

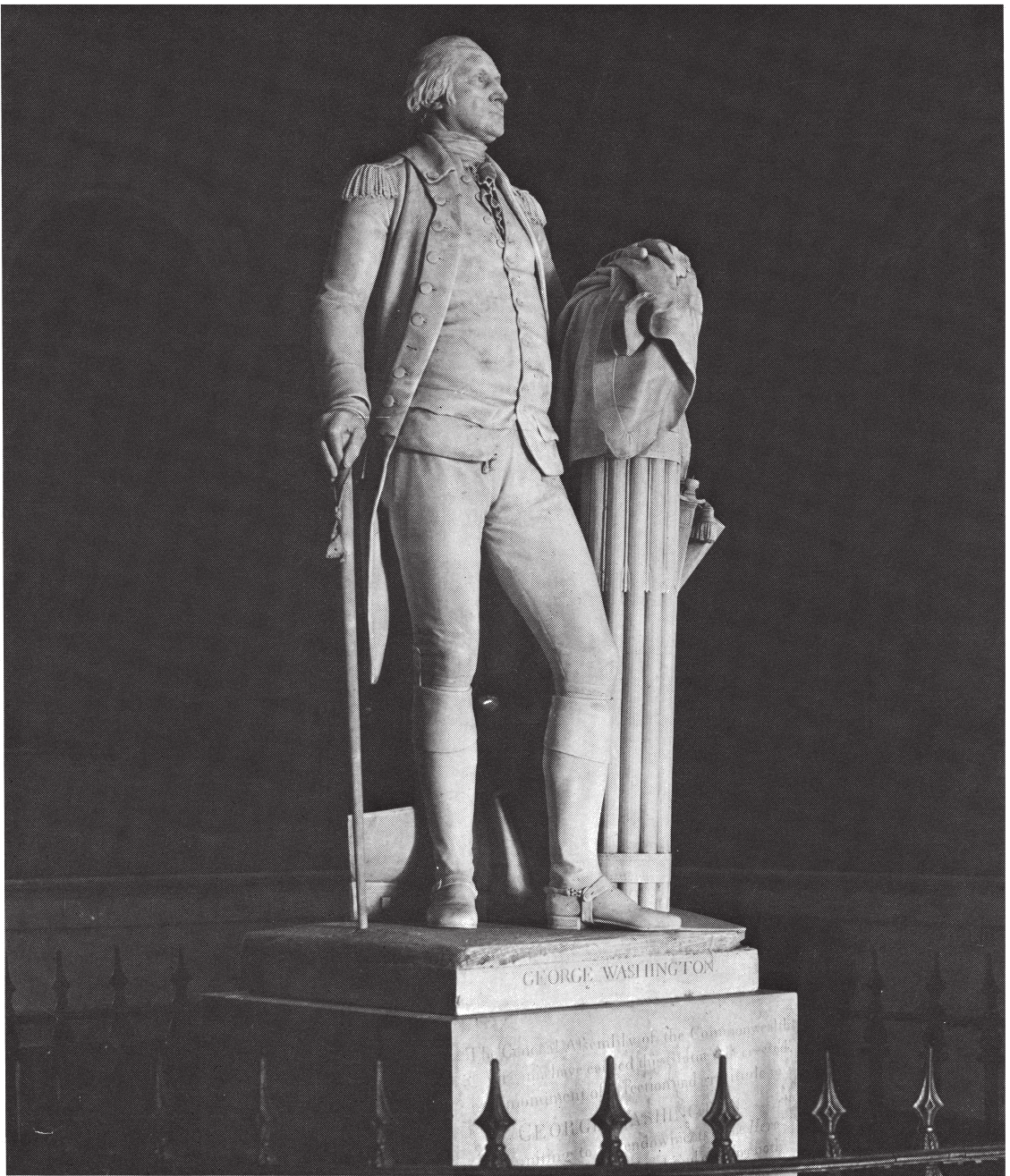
# PART FOUR

## New Government for New Nation

Chapter 10: People Choose Republican Form of Government

Chapter 11: Government Starts Under Constitution

Chapter 12: The New Nation Defends Itself



*Richmond Chamber of Commerce*

### GEORGE WASHINGTON

This statue of Washington was made by the great French sculptor, Houdon, five years after the end of the Revolutionary War. The inscription on the pedestal was written by James Madison:

The General Assembly of the Commonwealth of Virginia have caused this statue to be erected, as a monument of affection and gratitude to GEORGE WASHINGTON, who, uniting to the endowments of a HERO the virtues of the PATRIOT, and exerting both in establishing the liberties of his country, has rendered his name dear to his fellow-citizens, and given the world an immortal example of true glory. Done in the year of CHRIST, one thousand seven hundred and eighty-eight, and in the year of the Commonwealth, the twelfth.

## Chapter 10

# People Choose Republican Form of Government

### EXPERIMENTS PAVE THE WAY TO UNION

AS EARLY AS 1754 at a meeting in Albany, Benjamin Franklin had submitted a plan for uniting the colonies. It had not been favorably received. When war had started with the mother country in the spring of 1775 and the Second Continental Congress had sent aid to Massachusetts, Franklin again urged the colonies to unite under a federal government. He had presented a plan for a confederacy to Congress on July 21, 1775, three months after the War for Independence began at Lexington. Article II of Franklin's draft stated:

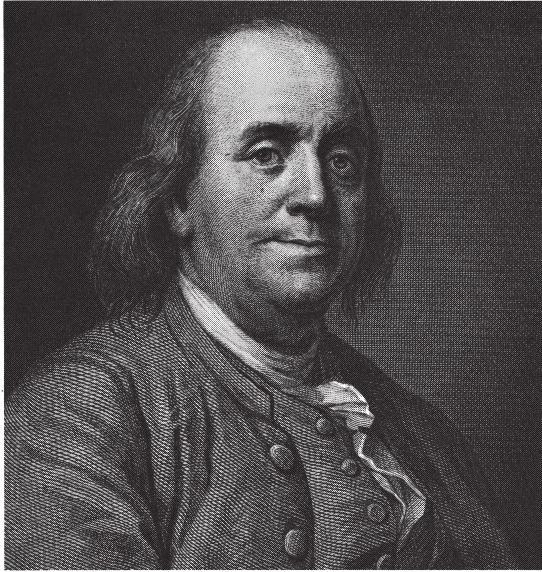
The said United Colonies hereby severally enter into a firm league of friendship with each other, binding on themselves and their posterity for their common defense against their enemies, for the security of their liberties and property, the safety of their persons and families, and their mutual and general welfare.

Nearly a full year later, seven days after independence had been declared, John Dickinson, well-known author of the "Farmer's Letters," introduced different Articles of Confederation for Congress to consider. Although the states felt the need

for closer cooperation in carrying on the war, all were wary of surrendering their newly acquired independence in managing their own affairs. Not until November 17, 1777, after Burgoyne's defeat at Saratoga, had members of Congress finally agreed upon the Articles of Confederation which were submitted to the states for approval. In July of the following year, the official text of the document was elegantly engrossed on a roll of parchment about ten feet long, ready for signatures of the men representing the thirteen states.

It was the First of March, 1781 when Maryland, the thirteenth state, agreed to sign the document. This made the Articles of Confederation the law of THE UNITED STATES OF AMERICA. Maryland's signature had been withheld until other states, especially Virginia, surrendered all claims to western territory to the Confederation. In October of the same year, Cornwallis surrendered at Yorktown, and the Revolutionary War came to an end. In meeting the problems that followed the war, it was soon plain to many citizens that Article II of the final draft was a stumbling block:

Each state retains its sovereignty, freedom and independence, and every power, jurisdiction and



**BENJAMIN FRANKLIN 1706-1790**

right, which is not by this confederation expressly delegated to the United States, in Congress assembled.

With thirteen states levying import duties, making treaties, printing money, regulating commerce, and calling militia, the result was confusion and bickering. Under the Articles of Confederation, Congress could ask the states for money to meet expenses, to pay the soldiers, to apply on the national debt, but had no power to enforce payment. The fundamental weakness of the Articles of Confederation was the inability of Congress to collect taxes. No government can function properly without money to meet expenses. Another fatal weakness was that Congress lacked the power to regulate commerce.

During the war, machinery operated by steam engines increased the number of mills in England. When the war was over, British manufacturers, anxious to recover

their markets in the former colonies, sent boatloads of cloth and merchandise to the United States. The Americans, so long without goods from abroad, were as eager to buy as the British were to sell, since cloth made by machinery sold cheaper than yardage woven on hand looms. The money that Americans paid for these imports left the country and went to England. Soon the people did not have the money to buy the goods merchants carried on their shelves. Respectable businessmen who had always paid their bills before were bankrupt and closed their doors.

News items from *Columbian Magazine* describe what was happening to commerce and what people thought about it:

A sloop laden with cheese, potatoes, and produce from Newport, Rhode Island, sailed for Charleston, South Carolina. After disposing of her cargo, the charges amounted to more than the net proceeds of her whole cargo. If dear-bought experience has not already convinced the northern states of the necessity of an energetic federal government to control and regulate trade, that foreigners may not supply our markets, we shall soon be convinced of it to our greater injury.

Factories are needed to encourage emigrants to come to our shores. It is necessary to encourage our own manufactures and employ our own people as we did during the Revolution in order to be truly independent. Now it seems we must employ manufacturers that live 3000 miles away and leave our own poor to wander in the woods and wilds of the back country to live like Indians and be useless to the nation.

In October of 1785 James Bowdoin, Governor of Massachusetts, in a speech to the legislature urged an appropriation to pay the national debt. He said:

Punctuality in the payment of taxes is so essential to public credit that the existence of the latter depends upon it.

Governor Bowdoin suggested that Congress acquire the authority to apportion the national debt among the states according to population to restore the nation's credit, as "every day's delay is embarrassing to the Union." Since the National Government lacked credit, it could not borrow money. The same was true of individuals. Business was hampered everywhere, but less in the southern states where people depended more upon agriculture and less upon manufacturing. Although clothing and many necessities were made on the plantations, southerners imported goods from Europe.

Some farmers in New England who could not pay their debts lost their land. In Massachusetts citizens took to armed rebellion in seeking redress for their grievances against the commonwealth. In the fall of 1786 Daniel Shays, formerly a captain in the Continental Army, led a band of about 600 men to Springfield and closed the court in session there. The General Court issued a public letter asking the legislature to investigate the causes of the insurrections and to remedy them, since much of the discontent was due to lack of funds. The report stated:

It is even said by some that a new Constitution is necessary. Soldier certificates must be redeemed, taxes cut, and duties levied upon imports.

Following an agreement between Virginia and Maryland for regulating trade and navigation on the Potomac River, another meeting was called by the legislature of Virginia for September, 1786, in Annapolis, Maryland to view the trade of the Union. When delegates from only five states – New York, New Jersey, Pennsylvania, Delaware, and Virginia – attended

the meeting, only one thing was done, and that was important. Alexander Hamilton of New York wrote the report to the legislatures of these five states and to Congress, suggesting another meeting to which all states would be invited to discuss trade and other matters. The Annapolis Convention paved the way for the Federal Convention that framed the Constitution.

Meanwhile, mechanics were leaving the northern states for the Ohio Valley to claim cheap land and to try their luck at farming. In wagons and on horseback the emigrants headed westward over Braddock's Road and other trails to the frontier settlement of Pittsburgh. There they chopped down trees, built their own flatboats, loaded their few belongings and drifted down the Ohio. It was a dangerous journey. Sometimes Indians fired from the shore to halt the pioneers. More often they paddled their canoes into the stream and surrounded the clumsy arks, killing or capturing all on board. The tribes north of the Ohio River fought hard to keep settlers out of their hunting grounds. They were not successful. This area was known as the Northwest Territory and was ceded to the United States by Great Britain after the War for Independence. By 1787 so many emigrants had arrived there that it was necessary to provide some kind of government for them.

The last and greatest act of Congress under the Articles of Confederation was the Ordinance of 1787 for governing the Northwest Territory. This famous document guaranteed freedom of worship, trial by jury, right to own property, personal liberty, and representative government. Since most of the settlers had come from New England, where people generally were opposed to slavery, this ordinance forbade

the system. It also stated that "schools and means of education shall forever be encouraged." When sufficiently populated, the Northwest Territory was to be divided into not less than three nor more than five states. These became Ohio, Indiana, Illinois, Michigan, and Wisconsin.

By 1787, after the rebellions in Massachusetts, people began to realize the need for a centralized authority. They were more willing to give up some of their flaunted independence under state rule for increased security under a stronger national government. In May of that year a meeting was called in Philadelphia to revise the Articles of Confederation. This gathering became the Constitutional Convention.

## REPRESENTATIVES OF THE PEOPLE MAKE A CONSTITUTION

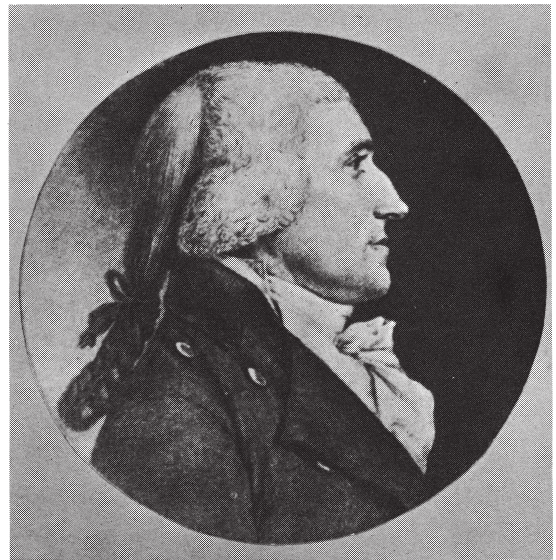
FULLY AWARE OF the great importance of this meeting, every state, except Rhode Island, sent delegates. About twenty-five per cent of the men chosen did not attend for various reasons, leaving fifty-five to carry the burden of the convention. Who were they? Why were they selected? What were their qualifications?

Members of colonial or state legislatures	46
Members of Continental Congress	42
Members of State constitutional conventions	10
Lawyers	34
Officers in the Revolutionary War	18
Signers of the Declaration of Independence	8
Signers of the Articles of Confederation	6
College men	25
Attended Annapolis Convention	7
Governors (had been or were to be)	16

After the Constitution was ratified, a number of men who had drafted it were elected to high positions in the new government.

Presidents of the United States	2
Vice President of the United States	1
Members of President's Cabinet	4
Justices of the Supreme Court of the United States	5
Justices of State Supreme Courts	5
Congressmen	14
Senators	19

The average age of the delegates to the Constitutional Convention was forty-four. Jonathan Dayton, twenty-six, of New Jersey was the youngest. The oldest was Benjamin Franklin — printer, scientist, diplomat — whose wisdom and wit enlivened the meetings he was able to attend. He was eighty-one and in poor health.



JONATHAN DAYTON 1760-1824

Although Jonathan Dayton was the youngest member of the Constitutional Convention, his experience exceeded his years. In 1776, at the age of sixteen, he graduated from the College of New Jersey, and joined the army, where he received the

commission as paymaster in the Third Battalion of New Jersey in which his father was a colonel.

He served under General Sullivan, becoming his aide-de-camp with the rank of major. He took part in the Battles of Brandywine and Germantown, endured the trying winter at Valley Forge, and fought under Lafayette at Yorktown. After serving throughout the Revolutionary War, he remained in the army until he was discharged in 1783.

Three years later, Dayton was elected to the General Assembly of New Jersey, and in the next year, delegate to the Constitutional Convention. He took an active part in the debates and signed the Constitution. Later, he again served in the legislature of New Jersey, and was elected Speaker of the General Assembly. He was elected to Congress five times, was chosen Speaker of the House of Representatives in the Fourth Congress, and was re-elected in the Fifth Congress. In 1798, he was sent to the Senate of the United States from New Jersey.

He took a great interest in the Northwest Territory, and acquired land in Ohio where the city of Dayton was named for him.

## THE CONSTITUTIONAL CONVENTION

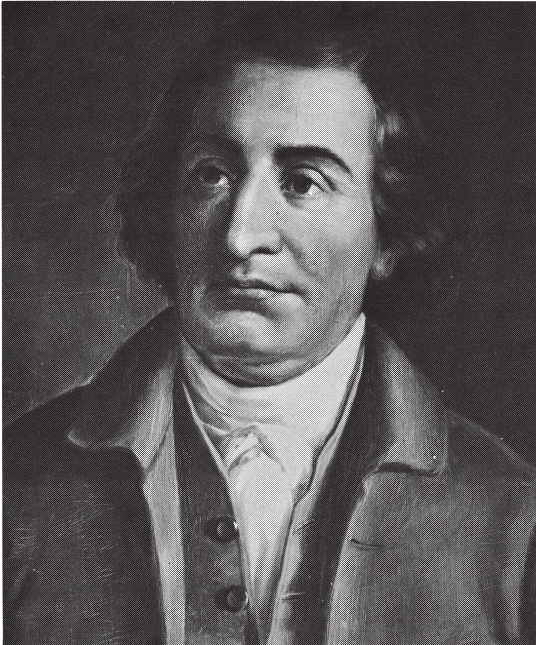
ALTHOUGH MAY 14, 1787 was the opening date of the convention, it was the twenty-fifth of May before a majority of the delegates arrived. On this day the first business meeting took place in the same city, in the same building, and in the same room where the Declaration of Independence had been signed. Who would be president of the convention? Benjamin Franklin was granted the honor of nominating George Washington

to preside over the meeting. Franklin's health, however, kept him home on that rainy day and Robert Morris took his place to propose the General's name. The motion was seconded by John Rutledge of South Carolina. When the ballots were counted every delegate had voted for Washington.

After several days occupied with the necessary chore of deciding upon rules of procedure, one being to debate in secret, the main subject of the meeting was introduced — revision of the Articles of Confederation. On the twenty-ninth of May, Edmund Randolph, Governor of Virginia, opened the discussion of the main topic by stating that the meeting had been called because the confederation of practically independent states had provided no security against foreign invasion; no power to check quarrels among states; no authority to levy taxes for support and defense; and no way for Congress to compel states to obey laws and treaties. In revising the federal government, Randolph suggested that the delegates inquire into: the properties which such a system should possess; the defects of the Confederation; the dangers faced by the nation; and the remedy for these conditions. It soon became plain to most of the delegates that their work would be framing a new constitution rather than revising the Articles of Confederation.

### Edmund Randolph

Edmund Randolph, born in Williamsburg, Virginia, studied law after graduating from William and Mary College. Since both his father and his grandfather had held the office of Attorney General under the King, his family expected him to follow in line. Instead, Edmund embraced the cause of the Revolution and joined Washington's



**EDMUND RANDOLPH 1753-1813**

staff in Boston in 1775. His father promptly disinherited him, and sailed for England with the British governor of Virginia.

Edmund was soon forced to return to Virginia upon the death of his uncle who left several plantations in his care. Not being a success as a planter, he returned to law. Randolph's office seldom lacked clients. Neighbors "beset him on his way to court with their papers in one hand and with guineas in the other."

In 1776, he was elected a delegate to the convention that framed a new constitution for Virginia, under which he became first Attorney General of the independent state of Virginia. The people of Williamsburg, the capital, elected him mayor. After one session as clerk of the House of Delegates, he served three years in the Continental Congress. In 1786, he was elected Governor of Virginia, and in

the same year attended the Annapolis Convention.

In 1787, Randolph was chosen as a delegate to the Federal Convention in Philadelphia, where he introduced the "Virginia Plan" which was adopted as the basis of the Constitution. His training in law and his experience in government made him a leader in the debates. In 1789, Washington appointed Randolph the first Attorney-General of the United States; and, in 1794, Secretary of State.

After spending years in government, he returned to his law practice. He liked to read philosophy and great English poetry.

Randolph's "Virginia Plan" was based upon a paper written by James Madison. This plan proposed a national government of three departments: legislative, to make the laws; executive, to enforce the laws; judicial, to interpret the laws according to the Constitution. On May 29, 1787, also, Charles Pinckney of South Carolina introduced a plan for three departments, but not exactly like the one presented by Randolph. On the fifteenth of June, William Paterson, a delegate from New Jersey came forth with a plan more like the confederation than a national government, the "New Jersey Plan," favored by the smaller states. From the debates on these ideas, the final form of the Constitution emerged, based largely upon the "Virginia Plan."

## **ARTICLE I LEGISLATIVE DEPARTMENT**

### **Power to make laws**

*Section I.* 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.



Representation in this national legislature stirred up a long and heated debate that lasted for weeks. Some of the delegates, including James Wilson of Pennsylvania and James Madison of Virginia, argued that the lower branch, the House of Representatives, should be elected by the direct vote of the people. Others wanted this body chosen by the state legislatures. Wilson insisted that one branch of the lawmaking body should be drawn from the people, where "all government ought to rest." Madison added another reason for this plan, because allowing the people to vote directly for their representatives in Congress would "inspire confidence, and induce the Government to sympathize with the people."

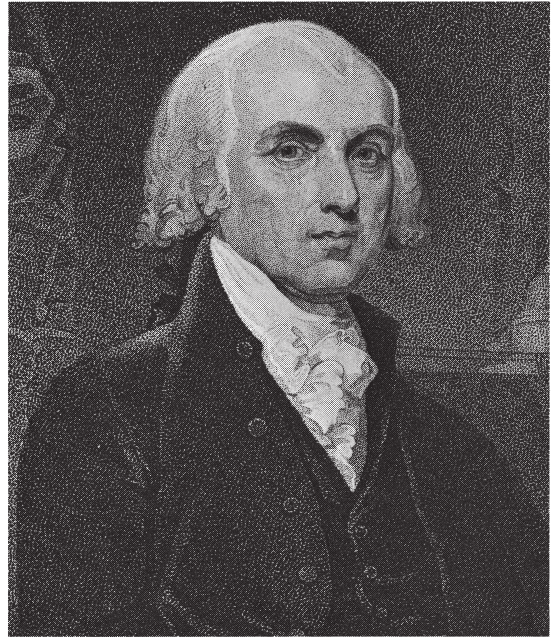
### How Representatives are elected

*Section II.* Clause 1. 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.

Since each State had its own voting laws, the Constitution allowed any citizen who could vote for members of the House of Representatives or Assembly in his own State, to vote for members of the House of Representatives in Congress.

### Who may be a Representative

Clause 2. 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.



JAMES MADISON 1751-1836

James Madison was born on a large plantation in Orange County, Virginia. His education began in a school taught by a learned Scotsman, where he studied Latin, Greek, arithmetic, geography, algebra, geometry, and literature. He was tutored for college by the clergyman of his parish, and entered the College of New Jersey at Princeton when he was eighteen years old. His favorite subject was the history of governments in all times. In two years, he completed the three-year course, and returned to his home in Virginia.

Not being in good health, he remained at home, giving much of his time to teaching his six younger brothers and sisters. He was a diligent student of the Bible and spent much of his time in learning all he could about Christianity. This knowledge served him well when he

decided to study law and led him into spending most of his life in government. He lived to be eighty-five.

Madison's public life began with the Revolutionary War in 1775 when he was chosen for the Committee of Public Safety in his home County of Orange. While serving in the Convention that replaced the former colonial legislature, he voted to instruct the delegates from Virginia in the Continental Congress to cast their votes for independence.

Madison served in Congress during the last year of the Revolutionary War and for a year after the Treaty of Paris was signed. He learned, at first hand, in what ways the Articles of Confederation were weak. On April 18, 1783, he spoke in Congress on the necessity of the states providing a means for the government to pay the debts of the Revolution, if they were to enjoy the fruits of it. He said:

Let it be remembered, that it has ever been the pride and boast of America, that the rights for which she contended, were the rights of human nature. By the blessing of the Author of these rights on the means exerted for their defense, they have prevailed over all opposition, and form the basis of thirteen independent states . . . In this view the citizens of the United States are responsible for the greatest trust ever confided to a political society.

His first term in Congress was followed by three years in the legislature of Virginia where he presented Thomas Jefferson's bill for freedom of religion, while Jefferson was out of the country as Ambassador to France. Madison, who advocated a stronger union of the states, urged delegates to attend the meeting at Annapolis. When only five states responded, he added his support to another meeting in Philadelphia in May of 1787, the Constitutional

Convention, to which he was elected as a delegate from Virginia.

Madison's influence in calling this meeting, his knowledge of law and experience in government, his skill in debates, his journal of the proceedings, and his success in winning Virginia's acceptance of the Constitution earned for him the title – FATHER OF THE CONSTITUTION.

Madison was elected to the House of Representatives in the First Congress. He introduced amendments to the Constitution that became the Bill of Rights, copied largely from those written by George Mason for the Constitution of Virginia. He was Secretary of State in Thomas Jefferson's cabinet, and succeeded him in 1809 as the fourth President of the United States.

### **Representation according to population**

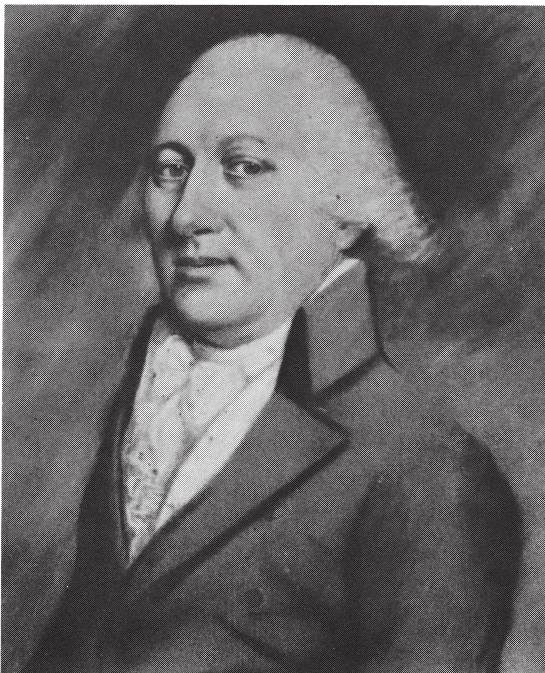
Clause 3. Representatives and direct taxes shall be apportioned among the several States which may be included within this Union according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative; and until such enumeration shall be made the State of New Hampshire shall be entitled to choose 3; Massachusetts, 8; Rhode Island and Providence Plantations, 1; Connecticut, 5; New York, 6; New Jersey, 4; Pennsylvania, 8; Delaware, 1; Maryland, 6; Virginia, 10; North Carolina, 5; South Carolina, 5; and Georgia, 3.

The real argument centered on how many men each State could have in each branch of Congress. Delegates from the

small state of Delaware had been instructed to vote against any proposition to change the equal vote per state under the Articles of Confederation. The large states wanted representatives apportioned according to population.

The small states, fearing rule by the larger ones, wanted each state to have the same number of representatives. When the convention was dead-locked on the issue, Hugh Williamson of North Carolina stood up.

“If we do not concede on both sides,” he said, “our business must soon be at an end.”



JOHN LANGDON 1741-1819

John Langdon, born in Portsmouth, New Hampshire, became a successful merchant and an ardent patriot. Before the actual fighting began in the Revolutionary War, he and John Sullivan (General Sullivan) led a raid on Fort William and Mary in

Portsmouth, carried off all the cannon, and ninety-seven kegs of powder. They hid the loot under the pulpit of Durham Church. Several cartloads of this powder were used in the Battle of Bunker Hill.

Langdon sold seventy hogsheads of tobacco, borrowed money, and used his own funds to equip the New Hampshire militia, making possible General Stark's victory at Bennington in 1777.

In between terms as Speaker of the Assembly, Judge of the Court of Common Pleas, delegate to the Continental Congress, and President of the State Convention to frame a constitution for New Hampshire, he was a soldier in the field.

When he and Nicholas Gilman, a young lawyer, were chosen as delegates to represent New Hampshire in the Federal Convention, the state treasury apparently lacked funds to send them. Langdon offered to pay expenses for both of them, and they arrived in July. Although late, they took part in the debates, and signed the Constitution.

As temporary President of the First Congress under the new Constitution, Langdon had the honor of notifying Washington of his election as first President of the United States. He was twice elected Governor of New Hampshire, and both he and Gilman served in the United States Senate.

## THE CONNECTICUT COMPROMISE

BEFORE THE MEETING was adjourned on July 2 to celebrate Independence Day, a committee of eleven members, one from each state, was chosen by ballot to work during the holiday recess to obtain the compromise requested by Ellsworth and

Sherman from Connecticut. (The delegates from New Hampshire had not yet arrived.)

The following delegates were selected:

Massachusetts	Elbridge Gerry
Connecticut	Oliver Ellsworth
New York	Robert Yates
New Jersey	William Paterson
Pennsylvania	Benjamin Franklin
Delaware	Gunning Bedford, Jr.
Maryland	Luther Martin
Virginia	George Mason
North Carolina	William Davis
South Carolina	John Rutledge
Georgia	Abraham Baldwin

On the fifth of July, Elbridge Gerry, chairman of the committee, reported to the convention the compromise:

That in the first branch of the legislature each of the states now in the Union shall be allowed one member for every 40,000 inhabitants;

That each state not containing that number shall be allowed one member;

That all bills for raising or appropriating money, and for fixing the salaries of the officers of the Government of the United States shall originate in the first branch of the legislature, and shall not be altered or amended by the second branch;

That no money shall be drawn from the public treasury, but in pursuance of appropriations to be originated in the first branch;

That in the second branch each state have an equal vote.

This compromise was for the most part accepted. In the Constitution, however, there was one Representative for every 30,000 people.

A new argument arose. Shall slaves be counted as population? This was settled with another compromise, counting "three-fifths of all other persons." Indians who did not pay taxes were not counted in the population.

Clause 4. When vacancies happen in the representation from any State, the Executive Authority thereof shall issue writs of election to fill such vacancies.

Clause 5. The House of Representatives shall choose their Speaker and other officers, and shall have the sole power of impeachment.

If a Representative dies or resigns, the Governor of his State holds an election to pick a new one. Members of the House of Representatives choose one member to be the Speaker and preside over the meetings. The House of Representatives, by a majority vote, has the power to accuse officials of the Government of misconduct. This is called impeachment.

## The Senate

*Section III.* Clause 1. 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.

By the Seventeenth Amendment (1913), Senators are now elected by the direct vote of the people, the same as Representatives.

CLASSIFICATION OF SENATORS. Clause 2. 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.

Senators are elected to have only one-third of them new at any time; one-third will have four more years to serve; and one-third will have two more years to serve.

**QUALIFICATIONS OF SENATORS.** Clause 3. 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.

**PRESIDENT OF THE SENATE.** Clause 4. The Vice President of the United States shall be President of the Senate, but shall have no vote unless they be equally divided.

Clause 5. The Senate shall choose their other officers, and also a President pro tempore, in the absence of the Vice President, or when he shall exercise the office of President of the United States.

The Vice President is President of the Senate, but he votes only when there is a tie vote. Senators elect one of their own number to preside when the Vice President is absent, or he has become President of the United States after the President's death or removal for another reason. Then the President of the Senate is the President pro tempore.

**SENATE A COURT FOR TRIAL OF IMPEACHMENTS.** Clause 6. The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.

**JUDGEMENT IN CASE OF CONVICTION.** Clause 7. 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.

Only if more than half of the Senators are present, can the Senate do its work. If two-thirds of Senators present find an impeached official guilty, he loses his job

and he cannot get another job in the Government. But the Senate cannot fine him or put him in jail. If he has broken a law, he can be tried in the regular courts. If a President is impeached, the Chief Justice presides at his trial in the Senate.

### **Elections of Senators and Representatives**

*Section IV.* Clause 1. 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 regulations, except as to places of choosing Senators.

In 1842, Congress passed a law that Representatives must be elected by districts. In 1876, Congress passed a law that Representatives would be elected on the Tuesday after the first Monday in November.

**MEETING OF CONGRESS.** Clause 2. 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.

The Twentieth Amendment (1933), changed the date from the first Monday in December to noon on the third of January. Terms of new Senators and Representatives start on January 3.

**ORGANIZATION OF CONGRESS.** *Section V.* Clause 1. Each House shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members in such manner, and under such penalties, as each House may provide.

**RULE OF PROCEEDINGS.** Clause 2. Each

House may determine the rules of its proceedings, punish its members for disorderly behavior, and with the concurrence of two-thirds expel a member.

The House and Senate decide if their members have been elected properly. If over half the members of the House or the Senate are present, work can be done. If less than half are present, they may adjourn or compel absent members to attend. They may make rules and punish members who break rules; and, with a two-thirds vote throw out a member.

**JOURNALS OF EACH HOUSE.** Clause 3. 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.

Every word spoken every day in both the House and the Senate is in print by the next morning. At the demand of one-fifth, the “Yes” and “No” votes of each member will be printed in this Record. Citizens may subscribe to the Congressional Record and learn whether or not the men they elected are voting as they want them to vote.

**ADJOURNMENT OF CONGRESS.** Clause 4. 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.

The President may not order Congress to adjourn. Both Houses must agree to go home at the same time. If one could quit without the other, no laws could be passed.

**PAY AND PRIVILEGES OF MEMBERS.** *Section VI.* Clause 1. The Senators and Represen-

tatives 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.

Congress has power to fix salaries of members and the amount allowed for travel expenses. Senators and Representatives may not be arrested going to and from meetings except for serious crimes. They may not be punished for what they say in Congress except by that Congress.

**OTHER OFFICES PROHIBITED.** Clause 2. No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States shall be a member of either House during his continuance in office.

Senators and Representatives may not hold any other job in Government during their terms; may not take a job in Government that was started during their terms; and may not take a job for which the salary was raised during their stay in Congress. This rule prevents a Congressman from taking undue advantage of his election to create a big-paying job for himself.

**REVENUE BILLS.** *Section VII.* Clause 1. All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose or concur with amendments, as on other bills.

This one sentence was written into the Constitution after long and heated arguments in the Convention. “No taxation without representation,” the

slogan of the American Revolution, was fresh in the minds of the delegates. The people wanted to be taxed by their own elected representatives. Since the Senate was chosen by the State Legislatures, a number of the leading men favored the House of Representatives for tax bills.

George Mason of Virginia argued that “the Senate did not represent the *people* but the *States* in their political character. It was improper therefore that it should tax the people.”

Elbridge Gerry of Massachusetts made the comment that “taxation and representation are strongly associated in the minds of the people, and they will not agree that any but their immediate representatives shall meddle with their purses.”

Benjamin Franklin remarked “that it was always of importance that the people should know who had disposed of their money, and how it had been disposed of. It was a maxim that those who feel, can best judge. This end would be best attained, if money affairs were to be confined to the immediate representatives of the people.”

**HOW BILLS BECOME LAWS.** Clause 2. Every bill which shall have passed the House of Representatives and the Senate shall, before it becomes 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.

Although the legislative department makes the laws, the executive department may check the laws, but not change them. As a check upon Congress, the Constitution provides that every bill be sent to the President for his signature before it becomes a law. If a President does not like the bill, he can refuse to sign it, but he must return it to Congress within ten days. This is another check, lest a President let a bill lie on his desk until Congress adjourned. If two-thirds of the Senators and Representatives again vote for the bill, it becomes a law without the President’s signature. Each member of Congress has his vote, “yes” or “no,” printed in the Congressional Record.

**APPROVAL AND VETO POWERS OF THE PRESIDENT.** Clause 3. 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 the House of Representatives, according to the rules and limitations prescribed in the case of a bill.

This same rule applies to “every order, resolution, or vote” on any duty given to Congress, lest Congress try to by-pass the President.

### **Powers Vested in Congress**

*Section VIII.* Clause 1. The Congress shall have power:

To lay and collect taxes, duties, imposts, and

excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States.

Clause 2. To borrow money on the credit of the United States.

The authority to levy and collect taxes is the most important power given to Congress. Lacking this power, the Articles of Confederation failed. Under the Constitution, Congress has the right to tax imports from other countries; and goods made in the United States, especially liquors, cards, cosmetics, and items of luxury. These taxes must be the same all over the country. Congress may spend this money for three things: to pay debts; to maintain armed forces to protect the United States; and to do what is necessary in the best interests of the people. Congress may borrow money and promise to pay it back with interest.

Clause 3. To regulate commerce with foreign nations, and among the several States, and with the Indian tribes.

Under the Articles of Confederation, much confusion existed in trade because each state made its own rules for commerce. Congress has the right under the Constitution to regulate trade between states and with foreign nations.

Clause 4. To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States.

Congress makes the rules for persons who come from foreign countries to make their homes in the United States. Congress also makes laws for people who are unable to pay their bills and must declare themselves bankrupt.

Clause 5. To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures.

Clause 6. To provide for the punishment of counterfeiting the securities and current coin of the United States.

Only Congress may make money, both coin and paper, and declare its worth. Congress makes the rules for punishing men who duplicate Government bills, coins, stamps, or bonds. These thieves are called counterfeiters.

Clause 7. To establish post offices and post roads.

Congress builds post offices and hires the employees to transport letters and packages by truck, train, plane, and other means and to print and distribute stamps.

8. To promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive rights to their respective writings and discoveries.

An inventor may get a patent on his invention to prevent another person from copying it without his permission, and using it for his own profit. An author can get a copyright of his book, play, music and anything he has written, and no one can use any of his works without his written permission. This was done to promote science and learning.

Clause 9. To constitute tribunals inferior to the Supreme Court.

Congress has the right to set up courts lower than the Supreme Court, to handle cases which may be settled in these courts. Most legal cases are decided in the lower courts, leaving only the more difficult cases to be heard by the Supreme Court.



Clause 10. To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations.

Pirates roamed the seas at the time the Constitution was written. Congress makes laws to punish crimes committed on American ships wherever the ships go, and crimes against other nations.

Clause 11. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water.

Only Congress may declare war. However, the United States has been involved in undeclared wars, labeled “police action,” such as the war in Korea, and in Vietnam. During a war, Congress may give a ship owner written permission, called a letter of marque, to capture ships and property belonging to the enemy. Rules for letters of marque usually stated what part of the captured property must be given to the Government to support the war effort.

Clause 12. To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years.

Clause 13. To provide and maintain a navy.

Clause 14. To make rules for the government and regulation of the land and naval forces.

If a President could raise an army, he might become a dictator and rule the people by force without their consent. Allowing Congress to appropriate money to support the army for only two years is also a check upon Congress. Since Representatives are elected every two years, and the Constitution states that “all bills for raising revenue shall originate in the House of Representatives,” the people keep a check on the armed forces. Congress

makes rules for the army, navy, air force, and any means for defending the country.

Clause 15. To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions.

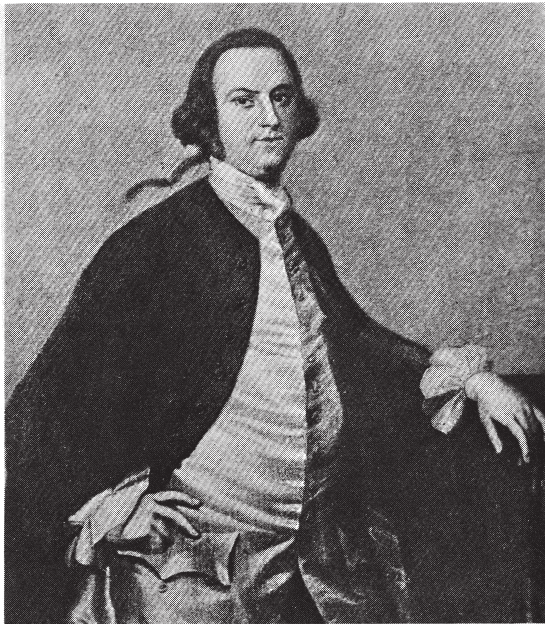
Clause 16. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress.

Under the Articles of Confederation, each state had its own army, the state militia. These small groups won battles in the Revolutionary War, and the people were proud of them. A number of delegates, including Elbridge Gerry and Luther Martin, opposed federal control over the state militia, even though the officers would be appointed by the States. James Madison and Edmund Randolph favored the plan, insisting the central Government needed the authority to call out the militia for general defense. The militia is now called the National Guard, and can be ordered to serve anywhere in the world with the regular army. Congress makes the rules for their training.

Clause 17. 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 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, dry-yards, and other needful buildings; – And

Clause 18. 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 men who wrote the Constitution knew Congress must be given the power to make laws for the future as well as the present. Congress may make laws to put into effect all powers in the Constitution. In Section VIII, twenty of these powers are listed.



DANIEL CARROLL 1730-1796

Daniel Carroll, the oldest of six children, was born in 1730 at the Carroll Manor in Prince George's County, Maryland. As a child he was largely taught by his mother until old enough to go to school in Europe. At eighteen he returned to his home in Maryland after spending six years at St. Omer, a school in French Flanders.

Three years later, in 1751, his father died. Being the eldest son, he took over his father's importing business, plantations, and tobacco farms. His only brother, John, five years younger, went to St. Omer,

studied for the priesthood, and became the first Roman Catholic Archbishop in the United States.

Carroll's success in business brought him into public life during the Revolutionary War. In 1777, he was elected to the five-man Council advising the Governor of Maryland. This Council had the duty of supplying Maryland's quota of animals, food, clothing, ammunition, and the scarce item of salt to Washington's army. A sample of the requests from the Continental Congress is this call for three hundred and fifty horses:

The horses should be sound and clean-limbed not less than five years old this spring nor exceeding 12 Geldings at least 14½ Hands and not less than a quarter-blooded.

In a letter to Governor Johnson of Maryland, dated December 29, 1777, Washington asked for shoes, stockings and blankets for his soldiers:

We had in camp not less than 2,898 men unfit for duty, by reason of their being barefooted and otherwise naked.

Daniel Carroll was elected to the Senate of Maryland and the Continental Congress in the same year, dividing his time between the two offices. He arrived at the Continental Congress on February 12, 1781, with the good news that Maryland had finally agreed to the Articles of Confederation. He promptly signed the document for Maryland, the thirteenth State, making the Articles of Confederation the first legal code for the United States as a nation.

In 1787 Carroll was chosen to represent Maryland in the Federal Convention in Philadelphia that framed the new code, the Constitution. As he had served in the

Continental Congress, he was acquainted with many of the delegates. After the meeting he returned to his home to support the Constitution and to urge its adoption by Maryland. In *The Maryland Journal*, Carroll answered a criticism by Samuel Chase who opposed the Constitution. In defense he quoted the words of James Wilson, assuring people that any errors in the Constitution could be corrected with amendments. Carroll ended with this sentence affirming his faith in the new Government:

Regarding it, then, in every point of view with a candid and disinterested mind, I am bold to assert that it is the best form of government which has ever been offered to the world.

Carroll was elected to the First Congress as the Representative from the Sixth District of Maryland. He took a leading part in locating the seat of government on land belonging to his family where "one could see the Potomac from his own back door." He was present at the laying of the cornerstone of the Capitol on March 15, 1791, being one of three Commissioners.

In the later years of his life, his public service was limited by his own poor health and the care of his ailing mother who lived to the age of ninety-two years. In the *Maryland Gazette* and *Baltimore Daily Advertiser* of May 14, 1796, this notice was printed:

Last May 7, died at Rock Creek, Daniel Carroll, Esq., a gentleman of unbounded philanthropy, and possessed of all the esteem of all who had the pleasure of his acquaintance.

\* \* \*

During Washington's administration, Maryland gave sixty square miles on the bank of the Potomac River for the capital

of the United States. This area does not belong to any state, and is governed by Congress. The city was named for the first President. The Twenty-third Amendment gave the right to vote to residents of the District of Columbia. The United States Government owns and governs all lands and buildings used for its purposes. The Government is the largest single landowner in the country.

### Powers Forbidden to Congress

IMMIGRANTS, HOW ADMITTED. *Section IX.*  
Clause 1. 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.

A second compromise on slavery was added, that Congress could not stop the importation of slaves before 1808, but could tax "such persons," not exceeding ten dollars for each one entering the country. Neither the word slave nor the word slavery appear in the Constitution.

Most of the delegates in the Constitutional Convention were opposed to slavery, including many who owned slaves. George Mason of Virginia and Luther Martin of Maryland bitterly denounced the system, and did not want it to be a part of the Constitution.

Charles Pinckney was of the opinion that the southern states "will probably of themselves stop importations" of slaves. However, since the plantation owners of the South were forced to depend upon slave labor, Pinckney stated that "an attempt to take away the right as proposed will produce serious objec-



**CHARLES COTESWORTH PINCKNEY**  
1746-1825

tions to the Constitution” which he wished to see adopted.

At seven years of age, Charles Cotesworth Pinckney left his home in Charleston, South Carolina to attend schools in England. At Oxford, he took many notes on the lectures given by the famous British judge, Sir William Blackstone. He entered the Temple, a law school in London, at the age of eighteen. He later studied for nine months in a military school in France before returning to Charleston to open his law office.

In a few years, he put his military training to good use in the Revolutionary War, rising through the ranks to brigadier-general. When the British forces took Charleston, he was captured in the fighting, and remained a prisoner for two years. To taunts from English officers trying to shake his loyalty, he replied:

I entered into this cause after reflection and through principle. My heart is altogether American, and neither severity, nor favor, nor poverty, nor affluence can ever induce me to swerve from it.

After the war ended, he resumed his practice. As he was a highly successful lawyer with experience in writing the Constitution of South Carolina, he was chosen as a delegate to the Federal Convention to use his wide knowledge of law in framing the Constitution of the United States.

After the adoption of the Constitution, Pinckney declined offers of Associate Justice of the Supreme Court, Secretary of War, and Secretary of State. He did accept the difficult task of representing the United States during the “XYZ Affair” of the French government. He was generous with his time in serving his city, state and nation, including years as president of the Bible Society of Charleston. Among his associates, he was noted for his cordial hospitality, his easy manner, and his brilliant conversation.

**HABEAS CORPUS.** Clause 2. The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

A person thrown into jail may get a habeas corpus (have the body) paper from the court demanding to know why he was arrested. If the jailer is unable to show good reasons for holding the person in jail, the prisoner is freed. Congress may deny this writ of habeas corpus only if it is necessary to keep the prisoner in jail for the safety of the country.

**ATTAINDER.** Clause 3. No bill of attainder or ex post facto law shall be passed.

In England, by an act of Parliament, a man could be denied the right of trial by jury, a hearing in court, and witnesses to prove his guilt or innocence. The accused man could not inherit property, nor could his children inherit his lands and wealth. This legal injustice was called a “bill of attainder,” and was used by some of the English kings to “attain” property by punishing men they did not like.

A person may not be arrested and punished for breaking a law that did not exist at the time he failed to obey the law. This injustice would be an *ex post facto* law, meaning, after the time the thing was done.

**DIRECT TAXES.** Clause 4. No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

Congress may not tax citizens directly unless each one pays the same amount. Capitation means a tax on every “head,” usually called a “poll” tax.

**REGULATIONS REGARDING CUSTOMS DUTIES.** Clause 5. No tax or duty shall be laid on articles exported from any State.

Clause 6. 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.

Under the Articles of Confederation, each state levied its own taxes. This resulted in confusion and loss of trade. The people wanted to trade freely with one another without laws favoring one state over another, and without interference from Congress.

**MONEYS, HOW DRAWN.** Clause 7. No money shall be drawn from the treasury but in conse-

quence 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.

In guarding the public purse, delegates stated rules for taking money out of the Treasury. “Appropriations made by law” means that no money can be used without a bill originating in the House of Representatives, passed by both House and Senate, and signed by the President. Congress must tell the people how much money comes into the Treasury, how much is spent, and for what purpose.

**TITLES OF NOBILITY PROHIBITED.** Clause 8. 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.

At the time, many governments were monarchies where the King bestowed titles upon his friends. The Government of the United States may not give noble titles to people. No person working for the Government may accept a title from a foreign country, or gifts. This law has caused some embarrassment. (The delegates in the Convention did not expect a President to visit a foreign country, where, as a matter of courtesy, the ruler would give him a present.)

### **Powers of States Defined**

*Section X.* Clause 1. No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything 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.

Clause 2. No State shall, without the consent of the Congress, lay any impost or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the Treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

Clause 3. 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.

Section X lists many powers which the states had under the Articles of Confederation, but which the states will not have under the Constitution, except with the consent of Congress. Only after much debate did the states agree to surrender these powers to make a strong national government.

## ARTICLE II EXECUTIVE DEPARTMENT

### Power, in whom vested

*Section 1.* Clause 1. The Executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice President, chosen for the same term, be elected as follows.

The delegates in the Constitutional Convention had many different ideas about the President, how he was to be chosen, the length of his term, and the number of terms allowed. Among others, Mason, Pinckney and Madison favored a term of seven years, and only one term. Wilson and

Sherman suggested three years; Ellsworth and Williamson, six years; Davie, eight years; Gerry, fifteen years; King, twenty years; and Hamilton, for life.

A compromise was finally reached on a term of four years, but none on the number of times a President could be elected. The President of the Convention heard these debates. When he was the first President of the United States, he refused to serve more than eight years. Washington established a precedent that was not broken for over one hundred and fifty years. After Franklin Delano Roosevelt had been elected four times, the Twenty-Second Amendment was added to the Constitution in 1951, limiting a President to two terms, or eight years in office.

ELECTORS. Clause 2. 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.

There was as much disagreement among the delegates on how the President should be elected as there was on how long he should serve. Should he be elected by Congress? by the state legislatures? By electors chosen by Congress? By electors selected by vote of the people? By direct vote of the people? James Wilson, the great lawyer from Pennsylvania, argued throughout the debates that the President should be elected by the people, and not by the states. He finally won. Although the people do not vote directly for the President, they choose the electors who do vote for him. Each state gets as many electors as it has representatives and

senators; but no one working for the federal government may be an elector.

PROCEEDINGS OF ELECTORS. — PROCEEDINGS OF THE HOUSE OF REPRESENTATIVES. Clause 3. The electors shall meet in their respective States and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each, which list they shall sign and certify, and transmit, sealed, to the seat of the government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed, and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President; and if no person have a majority, then from the five highest on the list the said House shall in like manner choose the President. But in choosing the President, the vote 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.

This section was changed by the Twelfth Amendment, ratified in 1804. (See Twelfth Amendment.) The electors from all the states make up the Electoral College.

TIME OF CHOOSING ELECTORS. Clause 4. 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.

In 1872, Congress decided that the Tuesday after the first Monday in November in every fourth year would be the day for the people to vote for the electors who would choose a President.

QUALIFICATIONS OF THE PRESIDENT. Clause 5. 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.

To be President, a man must be thirty-five years old, be born a United States citizen, and have resided in this country for fourteen years, but he can be born outside the United States.

PROVISION IN CASE OF HIS DISABILITY. Clause 6. 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.

In 1886, Congress passed a law that next in line to the President would be the Vice President, followed by the Secretary of State, Secretary of the Treasury, Secretary of War, Attorney General, Postmaster General, Secretary of the Navy, Secretary of the Interior, Secretary of Agriculture, Secretary of Commerce, and Secretary of Labor.

With the exception of the Vice President, all of these men are in the President's cabinet, and appointed by

him. Since the Constitution provides for the President to be elected by the people through the electoral college, his possible successor should be a man elected by the people. In 1947, Congress changed the law and made the Speaker of the House of Representatives next in line to the Vice President. If he cannot serve, the elected President (pro tempore) of the Senate is the President. All of these men have been chosen by vote of the people. The line of succession then goes into the President's Cabinet, officers who were appointed, not elected, in this order: Secretary of State, Secretary of the Treasury, Secretary of Defense, Attorney General, Postmaster General, Secretary of the Interior, Secretary of Agriculture, Secretary of Commerce, Secretary of Labor, Secretary of Health, Education, and Welfare, Secretary of Housing and Urban Development, and Secretary of Transportation.

**SALARY OF THE PRESIDENT.** Clause 7. 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.

**OATH OF THE PRESIDENT.** Clause 8. 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."

During the debate on salary for the President, Benjamin Franklin asked to read his comments on the subject which he had written down, not trusting his memory. James Wilson offered to read the speech for him. Franklin, the oldest delegate, was the

philosopher of the Convention. All listened with respect to his words of wisdom. Franklin spoke on what he had learned about the ways of men during his long life. A few of his remarks are quoted:

Sir, there are two passions which have a powerful influence on the affairs of men. These are ambition and avarice; the love of power, and the love of money. Separately each of these has great force in prompting men to action; but when united in view of the same object, they have in many minds the most violent effects.

And there will always be a party for giving more to the rulers, that the rulers may be able in return to give more to them. — Hence as all history informs us, there has been in every State and Kingdom a constant kind of warfare between the governing and governed: the one striving to obtain more for its support, and the other to pay less.

In all cases of public service the less the profit the greater the honor. To bring the matter nearer home, have we not seen the great and most important of our officers, that of General of our armies executed for eight years together without the smallest salary, by a Patriot whom I will not now offend by any other praise; and this through fatigues and distresses in common with the other brave men, his military friends and companions, and the constant anxieties peculiar to his station?" (Franklin referred to Washington who had refused pay for his services in the Revolutionary War. Washington later refused pay as President.)

Although Franklin pleaded for the office of President to be an honor without a salary attached, the delegates voted to pay the President. The first salary was set at \$25,000 a year in 1789; \$50,000 in 1873; \$75,000 in 1909; \$100,000 in 1949; and \$200,000 in 1969. The President may not receive any other pay from the Government. Before he takes his office, a President swears to preserve the Constitution and to fight for it.



## Duties of the President

*Section II.* Clause 1. The President shall be Commander-in-Chief of the Army and Navy of the United States, and of the militia of the several states when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offences against the United States except in cases of impeachment.

The President shall be the leader of the Army and Navy of the United States, and of the National Guard. The Secretary of Defense carries out his orders. The President has never led armed forces in a war. The duties of the Executive Department are supervised by members of the President's Cabinet, and he may ask their advice at any time. The President may pardon anyone who has done something against the government, except in cases of impeachment, which are handled in Congress.

**MAY MAKE TREATIES, APPOINT AMBASSADORS, JUDGES, ETC.** Clause 2. 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.

A number of the delegates argued over this treaty clause. Mason said the Senate "could sell the whole country by means of treaties." Rutledge and Gerry expressed the

opinion that no treaty should be made without the consent of two-thirds of *all* the Senators, instead of two-thirds of those present. Gerry later agreed with Wilson's idea. Since treaties were the law of the land to be obeyed by all citizens, Wilson thought treaties should be approved by both the Senate and the House of Representatives like other laws.

The President nominates the men and women to represent the United States in other countries, and sends their names to the Senate for approval. He picks the judges of the Supreme Court in the same way. The President selects men and women for jobs whose appointments are not listed in the Constitution. Congress may authorize the President or the courts, or the members of the President's cabinet, to choose people for jobs in the Government.

**MAY FILL VACANCIES.** Clause 3. 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.

When the Senate is not meeting, the President picks men for jobs without the consent of the Senate. These men hold their jobs only until the end of the next meeting of the Senate.

**MAY MAKE RECOMMENDATIONS TO AND CONVENE CONGRESS.** *Section III.* 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.

When Congress meets in January, the President speaks to both Houses of Congress in a joint meeting. He talks about the condition of the country and recommends laws he thinks should be passed. This is called the "State of the Union" address which can be read, but it is usually delivered by the President in person. The President may call the Congress to a meeting when he considers it is necessary for the good of the country. If the Senate and the House of Representatives do not agree on the time to quit, the President can close the meeting. This has never happened.

The President accepts ambassadors and other representatives from foreign countries. If he does not like one of them, he can tell him to go home. Although the President does not actually pick all the government officers, he signs their papers. The President's job is to see that the laws of the country are obeyed.

**HOW OFFICERS MAY BE REMOVED.** *Section IV.* 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.

The President, Vice President, Justices of the Supreme Court, and other officers of the government can be impeached, that is, be accused of helping the country's enemies (treason); accepting bribes; or being guilty of "other high crimes and misdemeanors." Only the House of Representatives, by a two-thirds vote, can impeach an official. Then only the Senate, by a two-thirds vote, can convict that official. If found guilty after a trial in the Senate, the officer is dismissed.

When Lincoln was shot, the Vice President, Andrew Johnson, took his place as President of the United States. He was un-

popular in Congress. He asked Edwin M. Stanton, Lincoln's Secretary of War to resign. Stanton refused, and Johnson appointed an army officer to take his place. Johnson was impeached on the grounds that he had no right to discharge a cabinet officer and appoint a new one without the consent of the Senate, then in session. After his trial in the Senate with the Chief Justice presiding, Johnson was declared "not guilty" by only one vote, and finished his term as President. Johnson was the only President to be impeached.

## ARTICLE III JUDICIAL DEPARTMENT

### Power, how vested

*Section I.* 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.

Judging power was placed in a Supreme Court. Since one court could not handle all the cases that would come before it, Congress was given authority to establish lower courts as needed. Most cases to be heard in Federal courts start in the United States District Courts which are located throughout the country so as to be easily reached by the people. These courts handle cases involving citizens of different states, and cases involving laws of the Federal Government. Since most cases are decided in these courts, the largest number of courts are District Courts. Cases taken above the District Courts are

heard in the ten Circuit Courts of Appeal located in large cities around the country. Appeals from these courts go to the Supreme Court in Washington, but not many, unless a question about the Constitution has to be answered. John Jay was the first Chief Justice, appointed by Washington in 1789, with four other judges. The present Supreme Court has a Chief Justice and eight Associate Justices. The President picks all the judges for these courts and the Senate approves them. They serve for life unless impeached and convicted.

**TO WHAT CASES IT EXTENDS.** *Section II.* Clause 1. 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.

Government courts decide cases about the Constitution; the laws of the country; treaties made by the Government; representatives from foreign countries; laws on the sea. If a citizen breaks a law of the government, he is tried in a United States Court. If two states argue over boundary lines, the case is decided in a United States Court. The Eleventh Amendment was necessary to change the Constitution allowing citizens living in one state to sue another state. Now, a citizen must seek justice from the state legislature or the state Court of Claims. Cases between citizens of differ-

ent states are often settled in state courts, but can be heard in United States Courts. Cases involving a state and a foreign country, or an American citizen and a foreign citizen are heard in United States Courts.

**JURISDICTION OF THE SUPREME COURT.** Clause 2. 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.

If a State is involved, the case goes directly to the Supreme Court and does not start in a lower court. The same is true if a foreign representative is in the case.

**RULES RESPECTING TRIALS.** Clause 3. 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.

Any person accused of crime has the right of trial by jury, except in cases of impeachment. The trial is held in the state where the crime was committed. If not in any state, Congress may rule where the trial is to be held.

**TREASON DEFINED.** *Section III.* Clause 1. 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.

A person who fights against the country or helps the enemies of the United States is guilty of treason. Two witnesses must

appear in court and prove an accused man is guilty of treason, or he must admit to what he did in court.

**HOW PUNISHED.** Clause 2. The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture except during the life of the person attainted.

Congress makes the rules to punish treason. No person convicted of treason may hold a government office. Punishment for treason may not take property from a traitor's children, or punish them for what their father did.

## ARTICLE IV

**RIGHTS OF STATES AND RECORDS.** *Section I.* 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.

Congress makes the rules by which each state accepts the laws, records, and court decisions of all other states.

**PRIVILEGE OF CITIZENS.** *Section II.* Clause 1. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

A citizen of the United States has the same rights of his native state in every other state.

**EXECUTIVE REQUISITIONS.** Clause 2. 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.

**LAWS REGULATING SERVICE OR LABOR.** Clause 3. No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

If a man breaks a law in one state and runs away to another state, he can be sent back if the governor of the state he left asks the other governor to return him. The governor may examine the man's record and decide not to return him. The accused man may ask for a hearing to explain why he thinks, in fairness to him, he should not be returned. No law forces a governor to return a man accused of crime to the state he left, but most governors do.

A slave who ran away to a free state was not free. He was returned to his owner. This part of the Constitution is now meaningless; but, at the time, the slave states wanted it.

**NEW STATES, HOW FORMED AND ADMITTED.** *Section III.* Clause 1. 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.

When settlers moved into new country, they formed a government and became a territory. When more and more settlers arrived, enough to make a state, the people called a convention to frame a Constitution which they sent to Congress. If Congress approved the Constitution, a bill was passed to make the territory a state. No

new state shall be made inside another state. If the people wish to put states or parts of states together to form a new state, both the state legislatures and Congress must agree. For example, the Dakota Territory became North Dakota and South Dakota. Three new states – Washington, Oregon, and Idaho – shared the Oregon Territory.

**POWER OF CONGRESS OVER PUBLIC LANDS.** Clause 2. 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.

Congress makes the rules for all Government lands. At the time, some states along the Atlantic seaboard claimed western lands, and these claims were not settled until the National Government was operating under the Constitution.

**REPUBLICAN GOVERNMENT GUARANTEED.** *Section IV.* 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.

The United States is a republic under a Constitution establishing government by the governed. The Constitution requires each state to have a government by the people. The United States Government protects each state from invasion. If trouble breaks out within a state, the governor calls out the National Guard (militia) to keep order. If the state soldiers are unable to restore order, the President may send troops if the state legislature asks for help. If the state legislature is not meeting, the governor may ask for help.

## ARTICLE V CONSTITUTION, HOW AMENDED

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.

Amendments may be added to the Constitution in two ways. If two-thirds of the Representatives and two-thirds of the Senators in Congress agree to an amendment, it is sent to the state legislatures. If the amendment is approved by the state legislatures or by conventions called for this purpose in three-fourths of the states, the amendment is added to the Constitution.

If two-thirds of the state legislatures ask for an amendment, Congress shall call a meeting to propose the amendment. If three-fourths of the states, through their legislatures or conventions, agree to the amendment, it is added to the Constitution.

Article V of the Constitution lists two exceptions for adding amendments. No amendment could prohibit the importation of slaves until 1808. No amendment shall take away from any state, without its consent, equal number of Senators in Congress.

## ARTICLE VI

**VALIDITY OF DEBTS RECOGNIZED.** Clause 1. 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.

Under the Constitution, the United States would pay its debt contracted under the Articles of Confederation. All bills would be paid.

**SUPREME LAW OF THE LAND DEFINED.** Clause 2. 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, anything in the Constitution or laws of any State to the contrary notwithstanding.

The highest law of our country is made up of the Constitution, the laws passed by Congress, and the treaties made by the President and Senate. Some of the delegates were strongly opposed to making treaties the supreme law of the land without the consent of the House of Representatives where the members were elected by the direct vote of the people.

**OATH: OF WHOM REQUIRED AND FOR WHAT.** Clause 3. 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.

All officers of both state governments and the national government in Washington must take an oath to defend the Con-

stitution. A state officer swears to defend the United States Constitution before he swears to defend the state constitution. An official cannot be required to be a member of any one church.

## PREAMBLE

FROM THE FIRST week to the last week of the Constitutional Convention, off and on, members of the Convention discussed the Preamble. What kind of government did they want to submit to the people? What did the people want government to do for them? How could they explain these goals in a brief introduction to the Constitution they were writing?

On August sixth, the following copy was reported:

We, the people of the States of New Hampshire, Massachusetts, Rhode Island and Providence Plantation, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, do ordain, declare, and establish the following Constitution for the government of ourselves and our posterity.

The next day, the delegates voted to accept this version. However, it was changed by the Committee of Style composing the final draft of the document. The five members of this Committee were skilled in writing the English language. They were:

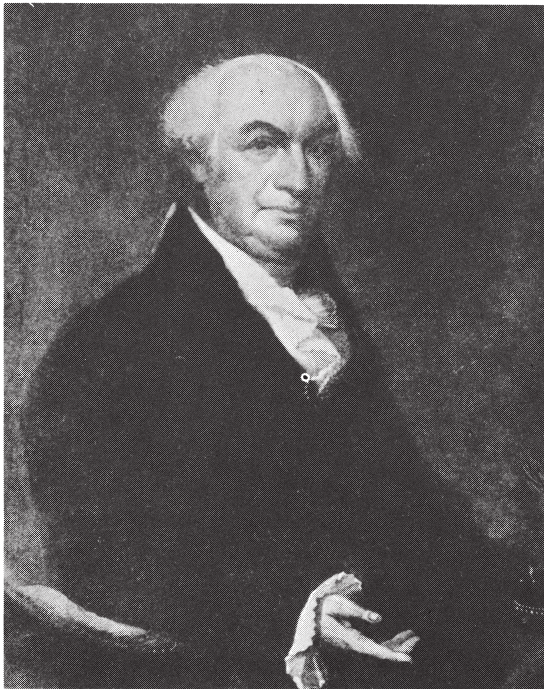
Gouverneur Morris	Pennsylvania
James Madison	Virginia
Alexander Hamilton	New York
Rufus King	Massachusetts
William Samuel Johnson	Connecticut

The final wording was approved only five days before the end of the meeting:

“We, the people of the States” was changed to conform to the new union, and read, “We, the people of the United States.”

PREAMBLE, We, the People of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this CONSTITUTION for the United States of America.

After months of debate, the Preamble, in one sentence, stated the goals of the Constitution.



**GOVERNEUR MORRIS 1752-1816**

After graduation from Columbia College, New York at the age of sixteen, Gouverneur Morris studied law. He was admitted

to the bar shortly before his twentieth birthday. He was witty, wise, and courageous. In 1776, he spoke boldly for independence:

As a connection with Great Britain cannot again exist without enslaving America, independence is absolutely necessary.

As he was able to speak and write fluently in both English and French, he soon became a leader in public affairs. He was a member of the convention that framed a constitution for the state of New York. After his election to the Continental Congress during the Revolutionary War, he served on a committee to supply Washington's army at Valley Forge; was Assistant Superintendent of Finances of the United States; and negotiated with the English for an exchange of prisoners.

In the Constitutional Convention, as a delegate from Pennsylvania, Morris spoke on nearly every subject, outdoing James Wilson and James Madison who frequently debated the issues. The clear, elegant English in the Constitution of the United States is a tribute to Gouverneur Morris who wrote much of the final draft.

President Washington appointed him to the difficult post of United States Ambassador to France during the revolution in that country. Morris was the only foreign diplomat who remained in Paris during the Reign of Terror when the King and Queen were beheaded and savage mobs roamed the streets to destroy the French nobility. At the risk of his life, he sheltered Count D'Estaing, Vice Admiral of a French fleet serving with Americans during the Revolutionary War. Morris hid him in his own house. Through his efforts, Lafayette and his family were released from prison.

On his return, he made his home in the State of New York, and was soon elected a Senator. In the Senate, he made a powerful speech, urging the purchase of Louisiana, citing the dangers of allowing this territory to continue under the rule of Napoleon. His later years were occupied with his favorite project, building a canal between the Hudson River and Lake Erie. Until a few months before his death, he was chairman of the commissioners, who called him the Father of the Erie Canal.

## ARTICLE VII RATIFICATION OF THE CONSTITUTION

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.

Go. WASHINGTON,  
Presidt. and Deputy from Virginia.

All of the thirteen States except Rhode Island sent delegates to the Constitutional Convention. When nine of the twelve States held conventions and agreed to accept the Constitution, the Constitution would be law in those nine States. North Carolina and Rhode Island were the last States to ratify the Constitution, after the Constitution was in effect in eleven states.

The day was September 17, 1787. After nearly four months of debate, the time had come to sign the document. When the final draft had been read, Benjamin Franklin

asked all members present to sign their names. Addressing his remarks to Washington, the presiding officer, he said:

For when you assemble a number of men to have the advantage of their joint wisdom you inevitably assemble with those men all their prejudices, their passions, their errors of opinion, their local interests, and their selfish views. – It therefore astonishes me, sir, to find this system approaching so near to perfection as it does.

Alexander Hamilton, the only delegate present from New York, also expressed his desire for every delegate to sign his name. John Dickinson of Delaware could not be there on that day, but he asked George Read from Delaware to sign for him. The first name was George Washington, President, and Deputy from Virginia.

A glowing sun was carved on the back of Washington's chair in Independence Hall. During the tense and solemn minutes while the delegates came forward to write their names, Franklin was heard to remark:

I have often and often in the course of the session, and the vicissitudes of my hopes and fears as to its issue, 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.

Thirty-nine of the fifty-five delegates who had attended at one time or another wrote their names.

George Washington – President, and Deputy from Virginia

**New Hampshire**  
John Langdon  
Nicholas Gilman

Roger Sherman  
**New York**  
Alexander Hamilton

**Massachusetts**  
Nathaniel Gorham  
Rufus King

**New Jersey**  
William Livingston  
David Brearley  
William Paterson  
Jonathan Dayton

**Connecticut**  
William Samuel Johnson



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

**Delaware**  
George Read  
Gunning Bedford  
John Dickinson  
Richard Bassett  
Jacob Broom

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

Daniel Carroll

**Virginia**  
John Blair  
James Madison

**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

Edmund Randolph, and George Mason of Virginia, and Elbridge Gerry of Massachusetts watched the delegates sign, but refused to add their names. Later, these three outstanding leaders explained their action.

Washington forwarded the draft of the new Constitution to the President of Congress assembled under the old Confederation with the following resolution:

RESOLVED: That the preceding Constitution be laid before the United States in Congress assembled, and that it is the opinion of this Convention, that it should afterwards be submitted to a Convention of Delegates chosen in each state by the people thereof . . . ; and that each Convention assenting to, and ratifying the same, should give notice thereof to the United States in Congress Assembled.

With the draft, Washington added a letter with these closing lines:

. . . that it (the Constitution) may promote the lasting welfare of that country so dear to us all, and secure her freedom and happiness, is our most ardent wish.

The day was Monday, September 17, 1787. At four o'clock the meeting adjourned. Meanwhile, word spread that the convention was about to close. A few anxious citizens were gathered in the yard outside the building when the weary delegates walked out of Independence Hall. Mrs. Powell of Philadelphia stepped up to greet Benjamin Franklin.

"Well, Doctor," she asked, "What have we got, a republic or a monarchy?"

"A republic!" he assured her, quickly. Then he added the solemn warning, "If you can KEEP it."

Washington and the delegates dined at City Tavern in Philadelphia and said farewells. The delegates hurried away, eager to report the convention to the people in their own states, and to win their support for the government they had framed. When nine states had ratified the Constitution, the document they had written would become the basis of Government for the United States of America.

Fifty-five men! They were soldiers, farmers, tradesmen, lawyers, ministers, physicians, planters, merchants, professors. All loved liberty. They were Baptists, Quakers, Episcopalians, Presbyterians, Congregationalists, Catholics, Methodists, Huguenots. None were atheists. They were rich and poor; old and young; humble and haughty; tall and short; handsome and homely. They were the Founding Fathers.

So many different ideas from so many different men with so many different backgrounds were welded into the Constitution of the United States. This document has weathered the test of time to become the oldest working Constitution in the world today.

## THE PEOPLE APPROVE A NEW GOVERNMENT

DURING THE FOUR anxious months when the Fathers of the Constitution had been working behind closed doors, the citizens of Philadelphia in passing their meeting place had looked up at the windows with awe and wonder. Inside that red brick building, a handful of men were deciding the fate of a nation. For the first time in the history of the world, the people of a country, through their own representatives, were selecting their own form of government. The closing of the convention did not decide the matter. The people had yet to learn what kind of government these men had designed and whether or not the states would accept it.

In state conventions, chosen by the voters, each article of the proposed Constitution was read and debated, word for word. The vote in Delaware and New Jersey was unanimous, but the contest was close in some of the states.

Edmund Randolph wrote a letter to the Speaker of the Virginia House of Delegates explaining that he had not signed the Constitution because he thought it was better to amend it now.

“A bad feature in government becomes more and more fixed every day,” he said.

In his letter, he expressed the hope that Virginia and other states would agree:

1. In making the language of the Constitution so clear and precise that it could not have more than one meaning.
2. In limiting the President's terms. (This was done by the Twenty-second Amendment, 1951.)
3. In taking from the President the power to nominate the judges to the Supreme Court and inferior courts.

4. In taking from the President the power to pardon treason at least before conviction.
5. In drawing a clear line between the powers of Congress and the powers of States, “to prevent the one from being swallowed up by the other, under cover of general words, and implication.”
6. In reducing the power of the Senate “to make treaties supreme laws of the land.”
7. In not allowing members of Congress to set their own salaries.
8. In limiting and defining the judicial power.

In the convention called to ratify the Constitution, Randolph urged Virginia to accept the Constitution as it was and voted for it.

Two days before the Constitutional Convention closed, George Mason, also from Virginia, expressed his opinion on changes he desired. Mason's main objection was that the Constitution did not have a Bill of Rights. He also objected to the Judiciary, stating that “the Judiciary of the United States is so constructed and extended as to absorb and destroy the judiciaries of the several States.” He agreed with Randolph that the President should not have the power to pardon treason. Mason thought the Senate had too much power, because that body was elected by the state legislatures and not by the people.

Mason objected to the treaty clause, saying:

By declaring all treaties supreme laws of the land, the Executive and Senate have in many cases, an exclusive power of legislation which might have been avoided by proper distinctions with respect to treaties, and requiring the assent of the House of Representatives, where it could be done with safety.

Elbridge Gerry wrote a letter to the President of the Senate and to the Speaker of the House of Representatives in Massachusetts.

It was painful to me on a subject of such national importance to differ from the respectable members who signed the Constitution.

Then he listed his reasons, which are quoted below in part:

1. Some of the powers of the legislature (Congress) are . . . indefinite and dangerous.
2. The executive (President) is blended with, and will have an undue influence over the legislature.
3. The judicial department will be oppressive.
4. Treaties of the highest importance may be formed by the President with the advice of two-thirds of a quorum of the Senate.
5. The system is without the security of a bill of rights.

He closed his letter with this sentence:

Nevertheless, in many respects, I think it (the Constitution) has great merit, and, by proper amendments, may be adapted to the "exigencies of government, and preservation of liberty" . . . .

These three men pointed the way to nearly half the amendments added to the Constitution in one hundred and seventy five years. The first Ten Amendments are the Bill of Rights. The Seventeenth Amendment (1913) changed the election of Senators from the state legislatures to the people by direct vote. The Twenty-second Amendment limited the President to two terms or eight years.



**ROGER SHERMAN 1721-1793**

Roger Sherman, as a shoemaker, supported his mother and younger children after his father's death. Devoting his spare time to the study of mathematics, he became a county surveyor. Later in life, he studied law and rose to be a judge of the highest court in Connecticut, where he served twenty-three years. He was tall, erect and plainly dressed as well as wise and reserved.

Roger Sherman is the only man who had the privilege of adding his name to four of the greatest documents of early American history. His signature appears on the Articles of Association of the Congress of 1774, the first Continental Congress. With Jefferson, Franklin, Adams and Livingston, he prepared the Declaration of Independence in 1776. He wrote his name on the Articles of Confederation. As a delegate to

the Federal Convention, he signed the Constitution of the United States in 1787. Returning home, he wrote articles for *The New Haven Gazette*, in which he urged the people of Connecticut to approve the new Constitution.

The greatest security that a people can have for the enjoyment of their rights and liberties is that no laws can be made to bind them nor any taxes imposed upon them, without their consent by representatives of their own choosing. The rights of the people will be secured by a representation in proportion to their numbers in one branch of the legislature, and the rights of the particular states by their equal representation in the other branch.

## THE FEDERALISTS

MOST OF THE delegates in the Constitutional Convention went home determined to win their States for the Constitution. They wrote letters urging their friends to vote for it. They served in State conventions called to ratify it. They wrote articles praising the Constitution for newspapers. The greatest of these articles explaining the Constitution were printed in New York papers, addressed "To the People of the State of New York," and they became known as *The Federalist Papers*. The authors were Alexander Hamilton and James Madison of the Constitutional Convention, and John Jay who became the first Chief Justice of the United States. Hamilton contributed the most writings to *The Federalist Papers*, and Jay, the least. They won votes for the Constitution in New York and other states, where a number of patriotic citizens feared that a strong central government would take away their personal liberty, and deny the separate states a rightful share in government.



ALEXANDER HAMILTON 1755-1804

Alexander Hamilton was born of a Scotch father and a French mother on the little island of Nevis in the West Indies. Before he was thirteen years old, after the death of his mother, he left school and went to work for a merchant, Nicholas Cruger, in Santa Cruz. Cruger's counting-house was a beginner's school in finance for the boyish clerk destined to become the first Secretary of the Treasury of the United States. Here, he bought and sold cargoes; bartered with captains and traders in two languages; kept records and wrote letters in both French and English; learned how to handle money; and dreamed of the day when he could escape from the dreary life of a clerk. Yet, at fourteen, he was so efficient that Cruger

left him in charge of the business while he made a trip to the mainland.

A hurricane ended Hamilton's early mercantile career when he wrote a vivid description of the devastating storm that swept over the Leeward Islands, and a local paper printed it. His minister, friends and relatives thought a boy with such talent for writing should have a good education. With their help, Hamilton arrived in Boston late in 1772, and was enrolled in a preparatory school in Elizabethtown. In winter, he often studied until midnight. In summer, he began at dawn. In a year, he was ready for college, and applied to enter the College of New Jersey at Princeton. The President, Dr. Witherspoon, refused to accept Hamilton on his terms, that he be promoted as rapidly as he was able to complete courses of study. He then applied at King's College (Columbia) in New York, and was accepted.

After weighing both sides of the controversy between the colonies and the British government, Hamilton cast his lot with the Americans, speaking and writing in favor of the colonies. He read books on gunnery, ammunition, and military tactics before joining a volunteer corps of students, named "Hearts of Oak." The young men dressed in green uniforms, and wore the motto, "Freedom or Death," on their leather caps. Hamilton came under fire for the first time when the student corps marched to the Battery to capture the cannon there. A broadside from a British ship hit the Battery, killing one and wounding two of the young men.

Later, Hamilton was commissioned captain of a company of New York artillery. After watching the young officer drill his troops with model discipline, General Greene recommended him to

Washington. His bravery and leadership in a number of battles led Washington to place him on his staff. On March 1, 1777, Hamilton was appointed aide to the Commander-in-Chief with the rank of Lieutenant Colonel. He was barely twenty years old. He served throughout the war from the Battle of Long Island in 1776 to the final victory at Yorktown in 1781.

With peace, Hamilton settled in New York to practice law, but government still claimed its share of his time. He was sent by his home state to the Annapolis Convention, and to the Federal Convention that framed the Constitution of the United States.

Hamilton's greatest efforts for the constitution were his writings in support of it and his arguments for it in the New York State Convention.

President Washington appointed Hamilton as Secretary of the Treasury in his cabinet. In this position, Hamilton rescued the nation financially and started the government on the road to prosperity. He later returned to his own law practice in New York. In 1804, he was shot in a duel with Aaron Burr.

## **PHILADELPHIA CELEBRATES THE RATIFICATION OF THE CONSTITUTION**

THE PEOPLE OF Philadelphia planned a celebration when nine states ratified the Constitution. By June, 1788 eight states had signed and conventions were in session in New York, New Hampshire, and Virginia. Perhaps the ninth state would sign in time to have the celebration on the Fourth of July. It would be fitting to

observe both events on the same day. "TRUE FREEDOM can only be preserved by GOOD GOVERNMENT." The Constitution would guarantee the freedoms sought in the Declaration of Independence.

There was little chance for New York to be the ninth state to ratify. A majority of the delegates were opposed to the Constitution although Alexander Hamilton defended it. When New Hampshire ratified the Constitution on June 21 – 57 for and 46 against – plans began for the largest parade the city of Philadelphia had ever staged. Then a messenger arrived the evening of July 2 with the good news that Virginia had accepted the Constitution by the narrow majority of ten votes.

Early in the morning on this Fourth of July, the city was awakened with the ringing of bells and the firing of guns. The parade began at nine o'clock. It was a mile and a half long and took several hours to pass. It ended at Union Green. Behind the carriages of officials of Pennsylvania and foreign nations, rode two leading citizens, one dressed in the fashion of the day, and the other in the garb of an Indian chief. They were smoking the pipe of peace. There followed many floats on which the people showed the products they could make and exhibited their skill in making them. In all, fifty-eight trades and professions drew lots for places in the line of march. They ranged from porters to professors, plowmen to preachers, painters to physicians. Ministers of Christian churches and a Jewish rabbi walked arm in arm.

The grand float was the *Federal Edifice* representing the new national government. The roof of the temple was held up with ten white pillars. Three were left only partly finished, representing New York, North Carolina, and Rhode Island that had

not yet ratified the Constitution. On top of the dome was a figure of Plenty bearing her cornucopia. The carriage was drawn by ten white horses, one for each state that had signed. Behind the *Federal Edifice* walked dozens of men of the building trades: architects, carpenters, brickmakers, stonecutters, bricklayers, house painters, plasterers, and others.

The *Federal Ship Union*, another large float, had mounted twenty guns and carried a crew of twenty-five men. The ship was built upon a barge once belonging to the *Serapis*, a British vessel captured by John Paul Jones during the war. Moving in the parade, the members of the crew performed their duties as if at sea. The captain went through the ceremony of receiving a pilot on entering a port. Behind the *Federal Ship Union* walked the tradesmen who could build and fit out a vessel – ship's carpenters, sail makers, boat builders, rope makers, and dealers in products for seamen. They carried a banner with this motto: MAY COMMERCE FLOURISH AND INDUSTRY BE REWARDED. Each group of tradesmen also carried a banner. The motto of the sixty rope makers in the procession brought a titter from the crowd. It read: MAY THE PRODUCTION OF *our* TRADE BE THE NECKCLOTH OF HIM WHO ATTEMPTS TO UNTWIST THE POLITICAL ROPE OF OUR UNION.

The Manufacturing Society, formed to offer premiums and to encourage industry, had an interesting exhibit on a long carriage drawn by ten bay horses. This float was a miniature factory. Two workmen operated a carding machine and a woman worked at a spinning machine. A weaver at a large loom wove cloth with a fly shuttle. A man designed and cut prints for shawls. A girl

wove lace at another loom. An apparatus for printing muslins was exhibited. The inventor was a man named Hewson, whom Franklin had persuaded to leave England for America. His wife and four daughters rode on the carriage and displayed their skill on chintz. Weavers and clothmakers followed this float carrying a banner with these words: **MAY THE UNION GOVERNMENT PROTECT THE MANUFACTURES OF AMERICA.**

**MAY OUR COUNTRY NEVER WANT BREAD** was the slogan of 130 bakers who wore white shirts and pleated aprons with wide blue sashes. Their exhibit was a large oven in front of which master bakers rolled dough into pans and tossed piping hot buns fresh from the oven into the crowd as the parade crawled along. On a wagon drawn by two horses, men worked at a potter's wheel making cups and bowls. Twenty potters marched behind the float, some holding high a banner with the words, **THE POTTER HATH POWER OVER HIS CLAY.** Bricklayers, carrying trowels, hoisted the picture of workmen erecting a city in a forest clearing and the printed line, **BOTH BUILDINGS AND RULERS ARE THE WORKS OF OUR HANDS.**

A country boy in working clothes walked behind a plow drawn by four oxen. Then came other farmers sowing seed and millers grinding wheat. Grocers had five barrels of flour hauled on a dray splashed with the slogan, **WE FEED THE POOR AND HUNGRY.** The butchers, dressed in white, drove two prize steers in the line. After the parade both flour and cattle were given to the poor.

In a forge kept burning on a wagon, blacksmiths made a set of plow irons from old swords, worked a sword into a sickle, and made horseshoes to throw into the

crowd for good luck. Other mechanics made nails, spikes, and tacks, selling them along the way as souvenirs. The owner of a brass foundry that had made cannon during the war, displayed his skill by making a three-inch howitzer in a furnace on his float. When the parade arrived at Union Green, he fired a salute with this gun. A chandelier of thirteen branches arched with thirteen silver stars formed the standard of the candlemakers. Their motto was, **THE STARS OF AMERICA, A LIGHT TO THE WORLD.**

Printers, bookbinders, and stationers set up a small printing press on their carriage, pulled by four gray horses. A man dressed as Mercury, the ancient god, tossed into the crowd copies of a poem as fast as the sheets rolled off the press. This ode was written by Francis Hopkinson, chairman of the parade committee and a signer of the Declaration of Independence. The closing lines read:

Hail to this festival! all hail the day!  
Columbia's standard on her roof display;  
And let the people's motto ever be,  
**UNITED THUS, and THUS UNITED FREE.**

School boys and college students marched with their teachers and professors. Their leaders held aloft a flag with the inscription, **THE RISING GENERATION.** A troop of cavalry marked the end of the parade. When the rear of the line arrived, James Wilson, a Pennsylvania delegate to the Constitutional Convention and also a signer of the Declaration of Independence, stood on the *Federal Edifice* and spoke to the crowd. He began:

A people, free and enlightened, **ESTABLISHING** and **RATIFYING** a system of government, which they have previously **CONSIDERED,**

EXAMINED and APPROVED! This is the spectacle which we are assembled to celebrate; and it is the most dignified one that has yet appeared on our globe.

After telling his listeners what a wonderful privilege it was for a people to *choose* a government instead of having one forced upon them against their wishes, he warned that the success of the new government depended upon them:

A good constitution is the greatest blessing which a society can enjoy.

Among the virtues necessary to merit and preserve the advantages of good government, I number a warm and uniform attachment to LIBERTY, and to the CONSTITUTION. The industrious village, the busy city, the crowded port — all these are the gifts of liberty; and without a good government, liberty cannot exist.

The enemies of liberty are artful and insidious. A counterfeit steals her dress, imitates her manners, forges her signature, assumes her name. — Against these enemies of liberty, who act in concert, though they appear on opposite sides, the patriot citizen will keep a watchful guard.

The speaker impressed upon his listeners their duty in elections:

If the people, at their elections, take care to choose none but representatives that are wise and good, their representatives will take care in their turn, to choose or appoint none but such as are wise and good, also. — Let no one say that he is but a single citizen, and that his ticket will be but one in the box. That one ticket may TURN the election. In battle, every soldier should consider the public safety as depending on his single arm; at an election, every citizen should consider the public happiness as depending on his SINGLE VOTE.

Wilson praised the industries and opportunities in this country, and closed with these lines:

Peace walks serene and unalarmed over all the unmolested regions, while LIBERTY, VIRTUE, and RELIGION go hand in hand harmoniously, protecting, enlivening, and exalting all! HAPPY COUNTRY! MAY THY HAPPINESS BE PERPETUAL!



JAMES WILSON 1742-1798

James Wilson was born on a farm in the lowlands of Scotland. His parents, at his birth, decided their son should be a Presbyterian minister. Though poor, his stern, religious father sent the boy to a parish school to study Latin, Greek, geometry, rhetoric, penmanship, and catechism. After grammar school, Wilson walked six miles from his home to St. Andrews to study for the ministry. After the death of his father, Wilson found employment as a tutor for the children in a “gentleman’s family,” and abandoned the career that his parents had chosen for him.



His three older sisters could help with the farm work, but his three younger brothers were dependents. The scholar of the family was forced to be a bread-winner.

Wilson harbored a secret longing for America. After his sisters were married and his younger brothers could help themselves, he finally gained his mother's consent to leave. Friends and relatives raised the money for his passage, and he arrived in New York in 1765, the year of the Stamp Act. He went immediately to Philadelphia, armed with a letter to a trustee of the College of Philadelphia, where he got a job as a tutor.

Bored with teaching Greek, Latin and rhetoric to young boys, Wilson decided to study law. With the help of a cousin and schoolmate from Scotland, then a prosperous, land-owning minister in a frontier town in Pennsylvania, he paid the fee to study with John Dickinson. Here, he was tossed into the colonial storm that swirled around his teacher, and pondered the justice of the patriot cause of which he was to become a leading spokesman.

He signed the Declaration of Independence; served on the Continental Board of War; was Advocate-General for France; signed the Constitution of the United States; taught law in the College of Philadelphia; and was appointed by Washington as an Associate Justice of the Supreme Court.

Wilson was always the scholar, reading and studying, ever speaking and writing his unswerving belief – “THAT ALL POWER IS DERIVED FROM THE PEOPLE – THAT THEIR HAPPINESS IS THE END OF GOVERNMENT”

Wilson stepped down from his platform on the grand float, *Federal Edifice*. A crowd of 17,000 persons sat down to a

picnic dinner on Union Green. It was a pleasant day with a cooling breeze. During the meal, ten toasts were given, one for each State that had ratified the Constitution. At the sound of a trumpet, the crowd rose and cheered for each toast while artillery replied with ten blasts. The ship, *Rising Sun*, moored in the Delaware River, joined each toast with ten firings of its guns. These were the ten toasts:

1. The people of the United States.
2. Honor and immortality to the members of the late Federal convention.
3. General Washington.
4. The King of France.
5. The United Netherlands.
6. The foreign powers in alliance with the United States.
7. The agriculture, manufacturers, and commerce of the United States.
8. The heroes who have fallen in defence of our liberties.
9. May reason, and not the sword, hereafter decide all national disputes.
10. The whole family of mankind.

After a gay and noisy Fourth of July, the people went home rejoicing. By six in the evening the crowd had scattered. All was quiet on Union Green.

## **A BILL OF RIGHTS IS ADDED TO THE CONSTITUTION**

SEVERAL MONTHS before the first Congress under the Constitution met in New York, the legislature of Virginia wrote a letter to that body. The letter reminded the members that Virginia had ratified the Constitution under the promise that amendments would be submitted to the states, “to secure to ourselves and our latest posterity the great and unalienable rights of man-

kind.” Circular letters were sent to other state legislatures asking them to make the same request.

In 1789 thousands were still living who had been denied these “unalienable rights” by colonial governments. In a long and bitter war they had gained these freedoms. Many patriotic citizens in state conventions voted against the Constitution because the document did not contain a guarantee of personal liberty.

Two months after Congress opened, the letter from Virginia was read in the House of Representatives. Debates on amendments were added to the discussions on import duties, Indian treaties, and government policy. Although Congress realized it was necessary to assure the people that the new Constitution would protect their freedoms, some members thought other business should come first. On June 8, James Madison from Virginia rose in the House of Representatives. He stated:

This day, Mr. Speaker, is the day assigned for taking into consideration the subject of amendments to the Constitution. As I considered myself bound in honor and in duty to do what I have done on the subject, I shall proceed to bring the amendments before you as soon as possible, and advocate them until they shall be finally adopted or rejected by a constitutional majority of this House.

On that same day, Madison presented his first draft of these amendments based upon the Virginia Bill of Rights by George Mason. He explained why he thought each one was necessary to guard against the abuse of power, both in state and federal governments:

I think we should obtain the confidence of our fellow-citizens in proportion as we fortify the rights of the people against the encroachments of the Government.

Almost every word in each amendment was carefully weighed and often debated. It was Madison who patiently wrote and rewrote each one until twelve amendments had secured a majority vote in Congress on September 25, 1789. The President, George Washington, forwarded copies of these amendments to the governors of the eleven states that had already ratified the Constitution and to the executives of North Carolina and Rhode Island, not yet in the Union. In the state legislatures each amendment was again debated, and ultimately, two of the amendments were rejected. On the fifteenth of December, 1791, ten amendments were approved and thus became an official part of our Constitution.

Since these ten amendments assured the human rights of man, which were ever above the rights of government, they were called the Bill of Rights. These principles were guaranteed by the new government. In no other country, at this time, were such freedoms protected for its citizens.

The man who deserves much of the credit for the Bill of Rights was George Mason. Mason of Gunston Hall and Washington of Mt. Vernon were friends and neighbors in Virginia. They visited back and forth; rode to the hunt with hounds; discussed British colonial policy; attended meetings in Williamsburg, the capital; and stood together in time of trouble. Mason gathered supplies for Washington’s militia serving with General Braddock in his disastrous attempt to capture Fort Duquesne. In the Virginia assembly, Washington presented the resolutions of non-importation written by Mason. One of these resolutions pledged the planters not to buy any slaves imported after November 1, 1769.



GEORGE MASON 1725-1792

When war broke out between England and her colonies, Washington became Commander-in-Chief of the Continental Army. Mason stayed in Virginia to be the “pen of the Revolution.” He refused high offices after his wife’s death, explaining he could not serve because of “the duty I owe a poor little helpless family of orphans to whom I now must act the part of mother and father both.”

After the Declaration of Independence, Virginia formed a new “Plan of Government” that included the Declaration of Rights written by Mason. This Virginia Bill of Rights was copied by other new states, and was closely imitated in the first ten amendments added to the Constitution of the United States.

In 1787, Mason was chosen as a delegate from Virginia to the Constitutional Convention in Philadelphia. Being a skilled debater and experienced in government, he

took an active part, staunchly defending the principle he had stated at the beginning of the War of Independence:

In all our associations; in all our agreements; let us never lose sight of this fundamental maxim that all power was originally lodged in and consequently is derived from the people. We should wear it as a breastplate, and buckle it on as our armor.

## AMENDMENTS TO THE CONSTITUTION

Congress submitted twelve amendments for state ratification, prefacing them with the following preamble. The two rejected amendments are not listed.

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

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

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

## BILL OF RIGHTS

### FIRST AMENDMENT ARTICLE I

RELIGION AND FREE SPEECH. 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.

Most of the early colonies followed the European custom of establishing a state religion which the people supported and attended. In Virginia, the official church was Anglican, the Church of England; in Massachusetts, Puritan; in New Amsterdam, Dutch Reformed. A few laws in the colony of Virginia afford examples of religion operated by government, and show why the people wanted a guarantee forbidding a national religion.

In 1659, 1662 and 1693, the Virginia Assembly passed laws to punish parents who failed to have their children baptized in the Church of England. In 1661, a law stated "that the canons set down in the Liturgy of the Church of England for celebrating divine service, shall be duly observed and kept."

In 1705 a law was passed punishing people who did not attend church services:

*Be it enacted . . .* that if any person, being of the age of twenty-one years, or upwards, shall wilfully absent him or her self from divine service at his or her parish church, the space of one month . . . shall forfeit and pay fifty pounds of tobacco. . . . If any person offending shall refuse to make payment . . . , by order of Justice . . . shall receive on his or her bare back, ten lashes, well laid on.

In 1748 the General Assembly of Virginia passed a law setting a minister's salary at 16,000 pounds of tobacco. Another law in the same year granted the church leaders in every parish the right to levy taxes on "all male persons of the age of sixteen years and

upward" to support the established church.

Although such severe laws of punishment had been repealed, the people of Virginia were still taxed to support a government church after separation from England. In 1786, with Madison's support, "an act for establishing religious freedom" written seven years before by Jefferson, was made a part of the new state Constitution of Virginia. The law stated:

That no man shall be compelled to frequent or support any religious worship, place, or ministry whatsoever, nor shall be enforced, restrained, molested, or burthened in his body or goods, nor shall otherwise suffer on account of his religious opinions or belief; but that all men shall be free to profess, and by argument maintain, their opinions in matters of religion, and that the same shall in no wise diminish, enlarge, or affect their civil capacities.

Jefferson, then ambassador to France, wrote to Madison that this act of religious freedom had been received with enthusiasm in Europe, and 'that it' had been translated into French and Italian. Three years later, this "act" in the Virginia Constitution, forbidding a state religion, was condensed into sixteen words in the First Amendment to the Constitution of the United States, forbidding Congress to establish a national religion.

A man has the right to say what he thinks and write what he thinks, but he can not injure another with untrue statements.

Congress can make no law to prevent people from meeting peacefully to talk about their problems and to complain to the Government. Human rights denied to millions of people all over the world today are guaranteed to citizens of the United States in the First Amendment.

SECOND AMENDMENT  
ARTICLE II

RIGHT TO BEAR ARMS. 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.

People have the right to protect themselves, and the right to keep guns for that purpose.

THIRD AMENDMENT  
ARTICLE III

SOLDIERS IN TIME OF PEACE. No Soldier shall, in time of peace, be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

No soldier has the right to live in any man's house unless he is invited. Quartering of British soldiers in the people's homes was one of the causes of the Revolutionary War. In case of war, soldiers can be lodged in people's houses, but only as prescribed by law.

FOURTH AMENDMENT  
ARTICLE IV

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

People, their houses, papers and property can not be searched except for good reason, and then only by an official of government who shows a search warrant explaining in particular what or who is being sought.

FIFTH AMENDMENT  
ARTICLE V

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

Death is the punishment for a capital crime; death or imprisonment for an infamous crime. No one has to go into court for either crime unless accused by a Grand Jury, a group of not more than 23 citizens. They are summoned by the county sheriff or the district marshal. This jury hears the witnesses and decides whether or not the accused person should be brought to trial. In some states the prosecuting attorney takes the place of the grand jury. This does not apply to the armed forces in time of war or any danger to the nation.

If a court finds a man not guilty of a crime, he shall not be tried again in court for the same crime unless new evidence has been found that amounts to a new crime.

Nobody shall be forced to say anything against himself in court. If an accused man is asked a question in court, he must tell the truth because he took an oath to tell the truth. If he tells a lie, and it can be proved, he is guilty of perjury and can be given a term in prison. Therefore, if an accused man thinks a truthful answer will help convict him of the crime of which he

is accused, he shall not be forced to answer the question.

Nobody's life, freedom, or property shall be taken except through a fair trial under the laws of the Constitution. If government needs land for a country road, or lots and houses to clear the route of a city freeway, the owner shall be paid a fair price.

#### SIXTH AMENDMENT ARTICLE VI

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

A man accused of a crime has the right to a speedy trial before a fair jury in the state and district where the crime was committed. Witnesses who have accused him must face him in court and tell what they know against him. If witnesses who he thinks can prove him innocent refuse to come into court, they can be forced to come. If the accused man is too poor to hire a lawyer to defend him, the court will provide a lawyer for him.

#### SEVENTH AMENDMENT ARTICLE VII

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

If a man is accused of taking money, he can ask for a jury trial if the amount is over twenty dollars. A trial can be taken before another jury, after one jury has ruled on it, only if there was some mistake made in the judicial process.

#### EIGHTH AMENDMENT ARTICLE VIII

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

A man accused of a crime may deposit a required sum of money, called bail, with the court as a guarantee that he will appear at the time set for his trial. If the court is willing to accept bail, the accused man does not have to wait in jail for his trial to start. This bail shall not be excessive for the type of crime. A large bail for a small crime would be unreasonable. Courts shall not ask big fines for small crimes or offenses, such as a fine of \$10,000 for illegal parking. Courts may not ask for cruel punishments, such as public whippings, stocks and pillories used in colonial times.

#### NINTH AMENDMENT ARTICLE IX

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

The Constitution cannot list all the rights that belong to the people. Any rights the people had at that time, still belonged to them, in addition to those listed in the Constitution.

#### TENTH AMENDMENT ARTICLE X

**RESERVED RIGHTS OF STATES.** The powers not delegated to the United States by the Con-

stitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Although the Constitution had been adopted and put to work, many people still feared that a strong central government would take away the rights of the States. Congress hoped that the Tenth Amendment would allay this fear. It originally read: “powers not delegated by the Constitution are reserved to the states respectively.” A representative from South Carolina urged that it be changed to “all powers being derived from the people.” Finally, the motion by Daniel Carroll of Maryland carried, and the words “or to the people” were added.

The Bill of Rights was readily accepted and was declared in force in 1791. Two amendments were ratified within the next thirteen years. Sixty-one years elapsed before the next amendment appeared.

#### ELEVENTH AMENDMENT – 1798 ARTICLE XI

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

Citizens of one state cannot sue another state in a United States court. Citizens of a foreign country cannot sue a state in a United States court. This amendment changed Article III, Section 2 of the original Constitution.

#### TWELFTH AMENDMENT – 1804 ARTICLE XII

**ELECTORS IN PRESIDENTIAL ELECTIONS.** The Electors shall meet in their respective states,

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

The main change in this amendment is that each elector now votes for one man to

be President, and one man to be Vice President. Originally, each elector voted for two men. The one receiving the most votes became President, and the next highest became Vice President. With the rise of the two-party system, the original law had to be changed, making it impossible for the President to be of one party, and the Vice President of another party.

Formerly, if the vote in the Electoral College was a tie, the House of Representatives chose a President from the five highest on the list of candidates. The Twelfth Amendment changed the number to the three highest. If a President is not elected by March 4, the Vice President acts as President (See Article XX.)

If no man has over half of all the electoral votes for Vice President, the Senate selects one from the two highest on the list. Two-thirds of all the Senators must vote to elect a man. The man who wins more than half the votes of the Senators becomes the Vice President, in case of a tie. No person who is not eligible to be President can be Vice President. This rule is necessary because a Vice President becomes President if the President dies during his term.

#### THIRTEENTH AMENDMENT – 1865 ARTICLE XIII

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

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

Lincoln's Emancipation Proclamation, as a war measure, freed slaves in seceded States and sections of States where people had left the Union. It did not abolish slavery.

Since slavery was legal in the original Constitution, it was necessary to add this amendment to the Constitution to forbid slavery, except as punishment for crime (prison labor), in the United States and in all territory belonging to the United States.

#### FOURTEENTH AMENDMENT – 1868

The Reconstruction Act, passed by Congress March 2, 1867, placed Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Texas, and Virginia under military control. The commanding officers of the United States Army prepared rolls of voters for conventions to establish State governments that Congress would accept. No citizen in these States could vote or hold office if he had served on the Confederate side in the War Between the States. Thus, when elections were held to choose legislatures in these States, the voters and candidates were mostly freed slaves, few of whom could read or write, and "carpetbaggers" who had come down from the north to take advantage of the situation for their own profit. The ten States could not be readmitted to the Union until their legislatures ratified the Fourteenth Amendment. On July 21, 1868, Congress declared the Fourteenth Amendment was a part of the Constitution although Ohio and New Jersey had withdrawn their former ratifications at the time, leaving the necessary three-fourths of the States in doubt. However, on July 28, 1868, Secretary of State Seward certified that the Fourteenth Amendment was a part of the Constitution.

#### ARTICLE XIV

**PROTECTION FOR ALL CITIZENS.** *Section I.* 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.

The first section of the Fourteenth Amendment made the freed slaves citizens of the United States and of the States where they lived. They were entitled to all the privileges of citizens. No State can make a law to prevent any man from his rights as a citizen of his State and the United States.

#### APPORTIONMENT OF REPRESENTATIVES.

*Section II.* 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.

If a State prevents men twenty-one years and older from voting in an election for officials of the State or United States, that State will lose its apportionment of Representatives according to the number of citizens who had been kept from voting. (This has not happened.)

REBELLION AGAINST THE UNITED STATES. *Section III.* 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 and comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

Every man who had been in Congress, in a State legislature, in the electoral college, or who had held any office where he had promised to support the Constitution and later, had served on the Confederate side, could not hold office of any kind. However, he could ask Congress for amnesty (forgiveness.) If two-thirds of the House of Representatives and two-thirds of the Senate voted to forgive him, his name was removed from the black list and he could again run for office in the Government. The process was slow. Not until 1877, when Rutherford B. Hayes became President, was general amnesty granted to men who had served the Confederacy in the War Between the States. (Amnesty was not given to important men in the Confederate army and government.)

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

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

The southern States had to pay war debts of the United States, but debts of the Confederacy were not paid. No State could pay any debts incurred in fighting the war against the Union.

FIFTEENTH AMENDMENT – 1870  
ARTICLE XV

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

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

No State shall deny the right to vote to any citizen because of the color of his skin or for his race. The right to vote cannot be denied to a citizen because he was once a slave.

The Thirteenth, Fourteenth, and Fifteenth Amendments were passed to guarantee rights of citizenship to former slaves.

SIXTEENTH AMENDMENT – 1913  
ARTICLE XVI

**INCOME TAXES.** 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.

The sixteenth amendment defined the meaning of “direct taxes” in Section II of Article I in the Constitution, as giving the Congress power to levy taxes upon the incomes of citizens, without trying to collect any specified sum from any one State.

SEVENTEENTH AMENDMENT – 1913  
ARTICLE XVII

**ELECTION OF SENATORS.** The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have

one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislatures.

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

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

This amendment changes Article I, Section III of the original Constitution. It was the intention of the “Founding Fathers” to have the House of Representatives speak for the individual citizens. Each citizen voted directly for the man to represent him in making the laws. The Senate was to be the voice of the States in Congress. Senators were elected by the State Legislatures. The Seventeenth Amendment changed this pattern by having Senators elected by the direct vote of the people, the same as the House of Representatives.

If a Senator dies or resigns, the governor of his State calls an election to choose a new one. Or, the State Legislature may give the governor the right to choose a new man to serve until the people elect a new Senator.

EIGHTEENTH AMENDMENT – 1919  
ARTICLE XVIII

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

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

*Section III.* 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.

The Eighteenth Amendment stopped the manufacture and sale of any liquors that would make a person drunk. No one could sell intoxicating liquors to other countries, nor import them from other countries. Ratification of this amendment when proposed in 1917 was limited to seven years, but it became part of the Constitution much sooner, in 1919.

#### NINETEENTH AMENDMENT – 1920 ARTICLE XIX

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

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

Although some States granted women the right to vote when their Constitutions were written, women could not vote in most States. This amendment guarantees women the right to vote in all States.

#### TWENTIETH AMENDMENT – 1933 ARTICLE XX

**TERMS OF PRESIDENT, VICE PRESIDENT, MEMBERS OF CONGRESS, TIMES OF ASSEMBLING OF CONGRESS.** *Section I.* The terms of the President and Vice President shall end at noon on the 20th day of January, and the terms of Senators and Representatives at noon on the 3d day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

*Section II.* 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.

This amendment changes parts of Article I and Article II of the original Constitution, and part of the Twelfth Amendment. At noon, on the twentieth day of January, terms of a President and Vice President end, and the terms of newly elected President and Vice President begin. The former date was March fourth.

Terms of Representatives and Senators end at noon on the third day of January, and terms of newly elected Congressmen begin. By law, the date may be changed. (If January third was on Sunday, the first meeting would probably be changed to Monday, January fourth.)

Congress is required to meet once a year, at least, and the meeting starts at noon on the third day of January.

*Section III.* If, at the time fixed for the beginning of 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 elect shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice President shall have qualified.

If the man elected President dies before his term starts, the man elected Vice President is the President. In case the President had not been elected in time to start his term, the elected Vice President is the President, serving until the President is elected. If neither a President nor Vice President has qualified for their offices,

Congress may pass a law naming a President or it may state how this man will be chosen. (Such a situation is not likely to happen.)

*Section IV.* 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.

When the House of Representatives has the duty of choosing a President, Congress may pass a law on what to do if the man dies. If a Vice President chosen by the Senate dies, Congress may make a law on what to do.

#### TWENTY-FIRST AMENDMENT – 1933 ARTICLE XXI

*REPEAL OF ARTICLE XVIII. Section I.* The Eighteenth article of amendment to the Constitution of the United States is hereby repealed.

The Eighteenth Amendment is repealed.

*Section II.* 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.

The repeal of this amendment did not repeal liquor laws passed by States.

*Section III.* 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.

This amendment had to be ratified by conventions called to meet in each State, and not by the State Legislatures. The time limit was seven years.

#### TWENTY-SECOND AMENDMENT – 1951 ARTICLE XXII

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

*Section II.* 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.

This amendment limits the President to two terms. He can be elected twice. Any President who finished another President's term cannot be elected more than once if he served as President for more than two years. It would be possible for one man to be President for ten years, but that would be the longest time. The law did not apply to President Truman, who was then in office and who did not seek a third term.

#### TWENTY-THIRD AMENDMENT – 1961 ARTICLE XXIII

*PRESIDENTIAL VOTE FOR DISTRICT OF COLUMBIA. Section I.* The District constituting the seat of Government of the United States shall

appoint in such manner as the Congress may direct:

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

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

The people living in the District of Columbia were not allowed to vote for President and Vice President. As it is the seat of the Federal Government, the District is governed by a Committee of Congress. According to the Twenty-third Amendment the people living in the District of Columbia have the right to vote for electors in the Electoral College the same as people of any State. The District may have as many electors as the least populous state. This number is three.

#### TWENTY-FOURTH AMENDMENT – 1964 ARTICLE XXIV

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

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

A poll tax is a head tax. Each citizen under law in some states paid a tax to register as a voter. This amendment forbids

any state to require any citizen to pay a tax to vote for President, Vice President, Senators and Representatives.

#### TWENTY-FIFTH AMENDMENT – 1967 ARTICLE XXV

*PRESIDENTIAL DISABILITY AND SUCCESSION. Section I.* In case of the removal of the President from office or his death or resignation, the Vice President shall become President.

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

Formerly when a Vice President became President at the death of a President, the country did not have a Vice President until the next election. During thirty-eight years of the nation's history, the office of Vice President was vacant. Section II provides for the country to have a Vice President at all times.

*Section III.* 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.

For example, a President facing a serious operation writes to the President pro tempore of the Senate and to the Speaker of the House of Representatives telling them that he is unable to fulfill his duties. Then the Vice President becomes the Acting President. When a President has recovered his health after an operation, he writes to the same leaders in Congress, stating that he is able again to fulfill his duties.

*Section IV.* 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.

The first paragraph of Section IV provides a legal way for the Vice President to become Acting President if the President does not realize he is unable to fulfill his duties.

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.

The last paragraph of Section IV was the subject of considerable debate before it was

approved. Congressmen finally concluded this law provided for a situation not likely to happen, but was needed if it did happen. For many years, a law to provide for Presidential disability had been discussed in Congress, and was finally accomplished by adding this amendment to the Constitution. In brief, the Twenty-fifth Amendment provides for the country to have both a President and Vice President in office at all times.

Most of the men in the Constitutional Convention had served in colonial, state, and national governments in some way as soldiers, lawmakers, and judges. Through knowledge and experience, they knew it is the nature of government to seek power over the governed. Down through the centuries to the present day, history relates how this strong human urge for power drives chiefs, emperors, kings, dictators, and heads of state to rob their people of the rights for which “governments are instituted among men.”

To guard against this tyranny, the “Founding Fathers” determined to limit the power of government over the governed. The Constitution of the United States features a plan of checks and balances whereby three departments – legislative, executive, and judicial – can work together yet still restrain one another. The Constitution grants freedom of choice. Citizens of the United States have the privilege of maintaining these three departments in balance by their votes, and the same privilege of destroying this balance by their votes. The Constitution that made men free depends upon the governed to keep men free.