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Period : C

The Making of the Constitution

The Constitution of the United States, the fundamental law of the United States of America. Drafted by the Constitutional Convention in Philadelphia, Pa., between May 25 and Sept. 17, 1787, it is the world's oldest written constitution still in effect. The document presents a set of general principles out of which implementing statutes and codes have emerged. As such, it embodies the essence of constitutionality--that government must be confined by the rule of law. The House of Representatives, Congress, The President and Vice President were executive powers outlined in key sections within the Constitution. These people represented all of the colonies together as one, the United States of America.

The convention delegates agreed that a new constitution was needed. However, many controversies had to be resolved before one could be drafted. A basic issue was the extent of powers to be granted to the national government, and a major obstacle was the conflicting interests of large and small states.

Before the Constitution of the United States was laid out and written on a piece of paper it's ideas and values were edified in the Articles of the Confederation which was ratified on March 1, 1781. The Articles of the Confederation was a unifying document for the existing colonies. However, unified leadership was not identified yet.

On the third of September in 1783 the Treaty of Paris was signed marking the end of the Revolutionary War. The Treaty of Paris was an agreement to make peace between France and The United States of America. This treaty aloud for the two entities to forget past misunderstandings, and differences that have unhappily interrupted the good correspondence and friendship which they mutually wish to restore, and to establish a beneficial and satisfactory intercourse between the two countries.ⁱ

On September the 11th in 1786 the political convention was concerned and alarmed of the growing instability under the Articles of Confederation, they then requested a new constitutional convention. Following this request the Constitutional Congress authorizes a convention for the explicit purpose of revising the Articles of Confederation, on February 21, 1787.ⁱⁱ

Then on May 25, 1787, The Constitutional Convention begins with a quorum of 29 delegates from seven states. Robert Morris of Philadelphia nominates George Washington as president of the convention. The convention delegates agreed that a new constitution was needed. However, many controversies had to be resolved before one could be drafted. A basic issue was the extent of powers to be granted to the national government, and a major obstacle was the conflicting interests of large and small states.ⁱⁱⁱ

On May 28, 1787, Pierce Butler of South Carolina proposes that deliberations be in secret, so delegates can speak without fear of public pressure. The secrecy rule is kept for the nearly four months of deliberations. The following day May 29, 1787, The Virginia Plan, conceived largely by James Madison, is proposed. It favors the big states, calling for a bicameral legislature with representatives in both chambers determined by state population, and strong

executive and judiciary branches. This is outlining the beginnings of our current government structure.

On May 29, 1787, The Virginia Plan conceived largely by James Madison, is proposed. It favors the big states, calling for a bicameral legislature with representatives in both chambers determined by state population, and strong executive and judiciary branches. This idea of states being represented by population gave way to thought of being truly represented by people, which was an ideal principle.

On June 4, 1787, The delegates agree to invest the executive powers in the hand of a single leader, though some, including Benjamin Franklin, had proposed a committee instead. Franklin's idea of leadership through committee would have created a poor example of empowerment. This idea brings forth the current way of government with having a president.

On June 11, 1787, Roger Sherman of Connecticut, anticipated that each state have one vote in the Senate. While the number of free inhabitants would determine the number of representatives in the lower house. The lower house being the House of Representatives.

On June 15, 1787, William Paterson from New Jersey presents the New Jersey Plan to the convention. The plan proposed for a legislative body for the nation with only one house, giving each state an equal vote. He aimed for the New Jersey Plan to sustain state sovereignty. This marked the beginning for marking the one side that brought upon the discussions of creating the New Compromise.

On June 18, 1787, Alexander Hamilton gave a six hour oration calling for a strong central government. Under his plan, the chief and senators would be elected for life. How wrong this was to do so, this would be too close to it becoming a monarchy, having one person rule for life.

On June 19, 1787, James Madison delivered a precise evaluation of the New Jersey Plan. The New Jersey Plan was then ultimately rejected.

On June 27, 1787 Luther Martin of Maryland revives the small states' campaign to achieve equality of votes. He argues that if states "surrender the right... their liberties are lost." Martin's speech leads to days of impassioned – and deadlocked debate.

On July 10, 1787 with debate on the Constitution at an impasse, George Washington writes: "I almost despair of seeing a favorable issue to the proceedings of the Convention, and do therefore repent having any agency in the business."

On July 16, 1787 In a dramatic turn of events, and a significant victory for the small states, the convention delegates adopt the compromise measures proposed by Roger Sherman, and elderly ex-cobbler from Connecticut. Representation in the House would be based on population size, with each state having an equal vote in the Senate.

On August 16, 1787 The delegates give Congress the power to levy and collect taxes and expunge duties, regulate commerce, establish a uniform rule for naturalization, coin money and fix the standard for weights and measures. The following day Congress receives the authority to declare war.

On August 22, 1787 In one of the most momentous debates of the convention, George Mason of Virginia warns that the question of the slave trade ought to be addressed by the convention. He says it is “essential...that the general government should have power to prevent the increase of slavery.” Resolute opposition thwarts Mason, and the slave trade will be permitted to operate until 1808, twenty one years later.

On September 6, 1787 the convention rejected Alexander Hamilton’s plan for a lifetime presidency. The convention votes for a four-year term and eligibility for re-election.

On September 15, 1787 a roll call of the 12 state delegations provides a unanimous acceptance of the Constitution. It contains a majestic preamble written by Gouverneur Morris that begins with the words: “We the People of the United States, in order to for a more perfect Union...”

Then finally on September 17, 1787 after a speech calling for unity, written by Benjamin Franklin and delivered by James Wilson, the Constitution is formally signed and the convention adjourns. Asked outside Independence Hall what form of government the delegates have given the American people, Franklin replies : “A republic – if you can keep it.” Few, if any, of the framers felt that they had created a perfect instrument of government. But they did feel that the new Constitution was something a majority of people could be persuaded to accept.

The process of ratification of the new framework of government began immediately after the convention. The vital approval of specially elected conventions in nine states was achieved on June 21, 1788, with the acceptance of New Hampshire. However, ratification was not

completed for another two years. The organization, eagerness, and energy of the Constitution's supporters were major assets in what proved to be a tricky campaign.

Anti-Federalist opponents of the new Constitution were quick to raise objections to it and equally quick to play on apprehensions, particularly common within the lower classes, that a remote and powerful central government would become an instrument for aristocratic oppression. The self-proclaimed heirs of the true spirit of the Revolution were convinced that the republican principle, which they embraced locally, could not be extended to include all thirteen states without the creation of a type of central authority that would hold back individual rights and local interests. The lack of a bill of rights to check such abuse seemed particularly unjustified and disbelieving to them. Thus, they launched campaigns against the document, which were sufficiently aggressive to force its champions to produce complex defenses.

As time was to prove, the original document had many flaws. The precise limitations on national power over individual liberties, considered unnecessary by the framers, soon had to be spelled out through the amendments constituting the federal Bill of Rights. The authority and power of the federal courts, both in regard to judicial review and in questions of their relations with state courts, was not well defined until a later series of strong rulings by Chief Justice John Marshall. The nature and extent of the implied powers of Congress produced two decades of controversy. The failure to define the precise location of independence left open a door for a vigorous states' rights movement and led ultimately to the Civil War. It took the same national emergency to clarify many of the powers of the presidency, especially in crises.

On the other hand, the document was remarkable in the boldness with which it sought to extend to the entire nation the heretofore limited and localized American experiment with republicanism. The framers of the Constitution envisaged the conduct of national affairs by all citizens and anticipated that such conduct would result in advancing the welfare of all citizens. This took both wideness of vision and a healthy confidence in the potential wisdom and responsibility of the electorate. It was the boldest step toward government of, by, and for all the people yet undertaken by Western man.

In its first two hundred years of operation the Constitution proved remarkably flexible. The nature of the U.S. government changed greatly, but most changes evolved from new interpretations of the document. Formal amendment proved necessary in only twenty five instances, and these occurred mainly in spurts--as during the Reconstruction and Progressive periods. However, many of the twenty five amendments provided for fundamental social and procedural adjustments.

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