

# ★ ★ ★ ★ LESSON 1 ★ ★ ★ ★

## The Story of the Constitution

The United States Constitution is a remarkable document. No other document in history has been so effective at doing what it was created to do. The framers of the Constitution were a brilliant group of men who based much of their work on ideas that were many centuries old.

### The English Background

The roots of our system of government, with citizens selecting leaders and making their own laws, can be traced to Ancient Greece. Although the Constitution's framers made use of Greek examples, they most often looked to England as the source of their ideas. By the mid-1100s, Englishmen were living under a single ruler and a system of law known as **common law**. Common law had been developing for centuries and was not written down. Instead it was simply *understood* by the people.

In 1215, a group of nobles forced the English king to sign a charter limiting his powers. This charter, known as the **Magna Carta**, gave birth to the idea of civil liberties on which our Constitution is based.

In the late 1200s, the first **Model Parliament** was summoned by the king. This partly elected body gave Englishmen a greater say in how they were ruled. It was an early form of **representative government**.

By the late 1600s, civil war and revolution had weakened the power of the king. In 1689, parliament used its authority to pass a **Bill of Rights**. This bill limited the king's power to suspend laws and defined the rights of citizens. It eventually served as a model for the Constitution's framers.

### English Ideas Move to North America

With the exploration and settlement of North America, English ideas of government moved across the sea. In 1620, the founders of Plymouth colony drafted the first charter of self-government in the New World, an agreement known as the **Mayflower Compact**.

The new colonies were often a testing ground for experiments in cooperative government. In the mid-1600s, several New England colonies banded together to form a **confederation**, a loose union without a strong central government. The **United Colonies of New England** was pledged to friendship and mutual aid, but gradually fell apart for lack of either.

**OBJECTIVES** The student should be able to:

1. List events in England that influenced the writing of the Constitution.
2. Summarize major compromises needed to draft the Constitution.
3. Describe Federalist efforts to ratify the Constitution.

### Timeline for Lesson 1

The following events and documents were important to the development of the United States Constitution.

**COMMON LAW DEVELOPS IN ENGLAND** ————— circa 1150

These laws became the basis for fair and constant interpretation of the law in constitutional systems.

**MAGNA CARTA SIGNED** ————— 1215

King of England forced to sign an agreement limiting his powers.

**MODEL PARLIAMENT HELD** ————— 1295

English king called representatives together to advise him on governing England. This became the basis for representative government.

1620

**MAYFLOWER COMPACT  
SIGNED**

First written agreement in America concerning the making of "just and equal" laws

1643

**NEW ENGLAND  
CONFEDERATION  
APPROVED**

English colonies agreed to form a loose confederation called The United Colonies of New England.

During the 1750s, a far more ambitious experiment was devised. Benjamin Franklin's **Albany Plan of Union** proposed a **federal** system of government that would include all the colonies, now thirteen in number. The central authority in Franklin's plan was stronger than the old confederation model. The plan was rejected by the colonies, but it prepared the way for future cooperation among them.

**Revolution to Confederation**

From the time of the earliest settlements, most colonists had thought of themselves as loyal British subjects. Yet by the 1760s, things had begun to change. The colonists came to believe that the actions of parliament were depriving them of rights and liberties as English citizens. When parliament passed the **Intolerable Acts** in 1772, delegates from the colonies met in Philadelphia to protest the action. The delegates to this **First Continental Congress** debated for nearly two months before agreeing on what to do. They finally demanded that the king respect their rights and allow the colonies **direct representation** in making laws. They also agreed to meet again if the king did not approve their demands.

Shortly thereafter the Revolutionary War began. The delegates reassembled in Philadelphia and assumed the powers of a central government. This **Second Continental Congress** directed the war and drafted a declaration to separate the colonies from England. On July 4, 1776, it approved the final draft of the **Declaration of Independence**.

*The Second Constitutional Convention approved the final draft of the Declaration of Independence on July 4, 1776.*

Also at this time, a committee was established to draw up a plan of confederation for the colonies. In 1777, the **Articles of Confederation** were presented to Congress and sent to the state legislatures for approval. In 1781, only a few months before the end of the war, the Articles finally went into effect.

### Government Under the Articles

Since the thirteen former colonies were wary of centralized authority, the government established by the Articles had very limited powers. It operated through a Congress with one chamber, where each state had a single vote. No chief executive was provided for and no court system was established. The government could not collect taxes, enforce its laws, or regulate trade between states.

As time went on, problems with the Articles became more and more apparent. Conflicts developed between states that the weak central government was unable to resolve. In May 1785, representatives from several states met to iron out differences. They soon agreed that the lack of a central authority was a problem that had to be faced.

In September 1786, a meeting was held in Annapolis, Maryland, to discuss the Articles. The **Annapolis Convention** was only a mixed success. James Madison of Virginia and Alexander Hamilton of New York won support for their plans to make the government stronger. However, only five states sent delegates to the convention, so little could be done. A call for a second convention went out, and Congress soon responded. A constitutional convention was summoned to meet in Philadelphia.

### Writing the Constitution

By late May 1787, delegates from every state except Rhode Island had gathered at the Philadelphia convention. The delegates were an impressive group. Franklin, Madison, and Hamilton were among them, and George Washington was elected chairman of the convention. Many of the delegates were lawyers, most had some college education, and all were leaders in their home states.

Despite disagreements on how to proceed with their work, the delegates were agreed on several major points. They wanted a government of *limited* powers. They also wanted a government of *separate* powers: **legislative, executive, and judicial**. They wanted the states to have rights, but also to respect the powers of the central government.

Early in the convention, a series of resolutions was introduced that became known as the **Virginia Plan**. The Virginia Plan proposed a government of three branches based on the idea of separation of powers. Large states favored the plan, since it called for a legislature in which states were represented *proportionally*, on the basis of population.

**POLITICAL SCIENCE** In an early draft of the Declaration of Independence, Thomas Jefferson alluded to the slave trade and accused the King of "suppressing every legislative attempt to

3 prohibit or restrain their execrable commerce." This paragraph was later deleted because of pressure from colonial slaveholders.

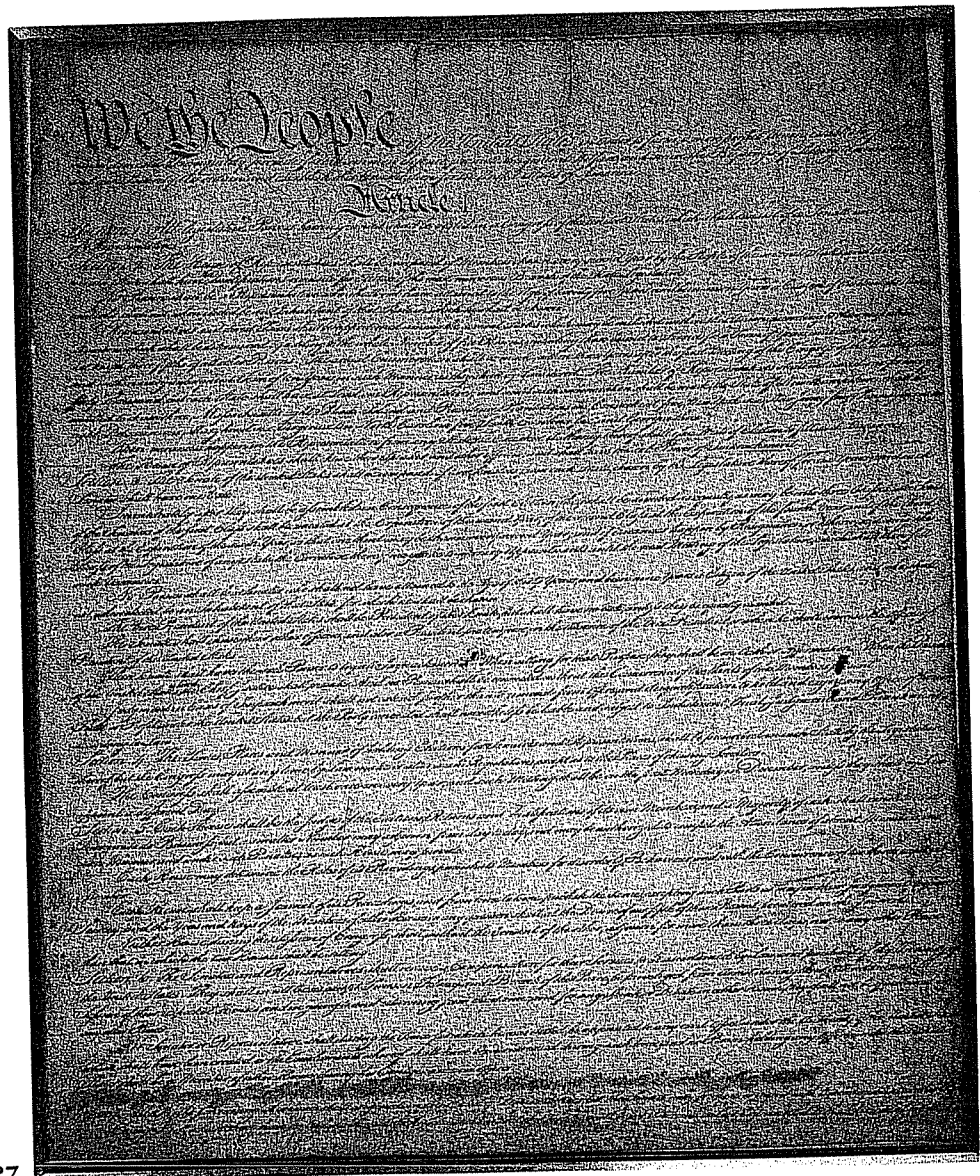
**ENGLISH BILL OF RIGHTS ESTABLISHED** 1689  
English king forbidden from suspending the laws and establishes the concept of *habeas corpus*.

Small states opposed the Virginia Plan. They wanted a legislature in which all states were represented *equally*. After some debate, an agreement was reached. The legislature would consist of two houses: a **House of Representatives**, with membership based on state population, and a **Senate**, with each state receiving two members. This agreement became known as the **Connecticut Compromise**.

Throughout the summer of 1787, the delegates worked to complete the new Constitution. Compromises were reached on the matter of counting enslaved Africans for the purposes of representation and taxes and on the issue of government control of trade. At last in September, a final draft was presented to the convention that most of the delegates signed. The Constitution was then sent to the states for approval.

1754

**ALBANY PLAN OF UNION PROPOSED**  
Benjamin Franklin suggested a plan for a federal government.



*Most delegates to the Constitutional Convention in Philadelphia signed the final draft in September 1787.*

**HISTORY** James Madison frequently offered arguments favoring ratification in the Federalist Papers. Some of his comments from *Federalist #14*, are presented on page T10.

**HISTORY** Patrick Henry was one of several important people opposed to the Constitution. His concerns are presented in "Anti-Federalist Concerns About the Constitution" on page T11.

## The Struggle to Ratify

Nine of the thirteen states had to **ratify** the Constitution before it could take effect. Ratification was not an easy matter, however, because the Constitution had its opponents as well as supporters.

The main supporters of the Constitution were known as **Federalists**. The Federalists argued that a strong central government would protect the new nation from outside interference and also solve internal problems like the regulation of trade. Against them stood the **Anti-Federalists**, led by Samuel Adams of Massachusetts and Patrick Henry of Virginia. The Anti-Federalists feared a strong central government. They believed that power should be distributed among the states, and that a strong central authority would limit personal liberties.

Anti-Federalists were especially concerned that the Constitution lacked a **Bill of Rights**. Federalists argued that a Bill of Rights was not needed, since many state constitutions already provided such protection. To overcome Anti-Federalist objections, however, the Federalists promised to introduce **amendments** that would guarantee personal rights.

The debates over the Constitution provided an opportunity for leading Federalists to clarify many of the ideas the Constitution represented. In a series of essays collectively known as the **Federalist Papers**, Hamilton, Madison, and John Jay argued for the new federal system and outlined the benefits that constitutional government would bring.

In June 1788, New Hampshire became the ninth state to ratify the Constitution. Early in 1789, elections for President were held and the new federal Congress convened in New York, then the nation's temporary capital. On April 30, George Washington was sworn in as the first constitutionally elected President of the United States.

One final piece of work remained to be done. A Bill of Rights had been promised both to the states and to the Anti-Federalists; Congress set about providing one. Amendments to the Constitution were introduced to protect the rights of individuals against the newly-strengthened central government. Ten of these amendments were finally adopted alleviating tensions between Federalists and Anti-Federalists. In November 1791, the new Bill of Rights went into effect. The work of the framers was now complete.

**FIRST CONTINENTAL CONGRESS MEETS**  
Asked the king to give colonists direct representation in making laws

**SECOND CONTINENTAL CONGRESS MEETS**  
Began drafting a declaration of independence from the English crown

**DECLARATION OF INDEPENDENCE SIGNED**  
Document declared independence.

**ARTICLES OF CONFEDERATION ADOPTED**  
States agreed to cooperate with one another for mutual defense and the general good.

**MT. VERNON CONFERENCE HELD**  
Decided that the Articles of Confederation needed revision

**ANNAPOLIS CONVENTION HELD**  
Convention requested Congress to call for a constitutional meeting.

**CONSTITUTIONAL CONVENTION MEETS**  
Delegates met in Philadelphia and produced a federal Constitution for the United States.

**FEDERALIST PAPERS WRITTEN**  
Series of letters supported the ratification of the Constitution.

**CONSTITUTION RATIFIED**  
The Constitution went into effect.

**BILL OF RIGHTS ADOPTED**  
The first ten amendments to the Constitution became law, guaranteeing certain individual rights.

1774  
1775  
1776

1781

1785  
1786  
1787  
1788

1791