREW ATTENTION to the inherent weakness of arbitrary majority rule. Any system that would authorize a majority to impose its will on a minority, he warned, would violate the very rights proclaimed in the Declaration of Independence. He had opposed such "majority rule in Virginia two years before the Philadelphia Convention. The House of Burgesses had considered a tax on all persons, regardless of faith, to support the Episcopal Church. Although that church was the largest in the state, and one to which Washington himself belonged, he vigorously opposed the measure, arguing that such a tax would be unfair to the members of other faiths. Likewise, at the Constitutional Convention he would not support his fellow Virginians in their demand that both branches of the Legislature — House and Senate — be organized on the basis of population.

The thorny problem of representation was so



ROGER SHERMAN, author of the proposal that solved the question of fair representation in Congress, is the only man who had the privilege of signing all four of the great documents of America's early history: The Articles of Association of the first Continental Congress, the Declaration of Independence, the Articles of Confederation, and the Constitution.

serious that the attempt to form a new government was certain to collapse unless it was solved. But how could it be resolved to the satisfaction of all? The small states would not tolerate the strict majority rule proposed by the large ones, and the large states would not agree to give small ones the same number of votes in Congress. On a tax issue, for example, the largest state would pay more because it would have more taxable citizens, yet its vote would be equal to the smallest state, whose citizens would pay only a fraction of the sum needed to finance the federal government. This is the situation today with the United Nations, where the U.S. is assessed around 25 percent of the UN budget each year, yet has a vote in the General Assembly equal to the many mini-"nations" that pay little or nothing toward the world body's budget.

The final solution to the problem of fair repre-

sentation for all states had been proposed to the delegates at the start of the convention. During one of the first meetings, Roger Sherman of Connecticut had suggested basing membership in the House of Representatives on population, but giving each state an equal number of Senators. The delegates had rejected the idea. Two months later, however, attitudes had changed, preconceived ideas had been modified by debate, new thoughts about government had taken root, and the 55 delegates were willing to reconsider Sherman's unique proposal. To some, it must have seemed a last resort to avoid an otherwise hopeless deadlock. Actually, however, it was an innovative solution to the age-old problem of protecting minorities in a way that was fair to majorities. Each state, no matter how large or small, would have an equal number of Senate votes that could not be increased, reduced, or abolished at the whim of the majority. In the House, representation would be based on population (one voting member for every 30,000 citizens), to be adjusted after a national census taken every ten years. Each of the legislative bodies would be assigned special duties, with each serving as a check and balance on the other.



Initially, the vote on Sherman's proposal was not unanimous, but eventually "The Great Compromise" was accepted by all. The deadlock was broken, and the work of the delegates moved to a discussion of such issues as salaries, duties, terms of office, trade, slavery, and court systems. The decisions were never quick or simple. Sixty votes, for example, were taken before the Convention could decide on a method of selecting a President. But the attitudes of the delegates had changed from suspicion and hostility to mutual respect and conciliation.

The final product those four months of concerted effort by some of the keenest minds on the American Continent was ready to be unveiled to the public on September 17, 1787. Citizens from northern Maine (then part of Massachusetts) to southern Georgia were urged to scrutinize the

proposed Constitution line by line and provision by provision, from Preamble to final paragraph. Ministers and diplomats from throughout Europe also studied it carefully. As years have passed, the Constitution has stood the test of time longer than any similar document in the history of the world. William E. Gladstone, Prime Minister of England (1868–1874), echoed the sentiments of many statesmen when he described it as "the greatest work of its kind ever turned out by the mind and purpose of man."

Concluding Thought

When the 55 delegates met in Philadelphia in May 1787, they were as divided by suspicion and special interests as any group of men could be. But after four months of intense deliberation under the leadership of George Washington, they emerged as a group united in a common purpose. Together, they had hammered out the written contract for a daring new system of government that offered the hope of freedom, fairness, and opportunity for the people they represented. The delegates succeeded in limiting government to its proper role, and restraining its power with well-defined boundaries.

Looking Ahead

Next week we will see how this written contract called the Constitution limited the power of government by dividing its functions, imposing carefully crafted checks-and-balances, and confining its authority to specific areas. Most governments function on the theory that they may do virtually anything they wish, in all areas of life, unless specifically prohibited by a legislative act. The American government, on the other hand, was designed to keep its elected officials from meddling in an area unless specifically authorized and instructed to do so by the Constitution. What a crucial difference that is!

DURING THE WEEK

Continue the study of the Constitution, as suggested last week. The requirements for becoming a Senator or a member of the House of Representatives are described on pages 14 through 33 of *Your Rugged Constitution*, while the powers granted to our federal legislators are explained on pages 64 through 93. Pick whichever section most interests your family and ask each member to read from it each day, and explain it to others, during the dinner hour.