

# **Parallel Accords: The American Precedent**

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## PREFACE

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## SOMMAIRE





of the unanimity of the First Ministers and because of the support given to it







of Canada compared to the more homogeneous character of the United States

1877



existing Articles of Confederation, which it was argued was more consistent

with the original intent of the framers calling the Convention. The

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omission of a bill of rights incessantly as proof that a conspiracy was afoot to

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...treat North Carolina and Delaware as if they were

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of the document. It is an unprecedented outburst of

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strategic concerns appeared. The Antifederalist strategy was to call for a second constitutional convention to correct the perceived deficiencies of the United

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ratification of the proposed amendments. While several states rejected the first

Second International Conference on the Law of the Sea, 1982, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025





### 3. RATIFICATION BY THE STATES, 1787-90

#### *3.1. The Issues*

The Confederation Congress did not spell out in precise detail how the Constitutional document should be ratified by the various states, specifying only that it be submitted "to a convention of delegates chosen in each state by the people thereof".<sup>31</sup> Beyond this rather vague condition, the exact manner by which the states chose to ratify the Constitution was left in the hands of their legislatures. With the sole exception of independent-minded Rhode Island, the general

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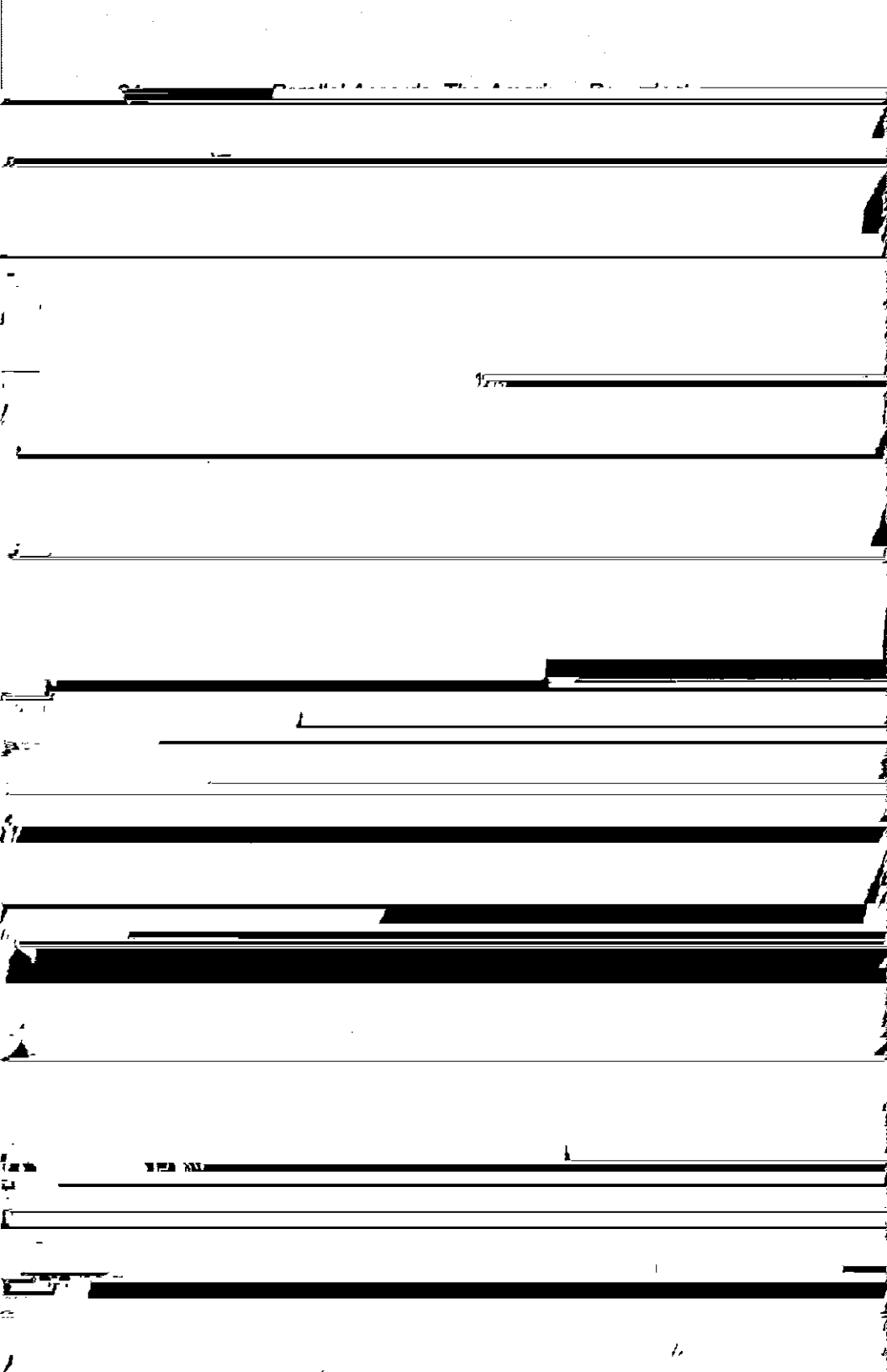
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Among several overviews of the ratification process two important works

*The Ratification Struggle of 1787-1788 (New York: Basic Books, 1968)*



PENNSYLVANIA

*Ratified 12 December 1787 (46-23)*



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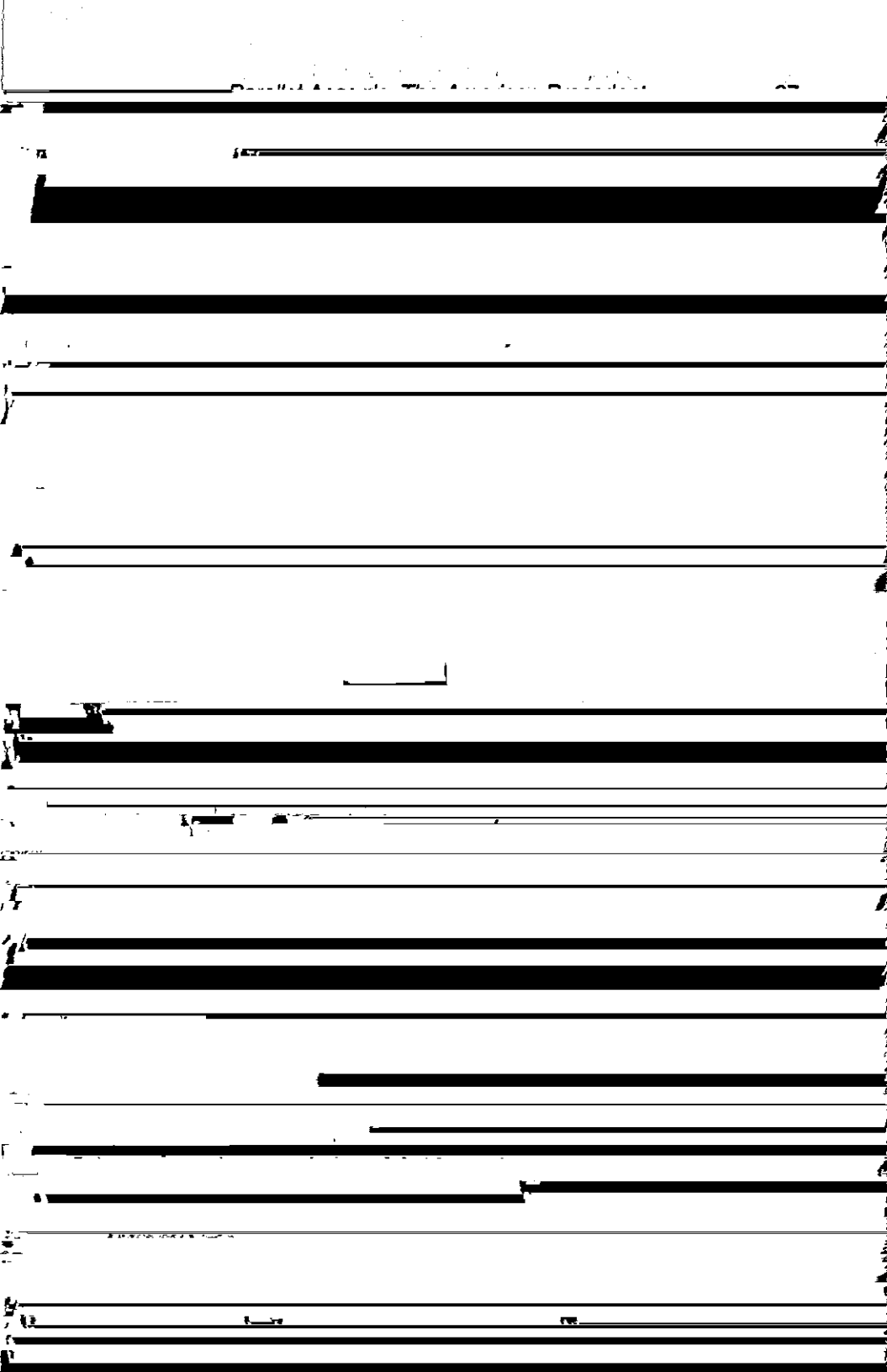
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however, did not affect the final result. On 31 December it was "resolved

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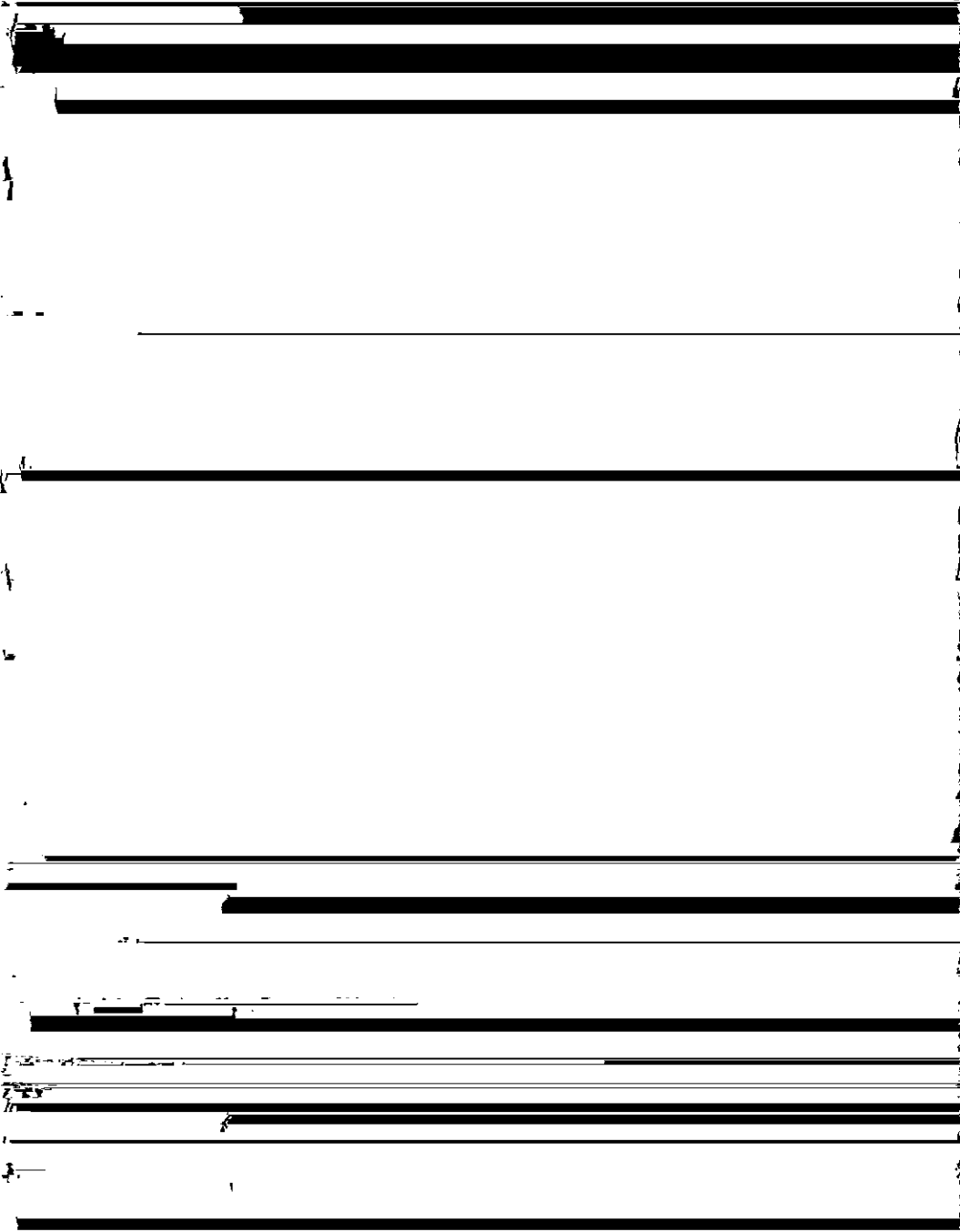
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lous state in the Union, it was widely assumed that a failure to ratify the

Constitution in this state would result in the ratification of the Constitution in this state.



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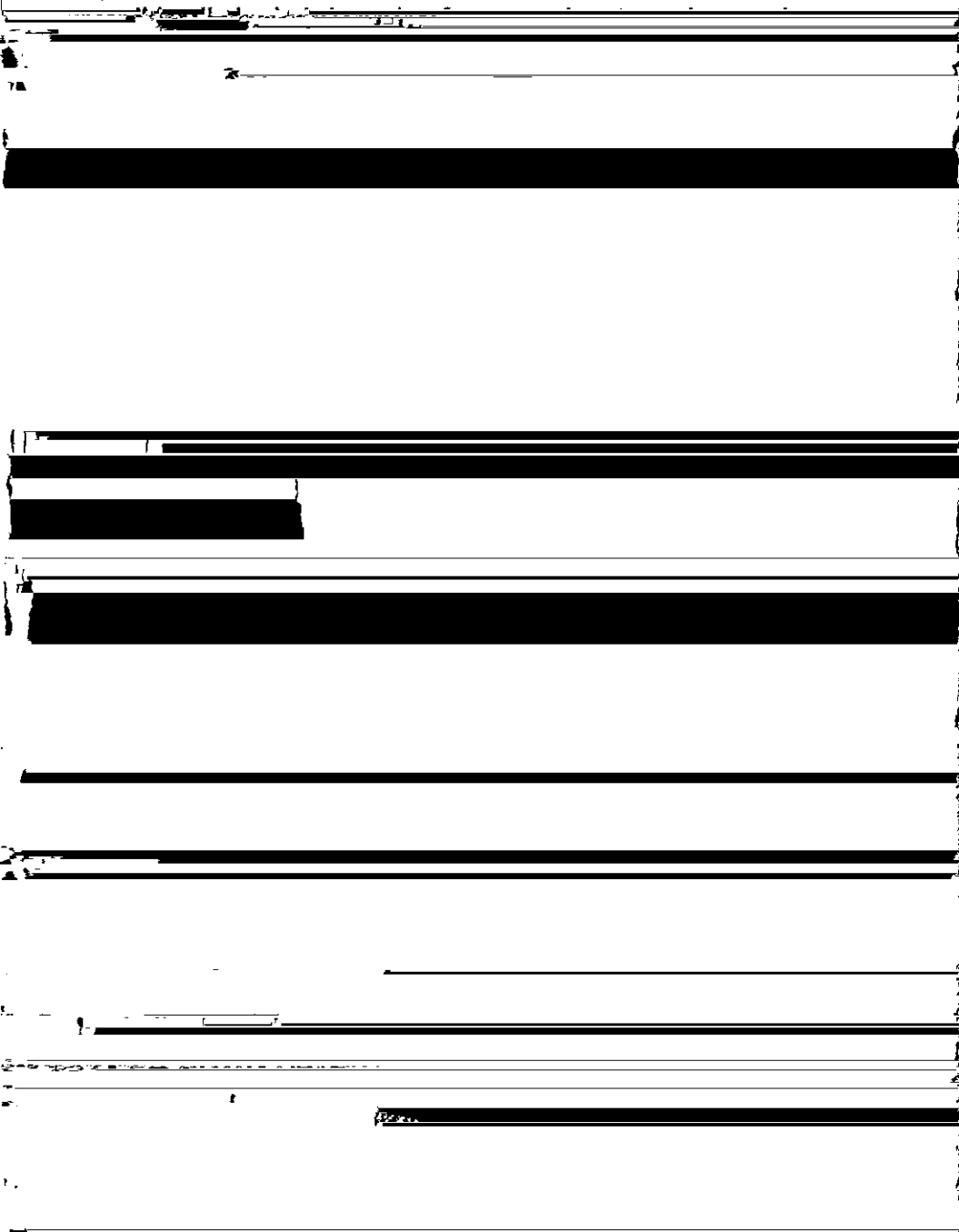
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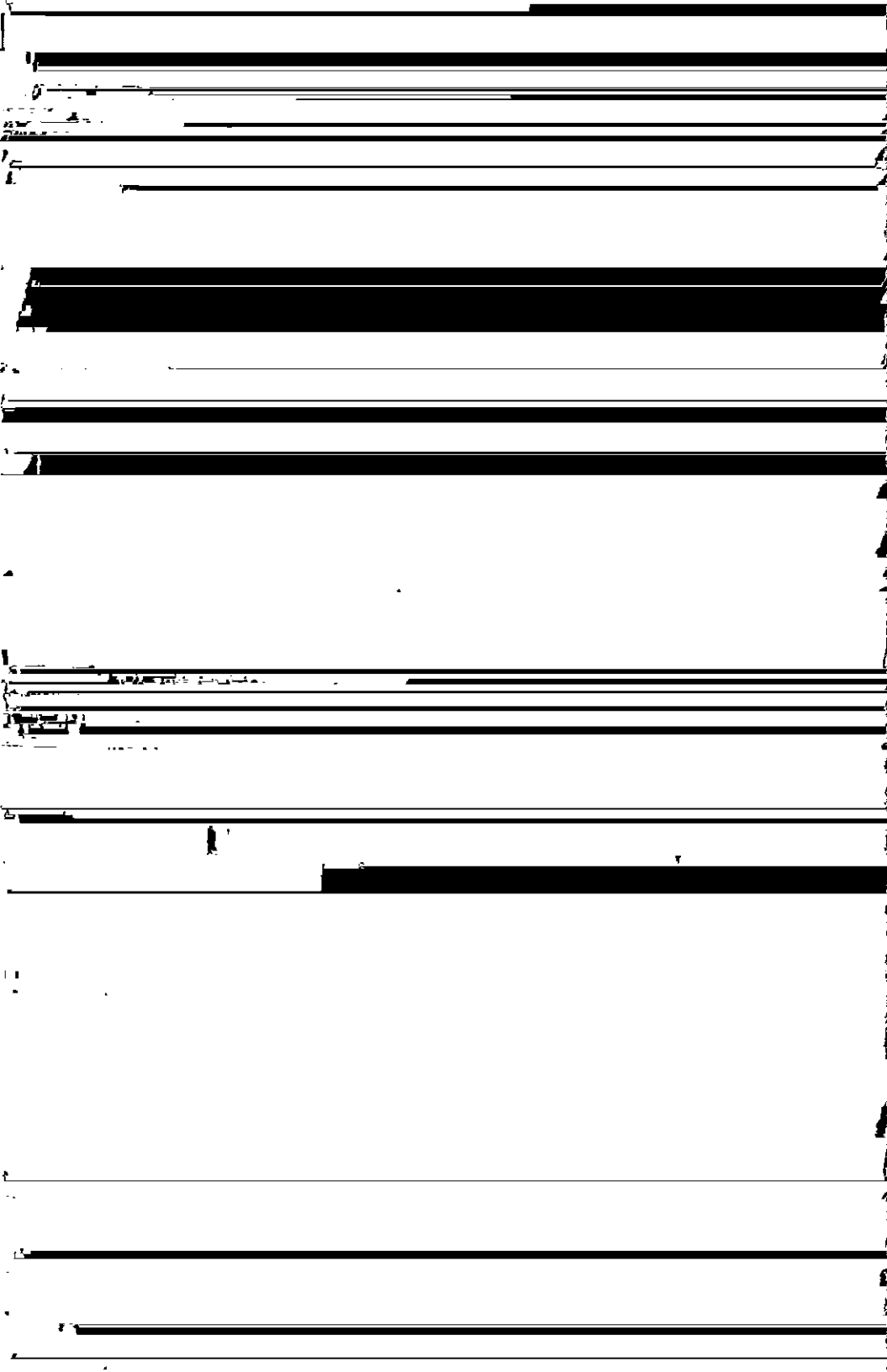
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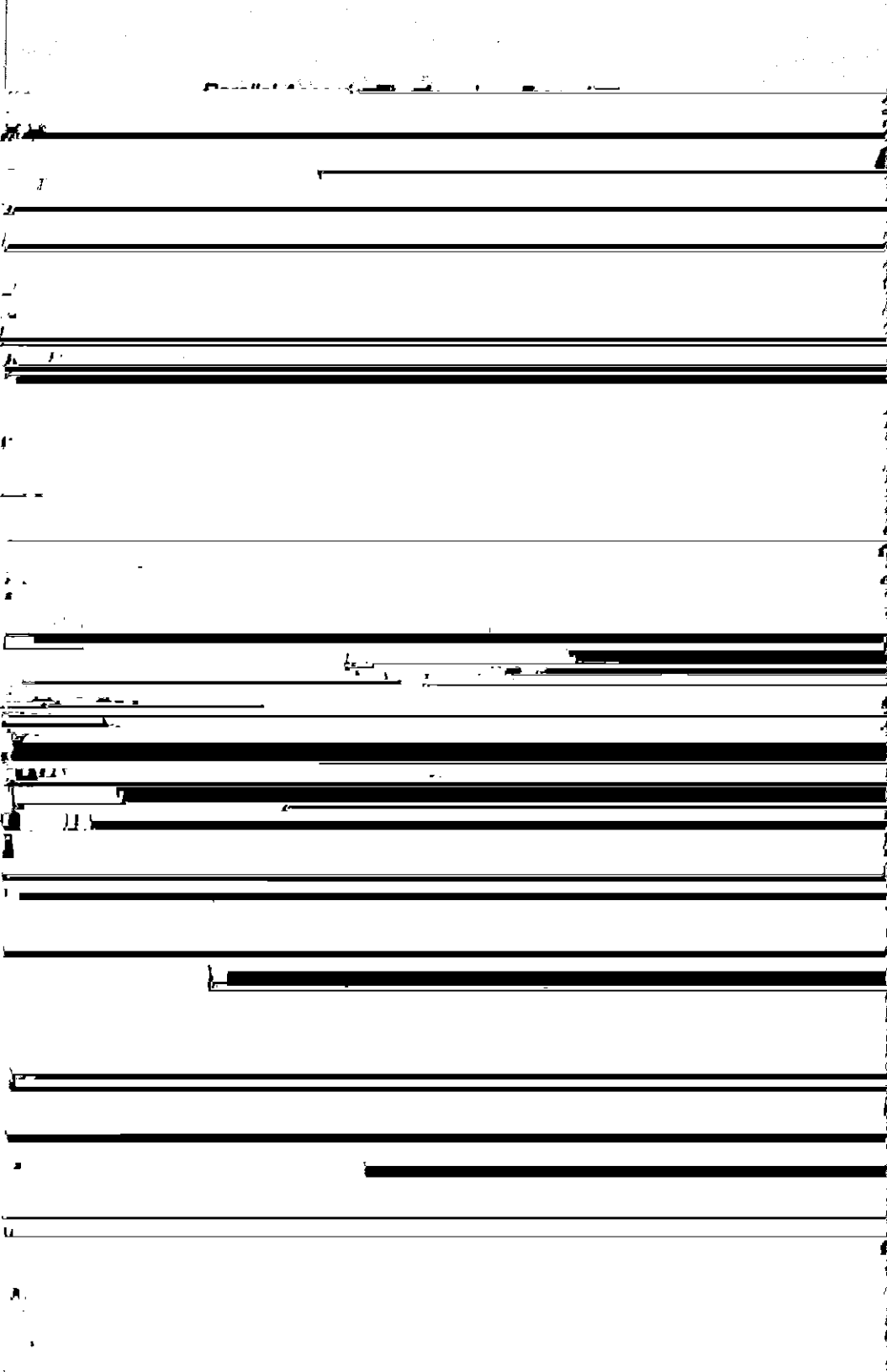
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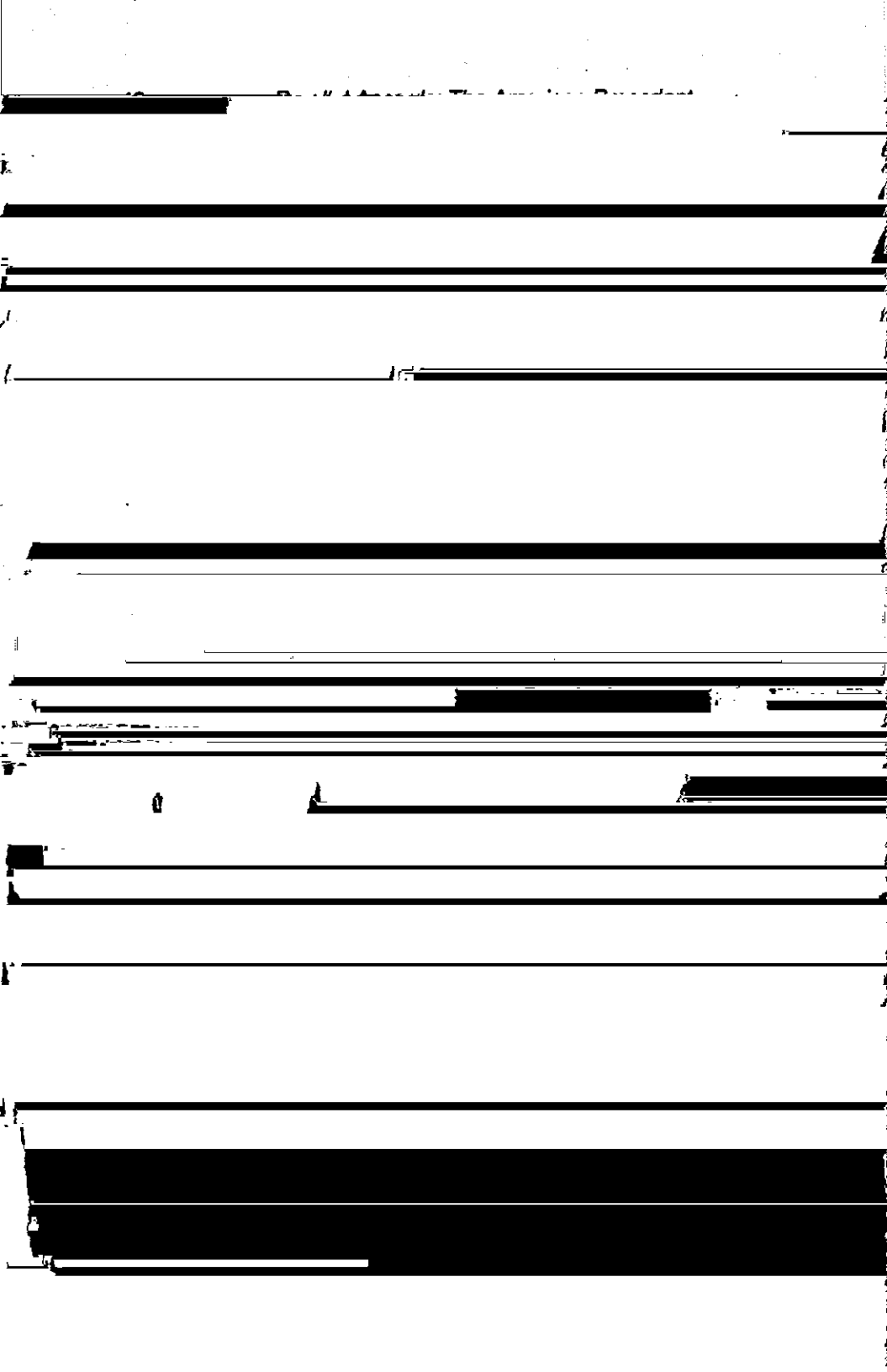
resolution along with the Constitution that would "carry forth the spirit of the Boston resolves without disturbing friends of the Constitution".<sup>73</sup>

South Carolina Antifederalists, while outnumbered, attempted to heighten regional concerns among the delegates by portraying the Constitution as an attack by northern anti-slave interests upon the south. In general, it was their



In the end, the New Hampshire Federalists were successful for several reasons. First, they had a program that included contingency plans in case their quest for ratification went wrong. At the Exeter Convention, they were able to stave off a negative vote and adjourn the Convention while giving them time to regroup and plan another strategy. Second, they demonstrated a flexibility in







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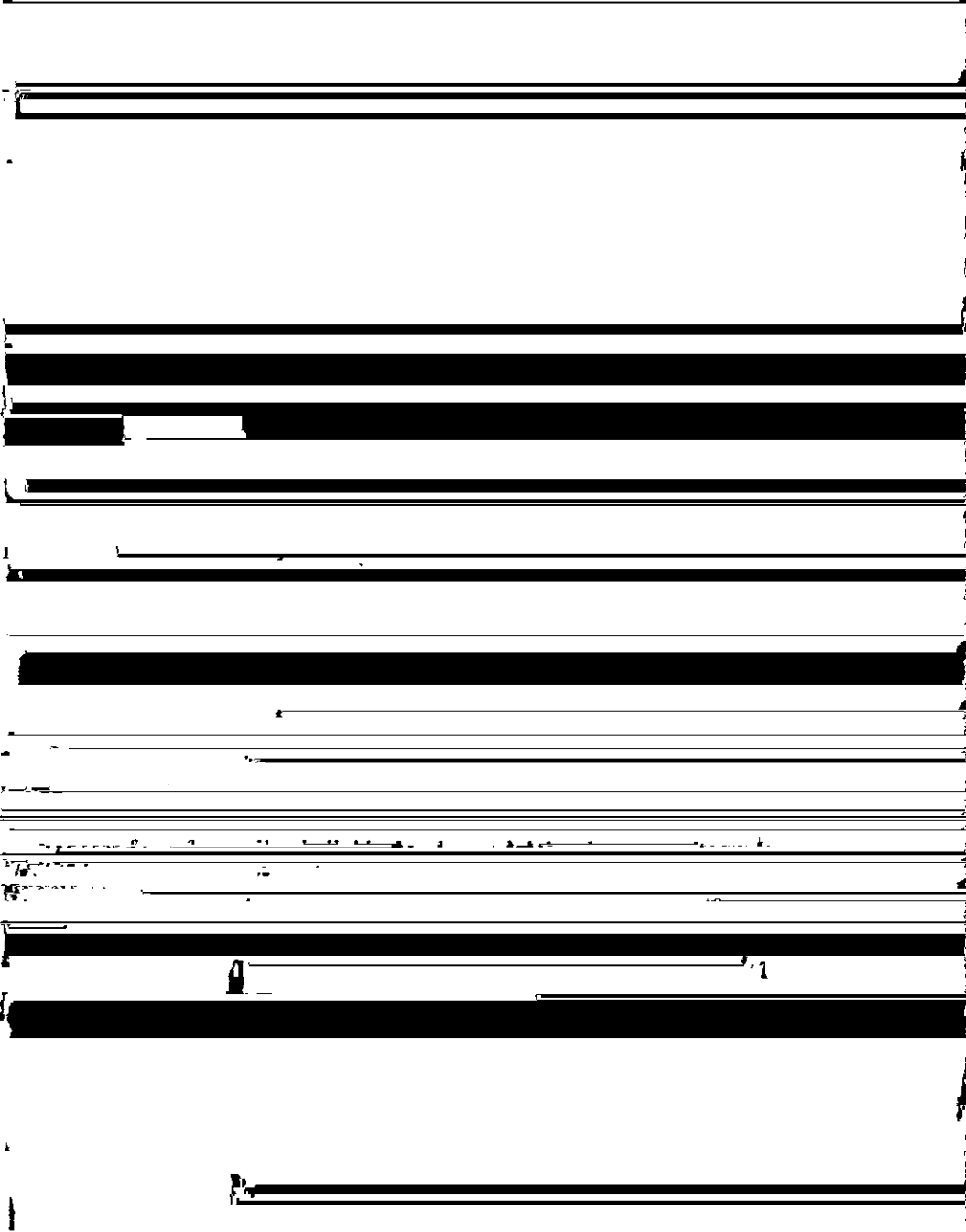
With the establishment of the new Government of the United States in April

1800

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the creation of a strong central government and a system of









... the system of the experience of the original 12 states in ratifying the

new U.S. Constitution. In the original American process of constitutional adoption, only 9 of the 13 states was required for ratification of the document.



public hearings). As well, it adopted an approach to public

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passed that the approval for their state ratification of the new Constitution

to Territories: a provision in future for public hearings by Resolution

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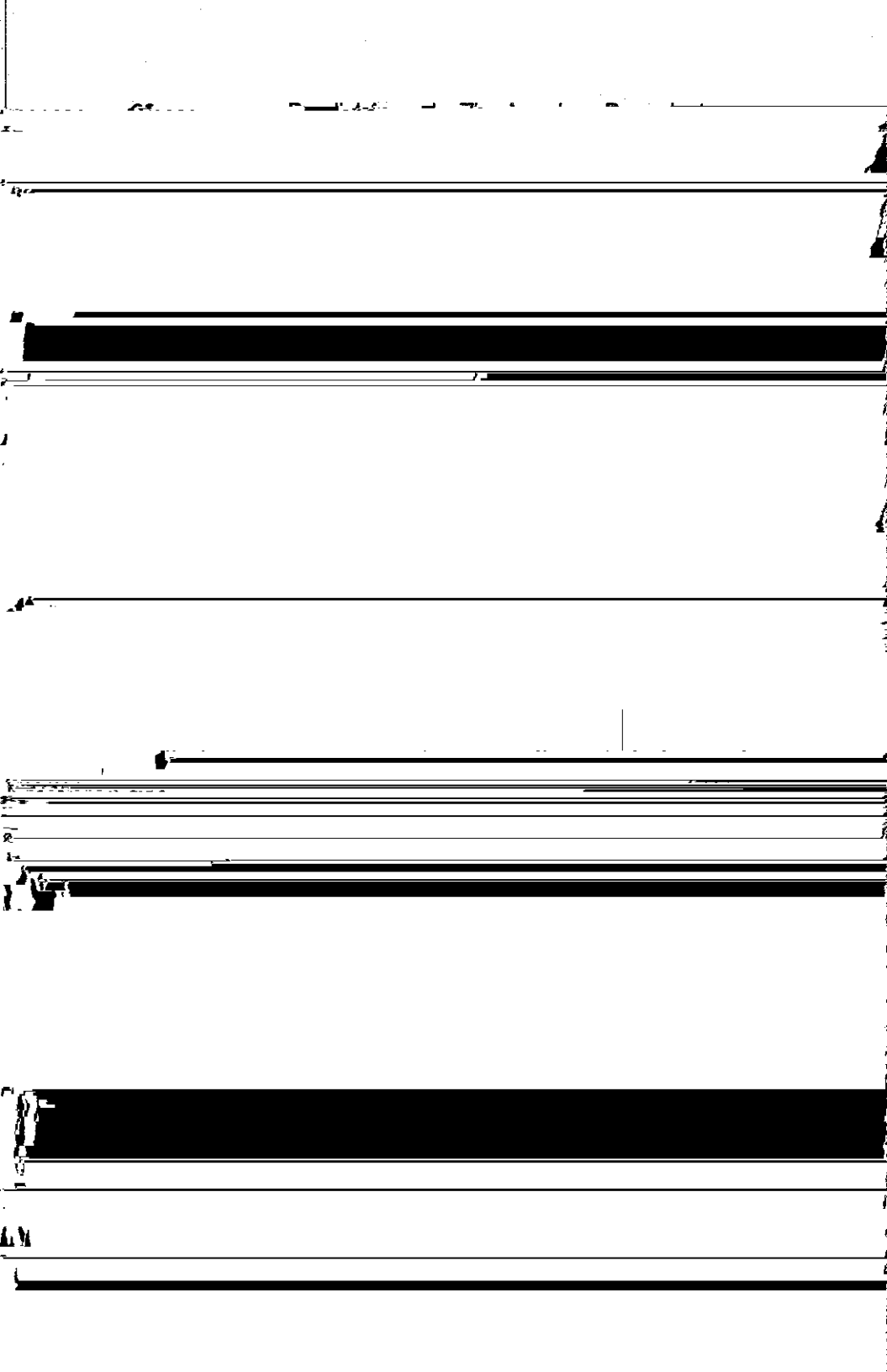
Nearly four months later the hearings of an all-party Task Force on Meech Lake

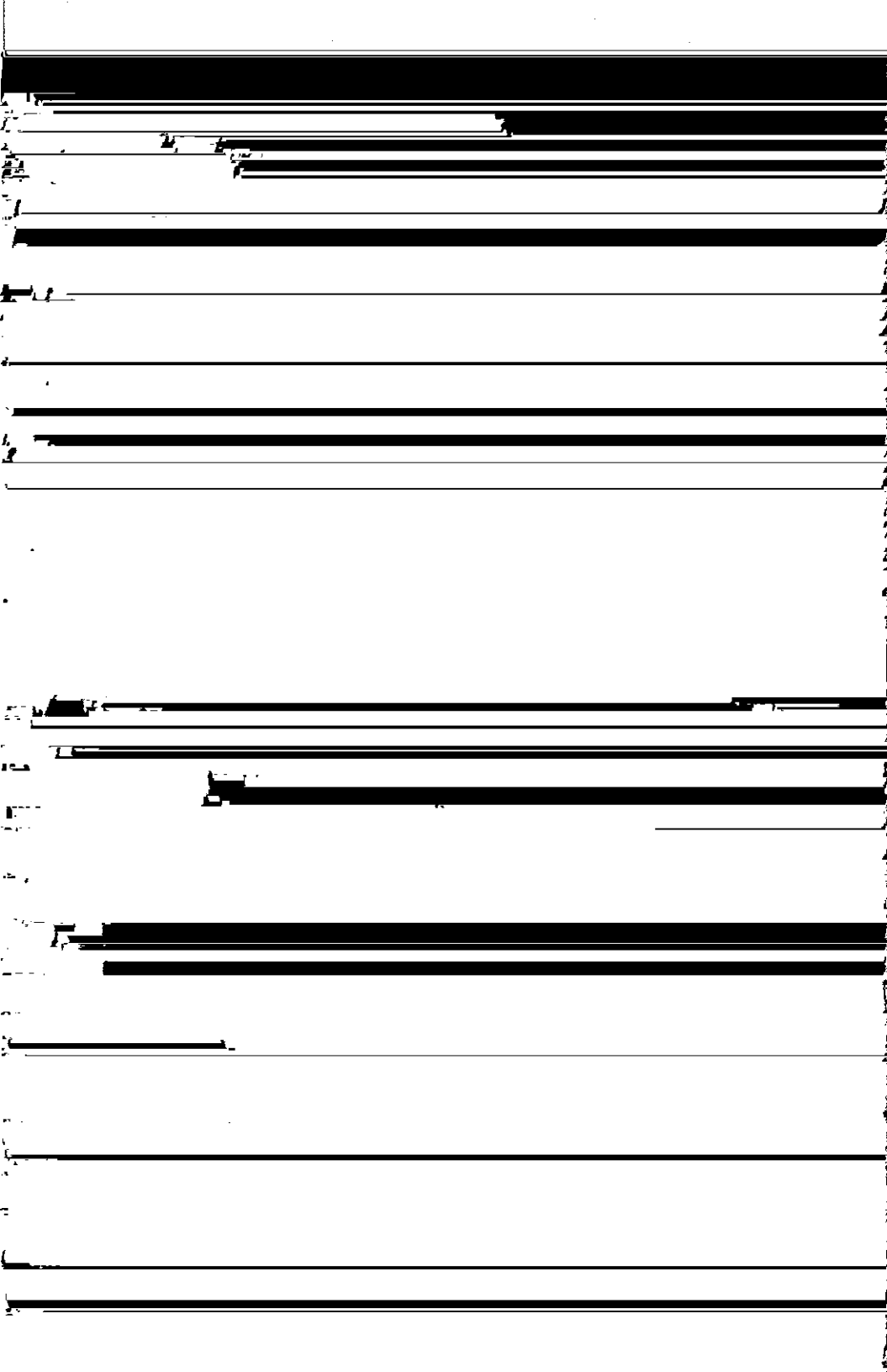
commenced. As in the case of New Brunswick, the final report was not released until shortly after the Quebec provincial election on 25 September 1989. The members of the Task Force unanimously recommended *against* adoption of the Accord in its present form, proposing instead six specific amendments to the Meech Lake proposal itself along with three supplementary recommendations.<sup>98</sup> Even after the introduction of Premier McKenna's "companion resolution" the three party leaders in Manitoba continued to insist that for Manitoba's agreement supplementary amendments would be insufficient and the Accord

itself would have to be revised. This resembles the position of the American Antifederalists who were willing to support constitutional ratification only if it were conditional on the acceptance of their proposed revisions to the document.



mier Wells' position of insisting upon changes to the original text as a condition of ratification in effect represents a similar position.





~~Constitutional Ratification~~

Straightforward ratification would involve the passage by the remaining provinces of the *Constitution Amendment, 1987* by the June 1990 deadline without consideration of any revisions to the existing text or agreement on a possible parallel accords companion resolution. This was the process advocated by the

delicate compromises which resulted in agreement at Philadelphia would be almost impossible to replicate at a second convention.

In the Canadian context, such fears have not gone unexpressed. The implications of renegotiation were addressed by Dr. Peter Meekison, a longtime

to the 23 June 1990 deadline through agreement by the federal government and



setts, Virginia and New York, Antifederalists became sufficiently convinced

that the proposed amendments would be dealt with promptly after the





Constitution was formally adopted. Consequently, they were willing to proceed



## 6. CONCLUSIONS

As noted in the introduction and at various points in this study, there were significant differences in the conditions and context of the ratification processes of the new Constitution in the United States 1787-90 and of the Meech Lake Accord in Canada 1987-90, exactly 200 years later. Perhaps the two most significant procedural differences were: first, the fact that the former related to the adoption of a new constitution and the latter to the amendment of an existing

support. But just as the American Federalists came to support and advocate



**Bibliography**

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Canada, Special Joint Committee of the Senate and the House of Commons

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