

# The Constitutional Convention



# Aim: Did Compromises weaken the Constitution?

- What is a Compromise? Do you think its important to compromise? Explain.
- A good compromise, a good piece of legislation, is like a good sentence; or a good piece of music. Everybody can recognize it. They say, 'Huh. It works. It makes sense.'

[Barack Obama](#)

# Constitutional Convention

- May 25, 1797
- Purpose – “fix” Articles of Confederation
- Delegates from 12 states met in Philadelphia
- Unanimously Elected George Washington presiding officer.
- Goals – stated in the Preamble

# Issue 1: Representation



**The Virginia Plan**

**versus**

**The New Jersey Plan**

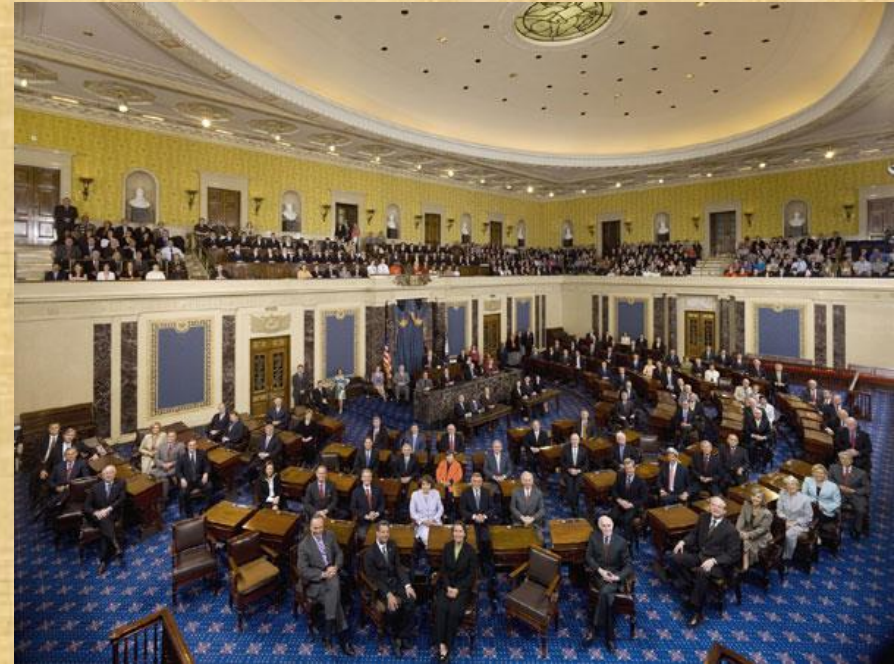
*BIG STATES - Wanted  
representation based on  
population*

*SMALL STATES - Wanted  
equal representation*

# Great Compromise



House of Representatives  
- Representation based on population

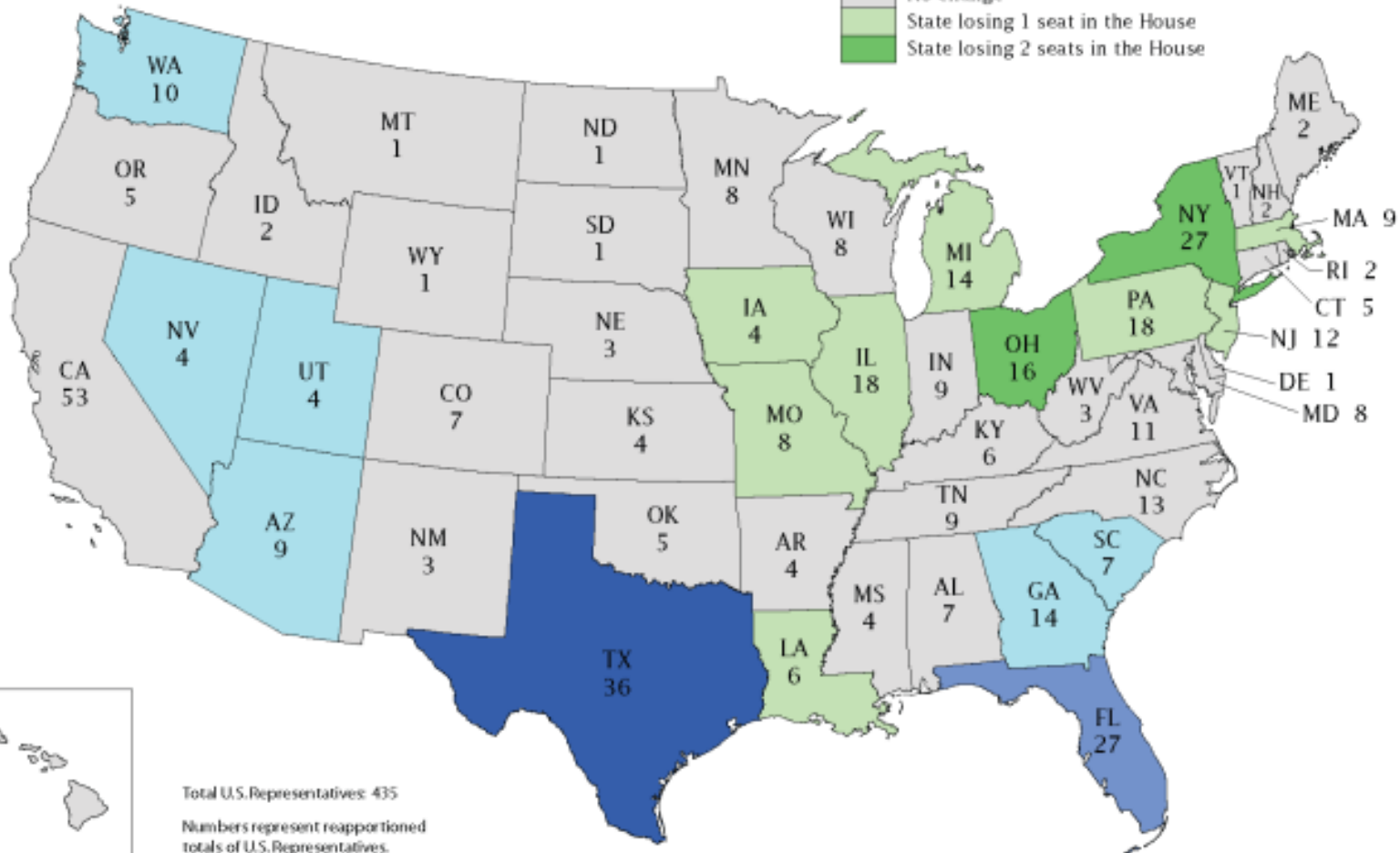


Senate  
- 2 per state

# Apportionment of the U.S. House of Representatives Based on the 2010 Census



- Change from 2000 to 2010
- State gaining 4 seats in the House
  - State gaining 2 seats in the House
  - State gaining 1 seat in the House
  - No change
  - State losing 1 seat in the House
  - State losing 2 seats in the House



Total U.S. Representatives: 435  
Numbers represent reapportioned totals of U.S. Representatives.

# Congressional Districts as a Result of 2010 Census (2013-2022)



# Your Representative

Tom Suozzi







CONGRESSIONAL DISTRICTS

109th Congress (January 2005 - January 2007)

The Constitution prescribes Congressional apportionment based on decennial census population data. Each state has at least one Representative, no matter how small its population. Since 1941, distribution of Representatives has been based on total U.S. population, so that the average population per Representative has the least possible variation between one state and any other. Congress fixes the number of voting Representatives at each apportionment. States delineate the district boundaries. The first House of Representatives in 1789 had 65 members; currently there are 435. There are non-voting delegates from American Samoa, the District of Columbia, Guam, Puerto Rico, and the Virgin Islands.



# Your Senators

Charles Schumer



Kirsten Gillebrand

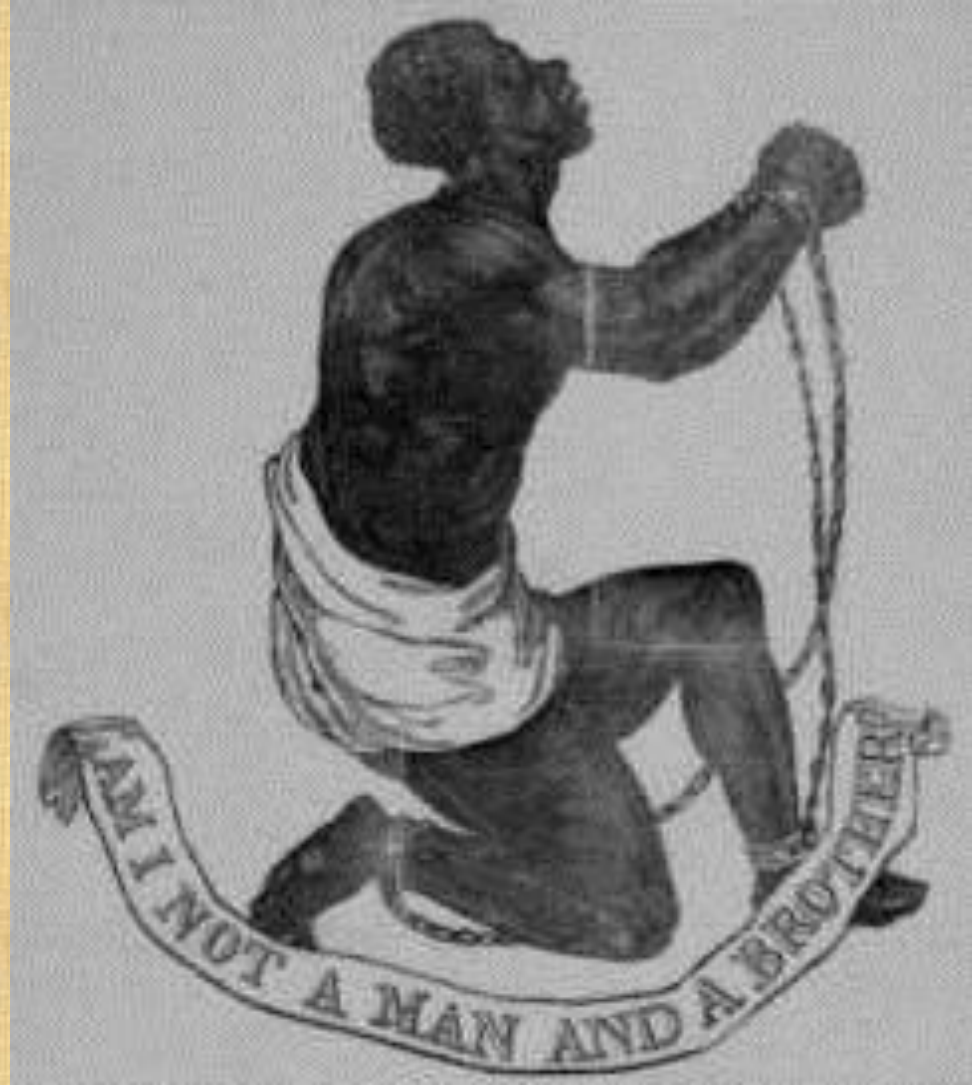




# U.S. House of Representatives

- **Reapportionment** – the redrawing of congressional districts to reflect changes in population every 10 years after the census.
- **Census** – Counting of the American people every 10 years.
- **Reapportionment Act 1929** – Set the number of seats in the House of Representatives at 435.

## Issue 2: Slaves and Representation



# 3/5 Compromise

- Article 1, Section 2, clause 3
- Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons

# 3/5 compromise

- For purposes of representation, 5 slaves would count as 3 free people.

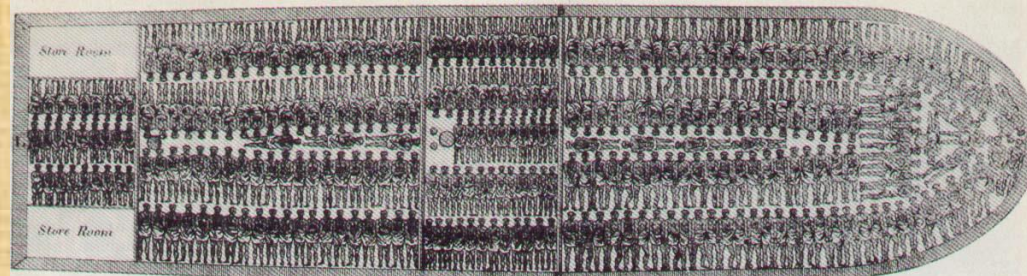
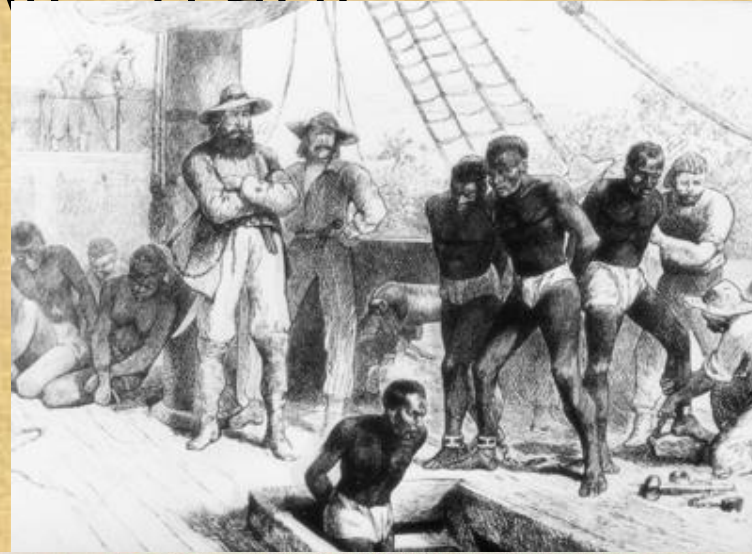
eg.

1 rep. per 60,000 people

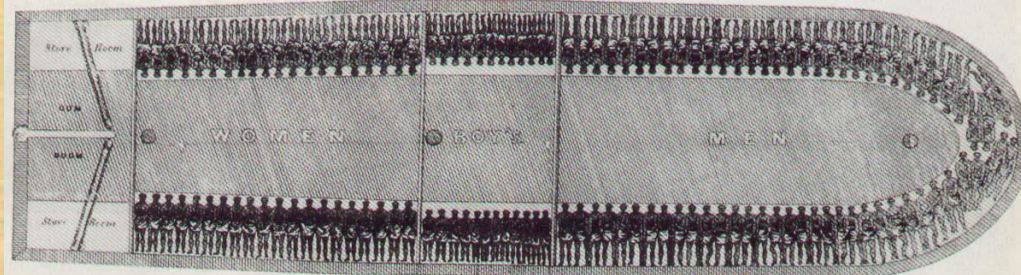
$180,000 \text{ Free} + (100,000 \text{ slaves} \times .6) = 240,000 \text{ people}$

State would receive four representatives

# Issue #3 - Slave Trade



PLAN SHEWING THE STOWAGE OF 130 ADDITIONAL SLAVES ROUND THE WINGS OR SIDES OF THE LOWER DECK BY MEANS OF PLATFORMS OR SHELVES (IN THE MANNER OF GALLERIES IN A CHURCH) THE SLAVES STOWED ON THE SHELVES AND BELOW THEM HAVE ONLY A HEIGHT OF 2 FEET 7 INCHES BETWEEN THE BEAMS AND FAR LESS UNDER THE BEAMS. See Fig 1





# Slave Trade Compromise

- Article I, Section 9, Clause 1
- The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.

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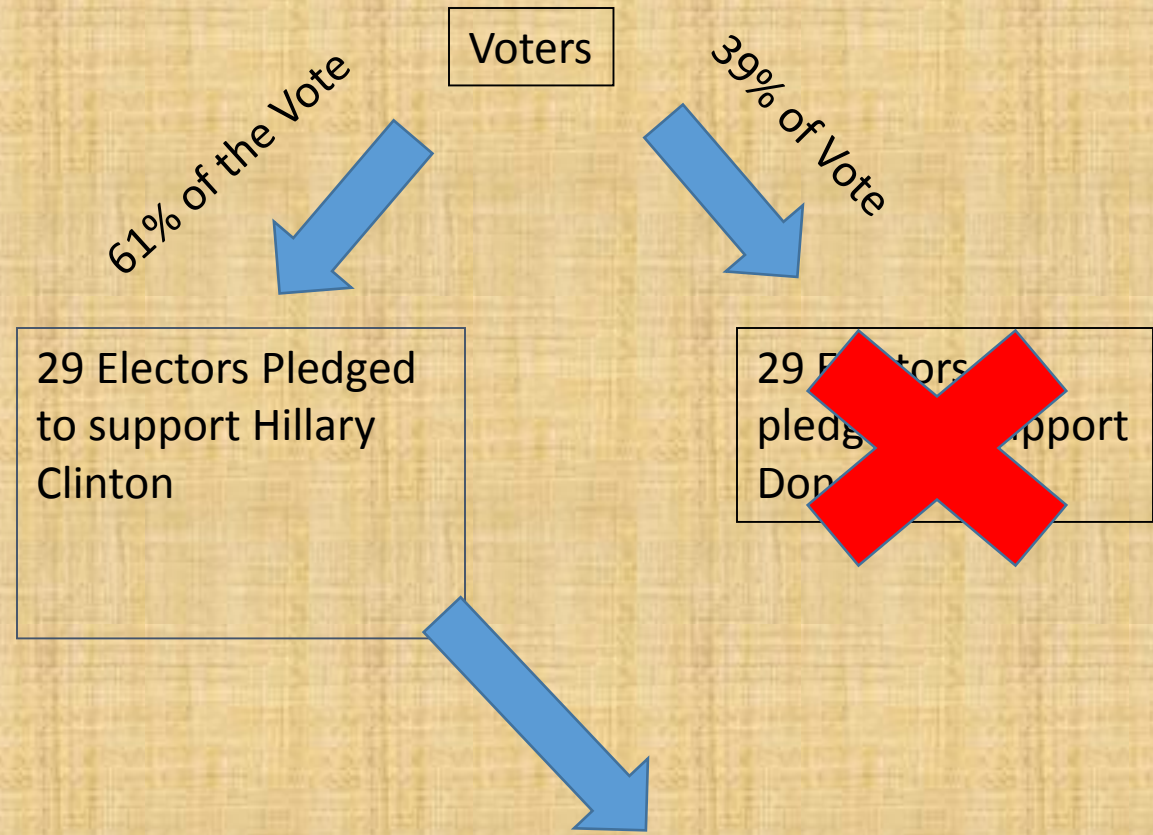
# Electoral College Compromise

# Electoral college

- <http://www.270towin.com/>

# How it works

New York – 29 Electoral Votes (27 reps. + 2 sens.)



Electors supporting Clinton get into the “Electoral College” and are able to cast their votes

# How it originally worked

Each State Legislature chose electors.  
Citizens did not have a say.

George Washington  
and Thomas  
Jefferson would be  
perfect



Electors Cast TWO votes for President (No one was actually supposed to run for President - Electors would just think of people they thought would be good for the Job)

George Washington and  
John Adams would be  
perfect



Whoever got the most votes would become president;  
second place finisher became Vice President

# Problem?

- Rise of political parties complicated things
- In 1796 Adams (a Federalist) was elected President and Jefferson (a Democratic-Republican) was elected Vice-President
- Election of 1800 was a tie.



# 12<sup>th</sup> Amendment

- Passed after Election of 1800
- Rather than each elector casting two votes for president, would cast one for president and one for vice-president

# What if no one gets a majority of electoral votes

- House of Reps votes – each state delegation gets one vote.
- Happened twice – 1800 and 1824
- <http://www.270towin.com/>

# How can someone win popular vote but lose the election?

- When has it happened?
- 1824
- 1876
- 1888
- 2000
- 2016

# Criticisms of the System?

1. Winner of the popular vote can lose the election
2. “Winner Takes All system” discourages candidates from campaigning in solidly “Blue” or solidly “Red” states
3. Gives small states disproportionate amount of power – Wyoming – 1 electoral vote for every 170,000 people; California 1 electoral vote for every 600,000 people

# The Electoral College

- Should it be changed?
- Why won't it be changed any time soon?

# Why it will never be changed -



- Too many states benefit
  - Small states have disproportionate amount of power in electing presidents
  - “Swing States” get a lot of attention and feel as if they are more likely to get favorable attention from presidents