

Creation of the Constitution

The United States Constitution was drafted by 55 delegates appointed to Philadelphia during the hot summer of 1787 to revise the Articles of Confederation. Instead, they wrote a new constitution from whole cloth, that is still in force today, more than 200 years later, amended only 27 times.

In early May, James Madison arrived in Philadelphia with a plan—a set of resolutions he hoped would guide the debates and decisions of the delegates, pushing them to throw out the Articles and create a new, much stronger national government. His plan was introduced by Edmund Randolph and became known as the Virginia Plan. Weeks later, delegates introduced the competing New Jersey Plan, which aimed to preserve more sovereignty for the states.

Debate raged among these two plans, and ultimately the Virginia Plan would form the basis for the new Constitution, but with key changes. Drafted after three months of debate, the Constitution was the produce of rich conversations about the nature and form of good government and a series of compromises between the delegates. The delegates created three branches of government: in Article I, a bicameral legislature with a Senate with representation by state and a House of Representatives with representation based on population; in Article II, a strong, independent, elected executive, but one limited by important checks from the other branches, and in Article III, a federal judiciary complete with a Supreme Court to settle cases and controversies in the law for the new nation.

The Constitution granted the new government important powers that Congress has lacked under the Articles of Confederation, like the power to levy taxes and regulate interstate trade. It dealt with the issue of slavery obliquely, counting enslaved persons as 3/5 of free people for purposes of representation and taxation, prohibiting Congress from passing on the slave trade until 1808, and offering assistance to slave owners whose slaves escaped in the form of the Fugitive Slave Clause. Yet the word "slave" or "slavery" is never mentioned in the Constitution.

The delegates also wrote a Preamble describing the nature of the government they were creating and provided for its amendment and ratification. This free online course will walk you through the Convention and the debates, delving deeply into each of the issues discussed. You will leave this course with a greater understanding of not only what the Constitution says, but how it was created.