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Introduction: Congressional Proceedings and Debates Over Amendments

Much of the debate over the ratification of the Constitution centered on amendments to the Constitution. Three key issues were considered: (1) what amendments should be proposed, (2) who should propose the amendments, and (3) when should the amendments be proposed. By the time the Constitution was adopted by the necessary nine states, it had been generally accepted that amendments (many also recommended by the state ratifying conventions) would be submitted to the first federal Congress to be proposed and adopted according to the procedure specified in Article V of the Constitution.

Scheduled to assemble on 4 March 1789, the two houses of the first federal Congress did not attain quorums until the first week in April. George Washington and John Adams arrived in New York City in April and took their oaths of office as president and vice president. Congress immediately immersed itself in the business of creating the new government. Before most of this important business was even begun, however, James Madison of Virginia on 4 May informed his fellow members of the U.S. House of Representatives that he intended to submit a list of amendments to the Constitution for their consideration.

Madison submitted his list of amendments to the House on 8 June. Over the next eleven weeks, the House in a select committee and in a committee of the whole considered Madison's and other amendments. In the last week of August 1789, the House of Representatives sent a list of seventeen proposed amendments to the Senate for its consideration. The Senate, meeting in secret, debated the amendments and proposed several significant changes and deletions. Over the course of the next month, the two houses (eventually meeting in a conference committee) reconciled their differences and agreed to submit twelve amendments to the state legislatures. Manuscript engrossed broadsides of the amendments were prepared, signed by Speaker of the House Frederick Augustus Muhlenberg and President of the Senate John Adams, attested by the clerk of the House and secretary of the Senate, and transmitted to the state executives by President Washington to be considered by their state legislatures. Congress also ordered the printing of its acts and the twelve proposed amendments. On 5 October the New York *Daily Advertiser* printed an advertisement announcing the publication of such a pamphlet edition in which the twelve proposed amendments to the constitution appeared on pages 92–93. Punctuation, capitalization, and formatting differs from the manuscript engrossed broadsides. This printed version, however, incorrectly used the word “imprisonments” instead of “punishments” in the Tenth Amendment (which became the Eighth Amendment).

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