

US Constitution

The Continental Congress adopted the Articles of Confederation and Perpetual Union, the first constitution of the United States, on November 15, 1777.

The Articles of Confederation served as the written document that established the functions of the national government of the United States after it declared independence from Great Britain. It established a weak central government that mostly, but not entirely, prevented the individual states from conducting their own foreign diplomacy.

Congress sent the Articles to the states for ratification at the end of November. Most delegates realized that the Articles were a flawed compromise, but believed that it was better than an absence of formal national government.

On December 16, 1777, Virginia was the first state to ratify. Other states ratified during the early months of 1778. The Maryland legislature was the last to ratify the Articles of Confederation on March 1, 1781.

Under the Articles, the new nation was organized as a federal union of independent states with authority vested in a single body, the Congress of Confederation.

There was no Executive Branch and no provision for a federal Judiciary except for certain cases of court-martial. Congress had only those powers, and they were few, specifically granted to them by the states as common concerns.

The weakness of this confederation became increasingly apparent when the War for Independence was over and the staggering debt repayment, which Congress under the Articles could proportionally assess but not directly collect, became a point of conflict between the states and a source of intense domestic strife within several of the states. (Williams)

In addition, the Articles did not allow Congress sufficient authority to enforce provisions of the 1783 Treaty of Paris that allowed British creditors to sue debtors for pre-Revolutionary debts, an unpopular clause that many state governments chose to ignore.

Just a few years after the Revolutionary War, James Madison, Alexander Hamilton, and George Washington feared their young country was on the brink of collapse.

Congress Tried to Revise the Articles of Confederation

The states' disputes over territory, war pensions, taxation, and trade threatened to tear the young country apart. Alexander Hamilton helped convince Congress to organize a Constitutional Convention.

The Constitutional Convention assembled in Philadelphia in May of 1787. The delegates shuttered the windows of the State House and swore secrecy so they could speak freely.

Although they had gathered to revise the Articles of Confederation, by mid-June they had decided to completely redesign the government. There was little agreement about what form it would take.

One of the fiercest arguments was over congressional representation - should it be based on population or divided equally among the states? The framers compromised by giving each state one representative for every 30,000 people in the House of Representatives and two representatives in the Senate.

They agreed to count enslaved Africans as three-fifths of a person. Slavery itself was a thorny question that threatened to derail the Union. It was temporarily resolved when the delegates agreed that the slave trade could continue until 1808.

After three hot summer months of equally heated debate, the delegates appointed a Committee of Detail to put its decisions in writing. Near the end of the convention, a Committee of Style and Arrangement kneaded it into its final form, condensing 23 articles into seven in less than four days.

Among many changes, the amendments would have granted Congress exclusive power over commerce, and outlined punishments for poor attendance by members of Congress. Although the most ambitious effort to revise the Articles of Confederation, the amendments were never acted upon; a new convention meeting in Annapolis, Maryland, seemed likely to devise a plan for granting Congress power over trade.

On July 26, 1787, after two months of fierce debate over the structure and powers of a new federal government, the Constitutional Convention was ready to commit its resolutions to writing. Appointing a "committee of detail" to draft a written constitution, the Convention adjourned until August 6.

To prepare themselves, the committee first studied the Convention's resolutions, state constitutions, the Articles of Confederation, and other applicable reports and documents. Then, Edmund Randolph of Virginia wrote out a rough draft of a constitution, which the committee then discussed.

As the summer of 1787 turned to fall, the attention of the young nation shifted from the work of the framers of the Constitution in Philadelphia to the states that would ratify their work.

After five weeks of debate over the committee of detail's draft Constitution, the Constitutional Convention appointed a committee of style to prepare a final version; Gouverneur Morris, later known as the "penman of the Constitution," did most of the work.

The state delegates approved the draft of the Constitution on September 15, 1787. The signing was set for the very next Monday.

Jacob Shallus, the assistant clerk for the Pennsylvania General Assembly, agreed to engross (copy in a fine, clear hand) the document. Over the course of about 40 hours, he created an accurate transcription of the draft. He was paid \$30 for his efforts. On September 17, the document was ready for signing.

Thirty-nine of the 42 men present signed the Constitution. George Washington was first, followed by each state delegation descending from north to south. (George Reed signed for John Dickinson of Delaware, who was absent.)

George Mason, Elbridge Gerry, and Edmund Randolph refused to sign because the Constitution lacked a bill of rights. Thomas Jefferson and John Adams did not sign because they were on diplomatic missions in Europe during the convention, bringing the total number of signatures to 39.

The signers of the Constitution are,

New Hampshire:

John Langdon
Nicholas Gilman
Massachusetts
Nathaniel Gorham
Rufus King

Connecticut:

Wm. Saml. Johnson
Roger Sherman

New York:

Alexander Hamilton

New Jersey:

Wil: Livingston
David Brearley
Wm. Paterson
Jona: Dayton

Delaware:

Geo: Read
Gunning Bedford jun
John Dickinson
Richard Bassett
Jaco: Broom

Maryland:

James McHenry
Dan of St Thos. Jenifer
Danl Carroll

South Carolina:

J. Rutledge
Charles Cotesworth Pinckney
Charles Pinckney
Pierce Butler

Virginia:

John Blair—
James Madison Jr.

Georgia:

William Few
Abr Baldwin

Pennsylvania:

B Franklin
Thomas Mifflin
Robt Morris
Geo. Clymer
Thos. FitzSimons
Jared Ingersoll
James Wilson
Gouv Morris

North Carolina:

Wm. Blount
Richd. Dobbs Spaight
Hu Williamson

The founders set the terms for ratifying the Constitution. They bypassed the state legislatures, reasoning that their members would be reluctant to give up power to a national government. Instead, they called for special ratifying conventions in each state. Ratification by 9 of the 13 states enacted the new government. But at the time, only 6 of 13 states reported a pro-Constitution majority.

The Federalists, who believed that a strong central government was necessary to face the nation's challenges, needed to convert at least three states. The Anti-Federalists fought hard against the Constitution because it created a powerful central government that reminded them of the one they had just overthrown, and it lacked a bill of rights.

The states were left to accept or reject this new plan of government. Delegate James Madison, one of the Constitution's most fervent advocates, felt that the success or failure of the American Constitution "would decide forever the fate of republican government."

Hardly anyone paid attention to the last days of the old Confederation Congress, which could not muster a quorum when it tried to meet in November 1787. It finally met in January 1788, but attendance fell off again, and by April there were not enough delegates to conduct business.

As the states considered the proposed Constitution, Congress assembled, but with a new government in the making, the old government had little to do. As delegate Samuel Otis said,

"To your demand to know what we are doing in Congress? I answer -- Nothing. To your enquiry what we have done? I answer -- almost nothing... The States have been in such a flutter about the New, that they have hardly paid attention to the old Government."

The Continental Congress Institutes a New Government

By the summer of 1788, enough states had ratified the Constitution, and the Confederation delegates who were preoccupied in their home states came back to New York for the last few months of the government under the first Constitution, the Articles of Confederation.

There was much haggling that summer over whether Congress should admit Kentucky as a state or leave that issue to the new government. They debated incessantly over the seat of the First Congress, a question left for the new federal Congress itself to resolve.

They even debated whether another constitutional convention should be called to address the question of a bill of rights and other amendments, with both New York and Virginia calling for such a convention.

On July 2, 1788, Congress received the momentous news that New Hampshire had just become the ninth state to ratify the new Constitution, making it the law of the land.

Congress responded by appointing a committee to schedule the first federal elections and fix the date when the new government would begin operation in New York City. This was the last major act of the Continental Congress.

Both publicly and privately the leading Federalists and Antifederalists were saying that the ratification contests, as difficult as they were in some states, were just the beginning of a long struggle to determine whether the nation could be successfully launched and what direction it would take once established.

James Madison, George Washington, and other Federalists resolved to win the first federal elections to ensure that their vision of the new Constitution would have a fighting chance to succeed.

At Mount Vernon that summer, George Washington wrote to his friend and former secretary, James McHenry of Baltimore, his thoughts on the upcoming election:

I think there will be great reason for those who are well-affected to the government, to use their utmost exertions that the worthiest citizens may be appointed to the two houses of the first Congress. ...

For much will doubtless depend on their prudence in conducting business at the beginning; and reconciling discordant dispositions at a reasonable acquiescence with candid and honest measures.

He hoped the First Congress would find a way to deal with the proposed constitutional amendments "without overturning the whole system." He concluded: "I earnestly pray that the Omnipotent Being who hath not deserted the cause of America in the hour of its extremest hazard, will never yield so fair a heritage of freedom a prey to anarchy or despotism."

Only thirteen House members, representing five of the eleven states that had ratified the Constitution by March 4, showed up for the opening session. The Senate, too, failed to achieve a quorum. Both bodies adjourned in less than an hour, and the guns sounded again and the crowds cheered again, but the members themselves were disappointed in the anticlimax of their first day under the new Constitution.

We the People

of the United States, in order to form a more perfect Union, establish Justice, insure domestic Tranquillity, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do hereby establish this Constitution for the United States of America.

Article 1

Section 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section 2. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

No Person shall be a Representative who shall not have attained to the Age of twenty five Years, seven Years of Citizenship, and when elected shall be an Inhabitant of that State in which he shall be chosen.

Representatives and electors in each State shall have the Qualifications which shall be required within the States, provided that no Person shall be a Representative who shall not have attained to the Age of twenty five Years, seven Years of Citizenship, and when elected shall be an Inhabitant of that State in which he shall be chosen.

The House of Representatives shall elect their Speaker and other Officers, and shall have the sole Power of Impeachment.

Section 3. The Senate of the United States shall be composed of two Senators from each State, chosen by the Electors in each State, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

No Person shall be a Senator who shall not have attained to the Age of thirty Years, seven Years of Citizenship, and when elected shall be an Inhabitant of that State in which he shall be chosen.

Section 4. The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law alter or add to the Rules and Regulations of the States, and may also by Law or by Treaty provide for the Election of Senators in States where the Electors may not assemble, and may by Law provide for the Election of Representatives in States where the Electors may not assemble.

Section 5. The Congress shall assemble on the first Monday in January, and the Congress shall assemble on the first Monday in January, and the Congress shall assemble on the first Monday in January.

Section 6. The Congress shall assemble on the first Monday in January, and the Congress shall assemble on the first Monday in January, and the Congress shall assemble on the first Monday in January.

Section 7. The Congress shall assemble on the first Monday in January, and the Congress shall assemble on the first Monday in January, and the Congress shall assemble on the first Monday in January.

Section 8. The Congress shall assemble on the first Monday in January, and the Congress shall assemble on the first Monday in January, and the Congress shall assemble on the first Monday in January.

Section 9. The Congress shall assemble on the first Monday in January, and the Congress shall assemble on the first Monday in January, and the Congress shall assemble on the first Monday in January.

Section 10. The Congress shall assemble on the first Monday in January, and the Congress shall assemble on the first Monday in January, and the Congress shall assemble on the first Monday in January.

Section 11. The Congress shall assemble on the first Monday in January, and the Congress shall assemble on the first Monday in January, and the Congress shall assemble on the first Monday in January.

Section 12. The Congress shall assemble on the first Monday in January, and the Congress shall assemble on the first Monday in January, and the Congress shall assemble on the first Monday in January.

Section 13. The Congress shall assemble on the first Monday in January, and the Congress shall assemble on the first Monday in January, and the Congress shall assemble on the first Monday in January.

Section 14. The Congress shall assemble on the first Monday in January, and the Congress shall assemble on the first Monday in January, and the Congress shall assemble on the first Monday in January.

Section 15. The Congress shall assemble on the first Monday in January, and the Congress shall assemble on the first Monday in January, and the Congress shall assemble on the first Monday in January.

Section 16. The Congress shall assemble on the first Monday in January, and the Congress shall assemble on the first Monday in January, and the Congress shall assemble on the first Monday in January.

Section 17. The Congress shall assemble on the first Monday in January, and the Congress shall assemble on the first Monday in January, and the Congress shall assemble on the first Monday in January.

Section 18. The Congress shall assemble on the first Monday in January, and the Congress shall assemble on the first Monday in January, and the Congress shall assemble on the first Monday in January.

Section 19. The Congress shall assemble on the first Monday in January, and the Congress shall assemble on the first Monday in January, and the Congress shall assemble on the first Monday in January.

Section 20. The Congress shall assemble on the first Monday in January, and the Congress shall assemble on the first Monday in January, and the Congress shall assemble on the first Monday in January.

Section 21. The Congress shall assemble on the first Monday in January, and the Congress shall assemble on the first Monday in January, and the Congress shall assemble on the first Monday in January.

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What Does the Constitution Say?

The Constitution of the United States contains a preamble and seven articles that describe the way the government is structured and how it operates.

The preamble sets the stage for the Constitution. It clearly communicates the intentions of the framers and the purpose of the document. The preamble is an introduction to the highest law of the land; it is not the law. It does not define government powers or individual rights.

Establish Justice is the first of five objectives outlined in the 52-word paragraph that the Framers drafted in six weeks during the hot Philadelphia summer of 1787. They found a way to agree on the following basic principles:

"We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America."

The first three articles establish the three branches of government and their powers: Legislative (Congress), Executive (office of the President,) and Judicial (Federal court system). A system of checks and balances prevents any one of these separate powers from becoming dominant.

Article I assigns the responsibility for making laws to the Legislative Branch (Congress). Congress is divided into two parts, or "Houses," the House of Representatives and the Senate. The bicameral Congress was a compromise between the large states, which wanted representation based on population, and the small ones, which wanted the states to have equal representation.

Article II details the Executive Branch and the offices of the President and Vice President. It lays down rules for electing the President (through the Electoral College), eligibility (must be a natural-born citizen at least 35 years old), and term length. The 12th and 25th Amendments modified some of these rules.

Article III establishes the Judicial Branch with the U.S. Supreme Court as the federal court system's highest court. It specifies that Federal judges be appointed for life unless they commit a serious crime. This article is shorter than Articles I and II. The Federal Convention left much of the work of planning the court system to the First Congress. The 1789 Judiciary Act created the three-tiered court system in place today.

Articles four through seven describe the relationship of the states to the Federal Government, establish the Constitution as the supreme law of the land, and define the amendment and ratification processes.

Article IV outlines states' powers in relationship to each other. States have the authority to create and enforce their own laws but must respect and help enforce the laws of other states. Congress may pass Federal laws regarding how states honor other states' laws and records.

Article V explains the amendment process, which is different and more difficult than the process for making laws. When two-thirds of the Senate and two-thirds of the House of Representatives vote to change the Constitution, an amendment goes to the state legislatures for a vote.

Alternatively, two-thirds of the state legislatures can submit an application to Congress, and then Congress calls a national convention at which states propose amendments. Three-fourths of the state legislatures or state conventions must vote in favor of an amendment to ratify it.

Article VI states that Federal law is supreme, or higher than, state and local laws. This means that if a state law conflicts with a Federal law, Federal law takes precedence.

Article VII describes the ratification process for the Constitution. It called for special state ratifying conventions. Nine states were required to enact the Constitution. Rhode Island became the 13th state to ratify the Constitution in 1790.

To date, the Constitution has been amended 27 times, most recently in 1992.

On September 25, 1789, the First Congress of the United States approved a version of a Bill of Rights, originally written by James Madison.

Madison started off with 20 amendments with a separate preamble to the Bill of Rights. The House of Representatives debated and changed Madison's proposal and approved a version with 17 amendments.

Then, the proposed Bill of Rights went to the Senate, where it underwent more extensive revisions, and emerged as a document with 12 amendments. Congress then approved the "final" Bill of Rights, as a joint resolution, on September 25, 1789.

But the 12 amendments didn't all make it through the state ratification process. And in fact, the original First and Second Amendments fell short of approval by enough states to make it into the Constitution.

Ten of the proposed 12 amendments were ratified by three-fourths of the state legislatures on December 15, 1791. The ratified Articles (Articles 3–12) constitute the first 10 amendments of the Constitution, or the US Bill of Rights.

The original proposed First Article stated a formula for determining the size of the House of Representatives based on the population of the United States in 1789. The original proposed Second Article was about determining when Congress can change its pay. It took a very long time, but the original Second Article became the 27th Amendment when it was ratified in 1992.

Information here is primarily from US State Department; Mount Vernon Foundation; Massachusetts Historical Society; Library of Congress; National Archives

In an effort to provide a brief, informal background summary of various people, places and events related to the American Revolution, I made this informal compilation from a variety of sources. This is not intended to be a technical reference document, nor an exhaustive review of the subject. Rather, it is an assemblage of information and images from various sources on basic background information. For ease in informal reading, in many cases, specific quotations and citations and attributions are often not included – however, sources are noted in the summary. The images and text are from various sources and are presented for personal, noncommercial and/or educational purposes. Thanks, Peter T. Young