

## Unit 2

# WRITING THE US CONSTITUTION – A SIMULATION

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by

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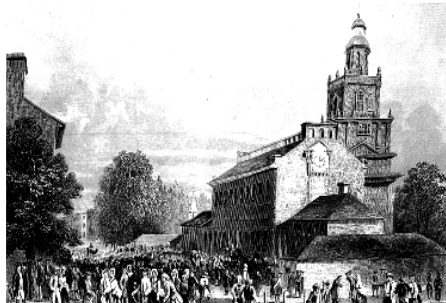
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## Chapter 1

### Writing a Constitution

*We hold these truths to be self-evident: that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. ... That to secure these rights, governments are instituted men, deriving their just powers from the consent of the governed."*

So wrote Thomas Jefferson in the Declaration of Independence, the renowned document penned and published in 1776 that officially proclaimed the independence of the colonies from Great Britain. These time-honored words reflect much about the colonists' continuing struggle with King George III and Parliament. In the eyes of Jefferson and many others, the British government had failed to guarantee the colonists the rights they deserved. In declaring independence, Jefferson and his compatriots set out to free the colonies from oppressive overseas rule and establish governments that fulfilled the desires of the people and guaranteed them necessary rights. To that end, Jefferson proceeded to insist in



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the Declaration that each colony have the power to establish an independent government." [A]s free and independent states," he wrote, "[the former colonies] have full power to do all acts and things which independent states may of right do."

Having overthrown one government, the new nation immediately began creating fourteen new governments. As each colony assumed statehood, it appointed committees to draw up a state constitution in order to define and establish the duties, powers, and organization of the government. In the meantime, Congress appointed a committee to write a national constitution that would govern all these "free and independent states."

### The Articles of Confederation

Furthermore, the Articles of Confederation allowed for a different relationship between state governments and the national government than it does today. The powers granted Congress were severely limited — it had the power to coin money, make treaties, raise armies, and wage war, but it lacked the authority to collect taxes, impose tariffs, suppress rebellions, draft soldiers, or to regulate trade between the states and with foreign countries. The states had many of the powers the Articles had denied them: coining money, taxing imports (even from other states), raising armies, and enforcing treaties. Congress's reliance on states for law enforcement made the central government weak and the state governments strong. If Congress lacked money, for instance, it would ask the states for the necessary funds and the states could decide whether to supply the national government with the money it needed.

As time wore on, the government created by the Articles of Confederation proved less and less effective. In 1786, a rebellion led by Daniel Shays of Massachusetts demonstrated the weaknesses of the Confederation. Farmers, who had suffered monetary losses in the years following the Revolution, wanted their debts canceled and demanded that the state legislature print paper money. When the legislature refused, the rebels attacked the federal arsenal in Springfield. The rebellion was suppressed only after Boston merchants raised enough money to put together an army to oppose Shays.

Many American leaders looked to the incident in Massachusetts as proof that America needed a stronger central government — a government that could put down rebellions, solve financial problems, and resist

the demand for paper money. Having witnessed the U.S. government's problems in winning the Revolution, collecting taxes, regulating trade, and conducting foreign policy, other colonists shared this lack of confidence in the government of the Confederation. They called for a new constitution to remedy the problems that plagued the nation.

Alexander Hamilton, James Madison, and George Washington led the movement for a new constitution. In February of 1787, Congress called for a convention to meet in Philadelphia in order to "revise" the Articles of Confederation. Ignoring their limited instructions, fifty-five delegates, representing twelve different states, decided that the US. needed a completely different plan of government. They scrapped the Articles and proceeded to take on the daunting task of writing what became the constitution that has governed this nation since its ratification in 1788.

## Issues before the Convention

The men who gathered at the Convention considered an endless number of issues as they pieced together the new constitution. Five of the major problems they faced included:

**Representation by state or by population:** Large and populous states, including Pennsylvania, Massachusetts, and Virginia, wanted each state to have votes in Congress in proportion to their population. Thus, Virginia, with 821,000 inhabitants, would have 16 votes, while Delaware, with 59,000 people, would have but one vote. Sparsely populated states, such as Delaware, New Jersey, and Georgia, insisted that each state have one vote, as they had under the Articles. Some of the middle-sized states, like Connecticut, were prepared to offer a compromise — a House of Representatives based on population and a Senate based upon equal votes for all states.

**Local control (states' rights) vs. national authority:** All the delegates wanted to give the national government more power than it had under the Articles of Confederation, but the question remained: how much more? Extremists like Alexander Hamilton of New York and Gouverneur Morris of Pennsylvania wanted to abolish state governments completely. States' rights advocates such as John Lansing of New York and Luther Martin of Maryland, on the other hand, felt that "the General Government was meant merely to support the State governments." The Convention worked hard to find a solution somewhere between these opposing positions and had a difficult time arriving at an acceptable solution.

**Democracy vs. checks and balances:** Some of the founding fathers, including Morris and John Dickinson of Delaware, had little faith in the general public who, they felt, "can be little trusted with the public interest." They wished to limit the common people's power in the government and suggested four ways of accomplishing this goal:

1. restricting the right to vote to white males with property
2. not allowing the voters to elect the president, senators or judges
3. guaranteeing the chief executive immunity from impeachment

The democratic faction, headed by James Wilson and Benjamin Franklin of Pennsylvania, Hugh Williamson of North Carolina, and Luther Martin of Maryland, tended to favor short terms for elected officials, universal manhood suffrage, direct elections of senators and the president, and giving congress power to impeach the chief executive. Most delegates stood somewhere in between these extremes, and they took it upon themselves to engineer a series of compromises on the issue.

**The Bill of Rights:** Several delegates, including Martin, Elbridge Gerry of Massachusetts and George Mason of Virginia, wanted a bill of rights that would limit the powers of the government by protecting

the rights of the people. Others, such as Hamilton, Wilson, and Nathaniel Gorham of Massachusetts, opposed such a bill. Charles Pinckney of South Carolina had concrete suggestions for a bill protecting certain rights. The convention had to decide whether it wanted or needed a bill of rights, and what rights should be protected.

***Slavery and the slave trade:*** The question of slavery — and, in particular, the slave trade — stood out as one of the most controversial issues at the convention. Several slave owners (including Martin, Mason, and James Madison of Virginia) wanted to end the slave trade. Some delegates favored outright abolition of slavery. Pinckney and Edmund Rutledge of South Carolina voiced strong objections to anti-slavery sentiment, however, and threatened to walk out of the Convention if the slave trade were abolished. Many northern delegates feared that this issue might split the Union, paid close attention to the opinions of pro-slavery southerners.

### **Suggested Student Exercises:**

1. Briefly restate the five major issues which were raised in seeking to revise the Articles of Confederation.
2. Read at least eight of the biographies in the next chapter to help you decide whose views you would like to represent in a simulated reenactment of the Constitutional Convention.

## Chapter 2

### The Men of Philadelphia

Altogether, fifty-five men, representing twelve of the thirteen states came to Philadelphia to revise the Articles of Confederation. Only Rhode Island refused to send any delegates. Those who ventured to the Convention were a talented group of men, perhaps the most talented ever to assemble for the purpose of writing a constitution. They were well educated and experienced in government; they were men of affairs who had served their country in colonial legislatures, the Continental Congress, and/or the armed service. They included slave owners from the south, merchants from the north, a large company of lawyers, and various men of business. Many of them knew from first-hand experience the frustrations of running a government with no money and no power.

The wealth and social status of the men who came to Philadelphia stood out perhaps as much as their intellect and experience. As lawyers, slave owners, and shippers, they represented an elite group of Americans that differed significantly from the rest of the population which consisted of farmers, indentured servants, mechanics, day laborers and slaves. While few Americans owned government bonds, a full 40 of the 55 delegates had invested or would invest in such securities. Furthermore, fourteen had speculated in western lands, twenty-four had lent money at interest; eleven had invested in manufacturing and shipping; and fifteen owned slaves. None of the delegates were African-Americans, none were women, and only one was a small farmer. Clearly, the 55 delegates who convened in Philadelphia were not typical Americans.

While the Founders' numbers were drawn from the ranks of uniquely qualified individuals, some famous Americans were not at the convention. Those notables not in attendance included: Thomas Jefferson, author of the Declaration of Independence, who was serving his country as ambassador to France; fellow Virginian, Patrick Henry, who claimed he "smelled a rat" and decided to skip the proceedings; and Sam Adams, John Hancock, and Thomas Paine, who among the leaders of the Revolution were branded as radicals.

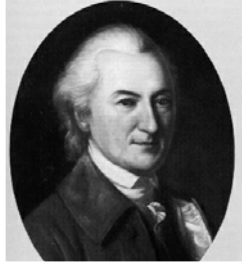
**Twenty-three of the most notable delegates in attendance are described below:**

#### ***David Brearly of New Jersey (1745-1790)***

A college dropout who started to practice law at age 22, Brearly became active in the protest against the British and gained considerable fame in New Jersey by denouncing British policies. His words got him arrested by the British for treason, but an angry mob freed him. He later joined the colonial militia, started as a captain, and rose to the rank of colonel. In 1776, he stopped soldiering long enough to help his state write a new constitution. Shortly before his death in 1790, Brearly became a federal judge.

At the Convention, Brearly focused primarily on the issue of representation. Because he represented, a small (sparsely populated) state that could be easily outvoted by larger states if the Convention decided to establish representation based on population, he wanted each state represented equally in the new Congress. Aware of the weaknesses of the government under the Articles of Confederation Brearly wanted to give more power to the national government and devoted himself to accomplishing this goal.

## ***John Dickinson of Delaware (1732-1808)***



**John Dickinson**

Though born to a wealthy family that provided private tutors and an English education for their son, Dickinson began his protests against British policies by denouncing the Stamp Act in 1765. His eloquent speeches and prose denouncing British-imposed taxes made him famous throughout the colonies. Nevertheless, Dickinson voted against independence in 1776 and refused to sign the Declaration. He enlisted in the army, however, and served as a common soldier. During the war, Dickinson moved from Pennsylvania to Delaware, where he helped write its constitution. In 1777, Dickinson again put his political skills to work writing the Articles of Confederation, which did not reflect his desire to give the government much more power than it had. At different times in his unusual career, Dickinson was elected governor of Delaware and then of Pennsylvania. He accumulated a great deal of wealth over his lifetime, particularly through the law practice he established and successful investments he made in real estate in three different states.

A man with rather extreme political views, Dickinson wanted to make the national government much stronger and the states far weaker than they were under the Articles of Confederation. As a representative of a small state like New Jersey, Dickinson supported the rule that all states have one vote in Congress, but he did not want an impotent national government. He feared that the states possessed so much power that they would make the national government completely ineffective. Dickinson's insistence on strong national power derived, perhaps, from his well-known admiration of England and its system of government. He considered the limited monarchy practiced in Great Britain as one of the best governments in the world. A king, Dickinson believed, could do what he thought best for the country without having to depend on the consent of the people, who Dickinson did not trust. He thought, for instance, that they would support laws favoring such 'wicked schemes' as printing unlimited amounts of paper money. Because he believed their interests aligned more with those of the nation, he wanted only men with property to vote. Under Dickinson's aristocratic plan, voters would elect delegates to a Senate modeled after the House of Lords. To keep the president honest, he would give Congress the power to remove him for misconduct or neglect in office.

Finally, Dickinson's less than democratic views did not extend to the institution of slavery, which he considered an evil. He advocated that the national government stop the flow of slaves into the country.

## ***Oliver Ellsworth of Connecticut (1745-1807)***

Like many of his fellow delegates, Ellsworth enjoyed the privileges of wealth and good education in his childhood and adolescence. He attended Princeton University, graduated in 1766, taught school, served as a minister, and in 1771 started a law practice. By this time, he had become so poor that he had to walk twenty miles each day to and from Hartford because he could not afford a horse. After marrying the daughter of a successful family he moved his home to Hartford, where he gained a reputation as one of Connecticut's best lawyers. In addition, Ellsworth earned a large amount of money by buying and selling real estate and securities at a profit; he once bought government bonds for \$530 which he later cashed in for \$5,985.

During the Revolution, Ellsworth spent six years representing Connecticut in the Continental Congress. After the Convention, he served as U.S. senator, and in 1796 he began serving on the Supreme Court, where he would eventually become chief justice.

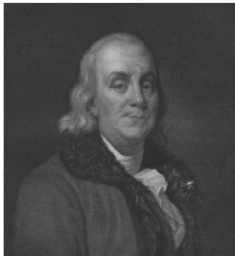
Ellsworth earned a reputation for his habit of talking to himself, his use of snuff, and his absent-mindedness. Once, in fact, he became so lost in thought that he completely neglected a visitor whom he had invited to his house. Despite these unattractive characteristics, Ellsworth was respected for his attentiveness to his responsibilities as a lawyer and government official and was admired for his ability to speak out in debate.

With Roger Sherman, Ellsworth favored the establishment of two branches of Congress: the Senate to represent the states and a House of Representatives to represent the people. He also wanted to divide the power between state and national government. He feared that a strong national government would not be a good government, and he considered the large states in the country the worst governed.

Ellsworth, like Dickinson, did not trust the people of the country to make important decisions. He insisted that the state legislatures — not the people in the states — decide whether to ratify the Constitution. He wanted electors chosen by the people to vote for the president, introducing the idea of a “middle man” who would decide what candidate was best qualified to serve in that office. Furthermore, to ensure longer periods between elections, he wanted the president to serve six-year terms. Although Ellsworth also opposed allowing the people to vote for their senators, he thought it appropriate that they vote directly for their representatives.

Though Ellsworth personally opposed slavery, he did not want to end the slave trade because he thought every state should make such a decision for itself.

## ***Benjamin Franklin of Pennsylvania (1706-1790)***



**Ben Franklin**

With the exception of George Washington, Benjamin Franklin stood out as the best-known man in America at the time of the Convention and certainly the oldest from the viewpoint of public service. Born in poverty and mostly self-educated, Franklin gained a worldwide reputation as an inventor (bifocals and the Franklin stove), scientist (discovering electricity), sage, diplomat, and politician. He learned printing from his brother and used this skill to publish his hugely successful *Poor Richards' Almanac*. Franklin made a name for himself in 1749 when he presented his Albany Plan of Union, the first noteworthy proposal for colonial unity.

In his later life, Franklin served his colony, his state, and his country, first as an agent from Pennsylvania to the British Parliament then as America's ambassador to England and during the Revolution he became ambassador to France. His diplomacy in England helped postpone the Revolution, while his work at home helped bring the colonies closer to declaring their independence. When he returned from England to Philadelphia after a ten-year absence, Franklin helped write the Declaration of Independence and assisted in composing the Pennsylvania constitution, considered the most democratic in the colonies. As an ambassador to France, he played an integral part in securing the alliance that brought French help to the Americans in the Revolution. Five years later, he helped negotiate the treaty with England that ended the war.

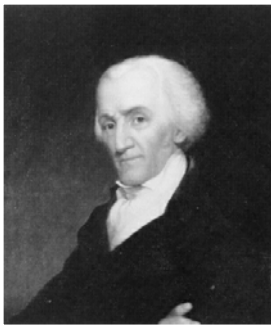
Back in Pennsylvania, Franklin was elected governor, and thereafter served at the Convention that made the dream of unity first proposed in 1749 become a reality. He died in 1790, honored by the entire nation.

At the Convention, Franklin assumed the role of compromiser, using his wit and wisdom to calm angry tempers and to bring people together. He and Roger Sherman of Connecticut presented the

compromise that created the U.S. Congress with a House of Representatives based on population and a Senate that gave each state two votes.

Franklin also favored bringing the spirit of democracy to the Constitution. He, more than most men in Philadelphia, trusted the common people, and spoke of their “public spirit.” He supported giving Congress the power to impeach the president for malpractice and neglect of duty. But Franklin certainly did not want an impotent central government; as a strong nationalist, he tried to make the national government supreme and give it the power to veto laws passed by the states. Many believe today that it was Ben Franklin’s spirit that helped make our nation strong and our government democratic.

## ***Elbridge Gerry of Massachusetts (1774-1814)***



**Elbridge Gerry**

Born to wealthy parents, Elbridge Gerry was educated at Harvard but schooled in politics by Samuel Adams. He played an active role in the protests against British policies while serving in the Massachusetts General Assembly. When the British marched to Lexington in 1775, they placed great emphasis on capturing Adams and Gerry. Gerry escaped danger by hiding in a cornfield while dressed in his nightclothes. The next year, Gerry represented Massachusetts in the Continental Congress, where he signed the Declaration of Independence. Later, he returned to serve again in the Massachusetts General Assembly.

Gerry became one of only three delegates to the Constitutional Convention who refused to sign the document he helped write. Upon his return to Massachusetts, he even campaigned against the Constitution. Despite this opposition, however, Gerry later served his country as a representative in the US Congress, as an ambassador to France, and as vice-president under James Madison.

Although he had often spoken favorably about the common people, Shays’ Rebellion convinced Gerry that they were not trustworthy. “The evils we experience,” Gerry told the Constitutional Convention, “stem from too much democracy.” He thought a limited monarchy the best form of government.

Gerry, however, was not entirely comfortable with his anti-democratic ideas. In keeping with democratic principles, he believed in having elections every year to allow the people to control their government. He also favored impeachment as a check on the powers of the president, advocated a bill of rights, and opposed giving the Senate too much power because senators served six-year terms. Moreover, Gerry would do nothing in the Constitution to permit any kind of slavery.

## ***Nathaniel Gorham of Massachusetts (1738-1796)***

Even though he was a fourth-generation American, Gorham was born to a poor family. He attended school in Boston, and began working at age fifteen as an apprentice to a merchant. Six years later, Gorham started a successful business that collapsed when the British captured Charlestown, Massachusetts. Nevertheless, he managed to make another fortune by pirating from British ships and speculating in western lands. Eventually Gorham bought more land than he could pay for and was unable to sell his holdings at a reasonable price, and went bankrupt. Consequently, he spent the last eight years of his life unsuccessfully attempting to pay off a six-million-dollar debt resulting from his failed land speculation.



Although he lacked much of an education, Gorham was known as a man of good sense. He was able to use his agreeable personality to quickly rise from his position as a member of town meeting to member of the Massachusetts House of Representatives where he held the speaker's office for three years. He also became one of the Massachusetts delegates to the Continental Congress, where he briefly served as its president.

Favoring a much stronger national government than Sam Adams, John Hancock, and Elbridge Gerry, his rivals in Massachusetts's politics, Gorham associated with the party that opposed his well-known countrymen. In his eyes, the national government should be strong enough to force its will on every state. Such a government, Gorham believed, could aptly "do justice" throughout the country. At the same time, Gorham supported democracy. He opposed limiting the vote to people with property and favored a four rather than a six-year term for senators. He did not think the nation needed a bill of rights because he thought the representatives of the people in Congress would not take away the rights of the common man. In a spirit of compromise on the issue, Gorham suggested that the importation of slaves continue until 1808.

## ***Alexander Hamilton of New York (1755-1804)***

Few Americans have worked as hard for America and accomplished more than did Alexander Hamilton. Born in the West Indies to unmarried parents in 1755, he began working as an accountant at the tender age of thirteen despite his lack of formal education. An essay he composed describing a storm he had witnessed attracted the attention of some wealthy merchants who brought him to New York.



**Alexander Hamilton**

After spending two years finishing his high school education, Hamilton attended what is now known as Columbia University. There he started a debate society, wrote pamphlets against England, and, at age twenty-one, left school to become commander of an artillery company. Recognizing this young man's talent, George Washington used Hamilton as his personal secretary and aid. But Hamilton tired of serving Washington, for whom he had little respect, and he asked to have his own command. Finally granted his wish, Hamilton distinguished himself in the last battle of the war by storming the British positions at Yorktown. During and immediately after the war, Hamilton found time to earn a degree in law, to serve as a delegate to the Continental Congress, and to woo and wed Elizabeth Schuyler, daughter of one of the most wealthy and prominent New Yorkers.

Hamilton's legal abilities and social connections soon made him one of the best known lawyers in the state. As a member of the Continental Congress he advocated strengthening the national government and successfully devoted his efforts to calling for the Constitutional Convention. Although many delegates found Hamilton's views too extreme, he had a major influence at the Convention. He worked tirelessly to make the national government more powerful, and later he urged people to vote in favor of the Constitution.

After the Convention, Hamilton served under President Washington as the nation's first secretary of the treasury. From this position Hamilton had a great influence over the policies of the government, even in such areas as foreign affairs. He became a leader of the Federalist party, and he continued influencing the actions of many of his followers in Congress as well as those in the president's cabinet long after he retired from government.

In New York during and after government service, Hamilton found himself frequently frustrated by the activities of opposition leader, Aaron Burr. The feud between Hamilton and Burr became so bitter that Burr challenged him to a duel. Hamilton accepted Burr's challenge even though he had no experience with firearms. Some speculate that Hamilton wanted to prove himself on "the field of honor" so he could eventually gain the respect of the army and lead America in a war against France. Whatever his hopes might have been, they were laid to rest at the duel in Weehawken, New Jersey when Burr's bullet found its mark and ended Hamilton's short but brilliant life.

Of all the delegates at the Convention, none spoke more openly and vehemently in favor of a strong national government and against democracy. Despite his own lowly birth, he thought little of the common man who, he believed, "seldom judged or determined right." Hamilton favored having a king in America, and, to balance the power of the monarch, he proposed a House of Representatives elected by the people for two-year terms and a Senate in which senators would hold office for life.

Hamilton held an equally extreme position on the powers of the national government. He actually suggested eliminating the state governments and reducing the states' functions to merely carrying out laws made at the national level and administered by governors appointed by the president. He also opposed having a bill of rights, which he thought would be dangerous. The government Hamilton envisioned for his adopted country would have resembled England's with a Senate modeled after the House of Lords, a House of Representatives resembling the British Commons, and a king-like chief executive serving for life with almost unlimited administrative powers.

Throughout his life, Hamilton devoted himself to public service and often came across as vain and personally disagreeable. He completely neglected his personal and family finances. Despite his high legal fees, his wealthy wife, and his excellent social connections, Hamilton often found himself penniless, while others — including many of his political associates and his father-in-law's friends — made money from the policies Hamilton proposed and implemented. In his opinion, what was good for the wealthy was good for the country, but Hamilton never profited financially from his years of devoted political service, and he died deeply in debt.

## ***Rufus King of Massachusetts (1755-1827)***

Rufus King, the son of a wealthy farmer-businessman, was born in what is today Maine. He attended Harvard College before practicing law in Newburyport, Massachusetts. King interrupted his law practice to serve as a brigadier general during the Revolution, and in 1784 he was elected to represent Massachusetts in the Congress under the Articles of Confederation. During his time in Congress, King introduced a bill to prevent slavery in the Northwest Territory.

In 1786, King married the only daughter of a very wealthy New York merchant; he spent the next summer representing Massachusetts at the Constitutional Convention and shortly thereafter settled in New York. In spite of his aristocratic views, King enjoyed an excellent reputation and great popularity in his adopted state. His personal charm, horsemanship, intellect, and good looks contributed to the high regard in which New Yorkers held him.

King lived comfortably throughout his entire life, benefiting from both his wife's and his father's wealth. He speculated in public securities in amounts of up to \$10,000 — quite a tidy sum in those days — and he bought up U.S. bank stock when it became available in 1791. Later he served as one of its directors.

Politically, King allied himself with Alexander Hamilton and became a leader in the Federalist Party. He twice ran unsuccessfully for Vice-President and served in the U.S. senate. His service as an ambassador to England — first under President John Adams, and later under Adams's son — interrupted his otherwise continuous term as senator. King took ill shortly after his arrival for his second tour in England and returned to the United States, where he died at the age of 72.

King spoke frequently at the Constitutional Convention, expressing ardent nationalist views, favoring a long term for the U.S. president, defending Alexander Hamilton's preference for making the U.S. a monarchy, and opposing the continued importation of slaves.

That Rufus King was outspoken on the aforementioned issues at the Convention was not unusual, for other delegates were forthright in presenting their positions; but the vehemence and force of his arguments made him stand out from his colleagues. He did not want to hear of a compromise on the issue of granting more votes in Congress to the more populated states and declared himself "full of astonishment that we should be ready to sacrifice the substantial good (from his proportional representation plan) to the 'phantom' of State sovereignty."

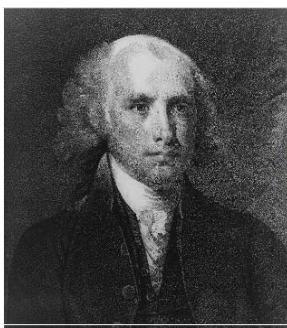
King also had strong views on allowing the importation of slaves. Their admission into the country, King said, "was a most grating circumstance." His opposition derived in part from the notion that all states should be bound to defend one another — slavery made the states weaker and increased the danger of a rebellion.

## ***John Lansing of New York (1754-1829)***

John Lansing, one of the richest men in his party, owned over 40,000 acres of land. He enjoyed a reputation as a fine and generous host and prized himself on his ability to entertain all men of good taste, including his political opponents. Although not known for his great knowledge of the law, he started his successful legal practice at age twenty-one. Lansing served as a military aid to Hamilton's father-in-law during the war, as a representative in the New York State Assembly (serving twice as speaker) and several terms as mayor of Albany. After the Convention, Lansing became Chief Justice of the New York State Supreme Court and stayed in politics for many years. He disappeared mysteriously in 1829 after leaving his hotel room in New York City to mail a letter; and was never seen again.

Lansing was sent to the Convention because his views on states' rights and democracy directly opposed those of Hamilton. Given instructions only to amend the Articles of Confederation, he opposed the new Constitution because it tended to "consolidate the United States into one government." He favored a plan of government in which each state would have one vote. Although he supported giving the national government power to regulate trade, enforce treaties, and collect taxes, he did not wish to go much further than that. He favored a bill of rights and opposed the completed Constitution it because it gave too much power to the national government.

## ***James Madison of Virginia (1751-1836)***



James Madison

It could be said that all of James Madison's life was a preparation for the Convention and that his work at the Convention had appropriately earned him the title, "the father of the Constitution." Also known as a "political monk," Madison was born the first of ten children in a wealthy family. After receiving tutoring at home, he attended Princeton University where he

studied the history of ancient governments. Following graduation, Madison returned to his parents' plantation in order to tutor his younger brothers and sisters. In 1774, he became active in the protests against England, and at age twenty-five he helped to write the Constitution of Virginia. He served as an advisor to Governor Patrick Henry, and then as a delegate to the Constitutional Congress where he developed a reputation as an outspoken champion of a stronger national government. In Virginia, meanwhile, he opposed the state's decision to issue paper money to ease the problems of debtors and favored a system of public education.

Of all delegates at the Convention, Madison knew the most about the history of ancient and modern governments. He also knew most of the important people of his day. At the very beginning of the Convention, he supported a move to radically change the Articles of Confederation. To this end he wrote the Virginia Plan which was introduced by this state's governor, Edmund Randolph. In addition to taking a major role in the debates, Madison took the only good set of notes at the Convention. Afterwards, Madison, with help from Alexander Hamilton and John Jay, wrote the famous Federalist Papers, a series of 85 essays supporting ratification of the Constitution that are still assigned reading in college and high school political science courses.

After the Convention, Madison served in the House of Representatives, where he wrote the Bill of Rights and opposed the programs favored by Alexander Hamilton and George Washington. With Thomas Jefferson, Madison organized what has become the modern day Democratic Party. Later, he served for eight years as Secretary of State under Jefferson and followed his mentor into the Chief Executive office in 1809.

In favor of a strong central government during his pre-Constitution years, Madison feared that the states would be taken over by special interest groups that he called factions. Factions of debtors, creditors, landlords, landless people, farmers, and manufacturers clamored for their respective interests in each state. But Madison's most dreaded the faction consisted of the majority of the people. The smaller factions could be outvoted, he reasoned; the majority would be far harder to stop.●

Since he hailed from the largest state in the Union, Madison favored giving more representatives in Congress to the states with more people. He wanted the Senate to be elected by the House of Representatives, and the president chosen by both House and Senate, not the people. Although he owned slaves, Madison opposed admitting in the Constitution the idea that there "could be property in man." Had he the power, Madison would have ended slavery immediately.

James Madison's main interest lay in politics. He spent little time tending to his farm or to his law practice, and he put off marriage until late in his life. Most of his income came from the poor salaries given public officials and gifts from family or loans from friends; he left a very small estate when he died in 1836.

## ***Luther Martin of Maryland (1748-1826)***

One of the most interesting characters to attend the convention, Luther Martin earned a reputation for his love of alcohol and long speeches, his propensity to spend money, and his support of states' rights. Born to a poor family with nine children, Martin somehow obtained an education at Princeton University.

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● Madison suggestions on how the "majority faction" could be prevented from taking over the government are highlighted in Chapter 4.

He graduated at age eighteen and then taught school while studying law. He established a successful law practice and invested his earnings in salt mines and homes left vacant by people who sided with England during the Revolution. He soon attracted the attention of powerful politicians, and was appointed attorney general for the state of Maryland. With a few interruptions, Martin held that job for thirty years.

From his position as Attorney General, Martin prosecuted Tories who had left for England during the Revolution and stripped them of their properties. He supported paper money and laws making it easier for debtors to pay what they owed. He argued unsuccessfully before the Supreme Court in 1819 against the constitutionality of the National Bank, and he successfully defended Aaron Burr against an accusation of treason. Martin died in 1826 at the home of his former client, Aaron Burr.

Martin arrived in Philadelphia long after the Convention started, but he immediately threw himself into the struggle to prevent “the large States from having all power in their hands,” and he launched numerous lengthy speeches that often bored the other delegates to distraction. He thought the national government served only one purpose — to protect the state governments — and he insisted that the states, like individuals, were by nature equal to each other. He consistently and vehemently opposed giving any more power to the national government, and he firmly committed himself to passing a Bill of Rights to protect the people. Although he himself owned six house servants of African descent, Luther Martin opposed slavery as “inconsistent with the principles of the revolution and dishonorable to the American character.”

Because he ultimately lost the battles on the issues he considered so important, Martin returned to Maryland in opposition to the Constitution. He made many strong speeches denouncing the delegates, claiming that they were interested only in increasing their power at the expense of the states and the people. As he saw it, other delegates who supported the Constitution “did not consider that either states or men had any rights at all.”

## ***George Mason of Virginia (1725-1792)***

One of the older men at the Convention, Mason was born rich and improved his financial position by an advantageous marriage. He spent most of his life taking care of his 5,000-acre holdings and his 300 slaves. Unlike most Virginians, Mason cared for the property himself and did not hire overseers to run it for him. Also, unlike most of the delegates, Mason preferred private life to public service. He quit serving in the Virginia House of Burgesses in 1769 because he grew tired of its “blathers,” and later he turned down an appointment to the US. Senate.

Despite Mason’s love of privacy, he played an integral part in Virginia politics for over thirty years. As neighbor to George Washington and friend to Jefferson, Madison, Monroe, and other famous Virginians, he often hosted the small group of men who planned the political campaigns that influenced Virginia’s and America’s history. He penned many famous documents, including a Declaration of Rights, and launched protests against the slave trade.

Mason ended a ten-year political retirement by attending the Constitutional Convention. There, he served an important role by using his excellent speaking skills to sway fellow delegates. But later he opposed the Constitution he helped write — in fact, he swore that he would rather chop off his hand than sign the Constitution. After the Convention, he retired to his plantation and kept out of politics until his death in 1792.

At the Convention, Mason feared that the other delegates would steer too far away from democracy and towards monarchy. Although he favored six-year terms for senators to protect “the right of property,” Mason thought people with property, money, or children should be allowed to vote because their possessions provided evidence that they had a “permanent common interest with the Society.” Mason tried to include a bill of rights in the Constitution, but failed in his attempt. He also wanted to limit the power of the president. In keeping with his democratic principles, he opposed the slave trade and argued strongly against slavery which he thought would “bring the judgment of heaven” on the country.

In essence, Mason wanted a national government that was, in Goldilocks fashion, neither too strong nor too weak. In the end, the Constitution did not suit him because he felt it differed too much from this idealized golden mean. He worried that the Constitution did not sufficiently restrict the powers of Congress and would allow the national government to strip the states of their powers. Furthermore, he dissented with other aspects of the Constitution because it lacked a bill of rights, continued the slave trade, gave too much power to the president, and established a senate that too frequently resembled a House of Lords.

## ***Gouverneur Morris of Pennsylvania (1752-1816)***



**G. Morris**

Born to one of the richest and most renowned families in New York, Gouverneur Morris had one brother who signed the Declaration of Independence and another who became a major general in the British army. His father died when he was ten, and his mother sided openly with the British. Morris himself often feared that crowds protesting British policies would destroy property belonging to wealthy Americans. Nevertheless, he sided with the colonists and played a leading role in the Continental Congress, where he earned a reputation for defending George Washington every time the commander-in-chief came under attack.

Morris was one of the most talkative members at the Constitutional Convention. He employed a great degree of wit and charm in his speeches, making up for a rather unpleasant appearance due to a missing leg and a severely burned arm. As chairman of the Committee on Style, he wrote the final draft of the Constitution and left his imprint on it. After the Convention, Morris served as ambassador to France, but he was replaced because he openly sided with the king after the French Revolution started. Morris spent the next ten years in Europe, and served in the US. Senate after his return.

Like Hamilton, Morris was outspoken in his aristocratic views. He was particularly concerned that the masses of people whom he called “the ignorant and the dependent” would eventually become a majority. To prevent these commoners from controlling the country, Morris wanted senators to serve life-long terms, as the Lords did in England. He insisted that the senators not receive pay so none but the rich would serve. Morris also suggested making the president independent of the people by making it impossible to impeach him. Only on the issue of slavery, which he opposed as “wicked” and the “curse” of heaven, did Morris demonstrate democratic sentiment.

Morris also mirrored Hamilton’s views in his desire to establish a strong national government. He thought states the “bane of the country,” and wanted to “take out the teeth of these serpents.” He proposed, therefore, that the national government have the power to make laws “in all cases for the general interest of the Union.”

Although he found himself constantly in debt, Morris lived a luxurious life. Since he was not the oldest son, he inherited only 2,000 British pounds instead of the family estate. His successful law practice allowed him to buy the estate, but not to clear the debts it had incurred. His long career as a bachelor and a "ladies' man" ended with his marriage, which came six years before his death in 1816.

## ***William Paterson of New Jersey (1745-1806)***

The son of an Irish immigrant, Paterson came to the New Jersey in 1747. His father settled around Princeton and earned enough money to send his son to the local college. William graduated in 1763, studied law and passed the bar exam five years later. He started in politics to protest England's policies. During his long public career, William Paterson served his state in all levels of government. He started off on a town committee during the Revolution, became a state senator, the state attorney general, a United States senator, and later New Jersey's governor. After his term as governor, he returned to a successful private practice.

At the Convention, Paterson impressed others with his ability to speak and his understanding of the issues. On June 15, 1787, he laid the New Jersey Plan before the Convention. It called for each state to have one vote, just as it had under the Articles. Once the rights of the small states were protected by the establishment of a Senate, which gave them equal representation with the larger states, Paterson was willing to create a much stronger government than had previously existed. He would have all acts passed by Congress become "the Supreme law" of the states and give the president power to enforce these laws. Although the Constitution did not give the national government all the powers Paterson was willing to grant it, he wholeheartedly supported the new Constitution.

## ***William Pierce of Georgia (1740-1789)***

Little is known of William Pierce's early life. Even the circumstances of his birth are uncertain; according to some accounts he was born in Virginia, while others indicate that he might have been born in Georgia. Whatever the case, his public career began in 1776 when he became a captain in the Continental army. Later, he received a special award for his services from Congress in 1782.

Pierce had a great deal of trouble in business. One company he owned folded, and he had to pay for the second company with the dowry he received from his wife. A sudden decline in prices had disastrous consequences on the second business. Chosen in 1786 to represent Georgia in the Continental Congress, Pierce spent most of the time it was in session tending to business affairs in New York. Later, he left the Constitutional Convention to return to a failing business. Although Pierce managed to save the business, he never escaped from the debts he incurred while running it.

William Pierce is probably best known for a series of descriptions he wrote about the other delegates to the Convention. The nature of his political views, much like the details of his early life, is unclear. He came from a small state and favored giving every state an equal vote in Congress, but he thought little of state government and believed that "state distinctions" should be sacrificed for the general government. Eventually, he agreed with the compromise that gave America a Senate chosen by the states and a House of Representatives chosen by the people. He favored three-year terms for senators rather than the six proposed. It may be assumed that he was more inclined to democratic solutions to most problems than many of his fellow delegates.

## ***Charles Pinckney of South Carolina (1758-1822)***

Charles Pinckney's plans to study law in England were thwarted by the outbreak of the American Revolution. Pinckney, the son of a wealthy plantation owner, therefore finished his studies at age of twenty-one, began to practice law and served in the state legislature. The next year he was captured while enlisted as an officer in defense of his city, Charleston, South Carolina. After his release in 1781, Pinckney returned to his law practice. Three years later he represented South Carolina in the Continental Congress. He came to the Constitutional Convention as its youngest member and lied about his real age to make himself appear even younger. Handsome, well read, hard working, and self-confident, Pinckney flaunted his intellect at the Convention by interjecting his views on every topic under consideration. After playing what he claimed was an important part in the Convention, Pinckney went on to become governor of South Carolina, a United States senator, a representative, and an ambassador.

Pinckney was a wealthy man who owned a very lavish town house in Charleston, a plantation, \$14,000 of government securities, and over 100 slaves. Not surprisingly, he wanted to ensure that the wealthy people in America would control its government. He proposed that the president have at least \$100,000 in cash and/or property, and that judges and representatives possess only somewhat less wealth. He insisted that senators be appointed by the state and serve for life. Pinckney believed the people could not be trusted to elect the president, and he thought Congress should have the privilege of electing the nation's chief executive. An election by the people, Pinckney claimed. "will be led by a few active and designing men." He believed that the threat of impeachment, could weaken his position and make him vulnerable. As Pinckney speculated, "[I]f he opposes a favorite law, the two Houses will combine against him."

Pinckney also wanted to make the national government strong and to keep the states in their place. He proposed that the national government should be able to veto any state law that it considered improper.

Pinckney wished to have representation in Congress on the basis of population. He opposed any plan that would give the states an equal vote in even one branch of the legislature. He favored a bill of rights and proposed one that would include the freedom of the press, freedom from having troops quartered in private homes, and the guarantee of no standing armies in peacetime. He also ardently supported slavery and opposed any plan that would prohibit the slave trade. Moreover, he wanted a provision to ensure the return of slaves that escaped to the north.

## ***Edmund Randolph of Virginia (1753-1813)***

Born into a well-known Virginia family of lawyer-politicians, Edmund Randolph continued the family tradition. He excelled as a student at William and Mary, and then studied law under his father. The Revolution split the Randolph family; the father, mother, and two sisters remained loyal to England and left Virginia soon after the war began. Edmund's uncle, Peyton, served as the president of the Continental Congress while Edmund stayed in the colonies and served in the convention that wrote the new Virginia constitution. Governor Patrick Henry appointed young Randolph attorney general, a position that did not prevent him from also representing Virginia in the Continental Congress. In 1786, Randolph became governor and, as the leader of the Virginia delegation to the Convention, presented the Virginia Plan (actually written by James Madison). The plan called for a much stronger national government as well as a House of Representatives elected by the people of each state with the largest number of delegates going to the states with the largest population. The House, in turn, would elect both the senate and the president.



Edmund Randolph opened the main business of the Convention with a long speech criticizing the Articles of Confederation. He blamed all the Confederation government's problems with paper money and trade on the weakness of this document. Later, he also attributed the troubles of the country to the "follies of democracy." To correct these evils, Randolph wanted a balanced government. An aristocratic senate, he thought, should balance a democratic House of Representatives. Randolph also favored balancing governmental powers between Congress and the states. Although he wanted the national government to have the power to defend itself, he did not want individual states to relinquish too many of their powers.

Randolph felt that the completed Constitution had failed to establish a balanced government; he feared the Founders had tipped the scale too far in the direction of Congress and the national government. Nevertheless, George Washington convinced Randolph to support the Constitution and he played an integral part in getting it ratified in Virginia. Randolph eventually served under Washington as Attorney General and later as Secretary of State. When accused of passing national secrets to the French ambassador, Randolph proclaimed his innocence but resigned his post and permanently retired from public service.

While in public office, Randolph sometimes complained that his father had not handed a fortune down to him. When he finally inherited his Uncle Peyton's estate, it was so burdened with debt that it failed to benefit him financially. He did very well after retiring from public life, however, and died leaving an estate of 7,000 acres, 200 slaves, several houses, and about \$80,000.

## ***George Read of Delaware (1733-1798)***

One of six sons of a very wealthy father, George Read received an excellent education that was so beneficial that he decided he no longer needed his father's inheritance. Read started practicing law at age twenty. Although he never earned a great deal from his law practice, his investment in government bonds allowed him to live lavishly in a large mansion overlooking the Delaware River. At thirty, he was appointed state Attorney General and later served on the Delaware General Assembly, where he spoke out against British policy. He served in the First and Second Continental Congresses where he attempted to steer the colonies away from the possibility of war with England. He voted against independence in 1776 but signed the Declaration nevertheless. He eventually served his state as a Governor, Senator, Representative, and Chief Justice.

Read came to the Convention with instructions not to change the rule that gave each state one vote. Overwhelmed by the representatives of the large states, who pushed for representation by population, he appealed to John Dickinson for help and urged him to hurry to Philadelphia to assist him in the defense of small states.

Despite opposition to state representation in Congress based on population, Read favored making the national government more powerful. He wanted to give it the power to veto laws passed by the states, and he hoped that the people's attachment to their states would be "extinguished."

Some of Read's other views mirrored those expressed by Dickinson and Hamilton. He wanted to have senators, like judges and the members of the British House of Lords, hold their seats for life. In addition, he wished to give the president the right to appoint the senators and the power to veto laws passed by Congress. He felt that Congress should not have the right to override the president's veto, a

move that would make the President in America more powerful than the King of England. In fact, Read's entire plan for government closely resembled England's.

## ***John Rutledge of South Carolina (1739-1800)***

As was the custom among upper-class southerners, Rutledge was home-tutored and then sent to England to further his education. He returned to Charleston in 1760 and began practicing law. In 1763 he won all 52 cases he accepted. Thereafter, he commanded the highest legal fees in the state. Before the Revolution began, John Rutledge owned five plantations, over 240 slaves, and nine different pieces of town property, and he earned a reputation as one of the best and most successful lawyers in the entire country.

Rutledge initially experienced as much success in politics as he had in law. Elected to the South Carolina Assembly at age 22, he was appointed attorney general three years later and served as South Carolina's delegate to the Stamp Act Congress in 1765. He also served in the Continental Congress, played a major role in writing the state constitution, and was elected governor of South Carolina. He resigned his position as governor, however, because some changes made in the Constitution were too democratic for his taste. Furthermore, he failed in his attempts to recover the property the British took from him for siding with the colonists during the war, and he decided not to continue his law practice after the war ended.

At the Convention, Rutledge argued that office-holders should own large amounts of property. He did not apply the same rule to voters because he feared "this would make an enemy of all who would be excluded." Rutledge proposed that the president serves a seven-year term and that he be eligible for re-election and impeachment if necessary.

In defending the slave trade, Rutledge argued that "religion and humanity have nothing to do with it." He claimed that "interest alone... is the governing principle with nations," and he told northerners at the Convention that they too would benefit from the slave trade because slaves were shipped in boats built and owned in the North. Rutledge later declared to the Convention that North Carolina, South Carolina, and Georgia would never approve of the Constitution if it took away their right to import slaves.

Rutledge opposed giving the national government the power to veto laws passed by the states. "If nothing else," he argued, "this alone would damn and ought to damn the Constitution." Moreover, Rutledge proposed a detailed bill of rights. He favored the prohibition of a bill of attainder (which would allow for the legislature itself to convict a criminal) and ex post facto laws (laws passed making a crime after an act is committed), but he supported the suspension of habeas corpus (putting people in jail without due cause).

After the Constitutional Convention, Rutledge served his nation as a member of the Supreme Court. The death of his wife in 1792 so broke Rutledge's health and spirit that he did little in the way of public service in the last eight years of his life.

## ***Roger Sherman of Connecticut (1721-1793)***

Roger Sherman was a jack-of-all-trades. Born to a farming family in Newton, Massachusetts, Sherman, at one point or another, worked as a farmer, shoemaker, surveyor, storekeeper, landowner, printer, and lawyer in addition to holding a variety of government offices. Although he had little formal education,

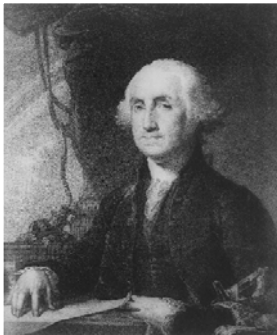
Sherman taught himself everything he had to know and he earned a reputation as an able-minded politician who was extremely capable of accomplishing anything he set out to do. He never accrued much wealth because his eldest sons were failures in business and needed his financial assistance. He spent a great deal of money buying government bonds that weren't repaid until the year before his death. In the meantime, Sherman stayed out of debtors' prison mainly because of his reputation for honesty and because of the help he received from his daughters.

Sherman entered politics in 1755 with his election to Connecticut's General Assembly. He later served on the Governor's council and in the Continental Congress. One of the few Americans who signed the Declaration of Independence, the Articles of Confederation, and the U.S. Constitution, Sherman also revised Connecticut's laws, served as mayor of New Haven, and represented Connecticut in Congress. He died in 1793, shortly after his appointment to the U.S. Senate.

Sherman is best known for, along with Benjamin Franklin, introducing the compromise that gave America its two houses of Congress. He also pushed for compromise in other positions that he took at the Convention. He favored increasing the power of the national government while protecting the rights of states. He wanted to give Congress the power to make laws in all cases that would affect the whole country, but wanted to allow the states to handle all cases that would only affect them. Sherman favored frequent elections to "preserve the good behavior of the rulers," but he thought that the people should not directly vote for their rulers because "they lack information and are likely to be misled."

Although Sherman opposed slavery, he did not want to end the slave trade for fear that the southern states would not accept the Constitution. He thought a bill of rights unnecessary because he trusted the states to protect the rights of the people.

## **George Washington (1732-1799)**



**G. Washington**

Even though he had been elected president of the Constitutional Convention, George Washington hardly said a word during the three months it was in session. His presence and approval, however, had much to do with the success of the enterprise. Washington was so respected, honored, and admired that all who speculated about the presidency knew that George Washington would be elected to that office. Indeed, in the nation's first presidential election, Washington was the unanimous choice of the electors.

Washington earned his reputation through many years of devoted service to his country. His career started in 1753 with an expedition into western Pennsylvania to warn France not to trespass on land claimed by England. During the French and Indian War, Washington commanded the Virginia militia, and later devoted himself to his plantation at Mount Vernon. He increased its size from 2,000 to 8,000 acres and lived the life of a Virginia planter with fox hunting, weeklong parties, service in the House of Burgesses, and involvement in local politics. Following the passage of the Stamp Act, Washington played a leading role in defending the colonists' cause. He was elected to serve in the First Continental Congress and appointed commander-in-chief of American armies in 1775. For the next eight years, Washington served his country with dogged determination and led his poorly equipped and trained forces to ultimate victory.

When, in the closing days of the war, Washington received word that some of his officers planned to establish a monarchy with himself as King, he declined, and reminded them of the ideals for which

they fought. Soon afterwards, he took leave of his forces and returned to the planter's life he loved so well. His country called him into service again, however, first to the Convention and then as president. Washington died in 1799, only three years after retiring from public life.

Washington supported a strong government, actively opposed the Articles of Confederation because it did not give the national government enough power, and was instrumental in calling for the Constitutional Convention. At the Convention he warned his fellow delegates to do what was right and not to merely "please the people." Although the more detailed aspects of his views are not well-known, one can assume that he supported a plan to give the larger states more votes in Congress and to provide an aristocratic Senate to offset a democratic House of Representatives; that he called for an especially constituted group of electors to elect the President; and that he opposed including a bill of rights in the Constitution. Although he owned hundreds of slaves, Washington was sufficiently opposed to this institution that he made arrangements to free them after his own and his wife's death.

Throughout his life, Washington was obsessed with acquiring property, often borrowing money to increase his holdings. Despite refusing his Revolutionary war salary and spending much time in public service, Washington owned land in six different states and left an estate valued \$530,000. Washington was said to be one of the richest men in America. Much of his wealth could be attributed to his advantageous marriage to Martha, his shrewd land purchases, and his careful management of his plantation.

## ***Hugh Williamson of North Carolina (1735-1819)***

Hugh Williamson, whose mother was rumored to have been captured by the pirate Blackbeard, served as a minister for three years before going abroad to study medicine. While in Europe he wrote on a number of different subjects including American rights, comets, and electric eels. A humorous and well-mannered man of talent and education, Williamson made enough money in his medical career to invest large amounts in western lands and government bonds.

Williamson personally witnessed the Boston Tea Party while waiting to sail on a ship to England. When he arrived in London, he recounted the details of the incident to Benjamin Franklin. Upon his return to America, he practiced medicine in his native North Carolina and started a business with his brother that involved trading with the French West Indies. The British eventually closed the business. During the Revolution, Williamson served as surgeon general of the North Carolina militia. In this position he saved many lives by taking an unusually active part in inoculating his soldiers against smallpox and improving health and sanitary conditions.

Entering politics in 1782, Williamson served in the state legislature and represented North Carolina in the Continental Congress, where he played an active role trying to give the government more power. After the Convention, he worked hard to have the Constitution ratified in North Carolina. Williamson later served two terms as a representative in Congress, and retired from politics to write. Among his works is a two-volume history of North Carolina.

Like Benjamin Franklin, Williamson was both a democrat and a nationalist. Although he wanted to make the national government more powerful (he had a personal interest in doing so because of his land holdings and government bonds), Williamson would not allow it to veto laws passed by the states. He opposed restricting the right to vote, and wanted to limit the power of the President by allowing Congress to override his vetoes with a two-thirds majority vote of both houses. He also favored giving Congress the power to impeach and convict the President for malpractice and neglect of duty. He had more faith in the House of Representatives, which would be elected directly by the people, than he had in

the Senate, which would be chosen by the state legislatures. He favored a bill of rights in the Constitution that, among other things, would guarantee the right of trial by jury. Although personally opposed to slavery, Williamson represented his state's views on this issue because he feared North Carolina would not join the Union if it was forced to stop importing slaves. He thought it was wrong to force a state to do anything that was not absolutely necessary.

## ***James Wilson of Pennsylvania (1742-98)***

Born in Scotland, where he received an excellent education, Wilson came to America at the age of twenty-three. There he supported himself by tutoring, while he studied law under the famous John Dickinson. In 1767 he moved west, won some important land claim cases, and began to buy land on his own account. He eventually became a successful lawyer, politician, and scholar, but a terrible businessman who made many reckless and ill-advised investments that eventually caused him to flee his creditors and die deeply in debt while still on the run.

Wilson's early political career revealed several strange twists and turns in loyalties. An early supporter of America's rights against England, Wilson won fame by writing a pamphlet that argued the colonists' case. He served in the Continental Congress, where he advocated making peace with England. Only a last-minute switch by Wilson put Pennsylvania in favor of voting for independence. Shortly afterwards, Wilson's opposition to the new democratic constitution of his state led to his dismissal from Congress whereupon he moved to Philadelphia and did legal work for those who favored England. This so angered the patriots that a mob attacked his house. He somehow gained support after the incident, however, and was elected to serve in the Continental Congress.

At the Constitutional Convention, most of Wilson's positions favored democracy and a stronger national government. Although he liked the English system with its House of Lords, Wilson supported the election of senators by the voters instead of the state legislatures. He stood out amongst his fellow delegates by insisting that the people, and not a specially chosen group of electors, choose the president. He wanted the president to serve for only three years and would make him eligible for re-election. Nevertheless, he would make him powerful enough to veto any law passed by Congress, and Congress would not be given the right to override his veto.

Wilson favored making the national government much stronger than it was under the Articles. Unlike states' rights advocates, Wilson did not believe that the national government would destroy the states; instead, he feared that the states would destroy the national government. To prevent this from happening, he strongly favored giving the national government power to veto any law passed by the states. Because he wanted such a powerful national government, Wilson opposed limiting its power with a bill of rights.

Wilson had played a leading role at the Convention. As a reward for his efforts, he earned a position on the Supreme Court but could not enter certain states because he was wanted for bad debts.

## **Suggested Student Exercises:**

1. After reading and taking notes on eight delegate biographies chosen at random, select three whose views you would like to represent in a mock Constitutional Convention in your classroom. (Note: you may select delegates because of the controversial nature of their views, because you agree with their position on issues, or because you admire the people they were.)
2. Write a brief statement why you selected these three.

## Chapter 3

### The Age of Constitution Writing

Even before independence was declared, seven colonies had begun writing new constitutions. Four others followed shortly after July 4, 1776. At the same time, the Continental Congress appointed a committee to draw up a constitution for the 13 colonies. Although they did not break violently with the past, these new constitutions took on the form of "social contracts," a term used by the British philosopher John Locke to describe governments created to protect the people's natural rights.

Examining the differences between the old and new constitutions shows how ideas about government had changed in early years of the new nation. The following chart demonstrates the differences between the forms that the three major branches of government took under British rule and after independence

Under British Rule	After Independence
<b>Executive Branch</b>  <b>Governor:</b> Appointed by Crown or proprietor in 11 states; elected by people in 2.  <b>Term Office:</b> Determined by crown: could be for life, but averaged five years.  <b>Veto Power:</b> for all laws passed by assembly. Assembly could not override veto.  <b>Advisory Council:</b> in all colonies advised governor, served as upper house of legislature and often as supreme court.	<b>Executive Branch</b>  <b>Governor:</b> Elected by voters in five states and by combined house and senate (or equivalent) in seven.  <b>Term of Office:</b> Ranged from one to three years; often could not be re-elected for successive terms.  <b>Veto Power:</b> Denied governor in all states except Massachusetts.  <b>Advisory Council:</b> Had 4 to 12 members in 11 states; intended to share governor's powers, but not serve as part of legislature.
<b>Legislative Branch</b>  <b>Upper House</b> (called Council): Generally appointed by governor. Advised governor, gave assent to all laws passed by lower house, and acted as supreme judicial court in colony. Terms of office usually determined by governor.  <b>Lower House</b> (called Assembly): Elected by voters. Could originate laws concerning money matters. Appointed some government officials in five colonies and shared this power with governor in most others.	<b>Legislative Branch</b>  <b>Upper House</b> (called Senate): Generally elected by voters for terms ranging from one to five years and occasionally serving on rotational basis (i.e., terms expired at different times.) Required higher qualifications for office than members of lower house (i.e. members had to hold greater amounts of property than members of lower house). Had to agree to a bill for it to become a law.  <b>Lower House</b> (called House): Elected by voters. Had power to originate laws concerning money matters. Principle that taxation rested on consent of people generally written into constitution.

## Judicial Branch

**Judges:** Appointed by governor In most cases

**Separation of Powers Between Branches:** Principle not specifically stated in constitution or charters.

**Bill of Rights:** Generally not articulated in charters but often drawn up by legislatures

**Qualifications for Voters:** All colonies had property qualifications. Average was property worth £ 50. High qualifications for being member of assembly, member of governor's council, and governor.

**Rights of Colonies:** England claimed in Declaratory Act of 1766 the right to make laws for colonies in all cases whatsoever.

**Ratification and Amending:** Constitutions or charters were generally imposed by England or developed through practice.

## Judicial Branch

**Judges** Appointed by governor in eight states; by legislature in four; elected by people in one. Legislatures determined their salaries. Could be removed for good cause in seven states.

**Separation of Powers Between Branches:** Principle of separation of powers specifically stated In five constitutions in statements similar to the following: the legislative department shall never exercise the executive and Judicial powers, or either of them, the executive shall never exercise the legislative or *judicial* powers or either of them; the judicial shall never exercise the legislative or executive powers, or either of them."

**Bill of Rights:** Contained In constitutions of eight states. Others incorporated general principles contained in Stamp Act of Congress of 1755 or Declaration of Rights (1774). All bills contained principles of human equality and guarded rights to trial by jury, freedom of press, and free elections. Generally they protected rights of assembly, right of petition, and right of taxation without representation. A number of states abolished slavery or importation of slaves.

**Qualifications for Voters:** Property qualifications were reduced or eliminated in four states; maintained in nine. Qualifications for holding office remained higher than voting qualifications, were higher for senators than members of the House, and were higher for governor than for senators.

**Rights of States:** Six states guarantee, state sovereignty with declarations similar to or stronger than the following: The People at this state have sole, exclusive and inherent right of governing and regulating the internal policies of the same. "

**Ratification and Amending:** Two states required the people to ratify their constitutions; in others the constitution needed only assent by

the group writing it. In six states amendments to the constitution could be made by state legislatures.

## The Articles of Confederation

Even before Independence from England was declared, the Continental Congress appointed a committee to write a constitution for the colonies in revolt against their mother country. The Committee appointed to draw up this new constitution consisted of one delegate from each of the thirteen states. On July 12, 1776, it submitted a plan to Congress for Articles of Confederation and Perpetual Union, which was written primarily by John Dickinson. Congress significantly altered the original draft and finally approved of a revised version of the Articles in November, 1777. The new plan was submitted to the states for their approval and required the unanimous consent from each of the 13 states before the Articles of Confederation were officially ratified. Innumerable delays, prompted primarily by Maryland's refusal to agree to the plan unless all states surrender their claims to western lands, postponed final acceptance until 1781. By this time the Revolutionary War had all but ended, and the weaknesses of the Articles of Confederation had become apparent to many Americans. But no consensus had been achieved on the remedies for these weaknesses.

The following summation of the Articles of Confederation will provide you with an opportunity to decide for yourself what was wrong with the Articles of Confederation, the first constitution for the not so united states of America.

### **THE ARTICLES OF CONFEDERATION:**

**Article I.** The stile of this confederacy shall be "The United States of America."

**Article II.** Each state retains its sovereignty, freedom, and independence, and every Power, Jurisdiction and right, which is not by this confederation expressly delegated to the United States, in Congress assembled.

**Article III.** The said states hereby enter into a firm league of friendship with each other, for their common defense, the security of their liberties, and their mutual and general welfare, binding themselves to assist each other against all force or attacks made on them.



**Article IV.** [The] free inhabitants of these states shall enjoy all the privileges of trade and commerce and be subject to the same duties. Any person fleeing from Justice from one state will be returned to the state from which he has fled.

**Article V.** No State will be represented in Congress by less than two or more than seven members; and no person shall be a delegate for more than three years in any term of six years. In determining questions in the united states, in Congress assembled, each state shall have one vote.

**Article VI.** No state without the consent of the united states in Congress assembled, shall... make any agreement, alliance or treaty with any other country without consent of Congress, or enter into an alliance, etc. with any King, prince, or state without the agreement of the united states in congress assembled, nor shall any state engage in war without the agreement of the united states in congress assembled.

**Article VIII.** All charges of war and all other expenses for the common defense or general welfare ... shall be defrayed out of a common treasury, which shall be supplied by the several states, in proportion to the value of the land in each state. The method of determining the value of this land shall be determined by congress.

The taxes for paying that proportion shall be laid and collected by the authority of the legislatures of the several states ...

**Article IX.** The united states in congress assembled shall have the sole and exclusive power of determining on peace and war [and] entering into treaties and alliances The united states in Congress assembled shall be the last resort in all disputes and differences that hereafter may arise between two or more states.

The united states in congress assembled shall have the sole and exclusive right and power over regulating the alloy and value of coins struck by their own authority or the states, regulating the trade and managing all affairs with Indians, and regulating post offices ... appointing all the officers of the naval forces, and commissioning all officers whatever in the services of the united states.

The united states in congress assembled shall have authority to appoint ... A "Committee of the States" to consist of one delegate from each state, and to appoint such other committees and civil offices as may be necessary for managing the general affairs of the united states under their direction - to appoint one of their number to preside (a president) provided that no person shall serve in office for more than one year in any term of three. This Committee (or these committees) may carry out the power of the united states.

For important matters of government such as declaring war, making treaties, coining or borrowing money, appropriating money, or raising an army or navy, or admitting new states, 9 of the 13 states must agree.

**Article XIII.** Every state shall abide by the decisions of the united states in congress assembled ... and the Union shall be perpetual; nor shall any alteration (changes or

amendments) be made in any of them; unless such alteration be ... confirmed by the legislatures of every state.<sup>1</sup>

## Student Exercises:

1. Based on your analysis of the changes in state Constitutions, do you believe the US was significantly more democratic as a result of the overthrow of British authorities? Support your answer with specific examples.
2. What strengths and weaknesses do you see in the Articles of Confederation? Look specifically at the question of number of votes for states, power granted Congress, strength of the executive branch, democratic features, slavery, and a bill of rights.

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<sup>1</sup> Henry Steele Commager, ed., *Documents of American History* (New York: Appleton-Century-Crofts, 1963), pp.111-14. edited

## Chapter 4

### The Age of Social Change

When England's General Howe evacuated Boston in March 1776, he took 1,100 refugees with him. Another 1000 people loyal to their Mother Country followed the British army out of Massachusetts (altogether 70000 loyalists left the colonies during or after the war). The majority were members of old, aristocratic families who had served the colony with distinction during the colonial period. The removal of colonists with much of the wealth and talent in society and government caused great changes in the country, and it cleared the way for new men to enter politics.

The destruction of the old social order reflected basic changes in society – changes that help explain the ideas and motives of the men who wrote the Constitution.

#### The British Concept of Balanced Government

In England, built-in constitutional arrangements assured that the rights and freedoms of the people would be protected. The British constitution was based on well-defined orders in society. Each branch of government, representing one of these orders, was balanced against the others. Thus, the king or chief executive represented royalty, the first order of society, and was the administrative branch of government. A nobility or hereditary aristocracy whose stake in society was adequate safeguard against violent or unnecessary changes checked his power. The aristocracy was represented in the House of Lords, which functioned as the upper house of the legislature. Finally, the common people, or third order of society, were represented in the House of Commons which was able to check the power of crown and nobility. Thus, each social order, with antagonistic interests, checked the power of government to destroy liberty.

The British concept of balanced government also operated in the colonies. The colonial counterpart of the crown was the royal governor. A council representing the colonial aristocracy or elite checked his power. They in turn were checked by the assembly representing the people.

These constitutional arrangements were considered the ideal form of government by all but a minority of radicals who questioned the whole system. What worried men of good faith was that one branch would get too powerful and impose its will on the others.

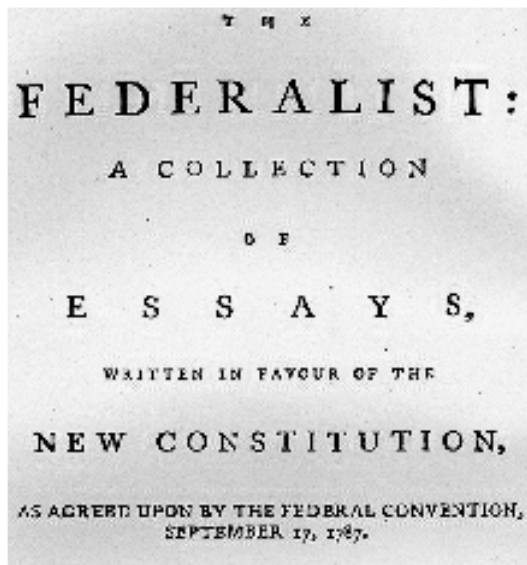
#### The Destruction of the Old Order

The American Revolution, in effect, destroyed the balance between the various orders of society. The royal governors were forced to return to England. The colonial elite or aristocracy was discredited and they either withdrew from politics or fled the country. Of the original three orders, only the common people were left. This sudden restructuring of society was bound to create great problems in forming new governments. Who was left to check and control the power of the people?

In writing new state constitutions, many assumed that a new aristocracy, based on education and talent, would take the place of the old aristocracy. Many of the new constitutions provided for a senate selected to ensure that its members were the wisest and most independent people of the state. Not every state made such provisions, however. Some, such as Pennsylvania, provided for only one house of the legislature while others provided for senators with no different qualifications from those serving in the Lower House.

It had once been assumed that men who would become leaders in colonial society would have the necessary education, social background, wealth, and natural talents. But the Revolution created a new breed of politician who lacked the qualifications of the leaders during colonial times. Men whose claim to leadership was not based on their wealth, education, and social standing were rising to power and posing a threat to the old social hierarchy. This was the truly revolutionary change that worried the men who wrote the U.S. Constitution.

## The Danger of Faction



Patrick Henry, who rose from the back woods to become governor of Virginia, and Samuel Adams, who became governor of Massachusetts after years of business failure, symbolized the new men in American politics. The Founders were concerned that these new men would represent their own personal ambitions and interests rather than looking objectively at what was best for society at large. These fears received their clearest expression from James Madison, the philosopher of the constitution, in an essay known as Federalist X.

Madison feared that special interest groups would replace the three orders destroyed by the Revolution. He called these special interest groups factions. Each faction (debtors, creditors, shippers, manufacturers, landless individuals, etc.) would tend to think of what was good for their own group rather than for the society as a whole. The purpose of the Constitution, Madison argued, was to protect and preserve the public good against a faction consisting of the majority of the people and, at the same time, to preserve the spirit and form of popular government.

## Federalist X

*Among the numerous advantages promised by a well-constructed Union, none deserves to be more accurately developed than its tendency to break and control the violence of faction, Complaints are everywhere heard from our most considerate and virtuous citizens, equally the friends of public and private faith and of public and personal liberty, that our governments are too unstable, that the public good is disregarded in the conflicts of rival parties, and that measures are too often decided, not according to the rules of justice and the rights of the minor party, but by the superior force of an interested and overbearing majority.*

*If a faction consists of less than a majority, relief is supplied by the republican principle, which enables the majority to defeat its sinister views by regular vote, It may clog the administration, it may convulse the society; but it will be unable to execute and mask its violence under the forms of the Constitution. When a majority is included in a faction, the form of popular government, on the other hand, enables it to sacrifice to its ruling passion or interest both the public good and the rights of other citizens. To secure the public good and private rights against the danger of such a faction, and at the same time to preserve the spirit and the form of popular government, is then the great object to which our inquiries are directed.*

*From this view of the subject it may be concluded that a pure democracy, by which I mean a society consisting of a small number of citizens, who assemble and administer the government in person, can admit of no cure for the mischiefs of faction. A common passion or interest will, in almost every case, be felt by a majority of the whole; a communication and concert results from the form of government itself; and there is nothing to check the inducements to sacrifice the weaker party or an obnoxious individual. Hence it is that such democracies have ever been spectacles of turbulence and contention; have ever been found incompatible with personal security or the rights of property; and have in general been as short in their lives as they have been violent in their deaths. . . .*

*A republic, by which I mean a government in which the scheme of representation takes place, opens a different prospect and promises the cure for which we are seeking. Let us examine the points in which it varies from pure democracy, and we shall comprehend both the nature of the cure and the efficacy which it must derive from the Union,*

*The two great points of difference between a democracy and a republic are first, the delegation of the government, in the latter, to a small number of citizens elected by the rest; secondly, the greater number of citizens and greater sphere of country over which the latter may be extended,*

*The effect of the first difference is, on the one hand, to refine and enlarge the public views by passing them through the medium of a chosen body of citizens, whose wisdom may best discern the true interest of their country and whose patriotism and love of justice will be least likely to sacrifice it to temporary or partial considerations. Under such a regulation it may well happen that the public voice, pronounced by the representatives of the people, will be more consonant to the public good than if pronounced by the people themselves, convened for the purpose.*

*The other point of difference is, the greater number of citizens and extent of territory which may be brought within the compass of republican than of democratic government; and it is this circumstance principally which renders factious combinations less to be dreaded in the former than in the latter. The smaller the society, the fewer probably will be the distinct parties and interests composing it; the fewer the distinct parties and interests, the more frequently will a majority be found of the same party; and the smaller the number of individuals composing a majority, and the smaller the compass within which they are placed, the more easily will they concert and execute their plans of oppression. Extend the sphere and you take in a greater variety of parties and interests; you make it less probable that a majority of the whole will have a common motive to invade the rights of other citizens; or if such a common motive exists, it will be more difficult for all who feel it to discover their own strength and to act in unison with each other. Besides other impediments, it may be remarked that, where there is a consciousness of unjust or dishonorable purposes, communication is always checked by distrust in proportion to the number whose concurrence is necessary. . . .*

*Hence, it clearly appears that the same advantage which a republic has over a democracy in controlling the effects of faction is enjoyed by a large over a small republic – is enjoyed by the Union over the States composing it. The influence of factious leaders may kindle a flame within their particular States but will be unable to spread a general conflagration through the other States. A religious sect may degenerate into a political faction in a part of the Confederacy; but the variety of sects dispersed over the entire face of it must secure the national councils against any danger from that source. A rage for paper money, for an abolition of debts, for an equal division of property, or for any other improper or wicked project, will be less apt to pervade the whole body of*

*the Union than a particular member of it; in the same proportion as such a malady is more likely to taint a particular county or district than an entire State.<sup>2</sup>*

Madison's essay, one of the most frequently quoted political writings in US history, expressed a dominant sentiment among the people who wrote the Constitution. He expressed the need for an order in society that required stifling what many thought was "an excess of democracy," brought about by the 'destruction of the old order.' In the next chapter you will read about Shays' Rebellion, which convinced many of the Founders that a new constitution was necessary

## Student Exercises:

1. How did the destruction of the old order lead to the rise of factions?
2. How and why would a 'republican' form of government, according to James Madison, lead to curbing the power of factions?
3. Do you agree with Madison's implied conclusion that majority rule in a democracy possess as great a threat to good government as minority rule?

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<sup>2</sup>Quoted in Richard Hofstadter, *Great Issues in American History: From the Revolution to the Civil War, 1765-1865*, (New York: Vintage Books, 1965), pp. 124-32.

## Chapter 5

### Paper Money and Shays' Rebellion

"Are your people mad?" General Washington demanded of his correspondent in Massachusetts. His former artillery commander, Henry Knox, had confided that "(t)hey are determined to annihilate all debts public and private by the means of unfunded paper money." Thomas Jefferson, hearing the news while he was ambassador to France,, took a calmer view. "A little rebellion now and then is a good thing," the author of the Declaration of Independence philosophized, for "the tree of liberty must be refreshed from time to time with the blood of patriots and tyrants."

The "little rebellion" to which Thomas Jefferson referred is known in history as Shays Rebellion, and with the single exception of the Civil War, stands as the nation's most famous and most important domestic revolt. Although a rumbling of discontent rocked Massachusetts as early as 1782, the rebellion did not break out until 1786. The rebels, totaling over 1600 men at full strength, roamed the Western sections of Massachusetts, closing courts, intimidating judges, and finally attacking the Federal arsenal in Springfield.

Shays suffered his first defeat in Springfield. Here he and his band of compatriots met the determined opposition of Major General Benjamin Lincoln. Lincoln had raised an army with the help of private contributions from 130 thoroughly alarmed Bostonians, including the state's governor, James Bowdoin. Bowdoin had donated 250 British pounds from his own pocket because his bankrupt state lacked the money needed to restore order within its own borders. Retreating after their unsuccessful attack on the Springfield arsenal on January 26, 1787, Shays was pursued by General Lincoln. Driving his troops for 30 miles in one night through a fierce blizzard, Lincoln surprised Shays' band and captured 150 men. The rest fled in confusion while Shays himself took refuge in New Hampshire and later in New York, where he lived out his days on a \$7.00 a month army pension.

Shays' Rebellion was symbolic of the problems facing the nation after the Revolution. Not only were new men rising into positions of government leadership, but they were also challenging the existing social order. Factions such as debtors contended for control of government, hoping to legislate for a particular interest group. Anarchy threatened to replace order, and the National as well as the State governments seemed helpless in dealing with the problems underlying the revolt. There was widespread disagreement about whether the issues raised by Shays could best be resolved on the state or national level.

#### **Causes of Shays' Rebellion: Paper Money**

Money was the root cause of the rebellion led by Daniel Shays: money, taxes, debts, poverty, languishing trade and agrarian discontent. During the Revolution, every state taxed itself heavily to pay for the war. The Continental Congress requested taxes from each of the 13 colonies. The states often neglected to pay their obligations to the Confederate government. Unable to force the states to support the Continental Army, Congress resorted to the printing presses and issued paper money with nothing of value to back it up. Soldiers were paid in this paper currency. Suppliers for Washington's meager army received paper money and government bonds. It was an age-old way of financing wars, but one that led to disaster. By 1780, the Continental paper dollar was worth one-fortieth of a cent in gold or silver. Merchants simply refused to accept this worthless paper. They wanted gold or silver. Then, in 1780,

Congress called the money back and issued gold and silver at the rate of \$1.00 for \$40.00 in paper. Printing press money had proved an inadequate means of financing the Revolution.

As the war wound to a close, the states faced a tremendous burden of debt. The exact figures will never be known for the states kept inaccurate records, but Massachusetts owed \$41,500,000, and Pennsylvania and Virginia each owed sums approximately three times as great. The result was that the taxpayers faced a tremendous burden. To pay these debts, taxes in Massachusetts took one-third of people's income. The increase in taxes between 1774 to 1786 was over 1,000 percent.

Seven states decided to avoid implementing a crushing tax on their people by issuing paper currency. In some states like New York, Virginia and South Carolina, the plan succeeded. Backed by merchants – who 'hinted' strongly to creditors that their paper money be accepted by enclosing a hangman's noose with the money owed, – South Carolina had their paper issue accepted. Supported by wealthy creditors in Pennsylvania, paper money also proved successful. It enabled these states to pay off parts of their revolutionary war debts without imposing a burdensome tax on their people. In Rhode Island we had a different story. The state legislature issued paper money and passed a law requiring its acceptance by creditors and merchants. When men began to flee the state to avoid receiving payment in money they considered worthless, a law was passed permitting debtors to deposit the money with local judges.

Men who failed to see the advantages of a paper currency controlled the Massachusetts State Legislature. Scared by the example in neighboring Rhode Island,, they resisted demands for paper money. They argued that debts should be repaid in currency of the same value as the money borrowed. Paper money advocates were viewed as shiftless individuals who would cheat the men to whom they owed money. Meanwhile, Massachusetts embarked on an ambitious program of paying state debts to speculators who had bought up all bonds at a fraction of their former value and now demanded payment in full.

## **Causes of Shays' Rebellion: Depression in Massachusetts**

It is likely that Massachusetts could have settled its money problems without resorting to violence, but the war's end brought hard times. A buying spree of largely luxury items depleted the state of the little gold and silver currency in circulation. Meanwhile, England dumped her products in Massachusetts in order to regain her old market. But the English refused to open their ports to American products. She even barred American ships from the once profitable and vital West Indies trade. Deprived of its traditional markets, Massachusetts's commerce languished. Her farmers had no buyers for their harvest; her profitable distilleries were closed; her bustling shipbuilding industry lay idle. Congress was unable to help, for it lacked the power to negotiate a commercial treaty. John Adams, the ambassador to England, was chided over the weaknesses of the Articles of Confederation, which could not compel a state to enforce treaties. He was told England would have to negotiate thirteen separate treaties rather than one. Faced by a shortage of money, the farmers in his native state were unable to pay their taxes.

## **The Causes of Shays' Rebellion: Taxes in Massachusetts**

Taxes in Massachusetts fell hardest on small farmers and on the poorest citizens. A full 40 percent of the tax burden was the poll or head tax which fell alike on all citizens, regardless of income, and the poll was four times higher than in neighboring New Hampshire. The average tax collected, three British pounds per adult male each year, caused the typical farmer to pay about one-third of his income to the state. Most of this money was used to pay debts owed to wealthy merchants and lawyers living in the seaboard towns.



Many Massachusetts farmers were unable to pay their taxes or their private debts. Their difficulties in meeting these obligations led to other problems. Courts foreclosed on farmers whose lands and personal possessions were sold at public auctions often for one-third of their actual worth. Or worse yet, hapless debtors were thrown into cold and dark dungeons called debtors' prisons, where they were left to rot until friends or family could afford to bail them out. Furthermore, lawyers exacted high fees, which the imprisoned were unable to pay, and high court costs added to their woes.

## Protest and Rebellion

In keeping with the Revolutionary spirit of the times, hardships led to protest. As early as 1782, farmers petitioned their government for 'redress of grievances,' but no relief was forthcoming. In 1786, four counties held semi-legal conventions and demanded reductions in court and lawyer fees, reductions in salaries for government officials, reductions in taxes, and above all, the issuance of paper money. The state legislature, which had suspended taxes the previous year, however, was in no mood to postpone collection even longer.

It was not long before the farmers took the law into their own hands. In August, 1500 men took control of the Hampshire County Courthouse and forced it to adjourn to prevent further foreclosures. In Worcester, Judge Artemas was swept out of court after admonishing the rebels for their actions. In Bristol, Chief Justice David Cobb, with the aid of 30 volunteers and a brass cannon, managed to keep court in session.

The legislature made minor concessions and even though it offered to pardon all of the rebels, it refused to issue paper money. Meanwhile, General Knox negotiated unsuccessfully with the Continental Congress to send 1,340 volunteers to protect the state against a revolution, directed this time at the Massachusetts government. Massachusetts was unable to respond when its governor's council authorized a force of 4,400 men to meet the threat to his authority. The \$20,000 needed to fight the rebels was finally raised by contributions from private citizens. General Lincoln was appointed to head the army and was commandeered to suppress the rebellion.

## Student Exercises:

1. Explain the multiple causes of Shays' Rebellion.
2. Take the role of either a Massachusetts farmer about to be thrown in jail for not paying his debts or a merchant who did not want to be paid in paper money, and prepare to discuss each of the following issues:
  - a. Whether or not the rebellion was justified
  - b. Whether paper money would be issued and taxes for farmers lowered, or whether the rebellion would be put down.
  - c. Whether the events in Massachusetts indicated that a stronger national government was needed or Prepare to mediate a solution to the problems posed in the discussion.

## Chapter 6

### The Road to Philadelphia

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TIFF (Uncompressed) decompressor  
are needed to see this picture.

Historians have called the six years following the end of the Revolution 'the Critical Period.' It was critical, historians claim, because the United States was teetering at the brink of collapse, unable to pay its debts, control its borders, its treaties, suppress its rebellions, encourage its trade, or establish its currency. Yet, the United States was able to win its war against the most powerful nation in the world, borrow enough money to keep the government going, pull out of a depression, increase its trade, and resolve the question of western lands. This chapter discusses the Critical Period by looking at the country's problems and how the constitutional convention came about. It also presents the issues that can be resolved in a mock convention in your classroom.

#### Surrender at Yorktown

While paper money, revolutionary war debts, and higher taxes concerned farmers and creditors, other equally pressing problems drew the attention of those with a more national outlook. The new nation was unable to negotiate a favorable trade treaty with Great Britain. Alluding to the fact that the government under the Articles lacked the power to enforce treaties, the British scornfully suggested that they sign separate agreements with each of the 13 states. While the British refused to allow Americans to trade with Canada and the West Indies, they did allow the U.S. to export raw materials to Great Britain in American ships. But a concession in this trade was accompanied by Great Britain's refusal to vacate the forts in the northwest, something it had agreed to do at the end of the Revolution.

One excuse the British gave for not leaving the forts was that the United States was not living up to the Peace Treaty of 1783. The United States had promised to return lands taken from Americans who left their country because they sided with England during the war, or to open their courts to British litigants. Even a government far stronger than the one under the Articles probably could not have forced states to take the lands from their current owners and return them to the original owners. Few people wanted to see these lands back in the hands of those whose loyalty to England caused them to flee the country during the Revolution.

In the far west, Spain blocked access to the Gulf of Mexico by refusing Americans permission to use the ports in New Orleans, denying them navigation rights of the mighty Mississippi River. In Florida, the Spanish encouraged Native Americans to harass American settlers. The situation was so bad that one American diplomat was willing to surrender the right to use the mouth of the Mississippi for American trade in exchange for a treaty to trade with Spain. Meanwhile, western settlers, despairing of getting help from their weak government, plotted to break away from the Union, form a western re-public, and seek an alliance with Spain. In the east, states squabbled over conflicting land claims and taxed each other's imports. New Jersey and New York feuded over islands along the mouth of the Hudson River, and New York would not permit the importation of firewood from Connecticut. Worse, Congress was helpless as states refused to pay their fair share of taxes. The states contributed barely one-half a million dollars a year, an amount that enabled Congress to pay its employees, but neither the cost of the war nor the interest on foreign loans. Unable to pay the wages for the remaining soldiers. Congress resorted to

issuing paper money — a total of \$451,000/000 — and borrowing large sums from foreign nations. By the mid-1780's, the total U.S. debt exceeded \$70/000,000 with no prospects of ever paying the interest, let alone the principle.

Meanwhile, the weakened Congress often could not act for want of a quorum. An army mutiny was headed off by the dramatic appearance of George Washington, who refused an offer from his disgruntled officers to lead them. Attempts at amending the Articles to give Congress the power to tax imports or enforce treaties failed to get the required approval of all 13 states.

## Trade and Western Lands

Some encouraging things did occur during the Critical Period. For instance, trade with England increased considerably, and new trade routes were opened with Holland and France. Imports from England, however, greatly exceeded exports, thus causing a loss of gold and silver coin.

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TIFF (Uncompressed) decompressor  
are needed to see this picture.

Congress, as weak as it was, did manage to resolve one major problem. It made provisions through the Land Ordinance of 1785 and the Northwest Ordinance of 1787, to deal with the territory west of the Appalachian Mountains. These laws resolved issues that predated the Revolution. The new laws allowed the land to be sold in lots of 640 acres, prohibited slavery, al-

slavery, and allowed settlers to form governments. Once the population a designated territory reached 60,000 and the settlers wrote a constitution, it could, with Congress's approval, enter the Union as anew state with the same rights and privileges of existing states. These acts set an important precedent. The US would expand westward by new state with the same rights and privileges of existing states. These acts set an important precedent. The US establishing self-governing territories and states — not colonies to be ruled by an equivalent of Parliament and George 111! Unfortunately, shortage of funds compelled Congress to sell 1,500,000 valuable acres of the Northwest territory to a land company for the paltry price of 9 cents an acre, and was unable to protect settlers on these lands from the various Indian tribes living in the vicinity.

Disregarding the aforementioned gains under the Articles of Confederation, Alexander Hamilton summed up its weaknesses in stark language:

*There is scarcely anything that can wound the pride or degrade the character of an independent nation that we do not experience.... Do we owe debts to foreigners and to our own citizens contracted in a time of imminent peril for the preservation of our political existence? These remain without any proper or satisfactory provision for their discharge. Have we valuable territories and*

*important posts in the possession of a foreign power which, by express stipulations, ought long since to have been surrendered? These are still retained, to the prejudice of our interests, not less than of our rights. Are we in a condition to resent or to repel the aggression? We have neither troops, nor treasury, nor government. Are we even in a condition to remonstrate with dignity? ... Are we entitled by nature and compact to a free participation in the navigation of the Mississippi? Spain excludes us from it. Is public credit an indispensable resource in time of public danger? We seem to have abandoned its cause as desperate and irretrievable. Is commerce of importance to national wealth? Ours is at the lowest point of declension. Is respectability in the eyes of foreign powers a safeguard against foreign encroachments? The imbecility of our government even forbids them to treat with us. Our ambassadors abroad are the mere pageants of mimic sovereignty.<sup>3</sup>*

## Steps Toward the Convention

As early as 1780, Alexander Hamilton called for increasing the powers granted under the Articles. Several amendments, dealing mainly with the power to collect tariffs, were defeated because one or two states refused to ratify them. Under George Washington's and James Madison's leadership in 1785, Virginia and Maryland discussed their mutual problems concerning navigation of the Potomac River. Encouraged by their success, a call for a conference at Annapolis was extended for the next year. Five states attended. Hamilton and Madison used the occasion to call for a convention of all states to meet on May 14, 1787:

*To take into consideration the situation of the United States, to devise such further provisions as shall appear to them necessary to render the constitution of the federal government adequate to the exigencies of the Union...*

Congress by and large ignored this request until February 1787. Spurred by Shays' rebellion, it called for a convention to meet on May 14, in Philadelphia:

*for the sole and express purpose of revising the Articles of Confederation\* and reporting to Congress and the several legislatures such alterations and provisions therein as shall when agreed to in Congress and confirmed by the states render the federal constitution adequate to the exigencies of government and the preservation of the Union.*

## The Issues at Hand

While Shays' Rebellion was the immediate cause for revision of the Articles, it only served to focus attention on their many weaknesses. It was dear to many who tried to deal with national problems that the United States desperately needed to be able to: (1) raise money, (2) enforce the treaties it made with foreign countries, (3) establish a uniform currency, (4) regulate commerce between the states, (5) impose a tariff, and (6) allow changes in the constitution that would take effect without the agreement of every state. In addition, the U.S. needed (7) an executive branch of government that could enforce the laws made by Congress.

Although the above were generally agreed upon, much remained to be decided:

> Should the states each have one vote in Congress, or should representation be in proportion to their population?

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<sup>3</sup> Quoted in Richard Hofstadter, *Great Issues in American History: From the Revolution to the Civil War, 1765-1865*, Vintage Books, New York, 1965, pp.33-34.

- > How should power be divided between the national and state government?
- > How far could the people be trusted to choose good leaders, and how much did their power need to be curbed with careful checks and balances?
- > Was it necessary to issue a statement protecting the people's rights? If so, what rights needed to be protected?
- > What should be done about slavery and the slave trade?

All these questions and many more faced the men who in May 1787, set out to write a new U.S. constitution. These are also the questions that you will be asked to work out, just as they did, by making speeches, arguing, and compromising.

### **Suggested Student Exercises:**

1. Summarize the accomplishments and the failures under the Articles of Confederation, stating whether you think the evidence shows that:
  - a) The failures were or were not due to the weaknesses of the Articles of Confederation and
  - b) A few amendments would or would not have been sufficient to allow the country to deal with the problems it faced between 1777 and 1786.

## Chapter 7

### Representation: By State or by Population?

One of the major issues delegates to the Convention had to resolve was how many votes each state should have. Under the Articles of Confederation, each state had one vote, regardless of size. The states were considered equals. At the Convention, each state had one vote, even though some delegations consisted of three or four people and others only one or two.

Some delegates, particularly those from larger states, thought it unfair for each state to have the same number of votes. They thought the states' votes should be divided according to population, with the more populous states having more votes than the less populous. That way, the people within the states would be equal. The following statistics (displaying the populations of the various states at the time of the Convention) demonstrate the colonies' differing populations.



Delegates from smaller states opposed this plan, believing that the states had entered the Articles as equals and should not be deprived of this equality. The issue was important because it would affect the number of delegates each state would send to Congress and therefore the power of each state in the new government. What follows is an adaptation of speeches on this topic given at the Constitutional Convention:

State	Total population	Slave population	Number in legislature•
Virginia	821,000	292,000	16
Massachusetts	475,000	Negligible	9
Pennsylvania	434,000	3,700	8
North Carolina	429,000	100,000	8
New York	340,000	21,000	6
Maryland	319,000	103,000	6
South Carolina	249,000	107,000	5
Connecticut	231,000	2,670	5
New Jersey	184,000	11,420	3
Georgia	82,000	29,000	2

#### The Debate

• Based on 1 representative for every 50,000 people (both free and slave) living in state.

**Mr. Madison of Virginia:** *The equality of suffrage established by the Articles of Confederation ought not to prevail in the national Legislature, and an equal ratio of representation based on population ought to be substituted.*

**Mr. Read of Delaware:** *I move that the whole motion on the question of representation be postponed. May I take this opportunity to remind the convention that the delegates from Delaware received explicit orders from the state not to allow any changes in the method of representation? If such a change is made and agreed upon, Delaware may have to leave the Convention.*

**Mr. Madison of Virginia:** *Whatever reason there may have been for equal votes by states under the Articles of Confederation, it must change with the creation of a national government. Under the Articles, the Congress depended completely upon the states to carry out its laws. With the new government we intend to create, however, it would not be fair for the small states to have as much say as the large ones.*

**Mr. Morris of Pennsylvania:** *It would be of great concern to me if Delaware would withdraw her valuable assistance in writing the Constitution. The question of representation is too important to be buried, however. We must decide this question.*

**Mr. Brearly of New Jersey:** *I am sorry that anyone would want to change the arrangement we have under the Articles of Confederation. This issue had already been discussed for far too long when we wrote the Articles. Perhaps some of you don't remember, but we decided at the time that each state is equal and independent — and that equal states should have equal votes. Let us be wise enough not to change a decision made after much consideration.*

*At first glance it may seem fair to give votes to states on the basis of their population; but stop to think about this for a minute. Would it be fair to give Virginia 16 votes and Georgia only one? Would it be fair to give three large states, and you all know who they are, more votes than the rest of the country together?*

**Mr. King of Massachusetts:** *I am really astonished to hear you. You are ready to sack our great plan for proportional representation because of the single folly of these phantoms you call states? A government based on your principles of states' rights would be as short-lived as it is unjust.*

**Mr. Paterson of New Jersey:** *I quite agree with my colleague from New Jersey. Proportionate representation would ruin the smaller states — it would make them powerless. Furthermore, this idea would go beyond the powers given to us as convention delegates. May I remind those who would destroy the Confederacy that we came here to amend it, not to write a new constitution. We don't want to open ourselves to charges that we are going beyond our authority. Our instructions reflect the opinions of the people within each state. These people did not send us to Philadelphia to set up a national government. We came here representing an alliance of equal states and we must leave here representing that alliance. Thus, let us stick with the plan of giving each state one vote, as in the Articles. Let us not go beyond that. We must follow what the people want, and the people want a confederation of states, not a single nation. It is not up to the people to follow what we want.*

**Mr. King of Massachusetts:** *I don't know what you are talking about. You are talking about these states as if they were separate bits of real estate. They are not self-governing. They do not possess the attributes of self-government. They are dumb, for they can't speak to foreign countries; they are deaf, for they can't hear and receive ambassadors from foreign countries. They cannot*

defend themselves in war. They only exist because they are part of a Union of States. And this Union is now deciding what to do about itself and the states that have no real existence without it.

**Mr. Martin of Maryland:** I most heartily disagree. When we separated from England, we became thirteen independent states, in a state of nature toward each other. We would have remained in that state till this time but for forming a government under the Articles of Confederation. We entered into that confederation on a footing of equality. We are now meeting to amend the Articles of Confederation on the same footing that we are all equal to each other. I will never give in to a plan that would put ten states at the mercy of Virginia, Massachusetts, and Pennsylvania.

**Mr. Wilson of Pennsylvania:** There is not much hope left for this confederacy. We aren't even able to collect our taxes. When it finally falls apart, some of the states are going to have to unite for their own safety and we hope New Jersey will join us. If she decides not to, good luck to her, but join together we will, with or without New Jersey.

**Mr. Paterson of New Jersey:** There is no more reason that an individual state contributing much should have more votes than a small state contributing little, than that a rich citizen should have more votes than a poor citizen.

If you make the mistake of giving the large states an influence in proportion to their size, what will be the results? I'll tell you what the results would be. Their ambitions will be increased and the small states will have everything to fear.

**Mr. Wilson of Pennsylvania:** Some people don't really believe in equality. They don't understand that governments are based on the consent of the people. The people are supreme. They are worth more than an artificial set of boundaries called New Jersey or Pennsylvania.

It stands to reason that equal numbers of people should have equal representation and different numbers of people should have different representation. It is true that this principle was violated in the Articles of Confederation — but there was a war going on at the time the Articles were written. We did not have the time to hammer out this principle of equality over the objections of some of the smaller states that were selfishly defending their interests. We have the time now and we must make the right decision.

**Mr. Dickinson of Delaware:** We would sooner admit to a foreign country than submit to be deprived of an equality of suffrage in both branches of the legislature, and be thrown under the domination of the large states.

**Mr. Wilson of Pennsylvania:** The honorable delegate tells us from Delaware that each state is sovereign because it rules over its own people. And we are told that all the sovereign states are equal. But all states are composed of people who rule over themselves. These sovereign people are equals. They must retain that equality when it comes time for them to choose the men who will represent them in government. Equal numbers of people must be entitled to equal numbers of delegates.

**Mr. Paterson of New Jersey:** I will oppose any plan for proportionate representation. I will oppose it here; I will oppose it when I get back to New Jersey; I will oppose it as long as there is breath in my body to fight against the scheme.

**Mr. Wilson of Pennsylvania:** Let us not hear any more talk of refusing to go along with the Convention. If New Jersey will not part with her sovereignty, we cannot talk about government.



*Each state must give up some of its rights in order to create a true national government resting on the one foundation that government must rest upon: equal people with equal representation.*

**Dr. Franklin of Pennsylvania:** *The diversity of opinions turns on two points. If a proportional representation takes place, the small states believe that their liberties will be in danger. If an equality of votes is to be put in its place, the large states say their money will be in danger. Gentlemen, we seem to have reached a stalemate, but I have a solution to our problem.*

*When a broad table is to be made, and the edges do not fit, the carpenter takes a little from both sides and makes a good joint. In like manner here both sides must part with some of their demands, in order that they may join in some accommodating proposition.*

**Mr. Sherman of Connecticut:** *Mr. Franklin, you are quite right. It seems logical that some sort of compromise must be worked out. Why not have a legislature consisting of two houses of Congress? In the first branch, the vote can be given to states according to their population, and in the second branch, each state can have the same number of votes. This way the small states would be able to protect themselves from the few large states that otherwise would rule the rest. This would be very similar to England, where the House of Lords has an equal vote in government with the House of Commons so that it can protect its rights.*

**Mr. Rutledge of South Carolina:** *The proportion of votes in the first branch should be based on the monetary contribution of each state to the country as a whole. The justice of this rule cannot be denied. We all know that money is power, and the states should have a say in government in proportion to their wealth.<sup>4</sup>*

Three important positions considered at the Convention include:

That each state in Congress (and at the Convention) has representation in proportion to population.

(Madison, King, Wilson, Morris, and Randolph strongly supported this position; they had some backing from Hamilton, Pinckney, and Washington.)

That each state in Congress has one vote.

(Bready, Dickinson, Read, Paterson, and Martin strongly supported this position; they had some backing from Pierce.)

That each state in Congress has two votes in a senate and votes in a second branch of the legislature in proportion to their population.

(Franklin, Sherman, Ellsworth, and Gorham strongly supported this position; they had some backing from Gerry, Mason, Rutledge, and Williamson.)

## Suggested Student Exercises:

1. Restate the issue before the convention, using your own words.

<sup>4</sup> Max Farrand, ed., *The Records of the Federal Convention*, New Haven, Connecticut, 1937. Speeches have been freely adopted from this source.

2. Take notes on the reading covering the convention debate. Make sure that you have understood each of the speeches. You should be able to figure out: (a.) what the person is saying, (b) how he is supporting his point, (c) whether or not you agree with him and why.
3. If your delegate has a position on the issues in this debate, summarize this position in not fewer than 20 words. Then write a 100-150-word statement giving several strong arguments supporting his case. You should use arguments that delegates with similar views made in their speeches, and you should make references to things that have been discussed in class before; **or**
4. If it is your turn to make a speech, write a really strong speech (of 200-250 words), showing why you think the issue is important and why people should agree with you. Use dramatic flourishes, humor, and analogies. You should borrow arguments from other delegates and make reference to things discussed in class. Give the kind of speech you'd enjoy hearing. Practice the speech at home; **or**
5. If your delegate does not have a position on this issue, come to class ready to be convinced or to make a deal.

## Chapter 8

### Local Control vs. National Authority

The Founders came to Philadelphia in order to expand on the powers granted the national government under the Articles of Confederation. They generally agreed that the nation could not survive unless the national government had the power to assess and collect taxes, stop the states from issuing money, stop interstate tariffs, and enforce treaties. Many of the Founders did not wish to stop with these revisions. They sought nearly unlimited powers for the national government, including the power to veto all state laws contrary to the Constitution. Others jealously guarded the rights and powers of the states and feared that the revitalized national government might crush the states which, they felt, were far more responsive to the will of their inhabitants than a large and far-away government could be. What follows is a reconstruction of speeches on this topic given at the Constitutional Convention:



#### The Debate

**Colonel Hamilton of New York:** *Two equal sovereign states cannot exist within the same boundaries. You cannot give powers to two governments over the same people. If you give powers to Congress and to the states, you will have either a bad (I should say two bad) governments or no government at all. What is to be done? I hardly dare tell you because I am afraid that we do not yet have the courage to face the issue squarely. I am afraid that I might shock you and the public. But I must speak.*

*There is no reason to keep state governments the way we have them today. They are not necessary for any great purpose — neither for agriculture, commerce, revenue, or defense. Yes, they are necessary to administer laws, but not to make them. The states need not continue to have any great authority. We can all but abolish them and have one government for all the people of the country — one national government with states as administrative lines or jurisdictions for carrying out the laws, which will be made equally for all the people. I hope I have not shocked you too much.*

*I have made my observations. Will the people accept them? Not at the present. But if things keep going as they are under the Articles, it won't be long before the people see the need for unity and overcome their silly fondness for democracies. They will lose their prejudices and see the need for a United States government as strong as England's.*

**Mr. Mason of Virginia:** *I agree with the distinguished Colonel Hamilton of New York. We need a national government. But that does not mean we must abolish the state governments or make them absolutely insignificant. The states are as necessary as the national government and we must be careful to preserve them.*

**Mr. Wilson of Pennsylvania:** *The danger, my friends, is not that the national government will swallow the states, but that the states will swallow the national government. If the national*

government were to extend its power, the people would be no less free for it. A citizen of Delaware is not freer than a citizen of Virginia; nor would either be freer than a citizen of America. So no fatal consequence would result if the national government were to absorb the state governments.

Suppose, however, the reverse were to occur. Suppose the states were gradually to assert an independence from the national government. Gentlemen, that is why we have come to Philadelphia this hot summer – to prevent a recurrence of the problems currently experienced from too much state government.

**Mr. Martin of Maryland:** Mason is absolutely right about the importance of the state governments. I would never consent to Colonel Hamilton's plan, and I understand it too well. We are making the national government stronger to protect the states. Let us not lose sight of that object.

When we separated from England, the American people decided to establish thirteen separate state governments instead of one national government. To these states they look for the safety of their lives, liberties, and properties. They formed the national government to defend the states against foreign nations in case of war, and to defend the smaller states against the ambitious designs of the larger states. If we grant unnecessary power to the national government, we will defeat the original purpose of the Union. We should not give our protector, the national government, the power to swallow up the states that it is created to protect.

**Colonel Hamilton of New York:** By abolishing the states, I do not mean that there will be no boundary between states and national government. I do not intend to turn the country into one unit under one government. There will still be states and state government. But I mean one thing: the national government must not be limited; it must have infinite authority. If we limited the national government, the states would gradually swallow it up. We cannot allow that. Let the states exist, but let them exist as boundaries within which to carry out national law. Let us have one nation, not thirteen separate nations.

**Mr. Madison of Virginia:** I consider the veto on the laws of the states as essential to the security of the national government. The necessity of the national government rises from the desire of the states to follow their particular interests in opposition to the national interests. This desire will continue to disturb the system unless it is effectively controlled. Nothing short of a veto on state laws will control it. Confidence cannot be put in state courts as guardians of the national authority and interests.

The power of vetoing the improper laws of the states is at once the most mild and certain means of preserving the harmony of the system. Its usefulness is sufficiently displayed in the British system. Nothing could maintain the harmony and the subordination of the various parts of the empire but the right by which the Crown stifles in the birth every act of every part tending to disrupt the whole. It is true that the Crown has abused this power, but we do not have the same reason to fear such abuse in our system. As to sending all the laws to the national legislature, that might be made unnecessary. The state could be given power to put laws into effect immediately if they are of great necessity.

**Mr. Lansing of New York:** It is proposed that the national legislature shall have a negative [veto] on the laws of the states. Is it conceivable that there will be leisure for such a task? There will be on the most moderate calculation as many laws sent up from the states as there are days in the year. Will the members of the national legislature be competent judges? Will a gentleman from Georgia be a judge of the wisdom of a law that is to operate in New Hampshire? Such a veto would be more injurious than that of Great Britain before the Revolution.

**Mr. Pierce of Georgia:** *We are now met to remedy the difficulties under the Articles of Confederation, and our difficulties are great, but not, I hope, insurmountable. State distinctions must be sacrificed so far as the general government shall render it necessary – without, however, destroying them altogether.*

**Mr. Sherman of Connecticut:** *The whole thing is ridiculous. State courts will protect the authority of the Union. They will do the job of negating any state law that the national government would wish to veto.*

**Mr. Martin of Maryland:** *From the best judgment I could form while at this convention, I've come to the opinion that ambition and interest have so far blinded the understanding of some of you people writing this constitution; that you are working only to erect a government from which you will benefit, and that you are completely insensitive to the freedom and happiness of the states and their citizens. I most honestly believe that your purpose is to totally abolish all the state governments, and build in their ruins one great extensive empire. You want this empire to raise its rulers and chief officers far above the herd of mankind, to enrich them with wealth, and to encircle them with honors and glory. This honor and glory will be won at the cost of humiliation and enslavement of the average citizens whose sweat and toil will be used to enrich these greedy men.<sup>5</sup>:*

Three important positions considered at the Convention include:

That the national government should have the power to make laws in all cases in which the harmony of the United States may be interrupted and to veto all laws passed by individual states that contradict or violate the Constitution.

(Hamilton, King, Morris, Franklin, Dickinson, Madison, and Washington strongly supported this position; they were supported by: Gorham, Paterson, Williamson, and Wilson.)

That the national government should make laws binding on the people of the United States only in cases that clearly concern the common interests of the country, but otherwise should not interfere with the governments of the individual states.

(Martin, Lansing, Mason, and Gerry strongly supported this position; they had some backing from Randolph.)

A third position that would require a compromise between the two aforementioned possibilities. (Brearly, Ellsworth, and Sherman would probably play a leading role in this attempt to work out a third position.)

## Student Exercises

1. Restate the issue before the convention, using your own words.
2. Take notes on the reading covering the convention debate. Make sure that you have understood each of the speeches. You should be able to figure out: (a.) what the person is saying, (b) how he is supporting his point, (c) whether or not you agree with him and why.

<sup>5</sup>Max Farrand, ed., *The Records of the Federal Convention*, New Haven, Connecticut, 1937. Speeches have been freely adopted from this source. Speeches have been freely adopted from this source.

3. If your delegate has a position on the issues in this debate, summarize this position in not fewer than 20 words. Then write a 100-150-word statement giving several strong arguments supporting his case. You should use arguments that delegates with similar views made in their speeches, and you should make references to things that have been discussed in class before; **or**
4. If it is your turn to make a speech, write a really strong speech (of 200-250 words), showing why you think the issue is important and why people should agree with you. Use dramatic flourishes, humor, and analogies. You should borrow arguments from other delegates and make reference to things discussed in class. Give the kind of speech you'd enjoy hearing. Practice the speech at home; **or**
5. If your delegate does not have a position on this issue, come to class ready to be convinced or to make a deal.

## Chapter 9

### Majority Rule vs. Checks and Balances

The United States is known throughout the world as the first modern democracy. Most Americans, however, are mistaken in their belief that their leaders from the earliest times believed in this form of government the way we do today. Many of the Founders actually expressed very hostile opinions about democracy because they had serious reservations about the people's ability to judge and determine right. On the other hand, they also believed that the people — not kings, nobles, church leaders, or God — had to be the ultimate source of all government power. The problem the Founders faced was how to base a government on the people who, they believed, were uninformed and likely to be misled. The answer to this dilemma was to allow the states to decide who could vote, but to



have a system of checks and balances on the power of those judged fit to elect their leaders. Deciding on how much democracy and how many checks and balances were needed was one of the most important issues at the convention. What follows is a reconstruction of speeches on this topic given at the Constitutional Convention:

#### The Debate

**Mr. Madison of Virginia:** *How long should we allow senators to hold office? In answering this question, we must consider the purpose of the senate. This is first to protect the people against their rulers, and second to protect the people against their own foolishness. An obvious precaution against this danger would be to divide the trust between different bodies of men who would be elected at different times and thus be able to watch and check each other.*

*In all civilized countries, the people fall into different classes having a real or supposed difference of interests. There will always be debtors and creditors, farmers, merchants, and manufacturers. Most particularly there will be distinctions between the rich and the poor.*

*An increase of population over the ages will increase the number of those who labor under all the hardships of life and secretly sigh for a more equal distribution of its blessings. These may in time outnumber those who are placed above the feelings of comfort. According to the equal laws of voting, the power will slide into the hands of the poor. The symptom of their desire to divide riches among themselves has already been revealed in Shays' rebellion. We at the Convention must decide how is this danger to be guarded against in the future.*

*Let us, therefore, establish a senate with nine-year terms for senators. Let it gain sufficient respect for its wisdom and virtue and let it thus act to protect the minority against oppression by the majority.*

**Mr. Sherman of Connecticut:** *Mr. Madison forgets that the government is instituted for those who live under it. It should not, therefore, be constructed in such a way to be dangerous to their liberties. The more permanent, the worse if it be bad government. Frequent elections are necessary to preserve the good behavior of rulers.*

**Colonel Hamilton of New York:** *Gentlemen, may I speak frankly to you? The debates here are confidential, and I am certain you will not publish my personal opinions. I fear democracy and representative government, and I am not certain that a democracy can be established in our nation. We should hold up to ourselves the model set by Great Britain. Though it is not popular to admit this, we must acknowledge that the British have the wisest and best government in the world: one that unites public strength and individual security.*

*In every community in the civilized world, there will be divisions between the few and the many. Hence, separate interests will arise. There will be debtors and creditors, landed interests and land-less, rich and poor. If we give all power to the rich, they will oppress the poor. Both, therefore, must have power to defend themselves against the other. Because we don't have this check on the many, we have our paper money laws and similar mischief we find in every state.*

*The British constitution solves this problem. Their House of Lords is a most noble institution. Because they have nothing to gain from change, they form a permanent barrier against every foolish plan, whether attempted by the Crown or the Commons. No temporary senate in our country will be firm enough to serve this purpose. We need a permanent body of men who will serve in the senate for life, like the Lords.*

*As to the executive, it must be admitted that no good one can be established under democratic principles. The English model is a good one here, too. A hereditary king has his interests so interwoven with the interests of the nation that there is no danger of his being corrupted from abroad or dependent and controlled at home.*

*We ought to go as far as possible toward ensuring stability and permanence at home. Let one branch of the legislature hold office for life or at least during good behavior. Let the executive also be for life.*

*Is this a democratic government, you will ask? Yes, if all the officeholders are appointed and vacancies are filled by the people, or through a process of election originating with the people.*

**General Pinckney of South Carolina:** *Sir, you are right! I only want to add that the senate must represent the wealth of the country. Let it therefore be composed of wealthy persons. We can assure this if we do not pay the senators; only the rich could afford to serve.*

**Mr. Gerry of Massachusetts:** *Let us be sure that the people do not select senators. The people are uninformed and are likely to be misled. Let the state legislatures choose the senators, and let the president of the United States be chosen by electors rather than voters.*

**Mr. Madison of Virginia:** *It is a fundamental principle of free government that the legislative, executive, and judiciary powers should be separate. The executive must, therefore, be independent of the legislators. It is essential, then, that the appointment of the executive be drawn from some source or held in some manner that will make him independent of the legislature. This could not be if he were appointed from time to time by the legislature.*

**Mr. Wilson of Pennsylvania:** *It seems evident that the executive should not be appointed by the legislature unless he is made ineligible for a second term. I am glad to see that the idea is*



gaining ground that the people themselves, or electors chosen by the people, should elect the executive.

**Mr. Morris of Pennsylvania:** *The president should be elected by the people at large, by the freeholders [men who owned property free and clear of debts and mortgages] of the country. It's true that this will cause difficulties; but they have proven to be surmountable in New York and in Connecticut. I believe it would work for the United States as well. If the people have the chance to elect a president, they will never fail to prefer some man of distinguished character or services. If the legislature elects the president, it will be the work of intrigue or a faction; it will be like the election of a pope by the cardinals of the Church.*

**Mr. Mason of Virginia:** *The people should not be trusted to elect a president. It is as unnatural to have the people elect the president as it would be to refer a trial of colors to a blind man. The size of this country makes it impossible that the people can have the ability to judge the various claims of the candidates for president.*

**Mr. Gerry of Massachusetts:** *That the executive should be independent of the legislature is a clear point. The longer the duration of his appointment, the more his dependence on the legislature will be diminished; it will be better for him to continue 10, 15, or even 20 years and be ineligible afterwards.*

**Mr. King of Massachusetts:** *Say 20 years. That is the average life of a king.*

**Mr. Wilson of Pennsylvania:** *My opinion remains unshakable that we ought to resort to the people for election.*

**Mr. Sherman of Connecticut:** *The people should have as little to do as may be about the government. They lack information and are constantly misled.*

**Mr. Ellsworth of Connecticut:** *The people will not readily accept the national constitution if it should deprive them of the vote. The states are the best judges of who among their people should have the right to vote.*

**Mr. Dickinson of Delaware:** *The freeholders\* are the best guardians of liberty in the country. It is necessary to restrict the vote to them as a defense against the dangerous influence of the hordes of ignorant men devoid of principle and property.*

**Mr. Gorham of Massachusetts:** *I know of no cases anywhere that they allowed freeholders to vote that it caused any problems. The elections in Philadelphia, New York, and in Boston — where the mechanics vote — are at least as good as those made by freeholders only. The people have been long accustomed to this right in various parts of America and will never allow it to be abridged. We must consult their customs if we expect their support in our work.*

**Mr. Morris of Pennsylvania:** *Give the votes to people who have no property and they will sell them to the rich, who will be able to buy them. We should not think only of the present time. The time is not too distant when this country will be filled with property-less workers, laborers who will receive their bread from their employers. Will such men be safe and faithful protectors of liberty? Will they protect against a moneyed aristocracy? I am a little confused by the words "taxation and representation." The man who does not give his vote freely is not represented. It is the man who dictates the vote who is represented. Children do not vote. Why? Because they lack*

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\* persons who own property free and clear of debts.

*the sense and have no will of their own. The ignorant and the dependent cannot be trusted with the common interest.*

**Mr. Madison of Virginia:** *Let's view the subject on its merits alone. The freeholders of the country are the safest guardians of republican liberty. In future times, a great majority of the people will not only be without land, but any other sort of property. These will either combine under the influence of their common situation (if they have the vote) or will become the dangerous tools of ambitious men who buy their votes.*

**Dr. Franklin of Pennsylvania:** *We should not underestimate the honesty and public spirit of our common people. They displayed a great deal of it during the war and contributed principally to winning it. I think we can trust the common man in America to vote intelligently and not sell his vote.*

*In any case, the elected do not have the right to take the vote from the electors. Let me quote the British law setting forth the danger of unruly meetings, and with that excuse, reducing the voting rights to persons having freeholds of a certain value. This law was soon followed by another, subjecting the people who had no votes to certain labors and great hardships.*

*I am persuaded also that such restrictions as were proposed would give great cause for concern in the states. The sons of a substantial farmer, not being themselves freeholders, would not be pleased at being disfranchised, and there are a great many persons of that description.*

**Mr. Gerry of Massachusetts:** *The evils that we experience flow from the excess of democracy. The people do not lack virtue, but are the dupes of pretended patriots. In Massachusetts, it has been fully confirmed by experience that they are daily misled into the most wicked measures and opinions by false reports circulated by designing men which no one on the spot can refute. I have once stood for a representative government and I am still for a representative government, but I have been taught by experience the danger of the leveling [democratic] spirit.*

**Mr. Martin of Maryland:** *From the best judgment I could form while at this convention, I have come to the opinion that ambition and interest have so far blinded the understanding of some of you people writing this Constitution that you are working only to erect a government from which you will benefit, and that you are completely insensitive to the freedom and happiness of the states and their citizens. I most honestly believe that your purpose is to totally abolish all the state governments and build in their ruins one great extensive empire. You want this empire to raise its rulers and chief officers far above the herd of mankind, to enrich them with wealth, and to encircle them with honors and glory. This honor and glory will be won at the cost of humiliation and enslavement of the average citizens, whose sweat and toil will be used to enrich these greedy men.<sup>6</sup>*

Three important positions considered at the Convention include:

The democratic alternative: All men age 18 and over should be allowed to vote; the President, all Senators and Representatives should be elected by the voters and should be eligible for re-election. Their terms of office should be 3, 4, and 2 years respectively

<sup>6</sup> Max Farrand, ed., *The Records of the Federal Convention*, New Haven, Connecticut, 1937. Speeches have been freely adopted from this source.

(Franklin, Martin, and Wilson might have supported this position; they could possibly have had the support of Ellsworth, Gorham, Lansing, and Williamson.)

The aristocratic alternative: Only male freeholders age 21 & older should be allowed to vote. The President should be elected by electors appointed by the states and serve one 10 year term; Senators would be elected by the states and serve one 7 year term; Representatives would be elected by voters and serve an unlimited number of 4 year terms.

(Hamilton, King, Madison, Morris, Pinckney, and Rutledge would have supported this position; they would have support from Dickinson, Mason, Gerry and Read)

A Compromise: Some compromise between the extreme aristocratic and extreme democratic position would probably have been negotiated.

(Paterson, Pierce, Randolph, Sherman, and Washington would probably have been in this category.

## Student Exercises:

1. Restate the issue before the convention, using your own words.
2. Take notes on the reading covering the convention debate. Make sure that you have understood each of the speeches. You should be able to figure out: (a.) what the person is saying, (b) how he is supporting his point, (c) whether or not you agree with him and why.
3. If your delegate has a position on the issues in this debate, summarize this position in not fewer than 20 words. Then write a 100-150-word statement giving several strong arguments supporting his case. You should use arguments that delegates with similar views made in their speeches, and you should make references to things that have been discussed in class before; **or**
4. If it is your turn to make a speech, write a really strong speech (of 200-250 words), showing why you think the issue is important and why people should agree with you. Use dramatic flourishes, humor, and analogies. You should borrow arguments from other delegates and make reference to things discussed in class. Give the kind of speech you'd enjoy hearing. Practice the speech at home; **or**
5. If your delegate does not have a position on this issue, come to class ready to be convinced or to make a deal.

## Chapter 10

### A Bill of Rights?

The rights of the people were never defined under the Articles of Confederation. The national government, with no independent executive or judicial branch, did not have the power to take away the people's rights, but many states protected their citizens with their own bills of rights.

Because the delegates were considering a more powerful and effective government, the protection of individual liberties from the national government became an important issue. The matter did not receive serious attention, however, until the closing days of the Convention and then it was quickly dismissed. Nevertheless, the issue of a bill of rights became much more important after the Convention closed. A bill defining the rights of the people was eventually passed by the first Congress and quickly ratified by the states. What follows is a reconstruction of speeches on this topic given at the Constitutional Convention:

#### The Debate

*Mr. Williamson of North Carolina: No provision has yet been made for a jury in civil cases. I think it is necessary that we protect the right of trial by jury.*

*Mr. Gorham of Massachusetts: I think you can trust the representatives of the people to protect their rights to jury trials.*

*Mr. Gerry of Massachusetts: Because judges can be corrupted, it is necessary to guard the right of jury trials. Let us appoint a committee to provide a clause that would secure trial by juries.*

*Mr. Mason of Virginia: Let us lay down the general principle that right of trial needs to be prefaced by a bill of rights. This would reassure the people of the states that we do not intend to destroy their liberties. Such a bill could be drawn up in a few hours, for various states already have similar declarations that could be used as models.*

*Mr. Sherman of Connecticut: I am as much in favor of protecting the people rights as any man, when necessary. But the state declarations of rights are not repealed by this Constitution, and they are sufficient to protect the people.*

*Mr. Mason of Virginia: In our new Constitution, the laws of the United States will override a state's bill of rights. So, let us establish a committee to prepare a bill of rights.*

*I would second a motion if made for that purpose. It would give great quiet to the people by reassuring them that we are concerned with their rights. By consulting the state constitutions, a bill of rights might be prepared in a few hours.*

*Mr. Wilson of Pennsylvania: It appears from the example of other states, as well as from principle, that a bill of rights is neither an essential nor a necessary tool in forming a system of government since liberty may exist and be as well-protected without it. It is not only unnecessary, but also found to be impractical — for who would be bold enough to undertake to list all the rights of the people? And when the attempt to list them is made, it must be remembered that if the list is not complete, everything not expressly mentioned will be assumed to be purposely omitted.*

*Mr. Mason of Virginia: There is no declaration of rights in the Constitution, and the laws of the national government, being superior to the laws and constitutions of the various states, the declaration of rights in the separate states are no security to the people.*

*Under the interpretation in this convention of the general clause at the end of the listing of powers granted Congress, Congress may grant monopolies in trade and commerce to particular individuals, define new crimes, inflict unusual and severe punishments, and extend their power as far as they think proper. Thus, the state legislatures have no security for the powers now assumed to remain with them; nor are the rights of the people protected.*

*Colonel Hamilton of New York: A bill of rights is not only unnecessary in the proposed Constitution, but also dangerous. It would contain various exceptions to powers not granted; and, on this very account, would afford a usable pretext to claim more than were granted. For why declare that things shall not be done which there is no power to do? Why, for instance, should it be said that the liberty of the press shall not be restrained, when no power is given by which restrictions may be imposed?*

*On the subject of the liberty of the press — as much has been said, I cannot refrain from adding a remark or two. First, I notice that there is not a syllable concerning it in the constitution of this state; next, that whatever has been said about it in the constitution of any other state amounts to nothing. What is the meaning of a declaration that “the liberty of the press shall be preserved”? What is “the liberty of the press”? Who can give it any definition that would not leave much room for evasion? I believe it to be impractical to define liberty of the press or to protect it in any constitution. Liberty of the press must depend altogether on public opinion and the general spirit of the people and of the government. And here, after all, must we seek for the only solid basis of all our rights.*

*General Pinckney of South Carolina: At one point I thought we should have some declarations in the Constitution on trial by jury, and the freedom of the press, and I still think it would have been well to have them inserted. But I understand the arguments that have been presented here and think that it is not essential to include them.*

*Mr. Martin of Maryland: The more this convention advances the more impressed I am of the need of not merely attempting to protect a few rights, but of forming a complete bill of rights, which would be placed at the beginning of the Constitution to serve as a barrier between the national government and the respective states and their citizens. The more the Constitution advances toward completion, the more clearly it appears to me that the writers of it do not consider that either states or men have rights at all; or that they mean to protect the enjoyment of any to either the one or the other. I have said it before, and it is true today, as a group you are completely insensitive to the freedom and happiness of the states and their citizens. You are only interested in building an empire enslaving the common man, and putting yourselves on top of the heap.<sup>7</sup>*

Two important positions considered at the Convention include:

A bill of rights is absolutely necessary, and the following rights should be included as part of the Constitution (a) freedom of speech in all cases; (b) trial by jury in civil cases; (c) the right to bear arms; and...[delegates should list all other rights they think are necessary]

<sup>7</sup> Max Farrand, ed., *The Records of the Federal Convention* (New Haven, Connecticut, 1937) Speeches have been freely adopted from this source.

Franklin, Gerry, Lansing, Martin, Mason, and Williamson would support this position.)

That a bill of rights should not be included in the Constitution.

(Gorham, Hamilton, King, Morris, Rutledge, and Wilson would probably support this proposal; Brearly, Dickinson, Ellsworth, Paterson, Pierce, Pinckney, Randolph, Read, Sherman, Washington, and Madison were probably undecided on this issue.)

## Suggested Student Exercises:

1. Restate the issue before the convention, using your own words.
2. Take notes on the reading covering the convention debate. Make sure that you have understood each of the speeches. You should be able to figure out: (a.) what the person is saying, (b) how he is supporting his point, (c) whether or not you agree with him and why.
3. If your delegate has a position on the issues in this debate, summarize this position in not fewer than 20 words. Then write a 100-150-word statement giving several strong arguments supporting his case. You should use arguments that delegates with similar views made in their speeches, you should make references to things that have been discussed in class before; **or**
4. If it is your turn to make a speech, write a really strong speech (of 200-250 words), showing why you think the issue is important and why people should agree with you. Use dramatic flourishes, humor, and analogies. You should borrow arguments from other delegates and make reference to things discussed in class. Give the kind of speech you'd enjoy hearing. Practice the speech at home; **or**
5. If your delegate does not have a position on this issue, come to class ready to be convinced or to make a deal. Restate the issue before the convention, using your own words.

## Chapter 11

### Slavery and the Slave Trade

No issue has so divided Americans as slavery. It was entirely predictable that the question would be raised during the Convention, as it had been raised eleven years before in the Continental Congress when Thomas Jefferson had included a condemnation of the slave trade in the accusations against King George listed in the Declaration of Independence. Other Southern planters, however, objected to this insult to their “peculiar institution” and forced Jefferson to strike out the offending clauses.



George Washington with some of his slaves

A similar debate on slavery occurred during the Constitutional Convention. At that time there were over 600,000 slaves in the United States, about 20% of the entire population. Four states, Virginia, North and South Carolina, and Maryland, harbored more than 100,000 slaves; and two, Virginia and Maryland, had banned further importation partially because the natural increase in slave population was sufficient to meet the demand for slaves. South Carolina and Georgia still brought slaves in great numbers from Africa in order to meet the demand in the western part of the state. The slave death rate in the sickly rice swamps was high and replacing the dead with cheap imports was profitable.

The issue in 1787 did not center solely on slavery; it also involved union. Many southern delegates declared themselves prepared to oppose the new constitution if it banned either the slave trade or slavery. Other southerners (most notably the Virginia delegation) expressed anti-slave views and did not object to abolishing the slave trade. Their state legislature had already taken this step. What follows is a reconstruction of speeches on this topic given at the Constitutional Convention:

#### The Debate

**Mr. Martin of Maryland:** *Slaves (through the danger of insurrection) weaken one part of the Union, which the other parts are pledged to protect. The privilege of importing slaves is therefore unreasonable. Furthermore, it is inconsistent with the principles of the American Revolution and dishonorable to the American character to continue the slave trade. I say abolish it.*

**Mr. Rutledge of South Carolina:** *I, for one, am not afraid of slave rebellions, and would gladly exempt the other states from the obligation to protect the South against them. Religion and humanity have nothing to do with the question of importing slaves. Interest alone is the governing principle with nations. The true question at present is whether the southern states shall or shall not be parties to the Union. If the northern states consult their interest, they will not oppose the increase of slaves, which will increase the number of goods that they will ship.*

**Mr. King of Massachusetts:** *The continued admission of slaves is a most grating circumstance to my mind and to most of the people in America. One part of the Union is pledged to protect another. Why should the North agree to protect the South when it is free to increase the danger by continuing importation of slaves?*

**Mr. Ellsworth of Connecticut:** *Let every state import what it pleases. The morality and wisdom of slavery are considerations belonging to the states themselves. What enriches one part of the Union enriches the whole, and the states are the best judges of their particular interest. The old government under the Articles of Confederation has not meddled with this point, and I see no great necessity for us to start meddling today.*

**General Pinckney of South Carolina:** *South Carolina can never join the Union if it prohibits the slave trade; in every proposed extension of the powers of Congress, that state has expressly and watchfully excluded the meddling with the importation of Negroes. If the states all be left alone on the question of prohibiting the importation of slaves, South Carolina may perhaps by degrees herself do what Virginia and Maryland have already done. But South Carolina will never consent to being forced to stop importing slaves.*

**Mr. Mason of Virginia:** *This immoral traffic in slaves started in the greed of British merchants. The British government constantly checked the attempts of Virginia to put a stop to it. The present question concerns not the slave-importing states alone, but the whole Union. Maryland and Virginia have already banned the importation of slaves outrightly, and North Carolina has all but done the same. All this would be in vain if South Carolina and Georgia were at liberty to import slaves. The western people are already calling out for slaves for their new land and will fill that country with slaves if they can get them through South Carolina and Georgia.*

*Slavery discourages arts and manufacturers. The poor hate labor when performed by slaves. Slaves prevent the immigration of whites who really enrich and strengthen a country. They produce the most terrible effect on morals. Every master of slaves is born a petty tyrant. Slaves bring the judgment of Heaven on a country. As nations cannot be rewarded or punished in the next world, they must be in this. By an inevitable chain of causes and effects, fate punishes national sins by national disasters.*

*I sorrow that some of our New England brothers had, from a lust for gain, started this evil traffic. I hold it essential in every point of view, that the general government should have power to prevent the increase of slavery.*

**Mr. Ellsworth of Connecticut:** *I, unlike Colonel Mason [who has three hundred], have never owned a slave and cannot be a judge of the effects of slavery on character. If [slavery] were to be considered in a moral light, we ought to go further and free those already in the country. Slaves multiply so fast in Virginia and Maryland that it is cheaper to raise than import them, whilst in the sickly rice swamps, foreign supplies are necessary. Let us not be unjust towards South Carolina and Georgia. Let us not meddle. As population increases, poor laborers will be so plentiful as to make slaves useless. Slavery, in time, will not be a speck in our country.*

**General Pinckney of South Carolina:** *It is my firm opinion that my and my colleagues' personal influence could not get the constitution ratified if it contained a clause prohibiting the slave trade. You have your choice. You can abolish the slave trade and lose South Carolina, Georgia, and I don't know how many other southern states, or you can remain silent on the subject and keep these states in the Union.*



*South Carolina and Georgia cannot do without new slaves. As to Virginia, she will gain by stopping the importations. Her slaves will rise in value and she already has more than she wants. It would be unfair to require South Carolina and Georgia to join the Union on such unequal terms.*

*The importation of slaves would be for the interest of the whole Union. The more slaves, the more produce to employ merchants and seamen, the more consumption also, and the more revenue for the common treasury.*

**Mr. Sherman of Connecticut:** *I cannot say that I agree with the slave trade. I thoroughly disapprove of it. But we must remember we are writing a constitution of which the states must approve. The slave trade is now permitted to the states. The public good does not require that we take this right away from the states. So, it is best that we leave this matter as we found it.*

*The abolition of slavery is proceeding in several of the states. Let us leave this matter in the good sense of the several states who will undoubtedly proceed with abolition on their own.*

**Mr. Dickinson of Delaware:** *It is inadmissible on every principle of honor and safety that the importation of slaves should be authorized to the states by the constitution. The true question is whether the national happiness would be promoted or hurt by the importation of slaves and this question must be decided by the national government, and not by the states particularly interested in slavery. England and France permit slavery, but exclude the importation of slaves from their kingdoms. History teaches us that Greece and Rome were made unhappy by their slaves. I cannot believe that southern states will refuse a constitution that prohibits their importation of slaves.*

**Mr. Williamson of North Carolina:** *We in North Carolina do not directly prohibit importation of slaves. But we tax such importation. You should realize this is a matter for southern states to work out for themselves. The southern states will not join the Union if you prohibit the slave trade. It is wrong to force anything down the throats of the states.<sup>8</sup>*

Three important positions considered at the Convention include:

The migration or importation of slaves should hereby be prohibited, and slaves born after the adoption of the Constitution will be freed on their twenty-fifth birthday.

(Dickinson, Franklin, Gerry, King, Martin, Mason, and Randolph might have supported this position.)

Congress should not prohibit the migration or importation of slaves before 1808, and escaped slaves must be returned to their masters.

(Ellsworth, Gorham, Pierce, Rutledge, Pinckney, Williamson, might have supported this position.)

The migration or importation of slaves should not be prohibited before 1808.

(Brearly, Hamilton, Lansing, Madison, Morris, Read, Washington, and Wilson could support this position.)

<sup>8</sup> Max Farrand, ed., *The Records of the Federal Convention* (New Haven, Connecticut, 1937) Speeches have been freely adopted from this source

## **Suggested Student Exercises:**

1. Restate the issue before the convention, using your own words.
2. Take notes on the reading covering the convention debate. Make sure that you have understood each of the speeches. You should be able to figure out: (a.) what the person is saying, (b) how he is supporting his point, (c) whether or not you agree with him and why.
3. If your delegate has a position on the issues in this debate, summarize this position in not fewer than 20 words. Then write a 100-150-word statement giving several strong arguments supporting his case. You should use arguments that delegates with similar views made in their speeches, you should make references to things that have been discussed in class before; or
4. If it is your turn to make a speech, write a really strong speech (of 200-250 words), showing why you think the issue is important and why people should agree with you. Use dramatic flourishes, humor, and analogies. You should borrow arguments from other delegates and make reference to things discussed in class. Give the kind of speech you'd enjoy hearing. Practice the speech at home; or
5. If your delegate does not have a position on this issue, come to class ready to be convinced or to make a deal.

## Chapter 12

### The Constitution

#### Constitution Preamble

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquillity, 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.

#### Explanation

The preamble states the purpose for which the Constitution was written, which include establishing justice, providing for the defense, ensuring the general welfare, and securing the blessings of liberty — all very vague, noble, and far-reaching in scope.

#### Article I. The Legislative Branch

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

Congress is given the right and the power to make the laws for the nation. Congress consists of a Senate and a House of Representatives

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

House of Representatives:  
Members of the House of Representatives are to be elected every two years. The states can decide who may vote.

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

Members of Congress must be 25 years old, citizens of the US for 7 years, and live in the state they represent.

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three-fifths of all other Persons.

Representatives and taxes shall be based upon population, which shall be determined by counting the number of free people in each state. Slaves shall count as three-fifths of a person in deciding the number of residents for this purpose.[Changed by Amendment XIV]

The actual Enumeration shall be made within three Years alter the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall be by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative: and until such enumeration shall be made, the State of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

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

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

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

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

No Person shall be a Senator who shall not

The first census will be taken within three year's of Congress' first meeting and every ten years thereafter. A census shall be taken every ten years to count the number of people in the state. Each state is entitled to no more than one representative for every 30,000 people [Today the number is approximately one per 500,000]. In the first Congress. New Hampshire shall have three representatives, Massachusetts eight, Rhode Island one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one. Maryland six, Virginia ten, North Carolina five. South Carolina five, and Georgia three.

State governors shall direct calling of elections to all vacancies in the House.

The House of Representatives shall choose its own speaker and other leaders. It shall vote on bills of impeachment.

### ***The Senate***

Each state shall have two senators who will serve for six years. Each senator will have one vote and will be elected by their own state legislatures. [Changed by Amendment XVII]

The senators will be divided into three classes. The first class will serve for six years, the second for four, the third for two. After that every senator will serve for six years.

have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

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

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

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

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

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

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

Section 5. Each House shall be the Judge of the Elections, Returns and Qualifications of its

Senators must be at least 30 years old, citizens for 9 years, and residents of the states they represent.

The vice president of the United States shall be president of the Senate. He can only vote in the case of a tie.

The Senate can choose its other officers.

The Senate shall act like a court to try all cases of impeachment. Two-thirds of those senators present must vote guilty for a conviction.

Punishment for those found guilty in impeachment cases is removal from office. Those found guilty may not hold other offices in the United States, but may be tried and punished according to the law.

### ***Elections and Meetings of Congress***

The time, place, and manner of election for Senate and House shall be decided by each legislature, but may be changed by Congress, except for the place of choosing Senators.

Congress must meet at least once every year. Unless they decide otherwise, the first meeting of the year shall be the first Monday of December.

Elections, qualifications and rules for

own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties, as each House may provide.

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

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

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

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

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

Congress

Each house of Congress is judge of its own elections and qualifications; a quorum is 50 percent of the members.

Each house can make its rules for proceeding, requiring attendance, punish or expel unruly members and cannot adjourn for more than three days without consent of the other house.

Each House shall keep a journal of its procedures that it may publish from time to time, except those parts judged to call for secrecy

Neither house shall adjourn or relocate its meetings for more than three days unless the other house agrees.

### ***Privileges and Restraints of Congress***

Senators and representatives shall be paid for their services. Except for extreme cases, they shall be free from arrest while serving in Congress. Neither must they be forced to answer in court for what they say in official debate on the floor of Congress.

Neither senators nor representatives may take offices that were created while they served in Congress or for which they increased the salary.

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

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

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

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

## **How Laws Are Made**

Bills to raise money must start in the House of Representatives. However, the Senate may make amendments

Before any bill can become a law, it must be passed by both the House and the Senate and signed by the president. If both houses pass a bill over the objections of the president with a two-thirds vote of their members present, the bill becomes a law.

If a president fails to object to a bill within ten days after he has received it, it becomes a law without his signature, unless Congress has adjourned in the meantime.

A joint resolution, like a declaration of war, becomes a law and may be vetoed by the president in the same manner as a bill.

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

To borrow money on the credit of the United States;

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

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

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

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

To establish Post Offices and post Roads;

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

To constitute Tribunals inferior to the Supreme Court;

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

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

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

To provide and maintain a Navy;

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

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

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

## **Powers Given to Congress**

Congress has the power :

1. To impose and collect taxes, excises (includes processing tax), and duties (includes tariffs).
2. To borrow money.
3. To regulate trade with foreign countries, among the states, and with Indian tribes.
4. To establish rules for naturalization and for bankruptcy.
5. To coin money and fix a standard of weights and measures.
6. To provide for punishing counterfeiting.
7. To establish post offices and post roads.
8. To protect the Inventions and writings of inventors and authors through copyright laws.
9. To establish courts under the Supreme Court.
10. To punish piracy and other offenses on the high seas against international law.
11. To declare war and make rules for capturing enemy ships.
12. To raise and support armies, but not grant money to military for more than two years at a time.
13. To provide and support a navy.
14. To make rules for the armed forces on land and sea.
15. To provide for calling the state militia (now National Guard) to enforce the nation's laws, put down rebellions, and repel invasions.
16. To organize, arm, control, and govern the state militia, but the states shall appoint officers and train the military.



Militia according to the discipline prescribed by Congress;

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

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

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

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

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

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

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

17. To make laws for an area or territory established for the purpose of becoming the nation's capital.

18. To make all laws needed to carry out the above and all other powers in the Constitution.

### ***Powers Denied Congress***

Congress may not prevent the further importation of slaves until 1808, but may place a tax on such importation of not more than \$10.00 per person.

Neither Congress nor the president may keep people In jail without their knowing the reason for their confinement, except in cases of rebellion or invasion.

Congress may not punish anyone without a trial by jury or pass a law punishing a person for an act that was legal before the law was passed.

No tax shall be placed, except in proportion to population. [Changed by Amendment XVI]

There will be no tax on exports.

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

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

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

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

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

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

No preference shall be given to the ports of any state, nor shall ships be required to pay duties for entering other states.

Only money appropriated by Congress may be drawn from the Treasury.

Congress may not grant titles to anyone; nor may any officer of the government receive special grants from any foreign person or government official without the consent of Congress

### ***Powers Denied State Governments***

States may not make treaties with foreign countries, coin or print money without gold or silver to back it up, or in other ways scale down debts. Nor may they pass a bill of attainder, ex post facto law, or grant a title of Immunity.

Without Congress' consent (except under carefully restricted conditions) states may not tax imports or exports.

Without Congress' consent. no state may raise an army or navy, enter into contracts with other states or with foreign countries, or engage in war, unless invaded or about to be invaded.

## Article II. The Executive Branch

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

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

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

### ***President and Vice-President***

The power to enforce laws belongs to the president of the United States. He shall be chosen for a four year term, along with a vice-president, as follows:

Each state shall appoint a number of electors equal to the number of representatives and senators to which it is entitled.

The electors shall meet in their states and vote for two people for president. A record of the votes shall be sent to the Senate. The votes shall be counted in the presence of the senators and representatives. The person with the greatest number of votes shall be the president; the person with the second greatest number shall be vice-president. If no one person has a majority of votes, members of the House of Representatives shall elect the president, but each state shall have one vote. The candidate with the majority of states will become president; the candidate with the second largest number of states will become vice-president. [Changed by Amendment XII.]

Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal votes, the Senate shall chuse from them by Ballot the Vice President.

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

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

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

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

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

Section 2. The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States,

Congress may decide the day on which electors shall be chosen and the day on which they vote

To become president, a person must be 35 years of age, have been born in the US, and lived here for 14 years.

If the president dies, resigns, or cannot carry out his duties, the powers and duties of the office go to the vice-president. Congress can pass a law saying who receives these powers if both the president and vice-president die, resign, or are unable to perform their duties. [Modified by Amendment XXV]

The president shall receive a salary which shall neither be increased or decreased during his term of office

The president must swear to do his best to carry out the law and to preserve, protect, and defend the Constitution.

## ***The President's Powers***

The president is commander-in-chief of the army and navy and of the militia, while it is in

when called into the actual Service of the United States; he may require the opinion, in writing, of the principal Officer in each of the executive Departments, upon any subject relating to the Duties of their respective Offices, and he shall have Power to Grant Reprieves and Pardons for Offenses against the United States, except in Cases of Impeachment.

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

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

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

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

national service. He may require his chief officials (cabinet) to give him their opinions on carrying out their duties and may grant pardons, except in cases of Impeachment.

The president may make treaties, but two-thirds of the Senate present must agree. He may appoint ambassadors, Supreme Court Justices, and other officers of the government, with the advice and consent of the Senate. Congress, however, may give the power to appoint other officials to the president alone, the courts, or department heads.

The president may fill all vacancies that may occur during the time the Senate is not in session, but these terms expire at the end of the next session.

### ***The President's Duties***

The president shall occasionally inform Congress on the state of the nation and recommend laws he thinks are necessary. He may call special sessions of Congress. He shall receive ambassadors from foreign countries. He shall take care to see that the laws are faithfully and correctly carried out.

### ***Impeachment of the President***

The president and all officers under the US. government may be removed from office if accused and found guilty of treason, bribery, or other high and minor crimes.

Crimes and Misdemeanors.

## Article III. The Judicial Branch

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

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

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

The trial of all Crimes, except in cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

### ***The Federal Courts***

The power to try crimes under the Constitution is given to the Supreme Court and to such lower courts as Congress may establish.

### ***Acts Covered by the Courts***

The Supreme Court and others established by Congress may hear all cases arising under the Constitution, the laws of the United States, or treaties made by it. It may hear all the cases affecting ambassadors, etc., to cases involving the seas, and controversies involving states, their citizens, or foreign citizens.

The Supreme Court has original jurisdiction over cases which involve ambassadors, etc. or a state. Other cases may go to the Supreme Court by appeal from a lower court, if Congress provides for lower courts (which it has).

All other persons accused of a crime under federal law may have a trial by Jury, but may, if they wish, give up this right.

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

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

## Article IV. Relations Among the States

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

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

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

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

Section 3. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be

### **Treason**

Treason is defined as waging war against the United States, or giving aid and comfort to its enemies. A person can be convicted of treason only if two witnesses testify to the same action, or if the accused confesses in open court.

Congress can declare the punishment for treason, but the punishment cannot apply to the heirs of the guilty person.

### **Official Acts**

Official acts in one state, such as wills, corporation charters, and court decisions, must be respected in all other states.

### **State's Duties to Each other**

A citizen of one state may not be discriminated against by another state.

A person who has fled from one state to escape justice must be returned to that state.

*Escaped slaves must be returned to the states from which they escaped.* [Changed by Amendment XIII]

### **New States and Territories**

Congress may admit new states to the Union.

formed by the Junction of two or more States, or parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

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

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

## **Article V. Amending the Constitution**

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

## **Article VI. Federal Credit and Federal Supremacy**

All Debts contracted and Engagements entered into, before the Adoption of this Constitution,

New states may be carved out of old states, only if the state legislature and Congress agree.

Congress may make rules and regulations for territories and for other property of the United States.

Guarantees against Invasion, Dictator-ship, and Violence

The U.S. shall guarantee all states a representative form of government, protection against invasion, and (if requested by its legislature or, if the latter is not in session, by the state's governor) revolution.

The Constitution can be amended whenever two-thirds of both houses of Congress propose an amendment and three-fourths of the state legislatures ratify it. The Constitution also may be amended by a convention called by the legislatures of two-thirds of the states and then ratified by three-fourths of the state legislatures

This Constitution will go into effect as soon as it is ratified by conventions in nine states, but no amendment can be made which will end the slave trade before 1808, or deprive any state of equal votes in the senate.

### **Public Debts**

All debts good against the government under



shall be as valid against the United States under this Constitution, as under the Confederation.

the Articles of Confederation must be paid under this Constitution.

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

### ***Supremacy of the Constitution***

The Constitution and both the laws and treaties made under it are the supreme law of the land, notwithstanding any state laws to the contrary.

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

### ***Oaths of office***

All officers of the government must be committed by an oath to uphold the Constitution. They may not be required to take a religious test or meet a religious qualification

## **Article VII. Ratification**

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

The Constitution will go into effects soon as it is ratified by conventions in nine states.

# Amendments to the Constitution

## ***Amendment I. Freedom of Expression (1791)***

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

Congress may not make a law either establishing a religion or preventing people from practicing theirs. Nor shall Congress prevent freedom of speech, press, peaceably assemble, or the right to express complaints against the government.

## ***Amendment II. The Right to Keep Weapons (1791)***

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.

Because of the necessity of a well-regulated militia, the people's right to bear arms is protected

## ***Amendment III. Stationing Soldiers (1791)***

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.

The government may not force people to house or feed soldiers in private homes during times of peace or in time of war, unless Congress provides for it by law.

## ***Amendment IV. Search warrants (1791)***

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.

A search warrant must be issued by a judge. There must be a good reason for its use, and the search must be limited to the place and things described in the warrant.

## ***Amendment V. Rights of the Accused (1791)***

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

No person shall be held In a crime unless indicted by a grand jury (except under military jurisdiction in times of war or public danger).

No person can be tried twice for the same offense; nor shall anyone in a criminal case be forced to testify against himself; nor be denied due process of law; nor may private property be taken for public use without fair compensation.

## ***Amendment VI Rights of the Accused (1791)***

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,

People accused of crimes are entitled to a quick, public trial before an impartial jury in the area where the crime was committed. The accused shall be informed of the charges

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.

against them. They shall have the right to confront and cross-examine those who testify against them. They shall have the country's assistance in finding favorable witnesses. If they cannot afford to hire a lawyer, the country must provide one

## ***Amendment VII. Jury Trial in Civil Cases (1791)***

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 reexamined in any Court of the United States, than according to the rules of the common law.

The right to a Jury trial is guaranteed in cases where the amount in question is greater than \$20.00.

## ***Amendment VIII. Bail and Punishment (1791)***

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

A person accused of a crime Is allowed to leave jail before trial after posting a reasonable bail. No such cruel and unusual punishments such as torture and beheading are allowed.

## ***Amendment IX. Powers Reserved for the People (1791)***

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

The people maintain rights even if they are not specifically listed in this Constitution

## ***Amendment X. Powers Reserved for the States (1791)***

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.

Powers not granted to the national government (see Article I, Section 8) or denied the states (see Article I, Section 10) remain with the states or the people.

## ***Amendment XI. Suits Against States (1798)***

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

A citizen who wishes to bring a suit against a state must bring this suit in the courts of the state being sued.

State, or by Citizens or Subjects of any Foreign State.

## ***Amendment XII. Elections of President and Vice-President (1804)***

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

Each elector will cast one vote for president and one for vice-president, instead of two votes without distinguishing between their choices for president and vice-president.

The electors will meet In their states and vote for a president and a vice-president and record the votes for each. This list will be sent sealed to the president of the Senate at the place where the government meets. The Senate president will open the sealed ballots in the presence of the House and Senate, and the votes will be counted. (This amendment does not say who actually counts the ballots.) The person with the greatest number of votes will be president, if he has a majority; H no one has a majority, the election will immediately be thrown into the House of Representatives, which will choose among the top three candidates. Each state in the House casts only one vote. A quorum of two-thirds of the states is necessary to proceed, and the candidate must have a majority of all the votes cast. If there is no majority, and it is time for the president to take office, the vice-president will serve as president in his place.

The election of a vice-president In the case of no single candidate having a majority will essentially follow the same procedure, except the final vote will be thrown into the Senate rather than the House of Representatives.

highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States

## ***Amendment XIII. Abolition of Slavery (1865)***

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

Slavery may no longer exist in the United States.

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

Congress has the power to make laws to enforce this provision.

## ***Amendment XIV. Rights of Citizens (initially former slaves)***

### ***Protected from the States (1868)***

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

All people (including former slaves) who were born in the U.S are citizens of the US and the states where they live. No state may make any law reducing the rights of American citizens, such as the right to vote in national elections and to travel. No state can deny anyone the procedural rights of Americans, such as the right of a fair trial; nor can the state make laws applying to separate groups on an unfair basis [Much of the meaning of this very important amendment has been expanded by 130 years of interpretation since it was passed in 1868.]

**Section 2.** Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being

If a state denies a portion of its voting age males the right to vote, its representation in Congress can be reduced by the percent of those who were denied the vote.

twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

**Section 3.** No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

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

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

All officials who violated their oath to support the Constitution by fighting with the South against the United States during the Civil War are disqualified from holding federal or state office. By a two-thirds vote of each house, Congress can remove this provision.

The debt of the government during the Civil War will be paid, but the Confederate debt will not be paid; nor shall any slave owner be paid for loss of their slaves.

Congress has the power to make laws to enforce these provisions.

## ***Amendment XV. The Right to Vote (1870)***

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

No citizens may be denied the right to vote because they were once slaves.

**Section 2.** The Congress shall have power to enforce this article by appropriate legislation. Congress has the right to make laws to enforce these provisions.

## ***Amendment XVI. Federal Income Tax (1913)***

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

## ***Amendment XVII. Direct Election of Senators***

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

When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall Issue writs of election to fill such vacancies: *Provided*, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

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

## ***Amendment XVIII. Prohibition (1920)***

**Section 1** After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory

subject to the jurisdiction thereof for beverage purposes is hereby prohibited

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

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

Both Congress and states have the power to enforce this ban.

This amendment will not take effect unless ratified by three-fourths of the states within seven years.

## ***Amendment XIX. Woman Suffrage (1920)***

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

Citizens may not be denied the right to vote because of their sex.

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

Congress can make laws to enforce this provision.

## ***Amendment XX. Terms of Presidents and Congressmen (1933)***

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

The president's term of office ends at noon on January 20th; Congressional terms end on January 3rd.

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

Congress shall meet at least once a year, beginning on January 3rd, unless they choose a different date.

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

This amendment provides for the order of succession to the office of president in case the president-elect dies before taking office. The vice-president-elect will become president; If the vice-president is not qualified, Congress can by law decide who shall act as president or



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

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

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

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

how the person to act as president will be elected

The House of Representatives can decide the order of succession to the office of president in case of the death of the person who otherwise would have become president; the Senate can do the same in case of the death of a person who otherwise would have become the vice-president

Sections 1 and 2 will take effect on the October 15<sup>th</sup> following ratification.

For this amendment to take effect, it must be ratified within seven years.

## ***Amendment XXI. Repeal of Prohibition (1933)***

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

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

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

The amendment prohibiting the sale of alcoholic beverages is repealed.

It is still illegal to take liquor to or possess liquor in states where state laws ban its use.

In order for this amendment to take effect, it must be ratified within seven years.

## ***Amendment XXII. Two Term Limit for Presidents (1951)***

No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of the President more than once.

The president may be elected to serve only two terms in office. He may be elected for only one term if he has already served more than two years of another president's unfilled term.

But this Article shall not apply to any person holding the office of President when this Article was proposed by the Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this Article becomes operative from holding the office of President or acting as President during the remainder of such term.

A sitting president at the time this amendment was proposed or passed is not barred from serving another term in office.

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

In order for this amendment to take effect, it must be ratified within seven years

## ***Amendment XXIII. Voting in Washington, D.C. (1961)***

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

Voters in the District of Columbia may vote for presidential electors and may have as many but no more electors than the least populous state.

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

**Section 2.** The Congress shall have power to

Congress can make laws to enforce this

enforce this article by appropriate legislation.      provision

## ***Amendment XXIV. Elimination of Poll Tax in National Elections (1964)***

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

Failure to pay a poll or other tax cannot be used to prevent any citizen from voting in a national election.

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

Congress can make laws to enforce this provision.

## ***Amendment XXV. Presidential Disability and Succession (1967)***

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

The president (as previously provided under the Constitution) shall be succeeded in office in case of death, removal, or resignation, by the vice-president.

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

In case the office of vice-president is vacant, the president may appoint a candidate, who must be confirmed by majority vote of both houses of Congress.

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

If the president cannot carry out his duties, he may assign the vice-president to take his place.

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

When the majority of cabinet and leaders of Congress determine the president is unfit, the vice-president can take his place.

the Vice President shall immediately assume the powers and duties of the office as Acting President.

Thereafter, when the President transmits to the President Pro Tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit within four days to the President Pro Tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office.

Thereupon Congress shall decide the issue, assembling within forty-eight hours for that purpose if not in session. If the Congress, within twenty-one days after receipt of the latter written declaration, or, if Congress is not in session, within twenty-one days after Congress is required to assemble determines by two-thirds vote of both houses that the President is unable to discharge the powers and duties of his office, the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office.

In case the president and cabinet disagree whether the president can assume his duties, Congress by a two-thirds vote will decide if he is fit.

Congress will decide the issue whether the President is unable to carry out his duties, and the Vice President will continue to carry out his duties unless Congress decides the President can.

## ***Amendment XXVI. Vote for Eighteen Year-Old Citizens (1971)***

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

The minimum age in all elections is 18.

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

Congress can make laws to enforce this provision

## Chapter 13

### The Debate Over Ratifying the Constitution

Even before the Convention ended, John Lansing and Luther Martin had left for home to fight against the Constitution they had helped write. Of the delegates who stayed until the end of the deliberations, Elbridge Gerry, George Mason, and Edmund Randolph refused to sign the Constitution.

Ignoring their original instructions by the Continental Congress to suggest amendments to the Articles of Confederation and not to write a new document, the Founding Fathers sent the proposed Constitution directly to the states for their consent. The approval of nine of the thirteen states was required before the proposed Constitution would become the law of the land. Because the majority of the people of the country probably opposed ratification, a favorable outcome depended on the political skill of the Founding Fathers. They had to reassure many Americans that the stronger government created by the Constitution was necessary and would neither take away their liberties nor give too much power to a privileged few.

#### The Ratification Struggle

Since the small states were pleased with the representation they won in the Senate, few of them objected to the proposed Constitution. Conventions in Delaware and New Jersey, for instance, ratified the Constitution without a single dissenting vote. The vote, however, was very close in the four large states whose approval was desperately needed for the success of the new government: Pennsylvania, Massachusetts, Virginia, and New York.

In Pennsylvania, the Federalists, those who favored the new Constitution, hastened to call for an election before their opponents, known as Anti-Federalists, were able to organize. In order to secure a quorum, the Federalists forcibly removed the Anti-Federalists from their lodgings and compelled them to attend the ratifying convention. Outnumbered 46-23, the Anti-Federalists were unable to force consideration of the amendments they wished to propose for the Constitution. Ably led by James Wilson, the Federalist majority easily secured an overwhelming victory.

In Massachusetts, home of Shays' Rebellion, both Sam Adams and John Hancock initially opposed the Constitution. Hancock was elected to head the ratifying convention, but was unable to attend because of gout. In order to secure his support, the possibility of becoming the nation's first president was dangled before him. The amendments Hancock proposed to the Constitution were instrumental in securing a vote of 187-168 for ratification.

In Virginia, the Federalists had to overcome the opposition of Patrick Henry, George Mason, and Edmund Randolph. A passionate plea from George Washington convinced Randolph to speak in favor of the Constitution. The desperate opposition led by Patrick Henry was unable to postpone a final decision until their proposed amendments to the Constitution were accepted. A motion to ratify passed with ten votes to spare.

Of all the states holding conventions, New York was least likely to ratify the Constitution, and it surely would have failed but for the efforts of Alexander Hamilton. A series of 85 brilliant essays by Madison,

Hamilton, and John Jay supported the Federalist cause. Furthermore, the Federalists threatened to have New York City secede from the state and join the Union unless ratification was secured. Still, New York may not have given assent if Alexander Hamilton had not been able to hold off a decisive vote until news arrived that Virginia had already ratified. These tactics succeeded; seven anti-Federalists abstained from the final tally, and three changed their minds in a hard-fought 30-27 vote victory for the Federalists.

The debate over ratifying the Constitution caused a deep split in the American public and it was largely responsible for the emergence of the first political parties fewer than ten years later. On one side were the Federalists. Their cause was supported by many of the most articulate, knowledgeable, and famous people in the colonies, including George Washington, Benjamin Franklin, Alexander Hamilton, and James Madison. They were, in general, better organized, and more experienced in government than those who opposed them. Among the supporters of the Constitution were most of the country's merchants, most of its lawyers, large land owners, college graduates, newspaper publishers, speculators in western lands, public creditors, officers in the Revolutionary armies, officials in the government (both elected and appointed), and ministers. The Federalists tended to think continentally about what was good for the country as a whole; they also tended to assume what was best for the wealthy and educated people of the land was what was best for the country as a whole. Furthermore, the Federalists were more concerned that the Federal government would have the ability to carry out its powers than they were about protecting the rights of the people.

The series of essays written by Alexander Hamilton, James Madison, and John Jay serve as an example of the genius and wisdom of the Federalists. Appearing in New York newspapers to support ratification, the essays were reprinted in other papers throughout the country and have since been collected in a single volume. Known as *The Federalist Papers*, they are, to this day, considered one of the finest examples of political writing this country has produced. Excerpts from these two of these essays were included in Chapters 4 and 6.

Although the anti-Federalists were supported by Sam Adams, John Hancock, and Patrick Henry, they were unable to command the aid of the majority of the educated elite in the colonies. Their supporters were men of relatively little education or experience in state or national politics, "plowmen rather than statesmen." They simply did not possess the intellectual ability, prestige, or political skill to mount an effective campaign against their more sophisticated opponents. Opponents of the Constitution were often debtors, advocates for paper money, small farmers, and ethnic minorities, such as the Scotch, the Irish, and the Germans. They tended to live outside of the larger towns and communities, were not usually involved in politics, and often were out of touch with events. Lacking the wealth, prestige and leisure of the Constitution's supporters, they were not able to organize politically or rally their followers. Even in the states where they started with a majority in the ratifying conventions, the 'anti's' often lost the debates with their better-prepared rivals.

The anti-Federalists tended to think locally rather than continentally. They were more attached to their individual states and its interest than to the country as a whole. In addition they tended to associate what was best for the small farmer, local mechanic and laborer, with what was best for the country. The anti-Federalists were also more concerned with the rights of the individual rather than with the need or ability of their government to exercise its powers.

The following two pages contain arguments both for and against ratification. As you read them try to discern the main points made by each side and how well each answered the arguments of the other.

Arguments Against Ratifying

Arguments for Ratification

How short your memories are, you who want a new Constitution. You do not remember that the Articles of Confederation were good enough for us during the eight years we were at war with England. You do not remember that we were ruled by them when we beat the world's strongest nation. You do not remember that they were written by our greatest patriots.

The Constitution, however, was written by men of ambition and cunning. It was written in secrecy, behind closed doors. While these men were making chains for the nation, the rest of us were fed stories of imagined weaknesses under the Articles of Confederation. We will not believe their rot!

We have two main objections to the Constitution.

First, we object because the Constitution will destroy the power of the states. In the place of our democratic state governments we will again have a dictatorship like the one England forced on us.

The powers of Congress under the Constitution are completely unlimited. By its power of taxation, Congress can take all of the property belonging to our people. This is not just my imagination. The Constitution says (Article I, section 8): "The Congress shall have power to lay and collect taxes, duties, etc. to pay the debts, and provide for the common defense and general welfare of the United States."

There is not even one word on the power to tax saved for the state governments. Congress, therefore, can have every single source of taxation. They can pass laws stopping states from taxing the people. The unlimited power given in Article I, section 8, clause 18, can do the job on the states. This clause allows Congress to: "make all laws which shall be necessary and proper for carrying out all the foregoing powers, and all other powers given by this constitution in the government of the United States."

There are times when troubles are so thick that few indeed understand their causes. We are living in such a time. Only the wise and far-seeing know the reason for our nation's problems. The cause, my friends, is the Articles of Confederation. Fortunately, however, we have a new Constitution that can solve these problems.

The fault with the Articles of Confederation is easy to see. It is their lack of power. Under the Articles, Congress could declare war, but did not have the power to raise armies or collect taxes. How can you wage war without men or money? Under the Articles, Congress could draw up treaties, but lacked the power to enforce them; it could borrow money, but not collect taxes to see it repaid; it could coin money, but not stop the states from issuing their own. In brief, Congress could make all kinds of recommendations. But it lacked the force to see that they were carried out. What a pitifully weak government these disunited states had!

The Constitution writers agreed that a strong national government was absolutely necessary. They had the good sense to give the government enough power to solve the problems this nation faced. At the same time they did not take too much power from the states.

In their great wisdom, the delegates looked back into history. They realized that in the past, governments that had depended on one man or one group of men always ended up in a dictatorship. So they decided to have three branches of government. Each branch would be separated from the others. Thus we have the executive [president] separated from the legislative [Congress] and the judicial (courts). There were many difficulties at the convention. It was only with many compromises that these problems were solved. That is why some parts of the Constitution will be liked more by some than by others. But it was the great talent of the convention to unite sometimes different ideas in one plan.

If that is not enough, the supremacy of the laws of the United States is also set up in Article VI: "this constitution and the laws of the United States which shall be made under it...shall be the supreme law of the land... anything in the constitution or laws of any State to the contrary notwithstanding."

The lawmaking power given Congress is unlimited in its nature. It is so complete in its exercise that this alone is enough to completely destroy the states. They would be swallowed up like a whirlpool and sucked under for ever.

We also dissent from this Constitution because it will start a dictatorship.

As all can see, this Constitution does not have a Bill of Rights stating the unalienable rights of men. Without the full, free, and safe enjoyment of these rights, there can be no freedom – no right of conscience – no guarantee for a trial by jury. Once more, there is no freedom of the press – without which there can be no other freedoms. The argument that they are in the state constitutions is just so much nonsense. The Constitution, as we have seen, overpowers the state constitutions in all matters.

We also object because the President has the power to veto laws. The veto can be overruled only by two-thirds of the representatives and the senators. That gives the President too much power.

We also object because of the long terms of the President and the Senators and the methods by which they are elected,<sup>9</sup>

There are many objections to the Constitution. Most of these are without good reason. A few are honest and we will try and answer those.

We are told that there is no freedom of the press in this Constitution. But the fact is that the Constitution says no more or less about the freedom of the press than the constitution of New York. We are told that there is no protection of a trial by jury; but there is, in some cases, and the Constitution takes it away in none. Complaints are made that there is no Bill of Rights. . . . It is true that Bills of Rights were necessary in days that kings ruled. The kings had to admit by some sworn act called a Bill of Rights, that certain stated rights belonged to the people. But, there is no need for that here, thank God, for we have no kings in America.

Let those who are honest in their hope for a better Constitution from another convention think of the time it would take. Let them think how hard it would be to carry out in our embarrassing situation.

How easy it would be for foreign countries to continue plotting against us. Let us think of how long our fights will continue with one another; how unprepared we would be, how open to further hostility and insult. Think only how unprepared we will be for defense. How long can we continue without Union, without Government, without money, and without credit<sup>10</sup>

## Suggested Student Exercises:

1. Based on what you have learned so far about how the Founding Fathers solved the issues they confronted at the Convention, with which of the following do you agree?

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6 Quoted in John Back McMaster, ed., *Pennsylvania and the Federal Constitution*, Historical Society of Pennsylvania, Lancaster, 1888, pp. 457-72, edited.

7. Quoted in P.L. Ford, ed., *Pamphlets on the Constitution of the United States*, Brooklyn New York, 1888, pp. 83-84, edited.



## Against

## For

The Constitution gives too much power to the new government; it does not give the states any power.

The Constitution is not democratic; the common people will not have a voice in the government.

The Constitution does not give the people any rights and allows slavery to continue.

The country under the Articles of Confederation is falling apart; only the new Constitution can save it.

The Constitution has a system of checks and balances, which will protect the common people and the privileged.

A bill of rights is not needed; nothing could be done to end slavery without breaking up the country.

2. If your teacher directs, write a speech either in favor of ratifying the Constitution or opposing ratification. Begin by saying whether you are for or against ratification. Then state three arguments you will make. Follow this by supporting each of the three arguments with information from one of the speeches and references to the Constitution. Your speech should include strong statements, humor, and predictions of what will happen if the country does not agree with your point of view.

## Chapter 14

### The Founding Father's Motives

Over the past 200 years, Americans have perceived the motives of the men who wrote the Constitution in different ways. The historians who wrote the first interpretations of the Founders' motives tended to idealize these men. The Founders were cast as demi-gods who put aside personal ambition to devote their superior wisdom and intelligence to create a perfect constitution. The Founders were heroes who rescued the young nation from the chaos and bankruptcy of the Critical Period and established a central government capable of preserving order, protecting the country against foreign nations, and protecting the rights and liberties of all. The Constitution, in short, was not only the expression of the great ideals for which the American Revolution was fought, but was designed to preserve the country to which it gave birth.

But not everyone has seen the Founders in this way. Some historians have criticized the Founders for writing a Constitution that made them rich, helped others of their social class, and neglected the interests of slaves, women, and individuals with little or no property. They believe they did all this while, at the same time, they created a government capable of taking away the rights of the people it was supposed to protect.

In this chapter, you will read some of the arguments for these conflicting views of the Founders. Then you will have a chance to make your own decision.

#### The Founders as Heroes—John Fiske and Clinton Rossiter

The view of the Founders as heroes has been echoed by many historians. In the 1880's, John Fiske pronounced the Constitution "one of the longest reaches of constructive statesmanship in the world." Writing eighty years later, Clinton Rossiter called the Founders "heroes" who engaged "with clear eye and silent heart in an uncertain enterprise for some purpose larger than the gratification of their own ambition"

*It is worth our while to pause and observe the character and composition of one of the most memorable assemblies the world has ever seen. Mr. Gladstone [Prime Minister of England] says that "... the American Constitution is the most wonderful work ever struck off at a given time by the brain and purpose of man."*<sup>11</sup>

*I call these men heroes in deliberate defiance of the ban placed upon this word by most serious-minded historians. By hero I mean a leader of men who engages with clear eye and stout heart in an uncertain enterprise for some purpose larger than the gratification of his own ambition or the rewarding of his own friends, and whose deeds work a benevolent influence on the lives of countless other men... The men of 1787 were, in short, both dutiful wards of the past and creative makers of the future, and that is why they should have a special appeal to the troubled men of this*

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<sup>11</sup> John Fiske, *The Critical Period in American History*, Little, Brown, Boston, 1888, p. 223).

*generation. They were heroes who stayed within the limits of the political, social, economic and cultural circumstances of their time, heroes who seemed to know instinctively just how far to push their luck in choosing among the alternatives that were to be found within these limits.*<sup>12</sup>

## **The Founders as Feathering Their Own Nest—Charles Beard**

Beginning in the early 1900's, the romantic view of the Founders has been challenged by a group known as the Progressive historians. It was a time of reform, when corrupt deals between businessmen and politicians were being uncovered. Led by Charles Beard, these historians claimed they found evidence that the Founders were not *idealistic, patriotic, or disinterested*. First published in 1913, Beard's *An Economic Interpretation of the Constitution* concluded that the Founders "immediately, directly, and personally...derived economic advantages" from the new government under the Constitution.

The basis for some of Beard's startling conclusions were U.S. Treasury records showing that 40 of the 55 Founders held federal bonds that were later sold back to the government for much more than they cost. Beard also pointed out that the Founders were generally wealthy individuals, engaged in shipbuilding and other commercial ventures including money lending, speculation in Western lands, slavery and the slave trade. All of these enterprises, Beard claimed, would be far more profitable with a strong central government capable of establishing a uniform currency, enforcing trade treaties, protecting its commercial shipping, and pushing the British and the Indians off western lands.

*The movement for the Constitution of the United States was originated and carried through principally by four groups of [property] interests which had been adversely affected under the Articles of Confederation: Money, public securities, manufacturers, and trade and shipping. The first firm steps toward the formation of the Constitution were taken by a small and active group of men immediately interested through their personal possessions in the outcome of their labors.*

*The members of the Philadelphia convention, which drafted the Constitution were, with few exceptions, immediately, directly, and personally interested in, and derived economic advantage from, the establishment of the new system. The Constitution was essentially an economic document based upon the concept that the fundamental private rights of property are [superior] to government and morally beyond the reach of popular majorities.*<sup>13</sup>

## **The Founders as Representing the Whole People—Robert Brown**

Beard's economic interpretation was widely condemned by many historians and outraged the public. But other works tended to support some of Beard's conclusions. By the mid-1930s, with the United States in the midst of the Great Depression, Beard's work had become respectable.

Serious research into Beard's theory was not conducted until after World War II, at the beginning of the Cold War with the Soviet Union. This was a period of strong American patriotism. Whether these post-war historians were directly influenced by the events of the 1940's and 1950's is hard to say, but their research did find serious flaws in Beard's work. Robert E. Brown, for instance, traced every footnote of

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<sup>12</sup> Clinton Rossiter, 1787: *The Grand Convention*, Macmillan, New York, 1967, pp. 18-20).

<sup>13</sup>Charles Beard, *An Economic Interpretation of the Constitution of the United States*, Macmillan, New York, 1956, pp. 324-325.)

Beard's book back to its original source. There he found ample reasons for rejecting Beard's interpretations. For instance, Brown learned that many who opposed the Constitution also owned government bonds. Furthermore, he discovered that many of the bonds owned by the Founders were bought after the Constitution was written. As to the Founders' business involvement, Brown asserted,

*If members of the convention were directly interested in the outcome of their work and expected to derive benefits from the establishment of the new system, so also did most of the people of the country....*

*A constitution which did not protect property would have been rejected without question, for the American people had fought the Revolution for the preservation of life, liberty, and property....*

*The Constitution was created about as much by the whole people as any government could be which embraced a large area and depended on representation rather than on direct participation ... And it was created by compromising a whole host of interests throughout the country, without which compromises it could never have been adopted.* <sup>14</sup>

## The Founders as Aristocrats—Jackson Turner Main

Although most of Beard's conclusions are no longer accepted, reputable historians still see knowledge of economic concerns as important. In a carefully researched study of the Anti-Federalists, Jackson Turner Main concluded they were concerned with democracy and opposed to the centralizing and aristocratic tendencies of the Founders,

*What the Anti-Federalists feared, then, was that the power given to a national government would be wielded by an upper class. The easiest way of avoiding such dominance would have been to concede no power at all, but if some had to be granted, it should not be so much as to enable the few to oppress the many. The Philadelphia convention, they believed, had gone too far. William Findley... remarked that "the natural Course of Power is to make the Many as Slaves to the few." Samuel Chase wrote to John Lamb that he objected to the Constitution chiefly because "the bulk of the people can have nothing to say to it. The government is not a government of the people." In the Maryland convention he said (or planned to say) that only the rich and well born would be chosen to Congress. Most Anti-Federalists were convinced of this, and had little doubt what would happen under the proposed system... An "aristocratic tyranny" would arise, in which (as Timothy Bloodworth wrote) "the great will struggle for power, honor and wealth, the poor become a prey to avarice, insolence, and oppression." John Quincy Adams noted in his diary that the Constitution was "calculated to increase the influence, power and wealth of those who have any already."* <sup>15</sup>

## Two Opposing Views 200 Years after the Convention

In a book published in the year of the 200th anniversary of the writing of the Constitution, noted historian Richard Morris lent support for the heroic interpretation of the Founders' motives. Morris's work, *The Forging of the Union*, praised the Fathers as "sober realists" and dismissed those opposed to the Constitution as isolated, state-centered, and libertarians."

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<sup>14</sup> Robert E. Brown, *Charles Beard and the Constitution*, Norton, New York, 1956, pp.

<sup>15</sup> Jackson Turner Main, *The Anti-Federalists: Critics of the Constitution*, Quadrangle, Chicago, 1964), pp. 132-133.

*The statesmen of that day, a collection of dedicated and creative figures, wrestled with these central issues and argued them at length both in print and in the forums provided by the Federal Convention and the state ratifying conventions that followed. Seemingly intractable problems were resolved by combining audacious initiatives with a series of compromises deemed necessary to forge a union, preserve the states, and guarantee the people's liberties . . .*<sup>16</sup>

*[The Constitution] endowed a federal republic with powers necessary to promote the general welfare and secure the blessings of liberty ... and [placed] the national interest on a durable foundation.*<sup>17</sup>

Thurgood Marshall, the first African American to have served on the Supreme Court, voiced one of the few criticisms of the Constitution that attracted widespread attention in the year of the bicentennial. Marshall, focusing on what he considered to be the Founders' interest in preserving their own position in society at the expense of slaves, women, and the indebted and landless, did not see the Founders' "sense of justice particularly profound."

*I [do not] find the wisdom, foresight, and sense of justice exhibited by the Framers particularly profound. To the contrary, the government they devised was defective from the start, requiring several amendments, a civil war, and momentous social transformation to attain the system of constitutional government, and its respect for the individual freedoms and human rights, we hold as fundamental today.*<sup>18</sup>

## Student Exercises:

1. Contrast the different views of the Founding Fathers held by the historians quoted in this chapter.
2. *Based on what you have learned in this unit – with which historian(s) do you agree? With whom do you disagree? Why?*
2. Write a 2000-2500-word essay on your view of the Founders' motives for writing the US Constitution.

**Were they noble innovators? Selfish aristocrats? Or somewhere in-between these two extremes?**

**Your essay must cover:**

➤ **How the Founders resolved two of the issues they faced at the convention:**

**These resolutions should form the basis for your essay: if you think the Founders arrived at good solutions, you will probably write a favorable opinion: if you strongly disagree with their solutions you will probably accept Beard's, Main's, or Marshall's interpretation. The issues are as follows:**

1. Representation: state vs. population
2. Democracy (possibly including slavery and lack of a bill of rights) vs. checks and balances
3. Power: state vs. national government.

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<sup>16</sup> Richard B. Morris, *The Forging of the Union, 1781-1789*, Harper and Row Publishers, New York, 1987). pp. xii-xiii.

<sup>17</sup> Quoted in John Back McMaster, ed., *Pennsylvania and the Federal Constitution*, Historical Society of Pennsylvania, Lancaster, 1888, pp. 457-72, edited

<sup>18</sup> Quoted in *The New York Times*, May 8, 1987

- **How well the Constitution was put together:**  
Here you should examine what makes the Constitution great or not so great. Look carefully at the Constitution and clearly explain why it works or doesn't work— i.e. flexibility, attention to details (such as President and Congress being barred from voting themselves a raise in pay), wording, etc; or
- **What was actually said at the convention, what you know about the Founders themselves, and/or what historians have said about them?**  
Here you will want to review the speeches made at the convention and study the descriptions of the delegates, and/or re-read historian's comments. You might also research this topic in a library.

## **Suggestions for Organizing Your Essay:**

Your essay should have four major parts:

- a. statement of your introduction and thesis,
- b. Foreshadowing
- c. a main body, and
- d. a conclusion.