Constitutional Compromises: Crash Course Government and Politics #5

Crash Course: U.S. Government and Politics
https://youtube.com/watch?v=kCCmuftyj8A
https://nerdfighteria.info/v/kCCmuftyj8A

===== Introduction =====

Hi, I'm Craig, and this is Crash Course Government and Politics, and today we're going to talk about the single most important document in America, one that we'll be talking about a lot over next few months. No, I'm not talking about O Magazine--it's the United States Constitution, and what we're really gonna focus on is how it got made and how it became the foundation of our government.

[theme music]

===== Craig's desk, part 1 =====

Those of you who watched the U.S. History series with John Green probably remember that the government set up by the Constitution is actually the second attempt at an American government. Also, as pointed out in the comments, you probably noticed that I am not John Green.

The first American government, which was in place during the Revolutionary War and for almost 10 years afterwards, was the Articles of Confederation. Like many first attempts, the Articles government had some good ideas and it meant well, but it was poorly executed. Give it a break, it never did this before!

So when delegates gathered in Philadelphia in 1787 to revise the Articles, they ended up scrapping the whole thing and creating a new Constitution. It's probably not because they didn't know what revise meant. So, the delegates from the various states each had their own agendas at the Constitutional Convention, and that made it difficult for them to agree on what the new government should look like. In order to hammer out a Constitution, they had to do something you don't see very much of in government these days - compromise. Oh, let's compromise, I'm sorry, eagle, I didn't mean...

Before we get into what those compromises were, it's kinda necessary to look at what was so bad about the Articles government in the first place. The main thing was it really couldn't govern. There was no executive branch or president and no judiciary to settle disputes. It was basically just a congress where each state was equally represented and they all pretty much had veto power and could sink legislation they didn't like. All decisions were collective, which meant that very few decisions were actually made, cause it's really hard to get 13 people to agree on something that will be in the interest of all 13. I can barely agree with Stan on anything. Right, Stan? He said wrong.

Most important, the Articles government had no power to levy taxes, which meant that if it needed any money to do, well, anything, it had to ask for money from the states, which were free to say, "No, I don't think we'll be giving you any money today...or tomorrow. Or ever."

As I remember from my college years - and I don't remember much - living without money is awful. Without money, it's pretty much impossible for a government to do anything, except buy ramen noodles. The Articles government was able to accomplish one notable thing, though. One of the big issues it had to deal with was Americans moving out West, which in the 1770's and 80's meant to places like Ohio and Indiana that weren't states yet.

The government managed to set up rules for these settlements in the Northwest Ordinance of 1787, which set up a system for eventual statehood. But most importantly, it forbade slavery in these territories, which, as students of American history know, was kind of a big deal. You wouldn't know that, you're not a student of American history. You're a symbol of America, bird! I'm not gonna punch you.

Other than that, though, the Articles government was a flop. And the very thing that made it so ineffective threatened to screw up any attempts at new government, too. This was issue of competing interests between different states, more specifically the states with large populations and smaller states. Basically, a state with a large population like, say, Virginia, had different needs than a state with a small population, like Delaware.

More importantly, large states might stand to benefit more from any government spending. When the delegates decided to make a new congress, these large population states wanted the number of representatives to that congress to be proportional to the states' populations, which would mean that the larger states would have more representatives than the smaller ones.

This idea, a large congress made up of many delegates, was called The Virginia Plan. Because it was put forth by the delegates from Wisconsin. Just kidding...Virginia.

The delegates from small New Jersey put forward a plan that would have a congress where each state would send an equal number of representatives. In other words, something that looked a lot like the Articles government.

This New Jersey Plan would prevent smaller states from being dominated by the larger states, and also ensure that the large states wouldn't be able to vote themselves a bigger share of government spending.

These two opposing interests threatened to scuttle the whole new government thing until Roger Sherman from Connecticut proposed The Great Compromise, which gave us bicameral legislature that we talked about in episode two, and we've all come to know and love, sometimes.

So The Great Compromise meant that we would have a two-house legislature, but this wasn't the only issue related to how the seats in Congress would be apportioned. The membership in the House would be based on the state's population, but at the time there was an issue about how to count that population.

The issue was slavery. More specifically, how to count slaves as part of a state's population. Let's go to the Thought Bubble.

===== Thought Bubble =====

States with large slave populations, like South Carolina and Virginia, had a pretty big interest in counting these slaves for the purposes of determining representation. And the states with few slaves didn't want them counted at all. Because this would mean that the white non-slave people in those states with lots of slaves would effectively be better represented than the white non-slave people in the states with few slaves.

The delegates at the Constitutional Convention solved this problem with another compromise that was decidedly less great. Article 1 Section 2 of the Constitution includes the following clause: "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."

If you're looking for the word "slave," you won't find it. They're the ones described by the phrase, "three-fifths of all other persons." This is the notorious Three-Fifths Compromise.

What it means is that in order to determine how many representatives a state has, you count the number of free people in the state, including indentured servants, and add to that number three-fifths of the number of non-free persons, otherwise known as slaves.

So in terms of counting, each slave was worth three-fifths of each free person. Thanks, Thought Bubble.

===== Craig's desk, part 2 =====

Anyway, this meant that states with large populations of slaves would be disproportionately represented in Congress, but not quite so badly that most northern states with small numbers of slaves wouldn't vote for the Constitution.

What this also did was enshrine the idea that slaves, who were mostly black, were worth less than free people, who were mostly white. And it embedded slavery into the Constitution.

So before this constitution of compromise could go into effect, it had to be ratified by at least 9 of the 13 states. So each state had a special convention where delegates could vote on whether or not to adopt the new constitution. These conventions were more open to the public than the Constitutional Convention itself, and the ratification process is the reason why some people say that the Constitution is based on the will of the people.

But not everybody wanted the Constitution, and they needed convincing. This is where things get a little confusing. [to eagle] Did you want the Constitution? Did ya?

In 1787, public opinion about the Constitution was pretty evenly divided. Those who wanted the Constitution were called Federalists, largely because of the Federalist Papers, a series of articles written by Alexander Hamilton, James Madison, and John Jay.

They wrote the Federalist Papers to convince votes of New York to ratify the Constitution. And since New York did eventually ratify the document, I guess they worked. But we should listen to both sides of the argument...in the Clone Zone.

===== Clone Zone =====

Craig: So joining us in the Clone Zone today will be Federalist Clone and Anti-Federalist Clone. Let's hear from Federalist Clone first. Feddy? Can I call you Feddy?

Federalist Clone: No. The Federalists were the incredibly intelligent Americans who thought that a strong central government would benefit the country as a whole. They tended to come from cities, and often they represented commercial classes, especially wealthy people, who had lent money to the government during the Revolution.

They liked the new Constitution because they felt that a strong national government would pay its debts, and this was good for business. They also tended to want stronger ties with England, again because England was a good trading partner. Given the raging success of the Articles government, it's pretty clear that the Federalists were right. [laughs]

Craig: Okay, now let's hear from Anti-Federalist Clone. How do you respond, Anti?

Anti-Federalist Clone: I'm not your aunt! Sure, Federalists were right to believe in tyranny. Anti-Federalists were right to be skeptical of a large government that would trample on our individual liberties. They didn't want a big government that would tax them to death, and possibly take away their slaves. In general, Anti-Federalists felt that states would be the best protectors of people's rights and liberties, because being smaller, they would be more responsive to people's needs. Okay?

The Anti-Federalists published pamphlets and articles, too. But we weren't quite as organized, so we didn't have a coherent set of Anti-Federalist Papers to push on government students.

Craig: Okay, okay, you seem really mad about this.

Anti-Federalist Clone: I am.

Craig: But you eventually lost the debate.

Anti-Federalist Clone: I did.

Federalist Clone: Huzzah! [pulls champagne popper]

Anti-Federalist Clone: How come he got to shoot fireworks--

Craig: --I didn't know he was gonna--

Anti-Federalist Clone: --I wanna shoot fireworks--

Craig: --Okay? I'm sorry, I'm sorry--next time. You can have fireworks.

===== Craig's desk, part 3 =====

So the Federalist position won out and the Constitution was ratified. And that's the government that Americans have been living under ever since. Hooray! [pulls champagne popper]

Because the Constitution was passed, we tend to think that everyone loved it. But it wasn't nearly as clear-cut as hindsight makes it appear.

Eventually, the Federalists had to offer another compromise, promising a Bill of Rights in the first ten amendments. This isn't called one of the constitutional compromises because it happened outside of the Convention, but it was yet another example of how different interests had to give a little in order to get a Constitution passed.

It's very important to remember that compromise, the idea of balancing interests and giving a little to get a lot, is embedded in the Constitution. While today it seems like a political dirty word, compromise is the basis of the American government itself.

Thanks for watching. I'll seeya next week. Well, I'll compromise. Seeya in a week and a half. Let's face it; Stan probably isn't going to get this done in time anyway.

===== Outro =====

Crash Course Government and Politics is produced in association with PBS Digital Studios. Support for Crash Course U.S. Government comes from Voqal. Voqal supports non-profits that use technology and media to advance social equity. Learn more about their mission and initiatives at voqal.org.

Crash Course was made by all of these nice people at the Chad and Stacy Emigholz Studio, in tropical Indianapolis. Thanks for

watching. I'm going to the beach.