

Shh! We're Writing the Constitution

Written by Jean Fritz

Abbreviated Text: by Freddi Williams Evans

Page 7

After the Revolutionary War, most people in America were happy that they were no longer under British rule. Still, they were not ready to be called Americans. The last thing that they wanted was for the states to be united as one nation. Most people wanted the states to remain sovereign, meaning that each state made decisions over its affairs. People felt a lot of pride for their individual states and often poked fun at other states - calling them names. For example, people in New England may have called people from Pennsylvania "lousy Buckskins." And, to Southerners, New Englanders may have been "no account Yankees."

George Washington didn't support the idea of sovereign states. He knew that individual states could not survive long on their own. The Declaration of Independence, signed in 1776, established the thirteen states as a nation, and some people, including George Washington, began to think of the country in this way. Some believed that people in all states should feel and act united.

Pages 8-9

Once during the war, Washington had troops from New Jersey line up and pledge allegiance to the United States. Instead, they cried out “New Jersey!” The thirteen states were: Delaware, Pennsylvania, New Jersey, Georgia, Connecticut, Massachusetts, Maryland, South Carolina, New Hampshire, Virginia, New York, North Carolina, and Rhode Island.

The majority ruled and most people wanted each state to remain on its own. For the time being, the thirteen states operated as a federation, or voluntary league of states. Each state sent delegates or representatives, and the federation formed the Continental Congress. The purpose was to develop basic rules needed to hold the states together. Three years after the first meeting, the Congress wrote the Articles of Confederation, which outlined the rules for a “firm league of friendship” among the states. Article One established the name, the “United States of America.” Article Two guaranteed that each state would retain its own sovereignty. However, time proved that each state was not able to manage well on its own. More than that, when the need arose for states to unify on behalf of the country, nothing was in place to make them cooperate. For example, the Congress could ask the states to contribute money to pay for the country’s debts, but if the states didn’t want

to, no one could make them. If Congress declared war, each state could decide whether to send troops. The leaders who wanted a stronger government called for a convening where the delegates focused on improving the existing government.

Pages 10-11

It seemed that everyone would support the idea, but not everyone did. Delegates from only two of the thirteen states showed up on May 14th, the first date scheduled for the meeting. Seven states were needed to conduct business, so the meeting was ended. By May 25th, delegates from enough states gathered in Philadelphia, to hold a meeting. They blamed their delays on the weather, muddy roads, personal business, and some could not scrape up enough money for the trip. On that day, delegates gathered from a majority of the states totaling 55 delegates in all. They finally had enough representatives to conduct business.

Pages 12-13

The first thing they did was to elect George Washington as president of the convention. Knowing that arguments would develop during the meeting,

the delegates did not want the whole country listening in and taking sides. They agreed to keep what went on a secret until all decisions had been made. While they were successful in keeping details from leaking out, they had no control over the rumors that spread.

Pages 14-15

Rumors grew out of fear. People were afraid of what their country might end up looking like. The delegates were also afraid of what might develop. They called the document or set of rules that they were working on a plan, rather than a constitution. The word constitution implied nation or national, which is what most people were against. The word nation or national meant that the government had ultimate power. In the end, the word nation does not appear in the constitution. Most delegates tried to use the word "federal" which gave more power to the states.

The governor of Virginia, Edmund Randolph, presented the Virginia Plan, which served as a model for what the document might look like. His plan included three branches of government: the executive, the legislative and the judicial. The executive branch would have a head who would run the government. The legislative branch made up of two houses, the House of Representatives and the Senate, would make laws. Together they would be

called the Congress. The judicial branch, headed by the Supreme Court, would insure that laws were constitutional and properly obeyed.

Pages 16-17

When Randolph presented this plan to the delegates, he ended by saying that his resolutions were not merely for a federal government but for a national government that would have power over the states.

There was dead silence.

Pierce Butler of South Carolina jumped down hard on the word “national,” but John Dickinson of Delaware said there was nothing wrong with it. “We are a nation!” he declared.

No! For Elbridge Gerry of Massachusetts, this kind of talk was scary. “National?” he sputtered. How could they think national? They had gathered to revise the Articles of Confederation, not to destroy them.

Pages 18-19

As the meeting went on, all kinds of fears and questions surfaced. Who was to be the executive or head of the government? Should he be called a king? Should there be just one person or more? Why not three people? How

much should he be paid? Who should pay him, the states or the government? How should he be chosen? How long should he serve? What happens if he is guilty of wrongdoing, could he be impeached or removed from office? What if he dies while in office?

Mr. Randolph addressed these and other questions in his plan and presented the finished document on May 29th. Delegates reviewed it for the next two weeks – until June 13th.

Pages 20-21

The delegates took a brief recess. When they re-convened on June 15th William Paterson of New Jersey stood up and rejected every part of Randolph's proposal. The government should be a federation of states as it is now, he proposed. The Virginia Plan was impractical, illegal, and expensive. James Madison challenged the plan that Paterson presented. But in the end, the delegates voted in favor of one of the two plans. Mr. Randolph's plan won.

Pages 21-22

Although Randolph's plan still had to be thrashed out, the idea of a federation was dead. With their votes, the delegates committed themselves to

write a constitution for a new nation, whether all of them were willing to call it that or not. With so much work ahead of them, they would be at it all summer. Some delegates sent for their families to join them in Philadelphia.

Pages 26-27

As the convention droned on and on, the delegates worried. Was it possible for them to agree on a constitution? One of the biggest questions was about how power should be divided in the government? Should states be represented according to population? Yes, said the states with large populations. No, said the states with small populations.

At one point, tension was so great that Benjamin Franklin suggested they ask a minister to start them off every day with a prayer. They couldn't even agree on that. Some said they didn't have enough money to pay for a minister. Others felt that the presence of minister would start rumors that the convention was suddenly in need of prayer – meaning that it must be in trouble.

Pages 28-29

The month-long heat wave broke over the weekend on July 14th and 15th. By Monday, July 16th, delegates reached an agreement, which they called

the Great Compromise. Every state would have two members in the Senate (with equal votes) while the House of Representatives would have one representative for every forty thousand people. This was later changed to read, "not to exceed one for every thirty thousand."

Pages 30-31

The delegates selected a committee to put the resolutions in order and create a document that looked like a constitution. Then they took a ten-day vacation from July 26th to August 6th. Much work awaited them when they returned.

Pages 32-33

There were questions about slavery. How do enslaved people count in the state's population? If they were counted as individuals, slave states would have a far higher representation in Congress. In the end, it was decided enslaved people were $\frac{3}{5}$ ^{ths} of a person. Five enslaved people would be counted the same as three white men.

There were other questions, too. Where would the government be located? New York? Philadelphia? A special district set aside? Should people

born outside the United States be members of Congress? If so, how long must they have lived in the United States?

Twenty-one different days were spent discussing the presidency. There was disagreement over what the president should be called – “His Most Benign Highness,” “His Highness,” or “Mr. President.” Although the end was in sight, more questions needed answers. Should only the delegates vote to accept (or ratify) the Constitution? Should each state call a convention and vote also? How many states had to ratify the Constitution before it became law?

Pages 34-35

Finally, in early September, the delegates received the revised and elegant sounding Constitution. “We the People,” it began. But, all at once, some had last-minute thoughts. There was no Bill of Rights, which spelled out the rights of the individuals. There was no mention of freedom of religion, freedom of speech, trial by jury, etc. Some felt that there was no need for those, so with minor changes, the Constitution was sent out to be engrossed on parchment, creating an official document for the delegates to sign. Now it was up to the country.

Pages 36-37

It took more than six months for the states, one by one, to call their conventions, debate, and vote.

Pages 38-39

All over the country, people argued for the Bill of Rights. Some felt that they would be nonsense. "How would you list all the rights a person had?" asked Noah Webster in Connecticut, "Would you include the right to turn over in bed at night?"

Pages 40-41

On June 21, New Hampshire was the ninth state to ratify the Constitution. The vote was 57 to 47. With that vote, the United States of America officially became a nation.

Pages 42-43

Philadelphia prepared for a big Fourth of July celebration. The Grand Procession marched through the city from eight in the morning until six in the evening. A herald with a trumpet proclaiming the New Age led the parade. A

float made to look like a giant blue eagle rolled up the cobblestone streets, followed by an enormous framed constitution propped up in a carriage pulled by six white horses. A fancy building with thirteen columns representing the new nation was pulled in a vehicle drawn by ten white horses. Of course there was music. High-stepping bands, beating and blowing, kept the town tapping to their tunes.

And there were people! Four hundred and fifty architects and carpenters marched in the procession. There were saw-makers, and file-cutters, farmers with their four-ox plows, weavers, tailors, goldsmiths, gunsmiths, brick-makers, clockmakers, boat builders, coopers, bakers, corset makers, and preachers. The federal ship *Union*, mounted with twenty guns, brought up the rear of the procession. And everyone ended up at a picnic spread out for seventeen thousand people.

Pages 44-45

The country may have kicked and screamed its way into becoming a nation, but once there, it celebrated big. Bells rang and cannons blasted across the country as state after state joined in the celebration. The Constitution had been adopted and was now the "Supreme Law of the Land."

However, it was not perfect. But, when Thomas Jefferson was sure that a Bill of Rights would be included, he called the new Constitution, “unquestionably the wisest every yet presented to men.”