

exploring Constitutional Conflicts

The Constitutional Convention of 1787

The Issues: Why was the Convention called? Did it do what it was expected to do? Who were the major players at the Convention? What were the key compromises that were made in Philadelphia?

Introduction

By 1786, Americans recognized that the Articles of Confederation, the foundation document for the new United States adopted in 1777, had to be substantially modified. The Articles gave Congress virtually no power to regulate domestic affairs—no power to tax, no power to regulate commerce. Without coercive power, Congress had to depend on financial contributions from the states, and they often time turned down requests. Congress had neither the money to pay soldiers for their service in the Revolutionary War or to repay foreign loans granted to support the war effort. In 1786, the United States was bankrupt. Moreover, the young nation faced many other challenges and threats. States engaged in an endless war of economic discrimination against commerce from other states. Southern states bottled northern states for economic advantage. The country was ill-equipped to fight a war—and other nations wondered whether treaties with the United States were worth the paper they were written on. On top of all else, Americans suffered from injured pride, as European nations dismissed the United States as “a third-rate republic.”

America's creditor class had other worries. In Rhode Island (called by elites “Rogue Island”), a state legislature dominated by the debtor class passed legislation essentially forgiving all debts as it considered a measure that would redistribute property every thirteen years. The final straw for many came in western Massachusetts where angry farmers, led by Daniel Shays, took up arms and engaged in active rebellion in an effort to gain debt relief.

Troubles with the existing Confederation of States finally convinced the Continental Congress, in February 1787, to call for a convention of delegates to meet in May in Philadelphia “to devise such further provisions as shall appear to them necessary to render the constitution of the Federal Government adequate to the exigencies of the Union.”

Across the country, the cry “Liberty!” filled the air. But what liberty? Few people claim to be anti-liberty, but the word “liberty” has many meanings. Should the delegates be most concerned with protected liberty of conscience,

THE CONSTITUTION AS PROPOSED IN PHILADELPHIA



George Washington presides over the Constitutional Convention

Optional Reading

*The 200th Reunion of Delegates to the Constitutional Convention
(Or, “All Things Considered We’d Really Rather Be in Philadelphia”)
(An essay by Doug Linder)*

Who were the the 55 Delegates to the Convention?

The delegates to the Constitutional Convention did not represent a cross-section of 1787 America. The Convention included no women, no slaves, no Native Americans or racial minorities, no laborers. As one historian noted, it was a “Convention of the well-bred, the well-fed, the well-read, and the well-wed.” The delegates included some very well-known

Constitutional Conflicts

Thomas E. Cronin



Constitutional Conflicts:

Constitutional Conflicts Between Congress and the President Louis Fisher, 2007 A classic on the separation of powers this book dissects the crucial constitutional disputes between the executive and legislative branches from the Constitutional Convention to the present day New material includes military tribunals and NSA eavesdropping disputes over executive orders state secrets privilege and post 9 11 wars in Afghanistan and Iraq *Constitutional Conflicts in Contemporary Malaysia* H. P. Lee, 2017 This book explores how the separation of powers doctrine in Malaysia has been adversely affected by a number of major constitutional conflicts among the various important organs of government It concludes with the author's thoughts on the trajectory of constitutional development in Malaysia

Constitutional Pluralism in the European Union and Beyond Matej Avbelj, Jan Komárek, 2012-02-29 Constitutional pluralism has become immensely popular among scholars who study European integration and issues of global governance Some of them believe that constitutionalism traditionally thought to be bound to a nation state can emerge beyond state borders most importantly in the process of European integration but also beyond that for example in international regulatory regimes such as the WTO or international systems of fundamental rights protection such as the European Convention At the same time the idea of constitutional pluralism has not gone unchallenged Some have questioned its compatibility with the very nature of law and the values which law brings to constitutionalism The critiques have come from both sides from those who believe in the traditional European constitutionalism based on a hierarchically superior authority of the European Union as well as from scholars focusing on constitutions of particular states The book collects contributions taking opposing perspectives on constitutional pluralism some defending and promoting the concept of constitutional pluralism some criticising and opposing it While some authors can be called the founding fathers of constitutional pluralism others are young academics who have recently entered the field Together they offer fresh perspectives on both theoretical and practical aspects of constitutional pluralism enriching our existing understanding of the concept in current scholarship *The Constitution in Wartime* Mark Tushnet, 2005-01-26 Essays by leading constitutional scholars on the relationship between war powers and the Constitution in general and in the aftermath of September 11th

The Constitution in Conflict Robert A. Burt, 1992 In a remarkably innovative reconstruction of constitutional history Robert Burt traces the controversy over judicial supremacy back to the founding fathers Also drawing extensively on Lincoln's conception of political equality Burt argues convincingly that judicial supremacy and majority rule are both inconsistent with the egalitarian democratic ideal The first fully articulated presentation of the Constitution as a communally interpreted document in which the Supreme Court plays an important but not predominant role The Constitution in Conflict has dramatic implications for both the theory and the practice of constitutional law

The Constitution Gloria J. Browne-Marshall, 2006-08-08 Written primarily for undergraduate courses in criminal justice constitutional law and government The Constitution Major Cases and Conflicts offers the full text of many

landmark Supreme Court cases selected both for the combinations of constitutional issues they involve and for their continuing relevance today This text is of particular interest to criminal justice students because while most constitutional law books used in this field address only criminal cases The Constitution includes civil cases as well This is important because various situations involving First Amendment issues such as protest can give rise to criminal justice issues when protesters are arrested for disorderly conduct Thus in this book the criminal justice and any other student is exposed to both civil and criminal Supreme Court cases along with explanations of their social and historical importance The decisions in The Constitution Major Cases and Conflicts chosen from among the thousands available involve multiple layers of legal conflict so that by studying them the student can come to understand converging ideals within the Constitution They also offer insights into American culture that remain relevant to present day society and they provide a road map through the evolution of the Supreme Court and its shifting reasoning on issues such as federalism protest the right to counsel search and seizure and civil rights

The Constitutional Review, 1924 Introduction to the Study of the Law of the Constitution Albert Venn Dicey, 1889 **Joseph Hawley's Criticism of the Constitution of Massachusetts** Joseph Hawley, 1917 Constitutional History of the United States Nelson Case, 1904 **Cases on Constitutional Law** James Bradley Thayer, 1895

Constitutional Conflicts Derrick A. Bell, 1997 *Civil List and Constitutional History of the Colony and State of New York* Stephen C. Hutchins, 1889 Each edition contains the names and origin of the civil divisions and the names and dates of election or appointment of the principal state and county officers from the Revolution to the present time **Proceedings of the Constitutional Convention of the State of Illinois Convened January 6, 1920** Illinois. Constitutional Convention, 1921 **The History of the English Constitution** Rudolph Gneist, 1886 **Bulletin on Constitutional Case-law**, 1994 *Inventing the American Presidency* Thomas E. Cronin, 1989 In fourteen essays supplemented by relevant sections of and amendments to the Constitution and five Federalist essays by Hamilton provides the reader with the essential historical and political analyses of who and what shaped the presidency *The Law of the American Constitution* Charles Kellogg Burdick, 1922 **Lord Durham, a Biography of John George Lambton, First Earl of Durham** Chester William New, 1929 Principles of Politics from the Viewpoint of the American Citizen Jeremiah Whipple Jenks, 1909

Whispering the Strategies of Language: An Psychological Journey through **Constitutional Conflicts**

In a digitally-driven world where screens reign supreme and immediate communication drowns out the subtleties of language, the profound secrets and emotional subtleties hidden within words often get unheard. Yet, situated within the pages of **Constitutional Conflicts** a charming fictional treasure pulsing with raw feelings, lies a fantastic quest waiting to be undertaken. Penned by an experienced wordsmith, that enchanting opus attracts readers on an introspective journey, delicately unraveling the veiled truths and profound impact resonating within ab muscles cloth of each and every word. Within the psychological depths of the moving evaluation, we shall embark upon a sincere exploration of the book is key themes, dissect their charming writing design, and succumb to the powerful resonance it evokes serious within the recesses of readers hearts.

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