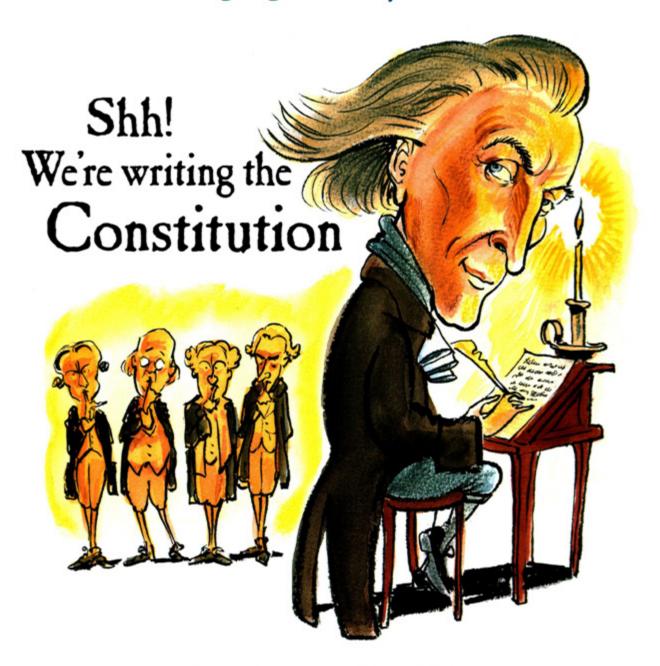
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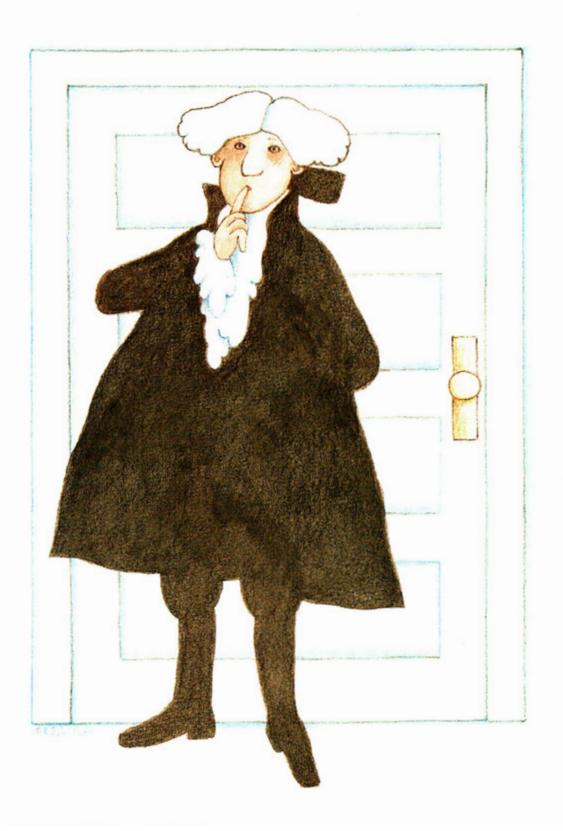
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# Shh! We're writing the Constitution

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# To Daniel Fritz and Michael Scott Fritz







After the Revolutionary War most people in America were glad that they were no longer British. Still, they were not ready to call themselves Americans. The last thing they wanted was to become a nation. They were citizens of their own separate states, just as they had always been: each state different, each state proud of its own character, each state quick to poke fun at other states. To Southerners, New Englanders might be "no-account Yankees." To New Englanders, Pennsylvanians might be "lousy Buckskins." But to everyone the states themselves were all important. "Sovereign states," they called them. They loved the sound of "sovereign" because it meant that they were their own bosses.

George Washington, however, scoffed at the idea of "sovereign states." He knew that the states could not be truly independent for long and survive. Ever since the Declaration of Independence had been signed, people had referred to the country as the United States of America. It was about time, he thought, for them to act and feel united.

Once during the war Washington had decided it would be a good idea if his troops swore allegiance to the United States. As a start, he lined up some troops from New Jersey and asked them to take such an oath. They looked at Washington as if he'd taken leave of his senses. How could they do that? they cried. New Jersey was their country!



So Washington dropped the idea. In time, he hoped, the states would see that they needed to become one nation, united under a strong central government.

But that time would be long in coming. For now, as they started out on their independence, the thirteen states were satisfied to be what they called a federation, a kind of voluntary league of states. In other words, each state legislature sent delegates to a Continental Congress which was supposed to act on matters of common concern.

In September 1774, when the First Continental Congress met, the common concern was Great Britain. Two years later, after the Declaration of Independence had been signed, the concern was that the country needed some kind of government. Not a fully developed government because of course they had their states. All they wanted were some basic rules to hold them together to do whatever needed to be done. So the Congress wrote the Articles of Confederation which outlined rules for a "firm league of friendship." In practice, however, the states did not always feel a firm need to follow any rules.

The Congress, for instance, could ask the states to contribute money to pay the country's debts, but if the states didn't feel like contributing, no one could make them. Congress could declare war but it couldn't fight unless the states felt like supplying soldiers. The trouble was that their president had no definite powers and the country had no overall legal system. So although the Congress could make all the rules it wanted, it couldn't enforce any of them. Much of the time the states didn't even bother to send delegates to the meetings.

By 1786, it was becoming obvious that changes were needed. People were in debt, a few states were printing paper money that was all but worthless, and in the midst of this disorder some people could see that America would fall apart if it didn't have a sound central government with power to act for all the states. George Washington, of course, was one who had felt strongly about this for a long time. Alexander Hamilton was another. Born and brought up in the Caribbean Islands, he had

no patience with the idea of state loyalty. America was nothing but a monster with thirteen heads, he said. James Madison from Virginia wanted a strong America too. He was a little man, described as being "no bigger than half a piece of soap," but he had big ideas for his country.

In 1786 these men, among others, suggested to the Congress that all the states send delegates to a Grand Convention in Philadelphia to improve the existing form of government. It sounded innocent. Just a matter of revising the old Articles of Confederation to make the government work better. No one would quarrel with that.

But they did.

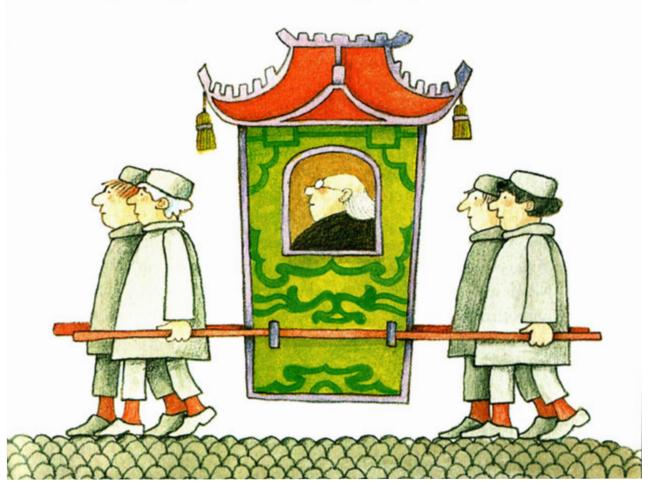
Rhode Island refused to have anything to do with the convention. Patrick Henry, when asked to be a delegate from Virginia, said he "smelt a rat" and wouldn't go. Willie Jones of North Carolina didn't say what he smelled, but he wouldn't go either.

But in the end the convention was scheduled to meet in the State House in Philadelphia on May 14, 1787.

James (or "Jemmy") Madison was so worked up about it that he arrived from Virginia eleven days early. George Washington left his home, Mount Vernon, on May 9 with a headache and an upset stomach, but he arrived in Philadelphia on the night of May 13th. The next morning a few delegates from Pennsylvania and a few from Virginia came to the meeting but there needed to be seven states present to conduct business. Since there were only two, the meeting was adjourned.

It was May 25th before delegates from enough states showed up. They blamed their delays on the weather, muddy roads, personal business, lack of money. Delegates from New Hampshire couldn't scrape up enough money to come until late July, but even so, they beat John Francis Mercer of Maryland. He sauntered into the State House on August 6th.

The most colorful arrival was that of Benjamin Franklin who at eighty-one was the oldest of the delegates. Because he experienced so much pain when he was bounced about in a carriage, Franklin came to the convention in a Chinese sedan chair carried by four prisoners from the Philadelphia jail. (He lived in the city so they didn't have far to carry him.)





In all, there would be fifty-five delegates, although coming and going as they did, there were seldom more than thirty there at the same time. The first thing the delegates did was to elect George Washington president of the convention. They escorted him to his official chair on a raised platform. Then the other members of the convention took their seats at tables draped with green woolen cloth. James Madison sat in the front of the room and as soon as the talking began, he began writing. Never absent for a single day, he kept a record of all that was said during the next four months, stopping only when he, himself, wanted to speak.

They knew that there would be many arguments in this room, but they agreed that they didn't want the whole country listening in and taking sides. They would keep the proceedings a secret. So before every meeting the door was locked. Sentries were stationed in the hall. And even though it turned out to be a hot summer, the windows were kept closed. Why should they risk eavesdroppers? Members were not supposed to write gossipy letters home. Nor to answer nosy questions. Nor to discuss their business with outsiders. Benjamin Franklin was the one who had to be watched. He meant no harm but he did love to talk, especially at parties, so if he seemed about to spill the beans, another delegate was ready to leap into the conversation and change the subject.

For fifty-five men to keep a secret for four months was an accomplishment in itself. But they did. Of course this didn't prevent rumors from starting. Once it was rumored that the convention was planning to invite the second son of George the Third to become King of America. The delegates were furious. They might not be able to say what they were going to do, but they had no trouble saying what they were *not* going to do. And they were not inviting the second or third son of George the Third or of anyone else to be King of America.





If the people of the country were afraid of what might happen in the convention, so were the delegates themselves. They didn't call the document they were working on a "constitution"; they referred to it as "the plan." Because they knew that the country was sensitive to the word "national," they tried to stick to "federal," a word they were used to and one which didn't reduce the power of the states. But after Edmund Randolph, Governor of Virginia, had presented what came to be called the Virginia Plan, he spoke right out.

In the Virginia Plan, Randolph explained, there would be three branches of government. The executive branch would have a head who would be responsible for running the government. The legislative branch would be made up of two houses which would make laws. The House of Representatives would be elected directly by the people; the Senate, the smaller and supposedly more coolheaded body, would be elected by the House. Together they would be called the Congress. The third branch would be the judiciary headed by a Supreme Court, which would make sure that laws were constitutional and were properly obeyed.

# It's the summer of 1787, and it's hot!

Fifty-five delegates from thirteen states have huddled together in the strictest secrecy in the Philadelphia State House to write the CONSTITUTION of the United States. But these men—a mix of some of the greatest patriots of the Revolutionary War—can't agree on much. And not only do they have problems getting along, they can't even sit comfortably and open a window in the overwhelming heat for fear of spies!

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