

## Chapter 20 -- The US Constitution Is Signed By The Delegates



**Dates:**  
1787

**Sections:**

- Ratification Procedures Are Debated
- The Convention Moves Toward Summing Up
- After Rejecting The Need For A Bill Of Rights, The Constitution Is Approved
- The Delegates Sign The Constitution

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Time: Early September 1787

### Ratification Procedures Are Debated



The delegates know now that they will soon be asked to sign their names to a final document, a prospect that prompts last minute soul searching.

Two topics assume center stage: procedures for ratifying and amending the contract.

Friction materializes immediately around “who will be asked to approve the new Constitution, and by what margin must it pass?”

Two of the most vocal Anti-Federalists, Elbridge Gerry of Massachusetts and Maryland’s Luther Martin, insist that approval must rest with the State Legislatures. But their pleas are beaten back after another strong Anti-Federalist, Virginia’s George Mason, speaks up.

George Washington (1732-1799)

*Whither must we resort? To the people...It is of great moment that this doctrine be cherished as the basis of free government.*

With Mason’s support, the assembly returns to the “Virginia Plan,” which proposes that special Conventions be held in each state involving representatives, elected by the people for the express purpose of debating and voting on the Constitution. As Madison writes, it must be backed...

*By the supreme authority of the people themselves...the fountain of all power.*

The focus now shifts to whether or not all thirteen states must ratify the new contract before it becomes the law of the land. While the rules of the Confederation require unanimity, many fear this will be impossible – especially since one state, Rhode Island, has refused to even show up in Philadelphia.

After some give and take, the requirement is set at 9 states needed for approval.

This further inflames resistance from Gerry and Martin.

Gerry broadens his attack, insisting that, as it stands, the document is full of flaws, and that "amendments" are needed. He adds his doubts that Maryland will ever agree. This time George Mason takes his side, announcing his wish that...

*Some points not yet decided should (be) brought to a decision before being compelled to give a final opinion on the Article. Should these points be improperly settled, (we need) another general convention.*

Alexander Hamilton weighs in, supporting Gerry's demand that the document be approved unanimously.

Edmund Randolph, author of the "Virginia Plan," also supports Gerry's call for amendments – as does Ben Franklin, who, surprisingly, offers a motion in favor of state conventions developing amendments to be brought back for approval to a second Convention.

For Madison and Washington, the notion of any lengthy delay in the start-up of a new functioning government is tantamount to failure. James Wilson shares their frustration in his admonition to the hall:

*After spending four or five months...on the arduous task of forming a government for our country, we are ourselves at the close throwing insuperable obstacles in the way of its success.*

Wilson's sentiment prevails, and Franklin's motion is tabled for the moment.

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Time: September 5 – 12, 1787

### **The Convention Moves Toward Summing Up**

On September 5 the body names a "Committee Of Style and Arrangement" to assemble all of the decisions reached so far and draft a final Constitution, with a one week deadline.

The Committee is headed by Dr. William Johnson of Connecticut, graduate of Yale and Harvard, an honorary doctorate from Oxford, accomplished lawyer, and current president of Kings (Columbia) College in New York. He is joined by James Madison, Alexander Hamilton, Gouverneur Morris and Rufus King, the later generally regarded as the finest orator in the nation. Together they are given one week to create their draft.

As they labor on, several other issues are wrapped up.

A national capitol comprising 10 square miles of land is to be established at a site to be determined. It will not be a sovereign State, but rather administered by the Federal Congress.

### Shifting Locations Of The Nation's Capital

Governing Periods	Timeframe	Locations
First Continental Congress	9/5 – 10/24 1775	Philadelphia
Second Continental Congress	5/10/75 – 3/1/81	Philadelphia, Baltimore, Lancaster, York, Phil.
Articles Of Confederation	3/1/81 – Fall 1788	Philadelphia, Princeton, Annapolis, Trenton, NYC
U.S. Constitution	3/4/89 – 11/17/1800	New York, Philadelphia, Washington

Foreigners may serve in Congress after living in America for either seven years (for the House) or nine years (for the Senate) – but the President must be native born.

The Executive, along with members of Congress and the judiciary will swear an oath to uphold the Constitution.

A small standing army will be allowed, even in time of peace -- while state militias will continue to be relied on in case of war.

The definition of “treason” is resolved: engaging directly in war against the United States or giving aid and . comfort to the enemy. Two witnesses to treasonous acts are required for conviction. Punishment for the crime will be determined by Congress, and confined to the traitor himself and not carried over to his offspring.

On September 12, Dr. Johnson’s Committee arrives in the hall with a final draft of the new Constitution.

James Madison acknowledges that authorship belongs mainly with Gouverneur Morris of Pennsylvania.

*The finish given to the style and arrangement belongs to the pen of Mr. Morris.*

The opening words of the document ring true to the spirit of the entire endeavor.

*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.*

It is “we the people” acting as one unified body who are declaring the form and substance by which they expect to be governed. It is the people who will decide, not the States acting like corporate entities.

The individual States will retain their sovereignty, but within specified boundaries. As Gouverneur Morris says:

*When the powers of the national government clash with the states, then must the states concede.*

Out of the countless Resolves presented to the Convention, Morris arrives at a final set of 7 Articles, each with sub-sections, codifying the three branches of government and declaring how the Constitution is to be ratified by the states and, if need be, amended over time.

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Time: September 15, 1787

### **After Rejecting The Need For A Bill Of Rights, The Constitution Is Approved**

Once again the persistent George Mason of Virginia is on his feet, this time asking that a Bill of Rights be added to the final document. He points out that eight state constitutions identify these rights, and that a committee could draft them in a few hours.

*If prefaced with a bill of rights...it would give great quiet to the people.*

The legal scholar, Wilson, rejects Mason's plea, on the grounds that the Constitution deals with municipal laws, not "natural laws."

Other opponents are less diplomatic in their criticisms.

Hearing about Mason's call, the lexicographer and political observer, Noah Webster, cites the folly of trying to codify the rights of man. His sarcastic call goes out for a clause that...

*Everybody shall, in good weather, hunt on his own land...that Congress shall never restrain any American from eating and drinking...or prevent him from lying on his left side...when fatigued by lying on his right.*

Charles Cotesworth Pinckney of South Carolina offers another sound "regional reason" to skip a bill of rights.

*These generally begin that all men are by nature born free. We should make that declaration with very bad grace when a large part of our property consists in men who are actually born slaves.*

Others insist that the Document itself, from start to finish, guarantees personal values and rights.

When a vote is taken, Mason's call for a Bill of Rights is voted down by a 10-0 margin.

It is closure the delegates want at the moment – and a full year will elapse before Mason's wish is realized in Ten Amendments that finally codify many of America's most cherished freedoms.

A vote is now taken on adopting the Constitution as written, with all states voting "aye."

*E pluribus unum.* Out of many, one.

The thirteen sovereign states have become a new national Union.

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Time: September 17, 1787

### **The Delegates Sign The Constitution**

After approving the draft, a calligrapher named Jacob Shallus is given the task of “engrossing” the text. He does so on four large pages (28” x 23”) of parchment, comprising some 4,000 words in total. A fifth page is left for signatures.

The document is ready for signing on Monday, September 17, as summer turns into autumn in Philadelphia.

Thirty-eight of the original 55 delegates are present.

After the new Constitution is read aloud, Benjamin Franklin is recognized for a speech delivered for him by his Pennsylvania colleague, James Wilson.

*I confess there are several parts of this Constitution which I do not at present approve, but the older I grow, the more apt I am to doubt my own judgment. But I consent, sir, to this Constitution because I expect no better and because I am not sure it is not the best. I cannot help expressing a wish that every member.. (vote) with me...to make manifest our unanimity.*

With hope for unanimity in mind, Franklin offers a motion, written by Gouverneur Morris, that would allow any individual dissenters to sign the document under the banner of majority support by their state delegation.

Done in Convention, by the unanimous consent of *the States* present the seventeenth of September .

Next comes a last second plea from Nathaniel Gorham of Massachusetts on behalf of expanding the size of the House by allocating one representative for every 30,000 rather than 40,000 state residents.

This suggestion prompts George Washington to speak for the first and only time during the Convention. His remarks are couched within his usual tone of humility. Madison records them as follows:

*Although his situation had hitherto restrained him from offering his sentiments on questions depending in the House, and it might be thought ought now to impose silence on him, yet he could not forbear expressing his wish that the alteration proposed (by Gorham) might take place...since the smallness of the proportion of representatives had been considered by many members...an insufficient security for the rights and interests of the people.*

With Washington’s backing, the change is approved, the result being a sizable jump from 51 to 68 total seats in the House when it finally convenes in 1789.

At this point members are given a final chance to say what they will.

It is with great sadness that Edmund Randolph announces he cannot sign the final document. His role all along has been critical, from presenting the “Virginia Plan” to authoring the Committee On Detail report. But now he declares that his duty as a Virginian is to refrain from endorsing the Constitution until he can hear directly from the people of his state.

Not surprisingly Randolph is joined by George Mason, whose opposition has been clear all along. Mason doesn't speak on this day, but writes up three pages worth of objections, which he later shares with Washington. These focus on the erosion he senses in state sovereignty, and the absence of a bill of rights.

After Gouverneur Morris voices his support for the document and urges others, including Randolph, to follow, the third and final dissenter left in the room, Elbridge Gerry, has his say. The Massachusetts delegate finds the outcome still too divisive, and likely to lead on to civil war between factions in his own state.

Four others who oppose the Constitution have already departed: the two New Yorkers (Lansing and Yates) and two Marylanders (Luther Martin and John Mercer).

But September 17 belongs not to the dissenters, rather to the 35 other men present who have labored on behalf of a grand vision of government of the people, by the people and for the people.

Each in turn steps forward to sign, beginning with New Hampshire and working sequentially south to Georgia.

### **The Thirty-Nine Eventual Signers Of The Constitution**

<b>States</b>	<b>Delegates</b>
New Hampshire	Gilman, Langdon
Massachusetts	Gorham, King
Rhode Island	No delegates
Connecticut	Johnson, Sherman
New York	Hamilton
Pennsylvania	Clymer, Fitzsimons, Franklin, Ingersoll, Mifflin, G Morris, R Morris, Wilson
New Jersey	Brearily, Dayton, Livingston, Patterson
Delaware	Bassett, Bedford, Broom, Dickinson, Read
Maryland	Carroll, Jenifer, McHenry
Virginia	Blair, Madison, Washington
North Carolina	Blount, Spaight, Williamson
South Carolina	Butler, CC Pinckney, C Pinckney, Rutledge
Georgia	Baldwin, Few

The grand Convention then closes, with delegates off for a celebratory dinner together at the City Tavern. Afterwards, several reflect on the outcome.

Washington expresses amazement: “much to be wondered at...little short of a miracle.”

So does the South Carolinian “CC” Pinckney: “astonishingly pleased (that a government) so perfect could have been formed from such discordant and unpromising material.”

The delegate from New Hampshire, Nicholas Gilman, explains how it happened:

*It was done by bargain and compromise... (testing) whether or no we shall become a respectable nation, or a people torn to pieces by intestine commotions, and rendered contemptible for ages.*

From abroad, staunch Federalist John Adams and Anti-Federalist, Thomas Jefferson, both applaud, the latter wishing only for a bill of rights and term limits on the Executive.

Almost all agree that something amazing has just taken place in Philadelphia.

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Time: May 14, 1787 – March 1, 1792

**Sidebar: Timeline Of Key Events Related To The 1787 Constitution**

<b>Date</b>	<b>Convention Events</b>
May 14	Open, no quorum
May 25	Quorum
May 30	Virginia Plan
June 15	New Jersey Plan
June 18	Hamilton's Plan
July 5	Connecticut Compromise
July 13	Northwest Ordinance
July 16	Great Compromise
July 26	The Presidency Is Born
August 6	Committee of Detail Report
August 23	Slave Trade Debate
September 15	Committee On Style and Arrangement Draft
September 17	Signing Day
	Post-Convention
September 19	Constitution Is Published
September 28	Constitution Submitted To States For Ratification
October 27	Federalist Papers Appear
December 7	Delaware Ratifies The Constitution
March 24, 1788	Rhode Island Rejects Constitution
June 21, 1788	New Hampshire Becomes 9 <sup>th</sup> State To Ratify
Sept 13, 1789	New York Chosen As Site of Capitol
March 4	New Government Goes Into Effect
April 1	Quorum Met In House of Representatives
April 6	Washington Elected As First President
April 30	Washington and Adams Inaugurated
September 25	Congress Passes 12 Amendments For Ratification
December 15	Three-fourths Of States Ratify Bill of Rights
January 1, 1790	North Carolina Ratifies Constitution + Amendments
February 2	Supreme Court Meets
May 29	Rhode Island Ratifies Constitution + Amendments
March 1, 1792	Bill of Rights Go Into Effect