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The United States Constitution

George Washington

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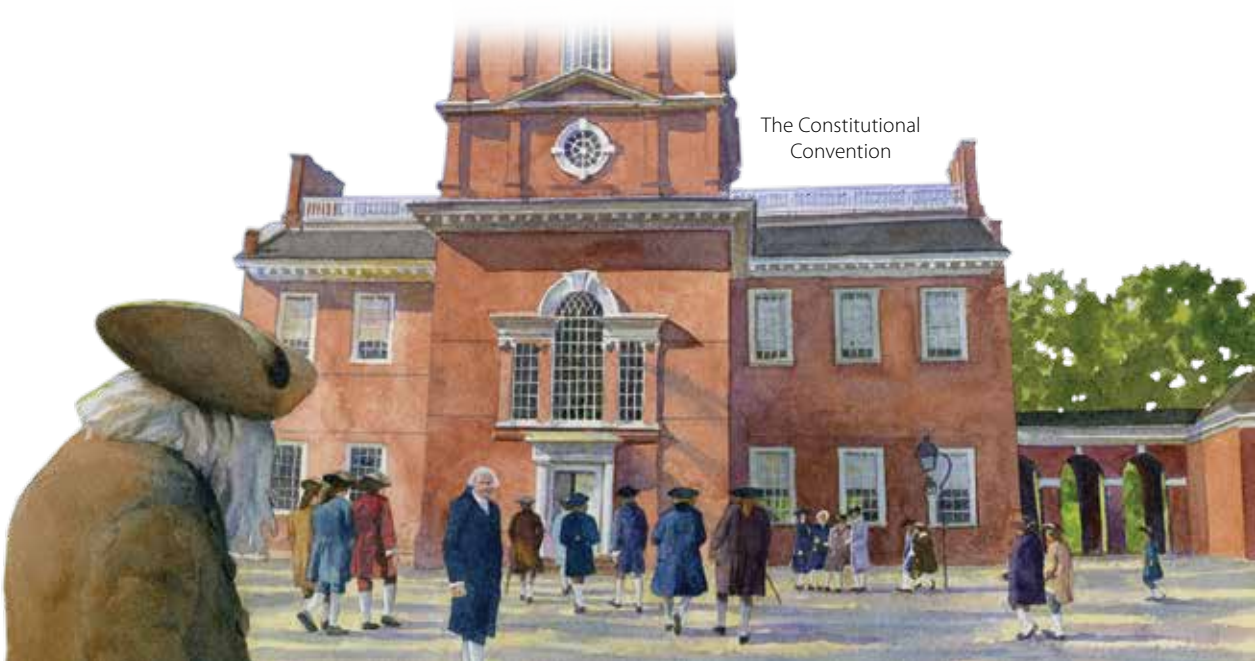
The Constitution

James Madison



The Constitutional Convention

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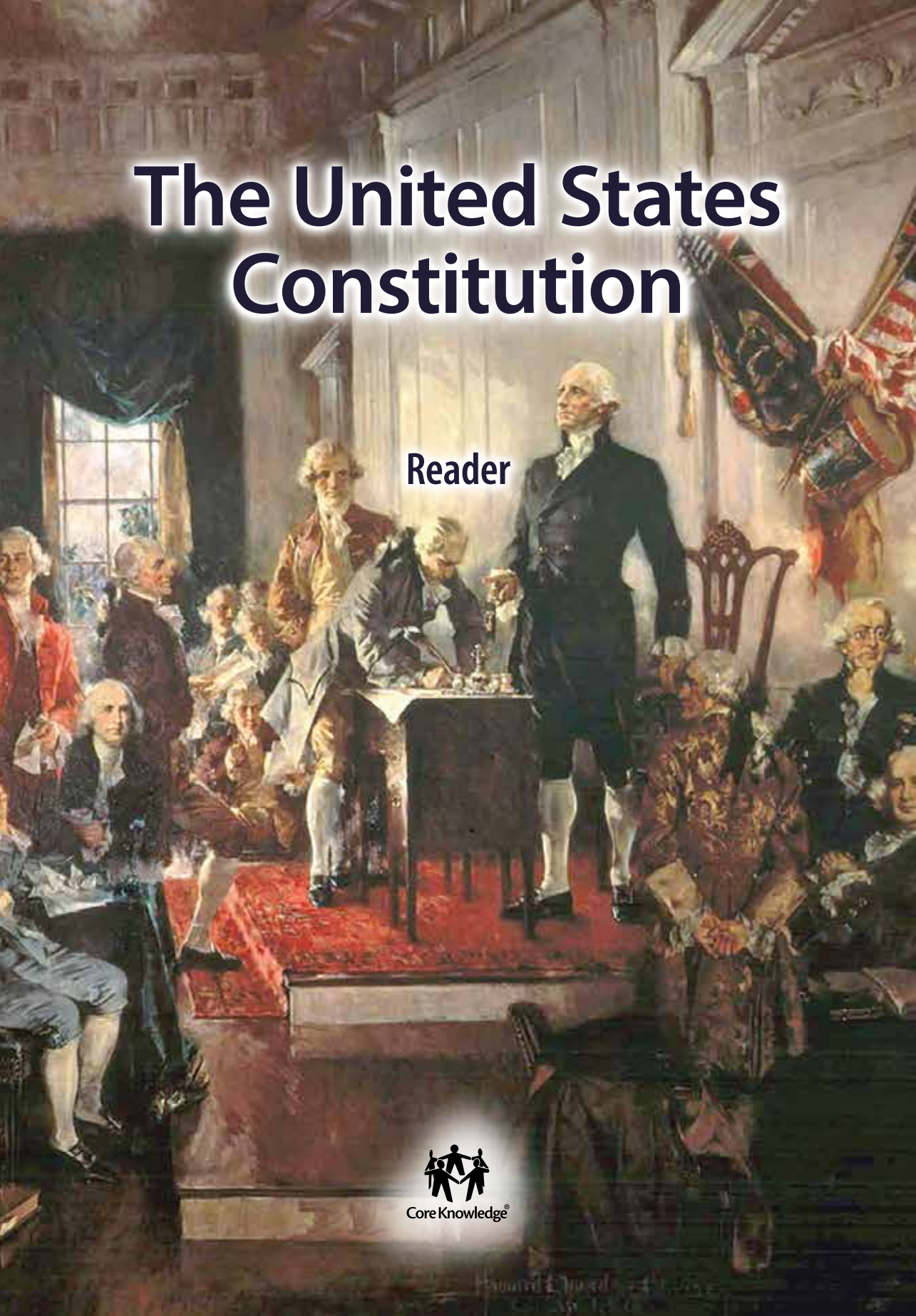

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The United States Constitution

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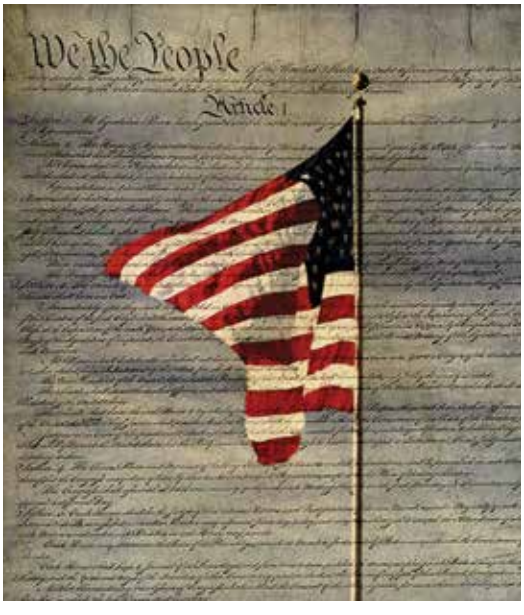

The United States Constitution
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Chapter 1
The Idea of Self-Rule

Self-determination America's belief in self-government got its start more than two hundred years ago during a time when colonists in the thirteen colonies became frustrated that they had no say in British government policies that were affecting their **liberties**.

The Big Question

What does self-government mean, and why was it such a revolutionary idea?

Vocabulary

self-determination, n. the ability of the people in a country to decide their own government

liberty, n. freedom

This idea was further developed by Thomas Jefferson when he wrote the Declaration of Independence. And these ideas were fought for during the American Revolution. These revolutionary ideas were then set down in the Constitution of the United States.

American colonists believed that unfair taxes were being forced on them by the British government.

One of the ideas Jefferson wrote about is that "all men are created equal." Of course, Jefferson didn't mean that every person has equal abilities. He certainly didn't mean that all people can run equally fast, or jump equally high, or that each person is as good in math or science or music as every other person. No, what Jefferson meant is that each person is born with the same **rights** as any other.

Vocabulary

right, n. a legal promise

unalienable, adj. unable to be taken away or denied

Jefferson wrote that some of these rights are **unalienable**. That means that no one—not a king or anyone else—can take them away. He wrote that these unalienable rights include "life, liberty, and the pursuit of happiness."

In the Declaration of Independence, Thomas Jefferson stated the relationship between government and the people clearly. The British government and the king did not agree!

Thomas Jefferson didn't make up these ideas the day he sat down to write the Declaration of Independence. He had been thinking about them for a long time. So had many other Americans. These ideas were truly revolutionary. They would forever change the way people thought about their government—not just American people but people all over the world.

After writing those things, Jefferson stated three important ideas about government:

- The main purpose of government—the reason we have government in the first place—is to protect the rights of the people.
- If a government fails to protect those rights, or even worse, takes them away, the people have the right to get rid of that government and create another one. Wasn't that what the American Revolution was about?
- Governments get "their just powers from the **consent** of the governed." In other words, the power of government comes from the people themselves—they are "the governed." It is the people who decide what powers their government should have. If the people do not give their consent for the government to have this or that power, then the government does not have it. This idea is based on what is known as social contract theory. The people enter into a contract, or agreement, to give power to government. If government misuses that power, the contract is broken and the power returns to the people. They can change the contract or enter into a new one.

Vocabulary

consent, n. approval or agreement

Now, that is a powerful idea! It is one of the most important ideas in all of human history.

Limited Government

The idea of limited government was the idea that people should have the right to limit, or restrict, the power of their government. In 1776, when Jefferson wrote the Declaration, this was not a brand new idea. A few people in Europe had written books about it. A few nations, including England, had even taken steps toward limited government. For the most part, however, the idea had not been put into practice. Kings, conquerors, and tyrants of all kinds had been ruling governments for hundreds of years without asking ordinary people for their consent. Some rulers even claimed they got their power from God. These were called divine right rulers. The needs and wants of ordinary people simply were not important to these rulers.

But in the Declaration of Independence, Thomas Jefferson made clear that the people do count.

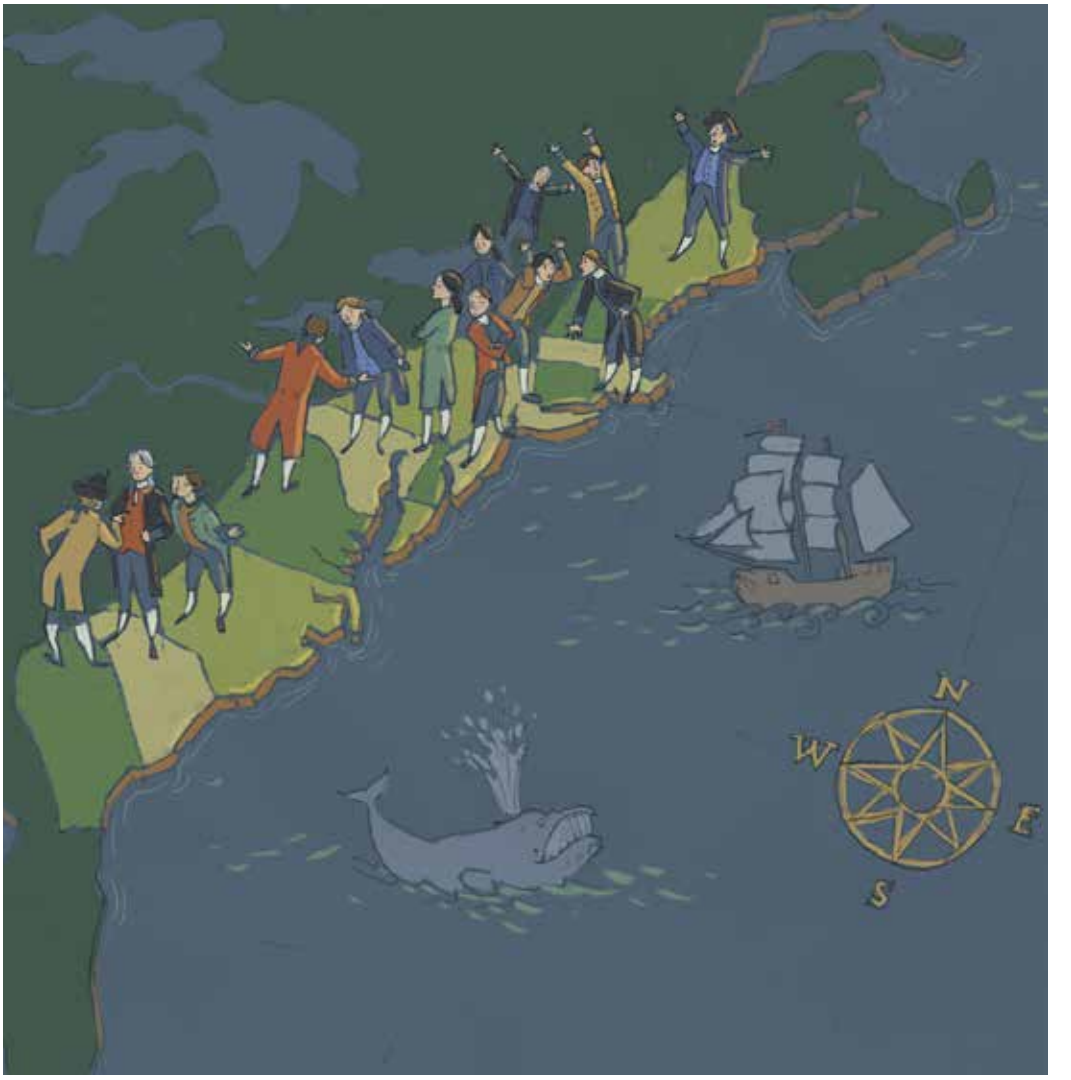
After 1776, Americans had a chance to take the idea of limited government to a whole new level. The Declaration of Independence listed all the things the king and his Parliament had done wrong. As a result, the contract was broken and the American colonies were no longer a part of Great Britain. Each colony became an independent state, and each state had to create a new government for itself.

What followed was truly amazing. In every state, ordinary people discussed and debated what that new government

The Declaration of Independence declared the colonies' separation from Britain and their establishment as "free and independent states."

should be like. How much power should the people give these governments? What is the best way to protect the rights of the people? Which of the old British ways should be preserved? How long should our representatives in government serve? How should they be chosen? Should our state have a governor? And if so, how long should he serve? What power should the courts have? How should the new government be formed, and who should participate in that work?

Back and forth the discussions went. Americans exchanged their ideas in newspapers. They debated them in the taverns and in each other's homes. The old colonial assemblies held special meetings to discuss what to do next.



Americans had many ideas about government. Sometimes, they agreed. Other times, they did not.

James Madison, whom you will meet later, wrote, "It is the first instance, [since] the creation of the world . . . that free inhabitants have been seen **deliberating** on a form of government." He was right. The world had never seen anything like it.

Vocabulary

deliberate, v. to think about and discuss issues before reaching a decision

Americans were well aware that they were doing something that had never been done before. They knew that they were engaged in a “great experiment.” Many of them didn’t expect to get everything right the first time. But that was all right. The important thing was to start. If needed, they could make changes later. After all, they were “the people.”

Chapter 2
New Constitutions for the States

The Big Question

What is a republic or a republican form of government?

New Plan of Government

Americans set about making constitutions for their new state governments. A constitution is an overall plan of government, something like an outline. It declares what powers the government will have and will not have.

Each state put its constitution in writing.

It says what the different parts of the government will be. It assigns duties and responsibilities to each part. It says that this part of the government will make the laws, and that part of the government will see that they are carried out, and this third part will decide arguments about what a certain law means, and so on. So you see, a constitution is like a law. But it is higher than ordinary laws. It's a kind of fundamental law, and ordinary laws must fit in with it—they must "get along with" the fundamental law—or they don't count.

You might think of a constitution as the framework of a house and ordinary laws as the furniture. The outside walls, the roof, and the inside walls give you the basic *form* of the house. That's your constitution. You then put in your furniture—those are your ordinary laws.

From time to time you may need to change the furniture. Maybe your family's needs have changed (like needing a bed instead of a crib). Maybe the furniture is broken and needs to be replaced. You can do that.

The one thing you can't do, though, is bring in furniture that is too big for the room. It has to fit inside the room, or you can't use it.

You get the idea. Like the basic form of the house, the constitution sets limits on what you can put inside. As long as a law—like the furniture—fits inside the constitution, the law is OK. If it doesn't follow the constitution, then the law is *unconstitutional*. That means the law is no longer a law that has to be obeyed.

Does that mean that once you have the basic form, the constitution, you can't change it? No, it doesn't. You can change it, just as you can build an addition on a house or move around some inside walls. But that's a much harder job than changing furniture. It's not a job you do easily or often.

"Rights of Englishmen"—and More

In each of the thirteen states, the first decision made about the new constitution was to put it *in writing*. That made it a firm contract between the people and the new government. It was how the people—"the governed"—gave their consent. It was like the people saying, "These are the things we agree that the government *may* do. And these are the things it may *not* do." There's that idea of limited government.

Actually, it was quite easy for the writers of the constitutions to list what the new state governments could *not* do. The British king and Parliament had practically written the list for them. The governments could not search a person's home without good reason. They could not put a person in jail without a good reason, either. And they could not keep him or her in jail without a trial. They could also not take away a person's right to **trial by jury**. Finally, they could not stop people from **assembling** peaceably, and they could not take away the people's right to ask or even demand that their government do something they wanted done.

Vocabulary

"trial by jury," (phrase) a case of law decided by a group of one's fellow citizens

assemble, v. to gather together

The British Parliament had long debated people's rights and had moved to limit the rights of monarchs. It had also voted to impose new taxes in the colonies.

Do all these sound familiar? They should. They are those "rights of Englishmen" that colonists were fighting a war over at that very time. The idea of those rights developed in England over many years, starting in 1215 with a document called Magna Carta, limiting the power of the monarch.

Many of these new constitutions added still more rights. One was freedom of speech. That means that people in those states were free to speak their mind and criticize the government without fear of being arrested. To give you an idea of how revolutionary an idea that was, there was no other country in the world at that time where the right of free speech was guaranteed. Even today,

nearly two hundred and fifty years later, the great majority of the world's people still do not completely enjoy that right.

It was a lot harder to say what powers the new state governments would have than which ones they should not have. Americans had just gotten rid of a too-powerful government. They certainly didn't want to create another.

At the same time, though, Americans were practical people. They knew it made no sense to assign the government a job and then not give it the power to do it well. For example, if they wanted their government to provide schools or build roads, they had to give it the ability to *pay* for schools and roads. In other words, they had to give the government the power to collect taxes.

For guidance, Americans turned to their own colonial experience. Each colony had its own assembly, or law-making body. Each had a governor, too. But while the assemblies were elected by the colonists, most governors were appointed by the king.

Colonists understood that the governor was the king's man, not theirs. When the governor appointed people to office, he chose men the king wanted him to appoint. When he decided whether to support an act of the assembly, he checked with the king's advisers first. So colonists depended on their elected assembly, not the governor, to look after them and protect them.

Now that they were independent, they continued to rely on the assembly and to distrust the governor. They gave their assemblies, now called legislatures, most of the power in government. The legislatures made the laws. They created the courts and appointed

During colonial times, Virginia's House of Burgesses passed laws that affected Virginians.

the judges. They appointed most of the officials in each state, even those who worked for the governor.

What power did the governor have? Not much. In most states he couldn't even veto, or disapprove, laws passed by the legislature. Mostly, the governor was a figurehead. That means he had a title but not much else.

At the same time, Americans wanted to be sure the legislatures didn't misuse their power. So in most states, representatives were elected to the legislature one year at a time. That way, voters could keep a close eye on their representative. If they weren't pleased with his performance, they could replace him promptly. Most governors also had only one-year **terms**.

Vocabulary

term, n. the length of time for which an elected official serves

None of these state constitutions used the word *democracy*. That's because they didn't really create a completely democratic form of government. In a true democracy, the people govern directly. Each person can vote on every matter, every proposed law.

Now, you can get everyone in a village together in one place to discuss issues and vote. You may even be able to get everyone in a small town together. But you can see how it would be impossible to do that in a large area like a state.

Here is what you can do, however. You can arrange for people to elect representatives to govern for them. Of course, that's exactly what Americans had been doing for more than a hundred years while they were still British colonists. When people elect representatives to govern them, that is called representative democracy, as opposed to direct democracy. The resulting government is called a **republic**. And that's what each state constitution provided for: a republican form of government. (As you'll see a bit later, that's our nation's form of government, too. So when you say the Pledge of Allegiance to the flag of the United States of America, you say, "and to the republic for which it stands.")

Vocabulary

republic, n. a government in which people elect representatives to rule for them

provision, n. a condition that is included in an agreement or law

Freedom of Religion

One year after the Declaration of Independence, all but one American state had a brand new written constitution. Each of these documents had **provisions** protecting individual freedoms. In addition, many of the state legislatures passed

When people say the Pledge of Allegiance to the United States flag, they are also pledging allegiance, or loyalty, to the United States government.

laws guaranteeing specific key freedoms. Nearly every state, for example, passed a law to protect religious freedom.

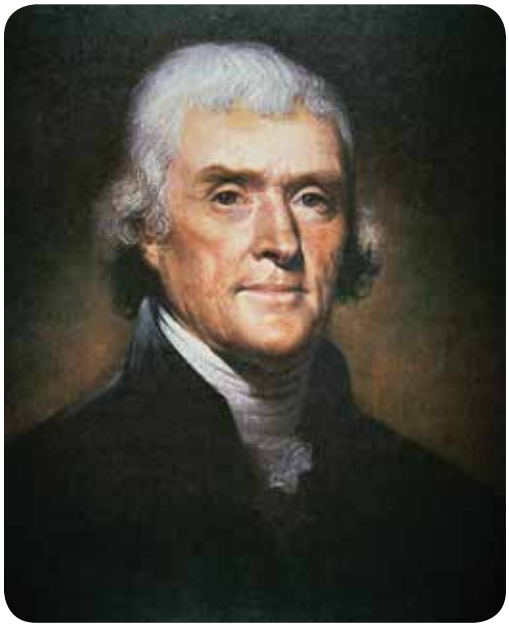
The most famous of these laws was Virginia's Statute for Religious Freedom. Can you guess who wrote it? Thomas Jefferson! The statute said that the state government could not interfere in any way with the religious beliefs of its citizens. As Jefferson said later, "It does me no injury for my neighbor to say there are twenty gods or no god. It neither picks my pocket, nor breaks my leg." Because it does no one any injury, and, because the right to religious freedom was unalienable, the state should not concern itself with a person's religious beliefs. Today, we call this idea the *separation of church and state*. It means that the government—the state—has no power to establish an official

state religion. A related basic right is called *freedom of* ***conscience***. This means that government cannot tell people what church they should belong to or what they should believe. These are some of the most important freedoms we have.

Vocabulary

conscience, n. a sense or belief a person has that a certain action is right or wrong

Also, many Americans realized that slavery contradicted their belief that all humans were equal and had unalienable rights. As a result, five northern states passed laws to end slavery immediately. Other states would gradually free their slaves. No Southern state was willing to do that, but several did make it easier for slave owners to free their enslaved workers, if they wished to. Some did.



Thomas Jefferson

So state constitution-making was very successful. As it turns out, it was much more successful than the first try at national constitution-making.

Chapter 3
The Articles of Confederation

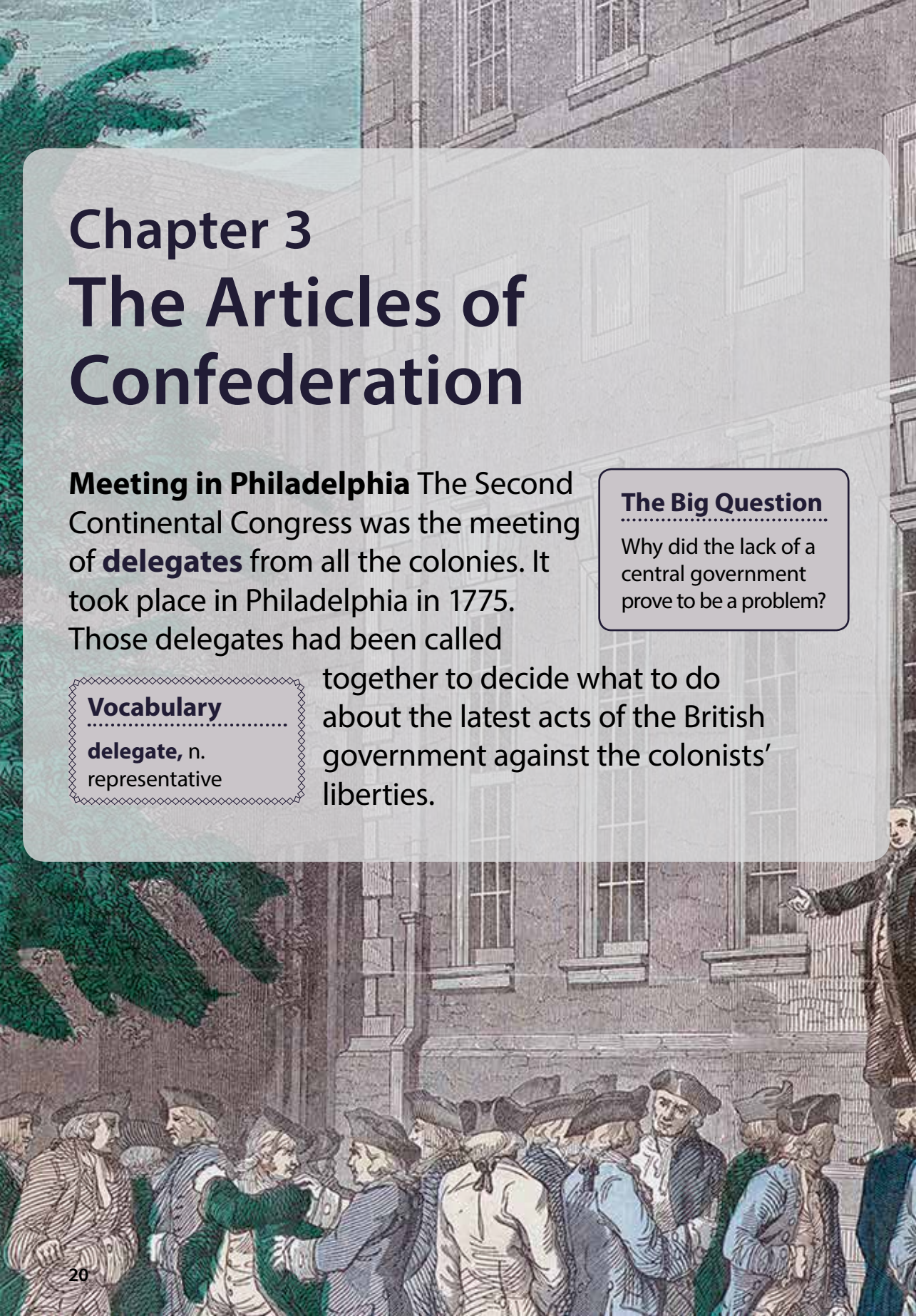
The Big Question

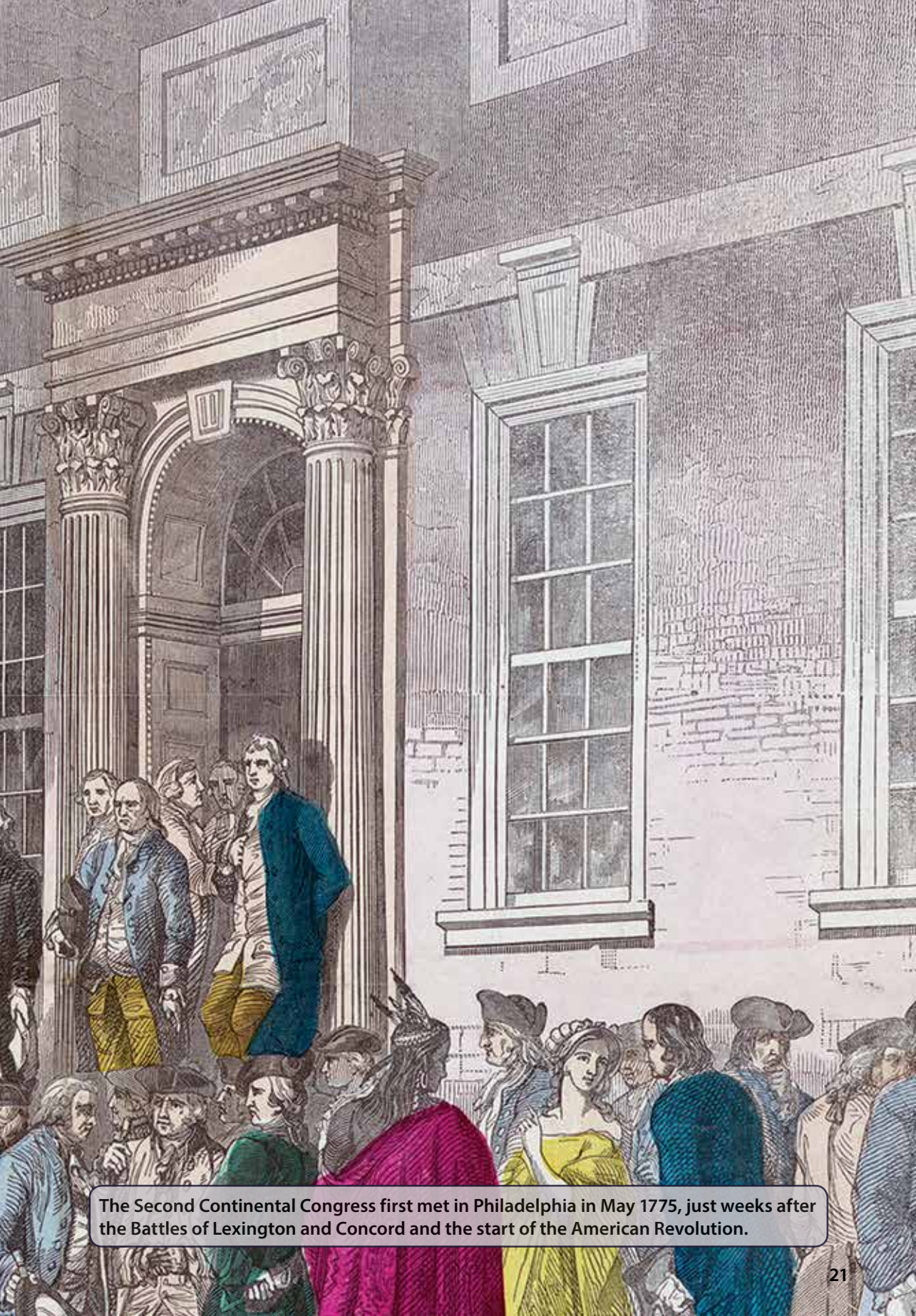
Why did the lack of a central government prove to be a problem?

Meeting in Philadelphia The Second Continental Congress was the meeting of **delegates** from all the colonies. It took place in Philadelphia in 1775. Those delegates had been called together to decide what to do about the latest acts of the British government against the colonists' liberties.

Vocabulary

delegate, n. representative





The Second Continental Congress first met in Philadelphia in May 1775, just weeks after the Battles of Lexington and Concord and the start of the American Revolution.

If anybody had told those delegates they would still be meeting two years later, few of them would have believed it. But in 1777, there they were. And now, they weren't just discussing protests against Parliament. They were in charge of a war for independence. And they would continue meeting for four more years, still running that war.

The Second Continental Congress was doing something else as well. It was trying to agree on a government for the new United States of America. Most members of the Congress agreed that the new nation needed *some* kind of a central government—a government for the whole nation. Every time they began to consider *what* kind of government, though, they ran into a problem. That problem was the fear of a central government with too much power.

In 1777, the Congress voted to approve a plan for a new central government. The plan was called the Articles of **Confederation**, and it was sent to the states for approval. After being debated in each state, it finally went into effect four years later, in 1781, when Maryland became the last state to approve it.

Vocabulary

confederation, n. a group of states joined together by a formal agreement

The Articles of Confederation were very different from the constitutions the states had adopted for themselves. Like the state constitutions, the Articles created a law-making body, which was called Congress. That's where the similarities ended. The people didn't elect the members of Congress, the way they elected their state legislatures. Members of Congress were appointed by the states.

In fact, the people of the United States had no direct connection with this new central government at all. You see, the new government didn't represent the people; it represented *the states*, and the states had established their own political independence. You'll see the importance of that difference in a little while.

There was another important difference between the Articles of Confederation and the state constitutions. State constitutions gave their legislatures power to do a great many things. The Articles, though, gave Congress power to do very, very few things. These were some of the main powers: Congress could declare war and make peace. (You could hardly have one state

Some Powers of the Central Government Under the Articles of Confederation:

- Declare war and make peace
- Create an army and a navy
- Send representatives to foreign countries
- Borrow money
- Establish a system of weights and measures
- Establish post offices
- Print money

The Articles of Confederation provided for a weak central government with few powers.

making peace while the others continued to fight against Great Britain!)

The Congress could make **treaties** and **alliances** with other nations. It could settle arguments between the states about their boundaries—about where one state's land ended and another's began. It could borrow money, set up a postal service, and create a currency, or money system.

Vocabulary

treaty, n. a formal agreement between two or more groups, especially countries

alliance, n. a partnership of different countries, organizations, or people who agree to work together

That was about it. To make sure the Congress didn't try to do more than it was supposed to, the Articles of Confederation added this: Unless the Articles *specifically* gave a power to the new Congress, Congress did not have it.

Too Little Power

How did the Articles of Confederation work out in practice? Unfortunately, not very well. There were many reasons why. For one thing, each state, whether large or small, had only one vote in Congress. That meant that little Rhode Island, with a population of 68,000, had the same vote as Virginia, which had more than ten times as many people. Some of the larger states became frustrated and felt this voting arrangement was unfair.

Another problem was that Congress was always broke. During the war the Continental Congress had borrowed from other countries and from individual Americans to buy supplies and pay the army. With the war over, it was time to start paying the money back.

Right now you are probably thinking, “Why didn’t Congress just pass some laws to collect taxes?” The reason is that the Articles of Confederation did not allow Congress to tax. Only the state governments could do that. There was that problem about a strong central government again.

Then how was Congress supposed to get money? All it could do was tell the states how much was needed and then ask each one to contribute its fair share. If they did, fine. If they didn’t, then the central government had no power to make them contribute. Not surprisingly, perhaps, most didn’t. For every $100 Congress asked for, the states contributed just $5. You can’t pay off many debts that way.

Even when it became clear that the central government had to have at least some power to raise money, there was not much that could be done about it. That’s because of another weakness of the Articles of Confederation: to amend, or change, this constitution, all thirteen states had to give their agreement. Twice, those who favored the idea tried to amend the Articles to allow Congress to tax. Each time, twelve states said yes, but one state refused. The amendment failed.

While the Articles of Confederation gave Congress the power to declare war, Congress had no power to raise an army. It could ask each state to contribute its fair share of men, but again, it was up to each state to decide whether it would do so. This was a big problem when farmers revolted in Massachusetts in 1786 in Shays’s Rebellion.

Shays's Rebellion was an armed revolt against what were considered to be unfair taxes and harsh economic conditions. The governor had to organize a military group to stop the rebels.

There were other problems, too. The government of the United States of America had no one at its head. After their experience with a king, Americans decided against giving power to any single person. Each year, Congress elected one of its members to be president of the *Congress*, but that wasn't the same thing as being the head of the whole government. It was just a nice title with no real power.

With such a weak central government, states often did whatever they wanted, even though they weren't supposed to. For example, the Articles of Confederation said that Congress had the right to raise a navy, but nine states went ahead and had navies of their own.

The central government seemed so unimportant that state legislatures took their time electing delegates to Congress. The delegates took even more time getting to its meetings. Some didn't even bother.

Americans had been understandably afraid of creating a central government with too much power. But after six years under the Articles of Confederation, many people believed they had created one with not enough.

Chapter 4
Planning a New Constitution

Northwest Ordinance About the last thing you'd expect is that such a weak Congress would pass one of the most important laws in all of American history. But that's just what it did in 1787.

The Big Question

Why did James Madison and Alexander Hamilton think a stronger central government was needed?

Vocabulary

ordinance, n. a law or government rule

This 1787 law is known as the Northwest **Ordinance**. At that time, the United States owned a huge triangle of land in the northwest. It was bordered by the Ohio River, the Mississippi River, and the Great Lakes. Right after the United States became independent, settlers began to pour into this territory.

In those days, the usual thing for a country to do was to turn such an area into colonies for its own benefit. That's what Great Britain did. It's what France and Spain did. It's what the Netherlands and Portugal and other European countries did.

The Northwest Territory

Notice which states eventually would be carved out of the Northwest Territory.

Canada (British)

Lake Superior

Lake Huron

Lake Michigan

Lake Ontario

Lake Erie

Mississippi River

Ohio River

NORTHWEST TERRITORY

Louisiana (Spanish)

ATLANTIC OCEAN

Maine (Massachusetts)

New Hampshire

New York

Massachusetts

Rhode Island

Connecticut

New Jersey

Pennsylvania

Delaware

Maryland

Virginia

Kentucky

Tennessee

North Carolina

N

W

E

S

0

200 miles

Canada

Lake Superior

Wisconsin

Michigan

Lake Huron

Lake Michigan

Mississippi River

Lake Erie

Illinois

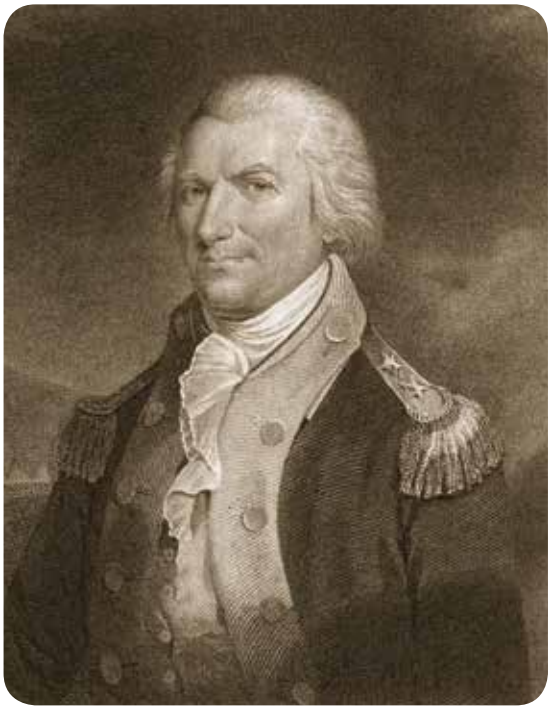
Indiana

Ohio

Ohio River

It's not what the United States did, though. First, Congress guaranteed everyone who settled in this vast territory the same rights that people in the thirteen states had—such as trial by jury and freedom of religion. Then, Congress divided the territory into smaller ones. When a certain number of people settled in a territory, then it could become a state. Not a colony of a mother country, mind you, but a full-fledged state, equal to all the other states. From that time on, that was the plan used to create nearly all the other states in today's United States.

There was one more very important part of the Northwest Ordinance. Earlier you read that five Northern states had taken steps to end slavery. People in other states, too, were coming to believe that slavery was wrong, especially as the Declaration of Independence said that "all men are created equal." Some of these people were slaveholders themselves.



Arthur St. Clair, a leader during the Revolution, was appointed the first governor of the Northwest Territory.

Congress could not do anything about slavery in the states where it already existed. But Congress did want to make clear how it felt about slavery. Therefore, the Northwest Ordinance

prohibited slavery anywhere in the Northwest Territory. That was an important thing to say at the time to advance liberty and equality for everyone. It would become even more important later.

A Need for Power

Passing one law, however—even a law as important as the Northwest Ordinance—didn't change the fact that the Articles of Confederation were not working very well. A growing number of people began to feel that Congress needed more power, more authority, to be effective. Many, though, wanted to keep the Articles of Confederation. They thought that an amendment here or there would be enough to do the trick.

Not James Madison. Madison was from a well-to-do Virginia family. He had spent most of his life studying government and **politics**. People said that Madison knew everything there was to know about governing. When he was still in his twenties, he helped write the new Virginia constitution.

Vocabulary

politics, n. the activities of leaders running a government

Now in his mid-thirties, Madison served as one of Virginia's delegates to Congress. There, he witnessed firsthand the problems of the struggling young nation. After a few years, Madison decided that no amount of fixing could make the Articles of Confederation work well. There was only one thing to do: scrap the Articles and start over.

Alexander Hamilton reached the same conclusion. Hamilton's childhood had been far different from Madison's. He had grown up in the West Indies. Hamilton's father was a British merchant who lived very comfortably but who took no responsibility for his son. Hamilton's mother died when he was only eleven.

Several years later, Alexander was working as a store clerk when a hurricane swept across his island. He wrote a letter describing the hurricane damage. It was printed in the local newspaper. Several wealthy island plantation owners were impressed by Hamilton's letter. They decided to pay for Alexander to attend King's College in New York.

A strong believer in the Patriot cause, Hamilton joined General Washington's army soon after the fighting started. In a short time, he became one of Washington's closest aides. Now, as one of New York's delegates to Congress, he too saw how weak the new government was under the Articles of Confederation.

Like Madison and Hamilton, George Washington felt that the central government had to have more power. In 1787, he wrote to

These men all agreed that the Articles did not give the national government enough power. (From left to right, James Madison, Alexander Hamilton, and George Washington)

a friend, "To be fearful of giving Congress . . . [enough] authority for national purposes appears to me . . . madness. What then is to be done? Things cannot go on [this way] forever." Washington feared that people might become so frustrated with the government that they might even start believing the country would be better off with a king!

In 1786, Madison, Hamilton, and several others persuaded Congress to call for a special convention of all the states in Philadelphia in May 1787. The invitations to the convention went out as news was spreading about Shays's Rebellion in Massachusetts. That news helped to convince the states that the convention was necessary. They decided to participate, and they selected very experienced delegates to attend.

The purpose of this convention, Congress said, was to recommend changes for *improving* the Articles of Confederation. But for Hamilton and Madison, the real purpose of the convention was not to improve the Articles of Confederation but to *replace* them with an entirely new constitution.

What should that new constitution look like? For more than a year, Madison had been pondering that question. He pored over books on the history of ancient Greece and Rome. He studied the writings of important thinkers on government and politics. He took notes. He thought. Then he read still more books, took more notes, and thought some more.

It was clear to Madison that a new central government must have more power than the old one had. Still, he had to wrestle with a big question: How do you create a government with enough

Many of the ideas in the new constitution came from James Madison.

power to act but not so much power that it threatens the people's liberties? As he studied and thought, his ideas for a plan of such a government gradually began to take shape.

One thing Madison had already figured out: no central government could be successful if it had to depend on the states for everything it needed. It had to be able to raise its own money and enlist its own soldiers. It should not have to ask the states if they would please contribute. That was the great weakness of the Articles of the Confederation.

Meanwhile, as the starting date of the Philadelphia convention drew near, newspapers all over America were filled with stories about what they were calling the "Grand Convention of the States." To us it has become known as the Constitutional Convention.

Readers of those newspapers fully understood that whatever happened in Philadelphia—or didn't happen, if the delegates could not agree—would have a great effect upon the future of their country.

And not just their own country. One newspaper said, "The Grand Convention of the States will settle forever the fate of republican government." What that meant was this: European governments did not expect the United States to last. They believed that ordinary people could never govern themselves. If the Constitutional Convention failed to create a republican government that worked, then the European governments could say, "See, we told you so." And it would be a long, long time before anyone else in the world would be willing to try a republican government again.

Delegates came to the Pennsylvania State House (now called Independence Hall) to try to save the government of the new nation.

Chapter 5
Waiting in Philadelphia

A Late Start The Constitutional Convention was scheduled to start on May 14, 1787. When James Madison arrived in Philadelphia on May 3, he figured he was eleven days early. As it turned out, he was actually twenty-two days early.

The Big Question

What does the author mean by "they had come to try to give that young nation a more secure future"?

As delegates arrived, the sun came out. The people of Philadelphia were excited to see the delegates arriving.

That's because the convention could not begin until delegates from at least seven states were present. On the morning of Sunday, May 13—the day before the convention was to start—Madison was still the only one from out of state to show up in Philadelphia.

No one was especially concerned though. In those days, meetings of this sort rarely started on time. Delegates had to come from afar, on horseback or by coach. In the best of weather, the roads were not very good. And the weather in the spring of 1787 was anything but the best. Heavy rains had turned the roads to puddles and mud. That Sunday, May 13, though, the weather was dry and, in the afternoon, the sun came out.

Philadelphians eagerly awaited the arrival of the most famous American of all, George Washington. Crowds lined the streets to cheer the hero. Men who had served in the American Revolution came out in their old uniforms to greet their commander. Washington's presence alone was enough to create a feeling of hope and optimism about the Constitutional Convention.

During the following days, more delegates arrived in Philadelphia. Madison used the time well. As his fellow delegates from Virginia arrived, he met with them. Together, they came up with a plan of government to present to the convention. Meanwhile, all the delegates got to know each other and discuss the important work that lay ahead. In the evenings, Philadelphia's leading families treated the delegates to entertainment.

It was clear that the states had taken this call for a convention seriously. Their delegates were some of the ablest men in America. The best-known of them, next to Washington, was also the

George Washington was a national hero. His presence inspired confidence in the convention.

oldest. That was Ben Franklin, the man who had used a kite and a key to show the world that lightning was electricity. Franklin was Philadelphia's leading citizen. He improved life in the city in countless ways. He had founded the first lending library and

helped to start a university. He had also invented numerous items that made life easier for Americans. If anyone could be described as practical, it was Ben Franklin. People counted on his good sense to help the convention succeed.

Franklin was now in his eighties and not in good health. He could no longer walk even the two hundred yards from his house to the convention's meeting place. But practical Ben was prepared for everything. He had brought back a sedan chair from France. This chair rested on two long poles and had a cover on top to protect the rider from rain or sun. Four men, two on each pole, lifted the chair and its passenger, taking him from place to place. Philadelphians were quite used to seeing four men—in fact,

Philadelphians liked to greet Benjamin Franklin as he traveled from place to place in his sedan chair.

four prisoners from the local jail hired by Ben Franklin—carrying their world-famous citizen around town in this manner.

Several famous Americans were not present for the convention. Thomas Jefferson and John Adams would have loved to be there. However, they were serving their country in Europe. Jefferson was our **ambassador** to France. Adams was our ambassador to Great Britain.

Vocabulary

ambassador, n. a person who is an official representative of his or her government in another country

Also absent were Patrick Henry of Virginia, and Sam Adams and John Hancock of Massachusetts. People remembered Patrick Henry for his stirring speeches in support of the Patriot cause. One of his most famous speeches—made before the Revolution—was the one in which he said, "I am a Virginian no more, but an American."

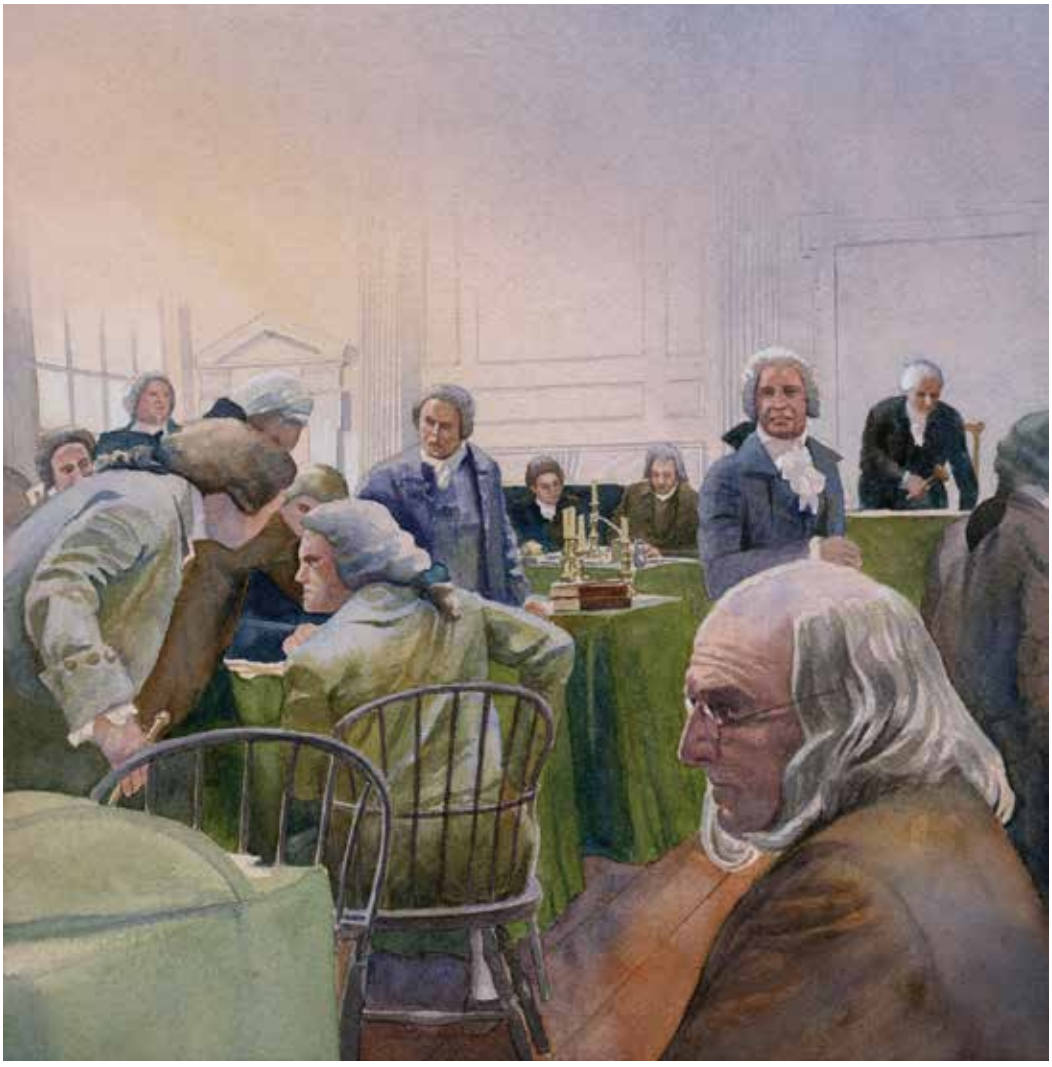
Well, that was then. By the 1780s, Patrick Henry had decided that maybe he was mainly a Virginian after all—that is, his love for his home state was at least as great as his love for the United States. He opposed strengthening the central government, and he correctly guessed that that's what the leaders at Philadelphia were up to. Although Virginia chose him as a delegate to the convention, Henry refused to attend, because, he later said, "I smelt a rat."

The Work Begins

Finally, enough delegates arrived for the convention to begin. On Monday, May 25, delegates walked from their hotels and

boardinghouses to the handsome Pennsylvania State House. The city was already awake and moving. The clatter of horses' hooves and the rattle of the iron wagon wheels traveling over the cobblestone streets was earsplitting. (As a favor to the delegates, the city government later spread gravel over the cobblestones to reduce the noise.)

The delegates entered the State House and gathered in the east chamber, a large room about forty feet by forty feet, with



The delegates had much to discuss. It would not be easy to unite everyone.

high windows on two sides. In recent years, the room had become known as the Independence Room. It was here that the Declaration of Independence had been signed eleven years earlier.

A number of delegates to the Constitutional Convention had signed that Declaration. Looking around the room now, they saw familiar sights—the tables, each covered with a green cloth; the inkwells and quill pens set on each, ready for use. In this room, they had helped give birth to a new nation. Now they had come here once more, this time to try to give that young nation a more secure future.

At about 11:00 a.m. the guard closed the doors, and the delegates took their seats. It was time to get to work.

Chapter 6
Some Major Decisions

A Need for Secrecy Right at the start the delegates made two important decisions. The first was choosing George Washington as chairman of the convention. That was an easy decision. Washington was everyone's first choice.

The Big Question

What was the Virginia Plan, and why might some delegates have objected to it?

The second decision was to keep all discussions secret. That way, each person could express his ideas freely. He could even change his mind about an issue without having to face public disapproval. The delegates would not have to worry about newspapers or citizens looking over their shoulders and criticizing this or that proposal. Instead, the convention would present its final plan to the people and say, this is the result of our best efforts. Now it is for you, the people, to say yes or no.

Such secrecy meant not only closed doors but closed windows. The summer of 1787 was Philadelphia's hottest in nearly forty years. With not a breath of fresh air entering the hot and sticky room, delegates sweltered in the miserable heat. Mosquitoes bit right through the delegates' clothing, and big bluebottle flies danced around their heads. It was a wonder the uncomfortable delegates could concentrate on their work.

George Washington was elected chairman, or leader, of the convention.

If the meetings were so secret, how do we know what was said there? We owe that to several delegates who took notes, especially James Madison. Madison chose a seat at the very front, where he could plainly hear every delegate. "I was not absent a single day," Madison wrote later. "Nor more than a . . . fraction of any hour in any day. " Using his own system of abbreviations and symbols, he wrote down in a private journal nearly everything that went on in the secret meetings.

We know from Madison's notes that he himself addressed the convention no fewer than 161 times! Clearly, the quiet, soft-spoken James Madison had a lot to say. But then, no one had thought more about constitution-making than he had.

With the decision about secrecy made, the delegates turned to the business that brought them to Philadelphia. That business was to decide the kind of central government the United States of America should have.

The Virginia Plan

Edmund Randolph of Virginia asked to speak first. As governor of the state, Randolph headed the Virginia delegation. It was his job to present the ideas that Madison and the others had been working on. These ideas came to be called the Virginia Plan.

The Virginia delegation, Randolph told the convention, would offer some proposals shortly. But first, he said, it might be useful to talk generally about the things a central government should be able to do.

A central government, said Randolph, should provide for the common defense. That means it should be able to protect the American people against foreign enemies.

The delegates listened thoughtfully. No argument there.

It should protect the liberties of the American people, continued Randolph.

The delegates continued to listen. No argument there, either.

It should be able to make laws about trade between the states, so that the states would not be taxing each other's citizens.

Again, the delegates agreed, no argument about that.

It should provide for the general welfare of the people. That meant doing things for the good of the people and not just the people of one state or another.

Once again, no disagreement from anyone.

But, Randolph continued, under the Articles of Confederation, the central government could *not* do these things. To do them, a government would need the power to raise an army without having to beg the states for soldiers. It would need the power to collect its own taxes, without having to beg the states for money. And it would need many more powers besides. Randolph then described what the new government might look like. You'll be reading about that shortly.

Powers the Central Government Should Have

- Protect the people against enemies
- Protect the liberties of its citizens
- Control trade between the states
- Provide for the good of all the people
- Raise money through some form of taxation

These are a few ideas that the delegates debated.

By the end of that day, a few delegates were becoming uncomfortable. Yes, yes, they said, the Virginians are probably right. But where was Randolph's argument leading? Randolph did not let them wonder long. The next day he spoke again. The Virginia delegation, he said, believed that the central government must be able to deal directly with the people, instead of depending on the kindness of the state governments. In certain areas it must have powers *higher* than those of the states. In those areas, the central government must have *supreme* powers.

Edmund Jennings Randolph spoke first at the Constitutional Convention. He presented Virginia's plan for a change in the government.

A Strong Central Government?

But wait—wasn't the whole idea of the Articles of Confederation that the *states* had supreme power? Yes, it was. Now, here was Governor Randolph saying that we needed a national government that would be supreme over the states in some areas.

That last statement of Randolph's was met by a long silence. Remember, Congress had called this convention to revise the

Articles of Confederation, not to throw them out. Now, in the very first week of the convention, the Virginia delegation was asking the convention to do just that.

When discussion finally began, it was long and sometimes heated. After a time, the delegates put aside this difficult issue to discuss other parts of the Virginia Plan. But the issue had been raised, and it remained in the minds of all.

On June 15, William Paterson of New Jersey introduced an alternative to the Virginia Plan. His plan, which became known as the New Jersey Plan, or small state plan, called for adding amendments to the Articles instead of replacing them. The next day Edmund Randolph argued that amending the Articles would not fix its problems. The delegates did not meet the next day, Sunday. On Monday, when they met again, Alexander Hamilton gave a long speech calling for an even more powerful national government than the Virginia Plan did.

On June 19, after a long speech by Madison, the convention made the big decision to write a new constitution that would create a new, stronger central government for the United States of America. They would not attempt to amend the Articles of Confederation.

Chapter 7
Checks, Balances, and Compromises

The Federal System No one wanted the central government to have all the power and leave the states none. What the delegates created was something in between, with powers divided between the central government and the states.

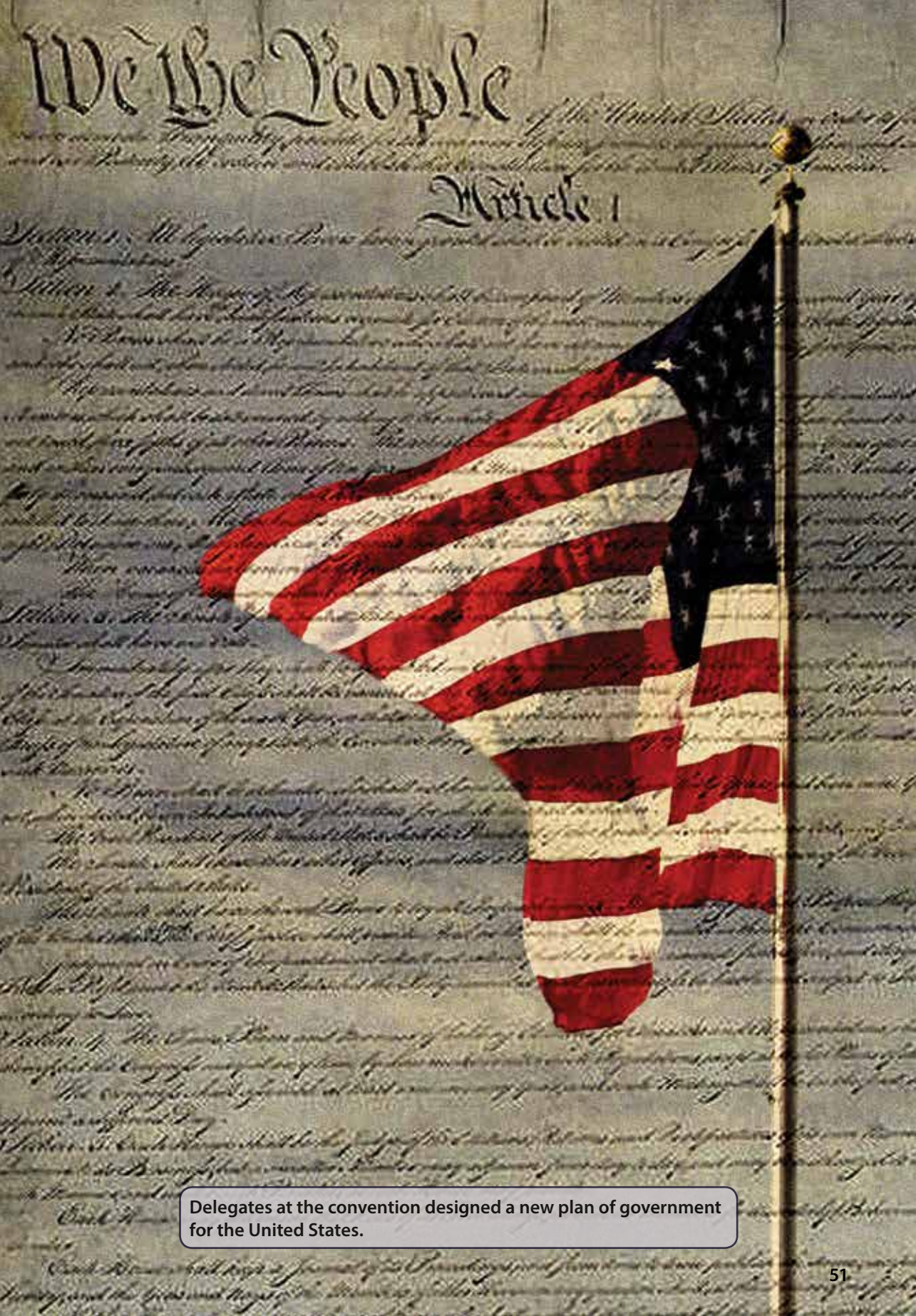
The Big Question

What were the main challenges that had to be overcome in order to create a new constitution?

Vocabulary

federal, adj. relating to a system of government in which the national government shares power with other levels of government, such as states; it can also refer to national government

This is called a **federal** system. The aim of a federal system is to give each level of government—the national level and the state level—the jobs each can do best. Sound easy? It's not. Getting the right balance between the two is very hard to do. Just think about what was happening under the Articles of Confederation. The Articles let the states keep too much power and gave too little power to



Delegates at the convention designed a new plan of government for the United States.

the central government. The result was a central government that didn't work well at all.

As if finding one balance was not hard enough, this convention had to find two. The second was the balance that James Madison had been wrestling with for more than a year. Do you remember it? It was this: How do you create a central government with enough power to act but not so much power that it threatens the people's liberties? That question nagged at the delegates all through the convention. Many delegates were afraid of creating a too-strong central government that would abuse its power. You can see what deep scars their experience with the king and Parliament had left on Americans.

Separation of Powers

The Virginia Plan offered an answer to that problem. It proposed to separate the new national government into three equal branches: legislative, executive, and judicial. Each branch would have its own separate duties and powers. This idea is known as the *separation of powers*.

The separation of powers is part of our Constitution today. Here is how power is separated among the three branches of government:

- The **legislative** branch is Congress. Congress is a legislature, or group of people, who make the laws for the country. Its members are called legislators.

Vocabulary

legislative, adj. having the power to make laws

- The **executive** branch is headed by the President of the United States. The president sees that the laws are carried out and is responsible for running the government. The president also deals with other countries and serves as commander in chief of the armed forces.

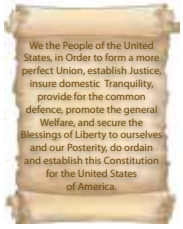
Vocabulary

executive, adj. having the power to carry out and enforce laws

judicial, adj. having the power to decide questions of law

- The **judicial** branch, or judiciary (it comes from the same word as "judge"), is made up of the Supreme Court and other federal, or national, courts. These courts decide cases involving the Constitution and the laws that Congress passes.

Separation of Powers



The Constitution

The Congress

- Passes laws

The President

- Carries out the laws of Congress
- Suggests new laws

The Supreme Court

- Settles arguments about the law

The new government would be divided into three branches equal in power.

Checks and Balances

Now, each of these branches has a lot of power. But none is completely free to do what it pleases. That's because each branch can check, which means stop, the others. Each branch "checks and balances" the other two.

For example, Congress can pass any law it wants, but the president has the right to veto, or disapprove it. Congress has the ability to override, or reject, a presidential veto. The president can make a treaty with another country, but the treaty only goes into effect if the Senate approves it. The president is commander in chief of the armed forces, but only Congress can declare war.

Do you see why this is called a system of checks and balances? Power is spread out and balanced among the three separate branches. Each branch has the ability to check, or stop, the other two.

Compromises

For the first month, the Constitutional Convention made great progress. However, every delegate knew there were several issues certain to cause trouble. If those could not be solved, the whole convention would end in failure.

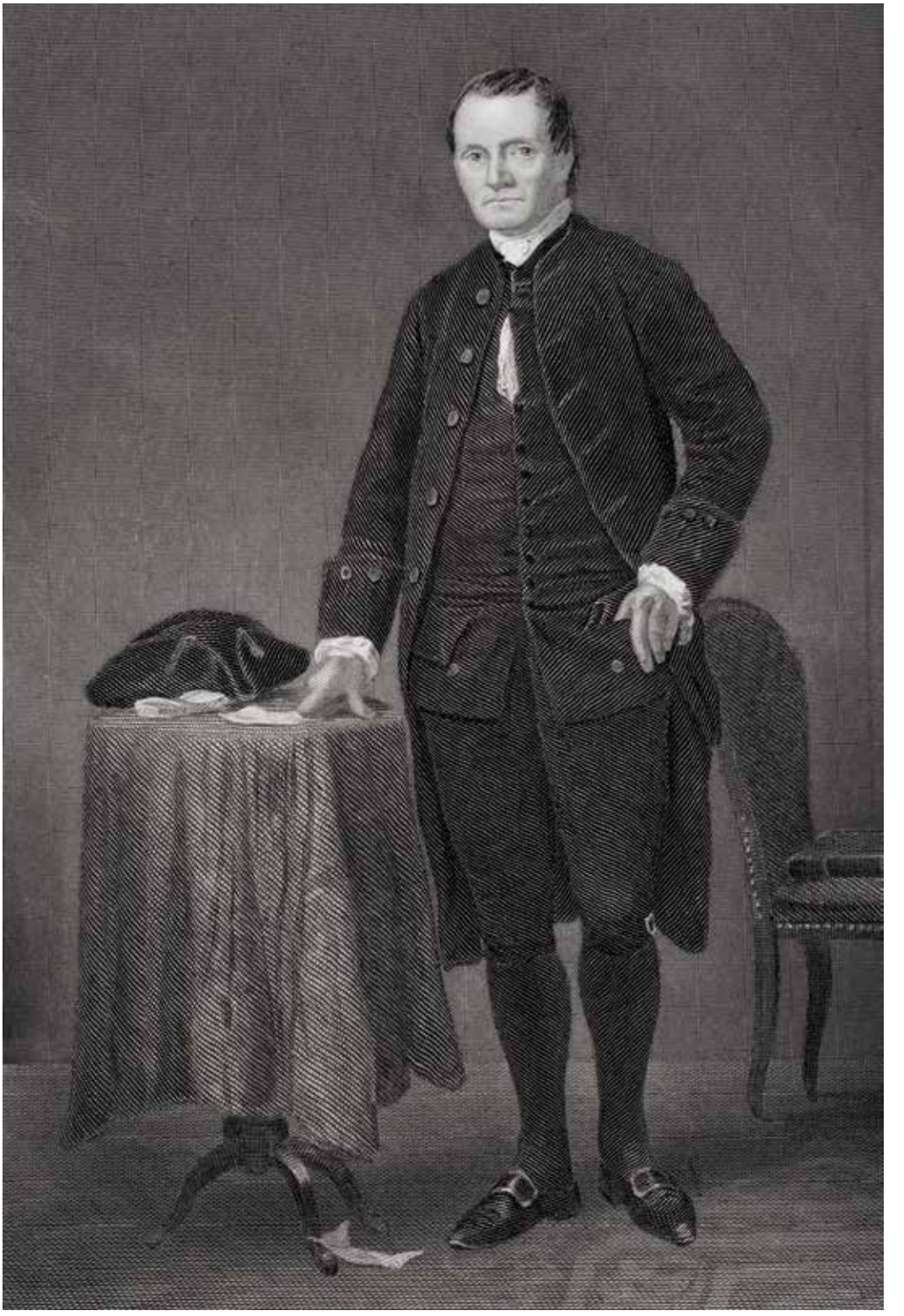
The first of these was the issue of representation in Congress. Before that question could be resolved, the delegates had to agree on whether there would be one house of Congress or two. The Virginia Plan called for two houses; the New Jersey Plan, one. The delegates agreed on two. Then they disagreed about how many representatives—that is, how many votes—each

state would have in both houses. Do you remember how the Articles of Confederation answered that question? The Articles said, "one state, one vote"—that is, each state had one vote, no matter how big the state or how many people lived in it. Of course, the big states didn't like that. So now the Virginia Plan proposed that representation be based on population. In other words, the more people a state had, the more votes it would have. The New Jersey Plan wanted to retain the Articles' one vote per state.

It wasn't surprising that Virginia favored representation based on population. Virginia, after all, was the largest state. And it wasn't surprising that small states like Delaware and New Jersey wanted to keep the one state, one vote rule. They said the Virginia Plan would give the large states too many votes in Congress.

The argument between big states and small states grew more and more heated. Each side said that its own proposal was the only fair one. Each side said it would never agree to the other side's proposal. For a time, it looked like this would be the rock on which the Constitutional Convention would crash.

Then Roger Sherman, a delegate from Connecticut, came forward with a solution. Why not base the membership of one house of Congress on population? That one would be called the House of Representatives. In the other house, each state, whether big or small, would have an equal vote. That house would be called the Senate. That way, both the large states and the small ones would each get something.



Roger Sherman of Connecticut presented a plan that shared legislative power between large and small states.

Sherman had proposed a **compromise**. In a compromise, each side gives up something it wants in order to reach an agreement. Delegates on both sides realized they would need a compromise to end the argument. Roger Sherman's solution seemed like a reasonable one. Angry words flew back and forth for a few more weeks, but Sherman's idea was finally accepted. This came to be called the Great Compromise. The delegates had managed to solve one tough issue. Now they faced another, maybe even tougher one—the issue of slavery. It was not a question of getting rid of slavery. Northern states did want to get rid of it, but they knew several Southern states would walk out of the convention if they tried. So they didn't try.

Vocabulary

compromise, n. when each side in a disagreement gives up some of what they want to reach an agreement

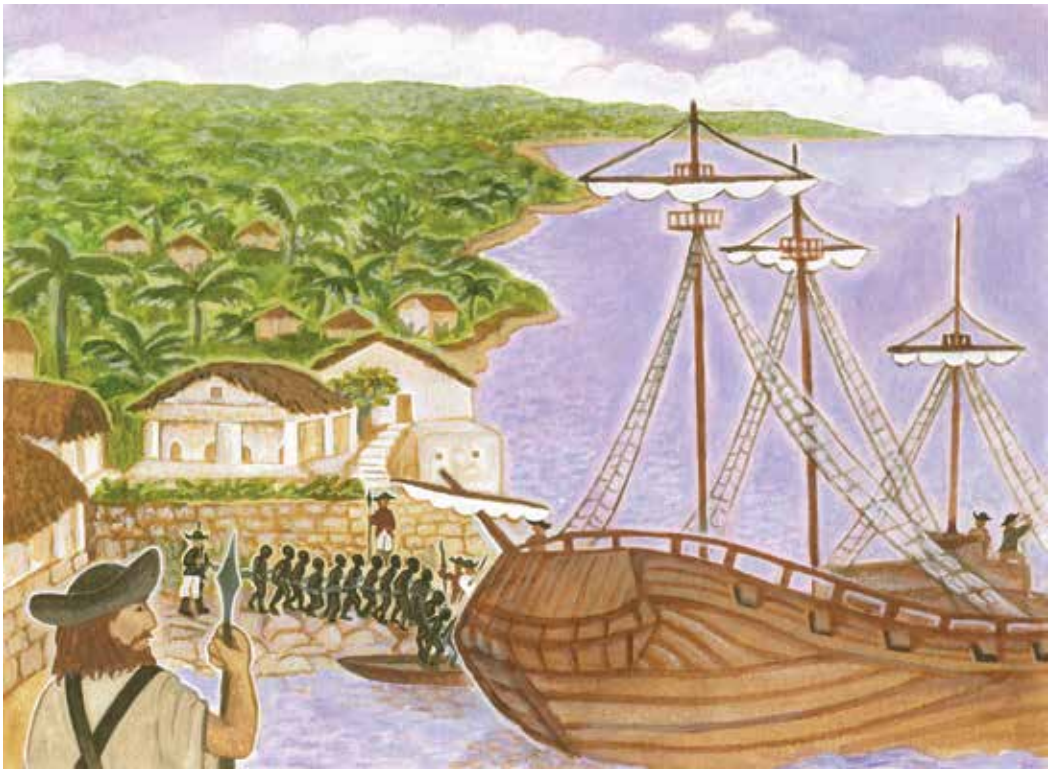
Instead, the convention tried to deal with the question, Should states be allowed to count enslaved workers as a part of their population? If enslaved workers were included in a state's population, then that state would have more votes in Congress. (Remember, the larger a state's population, the more representatives it could send to the House of Representatives.)

The Northern states argued that enslaved workers shouldn't be counted as people. After all, said these states, you Southerners claim that enslaved workers are just property. How can you count property as part of your population? But Southern states insisted that enslaved workers should be counted as people.

Once again, a compromise saved the day. It was agreed that in figuring the number of representatives each state would have in the House of Representatives, five enslaved workers would count as three persons. This became known as the Three-Fifths Compromise.

There was one more compromise between Northern and Southern states about slavery. Northern states wanted to end the slave trade and stop any more enslaved workers from being brought into the country. But Georgia and South Carolina threatened to walk out if the convention insisted on stopping the slave trade. In the end, the two sides compromised. Enslaved workers could be imported for another twenty years, but after that, Congress could prohibit bringing in any more. (Twenty years later, Congress did just that.)

Making these compromises on slavery was not a proud moment for the Constitutional Convention. Yet all the delegates knew that without them, there would be no new constitution and no new, stronger central government. Slavery would have to continue in the new nation, even though many were against it.



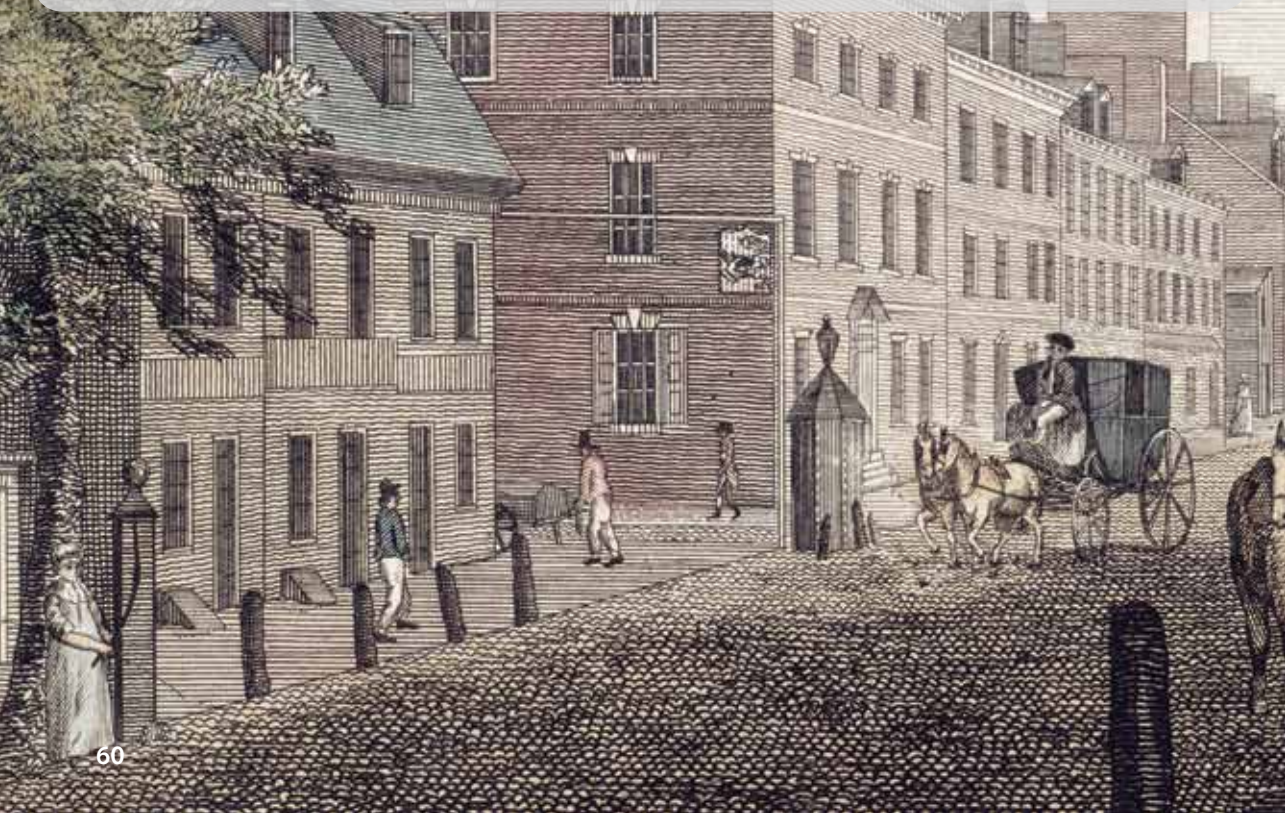
The slave trade continued despite the fact that many people were against it.

Chapter 8
The Convention Completes Its Work

The Big Question

What steps were put in place to ratify the Constitution?

Questions Remain With those compromises, the convention moved steadily forward to complete its work. Several important questions remained. Here are some of them, along with the answers the delegates decided upon.



So many difficult decisions about America's future were discussed and decided upon in Philadelphia between May and September 1787.

- What should the term of office be for a member of the House of Representatives?

  Answer: Two years

- What should the term of office be for a member of the Senate?

  Answer: Six years

- How many senators should each state have?

  Answer: Two

- How many presidents should there be? Yes, that's right—how many presidents at one time? For a while, the delegates considered dividing the powers of the president among three people. They feared giving all that power (again!) to just one person.

  Answer: One president, with a term of four years

Once the outstanding questions had been answered, the convention had to decide on a way for the new Constitution to be amended.

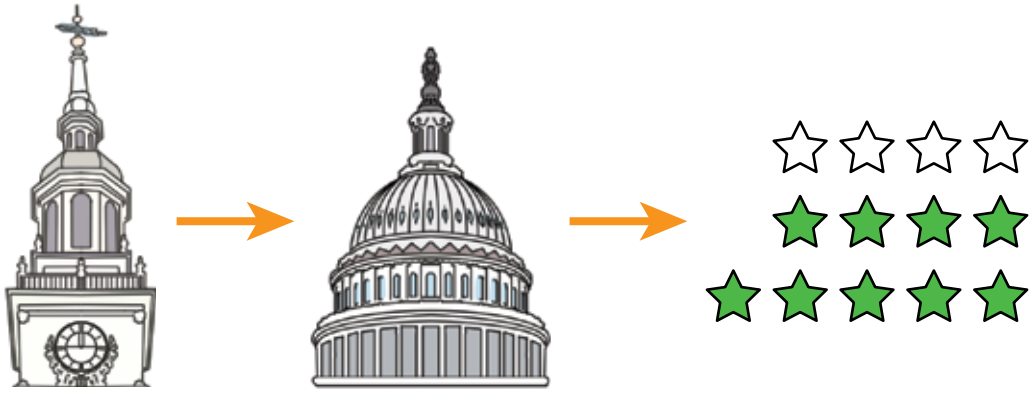
You'll remember that amending a constitution should be harder than passing an ordinary law. At the same time, it shouldn't be impossible. That was one of the problems of the Articles of Confederation, which required all thirteen states to agree on an amendment. The Constitutional Convention's answer was to require two-thirds of each house of Congress and three-fourths of all the states to approve an amendment before it could become a part of the Constitution.

Two more questions had to do with ratifying the Constitution. To *ratify* means to approve or accept. Everyone agreed that before

the new Constitution could go into effect, it had to be ratified by the states. But by how many states? And who would speak for each state? Here again, the Articles of Confederation provided an example of what *not* to do. The Articles had let the state legislatures decide for each state and had required all thirteen of them to give their approval. It had taken *four years* to get all thirteen states to ratify!

The delegates to the Constitutional Convention said: We can't let that happen again. This is also too important to let the state legislatures decide, as though the Constitution were just another law. Plus, the delegates were concerned that the state legislatures might oppose ratification for fear the new government would take power from them. So this is what the convention decided: Each state would call a special ratifying convention. That way the people would have a direct say in deciding whether to approve the new Constitution. This was social contract theory in action.

The Ratification Process



Ratifying the Constitution would not be a simple task.

The people would choose the members of these conventions as representatives of the people. The ratifying conventions' only job would be to decide whether to approve the new Constitution. When nine of them approved, the new Constitution would go into effect.

Supreme Law of the Land

Here was another very important question for the delegates: What happens if part of a state's constitution disagrees with the Constitution the convention created? Or if a state passes a law that disagrees with it? Is that OK? The delegates quickly saw that it certainly would *not* be OK. If that were to be allowed, each state could go its own way and ignore the new Constitution altogether. You would not have a real nation at all.

The convention took care of that problem by including these words in the Constitution: "This Constitution, and the laws of the United States . . . shall be the supreme law of the land; . . . anything in the Constitution or laws of any State to the contrary notwithstanding." This means that whenever a state law or a state constitution says one thing, and the U.S. Constitution or Congress says another, then what the U.S. Constitution or Congress says goes.

Should There Be a Bill of Rights?

One important question remained: Should the new Constitution include a bill of rights? A bill of rights would list the rights of citizens and make it clear that the new national government

could not interfere with them. This list would include such rights as freedom of speech, freedom of the press, freedom of religion, and the right to trial by jury.

Some delegates thought the new Constitution should list these rights. Most, though, felt that the state constitutions already guaranteed them. Therefore, there was no need to repeat them. They also believed that the limits placed on the new government prevented it from violating individual rights. There was another potential problem. If they wrote the rights down, some might be left out and not protected. In the end the delegates decided not to include a bill of rights. As you'll soon see, that was a mistake.

How Many Presidents?

One reason the delegates finally decided to have a single president was that they all knew who the first one would be. It was a person they knew they could trust. It was a person they knew would not abuse his power. They had trusted him to lead their armies in war. They had chosen him as chairman of this convention. You know who he was.

Everyone agreed that George Washington would become the nation's first president.

Success at Last!

The Constitutional Convention neared the end of its work. A committee was appointed to put all of the convention's agreements into language that would be right for a constitution. On September 12, the delegates assembled to hear the proposed Constitution read aloud. "We, the People of the United States," a committee member began. What words those were! Not, "We the States." Not, "We the People of the states of New York and Pennsylvania and Georgia." No. *"We, the People of the United States."* Then, the delegates heard the purposes and principles of the new national government:

> We, the People of the United States, in order to form a more perfect union [to have a better government than we had under the Articles of Confederation], establish justice, insure domestic tranquility [to keep peace within the country], 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.

Vocabulary

posterity, n. descendants, or future generations

As they listened, the delegates marveled at what they had achieved during those four months in Philadelphia. It was, George Washington later said, "little short of a miracle."

There were a few more days of discussion and small changes. Then on September 17—nearly four months after the Constitutional

Convention opened—the final document was ready to be signed. The time for secrecy was over. Windows were opened once more. A cool breeze flowed through the room.

Forty-two delegates assembled in the Independence Room. Three of them had already decided not to support the new Constitution. One of them was Edmund Randolph, who had presented the Virginia Plan to the convention. The other thirty-nine, one by one, stepped to the front of the room where the document was ready to be signed. Alexander Hamilton, who had been away from the convention, returned to sign for New York.

None of the thirty-nine agreed with everything in the document, but they agreed the debates had been conducted fairly. None of them believed that it was perfect. However, many of them shared Franklin's belief when he said he was surprised that the system they had created came as close to perfection as it did. They all believed the Constitution was a great improvement over the Articles of Confederation.

As they signed the Constitution, Franklin, unable to rise from his chair, spoke to the delegates one last time. At the start of the convention, said Franklin, he had noticed a carving of a sun with sunbeams on the back of the chairman's chair.

> I have often . . . looked at that [sun] . . . without being able to tell whether it was rising or setting. But now at length I have the happiness to know that it is a rising and not a setting sun.

Chapter 9
The States Ratify

The Final Test Now came the final test. Would the people approve what the Constitutional Convention had created? It was time to find out. Within days of the convention, newspapers throughout the country printed the entire Constitution.

The Big Question

Why was it considered essential to have a Bill of Rights added to the U.S. Constitution?

All Americans, no matter where they lived, were given the opportunity to read every line of the document. They discussed it, analyzed it, and argued about it.

It had been amazing enough to have delegates come together to write a new Constitution. It was even more amazing to see people—"We the People"—having a say about their own futures and the future of their country.

It quickly became clear that some Americans wanted the Constitution very much, while others didn't want it at all. Those who wanted to approve it came to be called Federalists. Those who opposed it became known as Anti-Federalists.

It had taken many months of hard work, but the delegates were able to sign a new Constitution for the United States. Now all Americans were given a chance to read this historic document.

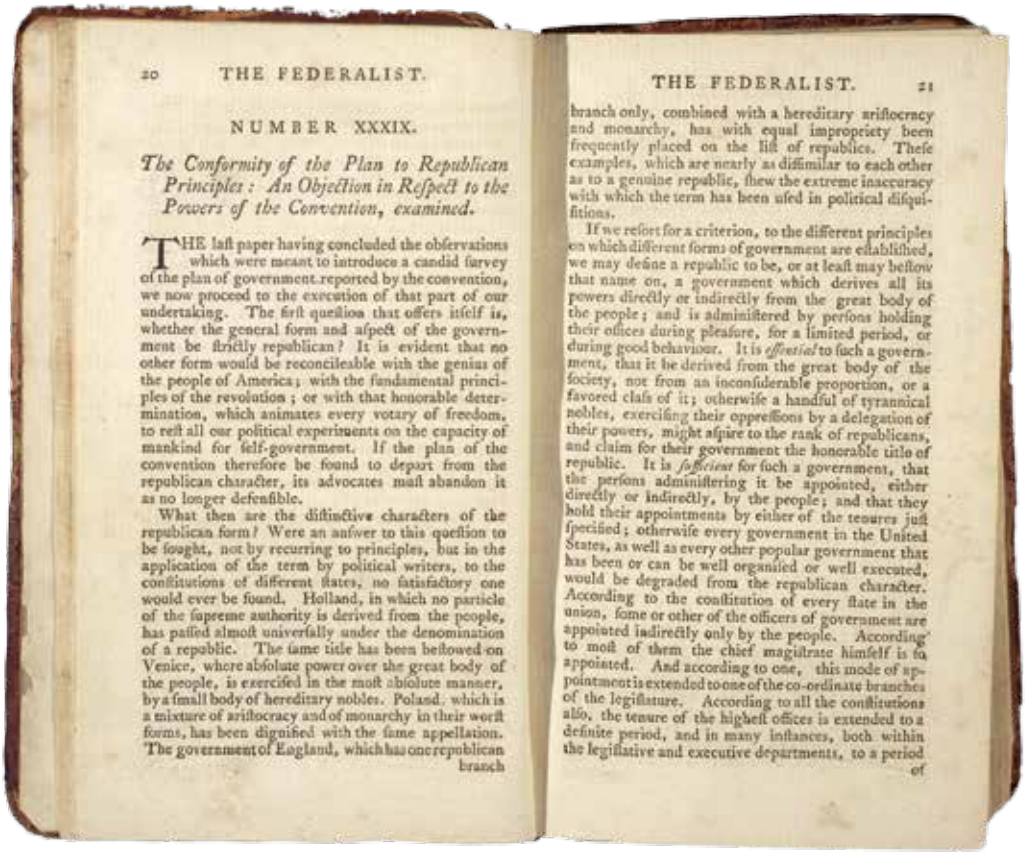
Both sides used the newspapers to present their cases to the public. Anti-Federalists had three main arguments. First, they said that the Constitutional Convention was only supposed to recommend changes to the Articles of Confederation. What business did the delegates have throwing out the Articles? They had gone way beyond what they were supposed to do.

Second, Anti-Federalists argued that the convention had created a much too powerful central government. Had they learned nothing from all those years of strong central government in Great Britain?

And third, they complained that the convention had failed to include a bill of rights in the Constitution. The Anti-Federalists warned that the national government was a direct threat to the liberties of the people. State constitutions had provisions protecting people's rights from the state governments. The national Constitution needed provisions protecting people's rights from the new national government.

The plan of the Anti-Federalists was delay. They tried to get the states to put off calling a ratifying convention. They also tried to get the states and the Congress to call for another national convention to fix the problems of this Constitution first. There would be plenty of time, they said, to have ratifying conventions after that.

The Federalists wanted to get the Constitution ratified quickly in states where there was strong support and to put off votes in states where there was strong opposition. They hoped support for the Constitution would grow as the early states ratified it. Among the leading supporters on the Federalist side were Alexander Hamilton and James Madison. Those two, plus John Jay from New York, wrote eighty-five separate newspaper articles



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NUMBER XXXIX.

The Conformity of the Plan to Republican Principles: An Objection in Respect to the Powers of the Convention, examined.

THE last paper having concluded the observations which were meant to introduce a candid survey of the plan of government reported by the convention, we now proceed to the execution of that part of our undertaking. The first question that offers itself is, whether the general form and aspect of the government be strictly republican? It is evident that no other form would be reconcileable with the genius of the people of America; with the fundamental principles of the revolution; or with that honorable determination, which animates every votary of freedom, to rest all our political experiments on the capacity of mankind for self-government. If the plan of the convention therefore be found to depart from the republican character, its advocates must abandon it as no longer defensible.

What then are the distinctive characters of the republican form? Were an answer to this question to be sought, not by recurring to principles, but in the application of the term by political writers, to the constitutions of different states, no satisfactory one would ever be found. Holland, in which no particle of the supreme authority is derived from the people, has passed almost universally under the denomination of a republic. The same title has been bestowed on Venice, where absolute power over the great body of the people, is exercised in the most absolute manner, by a small body of hereditary nobles. Poland, which is a mixture of aristocracy and of monarchy in their worst forms, has been dignified with the same appellation. The government of England, which has one republican branch

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branch only, combined with a hereditary aristocracy and monarchy, has with equal impropriety been frequently placed on the list of republics. These examples, which are nearly as dissimilar to each other as to a genuine republic, shew the extreme inaccuracy with which the term has been used in political disquisitions.

If we resort for a criterion, to the different principles on which different forms of government are established, we may define a republic to be, or at least may bestow that name on, a government which derives all its powers directly or indirectly from the great body of the people; and is administered by persons holding their offices during pleasure, for a limited period, or during good behaviour. It is *essential* to such a government, that it be derived from the great body of the society, not from an inconsiderable proportion, or a favored class of it; otherwise a handful of tyrannical nobles, exercising their oppressions by a delegation of their powers, might aspire to the rank of republicans, and claim for their government the honorable title of republic. It is *sufficient* for such a government, that the persons administering it be appointed, either directly or indirectly, by the people; and that they hold their appointments by either of the tenures just specified; otherwise every government in the United States, as well as every other popular government that has been or can be well organized or well executed, would be degraded from the republican character. According to the constitution of every state in the union, some or other of the officers of government are appointed indirectly only by the people. According to most of them the chief magistrate himself is so appointed. And according to one, this mode of appointment is extended to one of the co-ordinate branches of the legislature. According to all the constitutions also, the tenure of the highest offices is extended to a definite period, and in many instances, both within the legislative and executive departments, to a period of

The *Federalist Papers* set out to explain the ideas behind the creation of the U.S. Constitution.

in which they discussed every part, practically every sentence, of the new Constitution. They explained to the American people why each part was important. They explained how the new government would work. They also explained why the Articles of Confederation needed to be replaced. The essays became known as the *Federalist Papers*.

The Struggle for Ratification

You'll remember that each state was to hold a special ratifying convention. It would take a yes vote in nine states to put the new Constitution into effect.

Delaware held the first convention, and it voted yes. Pennsylvania and New Jersey soon followed. That made the score, three for yes, zero for no. Yes votes in Georgia and Connecticut in January 1788 made it five.

Federalists were pleased by this good start. But they knew that the hardest battles lay ahead. One of those battles was sure to take place in Massachusetts, where the Anti-Federalists were very strong.

In the Massachusetts ratifying convention, Anti-Federalists fiercely attacked the new Constitution. Here's how one delegate expressed his fear and distrust of it:

> We [fought against] Great Britain—some said for a three-penny [tax] on tea; but it was not that. It was 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 [impose] all taxes?

Other opponents jumped on the absence of a bill of rights in the new Constitution. Without a bill of rights, they said, the liberties of the people would not be safe.

For a time the Anti-Federalist strategy seemed to work. Then the Federalists hit upon a neat strategy of their own. Instead of

trying to explain why no bill of rights was needed, they decided to compromise with the Anti-Federalists. If you join us in ratifying the Constitution, they said, we promise to support a bill of rights. This offer won over enough Anti-Federalists to swing the Massachusetts ratifying convention in favor of the Constitution.

Six down, three to go, said the Federalists. Then Maryland voted yes in April, and South Carolina voted yes in May, making eight states in favor of the new Constitution. Eight—just one more to go. New Hampshire was the next state to have a ratifying convention. If New Hampshire said yes, the Constitution would go into effect.

The only problem was that two of the biggest and most important states, Virginia and New York, were not among the nine. Without at least one of those two states, the new nation would be very, very shaky.

So even when New Hampshire voted yes in June, supporters of the Constitution could not breathe easily. Their eyes turned to Virginia. There the battle between Federalists and Anti-Federalists raged for nearly a month. Patrick Henry was among the leading Anti-Federalists. He could still win over listeners with his fiery speeches. James Madison was among the leading Federalists. He could win over listeners with his calm and brilliant explanation of the Constitution.

And there was Governor Edmund Randolph. Remember him—the man who proposed the Virginia Plan but then refused to sign the Constitution? Randolph had changed his mind once again and was now in favor of the Constitution.

As in Massachusetts and several other states, Anti-Federalists in Virginia pointed to the absence of a bill of rights. Patrick Henry led the charge. Without a bill of rights, roared Henry, our liberty, the "greatest of all earthly blessings," is in danger.

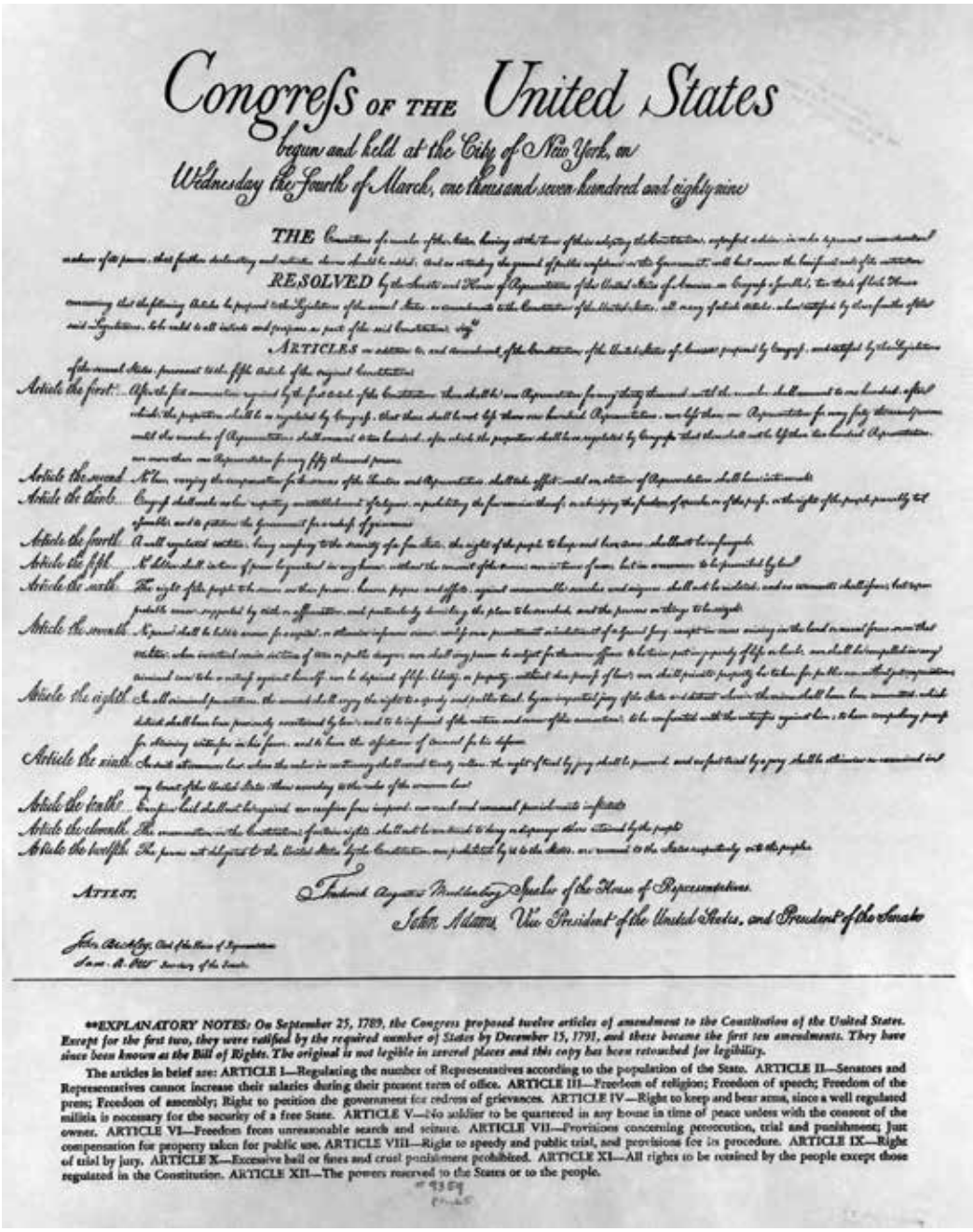
The Federalists, however, had an answer, just as they had in Massachusetts. Vote for the Constitution now, they told the Anti-Federalists, and we will work with you to add a bill of rights to the Constitution.

No, said the Anti-Federalists. First, call a new constitutional convention and add a bill of rights. *Then* we'll vote. Amend first, said the Anti-Federalists. Amend later, said the Federalists.

On the day of the vote, Madison promised that once the Constitution took effect, he personally would lead the fight to amend it with a bill of rights. That seemed to do the trick. By a narrow margin, Virginia voted yes.

The Bill of Rights

Madison was true to his word. He was elected to the House of Representatives in the new government, and he set to work putting together a bill of rights. He introduced his proposed amendments in June 1789. After debate in the House and the Senate, most of them were adopted and sent to the states for their approval. (Remember, amending the Constitution requires a two-thirds majority in each house of Congress and then approval by three-fourths of the states.) In 1791, ten of these amendments were ratified by the states and added to the Constitution. These first ten amendments are known as the Bill of Rights.



Congress of the United States
begun and held at the City of New York, on
Wednesday the Fourth of March, one thousand seven hundred and eighty nine

THE Conventions of a number of the States, having at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added: And as extending the ground of public confidence in the Government will best secure the beneficent ends of its institution

RESOLVED by the Senate and House of Representatives of the United States of America in Congress assembled, two thirds of both Houses concurring, that the following Articles be proposed to the Legislatures of the several States as amendments to the Constitution of the United States, all or any of which Articles, when ratified by three fourths of the said Legislatures, to be valid to all intents and purposes as part of the said Constitution, viz.

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.

Article the first. After the first enumeration required by the first Article of the Constitution, there shall be one Representative for every thirty thousand, until the number shall amount to one hundred, after which the proportion shall be so regulated by Congress, that there shall not be less than one hundred Representatives, nor less than one Representative for every forty thousand persons, until the number of Representatives shall amount to two hundred, after which the proportion shall be so regulated by Congress, that there shall not be less than two hundred Representatives, nor more than one Representative for every fifty thousand persons.

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

Article the third. 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.

Article the fourth. 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.

Article the fifth. 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.

Article the sixth. 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.

Article the seventh. 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 offence 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.

Article the eighth. 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 defence.

Article the ninth. In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

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

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

Article the twelfth. 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.

ATTEST,

Frederick Augustus Muhlenberg Speaker of the House of Representatives.

John Adams, Vice President of the United States, and President of the Senate

John Beckley, Clerk of the House of Representatives.

Sam. A. Otis Secretary of the Senate.

**EXPLANATORY NOTES: On September 25, 1789, the Congress proposed twelve articles of amendment to the Constitution of the United States. Except for the first two, they were ratified by the required number of States by December 15, 1791, and these became the first ten amendments. They have since been known as the Bill of Rights. The original is not legible in several places and this copy has been retouched for legibility.

The articles in brief are: ARTICLE I—Regulating the number of Representatives according to the population of the State. ARTICLE II—Senators and Representatives cannot increase their salaries during their present term of office. ARTICLE III—Freedom of religion; Freedom of speech; Freedom of the press; Freedom of assembly; Right to petition the government for redress of grievances. ARTICLE IV—Right to keep and bear arms, since a well regulated militia is necessary for the security of a free State. ARTICLE V—No soldier to be quartered in any house in time of peace unless with the consent of the owner. ARTICLE VI—Freedom from unreasonable search and seizure. ARTICLE VII—Provisions concerning prosecution, trial and punishment; Just compensation for property taken for public use. ARTICLE VIII—Right to speedy and public trial, and provisions for its procedure. ARTICLE IX—Right of trial by jury. ARTICLE X—Excessive bail or fines and cruel punishment prohibited. ARTICLE XI—All rights to be retained by the people except those regulated in the Constitution. ARTICLE XII—The powers reserved to the States or to the people.

The Bill of Rights outlines the rights of the people.

The Bill of Rights says to the national government: These are the basic rights of the people. You cannot take them away. One of those amendments says that Congress may not make any law that interferes with your freedom of speech or freedom of religion.

It can't take away the press's freedom to print what it wishes. It can't prevent people from assembling peaceably or from asking the government to do something about their complaints.

Another of those first ten amendments protects you against the government illegally entering and searching your house. (Sound familiar? It should. Many of these are the same "rights of Englishmen" over which the Revolutionary War was fought.) Four other amendments make sure that people accused of a crime get a fair trial.

Taken together, those first ten amendments to the Constitution are the most important protector of our liberties that we have. They support the principle of limited government.

But we have gotten ahead of our story. After Virginia approved the Constitution, it was clear that the struggle for ratification had been won. Meanwhile, in New York, that state's ratifying convention was meeting. At the start the Anti-Federalists had a three-to-one advantage over the Federalists. Alexander Hamilton, who had represented New York at the Constitutional Convention, was very worried. However, as soon as Virginia's convention voted yes, a messenger raced to New York with the news. He arrived there in early July. The news he brought had an almost immediate effect. With Virginia voting yes, New York realized that the new Constitution would definitely go into effect. They decided it would not be wise to be left out of the new nation. By the end of July, New York voted yes but by only three votes.

Two states, North Carolina and Rhode Island, were still holding out. But they could wait. The Constitution drawn up that summer in Philadelphia was now, officially, the Constitution of the United States.

It was time for the nation to celebrate. And did it ever, with bonfires, ringing church bells, and parades in cities and towns throughout the land.

No celebration was grander than the one in the nation's largest city, Philadelphia. There, the citizens chose to celebrate their nation's new beginning on Independence Day, the Fourth of July. At dawn, church bells and booming cannons from the ship *Rising Sun* in the harbor announced the start of the celebration. Later that morning, a mile-and-a-half-long parade set off through the city. Floats, marching bands, and ordinary citizens offered their welcome to their nation's new beginning. Following that, came an afternoon of speeches and picnicking. Nearly half the entire population of Philadelphia turned out for this huge party. At the end of the day, one leading citizen of the city said, "Now it is done. Now we are a nation."

Indeed we were.

Independence Day, July 4, is celebrated throughout the United States each year.

Chapter 10
Our Constitution Today

Still Going Strong If the Americans who wrote the Constitution came back today, would they recognize the country they helped create? You can probably list a hundred things that would be totally strange to them. If that's all they saw, they wouldn't recognize America at all.

The Big Question

What are some of the reasons for the success of the Constitution and its survival for more than two hundred years?

What would they say about airplanes? About cars and trucks whizzing along highways? About tall office buildings in crowded cities? About cell phones, telephones, television, computers?

But what if those same Americans heard today's citizens debate who to vote for, or argue against the school board's new plan in a public meeting, or discuss the news they'd heard on TV or read in the newspaper? That would be a different story. Choosing our own representatives, meeting publicly to have a say about laws we will live under, exercising our rights to free speech and free press—surely those visitors from the 1780s would find these quite familiar. Chances are, they would smile, congratulate each other, and say, "The Constitution we wrote more than two hundred years ago is alive and well in twenty-first century America."

Today's America looks very different from the America of the 1790s.

Why has this Constitution lasted so long? The short answer is that for two-hundred-plus years, the Constitution has served the American people well. How, exactly, has it done this?

Not Too Much, Not Too Little

One of the great features of the U.S. Constitution is that it doesn't try to say or do too much. Do you remember how a well-made constitution is like the framework of a house? How ordinary laws are like the furniture that fits inside?

The people who wrote our Constitution, however, never confused the house with the furniture. They didn't try to write rules for every small detail of government. They set down the main framework of government, and that's all.

Why is that important? What's wrong with a constitution that spells out little details of government? What's wrong is that nobody, no matter how wise, can possibly guess what life will be like many years in the future. Remember that a good written constitution should not be too easy to change. If you load up your constitution today with a lot of rules that may make no sense tomorrow, your constitution is not going to work well for very long.

Here's an example: How many people should each member of the House of Representatives represent? The Constitution says that each member has to represent *at least* thirty thousand people. It could be more, though. How many more? The Constitution doesn't say. It lets each future generation decide for itself. A good thing, too. Suppose the Constitution had said, "each member of the House shall represent *exactly* thirty thousand people."

Within the Capitol building, the Senate and the House of Representatives discuss important issues.

With our population today there would be more than nine thousand members sitting in the House of Representatives—that is, if they could find seats!

So one reason the Constitution has lasted all this time is that it does not try to do more than a constitution should. In fact, after tacking on the Bill of Rights—the first ten amendments—in 1791, we Americans have amended our Constitution only seventeen more times.

Four Guiding Principles

The Constitution has served the American people well for so long for another reason: It is built on four strong guiding principles. The first of these guiding principles is the one that Thomas Jefferson stated in the Declaration of Independence: *Governments get "their just powers from the consent of the governed."*

Do you remember what that means? To put it simply, it means that "we the people" rule. We rule by choosing the people who represent us in government. We do this on the national level. We do it on the state level. We do it in the towns and cities in which we live. If we like the job our representatives have done, we can reelect them. If we don't like it, we can choose others to represent us.

It is important to vote. By voting, people help shape the laws and expectations of their country.

The second guiding principle is *limited government*. The Constitution lists many things the national government may do. It can collect taxes and borrow money. It can control trade between the United States and other countries. It can make laws about **immigration** and citizenship. It can coin and print money, run a postal service, and create new courts. It can create an army and a navy, and it can declare war and make peace. Those are a lot of powers, to be sure.

Vocabulary

immigration, n. the act of moving from one country to another country to live

But the Constitution also states many things the national government may *not* do. Most important, the Constitution prevents the government from interfering with the freedoms and liberties of the people. The Bill of Rights spells out still other limits on the federal government. The principle of limited government is what guarantees our freedoms and guards against the possibility of government becoming too powerful.

The third guiding principle built into our Constitution is the *separation of powers*. The responsibility for government in the United States is split among three branches of government. They are the legislative branch, the executive branch, and the judicial branch.

The legislative branch, or Congress, make the laws. The executive branch, headed by the president, carries out the laws. The judicial branch handles challenges to those laws and can decide whether they are permitted by the Constitution. If not, the law is "unconstitutional." The Supreme Court can also find actions by

the president to be unconstitutional. Congress can **impeach** and remove the president or individual judges.

Vocabulary

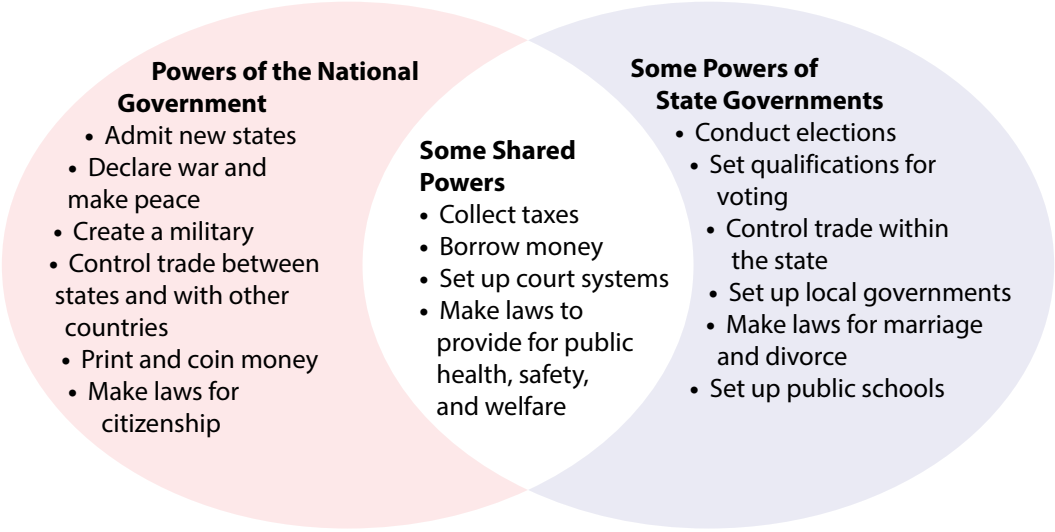
impeach, v. to bring formal charges against a government official

With the powers of government separated in this way, no one branch of government can do whatever it wants. No one branch can ride roughshod over the other two. Each branch is checked and balanced by the other two.

The fourth guiding principle is *federalism*. As you have learned, federalism is the system of dividing the powers of government between the national government and the state governments. But the trick to making a federal system work well is to give each level of government the jobs it does best. The writers of our Constitution did a brilliant job of dividing up powers the right way.

The Venn diagram lists some of the powers the Constitution grants to the national government and some of the powers that

Federalism



remain with the states. On that same diagram, you'll see an area where the powers overlap. These powers are shared, meaning that both the national government and the states have these powers. The power to tax, for instance. The national government needs this power to pay for our armed forces and many other things. But the state governments also need this power to pay for building roads and running schools.

So now you know many of the reasons why our Constitution has lasted more than two hundred years. There is, however, one other reason for the success of the U.S. Constitution. It is American people. We have respected the Constitution, and we have taken care to preserve it. And in return, the Constitution has taken care of us.

Glossary

A

alliance, n. a partnership of different countries, organizations, or people who agree to work together (24)

ambassador, n. a person who is an official representative of his or her government in another country (41)

assemble, v. to gather together (13)

C

compromise, n. when each side in a disagreement gives up some of what they want to reach an agreement (57)

confederation, n. a group of states joined together by a formal agreement (22)

conscience, n. a sense or belief a person has that a certain action is right or wrong (19)

consent, n. approval or agreement (5)

D

delegate, n. representative (20)

deliberate, v. to think about and discuss issues before reaching a decision (8)

E

executive, adj. having the power to carry out and enforce laws (53)

F

federal, adj. relating to a system of government in which the national government shares power with other levels of government, such as states; it can also refer to national government (50)

I

immigration, n. the act of moving from one country to another country to live (83)

impeach, v. to bring formal charges against a government official (84)

J

judicial, adj. having the power to decide questions of law (53)

L

legislative, adj. having the power to make laws (52)

liberty, n. freedom (2)

O

ordinance, n. a law or government rule (28)

P

politics, n. the activities of leaders running a government (31)

posterity, n. descendants, or future generations (66)

provision, n. a condition that is included in an agreement or law (17)

R

republic, n. a government in which people elect representatives to rule for them (17)

right, n. a legal promise (4)

S

self-determination, n. the ability of the people in a country to decide their own government (2)

T

term, n. the length of time for which an elected official serves (16)

treaty, n. a formal agreement between two or more groups, especially countries (24)

"trial by jury," (phrase) a case of law decided by a group of one's fellow citizens (13)

U

unalienable, adj. unable to be taken away or denied (4)

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