**Unit II, District Question #2 -** *May 2014*

*What were the major conflicts at the Philadelphia Convention and how were they resolved?*

* *What arguments can you make for and against giving each state the right to send the same number of members to the Senate?*
* *What arguments can you make for and against including the three-fifths clause and the fugitive slave clause in the Constitution?*

**P1.**  The government formed in 1781 by the Articles of Confederation was, for the most part, a failure. This failure was due to the inability of the states to act as a nation instead as thirteen independent states. For this reason, prominent American leaders called for a convention to make improvements in the Articles. The delegates’ job was to investigate “important defects in the System of the Federal government and to devise remedies for them.” They were the result of the weakness in the Articles of Confederation: a document that demonstrated Americans’ fear of a strong national government. The delegates discovered that the defects were so serious that it would be better to forget revisions and start anew.

**P2.** The most serious of these defects was the issue of representation and organization of the legislative branch. The Virgnia Plan insisted on a bicameral legislature whose members would be elected on a proportional basis. This worried the smaller states, such as New Jersey, whose delegates felt that representation in a unicameral legislature should be structured on a basis of equality of the states. Compromise was needed, and it came in the form of a proposal from Connecticut.

**P3.**  The House of Representatives was to have its members chosen by the people in accordance with the population of each states and would hold the power of the purse. The upper chamber-the Senate-would be based on the equality of the states with each state having two members chosen by the state legislatures.

**P4.**  As we analyze this arrangement today, we must ask ourselves whether the power given to the Senate was excessive. It was given the advice and consent and treaty powers, and its members enjoy six-year term of office; however, states such as Virginia and New York saw their senators having no more power than those of Rhode Island and Georgia. In the House of Representatives, populous states such as California have disproportionate political power. The two senators from each state arrangement helps balance the overall congressional distribution of political power.

**P5.** Another major conflict had to do with the executive branch. How strong should the president be without unbalancing the powers of the other branches? The delegates spelled out executive powers, decided on a four-year term of office, permitted presidents to pardon those convicted of federal crimes, and to share in the legislative process as well. the president would be elected through a complex system known as the electoral college which ensures the power of the states in the presidential election.

**P6.** The delegates had to resolve other conflicts as well. Many arose out of the sectional differences hat centered on commerce and slavery. The southern delegates informed the convention that they would not ratify any constitution that interfered with their property right to import and keep slaves. And the northern states wanted the new Congress to regulate foreign trade and commerce between the states.

**P7.** Two clauses, the ⅗ Compromise and the fugitive slave provision were negotiated to help resolve this conflict, and were concessions to the slave-holding states. It must be remembered that the southern states were needed when the time came to ratify the Constitution following the process outlined in Article VII.

**P8.** Justice Thurgood Marshall correctly criticized the clauses as perpetuating slavery and treating human beings as property. He was right; however, the Constitution contains the means of remedying its own defects in its Article V. Moreover, our strong central government is capable of making such corrections as were accomplished with the 1964 Civil Rights Act and the 1965 Voting Rights Act.

**P9.**  Even James Madison disapproved of the slavery clauses, but he realized the importance of compromise, and felt that slavery would die on its own anyway. Recently, the Supreme Court made rulings on affirmative action in *Fisher v. University of Texas,* and struck down Section 5 of the Voting Rights Act as an unconstitutional violation of Equal Protection clause.

**P10.** In conclusion, the constitution has been called the miracle in Philadelphia and a bundle of compromises. Both descriptions are accurate, but the real miracle is that the delegates were able to reach an agreement and create a governing charter that has lasted over 200 years.

**P11.** Thank you for your time. We are now eager to discuss theses issues with you.