

FROM CONFEDERATION TO FEDERAL UNION

FOCUS

UNDERSTANDING THE MAIN IDEA

During the war the colonies replaced their royal charters with republican constitutions. The Continental Congress then drafted the Articles of Confederation to guide the new nation. Soon after the Revolution, however, political problems led the Congress to call for revision of the Articles. In response, the Constitutional Convention drafted the Constitution of the United States of America.

THEMES

- **CONSTITUTIONAL HERITAGE** How does the organization of government affect the way power is distributed and exercised?
- **ECONOMIC DEVELOPMENT** How might a government's policies affect the economic well-being of groups or individuals within a society?
- **DEMOCRATIC VALUES** How can a nation ensure that every citizen has a voice in government?



1776

Congress urges states to draft new constitutions.

1777

Articles of Confederation adopted.

1781

States officially become "The United States of America."

1786

Shays's Rebellion begins.

1788

U.S. Constitution ratified.

Disagreements between the British government and its colonies in North America resulted in war. Recognizing the need for unity in their fight for independence, the colonies united under the leadership of the Continental Congress.



Scene at the Signing of the Constitution of the United States (1940) by Howard Chandler Christy

Within a few years of the American victory at Yorktown, influential Revolutionary leaders despaired for the future of the United States. In 1786 George Washington warned James Madison of an “impending storm” and sadly remarked: “No morn ever dawned more favorably than ours did; and no day was ever more clouded than the present.” Madison wrote to James Monroe that if something was not done soon, “our case may become desperate.”

These statesmen were alarmed by the quarreling among the states. Only five years after defeating the British, Americans were fighting one another!

What had happened? By the end of the war, the former colonies had united in a “firm league of friendship.” But the league was not friendly in practice. Alexander Hamilton accurately described the league as “a number of petty states, with the appearance only of union, jarring, jealous and perverse, without any determined direction.” This disunity was also apparent to Great Britain’s foreign minister, who chose not to send any ambassador to the fragile American republic, remarking that it would be too expensive to send 13! The crisis of the 1780s put in jeopardy the future of the young nation that John Adams believed was “destined beyond a doubt to be the greatest power on earth . . . within the life of [a] man.” If the newly independent states did not remain united, what would become of the Revolution’s goals?



Great Seal of the Supreme Court

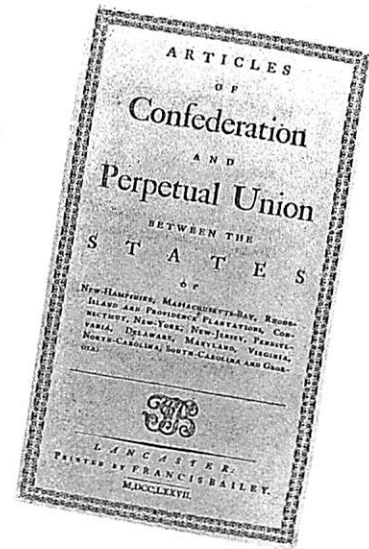
Section 1

THE ARTICLES OF CONFEDERATION

FOCUS

- What issues did the new state constitutions address?
- Why were the Land Ordinances of 1785 and 1787 passed?
- What were the weaknesses of the Articles of Confederation? What problems did these weaknesses cause?
- What were the causes and consequences of Shays's Rebellion?

The American experiment in self-government began even before the Declaration of Independence. In May 1776 the Second Continental Congress urged the colonies to begin drafting new constitutions to replace their British royal charters. To unify the new state governments, the Congress adopted a plan for a national government in November 1777. This new form of self-government would face severe tests during the nation's first decade.



Articles of Confederation cover

THE STATE CONSTITUTIONS

The American Revolution brought an end to monarchical rule in America. The colonists' open rebellion forced royal governors from office. To fill this void, the Second Continental Congress advised the colonies "under the authority of the people" to form new governments. John Adams conveyed the optimism many felt:

“You and I . . . have been sent into life at a time when the greatest lawgivers of antiquity would have wished to live. How few of the human race have ever enjoyed an opportunity of making . . . government . . . for themselves or their children! ”



Between 1776 and 1780 all of the states except Connecticut and Rhode Island drafted and ratified new constitutions. (Connecticut and Rhode Island revised their royal charters.) Despite differences in economy, geography, and population, the states adopted similar constitutions. All of the constitutions defined executive power and voting rights, and many states took steps to separate church and state. Many states also included a bill of rights that guaranteed freedom of speech, trial by jury, and the right to assemble.

The republican spirit. To form the new governments, the state legislatures relied on republican theory. A **republic** is a form

◀ Many American statesmen used the political theories of John Locke when framing state constitutions.

of government in which political leaders receive from the citizens their authority to make and enforce laws.

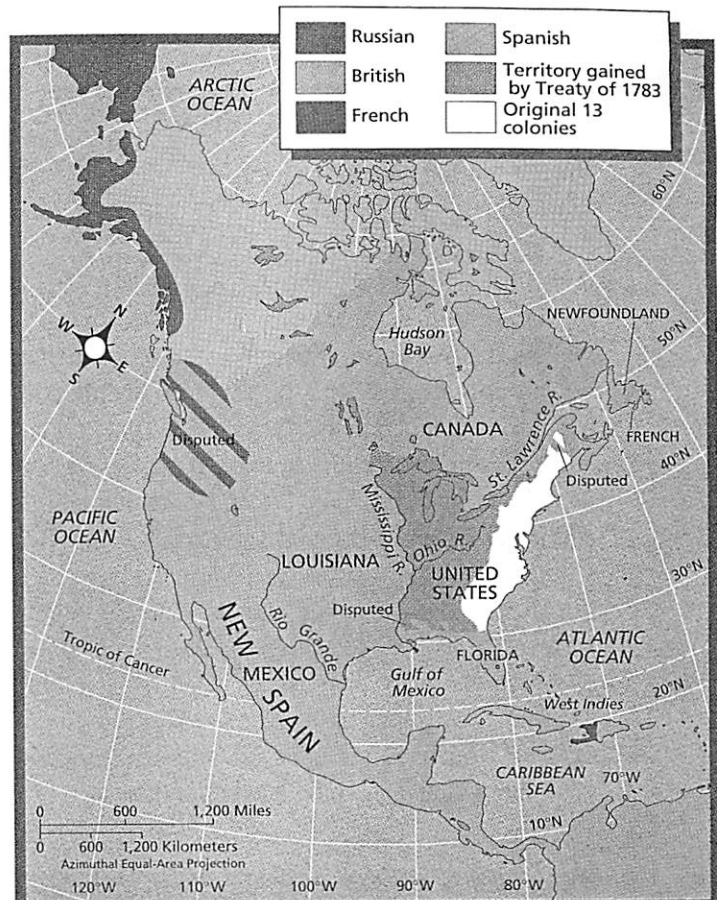
The ideas of self-government were not new to Americans. The Mayflower Compact of 1620 had incorporated these ideas. Americans were also familiar with the works of Enlightenment thinkers such as John Locke, the English philosopher who developed the theory of “natural rights.” Locke believed that all people were born with the rights of life, liberty, and property and that the role of the government was to protect these rights.

American republicanism, however, went further than Locke’s theory did in challenging older forms of political and social order. Americans took the radical step of rejecting monarchical government and began participating actively in politics. Americans had absorbed ideas of natural rights and self-government from reading popular newspapers and pamphlets and participating in revolutionary committees and public meetings. With this knowledge and experience, Americans were confident that they could govern their own communities.

Limits on executive power. Many Americans had resented the powerful royal governors, who had often overturned laws the elected assemblies had passed. As a result, most of the new state constitutions limited the powers of governors. Nine states limited governors to one-year terms and denied them power to overturn laws. In other states the governors shared power with the legislatures. New York and Massachusetts had the most powerful governors. But in both states governors were elected rather than appointed.

Separation of church and state. Besides curbing the powers of governors, many state constitutions reduced the influence the church had over government. Before the Revolution, several New England colonies had collected taxes to support the Congregational church. New York and some southern colonies used tax money to support the Anglican, or English, church. People were required to pay the taxes even if they did not belong to the church.

Baptist and Presbyterian dissenters and liberal thinkers such as Thomas Jefferson opposed this close relationship between the government and one particular religious affiliation. Such a bond, they argued, often led to abuses of political power and to religious wars.



North America in 1783

THE FRUITS OF WAR The Treaty of Paris awarded the United States all British lands east of the Mississippi and west of the Appalachian Mountains, doubling the size of the country.

? LOCATION If the United States expanded westward beyond its new boundaries, with what country would it come in conflict?

In 1779 Thomas Jefferson drafted the **Virginia Statute for Religious Freedom**. The statute began “Whereas Almighty God has created the mind free; . . . legislators and rulers . . . have assumed dominion over the faith of others.” It went on to argue that forcing a citizen to give money in support of “opinions which he disbelieves is sinful and tyrannical. . . . No man shall be compelled to . . . support any religious worship. . . . All men shall be free to profess . . . their opinion in matters of religion.” Virginia adopted the statute in 1786. By 1833 all of the states had forbade the establishment of official state churches supported by tax dollars.

■ The state constitutions defined executive power and voting rights. Many also took steps to separate church and state.

COMMENTARY

Women and Republicanism

The republican state constitutions, though much more democratic than the British royal charters, did not grant full citizenship to women. The state constitutions limited voting rights and office-holding to white male property owners. Most men, as well as many women, opposed women's participation in politics, believing that women should contribute to the republic by taking care of their homes and educating their children to be good citizens.

This teaching duty created both limitations and possibilities for women. Most people expected women to devote themselves exclusively to their families and their homes. But because women were responsible for their children's education, this responsibility provoked calls for expanding women's education. Judith Sargent Murray, one of the first women playwrights in America, argued in 1790 that women and men had equal minds:

“While we are pursuing the needle, or the superintendency [management] of the family, I repeat, that our minds are at full liberty for reflection; that imagination may exert itself in full vigor; and that if a just foundation [be] early laid, our ideas will then be worthy of rational beings. . . . Is it reasonable, that [women] . . . should at present . . . be allowed no other ideas, than those which are suggested by the mechanism of a pudding, or the sewing of the seams of a garment?”

This debate led to the founding of several women's academies, or high schools. The opening of educational opportunities for women and the recognition of women's contributions laid the basis for an expanded role for women in public life in the next century.



▲ This engraving advising women that their place was within the home reflected the attitudes of many men and women during the early republic.

A PLAN FOR CONFEDERATION

The state constitutions established frameworks of government for the former colonies. But no such framework existed on the national level. The Continental Congress had been fulfilling the duties of a national government since 1774, but it lacked real authority. To secure national unity, the Congress knew that it had to create a plan for a central government.

Adoption of the Articles. The states were willing to join in a loose union but were reluctant to give up many powers to a national government. In 1776 a congressional committee began the difficult task of drafting a plan for national unity that the states would accept.

On July 12, 1776, the committee presented its plan—the **Articles of Confederation**—to the other congressional delegates. For 16 months the delegates debated this plan for a “Perpetual Union,” finally adopting it on November 15, 1777. The Articles

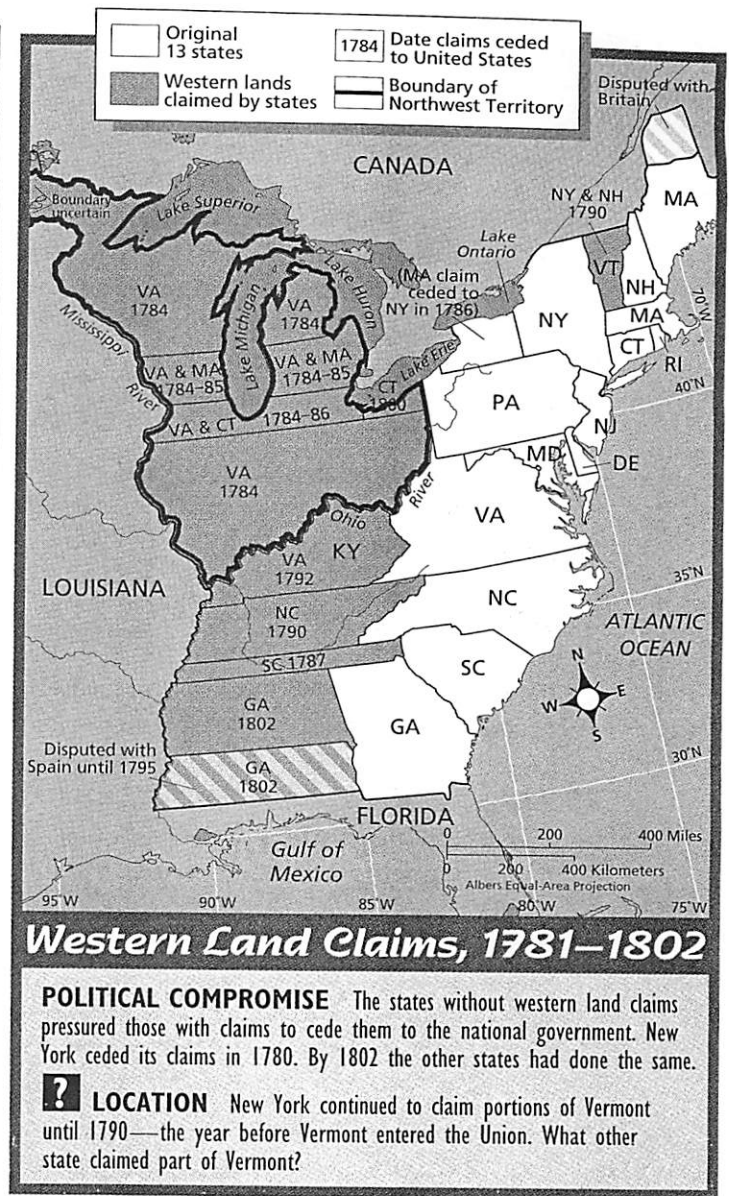
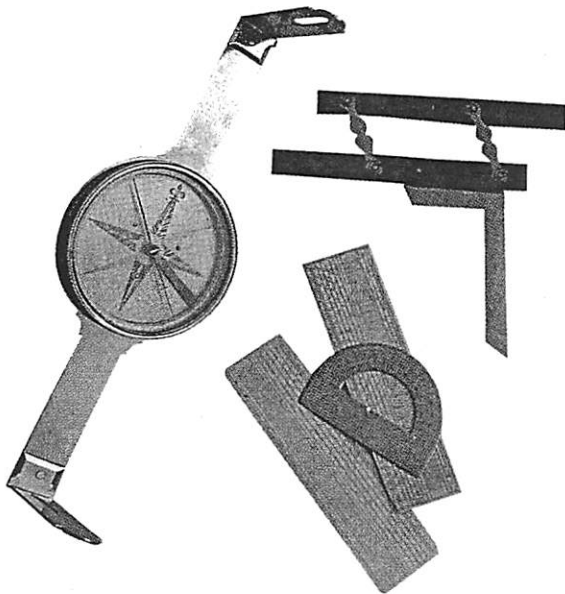
created a confederation, or an alliance, of states while guaranteeing each state its “sovereignty, freedom, and independence.” (A sovereign nation or state has supreme power over its own affairs.) All powers not “expressly delegated” to Congress were retained by the states.

The Articles authorized Congress to borrow and coin money, conduct foreign affairs, set policy toward Native Americans, and settle disputes between the states. In addition, Congress could ask, but not compel, the states to contribute money to the central government and to provide recruits for the military. The Articles allowed each state one vote in Congress.

The problem of land. For the plan to take effect, all 13 states had to ratify, or approve, it. One major issue blocked ratification: control of the land between the Appalachian Mountains and the Mississippi River. On the basis of their old royal charters, several states claimed vast tracts of western land. States without land claims wanted the other states to surrender their holdings to the new national government.

Part of the problem was money. Each state was expected to help pay the war debt. States with western lands had additional sources of revenue. States without surplus land faced the prospect of raising taxes—never a popular course of action.

▼ Surveyors used equipment such as a compass and a protractor when dividing land into tracts and sections. This set of equipment belonged to George Washington.



To promote national unity, New York and Virginia—the two states with the largest landholdings—yielded their land claims to Congress. Other states eventually followed suit. By 1781 all of the states had agreed to enter the Confederation. The states were now officially “The United States of America.”

The Confederation knew, however, that the problem of western lands remained. To regulate the disposal of the land, Congress passed the **Land Ordinance of 1785**. The ordinance marked off the land into townships and divided each township into 640-acre sections. The ordinance permitted the cash sale of 640-acre tracts for not less than a dollar an acre and reserved one section of each township for the establishment of a school. This provision in the ordinance marked the first government aid given to public education.

Two years later, with the Land Ordinance of 1787, commonly referred to as the **Northwest Ordinance**, Congress established a system for governing the **Northwest Territory**. This vast area extended north of the Ohio River to the Great Lakes and west of Pennsylvania to the Mississippi River. Congress intended that states would be carved out of the Northwest Territory. Thus the ordinance also outlined the steps to statehood (see chart below). The present-day states of Ohio, Indiana, Illinois, Michigan, and Wisconsin eventually were carved out of the territory.

Besides ensuring eventual self-rule in the territory, the Northwest Ordinance guaranteed settlers their basic civil rights and banned slavery in the territory. The ban reflected a growing antislavery sentiment in the northern states. But the ban was only a partial victory for the opponents of slavery, since the ordinance also required that slaves escaping to freedom in the territory be returned to their owners.

■ ■ **The Land Ordinances of 1785 and 1787 established rules for settling and governing western lands.**

WEAKNESSES IN THE CONFEDERATION

The land ordinances established a pattern of land settlement for the next 75 years and marked an important achievement for the Confederation. But Congress could point to few other noteworthy accomplishments.

On paper the Confederation government enjoyed broad powers, but in reality it was weak. Proposed changes to the Articles needed the consent of all 13 states. Major new legislation needed the approval of at least 9 states. Agreements were hard to reach because northern and southern delegates often had conflicting interests. The fragile bonds that had united the states during the war were weakening during peacetime.

The Confederation government also had financial problems. Congress desperately needed cash to pay the war debt. But it could only ask the states for funds; it could not tax the people directly. Some states hid behind their independent status to avoid paying their share of the debt.



The Northwest Territory

SUBDIVIDING THE NORTHWEST TERRITORY In accordance with the Land Ordinance of 1785, the Northwest Territory was divided into townships. Each township was 6 miles square and divided into 36 sections of 640 acres each.

? LINKING HISTORY AND GEOGRAPHY Which state in the Northwest Territory was the first to be admitted to the Union? Which was the last?



◀ The Continental Congress had authorized states to print paper money to finance the Revolution. By 1779 more than \$441 million in Continentals had been issued. The dollars shown here were printed in Philadelphia in 1779.

Congress responded to the revenue shortage by printing paper money. The financial consequences were disastrous. These dollars, called “Continental,” were not backed by gold or silver, so merchants and lenders refused to accept them at face value. In 1779 it took about 38 Continentals to purchase a product worth a dollar in gold. By 1781 the price had skyrocketed to 100 Continentals! The widespread inflation frustrated many Americans. The popular expression “not worth a Continental” reflected Americans’ anger over their nearly worthless currency.

The Confederation’s economic worries multiplied. In 1786 the nation experienced a **depression**, a sharp drop in business activity accompanied by rising unemployment. The primary cause of the depression was the loss of British markets. Before the war American merchants had traded with Great Britain and other colonies within the British Empire. After the war Great Britain closed some of its colonial markets to American commerce.

To make matters worse, Great Britain and France were flooding the United States with inexpensive goods. Struggling American merchants and artisans could not match the prices and survive. Congress was powerless to help since the Articles did not give it the authority to draft international trade policies.

The young nation also faced challenges in international diplomacy. Great Britain refused to abandon its forts in North America on the

grounds that Americans were not honoring the terms of the 1783 Treaty of Paris. Under the Articles the U.S. government could not force individuals or states to honor the treaty. As a result, few Americans paid their prewar debts to British merchants, even though the treaty required such payment. As one Virginian remarked, “If we are now to pay

the debts due to British merchants, what have we been fighting for all this while?” The treaty also called for compensation to Loyalists for property seized during the war, but few states complied.

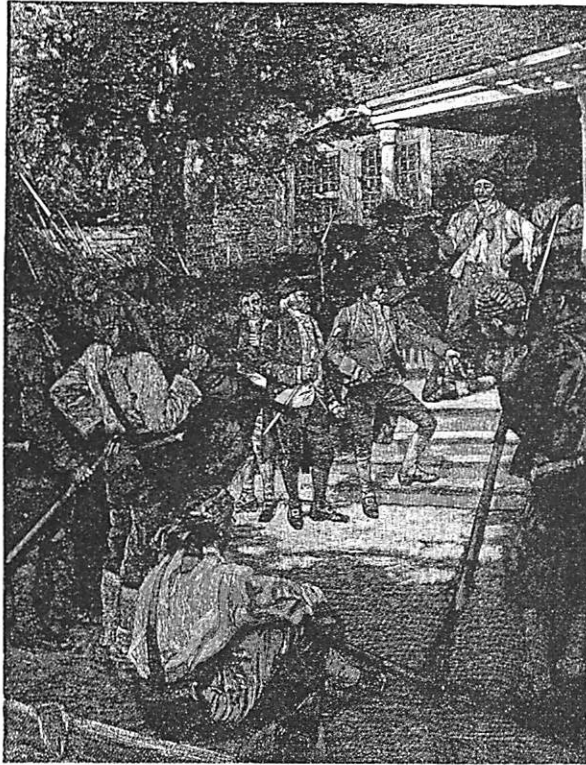
■ ■ **The limitations on congressional power under the Articles caused serious economic and diplomatic problems.**

SHAYS'S REBELLION

The weak Confederation also proved unable to help farmers, who had been particularly hard hit by the war and its aftermath. The depression and widespread inflation left farmers with fewer markets in which to sell their goods and little money to pay their debts. Instead of extending credit, merchants demanded hard money—gold or silver—which farmers seldom had in their possession.

In Massachusetts the merchant-controlled legislature passed a law that imposed a heavy tax on land. If a landowner did not pay the tax, the state would seize the property. Outraged farmers in western Massachusetts sent petitions to the legislature, complaining of “taxation without representation.” These western farmers asked the legislature to issue more paper money and to put a stop to the foreclosures. “Our property is torn from us,” one petition complained, “our Gaols [jails] filled & still our Debts are not discharged.”

When the Massachusetts legislature adjourned in July 1786 without addressing the tax or debt issues, farmers rebelled. Under the leadership of such men as Daniel Shays, a former Revolutionary War captain, angry farmers took up arms to dramatize their grievances and to demand a greater voice in Massachusetts politics. In what became known as



▲ This 1884 painting by Howard Pyle shows Daniel Shays and his mob taking possession of a courthouse.

Shays's Rebellion, farmers shut down debtor courts and stopped property auctions.

The most serious threat to peace began in late 1786. On December 26, Shays and some 1,200 farmers set out for Springfield, Massachusetts, intent on seizing the federal arsenal. Worried that Shays's forces would overrun the militiamen guarding the arsenal, the governor quickly called for more than 4,000 additional recruits.

Shays and his men launched their attack in late January. However, when cannon fire killed four of the farmers, Shays's men fled. By the end of February the militia had crushed the rebellion.

Despite Shays's defeat, the rebellion helped the farmers. The Massachusetts legislature did away with direct taxes and passed debtor-relief legislation that prevented creditors from seizing household goods and tools.

The rebellion's most important legacy, though, was its effect on public opinion. The unrest frightened the wealthy and raised doubts about the government's ability to deal with civil unrest and to bring about national unity. As a result many people who had previously objected to a strong central government began calling for new powers for the Confederation.

■ ■ **Farmers, angry over high taxes and heavy debts, launched Shays's Rebellion. The revolt led to calls for a stronger central government.**



SECTION 1 REVIEW

IDENTIFY and explain the significance of the following: republic, John Locke, Virginia Statute for Religious Freedom, Judith Sargent Murray, Articles of Confederation, Northwest Ordinance, depression, Daniel Shays.

LOCATE and explain the importance of the following: Northwest Territory.

1. **MAIN IDEA** How did the Land Ordinances of 1785 and 1787 help regulate the settlement of western territories?
2. **MAIN IDEA** What limits did the Articles of Confederation place on federal power? What were some of the consequences of these limits?
3. **IDENTIFYING CAUSE AND EFFECT** Why did farmers launch Shays's Rebellion? What was the rebellion's most important legacy?
4. **WRITING TO DESCRIBE** Write an essay describing what provisions the states wrote into their new constitutions.
5. **EVALUATING** What role did republicanism assign to women? How did this influence women's activities and opportunities?

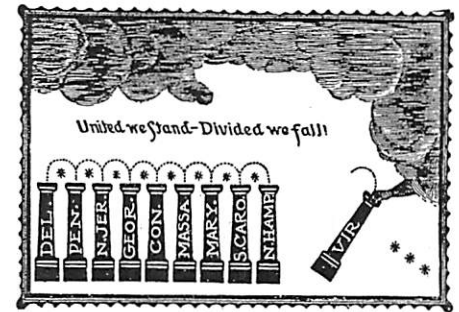
Section 2

DRAFTING AND RATIFYING THE CONSTITUTION

F O C U S

- Why did delegates to the Constitutional Convention agree to keep the proceedings secret?
- What major compromises are reflected in the Constitution?
- What kind of government did the Federalists want? Why did the Antifederalists oppose the Federalist position?

In February 1787, Congress requested that the 13 states name delegates to revise the Articles of Confederation. The delegates created a national document, the Constitution, which outlined a new structure of government. Its acceptance was not a foregone conclusion, and heated debates followed as the citizens of each state struggled over ratification.



Woodcut commemorating ratification of the Constitution, 1788

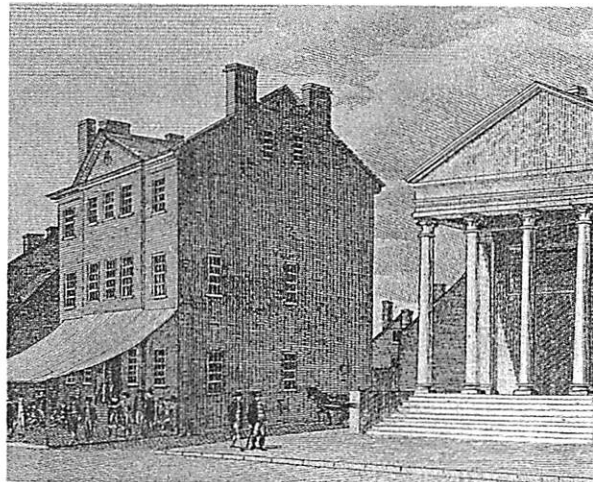
THE CALL TO PHILADELPHIA

Striking evidence of the disunity of the Confederation came in September 1786. A meeting held in Annapolis, Maryland, to work out a cooperative trade agreement failed because only five states sent delegates. This disappointment, followed soon after by Shays's Rebellion, made Congress consider the weaknesses of the Articles of Confederation. Congressional leaders issued a call for a **Constitutional Convention** to strengthen the government. The convention was to be held in Philadelphia beginning May 14, 1787.

The convention. By the appointed day only the delegates from Pennsylvania and Virginia had arrived. Others straggled in, delayed by muddy roads. By May 25 enough delegates were on hand to convene the proceedings.

The convention met in the Pennsylvania State House (now called Independence Hall), in the same room where the leaders of the American Revolution had signed the Declaration of

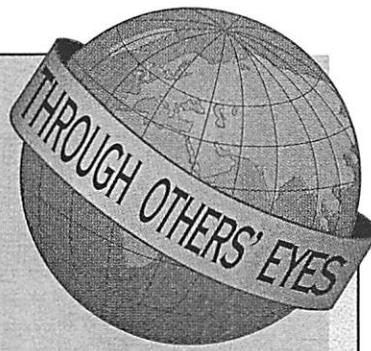
Independence. The delegates agreed to keep the proceedings secret, believing that it would be easier to debate and resolve their differences behind closed doors. Despite the sweltering heat, even the windows were kept tightly closed.



▲ Delegates to the Constitutional Convention walked to the City Tavern (extreme left) for meals or to discuss events of the day. This engraving was done by William Russell Birch and Thomas Birch between 1799 and 1800.

THE AMERICAN EXPERIMENT

Anne-Robert-Jacques Turgot (toor-GOH), a retired French government official, was among the many Europeans watching America's experiment in democracy. In 1778 Turgot wrote his thoughts in a letter to Richard Price, a British philosopher and writer who championed the United States.



“The fate of America is already decided,” Turgot wrote. “Behold her independent beyond recovery. But will she be free and happy?” Turgot worried whether the 13 separate states would be able to work together. He also wondered whether people could be governed “only by nature, reason and justice” without falling prey to the greed and self-interest of individuals.

Despite his doubts Turgot wished the experiment well. Of the Americans he wrote, “They are the hope of the world.”

The delegates took seriously their vow of secrecy. When someone accidentally dropped some notes on the floor outside the meeting room, George Washington, the presiding officer, erupted in anger:

“Gentlemen, I am sorry to find that some member of the body has been so neglectful to the secrets of the Convention as to drop in the State House a copy of their proceedings. . . . I know not whose paper it is, but here it is, let him who owns it take it.”

Throwing the notes on the desk, Washington stalked from the room. Not surprisingly, none of the convention delegates made a move to claim the document.

The delegates. George Washington and the 54 other convention delegates were a remarkable collection of politicians. Most had helped to write their state constitutions. All had held public

office, many as delegates to the Continental Congress. They were a young group: James Madison of Virginia was 36; Alexander Hamilton of New York, 32. The youngest delegate, Jonathan Dayton of New Jersey, was only 26. At 81, Benjamin Franklin was the elder statesman of the convention.

Several prominent Americans were absent from the convention, however. Thomas Jefferson and John Adams were in Europe on diplomatic missions. Patrick Henry refused to attend. Saying he “smelled a rat,” Henry claimed that the delegates were plotting to undermine states’ rights. He feared that “the tyranny of Philadelphia may be like the tyranny of George III.”

Generally wealthy and well educated, most delegates represented the privileged ranks of society. Many were merchants, planters, and bankers; more than half were lawyers. Although the delegates were hardly “average” citizens, there was no public outcry against their appointment. Few Americans of the day questioned the assumption that the wealthy were best qualified to govern.

■ ■ **Convention delegates debated issues in secret because they believed it would make it easier to resolve differences.**

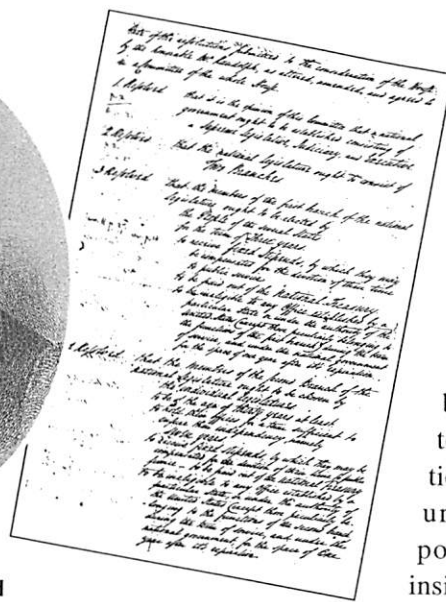
FEDERAL POWER VERSUS STATES' RIGHTS

Although charged by Congress to revise the Articles of Confederation, some delegates believed that the Articles should be replaced with a new plan of government. At issue were relations among the states and between the states and the central government.

On May 29, Governor Edmund Randolph of Virginia started a heated debate when he presented James Madison's **Virginia Plan**. Madison's proposal to restructure the government was a bold departure from the Articles. His plan shifted political power away from the states and toward the central government. The central government would coordinate the states' activities for the benefit of the entire nation. The plan expressed Madison's belief that the nation's survival depended on **federalism**, or the division of powers between a strong central government and the state governments.



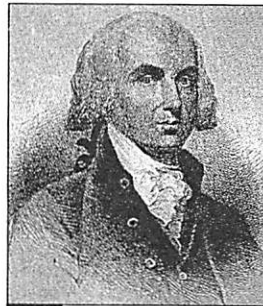
▲ Governor Edmund Randolph of Virginia presented Madison's Virginia Plan to the Constitutional Convention.



BIO
GRAPHY

James Madison was born in 1751 to a prominent Virginia family of planters, lawyers, and judges. He was frail in childhood and prone to vague ailments affecting his "nerves." Ill health prompted Madison to concentrate on strengthening his mind rather than his body.

A contemporary described Madison as being "no bigger than half a piece of soap." He was so quiet and reserved that an acquaintance called him "a gloomy, stiff creature." Nevertheless, Madison had a distinguished political career, helping draft Virginia's state constitution and ably serving as a member of the Continental Congress. Madison's leadership at the Constitutional Convention earned him the name "father of the Constitution."



James Madison

Madison's Virginia Plan gave Congress vast powers, including the rights to overturn state laws, tax the states, and "bring the force of the Union against any [state] . . . failing to fulfill its duty." Such a drastic move away from states' rights alarmed some delegates. Charles Pinckney of South Carolina feared that such a powerful federal government would "abolish the State Governments altogether."

The Virginia Plan called for a federal government made up of three branches: executive,

judicial, and legislative. Under this plan the legislature would be **bicameral**—made up of two houses. Voters would elect representatives to the lower house, who would then choose members of the upper house. State populations would determine the number of representatives in each house.

A dispute quickly arose over the number of representatives each state could send to the legislature. States with large populations, such as Virginia and Pennsylvania, naturally favored representation based on population. States with small populations insisted on an equal number of representatives for each state. Said a delegate from tiny Delaware: "We would sooner submit to a foreign power than . . . be thrown under the domination of the large states."

William Paterson of New Jersey offered an alternative to the Virginia Plan. Paterson's New Jersey Plan provided for a unicameral, or one-house, legislature in which each state would have one vote. Madison and others objected to Paterson's plan because they believed that it did not correct the weaknesses of the Articles.

COMPROMISE AT THE CONVENTION

Arguments raged over the Virginia and New Jersey plans. By the end of June the convention was in danger of collapsing.

To balance the interests of large and small states, Roger Sherman of Connecticut fashioned a compromise. He proposed a two-house legislature that would allow for both equal representation and representation based on population. This **Great Compromise** granted each state, regardless of size, an equal voice in the upper house. In the lower house, representation would be according to population. The delegates narrowly approved this proposal, ending what Madison later described as "the most serious and threatening excitement" of the convention.

The Three-Fifths Compromise. The delegates resolved one dispute only to see another emerge. They now debated whether slaves should be counted as part of a state's population to

determine representation. Southern delegates insisted that the slave population be included. Northern delegates strongly objected to this demand. Some deeply opposed slavery on moral grounds and argued that it violated the republican ideal of liberty. Others objected to including slaves for political reasons. Southern states would be able to increase their representation in the lower house if slaves were included in population counts.

In the end, northern and southern delegates accepted a compromise. The final agreement, known as the **Three-Fifths Compromise**, counted only three fifths of the slave population in determining total state population.

Compromises over commerce. The states also clashed over control of commerce. Northern delegates favored giving the national government the power to regulate all trade with foreign nations and among the states. Southern delegates opposed such broad powers.

The southern economy depended on exports of tobacco, rice, and cotton to Europe and to northern states. Southerners feared that if the national government imposed **tariffs**, or taxes, on exports, overseas buyers would have to pay more for southern agricultural products. If buyers refused to pay higher prices, sales would be hurt. Southern opposition finally forced another compromise.

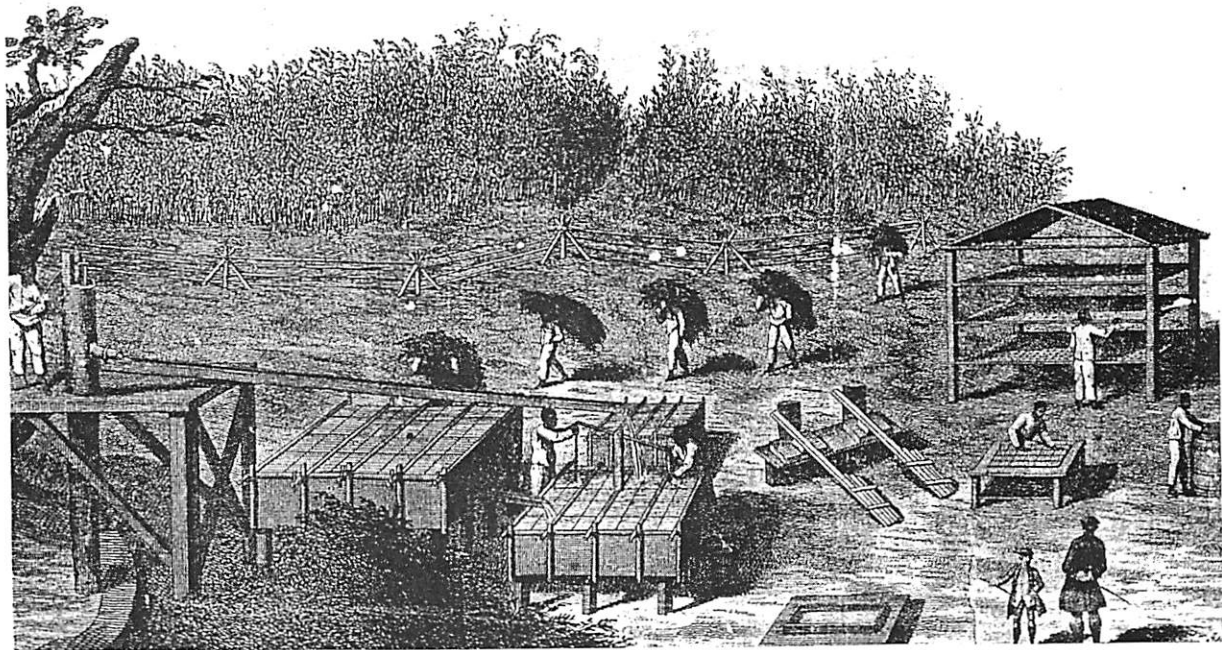
Delegates agreed that Congress could levy tariffs on imports but not on exports.

Once again, however, problems arose. Planters now worried that Congress might use its power to tax imports to restrict or abolish the slave trade. Bowing to southern pressure, convention delegates voted to permit the slave trade until the end of 1807. They also gave slaveholders the right to pursue runaway slaves across state lines.

Some northern delegates agreed to the compromises because they feared the South would withdraw from the union if planters thought their property and rights were threatened. James Madison argued that great as the evils of the slave trade were, “dismemberment of the union would be worse.” Others agreed to the compromise because they mistakenly believed that slavery was a dying institution. Little did they know that more than 70 years of bitter debate and a civil war lay ahead before Americans would see slavery end.

■ ■ **The Constitution included compromises over political representation, commerce, and slavery.**

Completing the Constitution. On July 26, 1787, five delegates began drafting the Constitution, which they presented to the full convention on August 6. Between August 6 and



▲ This detail from an 18th-century map shows enslaved African Americans working on an indigo plantation in South Carolina. By 1775 some 35 percent of South Carolina's exports involved shipments of indigo, a blue dye.

September 10, the delegates debated the draft, hammering out such specifics as the terms of office for the president and for the members of both houses. Another five-delegate committee then prepared the finished document.

On September 17, 1787, the committee presented to the other delegates the final version of the Constitution, neatly handwritten by Gouverneur Morris of Pennsylvania. Some of the 55 delegates had already left Philadelphia, but of those remaining, 39 signed it. With the convention over, the Constitution went to the states for ratification.

THE FEDERALISTS AND THE ANTIFEDERALISTS

To win ratification, the Constitution required the approval of 9 of the 13 states. Most convention delegates, however, hoped for unanimous approval as a show of national unity.

When local newspapers printed copies of the Constitution, many Americans were shocked by what they read. They expected a revision of the Articles; what they saw was a new framework of government. Citizens soon divided over the issue of ratification.

One group, who called themselves **Federalists**, favored ratification. Wealthy merchants, planters, and lawyers generally were Federalists. They advocated a strong national government that would assure a sound currency and protect property rights. Many Americans who were not wealthy also supported the Constitution, believing that a strong national government would provide stability and security against political unrest like Shays's Rebellion. Speaking before the Massachusetts ratifying convention, a farmer explained his reason for supporting the Constitution:



▲ This 1788 print by engraver Amos Doolittle shows George Washington encircled by the seals of the 13 states and the seal of the United States. The joined circles symbolize the unity of the states.

“ I have lived in a part of the country where I have learned the worth of good government by the lack of it. There was a black cloud of rebellion that rose in the east last winter and spread over the west. . . . Our distress was so great that we should have been glad to grab at anything that looked like a government. . . . Now when I saw this Constitution, I found it was a cure for these disorders. ”

► *The Pennsylvania Packet, and Daily Advertiser* was one of several newspapers that carried the full text of the Constitution on September 19, 1787. The preamble to the Constitution is shown here.

The Pennsylvania Packet, and Daily Advertiser.

[Price Four-Pence.] W E D N E S D A Y, SEPTEMBER 19, 1787. [No. 2690.]

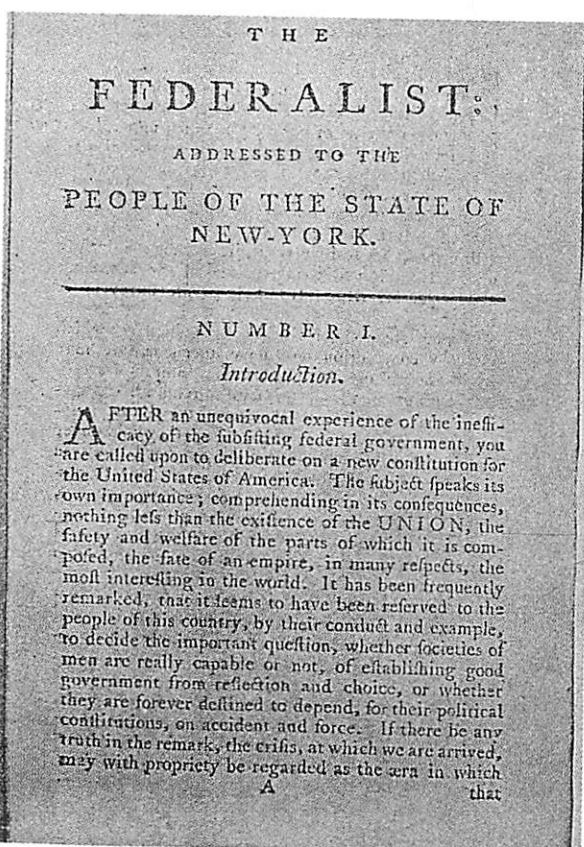
WE, the People of the United States, in order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common Defence, promote the General Welfare, and secure the Blessings of Liberty to Ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

The other group, called **Antifederalists** by their opponents, feared a powerful national government. One Antifederalist described the Constitution as “a beast, dreadful and terrible” that “devours, breaks into pieces, and stamps [the states] with his feet.”

The Antifederalists offered three objections to ratification. First, they argued that delegates to the Constitutional Convention had conspired under “a thick veil of secrecy” to create a new form of government. In doing so, the delegates had gone beyond what they had been charged to do. Second, the Antifederalists claimed that a strong national government would destroy states’ rights. Third, they argued that the new system of government resembled a monarchy because of its concentration of power, and thus violated the principle of liberty that had guided the Revolution.

■ ■ **The Federalists wanted a strong national government. The Antifederalists believed that such a government threatened the liberty of the states.**

▼ **The Federalist contained a collection of essays by Hamilton, Madison, and Jay in support of the Constitution. The book appeared in two volumes in 1788.**



The Granger Collection, New York

The Antifederalists pointed to the election procedures outlined in the Constitution as proof that the new national government was undemocratic. Under the Constitution, voters did not elect the president and the vice president—**electors** would choose them. Moreover, voters would not necessarily choose the electors; state legislatures would select them, just as they chose U.S. senators. Voters would elect only members of the lower house of Congress, the House of Representatives. But even then, Antifederalists pointed out, the Senate had the power to take this authority away as well.

The anonymous “Cato” (believed by many to have been Governor George Clinton of New York) challenged citizens to consider the dangers of such a system:

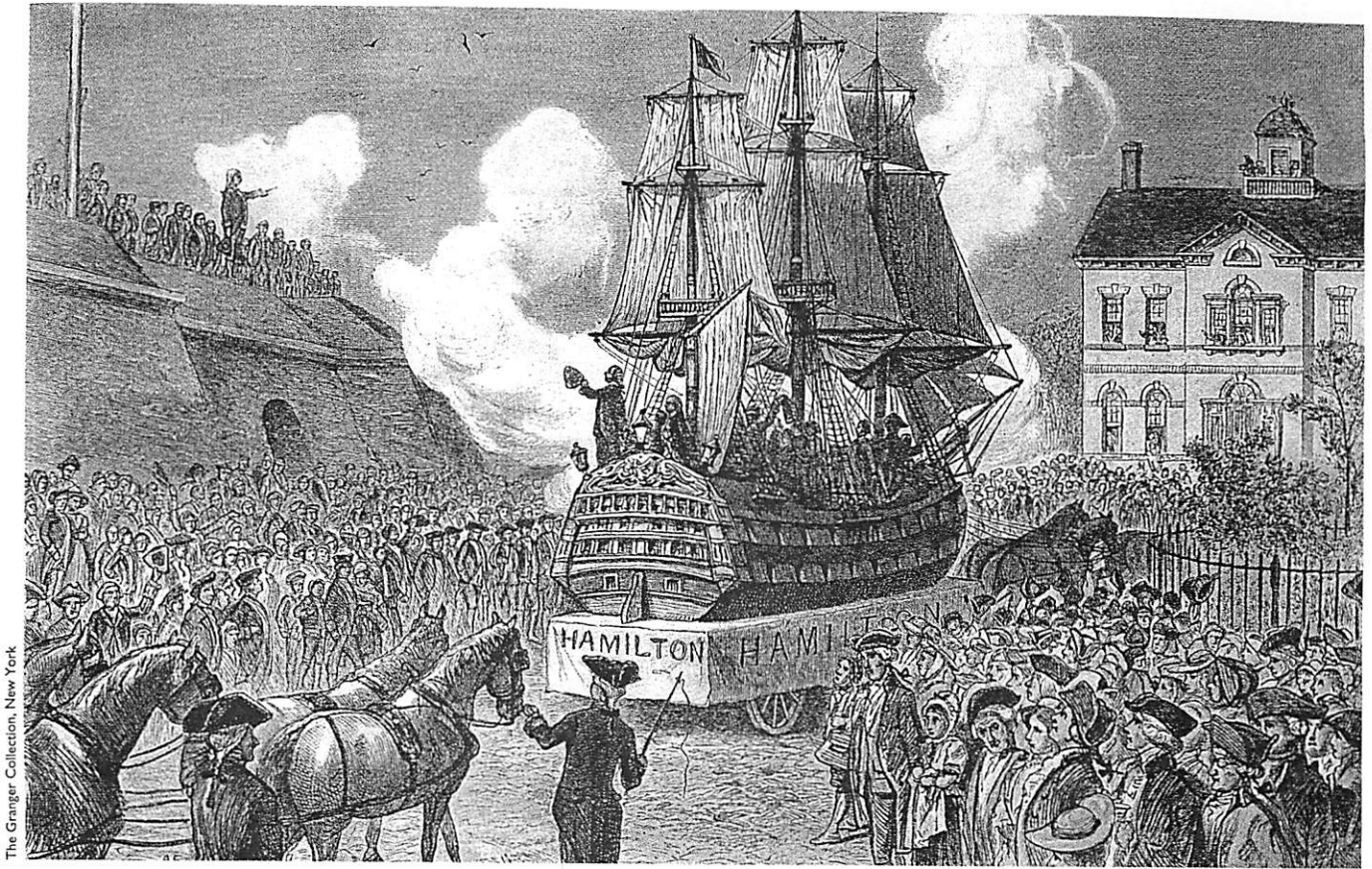
“ For what did you throw off the yoke of Britain and call yourselves independent? Was it from a disposition fond of change, or to procure new masters? . . . This new form of national government . . . will be dangerous to your liberty and happiness. ”

The Federalists answered their critics in a series of 85 essays written by James Madison, Alexander Hamilton, and John Jay. Between the fall of 1787 and the spring of 1788, 77 of the essays appeared in newspapers throughout the states. The essays were later published in book form as *The Federalist*, also known as the *Federalist Papers*. The writers intended the essays to sway the ratification vote in New York, but they also influenced public opinion in other states. Today the essays are regarded as the most authoritative commentary on the Constitution.

THE RATIFICATION STRUGGLE

The question of federalism versus states’ rights was at the heart of the ratification struggle. Another crucial issue was individual rights. Unlike most state constitutions, the U.S. Constitution did not contain a bill of rights. This omission outraged the Antifederalists, some of whom refused to sign the Constitution.

Ordinary citizens joined the debate over ratification. Amos Singletary, a Massachusetts farmer, argued that the Constitution would take away individual rights, just as Great Britain had done.



The Granger Collection, New York

▲ On July 23, 1788, the people of New York City celebrated the adoption of the Constitution. The ship on wheels was pulled by a team of horses and represented the new “ship of state.”

“ We contended [fought] with Great Britain . . . because they claimed a right to tax us and bind us in all cases whatever. And does not this Constitution do the same? Does it not take away all we have—all our property? Does it not lay *all* taxes, duties, imposts [import fees], and excises? . . . These lawyers, and men of learning, and moneyed men . . . expect to be managers of this Constitution, and get all the power and all the money into their own hands, and then they will swallow up all us little folks. ”

The Federalists claimed that the state constitutions adequately protected the rights of American citizens. But several states, including Virginia and New York, agreed to ratify the Constitution only if a bill of rights was added. Although by June 21, 1788, enough states had ratified the Constitution for it to take effect, a union without these two large states had little chance of succeeding.

The debates were bitter in both states’ ratifying conventions. In Virginia, Patrick Henry

eloquently argued against the Constitution, while James Madison and George Washington strongly urged the convention delegates to vote for ratification. New York Federalists, strongest in New York City, threatened to withdraw the city from the state if the state did not ratify the Constitution. In the end the Federalists won in both states, but only by very narrow margins.

The last state to ratify was Rhode Island, which had even refused to send delegates to the Constitutional Convention. After the Constitution had been drafted, the state legislature initially refused to call for a ratifying convention, prompting some towns to consider seceding. When the state—threatened with an economic boycott by Congress—finally did call a convention, the vote was so close that the governor had to break the tie.

The battle had been long, the final vote close, but with ratification most Americans embraced the Constitution. They had endured the Revolution and the turmoil of the Confederation years. They could now hope to launch constitutional government in the United States with solid prospects for success.

COMMENTARY

Evaluating the Constitution

The men who wrote the Constitution knew that their gathering in Philadelphia in 1787 had revolutionary implications far greater than the war for independence. Yet their goal was not to remake the United States but to set the young nation on more stable political, economic, and social foundations by reforming the structure of government.

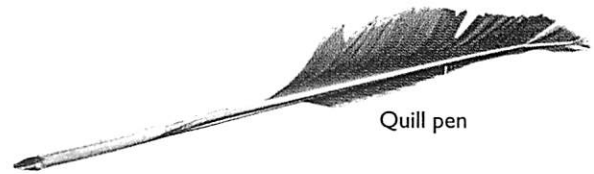
In this sense many of these men were conservatives, worried about maintaining their own status in a quickly changing world. Their concern was to preserve what they had created, rather than to carry out what they thought would be rash and dangerous innovations. They did not, for example, wish to grant political power to all members of society. Such a move would at once overturn long-standing social conventions and decentralize political and economic power. Women, servants, free blacks, and slaves could not vote or hold political office. Only free white men of property, according to the prevailing wisdom, were full members of political society and, therefore, equal.

One of the reasons that the limitations seem so startling today is that we view the Constitution in relation to the Revolution. Why did the democratic values that gave rise to the fight for independence not find full expression in the Constitution?

The answer lies in a society in transition. The republican spirit that fueled the Revolution called into question many traditional social patterns. The convention delegates had to walk a fine line between the old order and a new order that was still emerging.

The motives of the delegates and the limitations of the Constitution as first drafted should not cloud the fact that the document is a grand achievement. The government it created was like no other of its time—headed by an elected president, limited in its powers over individuals and state governments, and held in check by laws and courts. Since its ratification the Constitution has served as an enduring example of the promise of self-government for nations around the world.

The Constitution also had revolutionary implications. As the antislavery and women's movements would show, the radical promise of the Constitution was not lost on those excluded from power. In pressing for the same rights and liberties granted to free white men, all groups stood to benefit from the vision of republican government contained in the Constitution.



Quill pen



SECTION 2 REVIEW

IDENTIFY and explain the significance of the following: Constitutional Convention, Virginia Plan, federalism, James Madison, bicameral, Great Compromise, Three-Fifths Compromise, tariffs, Federalists, Antifederalists, electors, *The Federalist*.

1. **MAIN IDEA** Why did delegates to the Constitutional Convention believe it was best to keep the convention a secret?
2. **MAIN IDEA** The Constitution is sometimes called “a bundle of compromises.” What were the major compromises that came out of the convention?
3. **WRITING TO PERSUADE** Imagine you are a Federalist or an Antifederalist delegate to a state ratifying convention. Write a speech supporting or opposing ratification of the Constitution. Be sure to address the concerns of the opposing side in your speech.
4. **ANALYZING** Why can it be said that the Constitution had both limitations and revolutionary implications?

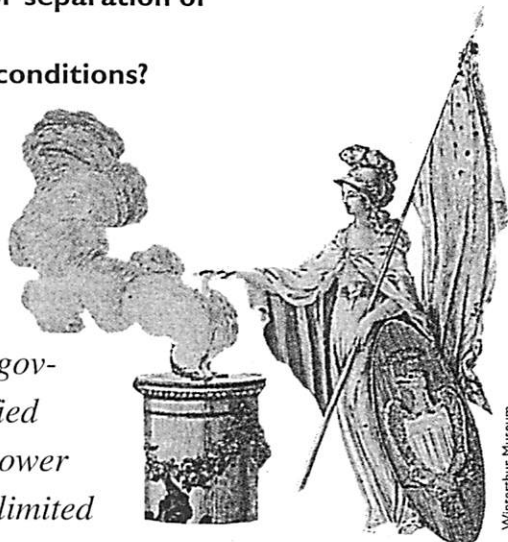
Section 3

THE CONSTITUTION: A LIVING DOCUMENT

F O C U S

- Why did the framers of the Constitution include a list of powers delegated to the federal government?
- Why did the framers of the Constitution provide for separation of powers and checks and balances?
- How is the Constitution able to adapt to changing conditions?

The men who convened in Philadelphia in 1787 are often referred to as the framers of the Constitution. They framed, or built, a new structure of national government. To prevent conflicts between the national government and the state governments, the framers identified specific powers for each. To avoid possible abuses of power by the national government, the delegates divided and limited the powers of the federal government. In doing so they created a flexible and enduring system of government.

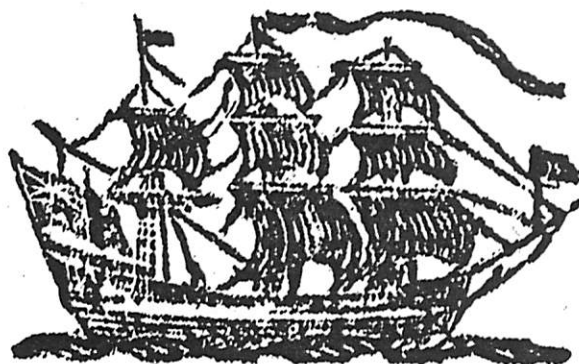


Detail from *Triumph of Liberty*

Winterthur Museum

FEDERALISM

Drawing on their experiences with British rule and with the Confederation, the delegates to the Constitutional Convention worked to form a



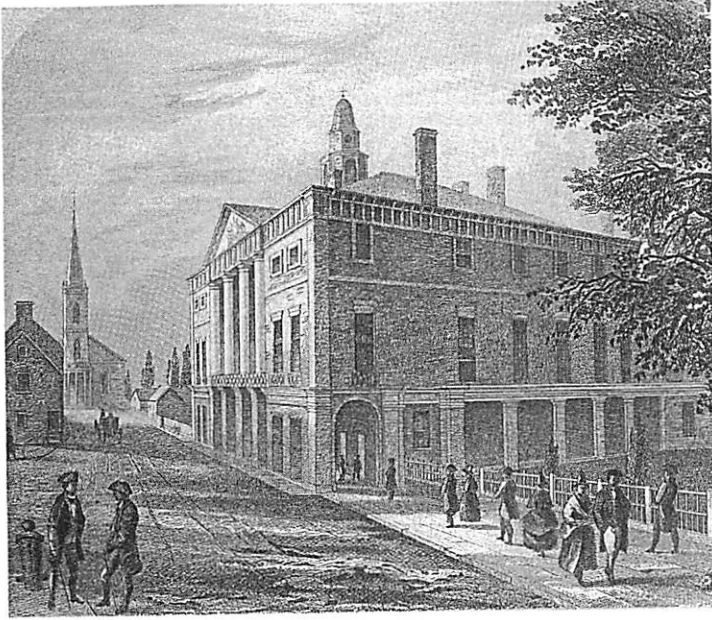
▲ This woodcut, entitled *The federal Ship Union*, was made by an unknown artist to celebrate passage of the Constitution.

stronger federal government. James Madison spoke eloquently of the need for the new government:

“If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty is this: You must first enable the government to control the governed; and in the next place, oblige it to control itself.”

Thus the delegates worked to frame a constitution that would provide for a strong central government while protecting states' rights.

Delegated, reserved, and concurrent powers. Once the delegates settled on a federal system of government, they had to decide which powers would fall to the federal government and



◀ This depiction of Federal Hall, where the first Congress met under the Constitution, was completed in 1789.

which powers the states would retain. They decided to give the federal government authority in matters of concern to all the people. These **delegated powers**, which are outlined in the

Constitution, include the rights to coin money, to regulate trade with foreign nations and among the states, and to raise and support an army and a navy.

All powers not specifically granted to the federal government or denied to the states are kept, or reserved, by the states. These **reserved powers** are guaranteed by the Tenth Amendment, adopted in 1791. Examples of the states' reserved powers include establishing local governments, overseeing schools, conducting elections, and making marriage laws.

The powers that are held jointly by the federal government and the state government are called **concurrent powers**. Examples of concurrent powers include levying and collecting taxes, borrowing money, providing for the public welfare, and establishing courts to apply and enforce laws.

DELEGATED, RESERVED, AND CONCURRENT POWERS

Powers Delegated to National Government

- Declare war
- Maintain armed forces
- Regulate interstate and foreign trade
- Admit new states
- Establish post offices
- Set standard weights and measures
- Coin money
- Establish foreign policy
- Make all laws necessary and proper for carrying out delegated powers

Powers Reserved to States

- Establish and maintain schools
- Establish local governments
- Conduct elections
- Create corporate laws
- Regulate business within the state
- Make marriage laws
- Provide for public safety
- Assume other powers not delegated to the national government or prohibited to the states

Powers Shared (Concurrent Powers)

Maintain law and order	Charter banks
Levy taxes	Establish courts
Borrow money	Provide for public welfare

FEDERALISM The division of power between a national government and the states is called *federalism*. The Constitution delegates certain powers to the national government, reserves other powers for the states, and allows some powers to be shared jointly.

? EVALUATING Why might the delegates to the Constitutional Convention have supported a division of powers?



▲ The state seals of Massachusetts, New York, and North Carolina are shown here. State legislatures use seals such as these on official public documents.

■ ■ The Constitution identifies the powers of the federal government in order to define the scope of federal authority.

National supremacy. The delegates to the Constitutional Convention recognized that the national government exercising its powers at the same time as the state governments could lead to problems. Which laws would have ultimate authority?

To help eliminate conflicts, the delegates added a clause to the Constitution, clearly stating that the federal constitution and all federal laws outrank state constitutions and state laws: "This Constitution, and the laws . . . and all treaties . . . of the United States, shall be the supreme law of the land." This clause, defined in Article VI of the Constitution, is called the **supremacy clause**.

SEPARATION OF POWERS

To prevent the federal government from abusing its powers, the framers separated the government into three branches: legislative, executive, and judicial. Each branch has specific powers the other branches cannot claim. The legislative branch makes laws, the executive branch sees that they are carried out, and the judicial branch interprets them and punishes lawbreakers. This **separation of powers** prevents any part of the federal government from becoming too powerful.

Checks and balances. The separation of powers is upheld by a system of **checks and**

balances that gives each branch the means to restrain the powers of the other two. Congress, for example, has the responsibility to check presidential power. The Constitution's many checks on executive power reflect the framers' bitter experience with British royal governors. The most extreme restraint on presidential authority is the legal process of **impeachment**. The House of Representatives may impeach, or charge, a president who is thought to be guilty of "treason, bribery, or other high crimes and misdemeanors." An impeached president would then be tried by the Senate and, if found guilty, removed from office.

There are other checks and balances between the legislative and the executive branches. The president has the power to make treaties, but a two-thirds vote of the Senate is necessary to ratify them. Similarly, the president can appoint ambassadors, federal judges, and other important officials, but only with the "advice and consent" of the Senate. Congress can also check the president through "the power of the purse"—because it has the authority to appropriate government monies and approve the federal budget, it can slow or stop a presidential action that requires funding.

The president, in turn, can curb the powers of Congress. The president can **veto**, or reject, laws passed by Congress. Although Congress possesses the power to **override**, or overrule, a presidential veto, the two-thirds majority necessary to do so is often difficult to obtain.

The president can also check congressional power through influence and pressure. The Constitution grants the president the authority to call Congress into special session to deal with a national crisis. The president can also adjourn Congress if its members cannot agree when to end

That clause is good
The Sup. Ct. shall have a right to hold a trial in any State
 between a State and citizens of another State, between citizens of different States, and between a State or the citizens thereof and foreign States, citizens or subjects. (In cases of Impeachment) cases affecting Ambassadors, other Public Ministers and Consuls, and those in which a State shall be party, the jurisdiction shall be original. In all the other cases before mentioned the jurisdiction shall be appellate, with such exceptions and under such regulations as the Legislature shall make. The Legislature may assign any part of the jurisdiction abovementioned (except the trial of the President of the United States) in the manner and under the limitations which it shall think proper, to such Inferior Courts as it shall constitute from time to time.

Sec. 4. The trial of all crimes (except in cases of impeachment) shall be by jury and shall be held in the State where the crime shall have been committed; but when not committed within any State, then the trial shall be at such place as the Legislature may direct. The privilege of the writ of Habeas Corpus shall not be suspended: unless in case of rebellion or insurrection the judges of the Supreme Court shall be of the opinion that it is necessary.

~~Sec. 4. The trial of all criminal offences (except in cases of impeachments) shall be in the State where they shall be committed; and shall be by jury.~~

Sec. 5. Judgment, in cases of Impeachment, shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honour, trust or profit under the United States. But the party convicted shall nevertheless be liable and subject to indictment, trial, judgment and punishment, according to law.

Agreed
 No State shall coin money; nor grant letters of marque and reprisal; nor enter into any treaty, alliance, or confederation; nor grant any title of nobility.

XIII

▲ George Washington made numerous editorial changes on an early draft of the Constitution. The wording of Article III, Section 3, regarding trial by jury, is largely unchanged from his handwritten suggestions in the margin. The section that follows on impeachment, which he marked as "agreed," was later moved to Article I, Section 3 of the finished document.

a session. In addition, the president can exert pressure on Congress by recommending measures "necessary and expedient" to maintaining effective government or by lobbying for specific legislation. The chief executive can also influence the thinking of Congress through annual State of the Union messages and through press conferences and public speeches.

The executive and legislative branches balance judicial power. The judicial selection process provides the most basic check. The Senate must approve all federal judges. Just as Congress has the power to impeach the president, it has the power to impeach judges for "high crimes and misdemeanors." In addition, Congress can propose constitutional amendments that overturn earlier court rulings. Similarly, the president can pardon or delay the punishment of persons convicted of federal crimes. But neither the president nor Congress can remove unpopular judges from the bench. Unless impeached and removed for "high crimes," federal judges may hold their offices for life.

Drawbacks of checks and balances. The framers built the system of checks and balances into the structure of government to keep any government branch from exercising too much power. The system, however, has always had its critics.

Some argue that checks and balances permit political disputes to hold up the workings of government. For example, a president who belongs to one political party and a Congress dominated by another party may not agree on necessary legislation. One branch may continually block the actions of the other. Nevertheless, the system has prevented what the framers of the Constitution feared most: unrestricted governmental power.

■ ■ Separation of powers and checks and balances prevent any branch of government from becoming too strong.

FLEXIBILITY AND CHANGE

The Constitution has remained effective for more than 200 years because it is a living document that can adapt to changes in our society. The Constitution works as well today for an industrialized nation of 50 states and some 265 million people as it did in 1790 for an agricultural nation of 13 states and fewer than 4 million people.

The continued effectiveness of the Constitution owes much to its flexibility. James Madison had urged his colleagues to consider "the changes which

ages will produce.” To allow for needed amendments, the framers specified a procedure by which the Constitution may be changed. The framers deliberately made the amendment process difficult, intending it to be used only when a change is critical (see page 164). Only 27 amendments have been added to the Constitution since 1789.

The Constitution’s **elastic clause** has increased the document’s flexibility. To the specific powers granted to Congress, this clause adds the power “to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers.” The elastic clause allows Congress to stretch its powers in ways not specifically outlined in the Constitution.

The Supreme Court’s power of **judicial review**—the right to determine whether or not laws violate the Constitution—also ensures the Constitution’s continued effectiveness. The framers did not write judicial review into the Constitution. Legal scholars, however, believe that the framers intended the Supreme Court to have such power. James Madison often argued that the Supreme Court could declare any law void if the justices found that the law violated the Constitution. But, Madison continued, the Court would still be compelled to uphold all laws “however unjust.”

In *The Federalist* Number 78, Alexander Hamilton, in arguing for judicial independence, stated the problem that might arise from judicial review:

“The interpretation of the laws is the proper and peculiar province of the courts. . . . It therefore belongs to them to ascertain . . . the meaning of any particular



▲ The first two sessions of the Supreme Court were held in the Water Street Exchange, a building in New York City.

act. . . . The courts must declare the sense of the law; and if they should be disposed to exercise WILL instead of JUDGMENT, the consequence would be . . . the substitution of their pleasure to that of the legislative body. ”

Although judicial review has the potential for being abused, it remains one of the safeguards of individual rights in a changing society.

■ ■ **The amendment process, the elastic clause, and judicial review allow the Constitution to adapt to changing conditions.**



SECTION 3 REVIEW

IDENTIFY and explain the significance of the following: delegated powers, reserved powers, concurrent powers, supremacy clause, separation of powers, checks and balances, impeachment, veto, override, elastic clause, judicial review.

1. **MAIN IDEA** Why were the federal government’s powers listed in the Constitution?
2. **MAIN IDEA** Why were checks and balances and the separation of powers written into the Constitution?
3. **MAIN IDEA** Why can the Constitution be considered a flexible, living document?
4. **WRITING TO EXPLAIN** Write an essay explaining how the executive, the legislative, and the judicial branches use the system of checks and balances.
5. **ASSESSING CONSEQUENCES** How might a system of checks and balances prevent government from being effective at times?

CHAPTER 5

Review

Congress urges states to draft new constitutions.

1776

Articles of Confederation adopted.

1778

Virginia Statute for Religious Freedom drafted.

Massachusetts state constitution ratified.

1780

WRITING A SUMMARY

Using the essential points of the chapter as a guide, write a summary of the chapter.

REVIEWING CHRONOLOGY

Number your paper 1 to 5. Study the time line above, and list the following events in the order in which they happened by writing the first event next to 1, the second next to 2, and so on. Then complete the activity below.

1. Virginia Statute for Religious Freedom drafted.
2. Congress passes Northwest Ordinance.
3. Congress passes Land Ordinance of 1785.
4. Articles of Confederation adopted.
5. U.S. Constitution ratified.

Identifying Cause and Effect Select two events on the time line, and in a paragraph, explain the cause-and-effect relationship between them.

IDENTIFYING PEOPLE AND IDEAS

Explain the historical significance of each of the following people or terms.

- | | |
|---|----------------------------|
| 1. Virginia Plan | 6. James Madison |
| 2. John Locke | 7. checks and balances |
| 3. Virginia Statute for Religious Freedom | 8. Three-Fifths Compromise |
| 4. Articles of Confederation | 9. Daniel Shays |
| 5. <i>The Federalist</i> | 10. supremacy clause |

UNDERSTANDING MAIN IDEAS

1. Why did colonial leaders create a weak national government in the Articles of Confederation, and why did this cause problems for the new nation?
2. What were the main compromises reached during the Constitutional Convention?
3. What elements of the Constitution addressed concerns over governmental abuse of power?
4. How did the framers of the Constitution propose to solve economic problems caused by weaknesses in the Articles of Confederation?
5. What were the provisions of the ordinances to organize and govern the Northwest Territory?

REVIEWING THEMES

1. **Constitutional Heritage** How does the way the government was organized reflect concern about a powerful national government?
2. **Economic Development** How did the government's economic policies lead to Shays's Rebellion?
3. **Democratic Values** How might the framers of the Constitution have helped ensure that more citizens had a voice in government?

THINKING CRITICALLY

1. **Analyzing** What factors shaped the republican spirit?
2. **Hypothesizing** What might have happened if the framers of the Constitution had outlawed slavery?
3. **Evaluating** The proceedings at the Constitutional Convention were secret. Do you think such government activities should be open to the public? Explain your answer.
4. **Identifying Cause and Effect** How did colonial experiences influence the actions of the framers of the state constitutions?

STRATEGY FOR SUCCESS

Review the Skills Handbook entry on Building Vocabulary on page 991. Then define the following terms, and write a sentence using each word.

republic

separation of powers

federalism

reserved powers

bicameral

veto

depression

judicial review

delegated powers

concurrent powers

impeachment

override

WRITING ABOUT HISTORY

Writing to Persuade Imagine you are a business owner in New England who supports the Constitution. Write a letter to the editor of your local newspaper, explaining why you support the new plan of government over the Articles of Confederation.

States officially become "The United States of America."

Congress passes Land Ordinance of 1785.

Shays's Rebellion begins.

Congress passes Northwest Ordinance. Constitutional Convention meets.

U.S. Constitution ratified.

1782

1784

1786

1788

USING PRIMARY SOURCES

The following is an excerpt from a petition submitted to the Continental Congress in 1786 by elderly widow Rachel Wells. Like many patriots, Wells had bought loan certificates from the state of New Jersey during the Revolution. Wells appealed to the Congress to grant her payment on the certificates. Read the excerpt from her petition. What does she reveal about the contribution of ordinary citizens to the war and the government's responsibility to live up to the ideals of the Revolution?

To the Honorable Congress,

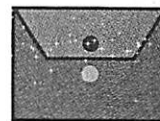
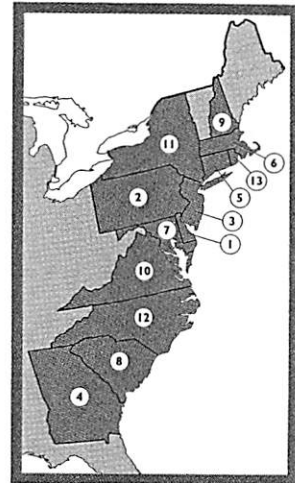
I, Rachel, do make this complaint, who am a Widow far advanced in years & Dearly have occasion [need] of the Interest for that Cash I Lent the States. . . . I Lent the State a considerable Sum of Moneys & had I justice done me it might be Sufficient to support me in the country where I am now, near Burdentown [New Jersey]. I lived here then . . . but Being . . . so Robbed by the Britains & others I went to Phila[delphia] to try to get a Living . . . & was There in the year 1783 when our assembly was pleased to pass a Law that No one should have any Interest that lived out of Jersey States. . . .

Now, gentlemen, is this Liberty? . . . I have done as much to carry on the War as many that Sit now at the helm of government. . . . My dear Sister . . . wrote to me to be thankful that I had it in my Power to help on the War, which is well enough, but then this is to be Considered—that others get their Interest & why then a poor old widow be put off[f]? . . .

If She did not fight She threw in all her might, which bought the Soldiers food & Clothing & Let Them have Blankets & Since that She has been obliged to Lay upon Straw & glad of that.

LINKING HISTORY AND GEOGRAPHY

Study the map, noting the numbers on it. The map shows the order in which the states ratified the Constitution. Number your paper 1 to 13. Identify each state on the map and write the correct name of each state next to the corresponding number on your paper, along with the date each state ratified the Constitution.



BUILDING YOUR PORTFOLIO

Complete the following projects independently or cooperatively.

- 1. DEMOCRATIC RIGHTS** In Chapter 4 you served as a reporter interviewing people about taxes. Building on that material, now imagine you are one of Shays's rebels. Create a poster that communicates your position on taxes.
- 2. THE CONSTITUTION** Imagine you are a woman interested in including women's rights in the new Constitution. Write a letter to the Constitutional Convention suggesting ways to represent women in the Constitution.
- 3. POLITICS** Imagine you are attending a governors conference in 1790. Prepare a speech outlining the issues of concern to your region.

insure domestic Tranquillity, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, We ordain and establish this

We the People

of the United States, in order to form a more perfect Union, establish Justice, insure domestic Tranquillity, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, We ordain and establish this Constitution for the United States of America.

Article 1.

- Section 1.** All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.
- Section 2.** The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.
- No Person shall be a Representative who shall not have attained to the Age of twenty five Years, and seven Years a Citizen of the United States, and he shall not, when elected, be an Inhabitant of that State in which he shall be chosen.
- Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons. The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative, and until such Enumeration shall be made, the State of New Hampshire shall be added to the three, Maryland to eight, Virginia to ten, North Carolina five, South Carolina six, and Georgia three.
- When vacancies happen in the Representation from any State, the Executive thereof shall issue Writs of Election to fill such Vacancies.
- The House of Representatives shall choose their Speaker and other Officers, and shall have the sole Power of Impeachment.
- Section 3.** The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof for six Years, and each Senator shall have one Vote.
- Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Clases. The third of the Senators of the first Class shall be vacated at the Expiration of the second Year, the second of the fourth Year, and the third of the third Year, and if Vacancies happen by Resignation, or otherwise, during the Term of the Senators of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.
- No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.
- The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.
- The Senate shall choose their other Officers, and also a President pro tempore, in the Absence of the Vice President, or when he shall exercise the Office of President of the United States.
- The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside. And no Person shall be convicted without the Concurrence of two thirds of the Members present.
- Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States; but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.
- Section 4.** The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of choosing Senators.
- The Congress shall assemble at least once in every Year, and such Meeting shall be on the first Monday in December, unless they shall by Law appoint a different Day.
- Section 5.** Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business, but a smaller Number may appear from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.
- Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member.
- Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy; and the Yeas and Nays of the Members of either House on any Question shall be entered on the Journal.
- Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three Days, nor to any other Place than that in which the two Houses shall be sitting.
- Section 6.** The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall on all Cases, except Impeachments, have the Privilege of Speech or Debate, in either House, or in any Committee of either House, or in going to and returning from the same, and for any Speech or Debate in either House, they shall not be questioned in any other Place.
- No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been increased during such Time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.
- Section 7.** All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as to the Matter thereof. Every Bill which shall have respect to House of Representatives and the Senate shall, before it become a Law, be presented to the President of the



Constitution Handbook

“ 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. ”

—Preamble to the Constitution

The delegates who met in the spring of 1787 to revise the Articles of Confederation included many of the ablest leaders of the United States. Convinced that the Confederation was not strong enough to bring order and prosperity to the nation, they abandoned all thought of revising the Articles. Instead, they proceeded to draw up a completely new Constitution. Patrick Henry called this action “a revolution as radical as that which separated us from Great Britain.” Out of their long political experience, their keen intelligence, and their great learning, the framers of the Constitution fashioned a blueprint for a truly united nation—the United States of America.

FOCUS

- What do the first three Articles of the Constitution describe?
- How do the Articles attempt to protect people's civil liberties?
- What does the Bill of Rights protect?

An observer once referred to the Constitution as “the most wonderful work ever struck off at a given time by the brain and purpose of man.” Revised, modified, and amended, the Constitution has served the American people for more than 200 years, becoming a model for representative government throughout the world. The Constitution has successfully survived the years for two reasons. First, it lays down rules of procedure and guarantees of rights and liberties that must be observed even in times of crisis. Second, it is a “living” document, capable of being revised to meet changing times and circumstances.



U.S. Constitution commemorative stamps

TO FORM A MORE PERFECT UNION

The framers of the Constitution wished to establish a strong central government, one that could unite the country and help it meet the challenges of the future. At the same time, however, they feared a government that was too strong. The memories of the troubled years before the Revolution were still fresh. They knew that unchecked power in the hands of individuals, groups, or branches of government could lead to tyranny.

The framers' response was to devise a system of government in which power is divided between, in the words of James Madison, “two distinct governments”—the states and the federal government—and then within each government. In *The Federalist* Number 51, Madison described the advantages of such a system:

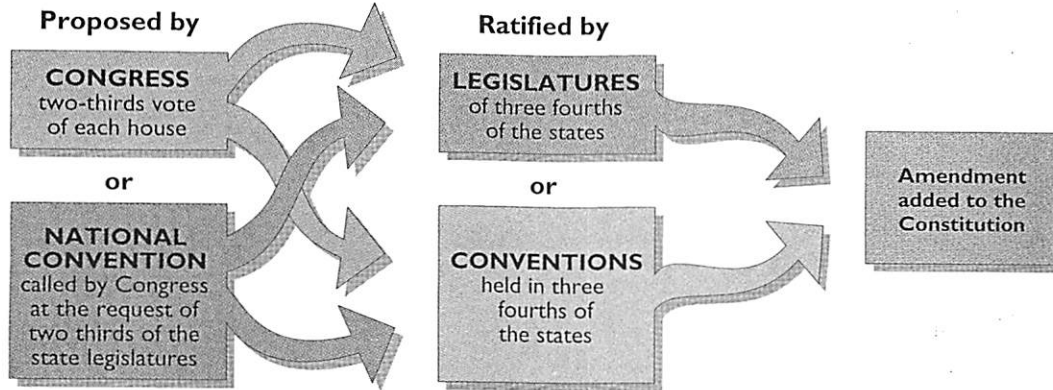
“In the compound republic of America, the power surrendered by the people is first divided between two distinct governments, and then the portion allotted to each subdivided among distinct and sepa-

rate departments. Hence a double security arises to the rights of the people. The different governments will control each other, at the same time that each will be controlled by itself.”

The seven Articles that make up the first part of the Constitution provide the blueprint for this system. To help guard against tyranny and to keep any one part of the federal government from becoming too strong, the framers divided the government into three branches—the legislative branch (Congress), the executive branch (the president and vice president), and the judicial branch (the federal courts)—each with specific powers. As a further safeguard, the framers wrote a system of checks and balances into the Constitution (see Chapter 5). Articles I, II, and III outline the powers of each branch of government and the checks and balances.

■ **Articles I, II, and III outline the rights and responsibilities of the legislative, executive, and judicial branches.**

AMENDING THE CONSTITUTION



A LIVING DOCUMENT Anticipating the need for the Constitution to adapt to changing conditions, the framers specified an amendment process. But to avoid abuses, they deliberately made the process difficult.

ANALYZING Why do you think the framers of the Constitution required that both the Congress and the states be involved in the amendment process?

Article IV outlines the relations between the states and between the states and the federal government. Among the issues addressed are each state's recognition of other states' public records and citizens' rights, the admission of new states, and the rights and responsibilities of the federal government in relation to the states.

Article V specifies the process by which the Constitution can be amended. The framers purposely made the process slow and difficult. They feared that if the process was too easy, the Constitution—the fundamental law of the land—would soon carry no more weight than the most minor law passed by Congress.

Article VI includes one provision that addressed the immediate concerns of the framers and two that have lasting significance. The short-term provision promises that the United States under the Constitution will honor all public debts entered into under the Confederation. The two long-term provisions declare the Constitution the supreme law of the land and prohibit religion being used as a qualification for holding public office.

Article VII is the framers' attempt to ensure ratification of the Constitution. The Constitutional Convention was summoned by the Congress to amend the Articles of Confederation. Under the Articles of Confederation, amendments had to be approved by all 13 states. Realizing that it would be difficult to get the approval of all the states—Rhode Island, for example, had not even sent delegates to Philadelphia—the framers specified that the Constitution would go into effect after ratifica-

tion by only 9 states, not all 13. (This provision led opponents of the Constitution to claim that it had been adopted by unfair means.)

PROTECTING INDIVIDUAL LIBERTY

Opposition to a strong central government was in part a concern over states' rights. But it was also rooted in the desire to protect individual liberties. American colonists had always insisted on the protection of their **civil liberties**—their rights as individuals against the power of the government. The Articles of the Constitution contain many important guarantees of civil liberties. On a broad level, the separation of powers and the system of checks and balances help safeguard citizens against the abuse of government power. But the Articles also contain provisions that speak directly to an individual's right to due process of law. For example, Section 9 of Article I prohibits both *ex post facto* laws and bills of attainder.

An *ex post facto law* is a law passed "after the deed." Such a law sets a penalty for an act that was not illegal when it was committed. A **bill of attainder** is a law that punishes a person by fine, imprisonment, or seizure of property without a court trial. If Congress had the power to adopt bills of attainder, lawmakers could punish any American at will, and that person could do nothing to appeal the sentence. Instead, the Constitution provides that only the courts can impose punishment for unlawful acts, and then only by following the duly established law.

Section 9 of Article I also protects a citizen's right to the writ of *habeas corpus*. The writ of *habeas corpus* is a legal document that forces a jailer to release a person from prison unless the person has been formally charged with, or convicted of, a crime. The Constitution states that "the privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it."

The Constitution also gives special protection to people accused of **treason**. The framers of the Constitution knew that the charge of treason was an old device used by tyrants to get rid of persons they did not like. Such rulers might bring the charge of treason against persons who merely

criticized the government. To prevent such use of this charge, Section 3 of Article III carefully defines treason:

“Treason against the United States shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.”

The Article also protects the innocent relatives of a person accused of treason. Only the convicted person can be punished. No penalty can be imposed on the person's family.

AMENDMENTS TO THE CONSTITUTION

Amendment	Year Enacted	Subject
1st	1791	Personal and political freedoms
2nd	1791	Right to keep weapons
3rd	1791	Quartering of troops
4th	1791	Search and seizure; search warrants
5th	1791	Rights of accused persons
6th	1791	Speedy trial
7th	1791	Jury trial
8th	1791	Bails, fines, punishments
9th	1791	Rights of the people
10th	1791	Powers of the states
11th	1798	Suits against states
12th	1804	Election of president and vice president
13th	1865	Abolition of slavery
14th	1868	Rights of citizens; privileges and immunities; due process, and equal protection
15th	1870	Extension of suffrage to black males
16th	1913	Income tax
17th	1913	Direct election of senators
18th	1919	Prohibition on liquor
19th	1920	Women's suffrage
20th	1933	Change in dates for presidential and congressional terms of office
21st	1933	Repeal of prohibition
22nd	1951	Two-term limit on presidential tenure
23rd	1961	Right to vote in presidential elections for residents of the District of Columbia
24th	1964	Poll tax banned in federal elections
25th	1967	Presidential disability and succession
26th	1971	Lowering of voting age to 18
27th	1992	Legislative salaries

THE AMENDMENT PROCESS The supreme law of the land has proven very durable. The Constitution has only been amended 27 times in over 200 years.



BUILDING GRAPH SKILLS What is the longest interval between ratification of two consecutive amendments?

The Articles protect civil liberties by guaranteeing individuals due process of law.

THE BILL OF RIGHTS

Despite the safeguards written into the Articles of the Constitution, some states at first refused to ratify the framework because it did not offer greater protection to the rights of individuals. They finally agreed to ratification after they had been promised that a bill of rights would be added to the Constitution by amendment when Congress was called into session following ratification.

In 1789 the first Congress of the United States wrote the ideals of the Declaration of Independence into the Bill of Rights, the first 10 amendments to the Constitution. The Bill of Rights protects individuals

Contents of the Constitution

against any action by the federal government that may deprive them of life, liberty, or property without “due process of law.”

Among the guarantees of liberty in the Bill of Rights, several are especially important. The First Amendment guarantees freedom of religion, speech, press, assembly, and petition. The Fourth Amendment forbids unreasonable searches and seizures of any person’s home. The Fifth, Sixth, and Eighth amendments protect individuals from arbitrary arrest and punishment by the federal government.

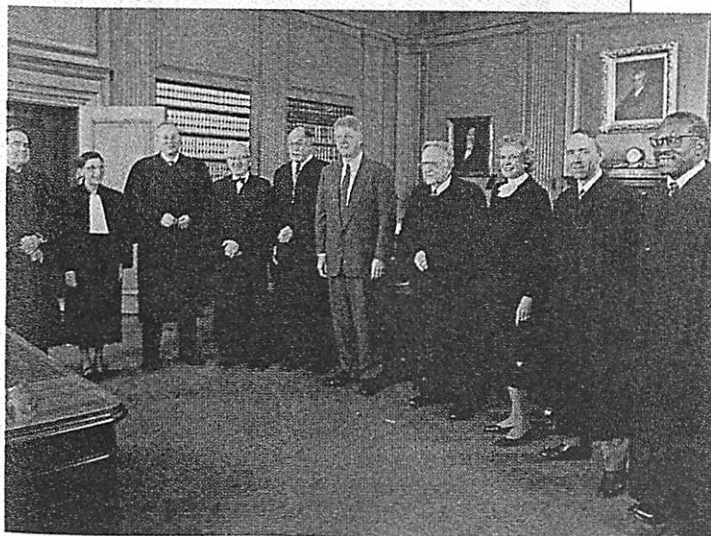
■ ■ ■ The Bill of Rights protects the rights of individuals against abuses of government power.

The Bill of Rights was ratified by the states in 1791. It has remained one of the best-known features of the Constitution. The American people have turned to it for support whenever their rights as individuals have seemed to be in danger. No document in American history, except, perhaps, the Declaration of Independence, has been cherished more deeply.

Bill of Rights

Civil War Amendments

▼ Supreme Court justices (from left) Antonin Scalia, Ruth Bader Ginsburg, Anthony Kennedy, John Paul Stevens, Chief Justice William Rehnquist, Harry Blackmun, Sandra Day O’Connor, David Souter, and Clarence Thomas meet with President Clinton (center).



PREAMBLE 166

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HISTORICAL Document

The Constitution of the United States of America

Preamble

The short and dignified Preamble explains the goals of the new government under the Constitution.

Legislative Branch

Article I explains how the legislative branch, called Congress, is organized. The chief purpose of the legislative branch is to make the laws. Congress is made up of the Senate and the House of Representatives. The decision to have two bodies of government solved a difficult problem during the Constitutional Convention. The large states wanted the membership of Congress to be based entirely on population. The small states wanted every state to have an equal vote. The solution to the problem of how the states were to be represented in Congress was known as the Great Compromise.

The number of members of the House is based on the population of the individual states. Each state has at least one representative. The current size of the House is 435 members, set by Congress in 1929. If each member of the House represented only 30,000 American people, as the Constitution states, the House would have more than 6,000 members.

PREAMBLE

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.*

ARTICLE I

Section 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section 2. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

No Person shall be a Representative who shall not have attained to the Age of twenty-five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, ~~which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons.~~ The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative; ~~and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three; Massachusetts eight; Rhode Island and Providence Plantations one; Connecticut five; New York six; New Jersey four;~~

* Parts of the Constitution that have been ruled through are no longer in force or no longer apply.

~~Pennsylvania eight; Delaware one; Maryland six; Virginia ten; North Carolina five; South Carolina five; and Georgia three.~~

When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

The House of Representatives shall choose their Speaker and other Officers; and shall have the sole Power of Impeachment.

Section 3. The Senate of the United States shall be composed of two Senators from each State, ~~chosen by the Legislature thereof,~~ for six Years; and each Senator shall have one Vote.

Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one third may be chosen every second Year; ~~and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.~~

No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

The Senate shall choose their other Officers, and also a President pro tempore, in the Absence of the Vice President, or when he shall exercise the Office of President of the United States.

The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present.

Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

Section 4. The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of choosing Senators.

The Congress shall assemble at least once in every Year, and such Meeting shall be on the first Monday in December, unless they shall by Law appoint a different Day.

Every state has two senators. Senators serve a six-year term, but only one third of the senators reach the end of their terms every two years. In any election, at least two thirds of the senators stay in office. This system ensures that there are experienced senators in office at all times.

The only duty that the Constitution assigns to the vice president is to preside over meetings of the Senate. Modern presidents have given their vice presidents more and varied responsibility.

The House charges a government official of wrongdoing, and the Senate acts as a court to decide if the official is guilty.

Congress has decided that elections will be held on the Tuesday following the first Monday in November of even-numbered years. The Twentieth Amendment states that Congress shall meet in regular session on January 3 of each year. The president may call a special session of Congress whenever necessary.

Congress makes most of its own rules of conduct. The Senate and the House each have a code of ethics that members must follow. It is the task of each house of Congress to discipline its own members. Each house keeps a journal, and a publication called the *Congressional Quarterly* records what happens in congressional sessions. The general public can learn how their representatives voted on bills by reading the *Congressional Quarterly*.

The framers of the Constitution wanted to protect members of Congress from being arrested on false charges by political enemies who did not want them to attend important meetings. The framers also wanted to protect members of Congress from being taken to court for something they said in a speech or in a debate.

The power of taxing is the responsibility of the House of Representatives. Because members of the House are elected every two years, the framers felt that representatives would listen to the public and seek its approval before passing taxes.

Section 5. Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behavior, and, with the Concurrence of two thirds, expel a Member.

Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy; and the Yeas and Nays of the Members of either House on any question shall, at the Desire of one fifth of those Present, be entered on the Journal.

Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

Section 6. The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been increased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

Section 7. All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States; If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by Yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the

Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

Section 8. The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

To borrow Money on the credit of the United States;

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

To establish Post Offices and post Roads;

To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

To constitute Tribunals inferior to the supreme Court;

To define and punish Piracies and Felonies committed on the high Seas, and Offenses against the Law of Nations;

To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

To provide and maintain a Navy;

To make Rules for the Government and Regulation of the land and naval Forces;

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the

The veto power of the president and the ability of Congress to override a presidential veto are two of the important checks and balances in the Constitution.

The framers of the Constitution wanted a national government that was strong enough to be effective. This section lists the powers given to Congress. The last sentence in Section 8 (see page 170) contains the famous "elastic clause," which can be stretched (like elastic) to fit many different circumstances. The clause was first disputed when Alexander Hamilton proposed a national bank. Thomas Jefferson said that the Constitution did not give Congress the power to establish a bank. Hamilton argued that the bank was "necessary and proper" in order to carry out other powers of Congress, such as borrowing money and regulating currency. This argument was tested in the court system in 1819 in the case of *McCulloch v. Maryland*, when Chief Justice Marshall ruled in favor of the federal government. Powers given to the government by the "elastic clause" are called implied powers.

If Congress has implied powers, then there also must be limits to its powers. Section 9 lists powers that are denied to the federal government. Several of the clauses protect the people of the United States from unjust treatment. For instance, Section 9 guarantees the writ of *habeas corpus* and prohibits bills of attainder and *ex post facto* laws (see page 163).

Section 10 lists the powers that are denied to the states. In our system of federalism, the state and federal governments have separate powers, share some powers, and are denied other powers. The states may not exercise any of the powers that belong to Congress.

Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress.

To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings;—
And

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

~~Section 9. The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.~~

The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

No Bill of Attainder or *ex post facto* Law shall be passed.

No Capitation, or other direct, Tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken.

No Tax or Duty shall be laid on Articles exported from any State.

No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another: nor shall Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another.

No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

Section 10. No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, *ex post facto* Law, or law impairing the Obligation of Contracts, or grant any Title of Nobility.

No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing its inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Control of the Congress.

No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.

ARTICLE II

Section 1. The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows.

Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

~~The Electors shall meet in their respective States, and vote by Ballot for two Persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be more than one who have such majority, and have an equal Number of Votes, then the House of Representatives shall immediately choose by Ballot one of them for President; and if no Person have a Majority, then from the five highest on the List the said House shall in like Manner choose the President. But in choosing the President, the Votes shall be taken by States, the Representation from each State having one Vote; A quorum for this Purpose shall consist of a Member or Members from two thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President. But if there should~~

Executive Branch

The president is the chief of the executive branch. It is the job of the president to enforce the laws. The framers wanted the president and vice president's term of office and manner of selection to be different from those of members of Congress. They decided on four-year terms, but they had a difficult time agreeing on how to select the president and vice president. The framers finally set up an electoral system, which varies greatly from our electoral process today. The Twelfth Amendment changed the process by requiring that separate ballots be cast for president and vice president. The rise of political parties has since changed the process even more.

In 1845 Congress set the first Tuesday after the first Monday in November of every fourth year as the general election date for selecting presidential electors.

The youngest elected president was John F. Kennedy; he was 43 years old when he was inaugurated. (Theodore Roosevelt was 42 when he assumed office after the assassination of McKinley.) The oldest elected president was Ronald Reagan; he was 69 years old when he was inaugurated.

Emolument means "salary, or payment." In 1969 Congress set the president's salary at \$200,000 per year. The president also receives an expense account of \$50,000 per year. The president must pay taxes on both.

The oath of office is administered to the president by the chief justice of the United States. Washington added "So help me, God." All succeeding presidents have followed this practice.

The framers wanted to make sure that an elected representative of the people controlled the nation's military. Today the president is in charge of the army, navy, air force, marines, and coast guard. Only Congress can decide, however, if the United States will declare war. This section also contains the basis for the formation of the president's cabinet. Every president, starting with George Washington, has appointed a cabinet.

Most of the president's appointments to office must be approved by the Senate.

~~remain two or more who have equal Votes, the Senate shall choose from them by Ballot the Vice President.~~

The Congress may determine the Time of choosing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.

No Person except a natural born Citizen, ~~or a Citizen of the United States, at the time of the Adoption of this Constitution,~~ shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty-five Years, and been fourteen Years a Resident within the United States.

In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the Same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.

The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be increased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation:—"I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States."

Section 2. The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offenses against the United States, except in Cases of Impeachment.

He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

Section 3. He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.

Section 4. The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

ARTICLE III

Section 1. The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behavior, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

Section 2. The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or more States;—~~between a State and Citizens of another State;~~—between Citizens of different States;—between Citizens of the same State claiming Lands under Grants of different States, ~~and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.~~

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and fact, with such Exceptions, and under such Regulations as the Congress shall make.

The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within

Every year the president presents to Congress a State of the Union message. In this message, the president explains the legislative plans for the coming year. This clause states that one of the president's duties is to enforce the laws.

Judicial Branch

The Articles of Confederation did not make any provisions for a federal court system. One of the first things that the framers of the Constitution agreed upon was to set up a national judiciary. With all the laws that Congress would be enacting, there would be a great need for a branch of government to interpret the laws. In the Judiciary Act of 1789, Congress provided for the establishment of lower courts, such as district courts, circuit courts of appeals, and various other federal courts. The judicial system provides a check on the legislative branch; it can declare a law unconstitutional.

HISTORICAL Document

Congress has the power to decide the punishment for treason, but it can punish only the guilty person. *Corruption of blood* refers to punishing the family of a person who has committed treason. It is expressly forbidden by the Constitution.

The States

States must honor the laws, records, and court decisions of other states. A person cannot escape a legal obligation by moving from one state to another.

Section 3 permits Congress to admit new states to the Union. When a group of people living in an area that is not part of an existing state wishes to form a new state, it asks Congress for permission to do so. The people then write a state constitution and offer it to Congress for approval. The state constitution must set up a representative form of government and must not in any way contradict the federal Constitution. If a majority of Congress approves of the state constitution, the state is admitted as a member of the United States of America.

any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

Section 3. Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attained.

ARTICLE IV

Section 1. Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

Section 2. The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

A Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on Demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime.

~~No Person held to Service of Labor in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labor, but shall be delivered up on Claim of the Party to whom such Service or Labor may be due.~~

Section 3. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

Section 4. The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.

ARTICLE V

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that ~~no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that~~ no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

ARTICLE VI

All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

ARTICLE VII

The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same.

DONE in Convention by the Unanimous Consent of the States present the Seventeenth Day of September in the Year of our Lord one thousand seven hundred and Eighty seven and of the Independence of the United States of America the Twelfth. IN WITNESS whereof We have hereunto subscribed our Names.

*George Washington—
President and deputy from Virginia*

The Amendment Process

America's founders may not have realized just how enduring the Constitution would be, but they did make provisions for changing or adding to the Constitution. They did not want to make it easy to change the Constitution. There are two different ways in which changes can be proposed to the states and two different ways in which states can approve the changes and make them part of the Constitution (see the chart on page 163).

National Supremacy

One of the biggest problems facing the delegates to the Constitutional Convention was the question of what would happen if a state law and a national law conflicted. Which law would be followed? Who decided? The second clause of Article VI answers those questions. When a national and state law disagree, the national law overrides the state law. The Constitution is the supreme law of the land. This clause is often called the "supremacy clause."

Ratification

The Articles of Confederation called for all 13 states to approve any revision to the Articles. The Constitution required that the vote of 9 out of the 13 states would be needed to ratify the Constitution. The first state to ratify was Delaware, on December 7, 1787. The last state to ratify the Constitution was Rhode Island, which finally did so on May 29, 1790, almost two and a half years later.

and do hereby, We ordain and establish

HISTORICAL Document

New Hampshire
John Langdon
Nicholas Gilman

Massachusetts
Nathaniel Gorham
Rufus King

Connecticut
William Samuel Johnson
Roger Sherman

New York
Alexander Hamilton

New Jersey
William Livingston
David Brearley
William Paterson
Jonathan Dayton

Pennsylvania
Benjamin Franklin
Thomas Mifflin
Robert Morris
George Clymer
Thomas FitzSimons
Jared Ingersoll
James Wilson
Gouverneur Morris

Delaware
George Read
Gunning Bedford, Jr.
John Dickinson
Richard Bassett
Jacob Broom

Maryland
James McHenry
Daniel of St. Thomas Jenifer
Daniel Carroll

Virginia
John Blair
James Madison, Jr.

North Carolina
William Blount
Richard Dobbs Spaight
Hugh Williamson

South Carolina
John Rutledge
Charles Cotesworth Pinckney
Charles Pinckney
Pierce Butler

Georgia
William Few
Abraham Baldwin

Attest: *William Jackson*, Secretary

Bill of Rights

One of the conditions set by several states for ratifying the Constitution was the inclusion of a Bill of Rights. Many people feared that a stronger central government might take away basic rights of the people that had been guaranteed in state constitutions. If the three words that begin the preamble, We the people—were truly meant, then the rights of the people needed to be protected.

THE AMENDMENTS

ARTICLES in addition to, and Amendment of the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures of the several states, pursuant to the fifth Article of the original Constitution.

[The First through Tenth amendments, now known as the Bill of Rights, were proposed on September 25, 1789, and declared in force on December 15, 1791.]

First Amendment

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Second Amendment

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

Third Amendment

No Soldier shall, in time of peace, be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

Fourth Amendment

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Fifth Amendment

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Sixth Amendment

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.

Seventh Amendment

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved,

The First Amendment protects freedom of speech and thought, and forbids Congress to make any law "respecting an establishment of religion" or restraining the freedom to practice religion as one chooses.

A police officer or sheriff may enter a person's home with a search warrant, which allows the law officer to look for evidence that could convict someone of committing a crime.

The Fifth, Sixth, and Seventh amendments describe the procedures that courts must follow when trying people accused of crimes. The Fifth Amendment guarantees that no one can be put on trial for a serious crime unless a grand jury agrees that the evidence justifies doing so. It also says that a person cannot be tried twice for the same crime.

The Sixth Amendment makes several promises, including a prompt trial and a trial by a jury chosen from the state and district in which the crime was committed. The Sixth Amendment also states that an accused person must be told why he or she is being tried and promises that an accused person has the right to be defended by a lawyer.

The Seventh Amendment guarantees a trial by jury in cases that involve more than \$20, but in modern times, usually much more money is at stake before a case is heard in federal court.

The Ninth and Tenth amendments were added because not every right of the people or of the states could be listed in the Constitution.

The Twelfth Amendment changed the election procedure for president and vice president. This amendment became necessary because of the growth of political parties. Before this amendment, electors voted without distinguishing between president and vice president. Whoever received the most votes became president, and whoever received the next highest number of votes became vice president. A confusing election in 1800, which resulted in Thomas Jefferson's becoming president, caused this amendment to be proposed.

and no fact tried by a jury shall be otherwise reexamined in any Court of the United States, than according to the rules of the common law.

Eighth Amendment

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Ninth Amendment

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Tenth Amendment

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Eleventh Amendment

[Proposed March 4, 1794; declared ratified January 8, 1798]

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

Twelfth Amendment

[Proposed December 9, 1803; declared ratified September 25, 1804]

The Electors shall meet in their respective states and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate;—The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted;—The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the states, and a majority of all the states shall be necessary to a

choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice President shall act as President, as in the case of the death or other constitutional disability of the President;—The person having the greatest number of votes as Vice President, shall be the Vice President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice President; a quorum for the purpose shall consist of two thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States.

Thirteenth Amendment

[Proposed January 31, 1865; declared ratified December 18, 1865]

Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Section 2. Congress shall have power to enforce this article by appropriate legislation.

Fourteenth Amendment

[Proposed June 13, 1866; declared ratified July 28, 1868]

Section 1. All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, ~~excluding Indians not taxed.~~ But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the ~~male~~ inhabitants of such State, being ~~twenty one years of age,~~ and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such ~~male~~ citizens shall bear to the whole number of ~~male~~ citizens ~~twenty one years of age~~ in such State.

Section 3. No person shall be a Senator or Representative in

Although some slaves had been freed during the Civil War, slavery was not abolished until the Thirteenth Amendment took effect.

In 1833 Chief Justice John Marshall ruled that the Bill of Rights limited the national government but not the state governments. This ruling meant that states were able to keep African Americans from becoming state citizens. If African Americans were not citizens, they were not protected by the Bill of Rights. The Fourteenth Amendment defines citizenship and prevents states from interfering in the rights of citizens of the United States.

The Fifteenth Amendment extended the right to vote to African American males.

The Sixteenth Amendment made legal the income tax described in Article I.

The Seventeenth Amendment required that senators be elected directly by the people instead of by the state legislature.

Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two thirds of each House, remove such disability.

Section 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, ~~or any claim for the loss or emancipation of any slave;~~ but all such debts, obligations and claims shall be held illegal and void.

Section 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

Fifteenth Amendment

[Proposed February 26, 1869; declared ratified March 30, 1870]

Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

Sixteenth Amendment

[Proposed July 12, 1909; declared ratified February 25, 1913]

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

Seventeenth Amendment

[Proposed May 13, 1912; declared ratified May 31, 1913]

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: *Provided*, That the legislature of any

State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

~~This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.~~

Eighteenth Amendment

[Proposed December 18, 1917; declared ratified January 29, 1919; repealed by the Twenty-first Amendment December 5, 1933]

~~Section 1. After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.~~

~~Section 2. The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.~~

~~Section 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.~~

Nineteenth Amendment

[Proposed June 4, 1919; declared ratified August 26, 1920]

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

Congress shall have power to enforce this article by appropriate legislation.

Twentieth Amendment

[Proposed March 2, 1932; declared ratified February 6, 1933]

Section 1. The terms of the President and Vice President shall end at noon on the 20th day of January, and the terms of Senators and Representatives at noon on the 3rd day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

Section 2. The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3rd day of January, unless they shall by law appoint a different day.

Section 3. If, at the time fixed for the beginning of the term of the President, the President elect shall have died, the Vice President elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President elect shall have failed to qualify, then the Vice President

Although many people felt that Prohibition was good for the health and welfare of the American people, the amendment was repealed 14 years later.

Abigail Adams was disappointed that the Declaration of Independence and the Constitution did not specifically include women. It took almost 150 years and much campaigning by women's suffrage groups for women to finally achieve voting privileges.

In the original Constitution, a newly elected president and Congress did not take office until March 4, which was four months after the November election. The officials who were leaving office were called "lame ducks" because they had little influence during those four months. The Twentieth Amendment changed the date that the new president and Congress take office. Members of Congress now take office on January 3, and the president takes office on January 20.

The Twenty-first Amendment is the only amendment that has been ratified by state conventions rather than by state legislatures.

From the time of President Washington's administration, it was a custom for presidents to serve no more than two terms of office. Franklin D. Roosevelt, however, was elected to four terms. The Twenty-second Amendment made into law the old custom of a two-term limit for each president, if reelected.

elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case wherein neither a President elect nor a Vice President elect shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such persons shall act accordingly until a President or Vice President shall have qualified.

Section 4. The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice President whenever the right of choice shall have devolved upon them.

~~*Section 5.* Sections 1 and 2 shall take effect on the 15th day of October following the ratification of this article.~~

~~*Section 6.* This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three fourths of the several States within seven years from the date of its submission.~~

Twenty-first Amendment

[Proposed February 20, 1933; declared ratified December 5, 1933]

Section 1. The eighteenth article of amendment to the Constitution of the United States is hereby repealed.

Section 2. The transportation or importation into any State, Territory, or possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited.

~~*Section 3.* This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by conventions in the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.~~

Twenty-second Amendment

[Proposed March 24, 1947; declared ratified March 1, 1951]

Section 1. No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of the President more than once. ~~But this Article shall not apply to any person holding the office of President when this Article was proposed by the Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this Article becomes operative from holding the office of President or acting as President during the remainder of such term.~~

~~Section 2. This Article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress.~~

Twenty-third Amendment

[Proposed June 16, 1960; declared ratified April 3, 1961]

Section 1. The District constituting the seat of Government of the United States shall appoint in such manner as the Congress may direct:

A number of electors of President and Vice President equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a State, but in no event more than the least populous State; they shall be in addition to those appointed by the States, but they shall be considered, for the purposes of the election of President and Vice President, to be electors appointed by a State; and they shall meet in the District and perform such duties as provided by the twelfth article of amendment.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

Twenty-fourth Amendment

[Proposed August 27, 1962; declared ratified February 4, 1964]

Section 1. The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

Twenty-fifth Amendment

[Proposed July 6, 1965; declared ratified February 23, 1967]

Section 1. In case of removal of the President from office or of his death or resignation, the Vice President shall become President.

Section 2. Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

Section 3. Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.

Until the Twenty-third Amendment, the people of Washington, D.C., could not vote in presidential elections.

The illness of President Eisenhower in the 1950s and the assassination of President Kennedy in 1963 were the events behind the Twenty-fifth Amendment. The Constitution did not provide a clear-cut method for a vice president to take over for a disabled president or for the death of a president. This amendment provides for filling the office of the vice president if a vacancy occurs, and it provides a way for the vice president to take over if the president is unable to perform the duties of that office.

Section 4. Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive department or of such other body as Congress may by law provide, transmit within four days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within forty-eight hours for that purpose if not in session. If the Congress, within twenty-one days after receipt of the latter written declaration, or, if Congress is not in session, within twenty-one days after Congress is required to assemble, determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of his office, the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office.

Twenty-sixth Amendment

[Proposed March 23, 1971; declared ratified July 5, 1971]

Section 1. The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

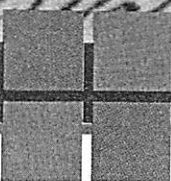
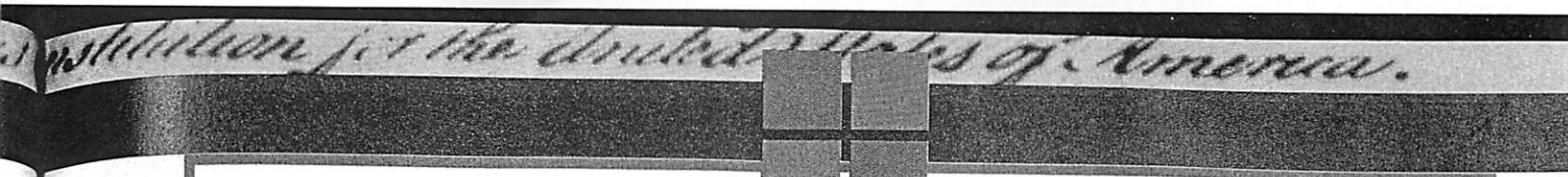
Section 2. The Congress shall have power to enforce this article by appropriate legislation.

Twenty-seventh Amendment

[Proposed September 25, 1789; declared ratified May 7, 1992]

No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened.

The Voting Act of 1970 tried to set the voting age at 18 years old. But the Supreme Court ruled that the act set the voting age for national elections only, not state or local elections. This ruling would make necessary several different ballots at elections. The Twenty-sixth Amendment gave 18-year-old citizens the right to vote in all elections.



REVIEW

The Constitution

REVIEWING CHRONOLOGY

Create an illustrated time line showing the dates of passage of the Bill of Rights and the remaining 17 amendments.

IDENTIFYING PEOPLE AND IDEAS

Explain the historical significance of each of the following people or terms.

- | | |
|---------------------------------|-----------------------------|
| 1. Preamble | 5. <i>ex post facto</i> law |
| 2. writ of <i>habeas corpus</i> | 6. bill of attainder |
| 3. Bill of Rights | 7. treason |
| 4. civil liberties | 8. James Madison |

UNDERSTANDING MAIN IDEAS

1. According to Article II, what are the chief responsibilities of the president?
2. What is the purpose of the separation of powers in government?
3. How can the judicial branch check the power of the legislative branch? of the executive branch?
4. According to Article I, what are the chief responsibilities of the legislative branch?
5. What protections are listed in the Bill of Rights?
6. Why did the framers of the Constitution provide for an amendment process? Why did they make the process difficult?
7. Which amendment deals with women's suffrage? When was it ratified?
8. Which amendments are termed the Civil War Amendments? What does each cover?
9. How can the legislative branch check the power of the executive branch? of the judicial branch?
10. According to Article III, what are the chief responsibilities of the judicial branch?
11. What civil liberties are addressed in Section 9 of Article I? in Section 3 of Article III?
12. What six goals of government are listed in the Preamble?
13. According to the Constitution, what are the qualifications for becoming a representative? for becoming a senator? the president?

14. How can the executive branch check the power of the legislative branch? of the judicial branch?
15. Which two amendments deal with Prohibition? When was each ratified?
16. According to Article III, what are the chief responsibilities of the judicial branch?
17. Which part of the Constitution addresses possible conflicts between federal and state laws?
18. Which Article outlines the amendment process? According to the Article, how can the Constitution be amended?
19. What are some of the ways in which the Constitution protects the rights of the states?
20. Why did the framers of the Constitution include Article VII?

THINKING CRITICALLY

1. **Analyzing** In what ways does the Constitution reflect the reasons that Americans fought the Revolutionary War?
2. **Identifying Cause and Effect** Why were the framers of the Constitution especially interested in protecting civil liberties?
3. **Synthesizing** Using the information presented in Section 7 of Article I, create a diagram showing the steps involved in passing a bill.
4. **Comparing** Describe the connections between the Preamble to the Constitution and the theory of government that is described in the Declaration of Independence.
5. **Analyzing** How do the civil liberties guaranteed in the Constitution help to prevent abuses of power?
6. **Classifying** Classify the 27 amendments to the Constitution according to whether they protect rights, extend rights, or solve problems.

LINKING HISTORY AND GEOGRAPHY

Why was it important for the framers of the Constitution to include provisions for new states to enter the Union?