

CHAPTER

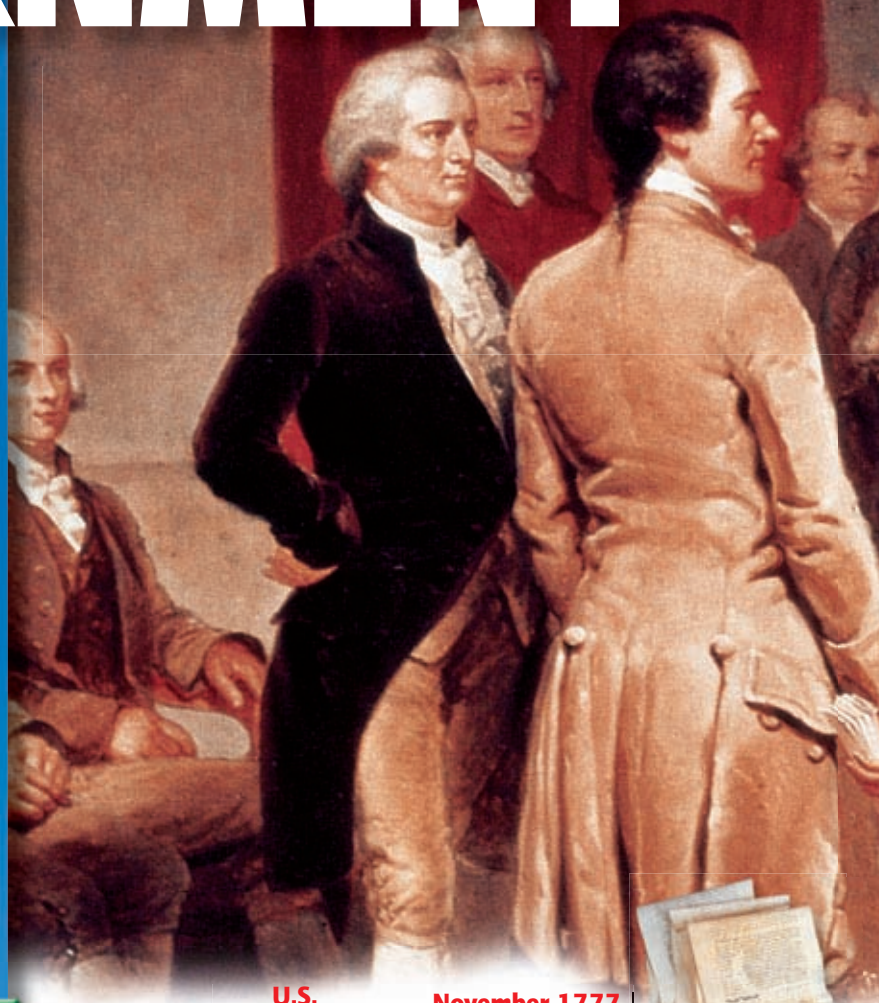
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1776–1789

Creating a New GOVERNMENT

THE BIG PICTURE

The Articles of Confederation, under which the thirteen colonies had united to win independence, proved insufficient to govern the new nation. Delegates from 12 states met at the Constitutional Convention in Philadelphia and fashioned a newer, stronger form of government, which has endured for more than 200 years.



North Carolina Standards

Social Studies Objectives

1.01 Identify the major domestic issues and conflicts experienced by the nation during the Federalist Period.

Language Arts Objectives

3.02 Select an issue or theme and take a stance on that issue by:

- supporting the argument with specific reasons.

Skills FOCUS

READING LIKE A HISTORIAN

The artist Junius Brutus Stearns captured the gravity of the task set before the nation's founders in his 1856 painting *Washington Addressing the Constitutional Convention*.

Interpreting Visuals What does this painting tell you about the crafters of the Constitution?

See **Skills Handbook**, p. H30

U.S.



November 1777

Congress adopts Articles of Confederation.



1775



World

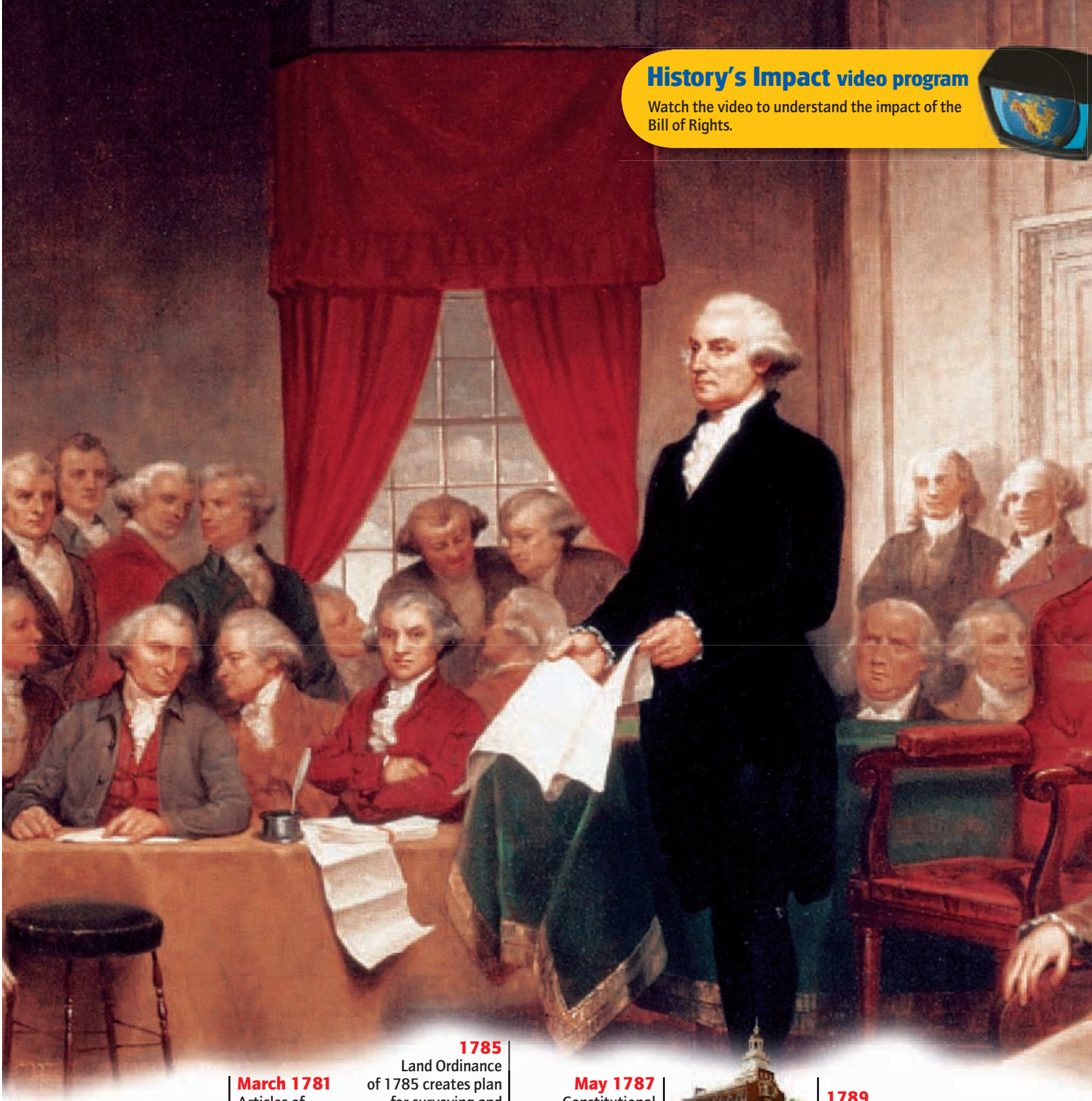
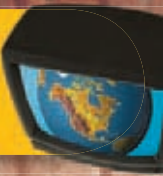
1778

British explorer Captain James Cook lands in Hawaii, meeting people like this Sandwich Islander.



History's Impact video program

Watch the video to understand the impact of the Bill of Rights.



March 1781
Articles of Confederation go into effect.

1785
Land Ordinance of 1785 creates plan for surveying and selling land in the Northwest Territory.

May 1787
Constitutional Convention meets in Philadelphia.



1789
First U.S. Congress meets in New York.

1780

September 1781
Spanish settlers found the city of Los Angeles.

1785

1784
Russians settle in the Aleutian Islands of present-day Alaska.

1790

July 1789
The French Revolution begins with the capture of Bastille prison.



SECTION

1

The Articles of Confederation

BEFORE YOU READ

MAIN IDEA

In order to carry on the war and build a new nation, Americans had to create a framework of government, but their first attempt had many weaknesses.

READING FOCUS

1. What were some key aspects of the new American republic?
2. What was the structure of the new national government?
3. What problems did the Confederation face?
4. What did the government accomplish in the Northwest Territory?

KEY TERMS AND PEOPLE

legislative branch
judicial branch
executive branch
republic
Articles of Confederation
Land Ordinance of 1785
Northwest Ordinance

TAKING NOTES

As you read, take notes identifying the powers of government under the Articles of Confederation. Record your notes in a graphic organizer like the one shown here.

Articles of Confederation



The States, UNITED

◀ Almost as though they were separate nations instead of separate states, some states had their own currencies.

states, including New York and New Hampshire, argued over land claims. Trade and the economy caused most clashes among states.

Financial chaos reigned in the early years. For starters, many states printed their own paper money. If you had a pocket full of paper money printed in Pennsylvania, you could not spend it in New York or Virginia. States also imposed tariffs, or import taxes, on goods shipped from other states. An out-of-state ship that docked at a Virginia port without paying the tariff could be seized and sold.

The lack of unity made commerce especially difficult in certain states. James Madison wrote: "New Jersey, placed between Philadelphia and New York, was likened to a cask tapped at both ends; and North Carolina, between Virginia and South Carolina, to a patient bleeding at both arms."

Soon the states would attempt to come together under a new national government. If Americans were truly to unite, they would need to invent a government that would address the needs of all the states. Americans would also need to find a balance between state and national government. ■



COLLECTION OF THE AMERICAN NUMISMATIC SOCIETY, NEW YORK

THE INSIDE STORY

Why was Pennsylvania money worthless in New York?

In 1774, at the First Continental Congress, Patrick Henry declared bravely: "The distinctions between Virginians, Pennsylvanians, New Yorkers, and New Englanders are no more. I am not a Virginian but an American."

Patrick Henry's words were inspiring. Yet even after the Americans won the Revolutionary War and the 13 colonies became states, they were still struggling to unite as Americans. Loyalty to one's state remained stronger than any feeling of national unity.

In many ways, each state behaved like a small country. Some had their own navies and made treaties with foreign nations. Small states and large states were at odds. Some

The American Republic

While Americans were fighting for independence from Britain, they were also setting up new governments. Most of the 13 states wrote new constitutions. These state constitutions echoed many prized British rights, including representative government, the rule of law, limits on government power, and individual liberties.

New state governments Despite differences among the states, their governments had many similarities. Each state government had three branches. The **legislative branch** made the laws. The **judicial branch** interpreted the laws. The **executive branch**—the governor—carried out the laws. Remembering their experience with authoritarian royal governors, the states chose to limit the governor’s power. Instead, elected legislatures held more power.

Republicanism Above all, Americans did not want a king or any other supreme authority over them. Going back to the ideas of John Locke, they wanted a **republic**, a political system without a monarch. It would rule “with the consent of the governed.” No government in the world at that time was based on this idea. The ideal of republicanism was that hard-working, property-owning citizens would be active in government. Reality, of course, was different. Women, African Americans, Native Americans, and poor white laborers seldom owned property or took part in government.

Republican motherhood The Revolutionary War did bring a shift in women’s roles. During the war, women ably managed farms and businesses. Some women fought in battle or defended their homes with axes and muskets. American women had become politically active for the first time before the war, organizing boycotts and later supporting the war effort.

The idea of republican motherhood developed from these roots. People recognized that women had the first opportunity to educate children in civic virtues and responsibilities. Republican motherhood encouraged mothers to raise their sons to be patriotic future leaders and their daughters to be intelligent, patriotic, and competent so they could run households and educate their own children.

Judith Sargent Murray, a contemporary author, maintained that young women should

REPUBLICAN MOTHERHOOD



The Sedgwick home is pictured in the background.

The book suggests the importance of education to the Sedgwick family.

Skills Focus

READING LIKE A HISTORIAN

The Sedgwicks, a prominent Federalist family in Massachusetts, valued education. In this painting, Pamela Dwight Sedgwick is pictured with her daughter, Catharine, who became a writer.

Interpreting Visuals Why did the family choose to include a book in this portrait?

See **Skills Handbook**, p. H30

be educated in reasoning, not just household skills. After infancy, she noted, boys and girls were given very different educations:

HISTORY’S VOICES

“How is the one exalted, and the other depressed, by the contrary modes of education which are adopted! the one is taught to aspire, and the other is early confined and limited. As their years increase, the sister must be wholly domesticated, while the brother is led by the hand through all the flowery paths of science.”

—Judith Sargent Murray, quoted in *Founding Mothers*

READING CHECK

Making Inferences Why did the states create weak executive branches?

ACADEMIC VOCABULARY

constitutions

documents containing the basic laws and principles of a state or nation

A New National Government

The states formed their new governments quickly during the Revolutionary War, but the Continental Congress found it more difficult to agree upon a structure for a national government. Yet some kind of central government was needed to carry on the war and make agreements with foreign governments. As they worked out a plan, the Congress set up a completely new kind of government structure.

The Articles of Confederation In 1776, while one congressional committee was writing the Declaration of Independence, another committee was trying to work out a plan of union. John Dickinson of Pennsylvania led the effort. Dickinson was a moderate who had once hoped for peace with Great Britain. Now he drafted a plan for a new American government.

For more than a year Congress debated whether to adopt the **Articles of Confederation**, America's first national constitution. As its name indicates, the document established a confederation—an association of independent, sovereign states with certain common goals.

Congress formally adopted the Articles of Confederation in November 1777. It took a while longer for each of the 13 states to ratify the document because of disputes over western lands.

Powers of the new government In March 1781 the Articles of Confederation finally went into effect. The states retained most of their power under the Articles. The document provided for only a weak national government. Unlike the state governments, the central government had only one branch: the Continental Congress, which was a legislative body. There was no executive or judicial branch. Each state also had only one vote in Congress, regardless of population.

Under the Articles, Congress did have certain powers. It could establish national policies and conduct foreign relations, including relations with Native American nations. Congress could borrow and coin money and set up post offices. It also had the power to establish an army and declare war.

READING CHECK

Summarizing Under the Articles of Confederation, what powers did the central government have?

The Confederation Faces Problems

The powers of Congress, however, were just words on paper. It was difficult, and often impossible, for the government to make these words a reality. Nine of the 13 states had to agree on any major law. All 13 states had to agree to amend the Articles of Confederation.

Financial problems The new government's major problems involved money. Although there were large war debts to pay, the government did not have the power to impose or collect taxes. Congress did ask the states for money but only received about one-sixth of what it requested. This meant the government could not pay to support an army or navy. Nor could it repay money borrowed from foreign governments and from individual Americans during the Revolutionary War. Some soldiers who had fought in the war actually went unpaid.

In 1781 Congress set up a department of finance run by Philadelphia merchant Robert Morris and his business associate, Haym Salomon. Both men had worked hard during the war to raise money for the army. Salomon loaned thousands of dollars to the government and to several government leaders, most of which was never repaid.

Morris and others who wanted a stronger national government suggested amending the Articles of Confederation to allow Congress to place a 5 percent tax on imports. The plan

WEAKNESSES OF THE ARTICLES OF CONFEDERATION



- Congress could not impose taxes
- Congress could not regulate trade
- Nine of 13 states needed to agree to pass laws
- All states had to agree to amend the Articles
- No executive branch to enforce laws passed by Congress
- No judicial branch to interpret laws passed by Congress

ACADEMIC VOCABULARY

ratify officially approve
amend make changes

The Articles of Confederation

Concerned that trouble would result from attempts to change the government, Richard Henry Lee of Virginia defended the Articles of Confederation.

“I think Sir that the first maxim of a man who loves liberty should be, never to grant to Rulers an atom of power that is not most clearly & indispensably necessary for the safety and well being of Society . . . [T]he Confederation should not be presumptuously called an infallible system for all times and all situations . . . no change should be admitted until proved to be necessary by the fairest, fullest & most mature experience.”

Richard Henry Lee, 1785

John Jay, president of the Continental Congress and part of the committee sent to negotiate peace with Great Britain, had grave misgivings about the Articles of Confederation.

“To oppose popular prejudices, to censure the proceedings, and expose the improprieties [wrong-doing] of states is an unpleasant task, but it must be done. Our affairs seem to lead to some crisis, some revolution. . . . [W]e are going and doing wrong, and therefore I look forward to evils and calamities. . . .”

John Jay, 1786

**Skills
FOCUS**

READING LIKE A HISTORIAN

Identifying Points of View Both men fear “calamities” and troubles ahead, but for each, those troubles are different. What does each man fear?

See **Skills Handbook**, pp. H28–H29

failed. To amend the Articles required unanimous consent, and one state would not support the import tax.

Problems with the states Congress had very little power over the individual states. States could make their own agreements with foreign nations or Native Americans. They might set taxes on trade with neighboring states and refuse to honor contracts made in other states. As you read earlier, some states even issued their own money.

Because there was no national court system, Congress could not settle disputes between states. States sometimes refused to recognize laws or court decisions made in other states. A criminal could escape the law simply by fleeing across a state line.

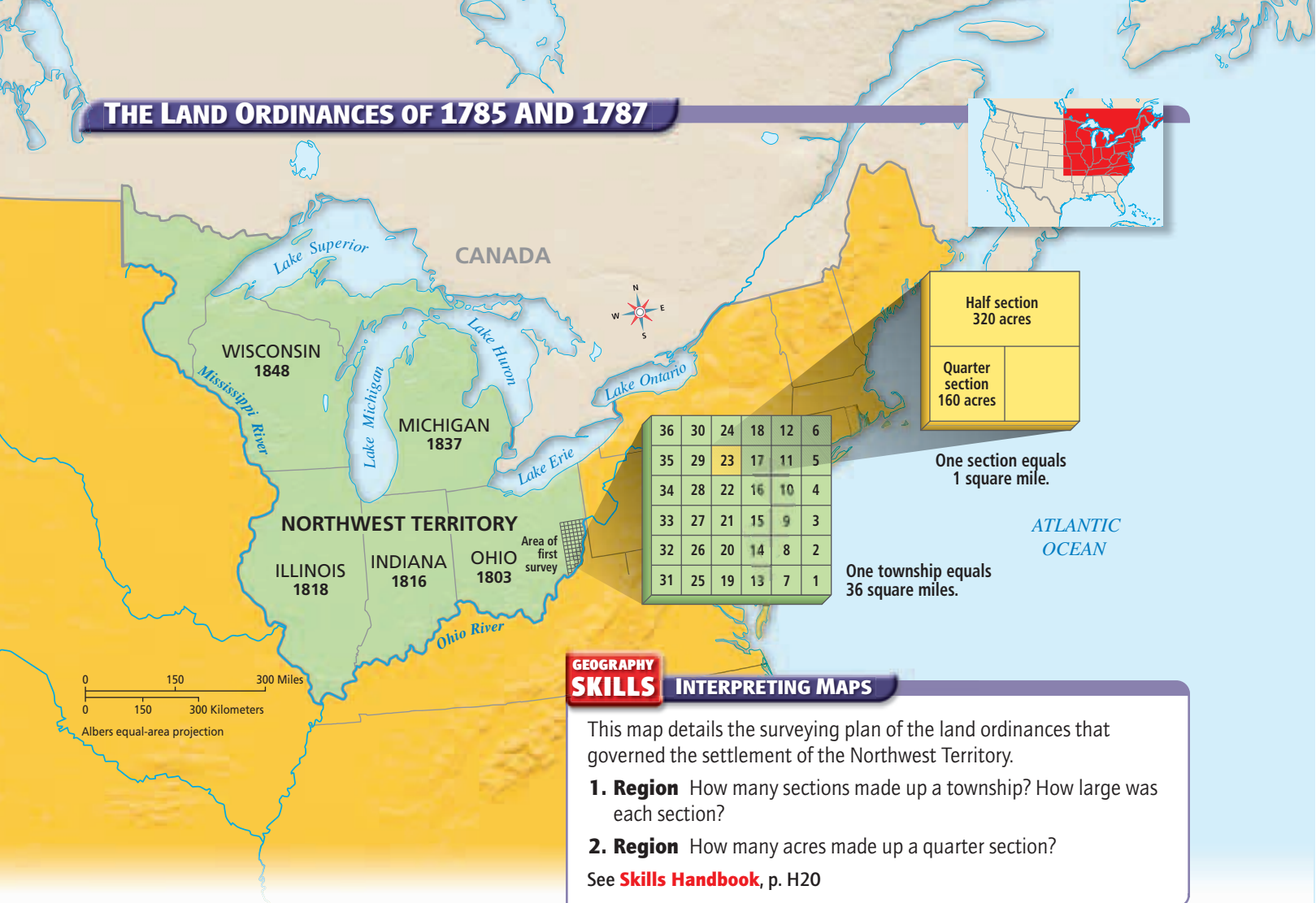
Problems with foreign nations Because it was so weak, Congress also had trouble taking advantage of the territory that the United

States had won in the 1783 Treaty of Paris. The British continued to occupy their forts in the Great Lakes region. With the help of Native American allies, they kept American settlers out of parts of the Northwest Territory.

In addition, Congress had difficulty negotiating with Spain about the right to travel on the Mississippi River and use the port of New Orleans. People in the South and West, especially Kentucky and Tennessee, depended on the Mississippi River to take their produce to market. Disagreements also continued about the border with Spanish Florida.

Economic problems Money problems plagued not only the government but also private citizens and businesses in every state. The end of the war was a disaster for New England’s valuable trade with Britain and the British West Indies. Traders lost the advantage of being part of the British Empire and now had to pay high customs duties.

THE LAND ORDINANCES OF 1785 AND 1787



Before the war, Great Britain had paid bonuses to support key colonial industries, such as indigo and naval stores. The end of that aid from Britain hurt southern economies. Also, because many African Americans had left during the war, there were fewer workers.

In addition, the paper money issued during the war was not backed by gold or silver. That led to inflation—a huge rise in prices as the value of paper money fell. Congress could not collect taxes, but the states could—and did. Some states required that people pay their taxes in gold or silver, not the nearly worthless paper money. People who could not pay their debts were jailed. The laws especially hurt poor farmers who were already in debt. Frustrated farmers began rebellions in several places.

READING CHECK **Summarizing** What money problems did the national government face under the Articles of Confederation?

The Northwest Territory

Even though the Confederation was a weak government, some of its actions did have long-lasting effects. One notable accomplishment was establishing a pattern for settlement in western lands.

Western land claims In colonial times, several colonies, particularly New York and Virginia, claimed huge, unmapped areas of land west of the Appalachian Mountains. But others had fixed western boundaries. They worried that western land claims would create huge neighboring states.

After the Revolutionary War, settlers streamed into the lands west of the Appalachians. People on the frontier already were at odds with people from the East over taxes and policies toward Native Americans. Now the question was how to organize settlement of the vast western lands.

The Articles of Confederation did not address the question of new states. Congress had to find a way to bring western land and settlers into the political structure. Before that could happen, states had to give up their western land claims to the central government. During the 1780s and early 1790s, most states did so. Selling those lands could bring the Confederation badly needed money.

Dividing western lands In 1784 Thomas Jefferson came up with a proposal to divide the Northwest Territory—the land north and west of the Ohio River—into 10 districts. When the population in any district reached 20,000, its people would be able to send a representative to Congress. Later, the district could be admitted as a state. This original plan never fully went into effect, however.

The next year Congress drew up a plan for surveying, selling, and settling the territory. Under the **Land Ordinance of 1785**, the land would be surveyed and divided into a neat grid of townships, each 6 miles square (see map on opposite page). Within a township were 36 sections, each 1 mile square. The government would own four of the sections, while a fifth would be sold to support public schools. Surveyors planted “witness trees” to mark the corners of a section.

The Land Ordinance of 1785 changed the landscape of the Northwest Territory. As the United States expanded farther west, the same regular grid was used in other territories. This model ended many boundary disputes.

Land was to be sold at auction for at least \$1 an acre. Buying a whole section was too expensive for most ordinary settlers and small farmers, who had to buy smaller parcels. Congress also sold some good land directly to land speculators.

In 1787 Congress passed another law for western settlement, the **Northwest Ordinance**. It was meant to encourage orderly settlement and the formation of new states, all controlled by law. The Northwest Ordinance also promised settlers religious freedom and other civil rights. Significantly, slavery was not allowed in the Northwest Territory.

A single governor was put in charge of the Northwest Territory, but the law said that it could later become three to five states. With a population of 5,000 adult males, a district could become a territory and send a nonvoting representative to Congress. With a population of 60,000, the territory could write a constitution and apply to become a state.

READING CHECK Summarizing How could a territory become a state?

THE IMPACT TODAY
Daily Life
When the Northwest Territory was divided into states, the square townships remained. Many of these townships still exist in midwestern states.

SECTION 1 ASSESSMENT

go.hrw.com

Online Quiz

Keyword: SD7 HP5

Reviewing Ideas, Terms, and People

- Define** What are the characteristics of a republic?
 - Make Inferences** Why was having a written constitution so important to Americans?
 - Predict** What possible changes might result from the idea of republican motherhood?
- Describe** What kind of government did the Articles of Confederation create?
 - Evaluate** Was one vote per state a weakness of the new government? Why or why not?
- Identify** What kinds of problems did Congress face?
 - Explain** Why was it so difficult to amend the Articles of Confederation?
- Describe** What did the survey plan for the Northwest Territory look like?
 - Interpret** What were the goals of the land laws for the Northwest Territory?

- Elaborate** How might the new land laws influence settlement in the Northwest Territory?

Critical Thinking

- Contrasting** Copy the chart below and list the powers and the weaknesses of the Confederation government.

Powers	Weaknesses

FOCUS ON WRITING

- Persuasive** As a newspaper editor in a state with large western land claims, such as New York or Virginia, write an editorial in which you support or oppose giving up your state's land claims to the central government. Use details from the section to support your argument.

Drafting the Constitution

BEFORE YOU READ

MAIN IDEA

The Constitutional Convention tried to write a document that would address the weaknesses of the Articles of Confederation and make compromises between large and small states and between the North and South.

READING FOCUS

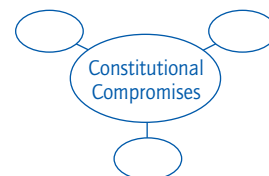
1. What different points of view emerged at the Constitutional Convention?
2. What compromises did the delegates make at the Constitutional Convention?
3. How does a system of checks and balances prevent any one branch of the federal government from becoming too powerful?

KEY TERMS AND PEOPLE

James Madison
Constitutional Convention
Virginia Plan
New Jersey Plan
Great Compromise
Three-Fifths Compromise
checks and balances

TAKING NOTES

As you read, take notes identifying major compromises reached in writing the Constitution. In a diagram like the one below, list one compromise in each of the small circles.



THE INSIDE STORY

Why did farmers rebel at a courthouse in Massachusetts?

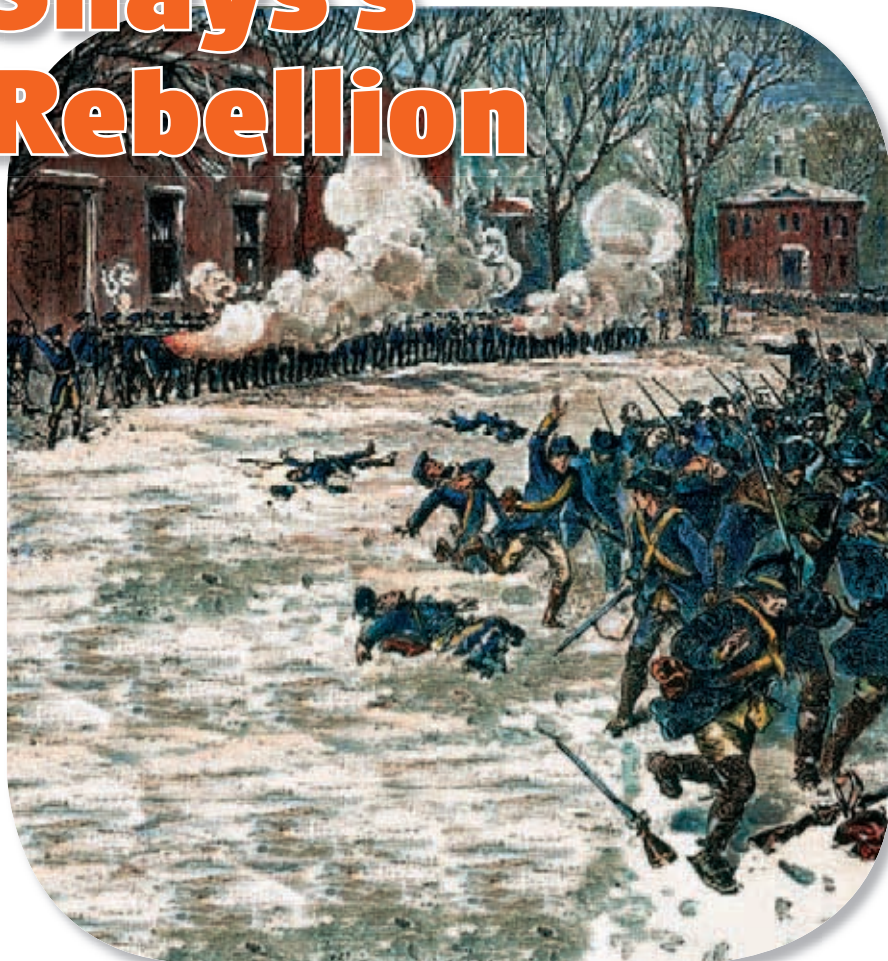
Times were hard after the war. To pay off the state's war debts, the Massachusetts legislature raised taxes and demanded that the taxes be paid in hard currency, not paper money. That hurt farmers in western Massachusetts, who used paper money and a barter system. Some lost their farms because they owed taxes. Some were thrown in debtors' prison.

Fed up, the farmers protested. If the courts were shut down, judges could not order the farms to be sold to pay debts. So in September 1786, Daniel Shays, a veteran who had fought at Bunker Hill, led a crowd to close the courthouse at Springfield. In January 1787, Shays led a larger group of angry farmers to break into the military arsenal at Springfield, where hundreds of guns were stored. After a short battle with Massachusetts militia, Shays and his men retreated. Four were killed.

Shays's Rebellion was only one of several taxpayers' revolts to happen during this period. The unrest alarmed some national leaders. ■

► **Shays's forces were easily defeated, but the rebellion rang alarm bells among the nation's leaders.**

Shays's Rebellion



THE GRANGER COLLECTION, NEW YORK

The Constitutional Convention

Frustration with the Articles of Confederation had been building for years, not only among farmers but also among veterans, merchants doing business between states, and creditors of the Continental Congress who had gone unpaid. A group of army officers stationed at Newburgh, New York, even launched a conspiracy in 1783 to overthrow the government, but George Washington declined the offer to lead the revolt. By fall 1786 conditions were so bad that as Shays's Rebellion began, Washington and **James Madison** were convening a meeting of five states in Annapolis, Maryland, to discuss the situation.

Washington himself had concerns about the Articles. In August 1786, he expressed these worries in a letter to John Jay, a prominent lawyer and diplomat.

HISTORY'S VOICES

“I do not conceive we can exist long as a nation without having lodged somewhere a power, which will pervade the whole Union in as energetic a manner as the authority of the State governments extends over the several States.”

—George Washington, Aug. 1, 1786

After the Annapolis meeting Congress called all the states to meet in Philadelphia in May 1787. According to Congress, the purpose of the Philadelphia convention was to revise the Articles of Confederation. Many states, however, sent delegates who supported a stronger central government.

A historic meeting The hot summer of 1787 was a turning point in American history. Only a few delegates arrived in Philadelphia on May 14, the day the **Constitutional Convention** was scheduled to begin. Traveling to Philadelphia over bad roads from distant states took some delegates several weeks. The meeting did not officially begin until the end of May.

Delegates from 12 states attended some or all of the meetings. (Politicians in Rhode Island opposed a stronger government and so never took part.) Each state had one vote. Decisions were made by a simple majority.

The delegates agreed to keep their discussions secret so that they could speak freely. The official secretary took only incomplete notes,

FACES OF HISTORY

**James
MADISON**
1751–1836



History remembers James Madison as the Father of the Constitution because of his central role at the Constitutional

Convention. The detailed diary he kept during the hot summer of 1787 remains the best primary account of the Constitutional Convention. Each night Madison stayed up late to transcribe his notes, recording important speeches and votes. “Nor was I unaware of the value of such a contribution,” Madison wrote, “[to] the cause of liberty throughout the world.” Not only a notetaker, Madison also was one of the convention's most active participants, drafting the highly influential Virginia Plan. Later, his eloquent support of the Constitution in *The Federalist* helped bring ratification.

Interpret Why is Madison called the Father of the Constitution?

but several other delegates kept personal diaries. The best account of the convention is the detailed diary kept by James Madison. Madison took notes about the delegates, their speeches, and their votes. Because of the enormous role he played in planning and writing the final document, Madison earned the title Father of the Constitution.

The convention delegates, known today as the Framers, also included John Dickinson, Alexander Hamilton, Robert Morris, Charles Cotesworth Pinckney, and Edmund Randolph. Leading the group were George Washington and Benjamin Franklin, the most admired men in America. The convention unanimously chose Washington as its president. His strength and character made him a symbol for people in every state. His leadership would bring the convention respect and legitimacy.

The delegates were all men, and they were mostly in their thirties and forties. The youngest delegate was 26-year-old Jonathan Dayton of New Jersey. Benjamin Franklin, at 81, was the oldest.

As a group, the delegates were well-educated. Many were trained as lawyers, and about half had attended college. Others were merchants, physicians, and planters. Most had been in their state's legislature or held state office. Some had signed the Declaration of Independence. Many had served in the Revolution. Most of the delegates were wealthy.

THE IMPACT TODAY

Government

Today the United States has a bicameral legislature. The upper house is the Senate and the lower house is the House of Representatives. All states except Nebraska have bicameral legislatures.

ACADEMIC VOCABULARY

proportion

proper or equal share

There were a few surprising absences from the Constitutional Convention. Several of the most fervent Patriots, such as Samuel Adams, opposed creating a stronger national government. Patrick Henry, whose fiery speeches had helped start the Revolution, also refused to attend the convention. John Adams and Thomas Jefferson did favor the convention's work but did not attend because they were on diplomatic missions abroad.

Controversial plans Almost as soon as the Constitutional Convention began, it became clear that most delegates were ready to do much more than revise the Articles of Confederation. They were ready to frame an entirely new government.

The most historic and difficult issues would involve finding a balance between the large and small states. The convention delegates would also have to find a balance between various northern and southern interests. Of tremendous importance was the emerging battle between those who wanted a strong

national government and those who wanted to protect states' rights. But many smaller disagreements would make the convention long and often frustrating.

Edmund Randolph of Virginia boldly took the lead. He presented a plan that Madison had devised called the **Virginia Plan**. This plan proposed an entirely new form of national government. Many parts of Randolph's Virginia Plan were controversial, however. Government would have three separate branches: executive, legislative, and judicial. The legislature would choose an executive to carry out the laws. It would also set up a court system to interpret the laws.

Under the Virginia Plan, the national legislature would be bicameral, meaning it would have two houses, or groups of representatives. Voters would choose members of the lower house, who would then select the upper house. Members of the lower house would be chosen in proportion to each state's population. The national government would have the authority to make the states follow its laws.

The Constitutional Convention

Key Delegates at the Constitutional Convention

- 1 Roger Sherman
- 2 Alexander Hamilton
- 3 Benjamin Franklin
- 4 James Madison
- 5 George Washington
- 6 James Wilson

Smaller states quickly objected to parts of the Virginia Plan. They were afraid of the “tyranny” of their large neighbors. For example, Virginia, the largest state in terms of population, could have 10 times as many representatives as Delaware, the smallest.

Delegates argued about Randolph’s plan for several weeks. To counter it, William Paterson of New Jersey proposed a “small state” plan. The **New Jersey Plan** kept many features of the Articles of Confederation but gave Congress additional powers. The plan proposed a unicameral, or one-house, legislature. Each state would have equal representation in the legislature. The New Jersey Plan also suggested a “plural executive”—that is, two or three top executives chosen by Congress. The executive would appoint members of a supreme court. These suggestions triggered weeks of debates throughout the hot Philadelphia summer.

READING CHECK

Identifying Points of

View Why did some Patriots refuse to attend the Constitutional Convention?

Compromises at the Convention

The Virginia Plan and New Jersey Plan set the stage for major disagreements. While most delegates favored parts of the Virginia Plan, it was clear that many compromises would have to be made to satisfy smaller states.

The Great Compromise After days of argument, it looked as if the convention was at a stalemate. Some large states were hinting that they might withdraw and form their own nation. A separate committee was set up to find a way to balance the interests of large and small states.

Finally, the Connecticut delegates—Oliver Ellsworth, Roger Sherman, and Dr. William Samuel Johnson—came up with a compromise. It stated: “The two ideas . . . ought to be combined; that in one branch the people ought to be represented; in the other the States.” That is, the upper house, the Senate, would

This painting shows the Framers signing the Constitution on September 17, 1787. A key accomplishment of the convention was the agreement to create a bicameral, or two-house, legislature. This agreement is called the Great Compromise.

THE GREAT COMPROMISE

QUICK
FACTS

Virginia Plan

(Large-state plan)

- Gave more power to state government
- Bicameral legislature
- The number of representatives for each state would be based on population.

New Jersey Plan

(Small-state plan)

- Gave more power to national government
- Unicameral legislature
- Each state would have an equal number of representatives.

THE GREAT COMPROMISE

- Bicameral legislature
- In the lower house, the number of representatives for each state is determined by population.
- In the upper house, each state has an equal number of representatives.



have two representatives from each state. In the other house, representation would be based on states' population.

Today this answer may seem obvious. But it was such a major step for the convention that it is known as the **Great Compromise**. It is also called the Connecticut Compromise.

Compromises on slavery As part of the Great Compromise, delegates also had to decide on how to count population. Enslaved African Americans made up a large proportion of the population in several southern states—as much as 30 to 40 percent. Counting them in full would have given those states much greater representation in Congress. But because some taxes were based on population, it would also increase taxes.

Southern states at first wanted to count all slaves for representation purposes but none for taxation. Northern states objected. In the **Three-Fifths Compromise**, delegates agreed that all whites plus three-fifths of the slave population (referred to as “all other persons”) would be counted for both representation and taxation. Native Americans were not counted.

The slavery question brought up other issues. Many people opposed slavery as immoral. Thomas Jefferson, himself a slaveholder, had tried to include a protest against it in the Declaration of Independence. Some delegates spoke eloquently about including a ban on slavery in the Constitution.

In the hope of maintaining unity between North and South, however, the delegates did not consider including a ban on slavery in the Constitution. As another compromise, they agreed to a clause allowing the slave trade to continue for 20 years. Another clause, known as the fugitive slave clause, stated that a slave who fled to another state had to be returned to his or her original state.

Other compromises Because the delegates were devising a government like no one had ever seen before, they had to consider many details. Here are some of the questions they had to answer:

- Who should choose the executive? Should the office be held by one man, or several?
- Who should be eligible to be president? How old should he be? Must the president be American-born?

- Who can declare war, the president or the U.S. Congress?
- What should be the term of office for the president and for members of Congress?
- Can a president be removed from office?
- Who can be a member of Congress? How old should they be? Must they be wealthy?
- Should government officials be required to belong to a certain religious faith?
- Should voters be required to own property?

Over the summer, all of these questions were raised, along with many others. Some were debated for a few hours. Other questions took weeks to resolve.

READING CHECK

Making Inferences What benefits did the southern states gain from the Three-Fifths Compromise?

Checks and Balances

In late July 1787, a five-man committee consisting of Oliver Ellsworth, Nathaniel Gorham, Edmund Randolph, John Rutledge, and James Wilson sat down to write a final document. Their draft would include the decisions and compromises that had already been made.

By then many delegates were tired of arguing, tired of being away from home, and tired of the stiflingly hot weather. They took a 10-day holiday. George Washington and Robert Morris (in whose Philadelphia home Washington was staying) went trout fishing.

Balancing powers On August 6, delegates returned to read the draft of the Constitution that the committee had written. For more than a month they picked over the details and made changes. One big point of debate was the balance between the powers of Congress and those of the president (as the executive was now called). A related question was what powers the states should have and what powers the federal government should have.

All the delegates had taken part in a rebellion against the authority of a king. As a result, they had given much greater powers to Congress than to the president. In the first draft, Congress chose the president for one seven-year term. Popular election had been suggested, but it was voted down.

ACADEMIC VOCABULARY

federal national

Then at the end of August, James Madison said he could not support the document in its present form. This was a major blow because the entire convention had been working from his basic plan. Alarmed, they named another committee, with one delegate from each of the states. Madison represented Virginia.

The outcome was another compromise. Instead of allowing people to elect the president directly, the state legislatures would choose electors, who would then choose a president. That removed the presidency one step from the popular vote. It also took away some of the overwhelming power given to Congress.

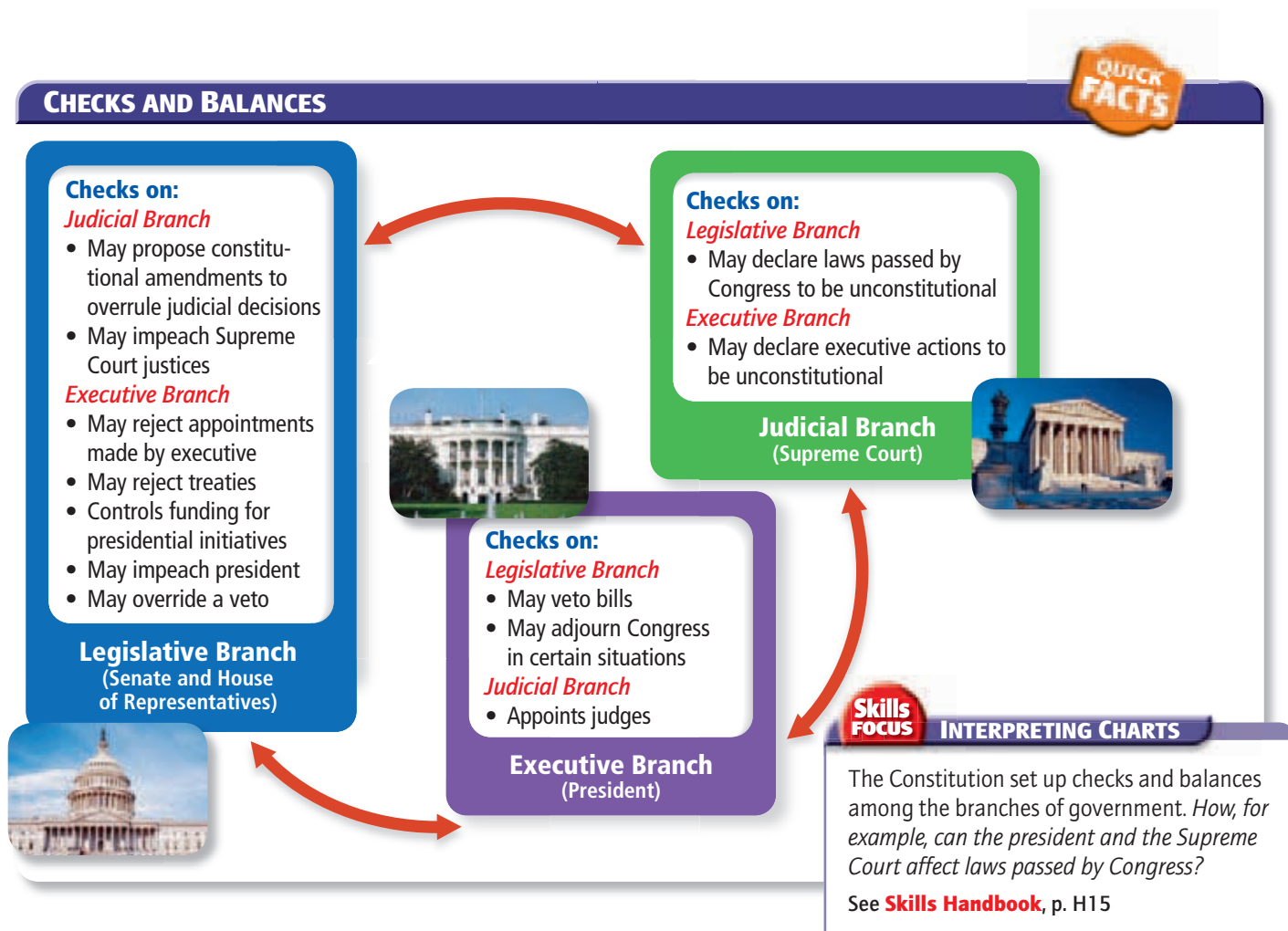
At almost the last minute, delegates created the office of vice president. That position would go to the person who came in second in the electoral vote. (The delegates did not foresee the rise of political parties.)

These last-minute changes were important in setting up **checks and balances** among the legislative, executive, and judicial branches of government. This meant that the Constitution provided each branch with power to slow

or stop an action taken by one of the other branches. These checks and balances ensured that no one branch of the government would dominate the others.

For example, the committee gave the president the power to make treaties and name judges and ambassadors. But the Senate had to give its “advice and consent” to these actions. The committee also gave the president the power to veto a law passed by Congress. But Congress could still pass any law over the president’s veto provided that two-thirds of each house agreed to do so. (See the diagram on this page for more examples of checks and balances among the three branches of the federal government.)

Planning the court system The issue of the court system provoked fewer arguments. Congressional representation and the role of the president were far more divisive. But the courts were still important. Delegates wanted to keep judges and courts independent, maintaining a separation of powers.



At first, the delegates gave the choice of federal judges to the Senate. Then they decided to split the responsibility between the two other branches. The president would nominate judges, but the Senate would have to approve them. Judges could not be fired arbitrarily.

Final decisions As the Constitutional Convention drew to a close, a Committee on Style worked out the wording of the final draft. Madison and others gave the credit for the document's elegant language and clarity to Gouverneur Morris of Pennsylvania. Morris wrote the famous opening phrase, "We, the people of the United States."

The U.S. Constitution set out a plan of government that had never been seen before, with three separate branches. Today the basic structure of the federal government remains exactly as the Framers envisioned it over 200 years ago. The legislative branch (the House of Representatives and the Senate) makes the laws. The executive branch (the president and his advisers) carries out those laws. The judicial branch (the Supreme Court and lower courts) interprets the laws as they relate to the Constitution.

When it was time to sign the Constitution, Benjamin Franklin urged the delegates to overlook the parts of the document that they did not like because it was as close to a perfect Constitution as he thought possible:

HISTORY'S VOICES

"I confess that there are several parts of this constitution which I do not at present approve, but I am not sure I shall never approve them. For having lived long, I have experienced many instances of being obliged to change opinions even on important subjects . . . It therefore astonishes me, Sir, to find this system approaching so near to perfection as it does . . . Thus I consent, Sir, to this Constitution because I expect no better, and because I am not sure that it is not the best."

—Benjamin Franklin, quoted in James Madison's journal

Franklin urged the meeting to "act heartily and unanimously" in signing the Constitution and trying to make it work. But some of those who had worked hardest to draft the document could not, at the last minute, bring themselves to sign it. They were George Mason and Edmund Randolph of Virginia and Elbridge Gerry of Massachusetts. They would not sign because the Constitution lacked a bill of rights. Other delegates who had misgivings went ahead and signed the document anyway.

In all, 39 delegates from 12 states signed the Constitution. Then the Constitutional Convention adjourned on Monday, September 17, 1787. Now it was time for the American people to approve the document.

READING CHECK

Identifying Supporting

Details Name three instances of checks and balances in the Constitution.

SECTION 2 ASSESSMENT

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Online Quiz

Keyword: SD7 HP5

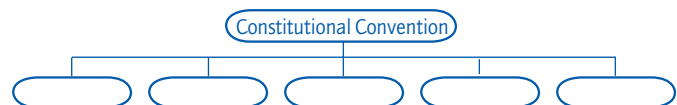
Reviewing Ideas, Terms, and People

1. **a. Recall** What were the main points of the Virginia Plan and the New Jersey Plan?
- b. Summarize** How did Shays's Rebellion reveal weaknesses of the Articles of Confederation?
- c. Rate** What were the most radical changes suggested in the Virginia Plan?
2. **a. Define** What was the Great Compromise?
- b. Explain** Explain the issues the Three-Fifths Compromise addressed.
- c. Evaluate** Did large states gain more from the Great Compromise or did small states?
3. **a. Identify** Identify the three branches of government and the role of each of them.
- b. Interpret** Give one example of checks and balances between Congress and the president.

c. Develop How did the delegates' thinking about the office of president change during the course of the convention?

Critical Thinking

4. **Identifying Supporting Details** Copy the chart below and fill in the major issues that caused controversy at the Constitutional Convention.



FOCUS ON SPEAKING

5. **Persuasive** As a delegate to the Constitutional Convention, write a speech in which you outline what you think ought to be the requirements for a senator.

Ratifying the Constitution

BEFORE YOU READ

MAIN IDEA

Federalists and Antifederalists struggled over the principles of the new Constitution. But the promise of adding a Bill of Rights brought about ratification.

READING FOCUS

1. What arguments for and against the Constitution were put forth by Federalists and Antifederalists?
2. What ideas were published in *The Federalist*?
3. Why was adding a Bill of Rights significant in the ratification process?

KEY TERMS AND PEOPLE

Federalist
Antifederalist
Alexander Hamilton
Brutus
Bill of Rights
Publius
The Federalist
John Jay
delegated powers
reserved powers

TAKING NOTES

As you read, take notes on the reasons for adding a Bill of Rights to the Constitution. You may want to organize your reasons in a diagram like this one.

Reasons for a Bill of Rights

A Rising Sun or a Setting Sun?

THE INSIDE STORY

Will the Constitution succeed?

It was the final day of the Constitutional Convention: September 17, 1787. The aging Benjamin Franklin, always a shrewd politician, knew it was important for the convention delegates to appear united. But down to the last minute, some delegates were still arguing. Local loyalties were still strong.

Franklin offered a final persuasive speech, read aloud by another delegate. He said that the new Constitution might not be perfect, but it was the best one possible.

Then the convention's oldest delegate made a motion that the meeting approve the Constitution unanimously. Although individual delegates still disagreed, every state present said yes. Delegates stepped forward, one at a time, to sign the document. Stories say there were tears in Franklin's eyes as he picked up the quill pen. He looked toward the chair where George Washington had sat to preside over the meeting. The image of a sun was painted on the back.

James Madison described the scene: Franklin remarked that painters had trouble showing the difference between a rising and a setting sun. He went on, "I have often and often in the course of Session . . . looked at that [sun] behind the president without being able to tell whether it was rising or setting. But now at length I have the happiness to know that it is a rising and not a setting Sun." ■



◀ The sunburst on the back of Washington's chair symbolized faith in the new Constitution.

Federalists and Antifederalists

The delegates who met at Philadelphia in May 1787 expected to revise the Articles of Confederation and make the government stronger. Instead, they essentially threw out the Articles and wrote a new Constitution. The new Constitution put forth a framework for a strong national government with certain powers left to the states. It declared that the Constitution would be the “supreme law of the land.”

The Philadelphia Convention had been held in secret. As the meeting continued through the summer of 1787, people wondered what it would produce. When the Constitution was finally published, the drastic changes surprised and angered some people. Many remembered British tyranny and feared the idea of a too-powerful national government. That led to a 10-month struggle over ratification.

Supporters and opponents of the new Constitution immediately began to present their arguments. Supporters of the Constitution, once called nationalists, were now known as **Federalists**. Opponents of the Constitution were called **Antifederalists**.

The Federalist viewpoint Supporters of the new Constitution had an advantage from the beginning. To begin with, they had been studying and defending their points of view all during the Constitutional Convention. They had their arguments ready.

The Federalists also had strong leaders such as Madison, John Dickinson, and the brilliant young **Alexander Hamilton**. Born in the West Indies, Hamilton had been Washington’s aide during the Revolutionary War. Federalists also had the backing of George Washington and Benjamin Franklin.

Like Franklin, most Federalists admitted that the Constitution was not perfect but was the best they could do. They believed that a strong national government was necessary for the survival of the republic. They wanted government to end chaos and be a check on the kind of mob rule seen during Shays’s Rebellion. At the same time, they pointed out that the separation of powers in the Constitution put limits on government power.

The Federalist cause was generally popular in the cities, but Federalists were outnumbered in the general population. Especially in the rural western parts of the states, some people saw the Federalists as an educated, wealthy, urban elite. They distrusted them.

Still, the Federalists were well organized and knew how to gather political support. As soon as the Constitution was written, they quickly began to work for its ratification.

The Antifederalist viewpoint Although they outnumbered the Federalists, those who had doubts about the Constitution were at a disadvantage. First, the term “Antifederalists” suggested that they were simply *against* something, without a plan of their own. In a sense, that was true. Many Antifederalists admitted there were flaws in the Articles of Confederation. They wanted a new government, but not the one outlined in the Constitution. Mainly, Antifederalists tried to warn people about flaws in the proposed government.

The Antifederalists were less organized and less unified than their opponents. They were more diverse, coming from different economic backgrounds and social classes. Their core consisted of farmers and planters.

Antifederalists did agree on one central issue: They distrusted any central authority. They were afraid that a strong national government would lead to a kind of tyranny—exactly what they had fought against in the Revolution. Antifederalists worried that the central government outlined in the Constitution would abuse both states’ rights and individual liberties. They did not trust any government to protect the people’s rights. Many also thought the new government favored the educated and wealthy over ordinary people.

Some opponents argued that a republic could not succeed in a nation as large as the United States. They also criticized specific features such as the role of the president, the number of congressional representatives, and the length of senatorial terms.

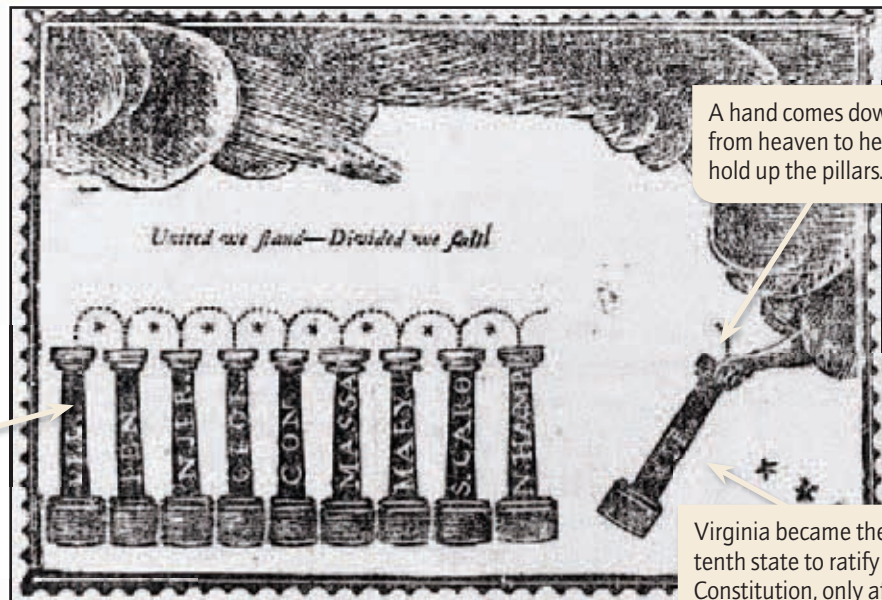
The Antifederalists had many strong leaders. Some, like Samuel Adams, Patrick Henry, and Richard Henry Lee, had opposed the convention from the beginning. Mercy Otis Warren, the colonial writer, warned it would create tyranny. In a typically fiery speech at the

PRIMARY SOURCES

Political Cartoon

This political cartoon was published soon after the ninth state, New Hampshire, ratified the Constitution.

The pillars represent the colonies in the order in which they ratified the Constitution.



Skills Focus

READING LIKE A HISTORIAN

Identifying Points of View What does the hand supporting the pillar reflect about the artist's view of the new country and its Constitution?

See **Skills Handbook**, pp. H28–H29

Virginia ratifying convention, Patrick Henry even claimed that the convention delegates did not have the authority to create a completely new government.

HISTORY'S VOICES

“My political curiosity . . . leads me to ask, who authorised them to speak the language of, *We, the People*, instead of *We, the States*? . . . The Federal Convention ought to have amended the old system—for this purpose they were solely delegated . . . You must therefore forgive the solicitation of one unworthy member, to know what danger could have arisen under the present confederation, and what are the causes of this proposal to change our Government.”

—Patrick Henry, June 1788

George Mason, who had refused to sign the Constitution, also worked actively against its ratification. So did Robert Yates, a delegate from New York. Under the name **Brutus**, Yates wrote a number of anti-Constitution essays.

The ratification process The concerns of the Antifederalists led them to demand the addition of a **Bill of Rights**. Because they did

not trust government, they wanted to spell out some basic rights in the Constitution to make sure those rights would be protected. Adding a Bill of Rights became the main focus of the struggle over ratification.

The Framers knew that getting unanimous agreement would be hard. Article VII of the Constitution explained what must be done to bring the constitution into effect. Only 9 of the 13 states had to ratify, or approve, the Constitution. Some people thought that nine states were not enough to authorize a complete change of government. But the Confederation Congress, which was still technically the American government, approved.

To make ratification more likely, the Framers bypassed the state legislatures, which would lose considerable power to the new national government. Instead, they called for special ratifying conventions in each state. In the fall of 1787 the battle over ratification began.

READING CHECK

Drawing Conclusions Why did their experience as colonists make some people suspicious of central government?

Federalist vs. Antifederalist

In Federalist No. 45, James Madison argued that the states were too powerful under the Articles of Confederation.

“Was, then, the American Revolution effected, was the American Confederacy formed, was the precious blood of thousands spilt, . . . not that the people of America should enjoy peace, liberty, and safety, but that the government of the individual States . . . might enjoy a certain extent of power, and be arrayed with certain dignities and attributes of sovereignty?”

James Madison,
1787

Patrick Henry spoke against the proposed Constitution, saying it took power away from the states.

“Here is a resolution as radical as that which separated us from Great Britain. It is radical in this transition; our rights and privileges are endangered, and the sovereignty of the states will be relinquished.”

Patrick Henry,
1788



THE THOMAS GILCREASE INSTITUTE OF AMERICAN HISTORY AND ART, TULSA, OKLAHOMA

**Skills
FOCUS**

COLONIAL
WILLIAMSBURG FOUNDATION

READING LIKE A HISTORIAN

Distinguishing Fact from Opinion Which parts of these quotations are fact, and which parts are opinion?

See **Skills Handbook**, pp. H28–H29

The Federalist Papers

In late 1787, people in New York opened their newspapers to find a series of essays written under the pen name **Publius**. By spring, 85 essays on government had appeared. Addressed “To the People of the State of New York,” they were first published in New York newspapers. Later, the essays circulated widely in other states and were collected in a book called *The Federalist*, also known as the Federalist Papers.

The anonymous Publius discussed and defended each part of the Constitution. The main goal of the essays was to persuade New York delegates to ratify the document by explaining the advantages it would bring. But they were also brilliant explanations of republican government and politics.

Writing The Federalist Publius was in fact three leading Federalists: James Madison, Alexander Hamilton, and **John Jay**. Their

names were kept secret until 1802. Hamilton and Madison wrote most of the essays in *The Federalist*, and Jay supplied a few. Historians are still not entirely certain of the authorship of every essay in *The Federalist*.

Ideas in The Federalist Madison, on whose ideas the Constitution was based, wrote about political theory in his essays. Hamilton offered practical arguments for a strong government.

In *Federalist* No. 1, Hamilton introduced the series. He told his readers that the decision they were about to make was important for the whole world. He noted:

HISTORY'S VOICES

“... it seems to have been reserved to the people of this country . . . to decide the important question, whether societies of men are really capable or not of establishing good government from reflection and choice, or whether they are forever destined to depend for their political constitutions on accident and force.”

—*The Federalist* No. 1

Hamilton also listed the subjects of future essays, including how the Constitution would help preserve republican government, liberty, and property.

In *Federalist* No. 10, Madison warned against the dangers of factions—groups with specific, often opposing, interests. Factional fights had torn apart some European governments. But Madison argued that factions were a natural part of American society and that suppressing such groups would destroy liberty. Instead, a republican government would help balance their influence. In *Federalist* No. 51, Madison explained how the separation of powers described in the Constitution would limit government powers.

The Constitutional Convention had spent less time discussing the judiciary than the other branches. In *Federalist* No. 78, Hamilton said that the lack of a judiciary was one flaw in the Articles of Confederation. He explained the importance of an independent judiciary. He also discussed the Supreme Court's power to consider whether a law is constitutional.

READING CHECK

Summarizing What were the main arguments made by the authors of *The Federalist*?

Adding a Bill of Rights

Even before the Constitution was signed, it was clear that the lack of a bill of rights was going to cause trouble. The three delegates who refused to sign the Constitution in Philadelphia had been the first indication that there might be problems.

For example, George Mason had written Virginia's Declaration of Rights. He said he could quickly write a national one. On the other hand, Roger Sherman of Connecticut pointed out that most state constitutions already had bills of rights and he believed that was enough. Others agreed, and the convention voted down all moves to add a bill of rights. As a result, Mason did not sign the Constitution. He never deviated from his opposition, hurting his friendship with Madison and Washington.

The fight for ratification When the ratification battle began, the Federalists were better prepared than their opponents. They quickly organized and gained control of several state

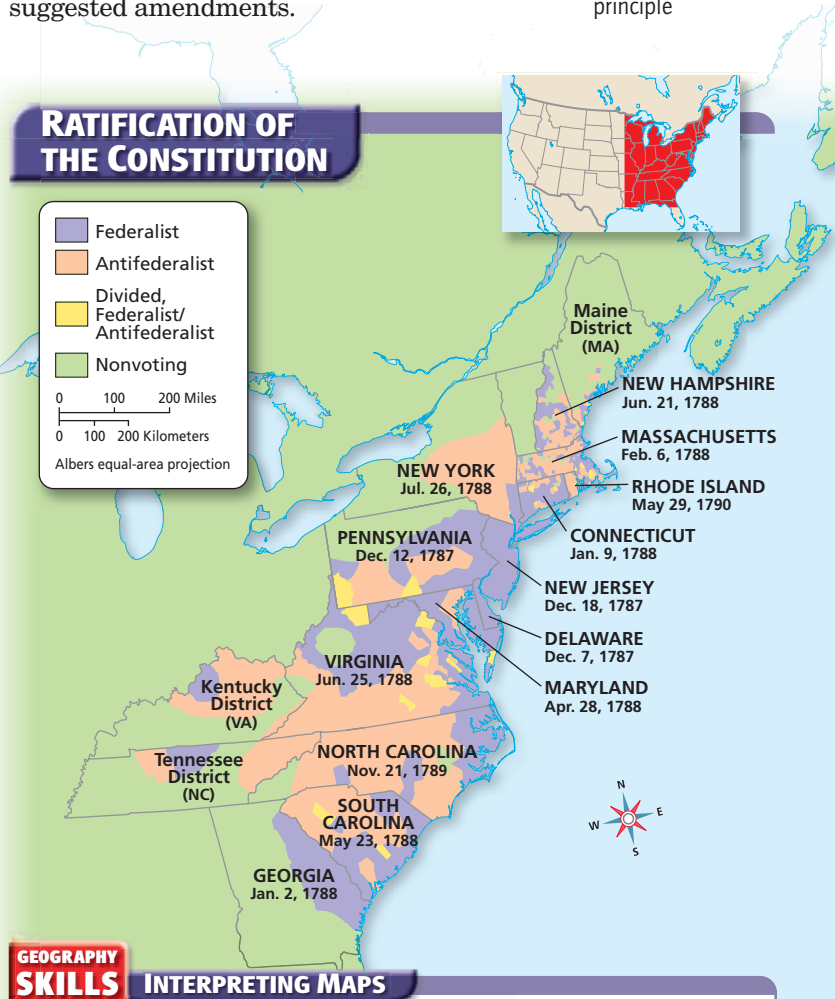
conventions, especially in small states.

Pennsylvania's convention met first, but Delaware moved more quickly. On December 7, 1787, Delaware became the first state to ratify the Constitution, with a unanimous "yes" vote. Pennsylvania followed days later, approving it by two to one. Within the first two weeks of 1788, New Jersey, Georgia, and Connecticut also had ratified it.

Massachusetts was a bigger challenge. Elbridge Gerry led a strong opposition there. Yet the Massachusetts vote had the potential to influence delegates in other states with large Antifederalist forces, such as New York, Virginia, and North Carolina. Federalists went to work to persuade prominent men such as John Hancock. By a close 187–168 vote, Massachusetts ratified on February 6, 1788. Its resolution, however, included a number of suggested amendments.

ACADEMIC VOCABULARY

deviate depart from a standard or principle



GEOGRAPHY SKILLS

INTERPRETING MAPS

- 1. Region** Which regions were predominantly Antifederalist?
- 2. Place** Which was the ninth state to ratify the Constitution? Why was it significant when the ninth state voted for ratification?

See **Skills Handbook**, p. H21

The First Amendment

The First Amendment protects freedom of religion, freedom of speech, freedom of the press, and the right to peaceably assemble. For over 200 years, these have been familiar rights to Americans.

In recent years, some people have wondered: Do First Amendment rights apply on the Internet? People can create Web sites on almost any topic. While many people feel some sites contain indecent or dangerous material, in the United States the First Amendment guarantees freedom of speech on the Internet.

Many other countries also encourage freedom of speech on the Internet. Some, however, strictly limit how their citizens use this technology. For example, China does not allow criticism of the government or support for oppressed religious minorities. The government of Saudi Arabia also limits Internet use. Leaders identify Web sites that they consider offensive and block access to them.

Contrasting Why is Internet access not limited in the United States as it is in some other countries?



Americans young and old exercise their First Amendment rights to assemble at a peace rally.

Federalists were less worried about New Hampshire but were unpleasantly surprised. Ratification failed on the first vote. The state did not ratify until June 1788. In the meantime, Maryland and South Carolina said yes.

That made up the nine states needed for the Constitution to go into effect. But without New York and Virginia, the United States would not be much of a country. Ratification of both large states was a must.

Virginia was oddly divided. Many large landowners opposed the Constitution, while some frontier people supported it. To Madison's great relief, the state narrowly approved "his" Constitution in June 1788. Like Massachusetts, Virginia demanded a promise to add a bill of rights.

In New York the battle was between the New York City area, which supported the Federalists, and the rest of the state. Governor George Clinton led a strong Antifederalist force, while Hamilton and his allies worked tirelessly for ratification. They even hinted that the city might secede and ratify separately. Some opponents began to see that being

outside the Union would be an economic disaster for the state. New York at last ratified in July by a vote of only 30–27.

With 11 states, the new government could now go ahead. In September 1788, the Congress of the Confederation took its final actions. It set dates in early 1789 for elections to choose members of Congress and presidential electors. The last two states, North Carolina and Rhode Island, did not join the Union until after the new government was already at work.

Constitutional amendments Several crucial states had ratified the Constitution only because they were promised a bill of rights. Once the new Congress was elected, it needed to add that bill of rights in the form of amendments to the Constitution. Article V of the Constitution gave either Congress or state conventions the right to propose amendments.

It was not only the Antifederalists who wanted a bill of rights. It was in the Federalists' interests to support one, too. Besides, most Federalists did not oppose a bill of rights. They simply did not think one was necessary.

Now Madison took charge of getting a bill of rights through Congress. In fact, he insisted on bringing up the issue. On June 8, 1789, Madison spoke to Congress and proposed some amendments. He pointed out that in England the constitution limited only the king's power, not Parliament's. These changes, he said, would protect against all abuses of power:

HISTORY'S VOICES

“... if all power is subject to abuse, that then it is possible the abuse of the powers of the General Government may be guarded against in a more secure manner than is now done. . . . We have in this way something to gain, and, if we proceed with caution, nothing to lose.”

—James Madison, June 8, 1789

In September 1789 Congress approved 12 amendments based on the ideas Madison had presented. As the Constitution required, they were sent to the states for approval. By the end of 1791, the state had approved 10 of them. These 10 amendments became the Bill of Rights.

The Bill of Rights The Bill of Rights protected both individuals and states against what people feared might be too much government power. The first eight amendments dealt with individual civil liberties. The Ninth Amendment stated that listing certain rights given to the people did not mean that other rights did not exist as well.

Most of the amendments echoed the rights spelled out in the Virginia Declaration of Rights. The First Amendment guaranteed civil liberties such as freedom of speech, the press, and religion. The amendments addressed problems from British colonial rule, such as the quartering of soldiers and illegal searches. Some amendments drew on rights provided in ancient English law, such as trial by jury. The complete text of the Constitution and the Bill of Rights follows this chapter.

States' rights Most of the amendments in the Bill of Rights listed things that no government, state or federal, could do. The final amendment addressed the actions that states could take. It answered Antifederalist fears about the loss of states' rights and sovereignty.

The Tenth Amendment defined two kinds of government powers. The Constitution gives certain powers to each branch of the national government. Those are the **delegated powers**. Some powers are expressly stated. Other powers are implied.

The Tenth Amendment also defined the **reserved powers**. Those are powers that the Constitution does not specifically give to the federal government or deny to the states. The Tenth Amendment says that the reserved powers belong to the states or to the people.

READING CHECK Making Inferences Why did Madison lead the fight for a bill of rights?

SECTION 3 ASSESSMENT

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Online Quiz

Keyword: SD7 HP5

Reviewing Ideas, Terms, and People

- a. Identify** Identify three leaders on each side of the Federalist–Antifederalist debate.

b. Make Generalizations What were the Antifederalists' main objections to the Constitution?

c. Evaluate Why was the lack of the Bill of Rights so important in the ratification struggle?
- a. Recall** Who were the authors of *The Federalist*?

b. Explain In *Federalist* No. 10, what was Madison's attitude toward factions in a republic?

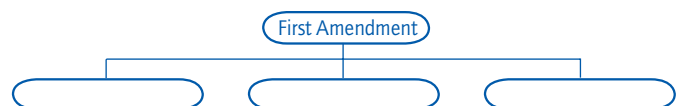
c. Predict What might Madison say about the role of factions, or political parties, in politics today?
- a. Recall** Which state was first to ratify the Constitution? Which states were crucial to the Constitution's success?

b. Summarize What kinds of rights were promised in the first eight amendments to the Constitution?

c. Evaluate How has the Bill of Rights been important in American history since 1791?

Critical Thinking

- Identifying Supporting Details** Copy the chart below and use it to show examples of First Amendment rights.



FOCUS ON WRITING

- Persuasive** As a member of the Congress elected in 1789, describe five or six amendments you would propose to add to the Bill of Rights. Explain your reasons.

Forming a Government

Historical Context The documents below provide different information about the debates that led to ratification of the U.S. Constitution.

Task Examine the documents and answer the questions that follow. Then write an essay about the Constitution. Use facts from the documents and from the chapter to support the position you take in your thesis statement.

DOCUMENT 1

During the Constitutional Convention, Virginia delegate James Madison took extensive notes, including these notes on whether the Constitution should ban any further importation of slaves.

"Mr. Sherman [Connecticut]: was for leaving the clause as it stands. He disapproved of the slave trade; yet as the States were now possessed of the right to import slaves, as the public good did not require it to be taken from them, & as it was expedient to have as few objections as possible to the proposed scheme of Government, he thought it best to leave the matter as we find it . . . He observed that the abolition of slavery seemed to be going on in the U.S. & that the good sense of the several States would probably by degrees [complete] it . . .

Mr. E[li]sworth [Connecticut]: As he had never owned a slave could not judge of the effects of slavery on character: He said however that if it was to be considered in a moral light we ought to go farther and free those already in the Country . . . As population increases poor laborers will be so plenty as to render slaves useless. Slavery in time will not be a speck in our Country . . .

Mr. Pinckney [South Carolina]: If slavery be wrong, it is justified by the example of all the world. He cited the case of Greece Rome & other ancient States; the sanction given by France, England, Holland & other modern States . . . In all ages one half of mankind have been slaves. . . . An attempt to take away the right as proposed will produce serious objections to the Constitution which he wished to see adopted . . ."

DOCUMENT 2

The delegates also discussed the powers of the presidency (the executive), which was at one point to be elected by Congress (the legislature). They debated whether to have one president or several, how long a term should be, and whether to limit the number of terms.

"Mr. Strong [Massachusetts]: supposed that there would be no necessity, if the Executive should be appointed by the Legislature, to make him ineligible a [second] time; as new elections of the Legislature will have intervened; and he will not depend for his [second] appointment on the same [set] of men as his first was [received] from . . .

Mr. Williamson [North Carolina]: was for going back to the original ground; to elect the Executive for 7 years and render him ineligible a second time . . . He did not like the Unity in the Executive. He had wished the Executive power to be lodged in three men taken from three districts into which the States should be divided. . . . Another objection [against] a single Magistrate [executive] is that he will be an elective King, and will feel the spirit of one. He will spare no pains to keep himself in for life, and then will lay a train for the succession of his children. It was pretty certain he thought that we should have a King; but he wished no precaution to be omitted that might postpone the event as long as possible. Ineligibility a second time appeared to him to be the best precaution. With this precaution he had no objection to a longer term than 7 years. He would go as far as 10 or 12 years . . ."

DOCUMENT 3

The Federalist was a collection of essays by James Madison, Alexander Hamilton, and John Jay supporting ratification of the new Constitution. In *Federalist* No. 69, Hamilton addressed fears that a strong president would be like a monarch.

"[The president] is to be elected for four years, and is to be re-eligible as often as the people of the United States shall think him worthy of their confidence. In these circumstances there is a total dissimilitude [lack of similarity] between him and a king of Great Britain, who is an hereditary monarch, possessing the crown as a patrimony descensible to his heirs forever; but there is a close analogy between him and a governor of New York, who is elected for three years, and is re-eligible without limitation or intermission . . .

The President . . . would be liable to be impeached, tried, and, upon conviction of treason, bribery, or other high crimes or misdemeanors, removed from office; and would afterwards be liable to prosecution and punishment in the ordinary course of law. The person of the king of Great Britain is sacred and inviolable; there is . . . no punishment to which he can be subjected without involving the crisis of a national revolution."

Skills FOCUS

READING LIKE A HISTORIAN

1. **a. Identify** Refer to Document 1. Which of these delegates objected most strongly to the slave trade?
b. Evaluate How does this debate reflect different attitudes toward slavery in the North and the South?
2. **a. Identify** Refer to Document 2. Why does Williamson think the executive should be three people?
b. Predict What problems might have developed if Williamson's plan had been adopted?
3. **a. Recall** Refer to Document 3. According to Hamilton, how is the United States president different from the king of Great Britain?
b. Infer Why might this essay have convinced some people to support the Constitution?

DOCUMENT 4

The table below summarizes the 10 amendments that make up the Bill of Rights.

THE BILL OF RIGHTS

1st Amendment	Protects freedom of religion, speech, press, assembly, petition
2nd Amendment	Protects the right to bear arms
3rd Amendment	Provides restrictions on quartering soldiers in citizens' homes
4th Amendment	Bans unreasonable searches or seizures
5th Amendment	Protects citizens against self-incrimination and being tried twice for the same crime; prohibits government from depriving citizens of life, liberty, or property without due process of law
6th Amendment	Protects citizens' rights to a swift and fair trial
7th Amendment	Guarantees right to trial by jury
8th Amendment	Protects citizens against cruel and unusual punishment
9th Amendment	States that citizens have rights beyond those specifically written in the Constitution
10th Amendment	States that all powers not given to the government are reserved to the states, or to the people

4. **a. Identify** Refer to Document 4. Which amendment guarantees freedom of expression?
b. Analyze Why do you think some states thought that a Bill of Rights was essential?
5. **Document-Based Essay Question** Consider the question below and form a thesis statement. Using examples from Documents 1, 2, 3, and 4, create an outline and write a short essay supporting your position.
What roles did debate and compromise play in the development and ratification of the Constitution?

See **Skills Handbook**, pp. H14, H28–29

Visual Summary: Creating a New Government

**The Articles of Confederation
(ratified 1781)**

- America's first written constitution
- A loose union of sovereign states
- Designed to make the central government weak because early leaders feared tyranny

**The U.S. Constitution
(ratified 1788)**

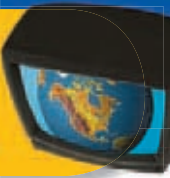
- Replaced the Articles of Confederation
- Provided representation for all states
- Established three branches of government (executive, legislative, judicial) with separation of powers to avoid tyranny
- Created checks and balances among the three branches
- Bill of Rights later added (ratified 1791)



Reviewing Key Terms and People

Identify the correct term or person from the chapter that best fits each of the following descriptions.

1. The Father of the Constitution
2. Compromise at the Constitutional Convention that counted three-fifths of enslaved Africans when determining representation in Congress
3. Compromise at the Constitutional Convention that established a bicameral legislature
4. A political system without a monarch that rules with the consent of the governed
5. System that helps prevent one branch of government from becoming too strong
6. Branch of government that makes the laws
7. Branch of government that carries out the laws
8. Branch of government that interprets the laws
9. Supporters of the Constitution, also known as nationalists
10. Opponents of the Constitution
11. Name for the first 10 amendments to the Constitution
12. Name of the 1785 plan for surveying, selling, and settling the Northwest Territory
13. Series of newspaper articles in support of the proposed Constitution
14. Powers given to the branches of the national government under the Constitution



Comprehension and Critical Thinking

SECTION 1 (pp. 144–149)

- 15. a. Identify** What was a republican mother?
b. Explain What does it mean to *ratify* something?
c. Draw Inferences What fear led the new republic to limit the powers of its central government?

SECTION 2 (pp. 150–156)

- 16. a. Recall** What was Shays's Rebellion?
b. Summarize What compromises were made at the Constitutional Convention?
c. Elaborate How do checks and balances prevent any one branch of government from becoming too powerful?

SECTION 3 (pp. 157–163)

- 17. a. Identify** What were the Federalist Papers?
b. Summarize What did Federalists believe? What did Antifederalists believe?
c. Evaluate Why was the Bill of Rights necessary for ratification of the Constitution?

Using the Internet

go.hrw.com

Practice Online

Keyword: SD7 CH5

- 18.** Using the keyword above, research a leader of the Constitutional Convention or a noted Federalist or Antifederalist. Then write a short biography of the person you chose. Be sure to explain why your person supported or did not support ratification of the Constitution.

Analyzing Primary Sources

Reading Like a Historian Judith Sargent Murray wrote the following about the differences in boys' education and girls' education.

“How is the one exalted, and the other depressed, by the contrary modes of education which are adopted! The one is taught to aspire, and the other is early confined and limited. As their years increase, the sister must be wholly domesticated, while the brother is led by the hand through all the flowery paths of science.”

—Judith Sargent Murray, quoted in *Founding Mothers*

- 19. Make Inferences** What does the phrase “the flowery paths of science” suggest?
20. Draw Conclusions What is Judith Sargent Murray's opinion about differences in the education of boys and girls?

Critical Reading

Read the passage in Section 1 that begins with the heading “Economic problems.” Then answer the questions that follow.

- 21.** How did the end of the war with Great Britain affect the economy of the southern states?
A Southerners could now sell more indigo and naval stores to Great Britain.
B British financial aid to certain American industries ended, hurting those industries.
C Enslaved Africans who had sided with the British returned to plantation work.
D Southern plantations stopped producing indigo.
- 22.** What led to inflation after the Revolutionary War?
A American paper money was not backed by gold or silver.
B Farmers had a lot of extra money to spend.
C The central government imposed high taxes.
D Currency in Great Britain lost value.

FOCUS ON WRITING



Expository Writing *Expository writing gives information, explains why or how, or defines a process. To practice expository writing, complete the assignment below.*

Writing Topic The U.S. Constitution

- 23.** How was the U.S. Constitution an improvement upon the Articles of Confederation? Write a short essay in which you develop your position on this issue. Support your explanation with reasoning and examples from your reading and studies.

The Constitution of the UNITED STATES

THE BIG PICTURE

The Constitution has remained the central document of American government for more than two centuries. It established three branches of government—legislative, executive, and judicial. The first 10 amendments, known as the Bill of Rights, focus on personal liberties.



North Carolina Standards

Social Studies Objectives

1.01 Identify the major domestic issues and conflicts experienced by the nation during the Federalist Period.

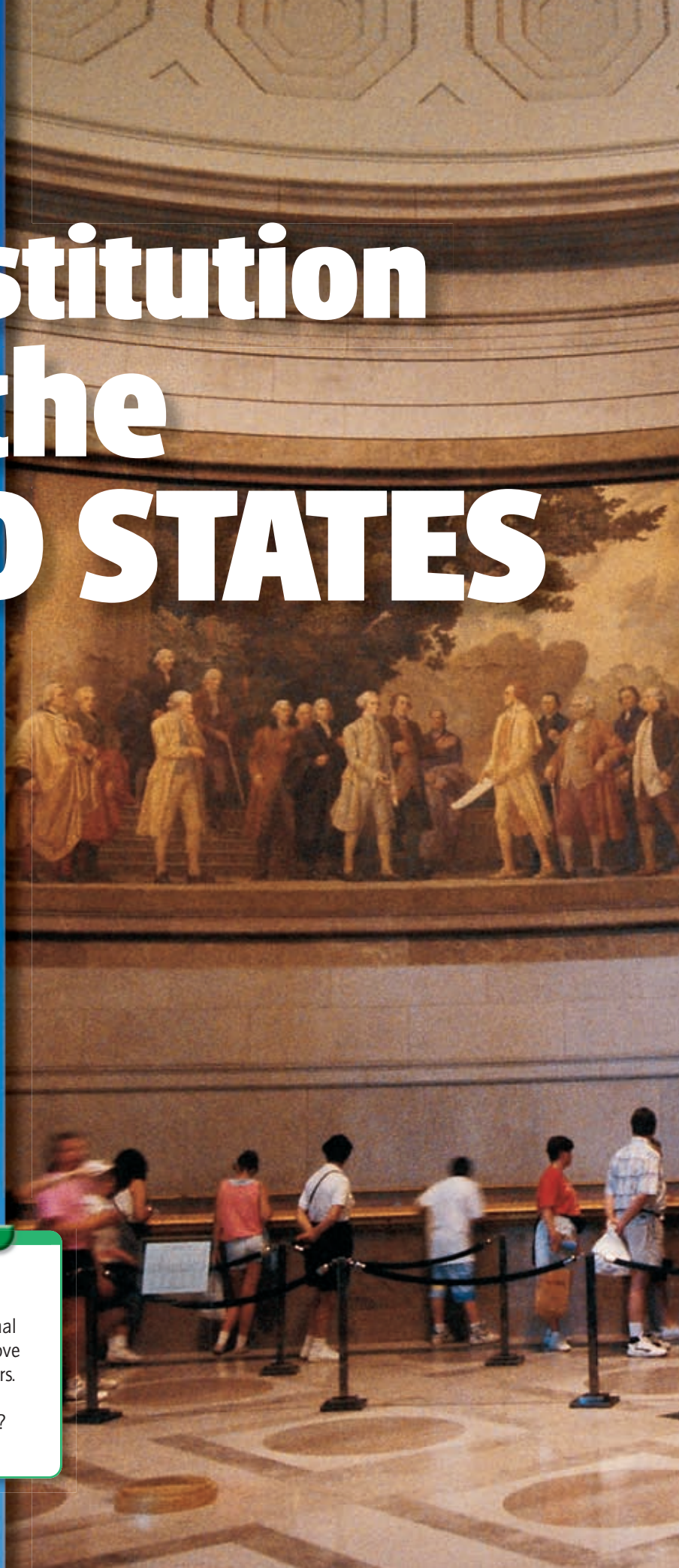
Skills FOCUS

READING LIKE A HISTORIAN

Tourists line up to view the Declaration of Independence and the Constitution of the United States in the rotunda of the National Archives Building in Washington, D.C. Above them hangs a mural depicting the Founders.

Interpreting Visuals How does this photograph link the past with the present?

See **Skills Handbook**, p. H30





The Constitution of the United States

Preamble

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

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

Note: The parts of the Constitution that have been lined through are no longer in force or no longer apply because of later amendments. The titles of the sections and articles are added for easier reference.

Article I The Legislature

Section 1. Congress

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

Section 2. The House of Representatives

1. Elections 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.

2. Qualifications 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.

3. Number of Representatives 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 Service¹ for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons.~~² The actual Enumeration³ shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative; ~~and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode-Island and Providence Plantations one, Connecticut five, New-York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.~~

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

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

Legislative Branch

Article I explains how the legislative branch, called Congress, is organized. The chief purpose of the legislative branch is to make laws. Congress is made up of the Senate and the House of Representatives.

The House of Representatives

The number of members each state has in the House is based on the population of the individual state. In 1929 Congress permanently fixed the size of the House at 435 members.

Vocabulary

¹ **those bound to Service** indentured servants

² **all other Persons** slaves

³ **Enumeration** census or official population count

Section 3. The Senate

1. Number of Senators 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.

2. Classifying Terms 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.~~

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

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

5. Officers The Senate shall choose their other Officers, and also a President **pro tempore**,⁴ in the Absence of the Vice President, or when he shall exercise the Office of President of the United States.

6. Impeachment Trials The Senate shall have the sole Power to try all **Impeachments**.⁵ 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.

7. Punishment for Impeachment 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.

The Vice President

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

EXPLORING THE DOCUMENT

If the House of Representatives charges a government official with wrongdoing, the Senate acts as a court to decide if the official is guilty. *How does the power of impeachment represent part of the system of checks and balances?*

Vocabulary

⁴ **pro tempore** temporarily

⁵ **Impeachments** official accusations of federal wrongdoing

FEDERAL OFFICE TERMS AND REQUIREMENTS

QUICK FACTS

Position	Term	Minimum Age	Residency	Citizenship
President	4 years	35	14 years in the United States	natural-born
Vice President	4 years	35	14 years in the United States	natural-born
Supreme Court Justice	unlimited	none	none	none
Senator	6 years	30	state in which elected	9 years
Representative	2 years	25	state in which elected	7 years

Section 4. Congressional Elections

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

2. Sessions ~~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. Rules/Procedures

1. Quorum Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a **Quorum**⁶ to do Business; but a smaller Number may **adjourn**⁷ 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.

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

3. Records 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.

4. Adjournment 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. Payment

1. Salary 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.

2. Restrictions 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**⁸ 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**⁹ in Office.

Vocabulary

⁶ **Quorum** the minimum number of people needed to conduct business

⁷ **adjourn** to stop indefinitely

⁸ **Emoluments** salary

⁹ **Continuance** term

Vocabulary

¹⁰ **Bills** proposed laws

EXPLORING THE DOCUMENT

The Framers felt that because members of the House are elected every two years, representatives would listen to the public and seek its approval before passing taxes. *How does Section 7 address the colonial demand of "no taxation without representation"?*

EXPLORING THE DOCUMENT

The veto power of the president is one of the important checks and balances in the Constitution. *Why do you think the Framers included the ability of Congress to override a veto?*

Section 7. How a Bill Becomes a Law

1. Tax Bills All **Bills**¹⁰ for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

2. Lawmaking Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States: If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

3. Role of the President 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 A BILL BECOMES A LAW

- 1 A member of the House or the Senate introduces a bill and refers it to a committee.
- 2 The House or Senate Committee may approve, rewrite, or kill the bill.



- 3 The House or the Senate debates and votes on its version of the bill.
- 4 House and Senate conference committee members work out the differences between the two versions.
- 5 Both houses of Congress pass the revised bill.



Section 8.

Powers Granted to Congress

1. Taxation The Congress shall have Power To lay and collect Taxes, **Duties**,¹¹ **Imposts**¹² and **Excises**,¹³ 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;

2. Credit To borrow Money on the credit of the United States;

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

4. Naturalization and Bankruptcy To establish an uniform **Rule of Naturalization**,¹⁴ and uniform Laws on the subject of Bankruptcies throughout the United States;

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

6. Counterfeiting To provide for the Punishment of counterfeiting the **Securities**¹⁵ and current Coin of the United States;

7. Post Office To establish Post Offices and post Roads;

8. Patents and Copyrights 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;

9. Courts To constitute Tribunals inferior to the supreme Court;

10. International Law To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations;

Linking TO Today

Native Americans and the Commerce Clause

The commerce clause gives Congress the power to “regulate Commerce with . . . the Indian Tribes.” The clause has been interpreted to mean that the states cannot tax or interfere with businesses on Indian reservations, but that the federal government can. It also allows Native American nations to develop their own governments and laws. These laws, however, can be challenged in federal court. Although reservation land usually belongs to the government of the Indian group, it is administered by the U.S. government.

Drawing Conclusions How would you describe the status of Native American nations under the commerce clause?

Vocabulary

¹¹ **Duties** tariffs

¹² **Imposts** taxes

¹³ **Excises** internal taxes on the manufacture, sale, or consumption of a commodity

¹⁴ **Rule of Naturalization** a law by which a foreign-born person becomes a citizen

¹⁵ **Securities** bonds



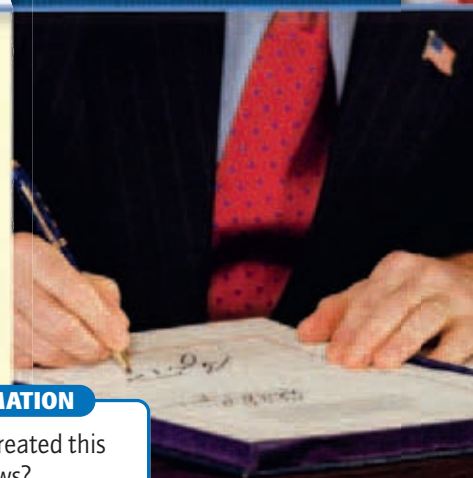
6 The president signs or vetoes the bill.

7 Two-thirds majority vote of Congress is needed to approve a vetoed bill. Bill becomes a law.

ANALYSIS SKILL

ANALYZING INFORMATION

Why do you think the Framers created this complex system for adopting laws?



Vocabulary

¹⁶ **Letters of Marque and Reprisal** documents issued by governments allowing merchant ships to arm themselves and attack ships of an enemy nation

11. War To declare War, grant **Letters of Marque and Reprisal**,¹⁶ and make Rules concerning Captures on Land and Water;

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

13. Navy To provide and maintain a Navy;

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

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

16. Regulation of the Militia 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 Militia according to the discipline prescribed by Congress;

17. District of Columbia 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

18. Necessary and Proper Clause 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.

The Elastic Clause

The Framers of the Constitution wanted a national government that was strong enough to be effective. This section lists the powers given to Congress. The last portion of Section 8 contains the so-called elastic clause.

THE ELASTIC CLAUSE

The elastic clause has been stretched (like elastic) to allow Congress to meet changing circumstances.

Section 9. Powers Denied Congress

1. Slave Trade 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.

2. Habeas Corpus The Privilege of the **Writ of Habeas Corpus**¹⁷ shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

3. Illegal Punishment No **Bill of Attainder**¹⁸ or **ex post facto Law**¹⁹ shall be passed.

4. Direct Taxes No **Capitation**,²⁰ or other direct, Tax shall be laid, unless in Proportion to the Census or enumeration herein before directed to be taken.

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

6. No Favorites 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.

7. Public Money 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.

8. Titles of Nobility 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. Powers Denied the States

1. Restrictions 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.

2. Import and Export Taxes 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 it's 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.

3. Peacetime and War Restraints 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.

EXPLORING THE DOCUMENT

Although Congress has implied powers, there are also limits to its powers. Section 9 lists powers that are denied to the federal government. Several of the clauses protect the people of the United States from unjust treatment. *In what ways does the Constitution limit the powers of the federal government?*

Vocabulary

¹⁷ **Writ of Habeas Corpus** a court order that requires the government to bring a prisoner to court and explain why he or she is being held

¹⁸ **Bill of Attainder** a law declaring that a person is guilty of a particular crime

¹⁹ **ex post facto Law** a law that is made effective prior to the date that it was passed and therefore punishes people for acts that were not illegal at the time

²⁰ **Capitation** a direct uniform tax imposed on each head, or person

Executive Branch

The president is the chief of the executive branch. It is the job of the president to enforce the laws. The Framers wanted the president's and vice president's terms of office and manner of selection to be different from those of members of Congress. They decided on four-year terms, but they had a difficult time agreeing on how to select the president and vice president. The Framers finally set up an electoral system, which differs greatly from our electoral process today.

Presidential Elections

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

Article II The Executive

Section 1. The Presidency

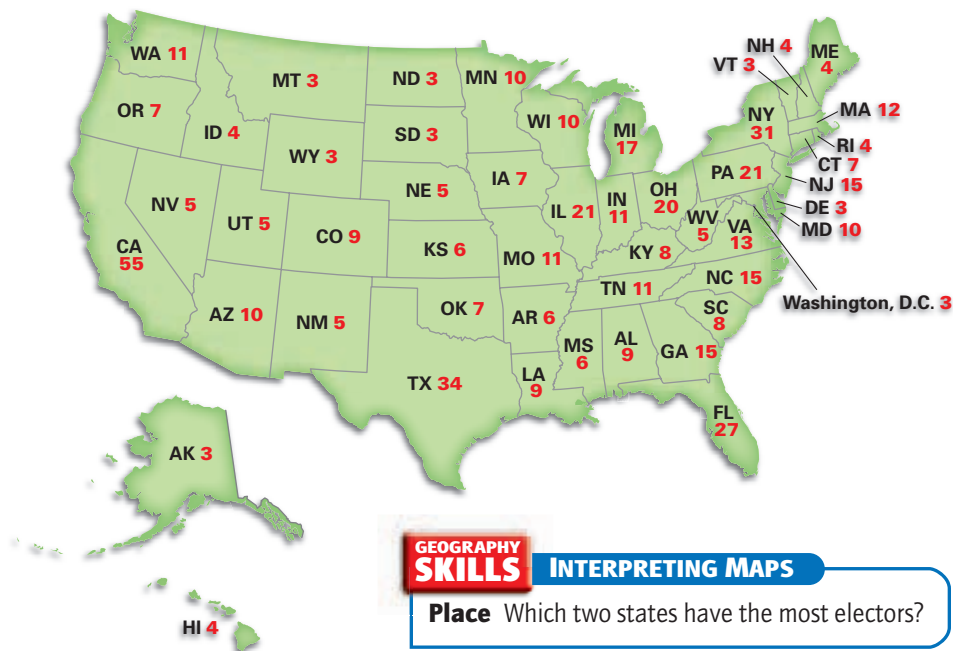
1. Terms of Office The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows:

2. Electoral College 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.

3. Former Method of Electing President ~~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 ELECTORAL COLLEGE

11 Number of Electors



GEOGRAPHY SKILLS

INTERPRETING MAPS

Place Which two states have the most electors?

The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be more than one who have such Majority, and have an equal Number of Votes, then the House of Representatives shall immediately choose by Ballot one of them for President; and if no Person have a Majority, then from the five highest on the List the said House shall in like Manner choose the President. But in choosing the President, the Votes shall be taken by States, the Representation from each State having one Vote; A quorum for this purpose shall consist of a Member or Members from two thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall choose from them by Ballot the Vice President.

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

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

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

7. Salary 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.

8. Oath of Office 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."

EXPLORING THE DOCUMENT

The youngest elected president was John F. Kennedy; he was 43 years old when he was inaugurated. (Theodore Roosevelt was 42 when he assumed office after the assassination of McKinley.) ***What is the minimum required age for the office of president?***

Presidential Salary

In 1999 Congress voted to set future presidents' salaries at \$400,000 per year. The president also receives an annual expense account. The president must pay taxes only on the salary.

Commander in Chief

Today the president is in charge of the army, navy, air force, marines, and coast guard. Only Congress, however, can decide if the United States will declare war.

Appointments

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

Vocabulary

²¹ **Reprieves** delays of punishment

²² **Pardons** releases from the legal penalties associated with a crime

The State of the Union

Every year the president presents to Congress a State of the Union message. In this message, the president introduces and explains a legislative plan for the coming year.

Section 2. Powers of Presidency

1. Military Powers

The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant **Reprieves**²¹ and **Pardons**²² for Offences against the United States, except in Cases of Impeachment.

2. Treaties and Appointments

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.

3. Vacancies

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. Presidential Duties

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. Impeachment

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

Article III The Judiciary

Section 1. Federal Courts and Judges

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. Authority of the Courts

1. General Authority 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.~~

2. Supreme Authority 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.

Judicial Branch

The Articles of Confederation did not set up a federal court system. One of the first points that the Framers of the Constitution agreed upon was to set up a national judiciary. In the Judiciary Act of 1789, Congress provided for the establishment of lower courts, such as district courts, circuit courts of appeals, and various other federal courts. The judicial system provides a check on the legislative branch: It can declare a law unconstitutional.

FEDERAL JUDICIAL SYSTEM

QUICK
FACTS

Supreme Court

Reviews cases appealed from lower federal courts and highest state courts

Courts of Appeals

Review appeals from district courts

District Courts

Hold trials

Vocabulary

²³ **Corruption of Blood**
punishing the family of a
person convicted of treason

The States

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

EXPLORING THE DOCUMENT

The Framers wanted to ensure that citizens could determine how state governments would operate. *How does the need to respect the laws of each state support the principle of popular sovereignty?*

3. Trial by Jury 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.

Section 3. Treason

1. Definition 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.

2. Punishment The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work **Corruption of Blood**,²³ or Forfeiture except during the Life of the Person attainted.

Article IV Relations among States

Section 1. State Acts and Records

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. Rights of Citizens

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

2. Extradition 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.

3. Fugitive Slaves 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.

FEDERALISM

QUICK
FACTS

National

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

Shared

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

State

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

ANALYSIS SKILL

ANALYZING INFORMATION

Why does the power to declare war belong only to the national government?

Section 3. New States

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

2. Congressional Authority 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. Guarantees to the States

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.

EXPLORING THE DOCUMENT

In a republic, voters elect representatives to act in their best interest. *How does Article IV protect the practice of republicanism in the United States?*

**EXPLORING
THE DOCUMENT**

America's
founders

may not have realized how long the Constitution would last, but they did set up a system for changing or adding to it. They did not want to make it easy to change the Constitution.

By what methods may the Constitution be amended? Under what sorts of circumstances do you think an amendment might be necessary?

National Supremacy

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

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 Supremacy of National Government

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

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

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

**AMENDING THE
U.S. CONSTITUTION****Amendments can be proposed by****Congress**

with a two-thirds
vote in each house

**National
Convention**

called by Congress
at the request of
two-thirds of the
state legislatures

or**Ratified by****Legislatures**
of three-fourths
of the states**or****Conventions**
in three-fourths
of the states**Amendment is added
to the Constitution.**

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.

Done in Convention by the Unanimous Consent of the States present the Seventeenth Day of September in the Year of our Lord one thousand seven hundred and Eighty seven and of the Independence of the United States of America the Twelfth In witness whereof We have hereunto subscribed our Names,

George Washington—

President and deputy from Virginia

Delaware

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

Maryland

*James McHenry
Daniel of St. Thomas
Jenifer
Daniel Carroll*

Virginia

*John Blair
James Madison Jr.*

North Carolina

*William Blount
Richard Dobbs Spaight
Hugh Williamson*

South Carolina

*John Rutledge
Charles Cotesworth
Pinckney
Charles Pinckney
Pierce Butler*

Georgia

*William Few
Abraham Baldwin*

New Hampshire

*John Langdon
Nicholas Gilman*

Massachusetts

*Nathaniel Gorham
Rufus King*

Connecticut

*William Samuel
Johnson
Roger Sherman*

New York

Alexander Hamilton

New Jersey

*William Livingston
David Brearley
William Paterson
Jonathan Dayton*

Pennsylvania

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

Attest:

*William Jackson,
Secretary*

Ratification

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

Constitutional Amendments

Note: The first 10 amendments to the Constitution were ratified on December 15, 1791, and form what is known as the Bill of Rights.

Bill of Rights

One of the conditions set by several states for ratifying the Constitution was the inclusion of a bill of rights. Many people feared that a stronger central government might take away basic rights of the people that had been guaranteed in state constitutions.

EXPLORING THE DOCUMENT

The First Amendment forbids Congress from making any "law respecting an establishment of religion" or restraining the freedom to practice religion as one chooses. *Why is freedom of religion an important right?*

Rights of the Accused

The Fifth, Sixth, and Seventh Amendments describe the procedures that courts must follow when trying people accused of crimes.

Vocabulary

²⁴ **quartered** housed

²⁵ **Warrants** written orders authorizing a person to make an arrest, a seizure, or a search

²⁶ **infamous** disgraceful

²⁷ **indictment** the act of charging with a crime

Amendments 1–10. The Bill of Rights

Amendment I

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.

Amendment II

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.

Amendment III

No Soldier shall, in time of peace be **quartered**²⁴ in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

Amendment IV

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**²⁵ 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.

Amendment V

No person shall be held to answer for a capital, or otherwise **infamous**²⁶ crime, unless on a presentment or **indictment**²⁷ of a Grand Jury, except in cases

FUNDAMENTAL LIBERTIES

Freedom of Religion

Freedom of Speech

arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Amendment VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously **ascertained**²⁸ 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.

Amendment VII

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.

Amendment VIII

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

Amendment IX

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

Amendment X

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.

Trials

The Sixth Amendment makes several guarantees, including a prompt trial and a trial by a jury chosen from the state and district in which the crime was committed.

Vocabulary

²⁸ **ascertained** found out

EXPLORING THE DOCUMENT

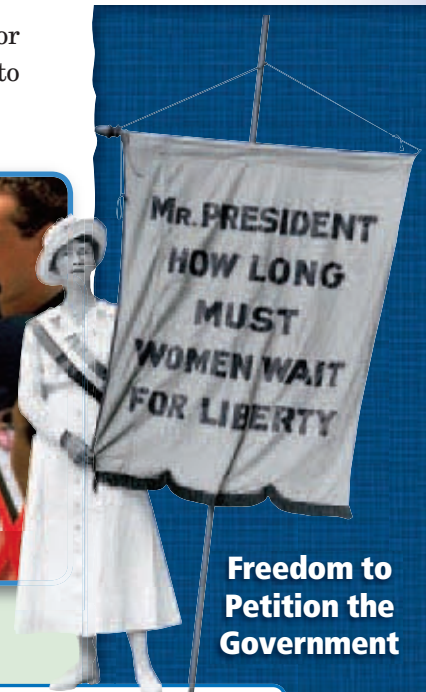
The Ninth and Tenth Amendments were added because not every right of the people or of the states could be listed in the Constitution. *How do the Ninth and Tenth Amendments limit the power of the federal government?*



Freedom of the Press



Freedom of Assembly



Freedom to
Petition the
Government

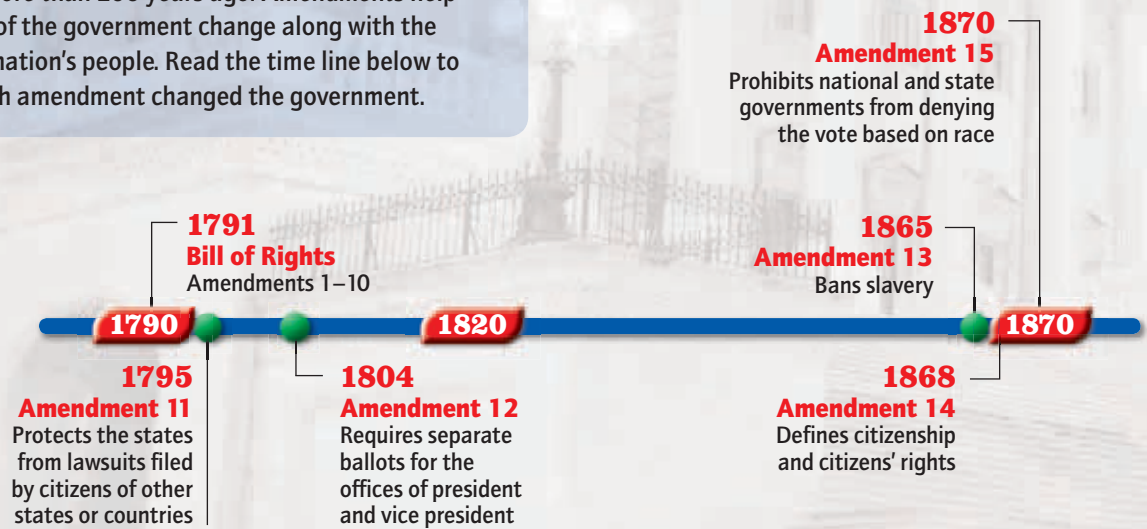
ANALYSIS SKILL

ANALYZING INFORMATION

Which amendments guarantee these fundamental freedoms?

AMENDMENTS TO THE U.S. CONSTITUTION

The Constitution has been amended only 27 times since it was ratified more than 200 years ago. Amendments help the structure of the government change along with the values of the nation's people. Read the time line below to learn how each amendment changed the government.



Amendments 11–27

Amendment XI

Passed by Congress March 4, 1794. Ratified February 7, 1795.

The Judicial power of the United States shall not be **construed**²⁹ to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

Amendment XII

Passed by Congress December 9, 1803. Ratified June 15, 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

Vocabulary

²⁹ **construed** explained or interpreted

President and Vice President

The Twelfth Amendment changed the election procedure for president and vice president.

1919
Amendment 18
Bans production, sale, and distribution of alcoholic beverages

1920
Amendment 19
Extends the right to vote to women

1933
Amendment 21
Repeals Amendment 18

1961
Amendment 23
Gives citizens of Washington, D.C., the right to vote in presidential elections

1964
Amendment 24
Bans poll taxes

1971
Amendment 26
Sets minimum voting age for federal and state elections at 18 years old

1913
Amendment 16
Allows Congress to tax incomes
Amendment 17
Establishes the direct election of U.S. senators

1933
Amendment 20
Changes the date for starting a new congressional term and inaugurating a new president

1951
Amendment 22
Limits terms a president can serve to two

1967
Amendment 25
Establishes procedures for presidential succession

1992
Amendment 27
Limits the ability of Congress to increase its pay

ANALYSIS SKILL

READING TIME LINES

1. How are the Eighteenth and Twenty-first Amendments related?
2. Which amendments pertain to the right to vote?

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 case of the death or other constitutional disability of the President.—The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

Abolishing Slavery

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

Protecting the Rights of Citizens

In 1833 the Supreme Court ruled that the Bill of Rights limited the federal government but not the state governments. This ruling was interpreted to mean that states were able to keep African Americans from becoming state citizens and keep the Bill of Rights from protecting them. The Fourteenth Amendment defines citizenship and prevents states from interfering in the rights of citizens of the United States.

Vocabulary

³⁰ **involuntary servitude**
being forced to work against one's will

Amendment XIII

Passed by Congress January 31, 1865. Ratified December 6, 1865.

1. Slavery Banned Neither slavery nor **involuntary servitude**,³⁰ 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.

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

Amendment XIV

Passed by Congress June 13, 1866. Ratified July 9, 1868.

1. Citizenship Defined 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.

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

3. Rebels Banned from Government 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.

4. Payment of Debts 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

THE RECONSTRUCTION AMENDMENTS

The Thirteenth, Fourteenth, and Fifteenth Amendments are often called the Reconstruction Amendments. This is because they arose during Reconstruction, the period of American history following the Civil War. A key aspect of rebuilding the Union was extending the rights of citizenship to former slaves.

The Thirteenth Amendment banned slavery. The Fourteenth Amendment required states to respect the freedoms listed in the Bill of Rights, thus preventing states from denying rights to African Americans. The Fifteenth Amendment gave African American men the right to vote.



African Americans vote in an election during Reconstruction.

ANALYSIS SKILL

ANALYZING INFORMATION

Why were the Reconstruction Amendments needed?

any debt or obligation incurred in aid of insurrection or rebellion against the United States, ~~or any claim for the loss or emancipation of any slave~~; but all such debts, obligations and claims shall be held illegal and void.

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

Amendment XV

Passed by Congress February 26, 1869. Ratified February 3, 1870.

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

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

EXPLORING THE DOCUMENT

The Seventeenth Amendment requires that senators be elected directly by the people instead of by the state legislatures. *What principle of our government does the Seventeenth Amendment protect?*

Prohibition

Although many people believed that the Eighteenth Amendment was good for the health and welfare of the American people, it was repealed 14 years later.

Amendment XVI

Passed by Congress July 2, 1909. Ratified February 3, 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

Passed by Congress May 13, 1912. Ratified April 8, 1913.

1. Senators Elected by Citizens 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.

2. Vacancies 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.

3. Future Elections 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

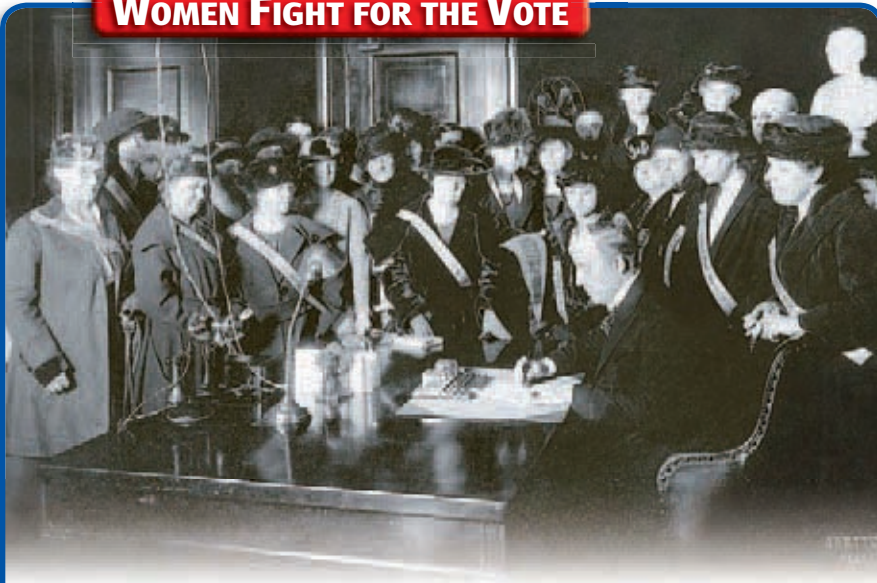
Passed by Congress December 18, 1917. Ratified January 16, 1919. Repealed by Amendment XXI.

1. Liquor Banned ~~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.~~

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

3. Ratification ~~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.~~

WOMEN FIGHT FOR THE VOTE



To become part of the Constitution, a proposed amendment must be ratified by three-fourths of the states. Here, suffragists witness Kentucky governor Edwin P. Morrow signing the Nineteenth Amendment in January 1920. By June of that year, enough states had ratified the amendment to make it part of the Constitution. American women, after generations of struggle, had finally won the right to vote.

ANALYSIS SKILL

ANALYZING INFORMATION

What right did the Nineteenth Amendment grant?

Amendment XIX

Passed by Congress June 4, 1919. Ratified August 18, 1920.

1. Voting Rights 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.

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

Amendment XX

Passed by Congress March 2, 1932. Ratified January 23, 1933.

1. Presidential Terms The terms of the President and the 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.

Women's Suffrage

Abigail Adams and others were disappointed that the Declaration of Independence and the Constitution did not specifically include women. It took many years and much campaigning before national suffrage for women finally was achieved.

Taking Office

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

2. Meeting of Congress 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.

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

4. Succession by Vote of Congress 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.

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

6. Ratification 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.

Amendment XXI

Passed by Congress February 20, 1933. Ratified December 5, 1933.

1. 18th Amendment Repealed The eighteenth article of amendment to the Constitution of the United States is hereby repealed.

2. Liquor Allowed by Law 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.

3. Ratification 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.

Amendment XXII

Passed by Congress March 21, 1947. Ratified February 27, 1951.

1. Term Limits 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 President more than once. ~~But this Article shall not apply to any person holding the office of President when this Article was proposed by 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.~~

2. Ratification ~~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.~~

After Franklin D. Roosevelt was elected to four consecutive terms, limits were placed on the number of terms a president could serve.



Amendment XXIII

Passed by Congress June 16, 1960. Ratified March 29, 1961.

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

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

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

EXPLORING THE DOCUMENT

From the time
of President

George Washington's administration, it was a custom for presidents to serve no more than two terms in office. Franklin D. Roosevelt, however, was elected to four terms. The Twenty-second Amendment restricted presidents to no more than two terms in office. *Why do you think citizens chose to limit the power of the president in this way?*

Voting Rights

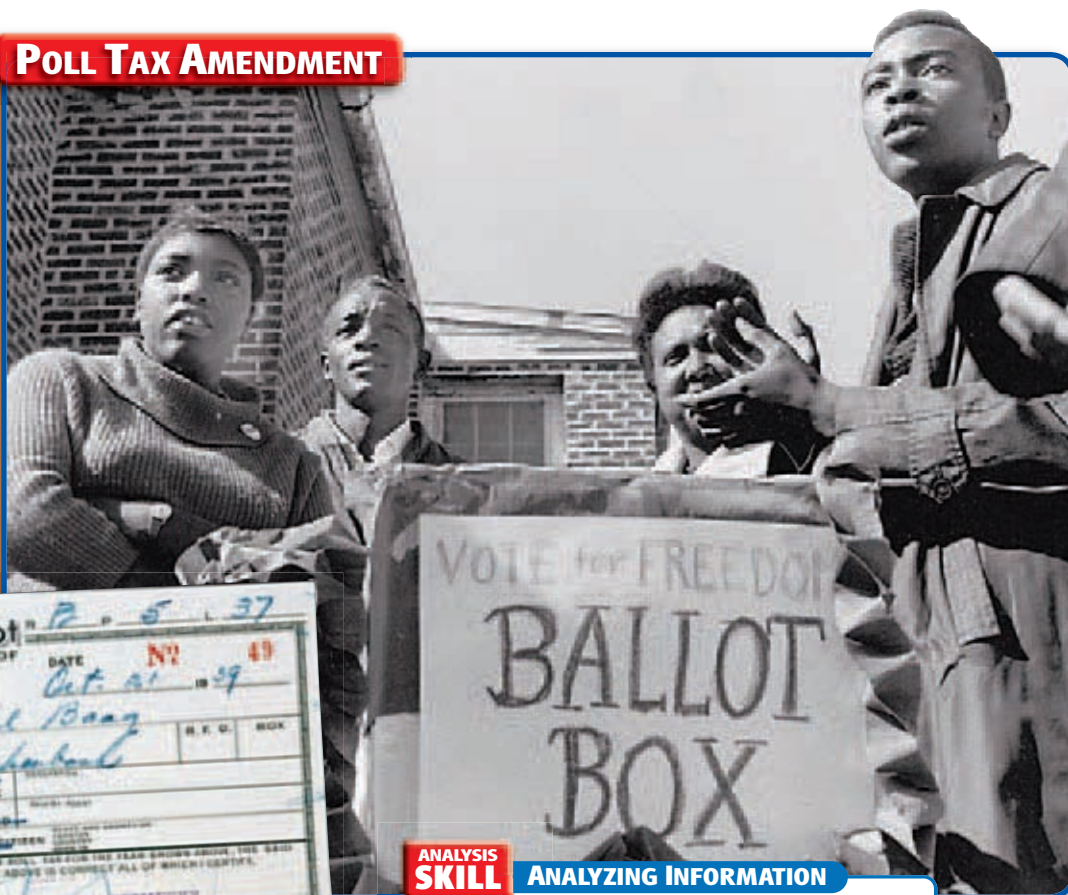
Until the ratification of the Twenty-third Amendment, the people of Washington, D.C., could not vote in presidential elections.

Poll taxes were used to deny impoverished Americans, including many African Americans and Hispanic Americans, the right to vote. Poll taxes were outlawed by the Twenty-fourth Amendment.



AGE	STATE	COUNTY	CITY	SEX	RACE	BIRTH DATE
59	TX	DALLAS	DALLAS	MALE	WHITE	1880

POLL TAX AMENDMENT



ANALYSIS SKILL

ANALYZING INFORMATION

How did poll taxes deny poor Americans the opportunity to vote?

Presidential Disability

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

Amendment XXIV

Passed by Congress August 27, 1962. Ratified January 23, 1964.

1. Voting Rights

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 poll tax or other tax.

2. Enforcement

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

Amendment XXV

Passed by Congress July 6, 1965. Ratified February 10, 1967.

1. Succession of Vice President

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

2. Vacancy of Vice President

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

3. Written Declaration

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

4. Removing the President

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

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

Amendment XXVI

Passed by Congress March 23, 1971. Ratified July 1, 1971.

1. Voting Rights

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

2. Enforcement

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

Amendment XXVII

Originally proposed September 25, 1789. Ratified May 7, 1992.

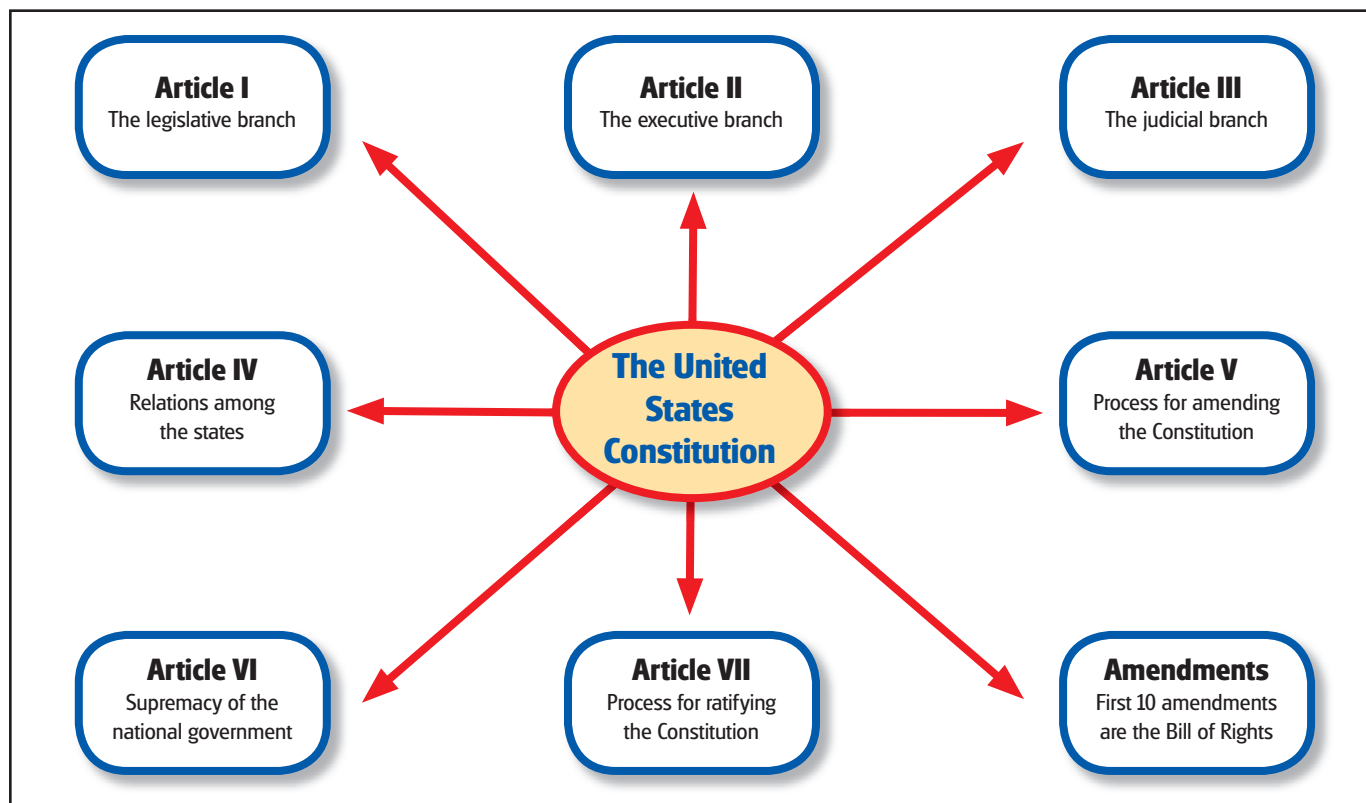
No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of representatives shall have intervened.

Expanded Suffrage

The Voting Rights Act of 1970 tried to lower the voting age from 21 to 18. However, the Supreme Court ruled that the act applied to national elections only, not to state or local elections. The Twenty-sixth Amendment set the minimum voting age for all elections at 18.

Constitution Review

Visual Summary: The Constitution of the United States



Reviewing Key Terms and People

For each term or name below, write a sentence explaining its significance to the U.S. Constitution.

1. pro tempore
2. quorum
3. bills
4. elastic clause
5. writ of habeas corpus
6. ex post facto law
7. executive branch
8. State of the Union
9. federalism
10. national supremacy
11. Bill of Rights

Comprehension and Critical Thinking

ARTICLE I (pp. 171–177)

12. a. Recall What is the focus of Article I?

b. Make Inferences Why do you think Congress fixed the size of the House of Representatives at 435 members in 1929?

c. Elaborate Describe how a bill becomes a law, explaining how the process is an example of checks and balances in the Constitution.

ARTICLE II (pp. 178–180)

13. a. Identify Which branch of government is the focus of Article II of the U.S. Constitution?

b. Compare What are the main powers of the president, and how do they compare to the main powers of the legislature?

c. Evaluate Do you think the electoral college is the best way to elect the president? Explain.

ARTICLE III (pp. 181–182)

- 14. a. Describe** Which branch of government is the focus of Article III of the U.S. Constitution?
- b. Analyze** How are cases appealed to the Supreme Court in the federal judicial system?
- c. Elaborate** How does the judicial system provide a check on the legislature?

ARTICLE IV (pp. 182–183)

- 15. a. Describe** What is the focus of Article IV of the U.S. Constitution?
- b. Analyze** Why must states honor the laws of other states?
- c. Evaluate** How well does the system of federalism balance the powers of states and the national government?

ARTICLE V (p. 184)

- 16. a. Identify** What does Article V of the U.S. Constitution discuss?
- b. Explain** What is the process for amending the U.S. Constitution?

ARTICLE VI (p. 184)

- 17. a. Describe** What happens if a state law and a federal law conflict with each other?
- b. Analyze** Why do you think the idea of national supremacy was included in the Constitution?

ARTICLE VII (p. 185)

- 18. a. Recall** How many states are needed to ratify the Constitution?
- b. Compare** Why was the number of states needed to ratify the Constitution different from the number of states needed to revise the Articles of Confederation?

Using the Internet

- 19.** Each of the 50 states sends representatives to the Senate and the House of Representatives. Using the keyword above, locate congressmembers representing your state or your congressional district. Then conduct research to find out if they have sponsored a bill, how they voted on recent legislation, issues that interest them, or their viewpoints on pending legislation. Create a chart to display your research.

go.hrw.com

Practice Online

Keyword: SD7 CH5

Analyzing Primary Sources

Reading Like a Historian

This poll tax receipt was issued in 1939 to a voter in Texas. Poll taxes were later outlawed by the Twenty-fourth Amendment.



20. Recall

What was a poll tax?

Explain Why were poll taxes outlawed by the Twenty-fourth Amendment?

Critical Reading

Review the timeline in this section titled “Amendments to the U.S. Constitution.” Consider the 27 amendments on the time line and then answer the questions that follow.

21. The purpose of Amendment 15 was

- A** to prohibit national and state governments from denying the vote based on race.
- B** to extend voting rights to women.
- C** to repeal Amendment 14.
- D** to ban production, sale, and distribution of alcoholic beverages.

22. What do the amendments have in common?

- A** Each amendment gave a different group of people the right to vote.
- B** Each amendment helped the structure of government change along with the values of the nation’s people.
- C** Each amendment helped the Constitution remain unchanged for 200 years.
- D** Each amendment was eventually repealed.

FOCUS ON WRITING



Expository Writing *Expository writing gives information, explains why or how, or defines a process. To practice expository writing, complete the assignment below.*

Writing Topic The preamble to the Constitution

- 23.** What does the preamble state? What does it tell you about the Framers’ intentions? Write a brief paragraph that answers these questions. Include quotations from the text of the preamble.