

What problems faced the framers of the Constitution in 1787?

The American constitution of 1787 was drawn up to replace the gap left behind following the end of British rule and allow the declaration of independence to be translated into a workable government. It sought to replace the articles of the confederation and perpetual union by creating a greater separation of powers and expressing the principles of democracy. The constitution attempted to balance the need for greater federal control and unity amongst the states whilst protecting individual state liberty and ensuring that no group would gain ascendancy. It provided the framework for a government strong enough to protect commerce and weak enough to prevent it from abusing its powers. However the problems that faced the framers of the constitution meant that the constitution would not be complete and further amendments would be needed.

The framers of the constitution faced a wide variety of problems in 1787 mainly concentrated on the diversity between the states.

Historically, the American culture was split following years of settlement from the British the French and the Spanish. There was religious diversity between the states. During the seventeenth century, discontented English people on religious grounds moved to the 'New World,' and created colonies that were more independent of Britain, and in which they could worship freely. The majority of these people were Puritans and Calvinists. States were created to provide what they could not get back in England. New Hampshire, Rhode Island and Connecticut were all created. Quakers also came from England to begin new states. The result of this was that the individual states had different liberties. The migrants had migrated in order to become free from a lack of liberty in England. When the framers of the constitution came to try and create a government superior to the states it was met with opposition because the people did not want their liberties taken away. The states had been founded by people to create these liberties, and people were not prepared to surrender their state powers that protected their liberties. The problem of religion needed to be dealt with in the constitution, and state liberties needed to be maintained if the constitution was going to be accepted. However the framers also had to provide a government that was superior to the states.

There was economic diversity between the states, from plantations in the south to the merchants in New England. The framers needed to protect the industries but also provide a united front to Europe. Slavery also split the states, and a civil war could have occurred earlier if the framers did not address the issue. There were also many radical state legislatures, which the framers needed to deal with, notably Rhode Island. The framers also had to deal with how to make the new government representative equally between the states.

The diversity between the states meant that there was very little consensus and that framing a constitution around them would create a compromise.

The framers had to provide the constitution to meet all these problems. One way it did this was by a separation of powers. The principle of separation of powers, the

executive, the legislative and the judiciary, ensured that a system of checks and balances was enabled to protect the rights of the states and of the constitution whilst providing a government strong enough to guard against 'excessive democracy.' It was not so much a separation of powers as it was a separated institutions sharing power, and thus diminishing the likelihood of that power being abused. The separation of powers created a system of government, which was able to protect the constitution through the Supreme Court, which could protect the rights of the states whilst controlling radical ones and a government which could provide a united economic front as well as issue common policies in a number of areas. It balanced the need for greater federal control with the protection of individual state liberty and the concern that no one gains ascendancy.

The Great compromise sorted out how representative the new constitution would be. The Virginian plan credited population and revenue to the states in counting the importance of it. This meant that the bigger more industrial states were more representative. The New Jersey plan created equal power between the states thus making a fair system. The 3/5 compromise allowed slave owners to have better representation because five slaves counted as three people in the Virginian plan, even though slaves could not vote. The framers also gave the promise that it was the responsibility of the northern states to return runaway slaves. This appeased the south sufficiently to prevent them from rejecting the constitution, but the problem was still there. The constitution was able to gain popular support through providing elections and later by a Bill of Rights.

The Marbury versus Madison case showed that the Supreme Court would uphold the constitution. The constitution gave those powers that were not enumerated, in the necessary and proper clause, to the states and thus appeased those people who wanted to protect their state rights and liberties. The Presidency had a four-year term and elected indirectly through an electoral college. If an amendment was needed for the constitution then it needed two-thirds approval in the Congress and three-fourths adoption by the states. Article six in the constitution made sure that national law was the supreme law of the land and could not be overruled by state law. There are a number of limits placed on the government. The habeas corpus act protected citizen's liberties.

By applying the principles of federalism and a separation of powers, the framers of the constitution were able to create a balance of the problem facing them and the need for a united economic country.