

# THE CONSTITUTIONAL CONVENTION OF 1787

## COURSE OUTLINE

Fall, 2020

- I. Introduction: The Miracle**
- II. The Genesis of the Convention**
  - A. Articles of Confederation**
    - 1. Overall design – a league of friendship
    - 2. First President of the U.S.
    - 3. No revenue and no amendments
    - 4. Post-War problems
  - B. The true meaning of the Revolutionary War**
  - C. The Mount Vernon Conference (March, 1785)**
  - D. The Annapolis Convention (September, 1786)**
  - E. Shays' Rebellion (Winter, 1786-7)**
  - F. Washington's reaction**
  - G. Congress authorizes a convention (Feb. 21, 1787)**
- III. James Madison (and his preparations)**
- IV. A Slow Start (May 14 – 24)**
- V. George Washington: To Go, or Not To Go?**
- VI. The Other Virginia Delegates (esp. George Mason and George Wythe)**
- VII. Pre-convention Activities**
  - A. Benjamin Franklin's dinner**
  - B. Meetings of the VA and PA delegations**
- VIII. Organizing the Convention (May 25 -29)**
  - A. George Washington chosen to be President**
  - B. Rules of decorum**
  - C. Procedural rules, particularly the rule of secrecy**
  - D. Record-keeping (Madison's notes)**
- IX. Virginia Seizes the Initiative**
  - A. Scrap the Articles?**
  - B. Create a new, national government?**

**X. Phase I: The Committee of the Whole (May 30 – June 19)**

**A. The Virginia Plan: a first look**

1. A new national government?
2. Introducing Gouverneur Morris
3. Opening skirmish: proportional versus equal representation
4. Large states and small states
5. Let the people vote?
6. The idea of national supremacy emerges
7. The head of the new executive branch (one or several?)
8. Introducing James Wilson
9. The other Pennsylvania delegates

**B. More scrutiny of the Virginia Plan: Week #2 (June 4- 9)**

1. Sketching out an Executive
2. Judicial review
3. The Massachusetts delegation
4. Creating the judiciary
5. The role of the Senate

**C. The Delegates as a group**

1. General observations
2. Immigrants
3. Absentees (esp. Jefferson and Adams)

**D. Pushback from the small states**

1. The New Jersey delegation
2. Equal v. proportional representation (again)

**E. Finishing the Virginia Plan: Week #3 (June 11- 16)**

1. A pivotal day: June 11
  - a. Proportional representation wins (in both Houses)
  - b. The 3/5's clause is adopted
  - c. The alliance between the large states and the Deep South
  - d. A missed opportunity for compromise
  - e. Slavery condoned
2. More details on the Virginia Plan (length of terms)
3. Washington scolds the delegates

4. **A competing plan is introduced: The New Jersey Plan**
  - a. **Would strengthen the Articles**
  - b. **But, keep the basic structure of the Articles**
  - c. **The Delaware delegation**
  
- F. **Alexander Hamilton's disastrous speech**
  
- G. **The Virginia Plan is approved (June 19)**
  
- XI. **Examining the Virginia Plan – but now in Full Convention (June 20 – July 26)**
  - A. **Creating a Congress (June 20 -26)**
    1. **Compromises on lengths of terms**
    2. **Compromise: a key to the convention's success**
    3. **The Connecticut delegation (especially Roger Sherman)**
  
  - B. **Heading Towards Failure? Week #5 (June 24 -30)**
    1. **Luther Martin and the Maryland delegation**
    2. **Impasse on the “equal or proportional” issue**
    3. **Obvious compromise rejected**
    4. **June 30: a really bad day**
    5. **Delegates start leaving**
  
  - C. **The Critical Vote on July 2**
    1. **Unsung hero #1: Daniel of St. Thomas Jenifer**
    2. **Unsung hero #2: Abraham Baldwin**
    3. **George Washington to the rescue**
    4. **Send the mess to a committee**
    5. **The Georgia delegation**
  
  - D. **The Committee of 11 develops a compromise**
  
  - E. **Three Detours**
    1. **Allocating 65 reps to states in the first Congress**
    2. **The 3/5 clause: in or out?**
      - a. **South Carolina pushes too hard**
      - b. **Growing anti-slavery resentment**
      - c. **Solution: “hide” the clause**
      - d. **The South Carolina delegation (esp. John Rutledge)**
    3. **Should new states be “second class” states?**
  
  - F. **The Great Compromise (July 16-17)**

1. North Carolina and Massachusetts break with the large state bloc
2. Not as close as it may appear
3. The North Carolina delegation
4. Implications

**G. The mood shifts: powers given to the national government**

1. National supremacy agreed to
2. But, no veto of state laws
3. Power of judicial review is assumed

**H. How to choose the Executive?**

1. Popular election rejected again
  - a. The people are uninformed
  - b. The people are gullible
  - c. The large states will always win
2. Idea of using electors rejected (again)
3. Many other ideas also rejected
4. Reluctant decision: let Congress choose him

**I. The Judiciary comes into focus**

**XII. Break (July 26 – Aug. 5)**

**XIII. Preparing and Reviewing the First Draft (Aug. 6 – Sept. 11)**

**A. The Committee of Detail**

1. Guiding principles
2. New terms
3. Limits on the states

**B. More departures (is timing running out?)**

**C. Property ownership requirements: for voters? for elected officials?**

**D. How to treat immigrants**

**E. Organizing Congress (who pays congressmen)**

**F. Enumerated powers for Congress – a major shift in focus**

1. Types of powers
2. Standing armies

**G. The slave trade debate (Aug. 21 -29)**

- 1. Some morally-based objections**
- 2. The political calculus**
- 3. Another major compromise**
- 4. The verdict on how the Framers handled slavery**

**H. Agreeing on a ratification process**

**I. The importance of compromise (again)**

**J. The Committee on Postponed Parts**

- 1. Redesigns the executive**
- 2. Creates the office of Vice President**
- 3. Resurrects the electoral college idea**
- 4. Roger Sherman to the rescue; the House – not the Senate – would resolve elections where there was no electoral college winner**
- 5. The hastiness of the decisions about the executive**

**XIV. The Final Draft (Sept. 12 -17)**

**A. Committee of Style and Arrangement**

**B. The author: Gouverneur Morris**

**C. A new preamble**

**D. No bill of rights**

**E. The cover letter**

**F. The dissenters (Gerry, Randolph and Mason)**

**G. Franklin's closing address**

**H. Washington's last minute request**

**I. The non-signers**

**J. "A rising sun"**