

U.S. History Readers: Conflicts and Resolutions

The Constitution and the Federalist Era

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The Constitution and the Federalist Era

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The Constitution and the Federalist Era

As the title implies, this unit has two major but interconnected sections. The first focuses on the writing of the U.S. Constitution. The unit starts with a chapter on the Articles of Confederation and a brief explanation of the problems that could not be solved under the ineffective government the Articles set up. The section continues with brief political biographies of 23 of the Founding Fathers who were most active during the Constitutional Convention. Students are supplied with information necessary to reenact the Convention's debates on the issues of giving large states proportional representation and on dividing power between national and state governments. The remainder of the first section explains how the Founders resolved the issues of including a bill of rights, establishing a system of checks and balances, and deciding what to do about slavery and the slave trade. The section concludes with excerpts from a debate over ratifying the U.S. Constitution that poses the issue of liberty vs. order and powers of states vs. powers of the national government.

The second section of this unit starts with a comparison of Thomas Jefferson's and Alexander Hamilton's views, using excerpts from their own writings on topics such as industrializing America, helping the wealthy vs. assisting the average American, and the need for a bill of rights. Needless to say, these issues exposed a fundamental philosophical fault line between the founders of the forerunners of the present Democratic and Republican parties, and are still important today. The chapter presents Hamilton's program in a pro-and-con format and asks students how much the program reflects Hamilton's philosophy and what was best for the fledgling country. Subsequent chapters deal with the Whiskey Rebellion, the Sedition Act, and the Virginia and Kentucky Resolutions.

This is not a traditional text. Part I of each chapter raises an issue central to the historical period to which it pertains. Students are asked factual questions, often through the use of graphic organizers, to make sure they understand the basic facts integral to the episode the chapter covers and the concepts needed to understand the period. Each chapter contains a thought question that requires students to formulate answers based on the facts and concepts in the readings as well as their own ideas. Many lessons/chapters, like those on the writing of the Constitution, lend themselves to debates and/or simulations.

The second part of each chapter contains information that is more challenging than the narrative in Part I and requires higher-level thinking skills. It usually goes into more depth than the basic material but often provides a bridge to connect the chapter to a subsequent episode. Each chapter can serve as an in-depth lesson to supplement the basal text or can be used entirely to replace it with materials to encourage independent thought and informed discussions. Finally, each lesson includes vocabulary words and key terms in a flash card format; these can be used either for review or reference.

Chapter 1. The Articles of Confederation and the Critical Period

Teacher Page

Overview:

This chapter on the Articles of Confederation covers both the Articles and the problems during the aptly named “Critical Period” when the government under this constitution could not resolve the problems the states faced. Quotations from the Articles themselves provide students with the information they need to draw their own conclusions about their weaknesses. The “For Further Consideration” section reviews the problems the nation faced during the Critical Period under three headings: Foreign Policy, Quarrels in the East, and Finances. Another section covers the Land Ordinance and Northwest Territory acts. Students are asked what changes in the Articles of Confederation would have made the government more effective.

Objectives:

Students will:

- Identify areas of weaknesses in the Articles of Confederation
- understand the need for a functioning executive branch of government and an independent judiciary
- learn of four important problems that the nation could not resolve under the Articles of Confederation

Strategies:

Before class: Assign the chapter either up to or including the “For Further Consideration” section and inform students they will be expected to write their answers to all the Student Activities questions covering the assigned section(s).

In class: Review students’ answers to questions concerning a need for a constitution and the most important characteristic of the Articles. Proceed by reviewing their answers to the graphic organizer, which requires them to summarize important clauses of the Articles of Confederation and share their opinions of each of these clauses. If you assigned the “For Further Consideration” section, review each major heading and then ask whether the problems mentioned warrant changes in the Articles of Confederation. If you did not assign it, ask students to read it for homework and use same method as suggested.

Chapter 1. The Articles of Confederation and the Critical Period I-Chart

	What were the weaknesses of the Articles of Confederation?	How did the “Critical Period” earn its name?	What were the major problems during this period?
What I already know			
What I learned from Chapter 1, Part I			
What I learned from Chapter 2, Part II			
What I still would like to learn about this subject			

Vocabulary for Chapter 1—The Articles of Confederation and the Critical Period

session

alternative

appropriating

preside

common treasury

postponed

constitution

confederation

Vocabulary for Chapter 1—The Articles of Confederation and the Critical Period

	<p>Having something different that can serve as a substitute</p>	<p>A meeting or a series of meetings of an official body</p>
<p>Describes the act of putting money aside for a specific purpose</p>	<p>To run a meeting of or be in charge of a group of people</p>	<p>To have put something off until a later time</p>
<p>In politics, it refers to a document which states how a government is organized and what powers it has and does not have</p>	<p>A place in which a government or a similar entity places its money and from which it pays what it owes</p>	<p>A group of independent states that meet together for some common purposes</p>

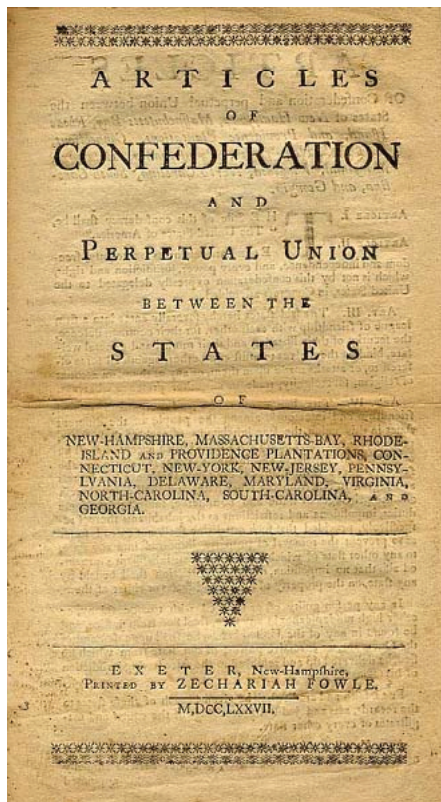
Chapter 1

The Articles of Confederation and the “Critical Period”

Introduction

When the American colonists declared their independence from England, they had a government to speak for them but they did not have a constitution to outline what the government could and could not do. Therefore, their government, the Continental Congress, appointed a committee to write a constitution for the colonies.

In this chapter, you will learn enough about this new constitution—the Articles of Confederation—to discover its weaknesses and make suggestions to improve it. You may also be asked to decide whether the problems the country could not solve under this constitution were the result of the flaws you detected.



The Articles of Confederation

On July 12, 1776, the Committee appointed to draw up the nation's first constitution submitted a plan to Congress that they called the Articles of Confederation and Perpetual Union. Congress made many changes and finally approved of the Articles in November 1777. The new plan was sent to the states for their agreement. However, before this new constitution could finally be agreed to, all 13 states had to accept it. There were many things that some states did not like about the Articles. For instance, Maryland refused to agree to the plan unless all states gave up their claims to land west of the Appalachian Mountains. This postponed final acceptance until 1781, and by this time, the war with England was almost over. It was not until after the Revolution that many Americans knew the real weaknesses of the Articles of Confederation.

This chapter allows you to look at the most important parts of the Articles of Confederation. Later, you will read about some of the problems the country faced while these Articles served as the first constitution for the United States. After examining the Articles and studying the problems facing the country, you may be asked to suggest changes in this old constitution that would make it easier to solve these problems.

The following are quotes from the Articles of Confederation. By reading them, you will have the chance to decide for yourself what was wrong with the first constitution for the not-so-united states of America.

THE ARTICLES OF CONFEDERATION:

Article II. Each state retains its sovereignty (powers), freedom, and independence, and every Power, and right, which is not by this confederation expressly [specifically and clearly] delegated (given) to the United States, in Congress.

Article III. States hereby enter into a firm league of friendship with each other, for their common defense, the security (protection of) their liberties, and their mutual and general welfare, binding [promising] to assist [help] each other against all force or attacks made on them.

Article V. Each state shall have one vote.

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

Article VIII. [1]. All charges of war and all other expenses for the common defense or general welfare...shall be paid out of a common treasury, which shall be supplied by the states, in proportion (according to) the value of the land in each state.

[2]. The taxes for paying that proportion shall be set and collected by the states...

Article IX. [1]. The united states in congress assembled shall have the sole [only] power of determining [deciding] on peace and war [and] entering into treaties and alliances.

[2]. The Congress shall be the last resort [make the final judgment] in all disputes and differences that may arise between two or more states.

Article IX [1]. The united states in congress assembled shall have authority to appoint...a "Committee of the States" to consist of one delegate from each state, and to appoint such other committees and civil offices as may be necessary for managing the general affairs of the united states under their direction—to appoint one of their number to preside [as president] This Committee [or these committees] may carry out the power of the united states. [this provision establishes the executive branch of the U.S. government]

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

Article XIII. [1]. Every state shall abide by [follow] the decisions of the united states in congress assembled...and the Union shall be perpetual [forever];

[2]. nor shall any alteration [changes or amendments] to the Articles of Confederation] be made unless such alteration be...confirmed [agreed upon] by the legislatures of every state.

Student Activities

A. Student Exercises

1. What is a constitution and why should every country's government have one?
2. Write a brief statement (no more than 25 words) characterizing what kind of a government the Articles of Confederation created.

B. Graphic Organizer

Fill in all the answers you can in the chart below.

Article	Summary of Main Point of the Article	Opinion of Article and reason for it
II		
III		
V		
VI		
VIII (1)		
VIII (2)		
IX (1)		
IX (2)		
XIII (1)		
XIII (2)		

For Further Consideration: The Critical Period

Historians have called the years following the end of the Revolution (1781–87) the “Critical Period” because the United States was unable to pay its debts, control its borders, enforce its treaties, encourage trade, prevent the states from coining money, or suppress rebellions against state governments. However, the United States still managed to win the Revolution against the most powerful nation in the world, borrow enough money to keep the government going, pull out of a postwar depression, increase its trade, and solve the question of western lands. Read on to learn more about the Critical Period.

Foreign Relations

Because the government under the Articles lacked the power to enforce treaties, the new nation couldn't agree to a favorable trade treaty with Great Britain. The British disrespected the government by suggesting that they sign separate agreements with each of the 13 states. Furthermore, the British refused to allow Americans to trade with Canada and the West Indies. They did allow the U.S. to export raw materials to Great Britain in American ships, but they refused to leave the forts in the northwest, which they had agreed to do in the treaty signed with the colonies at the end of the Revolution. Their excuse was that the states had not paid citizens that remained loyal to England for property taken from them during the war. The United States had agreed to make the promised payments but was not able to force the individual states to obey the treaty.

In the far West, Spain refused to allow Americans use of the port in New Orleans at the mouth of the Mississippi River. Unable to get help from their weak government, some western settlers planned to start a new country and ask Spain for help. Meanwhile, in Florida, the Spanish told the Indians to attack American settlers who lived in Georgia.

Quarrels in the East

In the East, states argued about who owned land that each claimed as their own. For example, New Jersey and New York quarreled over islands along the mouth of the Hudson River. New York would not allow people from Connecticut to sell them firewood.

Farmers in Massachusetts could not pay money they owed to creditors because there was not enough of it in the state. They also did not have enough money to pay their taxes. In order to stop judges in the courts from giving their land to



Daniel Shays and Job Shattuck, leaders of the rebellion

people to whom they owed money, farmers closed the courts. Their leader was Daniel Shays. A private army paid for by wealthy merchants in eastern Massachusetts finally put down what became known as Shays's Rebellion.

Finances

Congress became helpless because states refused to pay their fair share of taxes. The states paid taxes of only about one-half million dollars a year. As a result, the government under the Articles of Confederation could not pay for the cost of the war or even the interest on what they owed foreign countries. They could not even pay the soldiers who fought in the Revolution! Congress had no choice but to print the money they needed—a total of \$451,000,000—and to borrow even more money from other countries. By the mid-1780s, the U.S. debt amounted to more than \$70,000,000.

Meanwhile, the weakened Congress could not hold meetings because not enough Congressmen bothered to come. A rebellion by officers in the army was stopped only because George Washington refused to lead them. Attempts at amending the Articles to give Congress the power to tax imports or enforce treaties failed to get all 13 states to agree.

A Rare Success

As weak as it was, Congress did manage to solve one major problem. It made two important laws called the Land Ordinance of 1785 and the Northwest Ordinance of 1787. These laws made rules for what was called the Northwest Territory (see map).

They allowed the land to be sold 640 acres at one time (an acre is about one-third larger than a football field), made it illegal to bring slaves into the territory, and allowed settlers to start new governments. Once the population of a particular territory reached 60,000 and the settlers wrote a constitution, Congress could allow it to enter the Union as a new state. This new state would have the same rights and privileges of existing states. These acts set an important precedent (i.e., an example to be followed). The U.S. would expand westward by establishing self-governing territories and states, not colonies to be ruled by a faraway power. Unfortunately, a shortage of funds forced Congress to sell 1,500,000 valuable acres of the Northwest Territory to a land company for the low price of 9 cents an acre. Congress was also too weak to send soldiers to protect the settlers from the Indians living there.



Steps Toward the Constitutional Convention

As early as 1780, Alexander Hamilton called for increasing the powers granted under the Articles of Confederation. Several attempts at amending (changing) the Articles failed because one or two states refused to ratify them. Under George Washington's and James Madison's leadership in 1785, Virginia and Maryland met to discuss problems they had about the use of the Potomac River border between the two states. Pleased that they were able to reach an agreement, they called for a conference at Annapolis, Maryland to discuss other problems. Only five states attended, but Hamilton and Madison used this meeting to call for a convention of all states to start on May 14, 1787 in order to amend the Articles of Confederation.

Congress, by and large, ignored this request until they heard about Shays's rebellion in Massachusetts. Then Congress called for a convention "for the sole and express purpose of revising the Articles of Confederation."

Based upon the problems facing the country during the Critical Period, what changes would you make in the Articles of Confederation? Come to class with strong paragraphs and be prepared to present your ideas, answer objections, and change your opinion.

Chapter 2. Fifty-Five Men Meet to Write a Constitution/23 Biographies Teacher Page

Overview:

This chapter features the biographies of 23 men who had the most to say in representing their states at the Constitutional Convention. These short biographies reveal details of the delegates' personal lives, but focus primarily on their finances and political views and the parts they played in America's history. This information is provided to prepare students to reenact at least two of the major debates during the classroom simulation of the Constitutional Convention. The chapter can also be used to help students make some generalizations about the men who wrote the Constitution.

Objectives:

Students will:

- learn about the personal lives and political opinions of the men who wrote the Constitution
- evaluate the qualifications of the Founders who had to write the Constitution

Strategy:

Before class: Assign Chapter 2 either up to or including the “For Further Consideration” section and inform students they will be expected to write their answers to all the Student Activities questions covering the assigned section(s).

In class: There are several ways to approach this lesson. One strategy is to guide students through the questions they were asked and end class by evaluating the qualifications of the founders. The other approach is to use this time to prepare students for the roles they will play at the convention simulation.

If you are preparing students to start the convention the next day, begin by assigning them the delegates they will be asked to represent. Next, inform students that they will represent the conflicting interests of small states' and large states' representatives as well as those, like Franklin and Sherman, who wanted a compromise. Make sure that every student whose delegate has a position can borrow ideas from the speeches of delegates who have the same position when they prepare their own speeches. Tell students to come to class with a tag with their names and the state they represent.

If your class requires a day to prepare for the simulation, use the time to help them begin writing their speeches so they can finish them at home and give them in class the next day.

Chapter 2. Fifty-Five Men Meet to Write a Constitution

I-Chart

	Cite the names of several of the writers of the Constitution	Characterize their political views	How did they contribute to the U.S. before and after writing the Constitution?
What I already know			
What I learned from Unit I, Part I			
What I learned from Unit I, Part II			
What I still would like to learn about this subject			

Vocabulary for Chapter 2—Fifty-Five Men Meet to Write a Constitution

reputation

clamoring

convention

aristocratic views

**judgment of
heaven**

attorney-general

override

extravagantly

quartered

Vocabulary for Chapter 2—Fifty-Five Men Meet to Write a Constitution

A meeting of a group of people for a specific purpose	Asking for something in a demanding fashion	What people think of someone or something
The chief law enforcement officer of a government	What a supreme being thinks of what a person has done	Thinking what is good for wealthy and privileged people is usually good for all
Housed, especially for the military	Extremely wasteful or simply too much	In politics, when a leader's veto or negative vote is overturned by a vote of the legislature

Vocabulary for Chapter 2—Fifty-Five Men Meet to Write a Constitution

	obsessed	monarchy
		electors
		jack-of-all-trades

Vocabulary for Chapter 2—Fifty-Five Men Meet to Write a Constitution

A government headed
by a king

To be overly and constantly
concerned about something

People chosen to vote
for someone

Slang suggesting
someone can do many
different things

Chapter 2

Fifty-Five Men Meet to Write a Constitution



An artist's impression of the Constitutional Convention, with Washington presiding and Franklin in the foreground

Introduction

This chapter tells you enough about the men who wrote the Constitution to give you an idea of what they were like and to help you participate in a mock convention resolving some of the same problems that faced the Founding Fathers. The information that will help you prepare for your role at the convention is provided in chapters two and three.

The Fifty-Five Founding Fathers

They were chosen by their state governments to represent them in the Philadelphia convention held in the summer of 1787. They first met on May 29th and stayed in session until September. Their job was to change the Articles of Confederation so that Congress could solve the nation's problems. However, they soon decided to forget about the Articles and write a brand new Constitution.

Who were these people? There were 55 of them. Fifteen of them owned slaves, 24 had lent money at interest, and 40 had invested in government bonds. Many were

lawyers, merchants, and college graduates. None were small farmers; none were African or Native American; and none were women. In general, they were well educated and experienced in public affairs, and most had served their country and their state in political office. Many famous Americans did not attend the meeting that became known as the Constitutional Convention. Thomas Jefferson and John Adams were in Europe representing their country. Patrick Henry said he “smelled a rat” and decided not to go. Sam Adams and John Hancock weren’t interested in going. The men who did come included future presidents, Supreme Court justices, senators and representatives, and men known for their service to their country. They included:

David Brearly of New Jersey (1745–1790)

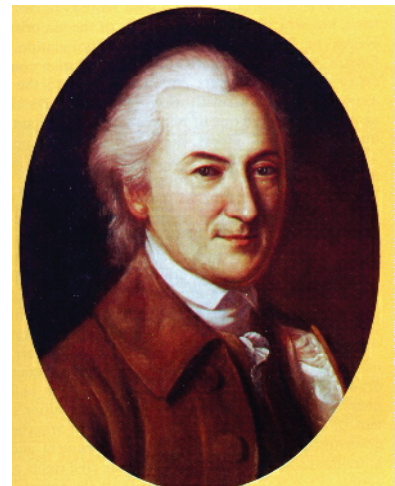


A college dropout who started to practice law at age 22, Brearly became active in the protest against the British and gained considerable fame in New Jersey by denouncing British policies. His words got him arrested by the British for treason, but an angry mob freed him. He later joined the colonial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

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

John Dickinson of Delaware (1732–1808)

Dickinson’s parents were wealthy and provided him with private tutors and an education in England. Nevertheless, Dickinson began his protests against British policies by denouncing the Stamp Act in 1765. His powerful speeches and writings opposing British-imposed taxes made him famous throughout the colonies. However, Dickinson voted against independence in 1776 and refused to sign the Declaration; but he did enlist in the Continental Army and served as a common soldier. During the war, Dickinson moved from Pennsylvania to Delaware, where he helped write its constitution. In 1777, Dickinson



again put his political skills to work by writing the Articles of Confederation. He was not able to convince his fellow delegates to give the government as much power that he thought it should have. At different times in his unusual career, Dickinson was elected governor of Delaware and of Pennsylvania. He made a lot of money through his law practice and successful investments in real estate.

As a representative of a small state, Dickinson supported the rule that all states have one vote in Congress. On other issues, Dickinson wanted to make the national government much stronger and the states far weaker than they were under the Articles of Confederation. He feared that if the states had too much power they would make the national government completely ineffective. Dickinson admired England's government. A king, Dickinson believed, could do what he thought best for the country without having to depend on the consent of the people, whom Dickinson did not trust. He thought, for instance, that the people would support laws favoring such "wicked schemes" as printing unlimited amounts of paper money. Because he believed their interests were similar to those of the nation, he wanted only men with property to vote. To keep the president honest, he would give Congress the power to remove him for misconduct or neglect in office.

Dickinson was opposed to slavery and thought the national government should stop the slave trade.

Oliver Ellsworth of Connecticut (1745–1807)

Ellsworth enjoyed the privileges of wealth and good education in his childhood and adolescence. He attended Princeton University, graduated in 1766, taught school, served as a minister, and in 1771 started a law practice. By this time, he had become so poor that he could not afford a horse and had to walk 20 miles each way to work. After marrying the daughter of a successful family, he gained a reputation as one of Connecticut's best lawyers. In addition, Ellsworth earned a large amount of money by buying and selling real estate and securities at a profit; he once bought government bonds for \$530, which he later cashed in for \$5985.



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

Ellsworth earned a reputation for his habit of talking to himself, his use of snuff, and his absent-mindedness. Once, in fact, he became so lost in thought that

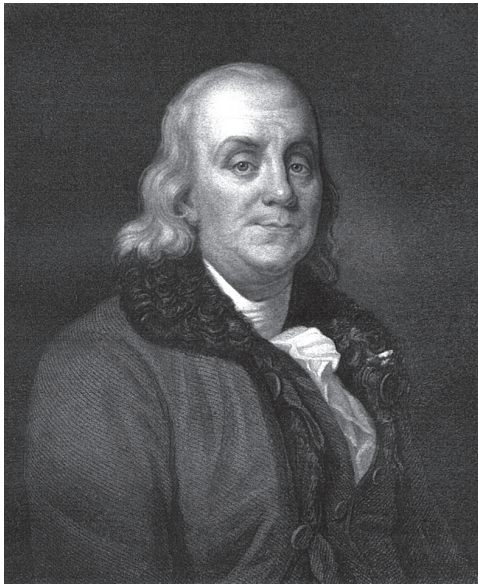
he completely neglected a visitor whom he had invited to his house. Despite these unattractive characteristics, Ellsworth was respected for his attentiveness to his responsibilities as a lawyer and a government official and was admired for his ability to speak out in debate.

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

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

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

Benjamin Franklin of Pennsylvania (1706–1790)



With the exception of George Washington, Benjamin Franklin stood out as the best-known man in America at the time of the Constitutional Convention. Born in poverty and mostly self-educated, Franklin gained a worldwide reputation as an inventor (bifocals and the Franklin stove), scientist (discovering electricity), philosopher, diplomat, and politician. He learned printing from his brother and used this skill to publish his hugely successful *Poor Richard's Almanack*. Franklin made a name for himself in 1754 when he presented his Albany Plan of Union, the first noteworthy proposal for colonial unity.

Later in his life, Franklin served his colony, his state, and his country as America's ambassador to England, and during the Revolution he became an ambassador to France. When he returned from England to Philadelphia after a ten-year absence, Franklin helped write the Declaration of Independence and assisted in composing the Pennsylvania constitution, which was considered the most democratic in the colonies. As an

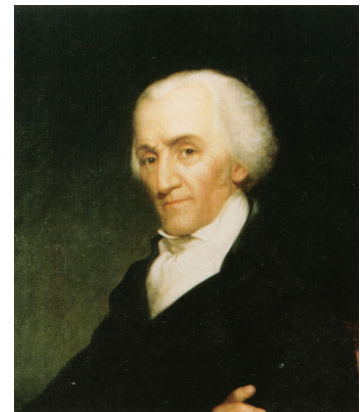
ambassador to France, he played an important part in negotiating an alliance that got the French to help the Americans in the Revolution. Five years later, he helped negotiate the treaty with England that ended the war.

At the Convention, Franklin assumed the role of compromiser by using his wit and wisdom to calm angry tempers and to bring people together. He and Roger Sherman presented the compromise that created the U.S. Congress, with a House of Representatives based on population and a Senate that gave each state two votes.

Franklin also favored bringing the spirit of democracy to the Constitution. He trusted the common people and spoke of their “public spirit.” He supported giving Congress the power to impeach the president for bad behavior and neglect of duty. But Franklin certainly did not want a weak central government. As a strong nationalist, he tried to make the national government supreme and give it the power to veto laws passed by the states.

Elbridge Gerry of Massachusetts (1774–1814)

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



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

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

Gerry, however, was not entirely comfortable with his anti-democratic ideas. In keeping with democratic principles, he believed in having elections every year in order to allow the people to control their government. He also favored impeachment as a check on the powers of the president, advocated a bill of rights, and opposed giving

the Senate too much power because senators served six-year terms. Moreover, Gerry wanted nothing in the Constitution that would permit any kind of slavery.

Nathaniel Gorham of Massachusetts (1738–1796)



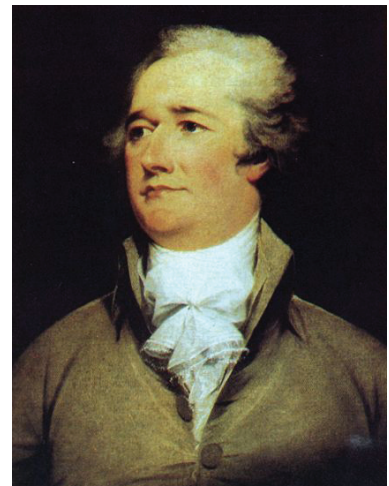
Gorham was born to a poor family. He attended school in Boston, and began working at age 15 as an apprentice to a merchant. Six years later, Gorham started a successful business that collapsed when the British captured Charlestown, Massachusetts. Nevertheless, he managed to make a fortune by pirating from British ships and speculating in western lands. Eventually, Gorham bought more land than he could pay for and went bankrupt. Consequently, he spent the last eight years of his life unsuccessfully attempting to pay off a six-million-dollar debt resulting from his failed land speculation.

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

Gorham believed the national government should be strong enough to force its will on every state. Such a government, Gorham believed, could aptly “do justice” throughout the country. At the same time, Gorham supported democracy. He opposed limiting the vote to people with property and favored a four-year rather than a six-year term for senators. He did not think the nation needed a bill of rights because he thought the representatives of the people in Congress would not take away the rights of the common man. In a spirit of compromise on the issue, Gorham suggested that the importation of slaves continue until 1808.

Alexander Hamilton of New York (1755–1804)

Few Americans have worked as hard for America and accomplished more than Alexander Hamilton. Born in the West Indies to unmarried parents, he began working as an accountant at the tender age of 13, despite his lack of formal education. An essay he composed describing a storm he had witnessed attracted the attention of some wealthy merchants who brought him to New York, where he attended what is now known as Columbia University. While there, he started a debate society, wrote pamphlets against England, and, at age 21, left school to become commander of an artillery company. Recognizing this young man's talent, George



Washington used Hamilton as his personal secretary and aid. However, Hamilton was tired of serving Washington and asked to have his own command. Finally, granted his wish, Hamilton distinguished himself in the last battle of the war by storming the British positions at Yorktown. During and immediately after the war, Hamilton found time to earn a degree in law, to serve as a delegate to the Continental Congress, and to woo and wed Elizabeth Schuyler, daughter of one of the most wealthy and prominent men in New York.

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

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

In New York during and after government service, Hamilton feuded with opposition leader Aaron Burr, who challenged Hamilton to a duel. The duel ended Hamilton's short but brilliant life.

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

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

Throughout his life, Hamilton devoted himself to public service and often came across as vain and personally disagreeable. He completely neglected his personal and

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

Rufus King of Massachusetts (1755–1827)



Rufus King, the son of a wealthy farmer-businessman, interrupted his law practice in Massachusetts to serve as a brigadier general during the Revolution. In 1784, he was elected to represent Massachusetts in the Congress under the Articles of Confederation. During his time in Congress, King introduced a bill to prevent slavery in the Northwest Territory.

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

At the Constitutional Convention, King expressed strong nationalist views, favored a long term for the U.S. president, spoke in favor of making the U.S. a monarchy, and opposed the continued importation of slaves. He did not want to hear of a compromise on the issue of granting more votes in Congress to the less populated states. He declared himself “full of astonishment that we should be ready to sacrifice the substantial good (of a strong national government) to the ‘phantom’ of State sovereignty.”

John Lansing of New York (1754–1829)

John Lansing, one of the richest men in his party, owned more than 40,000 acres of land. He enjoyed a reputation as a fine and generous host and prized himself on his ability to entertain all men of good taste, including his political opponents. Although not known for his great knowledge of the law, he started his successful legal practice at age 21. Lansing served as a military aid to Hamilton's father-in-law during the war, as a representative in the New York State Assembly (serving twice as speaker), and several terms as mayor of Albany. After the Convention, Lansing became Chief Justice of the New York State Supreme Court and stayed in politics for many years. He disappeared mysteriously in 1829 after leaving his hotel room in New York City to mail a letter and was never seen again.



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

James Madison of Virginia (1751–1836)



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

Madison feared that the states would be taken over by special interest groups that he called factions. Factions of debtors, creditors, landlords, landless people, farmers, and manufacturers clamored for their respective interests in each state. But Madison most dreaded the faction consisting of the majority of the people. The smaller factions could be outvoted, he reasoned; the majority would be far harder to stop.

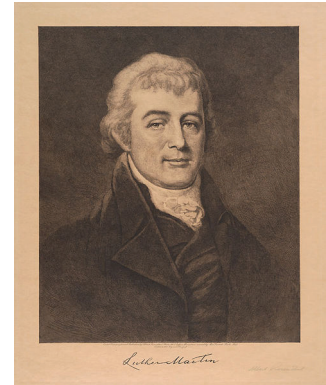
Madison favored giving more representatives in Congress to the states with more people. He wanted the Senate to be elected by the House of Representatives and the president chosen by both House and Senate, not the people. Although he owned slaves, Madison opposed admitting in the Constitution the idea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

After the Convention, Madison served in the House of Representatives, where he wrote the Bill of Rights. With Thomas Jefferson, Madison organized what has become the modern day Democratic Party. Later, he served for eight years as Secretary of State under Jefferson and followed his friend into the presidency in 1809.

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

Luther Martin of Maryland (1748–1826)

Luther Martin earned a reputation for his love of alcohol and long speeches, his habit of spending money, and his support of states' rights. Born to a poor family with nine children, Martin somehow obtained an education at Princeton University. He graduated at age 18 and then taught school while studying law. He established a successful law practice and invested his earnings in salt mines and homes left vacant by people who had sided with England during the Revolution. He soon attracted the attention of powerful politicians, and he was appointed attorney general for the state of Maryland. With a few interruptions, Martin held that job for 30 years.



Martin supported paper money and laws making it easier for debtors to pay what they owed. He successfully defended Aaron Burr against an accusation of treason. He died in 1826 at the home of his former client, Aaron Burr.

Martin arrived in Philadelphia long after the Convention started, but he immediately threw himself into the struggle to prevent “the large States from having all power in their hands.” He gave many long speeches criticizing his fellow delegates as interested only in increasing their power at the expense of the states and the people. He insisted that the states, like individuals, were by nature equal to each other. He consistently opposed giving any more power to the national government, and he firmly committed himself to passing a bill of rights to protect the people. Although he himself owned six house servants of African descent, Luther Martin opposed slavery as “inconsistent with the principles of the revolution and dishonorable to the American character.”

Because he ultimately lost the battles on the issues he considered so important, Martin returned to Maryland in opposition to the Constitution. He made many strong speeches denouncing the delegates who supported the Constitution. He claimed they “did not consider that either states or men had any rights at all.”

George Mason of Virginia (1725–1792)



One of the older men at the Convention, Mason was born rich and improved his financial position through an advantageous marriage. He spent most of his life taking care of his 5000-acre holdings and his 300 slaves. Unlike most Virginians, Mason cared for the property himself and did not hire overseers to run it for him. Also, unlike most of the delegates, Mason preferred private life to public service. He quit serving in the Virginia House of Burgesses in 1769 because he grew tired of its “blathers,” and later he turned down an appointment to the U.S. Senate.

Despite Mason's love of privacy, he played an important part in Virginia politics for more than 30 years. As neighbor to George Washington and friend to Jefferson, Madison, Monroe, and other famous Virginians, he often hosted the small group of men who planned the political campaigns that influenced both Virginia's and America's history. He wrote many famous documents, including a Declaration of Rights, and launched protests against the slave trade.

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

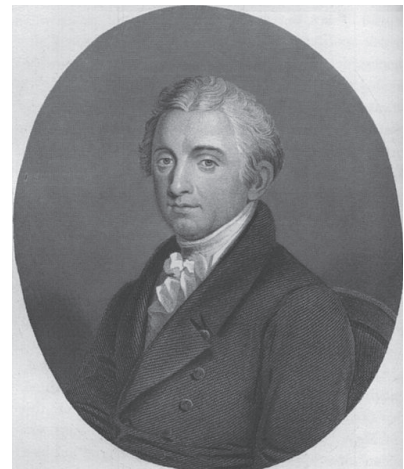
At the Convention, Mason feared that the other delegates would steer too far away from democracy and towards monarchy. Although he favored six-year terms for senators to protect “the right of property,” Mason thought people with property, money, or children should be allowed to vote because their possessions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

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

Governor Morris of Pennsylvania (1752–1816)

Morris was born to one of the richest and most famous families in New York. His father died when he was ten, and his mother sided openly with the British. Morris himself often feared that crowds protesting British policies would destroy property belonging to wealthy Americans. Nevertheless, he sided with the colonists and played a leading role in the Continental Congress, where he earned a reputation for defending George Washington every time the general came under attack.

Morris was one of the most talkative members at the Constitutional Convention. His wit and charm made up



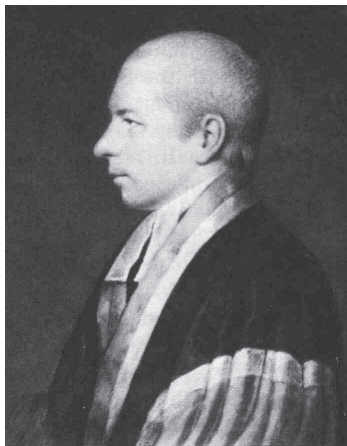
for a rather unpleasant appearance caused by a missing leg and a severely burned arm. After the Convention, Morris served as ambassador to France, but he was replaced because he openly sided with the king after the French Revolution started. Morris spent the next ten years in Europe, and served in the U.S. Senate after his return.

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

Morris made no secret of his desire to establish a strong national government. He thought states were the “bane [curse] of the country,” and wanted to “take out the teeth of these serpents.” He proposed, therefore, that the national government have the power to make laws “in all cases for the general interest of the Union.”

Although he found himself constantly in debt, Morris lived a luxurious life. He supported himself with a successful law practice. His long career as a bachelor and a “ladies’ man” ended with his marriage, which came six years before his death in 1816.

William Paterson of New Jersey (1745–1806)



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

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

William Pierce of Georgia (1740–1789)

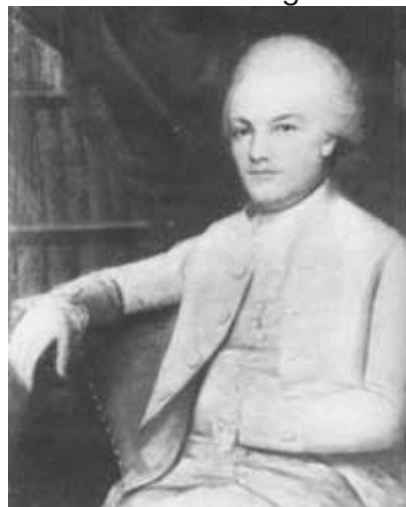
Little is known of William Pierce's early life. Even the circumstances of his birth are uncertain: according to some accounts, he was born in Virginia, while others indicate he might have been born in Georgia. Whatever the case, his public career began in 1776 when he became a captain in the Continental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

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

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

Charles Pinckney of South Carolina (1758–1822)

Charles Pinckney's plans to study law in England were thwarted by the outbreak of the American Revolution. Pinckney, the son of a wealthy plantation owner, therefore finished his studies at age of 21, began to practice law, and served in the state legislature. The next year he was captured while enlisted as an officer in defense of his city, Charleston, South Carolina. After his release in 1781, Pinckney returned to his law practice. Three years later he represented South Carolina in the Continental Congress. He came to the Constitutional Convention as its youngest member and lied about his real age to make himself appear even younger. Handsome, well read, hard working, and self-confident, Pinckney flaunted his intellect at the Convention by interjecting his views on every topic under consideration. After playing what he claimed was an important part in the Convention, Pinckney went on to become governor of South Carolina, a United States senator, a representative, and an ambassador.



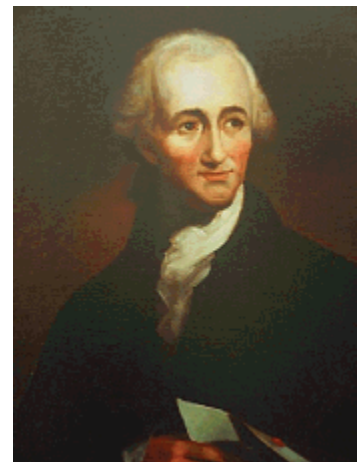
Pinckney was a wealthy man who owned a very lavish townhouse in Charleston, a plantation, \$14,000 worth of government securities, and more than 100 slaves. Not surprisingly, he wanted to ensure that the wealthy people in America would control its government. He proposed that the president have at least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

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

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

George Read of Delaware (1733–1798)

One of six sons of a very wealthy father, George Read received an excellent education. He decided that he had so many advantages that he did not need his father's inheritance. Read started practicing law at age 20. Although he never earned a great deal from his law practice, his investment in government bonds allowed him to live extravagantly in a large home overlooking the Delaware River. At age 30, he was appointed state Attorney General and later served in the Delaware General Assembly, where he spoke out against British policy. He served in the First and Second Continental Congresses, where he attempted to steer the colonies away from the possibility of war with England. He voted against independence in 1776, but signed the Declaration. He eventually served his state as a governor, senator, representative, and chief justice.



Read came to the Convention with instructions not to change the rule that gave each state one vote. Despite opposition to state representation in Congress based on population, Read favored making the national government more powerful. He wanted

to give it the power to veto laws passed by the states, and he hoped that the people's attachment to their states would be "extinguished."

Read's entire plan for government was very similar to the government that ruled England. He wanted to have senators hold their seats for life, like judges and the members of the British House of Lords. In addition, he wished to give the president the right to appoint senators and the power to veto laws passed by Congress. He felt that Congress should not have the right to override the president's veto, a move that would have made the president in America more powerful than the King of England.

John Rutledge of South Carolina (1739–1800)



Like many upper-class Southerners, Rutledge was home-tutored and then sent to England to further his education. He returned to Charleston in 1760 and began practicing law. In 1763, he won all 52 cases he took on. Before the Revolution began, John Rutledge owned five plantations, more than 240 slaves, and nine different pieces of town property.

Elected to the South Carolina Assembly at age 22, he was appointed attorney general three years later. He served as South Carolina's delegate to the Stamp Act Congress in 1765. He also served in the Continental Congress, played a major role in writing the state constitution, and was elected governor of South Carolina. He resigned his position as governor, however, because some changes made in the Constitution were too democratic for his taste.

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

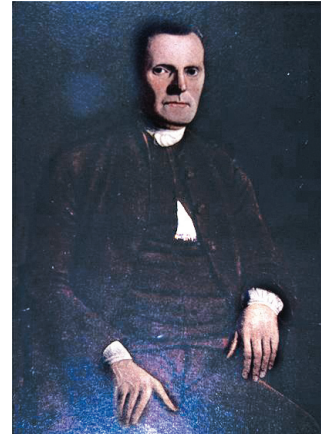
In defending the slave trade, Rutledge argued, "religion and humanity have nothing to do with it." He claimed, "interest alone...is the governing principle with nations." He told Northerners that they too would benefit from the slave trade because slaves were shipped in boats built and owned in the North.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

Rutledge opposed giving the national government the power to veto laws passed by the states. Moreover, Rutledge proposed a detailed bill of rights.

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

Roger Sherman of Connecticut (1721–1793)

Roger Sherman was a jack-of-all-trades and a master of many. Born to a farming family in Newton, Massachusetts, Sherman at one point or another worked as a farmer, shoemaker, surveyor, storekeeper, landowner, printer, and lawyer, in addition to holding many different government offices. Although he had little formal education, Sherman earned a reputation as an able-minded politician. He never became rich because his oldest sons were failures in business and needed his help. He spent a great deal of money buying government bonds that weren't repaid until the year before his death. In the meantime, Sherman stayed out of debtors' prison mainly because of his reputation for honesty and the help he received from his daughters.



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

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

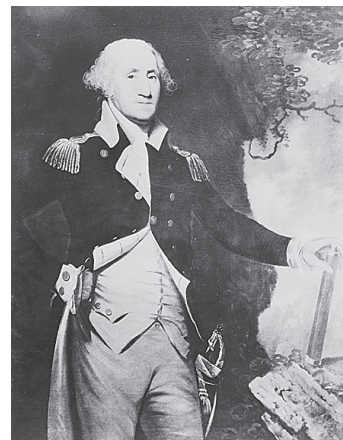
Although Sherman opposed slavery, he did not want to end the slave trade for fear that the Southern states would not accept the Constitution. He thought a bill of rights was unnecessary because he trusted the states to protect the rights of the people.

George Washington (1732–1799)

Even though he had been elected president of the Constitutional Convention, George Washington hardly said a word during the three months it was in session. His

presence and approval, however, had much to do with its success. Washington was so respected and admired that all who thought about who would become the nation's first president believed that George Washington would be elected to that office. Indeed, in the nation's first presidential election, Washington was the unanimous choice of the electors.

Washington earned his reputation through many years of devoted service to his country. His career started in 1753 with an expedition into western Pennsylvania to warn France not to trespass on land claimed by England. During the French and Indian War, Washington commanded the Virginia militia, and later devoted himself to his plantation at Mount Vernon. He increased its size from 2000 to 8000 acres and lived the life of a Virginia planter with fox hunting, weeklong parties, service in the House of Burgesses, and involvement in local politics. Following the passage of the Stamp Act, Washington played a leading role in defending the colonists' cause. He was elected to serve in the First Continental Congress and appointed commander-in-chief of American armies in 1775. For the next eight years, Washington served his country with dogged determination and eventually led his poorly equipped and trained forces to a glorious victory.



When, in the closing days of the war, Washington received word that some of his officers planned to establish a monarchy with himself as king, he declined, and reminded them of the ideals for which they fought. Soon afterwards, he took leave of his forces and returned to the planter's life he loved so well. His country called him into service again, however, first to the Convention and then as president. Washington died in 1799, less than three years after retiring from public life.

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

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

his advantageous marriage to Martha, his shrewd land purchases, and his careful management of his plantation.

Hugh Williamson of North Carolina (1735–1819)

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



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

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

Like Benjamin Franklin, Williamson was both a democrat and a nationalist. Although he wanted to make the national government more powerful (he had a personal interest in doing so because of his land holdings and government bonds), he would not allow it to veto laws passed by the states. He opposed restricting the right to vote and wanted to limit the power of the president by allowing Congress to override his vetoes with a two-thirds majority vote of both houses. He also favored giving Congress the power to impeach and convict the president for malpractice and neglect of duty. He had more faith in the House of Representatives, which would be elected directly by the people, than he had in the Senate, which would be chosen by the state legislatures. He favored a bill of rights in the Constitution that, among other things, would guarantee the right to trial by jury. Although personally opposed to slavery, Williamson represented his state's views on this issue because he feared North Carolina would not join the Union if it was forced to stop importing slaves. He thought it was wrong to force a state to do anything that was not absolutely necessary.

James Wilson of Pennsylvania (1742–98)



Born in Scotland, Wilson came to America at the age of 23. He supported himself by tutoring while he studied law. In 1767, he moved west, won some important land claim cases, and began to buy land on his own account. He eventually became a successful lawyer, politician, and scholar, but a terrible businessman. He made many reckless and ill-advised investments that eventually caused him to flee his creditors and die deeply in debt while still on the run.

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

At the Constitutional Convention, most of Wilson's positions favored democracy and a stronger national government. Although he liked the English system and especially its House of Lords, Wilson supported the election of senators by the voters instead of the state legislatures. He stood out amongst his fellow delegates by insisting that the people, and not a specially chosen group of electors, choose the president. He wanted to make the president powerful enough to veto any law passed by Congress and Congress unable to override his veto.

Wilson favored making the national government much stronger than it was under the Articles. He feared that the states would destroy the national government if they were given too much power. To prevent this from happening, he strongly favored giving the national government power to veto any law passed by the states. Because he wanted such a powerful national government, Wilson opposed limiting its power with a bill of rights.

Student Activities

A. Graphic Organizer

Fill in the requested information in the chart below for three delegates assigned to you:

Name of Founder	Public service, before and after Convention	Political views on at least two issues	Revealing fact(s) about this Founder

B. Student Exercises

1. What conclusions can you draw about the men who wrote the Constitution we still use today?

For Further Consideration

Write a long paragraph in which you make some important generalization about the Founding Fathers, including whether they could truly represent the American people, with specific reference to at least three of the Founders. Come to class prepared to present your conclusions, listen to the opinions of others, and either defend your position or change your views.

Chapter 3. The Issue of Representation: By State or By Population Teacher Page

Overview:

This chapter features highly edited materials, culled from Max Farrand's *Records of the Federal Convention*, that focus on the debate between delegates on proportional representation. William Paterson and others give speeches featuring the desire of small states to continue equal representation; Rufus King and James Wilson speaks for proportional representation; while Ben Franklin and Roger Sherman propose and support the Great Compromise. Students are provided with detailed instructions on how to prepare speeches representing the views of their delegates and instructions on how to conduct themselves at the simulation.

The "For Further Consideration" section explains how the current system with a House, Senate, and an Electoral College, actually gives more power to the people in small states than warranted solely on the basis of their population.

Objectives:

Students will:

- understand the arguments for representation by state or in proportion to population
- understand the reasons for the current arrangement with a House and a Senate
- experience the thrill of giving speeches, arguing their positions, discussing issues with one another
- understand the need for compromise
- understand that the people in small states today have a disproportionate amount of power in the government

Strategy:

Before class: Assign the chapter either up to or including the "For Further Consideration" section. Make sure students know in advance who they are going to represent and how to prepare for the convention the next day. Inform students they will be expected to write their answers to all the Student Activities questions covering the assigned section(s).

In class: Seat students according to the states they represent. (You may wish to have signs prepared for each student signifying the names and states of their delegates or have them prepare their own placard.) Prepare a list of the states, like the chart on the left, to record students' votes. (The letters A, B, C are to denote the three different positions submitted to voting by the delegates.) Ask between 4–6 students to give their prepared speeches. Allow at least one student (preferably Sherman or Franklin) to

present the idea for a compromise. Next, ask students to disagree with some of the things said in these speeches. Allow a number of different students to debate whatever

State	A	B	C
CT			
DE			
GA			
MD			
MA			
NJ			
NY			
NC			
PA			
SC			
VA			

point was made during the speechifying. When and if an overwhelming number of students want to talk at the same time (in some classes this never happens) encourage several of them to get out of their seats and speak directly with a student with whom they disagree. Don't allow this discussion to go on for more than 5–7 minutes. Call the class back to their seats and allow three different students to present one of the three different positions on the issue of representation. Next, call for and record the vote of each state after warning students that there must be a clear majority of the votes in their state for them to count. If none of the three positions wins a majority of votes, ask if any delegation wants to reconsider; you most likely will get a vote for the compromise position. You will then want to decide whether you want to

spend another day discussing the disproportional voting power of the people in the small states.

Chapter 3. The Issue of Representation: By State or By Population I-Chart

	What arguments did the smaller states make?	What arguments did the larger states make?	What was the compromise and was it fair?
What I already know			
What I learned from Chapter 3, Part I			
What I learned from Chapter 3, Part II			
What I still would like to learn about this subject			

Vocabulary for Chapter 3—The Issue of Representation: By State or Population

compromise

ambitions

alliance of states

**proportional
representation**

the Articles

**equality of
the vote**

Virginia Plan

delegate

Vocabulary for Chapter 3—The Issue of Representation: By State or Population

<p>Refers to a desire to have or achieve something, often at the expense of the less powerful</p>	<p>A deal in which both sides give up something they wanted in exchange for getting something they want</p>	
<p>Refers to the Articles of Confederation—the first U.S. constitution</p>	<p>Many people in the 18th century thought of the U.S. as an alliance of equal states and not a unified government acting as one country</p>	
<p>Person chosen to represent a specific interest or opinion</p>	<p>Refers to each state having equal votes regardless of the number of people actually living in that state</p>	
	<p>An idea that states with more people would have more votes in Congress than states with fewer people</p>	
		<p>A scheme for an elected house of representatives that would elect a senate; presented at the Constitutional Convention</p>

Chapter 3

The Issue of Representation: By State or By Population

Introduction

By this time, you should have been assigned a delegate and learned his position on the issue of representation. Come to class having written a speech on this issue that states your delegate's views and prepares you to participate in your class' mock convention.

The Issue of Representation

Serious discussions at the Constitutional Convention began at the end of May 1787. The first problem to solve was the issue of representation. Under the Articles of Confederation, each state, regardless of population, had one vote. Virginia, with a population more than 800,000, had the same number of votes under the Articles as Delaware, which had a population of 60,000. The small states liked this arrangement and argued it was fair because all the states were equal. The larger states disagreed. They believed that equal numbers of people should have an equal number of votes. Unless this issue was settled in a way agreeable to the majority of delegates, the Convention would be unable to take on the other problems it faced.

State	Free and Slave Population	Slave Population	Proposed # of Delegates
Virginia	821,287	292,627	16
Massachusetts	475,327	In dispute	9
Pennsylvania	434,373	3,757	8
North Carolina	429,442	100,571	8
New York	340,120	21,000	6
Maryland	319,728	103,036	6
South Carolina	249,073	107,094	5
Connecticut	231,946	2,674	5
New Jersey	184,139	11,423	3
New Hampshire	141,885	158	3
Georgia	82,548	29,264	2
Delaware	59,096	887	1

On May 29, 1787, Governor Edmund Randolph of Virginia rose to present a plan named after his state. James Madison, another delegate from Virginia, probably wrote the plan. In this plan, Virginia would be allowed to have 16 representatives, while Delaware would have only one. Under its plan, Virginia (along with Massachusetts, Pennsylvania, and North Carolina) would have more votes than the remaining nine states. The small states therefore would have relatively little power to make the nation's laws.

The first to object to the Virginia Plan was George Read of Delaware. Delegates from New Jersey, New Hampshire, Maryland, and South Carolina soon joined him. All of these states had enjoyed equal representation under the Articles of Confederation and were unwilling to give up their power in the legislature to a few large states. The larger states were equally unwilling to allow states with far fewer people to have as many votes in Congress as they had. As a result, the delegates spent much of the next six weeks arguing the issue of proportionate representation.

The following pages contain a highly edited version of James Madison's notes on the debate over representation. As you read these pages, get ready to play the role of one of the delegates at the Constitutional Convention. You should be prepared to give speeches and join in a free-flowing debate in order to take on your assigned role in play-acting the real debate that produced the U.S. Constitution.

The Debate



Mr. Madison of Virginia: The equality of the vote established by the Articles of Confederation ought not to continue in the national legislature. Instead, representation should be based on the number of people living in each state.

Mr. Read of Delaware: I take this opportunity to remind the convention that the delegates from Delaware received specific orders from the state not to allow any changes in the method of representation. If such a change is made and agreed upon, Delaware may have to leave the convention.

Mr. Morris of Pennsylvania: It would really upset me if Delaware would not help the rest of us write the Constitution. The question of representation, however, is too important to be buried. We must decide this question in a way that is fair to the people who make up this great country and not the states.

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

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

Mr. King of Massachusetts: I am really surprised to hear you. You are ready to drop our great plan for proportional representation because of the singular stupidity of these ghosts you call states? A government based on your ideas of states' being equal is not fair to the people who make up this country.

Mr. Paterson of New Jersey: I quite agree with my friend from New Jersey. Proportionate representation would ruin the smaller states—it would make them powerless. Furthermore, this idea would go beyond the powers given to us as convention delegates. May I remind those who would destroy the Confederacy that we came here to amend it and not to write a new constitution? We don't want to open ourselves to charges that we are going beyond what we were told to do. Our instructions reflect the opinions of the people within each state.

These people did not send us to Philadelphia to set up a national government. We came here representing an alliance of equal states and we must leave here representing that alliance. Thus, let us stick with the plan of giving each state one vote, as in the Articles. We must follow what the people want, and the people want a confederation of states, not a single nation. It is not up to the people to follow what we want.

Mr. King of Massachusetts: I don't know what you are talking about. You are talking about these states as if they were separate bits of real estate. They are not self-governing. They only exist because they are part of a Union of States. And this Union is now deciding what to do about itself and the states that have no real existence without it.

Mr. Martin of Maryland: I most heartily disagree. When we separated from England, we became 13 independent states, in a state of nature toward each other. We would have remained in that state until we formed a government under the Articles of Confederation. We entered into that confederation on a footing of equality. We are now meeting to amend the Articles of Confederation on the same footing that we are all equal to each other. I will never give in to a plan that would put ten states at the mercy of Virginia, Massachusetts, and Pennsylvania.

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

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

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

Mr. Wilson of Pennsylvania: Some people don't really believe in equality. They don't understand that governments are based on the consent of the people. People are equal. States aren't equal. The people are worth more than a fake set of boundaries called New Jersey or Pennsylvania.

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

Mr. Dickinson of Delaware: We would sooner give in to a foreign country than give up on the equality of vote in Congress and be thrown under the rule of the large states.

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

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

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

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

Mr. Rutledge of South Carolina: The proportion of votes in the first branch should be based on the monetary contribution of each state to the country as a whole. The justice of this rule cannot be denied. We all know that money is power, and the states should have a say in government in proportion to their wealth.¹

¹ Max Farrand, ed., *The Records of the Federal Convention*, New Haven, Connecticut, 1937. Speeches have been freely adopted from this source.

Student Activities

A. Student Exercises

1. Explain each of the three positions argued by the delegates to the Convention:
 - What the large states wanted, as argued by Madison, Morris, King, and Wilson.
 - What the small states wanted, as argued by Read, Brearly, Paterson, and Dickinson.
 - The compromise position, as argued by Sherman and Franklin and possibly supported by Rutledge.

B. Activity—Reenacting the Debate over Representation:

Three important positions considered at the Constitutional Convention included:

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

Your teacher may have assigned you to play one of the following roles in reenacting the debate over representation:

Delegate	State	Position	Delegate	State	Position
Brearly	New Jersey	By state	Morris	Pennsylvania	Population
Dickinson	Delaware	By state	Paterson	New Jersey	By state
Ellsworth	Connecticut	Compromise	Pierce	Georgia	By state
Franklin	Pennsylvania	Compromise	Pinckney	S. Carolina	Population
Gerry	Massachusetts	Population	Randolph	Virginia	Population
Gorham	Massachusetts	Population	Read	Delaware	By state
Hamilton	New York	Population	Rutledge	S. Carolina	Undecided
King	Massachusetts	Population	Sherman	Connecticut	Compromise
Lansing	New York	Undecided	Washington	Virginia	Compromise
Madison	Virginia	Population	Williamson	N. Carolina	Population
Martin	Maryland	By state	Wilson	Pennsylvania	Population
Mason	Virginia	Population			

Prepare to play your assigned part by representing your delegate's views at the mock Constitutional Convention held in your classroom.

a. If your delegate has a position on the issues in this debate, summarize this position in no fewer than 20 words, then write a 100–200-word statement in the form of a speech giving several strong arguments supporting his case. Your speech should contain humor, sarcasm, appeal to patriotism, facts, and logic. You should use arguments that delegates with similar views have made in their speeches, and you should refer to things that have been discussed in class before.

b. If your delegate does not have a position on this issue, come to class with notes from speeches that present three different positions and be ready to be convinced or to make a deal.

c. You may change your mind and either vote or argue for a position that is different from your delegate's only if someone in class makes a very convincing argument.

Once you get to class, prepare to spend time:

- Sitting and voting with delegate(s) from your state (your state's vote counts only if the majority of delegates from that state agrees)
- Giving and listening to speeches
- Debating issues raised during speeches
- Roaming around the room trying to convince other delegates of your position
- Voting on one of the three propositions before the convention

For Further Consideration

Solution of the Large vs. Small State Issue: Did the Founders Make a Mistake?

Most historians call the solution of the debate between the large and small states the “Great Compromise.” But was it in reality a compromise, or was it a victory for the small states? Do they have more influence in government than they should have based on the number of people living in their states?

Let’s examine the facts.

The U.S. Constitution states that:

1. The power to make laws is granted to Congress, which shall consist of a House of Representatives and a Senate. Each state is entitled to a number of representatives proportionate to its population and two senators.
2. All revenue bills must originate in the House of Representatives and not in the Senate.
3. In matters of impeachment, the House of Representatives determines the charges against a government official by majority vote and the Senate tries him or her. Conviction requires a two-thirds vote.
4. The Senate, and not the House of Representatives, has the power of “advise and consent” in approving presidential appointments to the Supreme Court and lower federal courts, to the position of ambassador and consul, and to other positions (such as head of Cabinet departments) as Congress shall provide. In addition, the consent of two-thirds of the Senate is required to ratify treaties.
5. The President of the United States is chosen by electoral votes. Each state is entitled to a number of electors equal to the total number of its Senators and Representatives. Since small states have two senators they have a greater number of electors in proportion to their population than large states and therefore more to say in electing a president than large states.

According to current practice:

1. California has 35 million inhabitants while Wyoming barely has 500,000. Yet both California and Wyoming have two senators.
2. Only the Senate has a rule of unlimited debate (filibuster), which can be ended only with a 60 percent vote of all senators present.

3. In presidential elections, 13 small states with a total of 18 million people have as many electoral votes as California, which has 35 million people.
4. In three presidential elections, the winner (Hayes in 1876, Harrison in 1888 and Bush in 2000) took the electoral vote and the presidency despite having fewer popular votes than the losing candidates.
5. In proportion to their population, small states receive a larger share of dollars from the federal government than the large states do. In 2004, Wyoming's 500,000 people received \$17.5 million, or \$37.74 per person for Homeland Security, and California, the most populous state, received \$164 million or \$5.41 per person.¹

Do you think the compromise made at the Constitutional Convention was unfair to the large states? Why or why not should something be done about it? What might be done? Come to class prepared to present your conclusions, listen to the opinions of others and either defend your position or change your views.

¹ Veronique de Rugy, *The Need for Grant Reform*, testimony, House Select Committee on Homeland Security Subcommittee on Emergency Preparedness and Response, Washington, April 12, 2005

Chapter 4. Local Control vs. National Authority

Teacher Page

Overview:

This chapter contains the material necessary to have students reenact the debate over dividing power between the national and state governments. Again culling Farrand's *Report*, it presents highly edited speeches that were made at the real convention and asks students to present a highly nationalistic plan, an extreme states rights stance, or a compromise between the conflicting positions. Hamilton, Madison, King, and Wilson speak persuasively for the nationalist position; Martin speaks passionately for the states, and Mason, Lansing, and Gerry are half-hearted supporters. Ellsworth, Sherman, and Washington (though they do not speak on this issue) may be counted on to engineer a compromise.

Objectives:

Students will:

- understand the arguments for and against having a strong national government
- understand the arguments for having strong state governments
- be able to work out a compromise that preserves state governments but assures enough power to the National government to unite the country
- enjoy presenting speeches, debating an important issue, caucusing, and understanding the need for compromise

Strategy:

Before class: Assign the chapter either up to or including the "For Further Consideration." Inform students they will be expected to write their answers to all the Student Activities questions covering the assigned section(s).

In class: Seat students according to the states they represent. (You may wish to have signs prepared for each student signifying the names and states of their delegates, or have them prepare their own placards.) Prepare a list of the states, like the chart on the right, to record students' votes. (The letters A, B, C denote the three different positions submitted to voting by the delegates.) Ask between 4–6 students to give their prepared speeches. Allow at least one student to present his/her idea for a compromise, and then ask students to disagree with some of the things said in these speeches. Allow a number of different students to debate whatever point was made during the speechifying. When

State	A	B	C
CT			
DE			
GA			
MD			
MA			
NJ			
NY			
NC			
PA			
SC			
VA			

and if an overwhelming number of students want to talk at the same time (in some classes this never happens) encourage several of them to get out of their seats and speak directly with a student with whom they disagree. Don't allow this discussion to go on for more than 5–7 minutes. Call class back to their seats and allow three different students to present one of the three different positions on the issue of representation. Next, call for and record the vote of each state after warning students that there must be a clear majority of the votes in their state for them to count. If none of the three positions wins a majority of votes, ask if any delegation wants to reconsider, and you most likely will get a vote for the compromise position.

Chapter 4. Local Control vs. National Authority

I-Chart

	State the argument for increasing the power of the federal government	State the argument for preserving the powers of state governments	Describe the compromise reached by the Founders
What I already know			
What I learned from Chapter 4, Part I			
What I learned from Chapter 5, Part II			
What I still would like to learn about this subject			

Vocabulary for Chapter 4—Local Control vs. National Authority

commerce

sovereign states

national authority

insignificant

**“silly fondness for
democracies”**

jurisdiction

insurmountable

the British system

**“the power to
swallow up
the states”**

Vocabulary for Chapter 4—Local Control vs. National Authority

Refers to the idea that the national government has more power than local or state governments	States that rule themselves and are free from outside influences	Trade between two or more people or places
Refers to an area which one has the legal right to control	Refers to people who like democratic government too much	Something that has no important purpose or role
Many people feared that the national government would prevent the states from exercising any power	Seen by many colonists as the ideal system of government because a hereditary king's power would be controlled by the democratic and/or the aristocratic branches	Something that cannot be overcome

Vocabulary for Chapter 4—Local Control vs. National Authority

“herd of mankind”

Vocabulary for Chapter 4—Local Control vs. National Authority

Refers to the common people
who would be ruled under the new
Constitution by the aristocracy

Chapter 4

Local Control vs. National Authority

Introduction

The purpose of this chapter is to provide the material and instructions that will help you reenact the debate at the Constitutional Convention over dividing power between the national and the state governments. Before you start reading a reconstruction of the debates, you should be aware of the following:

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

The Debate

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

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

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

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

Mr. Wilson of Pennsylvania: The danger, my friends, is not that the national government will swallow the states, but that the states will swallow the national government. If the national government were to extend its power, the people would be no less free for it. A citizen of Delaware is not freer than a citizen of Virginia; nor would either be freer than a citizen of America. So no fatal consequence would result if the national government were to absorb the state governments.

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

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

When we separated from England, the American people decided to establish 13 separate state governments instead of one national government. To these states they look for the safety of their lives, liberties, and properties. They formed the national government to defend the states against foreign nations in case of war, and to defend the smaller states against the ambitious designs of the larger states. If we grant unnecessary power to the national government, we will defeat the original purpose of the Union. We should not give our protector, the national government, the power to swallow up the states that it is created to protect.

Colonel Hamilton of New York: By abolishing the states, I do not mean that there will be no boundary between states and national government. I do not intend to turn the country into one unit under one government. There will still be states and state government. But I mean one thing: the national government must not be limited; it must have infinite authority. If we limited the national government, the states would gradually swallow it up. We cannot allow that. Let the states exist, but let them exist as boundaries within which to carry out national law. Let us have one nation, not 13 separate nations.

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

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

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

Mr. King of Massachusetts: I don't know what you are talking about. You are talking about these states as if they were separate bits of real estate. They are not self-governing. They only exist because they are part of a Union of States. And this Union is now deciding what to do about itself and the states that have no real existence without it.

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

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

Mr. Martin of Maryland: From the best judgment I could form while at this convention, I've come to the opinion that ambition and interest have so far blinded the understanding of some of you people writing this constitution; that you are working only to erect a government from which you will benefit, and that you are completely insensitive to the freedom and happiness of the states and their citizens. I most honestly believe that your purpose is to totally abolish all the state governments, and build in their ruins one great extensive empire. You want this empire to raise its rulers and chief officers far above the herd of mankind, to enrich them with wealth, and to encircle them with honors and glory. This honor and glory will be won at the cost of humiliation and enslavement of the average citizens whose sweat and toil will be used to enrich these greedy men.¹

¹ Max Farrand, ed., *The Records of the Federal Convention*, New Haven, Connecticut, 1937. Speeches have been freely adopted from this source. Speeches have been freely adopted from this source.

Three important positions considered at the Convention included:

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

New powers would include sole power to regulate trade, coin money, collect taxes, suppress rebellions, enforce treaties, and establish a system of courts.

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

States would have sole power to regulate trade, coin money, collect taxes, suppress rebellions, enforce treaties, and establish a system of courts.

- C. A compromise between the two aforementioned possibilities.

States would share power with the national government to regulate trade, coin money, collect taxes, suppress rebellions, enforce treaties, and establish a system of courts.:

Delegate	State	Position	Delegate	State	Position
Brearily	New Jersey	National	Morris	Pennsylvania	National
Dickinson	Delaware	National	Paterson	New Jersey	Compromise
Ellsworth	Connecticut	Compromise	Pierce	Georgia	Compromise
Franklin	Pennsylvania	National	Pinckney	S. Carolina	Compromise
Gerry	Massachusetts	State	Randolph	Virginia	State
Gorham	Massachusetts	National	Read	Delaware	National
Hamilton	New York	National	Rutledge	S. Carolina	National
King	Massachusetts	National	Sherman	Connecticut	Compromise
Lansing	New York	State	Washington	Virginia	Compromise
Madison	Virginia	National	Williamson	N. Carolina	National
Martin	Maryland	State	Wilson	Pennsylvania	National
Mason	Virginia	State			

Student Activities

A. Student Exercises

1. Explain each of the three positions argued by the delegates to the Convention:
 - a. The all-powerful national government position, as argued by Madison, Morris, and Wilson
 - b. The extreme states' rights position, as argued by Martin and Lansing
 - c. The compromise position argued by Mason, Pierce, and Sherman

B. Activity: Reenacting the Debate over Representation

Three important positions considered at the Convention are stated on the previous page, and your teacher will have assigned you to play the roles of one of the Founding Fathers.

1. Prepare to play your assigned part by representing your delegates' views at the mock Constitutional Convention held in your classroom.

- a. If your delegate has a position on the issues in this debate, summarize this position in no fewer than 20 words, then write a 100–200-word statement in the form of a speech giving several strong arguments supporting his case. Your speech should contain humor, sarcasm, appeal to patriotism, facts, and logic. You should use arguments that delegates with similar views have made in their speeches, and you should refer to things that have been discussed in class before.
- b. If your delegate does not have a position on this issue, come to class with notes from speeches that present three different positions and be ready to be convinced or to make a deal.
- c. You may change your mind and either vote or argue for a position that is different from your delegate's only if someone in class makes a very convincing argument.

Once you get to class, prepare to spend time:

- Sitting and voting with delegate(s) from your state (your state's vote counts only if the majority of delegates from that state agree)
- Giving and listening to speeches
- Debating issues raised during speeches
- Roaming around the room to convince other delegates of your position
- Voting on one of the three propositions before the convention

Chapter 5. How Power Was Divided Between the National and State Governments

Teacher Page

Overview:

This chapter will help teachers explain the ingenious system the Founders devised to divide power between the national and state governments and how this system has been modified by amending the Constitution and by changing interpretations of the commerce clause. The chapter emphasizes the importance of Article I, Section 8, Clauses 1–17; the so-called “elastic clause”; and the Federal Supremacy dictum in Article VI. In counter to these absolute grants of powers to the national government, the chapter points to Amendment X delegating powers to state governments that weren’t given to the national government or denied to the states. The balance between national and state powers shifts once more in favor of the national government with the addition of Amendment XIV by giving the Federal government the power to assure American citizens of the “equal protection of the law.” Finally, interpretations of the commerce clause have added powers to the national government far in excess of the expectations of the Founders, who lived in a horse-and-buggy economy. The “For Further Consideration” section reviews the facts of the medical marijuana case (*Gonzales v. Raich*). It presents excerpts from the majority and minority opinions as an example of the continuing conflict between those advocating the rights of states and those advocating increasing the powers of the federal government.

Objectives:

Students will:

- understand how power is divided between the national and the state governments according to the Constitution, specifically by understanding:
 - o the important new powers granted in Article I, Section 8, Clauses 1-17;
 - o Article I, Section 8, Clause 18 (the elastic clause);
 - o Article VI (the Federal Supremacy Clause);
 - o Amendment X to the Constitution;
 - o Amendment XIV;
 - o the commerce clause
-

Strategy:

Before class: Assign the chapter either up to or including the “For Further Consideration” section and inform students they will be expected to write their answers to all the Student Activities questions covering the assigned section(s).

In class: Review students’ answers to the exercises. You may wish to point out that not many significant new powers have been directly granted to the national government because of the inclusion of the “elastic clause.” The later addition of Amendment XIV

and an expanded interpretation of the commerce clause further expanded the federal government's powers. Be sure you mention the importance of Amendment X. After you have finished with this review, help students decide whether their answers to the questions posed by the Graphic Organizer were correct.

If time permits, discuss the California medical marijuana case and note the complications of deciding what goods fall under the domain of interstate commerce and are thus subject to federal regulation. If students understand both opinions on this case, they will have grasped the complexities involved in deciding what powers states can exercise and what powers the federal government can exercise.

Chapter 5. How Power Was Divided Between the National and State Governments

I-Chart

	Powers given to the federal government in the Constitution	Powers given to the state governments in the Constitution	How do the “elastic clause,” Amendment X, and the commerce clause affect the distribution of powers between state and federal governments?
What I already know			
What I learned from Chapter 5, Part I			
What I learned from Chapter 5, Part II			
What I still would like to learn about this subject			

Vocabulary for Chapter 5—How Power was Divided by the National and State Governments

bankruptcy

particular

**regulating
commerce**

interpretation

unanticipated

remarkable

**“days of the horse
and buggy”**

various

Vocabulary for Chapter 5—How Power was Divided by the National and State Governments

Judged by law as not being able to pay off debts	Making rules regarding trade	Worthy of special notice
Special or just different from others	An explanation of the meaning or importance of something	Refers to a long time ago, before the invention of cars
Not expected	A number of different things or people	

Chapter 5

How Power was Divided Between the National and State Governments

Introduction

Perhaps the most important decision made by the men who wrote the Constitution was the way they decided to divide power between the national government and the state governments. Under the Articles of Confederation, Congress had practically no authority to carry out any of the few powers it had. It could not collect taxes, enforce treaties, suppress rebellions, make or enforce rules regarding trade, or tax goods coming into the country. Where it did have the right to make laws, it usually had to count on the states to enforce them.

As you will see, the Founding Fathers gave the national government many of the powers it had lacked. At the same time, the Founders allowed the states to keep many of the powers they already had. The Founders were not only able to strike a careful balance between the national and the state governments, but they were able to allow the national government to assume new powers as the need for them arose. That is why the national government established in the days of the horse and buggy can make laws regulating the flight of planes and the building of airports. This chapter will help you understand how this remarkable task was accomplished.

New Powers Given to the National Government

Article I, Section 8, clauses 1–17 of the Constitution give the legislative branch of the government a number of powers it did not have under the Articles of Confederation. Among these new powers, Congress was given the power to:

- Put a tax on goods coming into the country
- Write laws regulating the trade between the states
- Make rules for naturalizing immigrants and for bankruptcy
- Establish a number of courts under the Supreme Court
- Call out state troops (militia) to enforce laws and put down rebellions
- Make rules for armed forces and militia
- Make rules giving authors and inventors the rights to their creations

The above list is not very long because it does not include powers the national government already had. These included borrowing and coining money, establishing post offices and post roads, declaring war, and making treaties. One of the great gifts of the Founding Fathers was brevity. The reason that everything the national government could do did not have to be spelled out was because of Article I, Section 8, Clause 18. This clause gave Congress the power to make all laws needed to carry

out the powers it was given in the Constitution. For example: the power to collect taxes has been accepted as needed in order to provide money for the government, the power to draft soldiers has been accepted as needed to raise an army, the power to make rules for airlines has been accepted as necessary for the power to regulate commerce (or trade) between the states. This clause allows Congress to stretch the powers it was given in the Constitution and is therefore called the “elastic clause.” The exact wording of this important clause states that Congress has the power:

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 Founding Fathers chose another place in the Constitution to give additional powers to the national government: Article VI, Section 2. It is known as the Federal Supremacy clause because it states that the national government is the supreme law of the land, notwithstanding laws made by the states to the contrary. The exact wording of this important clause follows here:

The 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 of every State shall be bound thereby, anything in the Constitution or Laws of any State to the Contrary notwithstanding.

Powers Given to the States

From what you have read so far, it would seem that the states were not given any power in this Constitution. When it came time for voters in the various states to ratify the Constitution, many insisted that state powers be added. The result was Amendment X, which stated that powers not given the national government or denied the states belonged to the states. Or, in the words of the Founders and written in the Constitution:

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

The Commerce Clause

One unanticipated factor leading to a shift in powers between the state and national governments was the Commerce Clause. It gave Congress the power to regulate trade between the states and was part of a long list of powers contained in Article I, Section 1–17. Successive interpretations of this clause have been used by Congress, with the backing of the Supreme Court, in order to give the federal

government the power to regulate goods moving from one state to another. Railroads, airplanes, interstate buses, and goods manufactured in one state but sold or used in other states are all subject to federal regulations. This has given the federal government the power to make laws that cover wages and working conditions, dictate fire and safety regulations, and prevent discrimination in places open to the public.

A Delicate Balance

Where do all of these sometimes-contradictory ideas put forth by the writers of the Constitution leave us? The Founders gave succeeding generations of Americans the opportunity to reinterpret the Constitution in different ways to meet the needs of the country. But whatever the changes may be, we are left with strong state governments and a national government that can try to solve the problems that the country faces. What each government is allowed to do at any particular time is left for the judges, politicians, and people of the United States to decide.

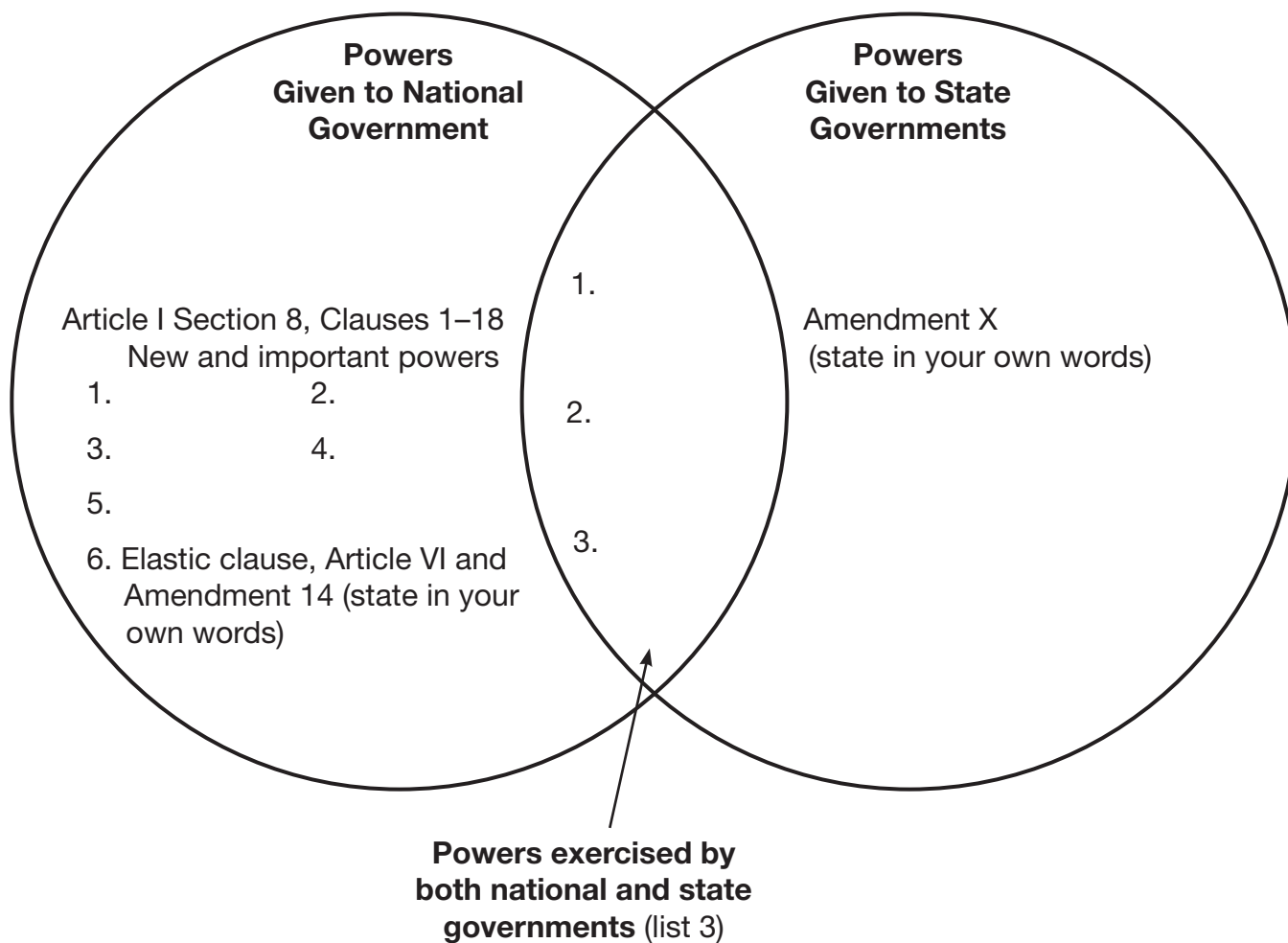
Student Activities

A. Student Exercises

1. What were the most important new powers granted to the national government by Article I, Section 8, clauses 1–17?
2. What major difference in granting powers to the national government does Article I, Section 8, Clause 18 make, and why is it called the “elastic clause”?
3. What difference in allocating powers between national and state governments do Amendment X, XIV, and the commerce clause make?

B. Graphic Organizer

Fill in this chart as completely as you can:



For Further Consideration: The Constitution and Medical Use of Marijuana

Mrs. Angel Raich was one of 100,000 pot smokers in California whose use of marijuana was legal under state law. This 38-year-old mother of two suffered from numerous problems, including a brain tumor and could gain some measure of comfort only by smoking every two hours. But a federal marshal who confiscated her legitimate suppliers' marijuana plants for violating the Federal Controlled Substance Act denied her even this relief, and Mrs. Raich's untreatable illnesses made her life a living hell. Mrs. Raich and others sued the federal government, and the case went all the way to the Supreme Court. Read the following excerpts from the majority and minority opinions and decide whether the federal government or the states should make laws regarding use of marijuana for medical purposes. Note that the opposing opinions are based on different interpretations of the meaning of the constitutionally provided power to regulate trade (commerce).

Justice Stevens: Local activity may be regarded as interstate commerce	Justice O'Connor: Possession is not in itself a commercial activity
<p>As [the Supreme Court ruled in a previous case] even if appellee's [persons suing] activity be local and though it may not be regarded as commerce, it may still, whatever its nature, be reached by Congress if it exerts a substantial economic effect on interstate commerce. We have never required Congress to legislate with scientific exactitude... When Congress decides that the total [effect] of a practice poses a threat to a national market, it may regulate the entire class. [When it is necessary in order to prevent an evil to make the law embrace more than the precise thing to be prevented it may do so]. In this vein, we...[hold] that Congress can regulate purely intrastate activity that is not itself commercial, in that it is not produced for sale, if it concludes that failure to regulate that class of activity would undercut the regulation of the interstate market in that commodity.</p> <p>One need not have a degree in economics to understand why a nationwide exemption for</p>	<p>The Court's definition of economic activity is breathtaking. It defines as economic any activity involving the production, distribution, and consumption of commodities. And it appears to reason that when an interstate market for a commodity exists, regulating the intrastate manufacture or possession of that commodity is constitutional either because that intrastate activity is itself economic, or because regulating it is a rational part of regulating its market. [Any] activity can be looked upon as commercial [under] the Court's definition of economic activity for purposes of Commerce Clause jurisprudence threatens to sweep all of productive human activity into federal regulatory reach.</p> <p>To draw the line wherever private activity affects the demand for market goods is to draw no line at all, and to declare everything economic... we suggested that economic activity usually relates directly</p>

the vast quantity of marijuana (or other drugs) locally cultivated for personal use (which presumably would include use by friends, neighbors, and family members) may have a substantial impact on the interstate market for this extraordinarily popular substance. The congressional judgment that an exemption for such a significant segment of the total market would undermine the orderly enforcement of the entire regulatory scheme is entitled to a strong presumption of validity. The Supremacy Clause in the Constitution) unambiguously provides that if there is any conflict between federal and state law, federal ...law shall prevail. It is beyond peradventure that federal power over commerce is superior to that of the States to provide for the welfare or necessities of their inhabitants, however legitimate or dire those necessities may be. [N]o form of state activity can constitutionally thwart the regulatory power granted by the commerce clause to Congress.

to commercial activity... The homegrown cultivation and personal possession and use of marijuana for medicinal purposes has no apparent commercial character. Everyone agrees that the marijuana at issue in this case was never in the stream of commerce, and neither were the supplies for growing it. [P]ossession is not itself commercial activity. And respondents have not come into possession by means of any commercial transaction; they have simply grown, in their own homes, marijuana for their own use, without acquiring, buying, selling or bartering a thing of value. Relying on Congress' abstract assertions, the Court has endorsed making it a federal crime to grow small amounts of marijuana in one's own home for one's own medicinal use. This overreaching stifles an express choice by some States, concerned for the lives and liberties of their people, to regulate medical marijuana differently.

Write a strong paragraph supporting one of the two opinions you have just read. Come to class prepared to support your opinion, listen to those who disagree, and defend or change your view on this issue.

Chapter 6. Three Branches of Government and How Laws Are Made Teacher Page

Overview:

This chapter does just what the title implies. It holds students accountable for naming each branch of government and explaining the function of each branch, how members of each branch are elected/appointed, and how each branch can check the powers of the others. The chapter also explains how a bill becomes a law by taking students through the entire process, beginning with the introduction of a bill in committee and ending with Congress overriding a presidential veto. The “For Further Consideration” section asks advanced students to research proposals to change the War Powers Act, but also suggests other possible topics for research.

Objectives:

Students will:

- know the names and functions of each branch of government and the names of persons who lead each branch
- name at least two ways that each branch of government can check each of the other two branches
- explain the process by which a bill becomes a law
- be aware of a current case in which separation of powers is an issue

Strategy:

Before class: Assign the chapter either up to or including the “For Further Consideration” section. Inform students they will be expected to write their answers to all the Student Activities questions covering the assigned section(s).

In class: Begin by asking students to name the three branches of government and the function and leaders of each. Only after at least half the class can do this without looking at their homework, ask them to open their notebooks. Review how each branch is elected and the length of their terms, placing special emphasis on how the number of electors for each state is allocated in the Electoral College, and how the electors are chosen and in turn elect a president. Check to see if your students have found ways that each branch can check the other branches and tell them how the House and the Senate can check each other. End by reviewing how a bill becomes a law and see if students at least know the order of this process. Time permitting, let advanced students present the results of their research on a past or current issue involving a conflict between the branches of government.

Chapter 6. Three Branches of Government and How Laws Are Made I-Chart

	What are the three branches and what does each do?	How does each branch check the powers of the others?	What are the steps a bill needs to take in order to become a law?
What I already know			
What I learned from Chapter 6, Part I			
What I learned from Chapter 6, Part II			
What I still would like to learn about this subject			

Vocabulary for Chapter 6—Three Branches of Government and How Laws Are Made

recommend**expertise****eligible****entitled****accomplished****enable****irresponsible****prevent**

Vocabulary for Chapter 6—Three Branches of Government and How Laws Are Made

	Having the special skills, knowledge, or ability to do something	To suggest something is worth doing or that someone is capable of doing something
To have achieved something	To have the right to do something	To be qualified to do something
To stop something from happening	Behaving in a careless, foolish, or rash manner	To make something possible

Chapter 6

Three Branches of Government and How Laws Are Made

Introduction

By reading this chapter, you should learn three important things about your government:

- a. the name, purposes, and powers of each branch of government
- b. how each branch can stop the other two branches from getting too much power
- c. how a bill becomes a law

A Problem the Founders Resolved

One of the difficult problems facing the Founding Fathers was deciding how they might prevent any part of the government from becoming too powerful. They were afraid that the small number of wealthy people might have too much power and that the large number of poor people might mistakenly elect irresponsible leaders. So they created a government that, among other things, prevented any branch or group from becoming too powerful. As stated by James Madison:

In framing [creating] a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself.

The task of creating a government that could control itself was accomplished by dividing it into three parts, each with a distinct set of duties that also enabled it to control the other two branches. They were:

- A legislative branch to make laws (Article I)
- An executive branch to enforce the laws (Article II)
- A judicial branch to decide whether the laws were broken (Article III)

How Congress Makes the Law

The Founders provided for a Congress whose main duty is to make laws. It consists of a Senate, to which every state sends two Senators, and a House of Representatives, to which every state is entitled to send one Representative for every 500,000 people living in that state. Members of the House are usually referred to as Congressman, Congresswoman, or Representative. Each member of the House of Representatives serves for two years before facing reelection; senators serve for an

unlimited number of six-year terms. In the past, senators were chosen by the state legislatures. Today, the men and women eligible to vote choose them. Eligible voters have always chosen representatives.



In order for a bill (a proposal for a law) to become a law it must be passed by both the House and the Senate, and then be signed by the President. If the President does not like the bill, he can veto or reject it, but if two-thirds of the House and two-thirds of the Senate vote in favor of the bill after the veto, the bill becomes a law despite the President's objections.

Before a bill is even considered by either the House or the Senate, it is sent to a committee. The committee consists of senators or representatives who have been assigned to serve on this committee and develop an expertise in the topics it examines. Some committees handle matters like taxation, legal affairs, agriculture, international relations, and trade between the states. The committee will ask experts in the field to tell what they know about the need for the bill, discuss the bill, and finally vote for or against it. If they don't approve of the bill, it dies in committee and that's the end of it. But if the committee approves of the bill by majority vote, it goes to the floor of that chamber of Congress (House or Senate). The bill gets discussed, debated, changed (amended), and finally voted up or down. When approved, the House and Senate version of the bill is usually quite different. The bill then gets sent to another committee to make both the House and Senate versions exactly alike. The bill that comes from this committee is then sent back to the House and to the Senate. It cannot be changed, and must be voted up or down. If approved by both Houses of Congress the bill is sent to the president. As we have already said, the bill is then either signed by the president or vetoed. If the veto is overturned by a two-thirds vote of both the House and Senate, the bill becomes law.

Congress also has the power to remove an elected president and other government officials from office by a process known as impeachment and conviction. To impeach the president, the House of Representatives must find him/her guilty of bribery, treason or "high crimes and misdemeanors." If charged by the House, the president faces a trial by the Senate. The Senate must find the president guilty by a two-thirds majority to remove him/her from office. No President has been removed from office, and only two (Andrew Johnson and Bill Clinton) have been impeached.

The Executive Branch of Government

We have seen that the president as head of the executive branch of government can veto laws he opposes. However, once the law is passed, the president's job is to enforce it, whether he or she likes it or not. A group of advisors known as the Cabinet aids the president. Each of these advisors is in charge of some area of government—health and education, commerce, foreign relations, law enforcement, defense of the country, etc. Each Cabinet member must be approved by a majority of votes by the Senate. In this way, the legislative branch of government has some control over the executive.

As stated in the Constitution the main job of the president is to *“take care that the laws be faithfully executed.”* The President of the United States has a large number of powers: commander-in-chief of the armed services, making treaties with foreign countries (these must then be approved by two-thirds of the Senate), and appointing ambassadors, Supreme Court Justices and other officials of lower rank, but must have the agreement of the majority of the U.S. Senate. The president also must inform Congress on the state of the nation, may recommend laws he or she thinks are necessary, and receive ambassadors from foreign countries.



The President of the United States is elected by the Electoral College and may serve for two terms of four years. Every state is allowed a certain number of electors based on its population. All of the electoral votes in each state go to the candidate who has the majority of the popular votes (with the exception of (Maine and Colorado) that state. According to the Constitution as it was originally written, electors were chosen by the state legislators and not the voters in each state.

The Judicial Branch of Government

The Judicial Branch of government consists of a Supreme Court with nine members and a number of lower courts that Congress has established. These courts may try crimes arising under the Constitution, hear all cases that question the meaning or intent of the Constitution, or deal with controversies involving states, their citizens, or foreign citizens. The most important job of the Supreme Court today is to decide whether laws passed by Congress, the states, or actions of government officials (the president included) are in violation of the Constitution. (This power was not granted in the Constitution, but assumed by the Supreme Court in the famous case *Marbury v. Madison*.) By deciding that an act by a state, such as segregating schools, violates the

rights of African Americans, the court sets a precedent that others must follow. Important decisions of the Supreme Court over the past 50 years have:

- allowed women to have abortions during the first three months of their pregnancy
- required police to inform arrested persons of their rights before questioning them
- prevented schools from requiring students to pray while in school



Supreme Court justices are appointed by the president and must be approved by a majority of the Senate. Justices of the lower federal courts are also appointed by the president and confirmed by the Senate. All Supreme Court and federal justices have lifetime appointments and can be removed only through the impeachment process.

Student Activities

A. Graphic Organizer

1. Fill in all blank spaces in the chart below:

Branch	Function	How chosen and how often	How Checks Power Other Branches
Legislature: House Senate			1. 2. 3.
Executive		Elected by electoral colleges, chosen by voters; each state gets # of electors equal to _____ .	1. Veto 2.
Judicial			1. 2.

2. In the chart below, place each of the steps needed for a bill to become a law in the right order by writing the letter and the phrase that accompanies them in the proper sequence.

Wrong order	Right order
a. President vetoes bill	
b. Committee meetings held	
c. House and Senate reconcile differences	
d. Bill signed into law by president	
e. House and Senate override veto	
f. Full House and Senate pass bill for first time	

For Further Consideration: The War Powers Controversy

According to the U.S. Constitution, the power to declare war belongs to Congress; the power to order troops into battle belongs to the president. The United States has gone into a number of wars, most dramatically the Korean and the Vietnam Wars, without Congress officially passing or the president requesting a formal declaration of war. This problem has recently been stated:

The most agonizing decision we make as a nation is whether to go to war. Our Constitution ambiguously divides war powers between the president (who is the commander in chief) and Congress (which has the power of the purse and the power to declare war). The founders hoped that the executive and legislative branches would work together, but in practice the two branches don't always consult. And even when they do, they often dispute their respective powers.¹

Look up the term “National War Powers Commission” and find out what changes are being proposed in war powers legislation. Write a strong paragraph about the reasons for these changes, and whether you think they are necessary. Come to class ready to present your position, listen to the opinions of others, and defend yours or change your mind.

Or

Research other cases that highlight the struggle between executive and legislative branches such as Richard Nixon's or George W. Bush's administrations' claims to executive privilege or evaluating the case for impeaching President's Andrew Johnson or William Jefferson Clinton. Write at least three strong paragraphs on the case and come to class ready to present the results of your research.

¹ James Baker, III And Warren Christopher, 'Put War Powers Where They Belong,' *New York Times*, July 8, 2008

Chapter 7. The Bill of Rights

Teacher Page

Overview:

Though we can't imagine living without a bill of rights today, the original Constitution failed to provide one. This chapter briefly explores the reasons for this omission and proceeds by reminding students of how they are protected by the Bill of Rights. The narrative proceeds to list the Bill of Rights in its entirety and explains what is meant in the sometimes-archaic words of Amendments I–X. A footnote reminds students that because of the 14th amendment to the Constitution and its interpretation by the courts, the Bill of Rights also protects all citizens from acts by state governments. The “For Further Consideration” section presents the famous *Tinker* case involving students challenging school rules by wearing armbands to protest the Vietnam War. The case ended in the ruling epitomized by the phrase that students and teachers do not “shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.”

Students are not told that the minority opinion is much closer to subsequent decisions (such as *Hazelwood v. Kuhlmeier*, 1988) involving students in their schools exercising what they think are their constitutional rights.

Objectives:

Students will:

- understand the importance of a bill of rights
- realize that Amendment XIV has been interpreted to extend the protection of individuals offered by the Bill of Rights to include shielding them from arbitrary use of states' powers
- be able to name at least ten rights which they currently have under the Bill of Rights
- discuss to what extent the Bill of Rights applies to them in a school setting

Strategy:

Before class: Assign the chapter either up to or including the “For Further Consideration.” Inform students they will be expected to write their answers to all the Student Activities questions covering the assigned section(s).

In class: You may wish to alter normal procedure by asking students not to open their books. Next, take some arbitrary actions such as telling students they don't have the right to express their opinions about a locker search going on in their school or about plans for separating students by religion. Ask students which of their rights they think these actions would deny them. If you assigned the reading, ask students which position they would take on the *Tinker* case and why. Next, challenge your students to name other rights they have under the Constitution and ask volunteers to share stories about how their own rights were denied to them outside of school.

The discussion might proceed by reviewing individual rights such as gun control, the death penalty, locker searches, prayer in school, or whatever might come up in class. You should point out that although Amendment IV extends the Bill of Rights to protect individuals from acts by state governments, rights are not absolute. Instead, they are circumscribed by needs such as maintaining public order and considerations such as health and safety.

Chapter 7. The Bill of Rights I-Chart

	Why is a bill of rights necessary?	What are the most important rights protected by our Bill of Rights?	Does and should the Bill of Rights extend to students while in school?
What I already know			
What I learned from Chapter 7, Part I			
What I learned from Chapter 7, Part II			
What I still would like to learn about this subject			

Vocabulary for Chapter 7—The Bill of Rights

amendment

oversight

Bill of Rights

infringe upon

controversial

**petitioning the
government**

guarantees

judicial approval

**electronic
surveillance**

Vocabulary for Chapter 7—The Bill of Rights

A formal statement of the rights and liberties of citizens	A failure to see, recognize or expect something	Something added or changed, such as to a constitution
To formally ask the government for something	Something that causes strong disagreement	To interfere with
Use of an electronic device to spy on someone or something	Approved by a judge or jury	A promise of a particular outcome

Vocabulary for Chapter 7—The Bill of Rights

		prohibit
		cross-examine

Vocabulary for Chapter 7—The Bill of Rights

To not allow someone
to do something

Usually a series of questions asked
of a witness by an opposing lawyer

Chapter 7

The Bill of Rights

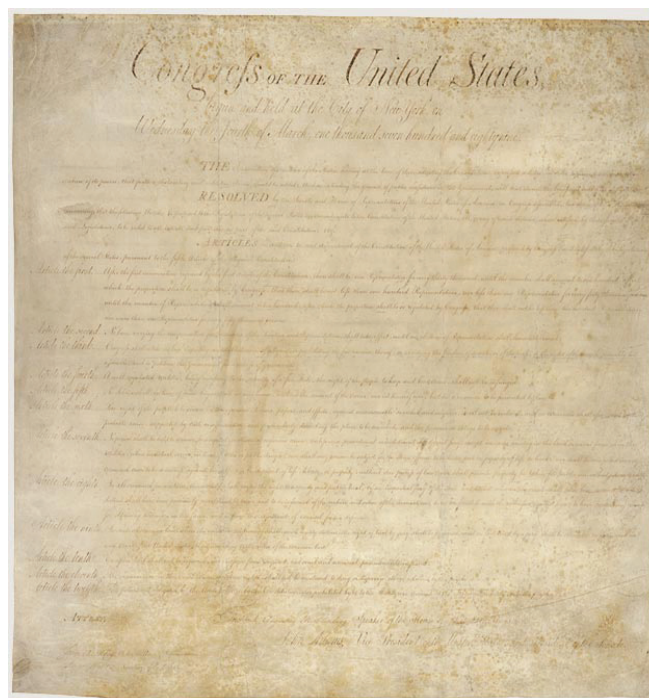
Introduction

The original Constitution was completed in September 1787. It did not include any clear statement of what rights were guaranteed to people living in the United States. There were no guarantees for you to speak your mind, write and publish what you wanted, carry a gun, or not have soldiers stationed in your house. There wasn't any protection to stop a policeman from searching you for no good reason and no guarantee that you would be tried by a jury of your peers or be allowed to confront people who accused you of a crime. You could be forced to give evidence against yourself, and you could be tortured.

This chapter provides you with a copy of the Bill of Rights added to the U.S. Constitution, and a short explanation of what each of the rights listed means today.

There were many different reasons for this startling oversight. The Constitutional Convention had dragged on for a long hot summer and the delegates wanted to go home to families and friends. Thomas Jefferson, who believed the purpose of the government was to protect the rights of its people, could not attend the Convention. Some thought a bill of rights might be needed if a king ran the country, but since the Constitution created a government of, by, and for the people, the people's representatives would not take away the rights of those who elected them. Probably the main reason the original Constitution did not contain a bill of rights, however, is that many Americans thought that a clear statement of what rights the people should have wasn't needed because the Constitution did not give the government enough power to take away anyone's rights.

You can probably tell your classmates why a bill of rights was as essential to the Constitution as a helmet is to a soldier. But all you need to know is that the people who had to approve of the Constitution before it could go into effect insisted that a bill of rights be included. This promise was made and kept by delegates to the Convention who wanted the Constitution. Thus, the Founders promised that one of the first things they would do once the Constitution went into effect was to add a bill of rights.



The original Bill of Rights

Under the able leadership of James Madison, the first Congress of the United States drafted 12 amendments and sent them to the states for their approval. Ten of the 12 amendments were ratified by state legislatures and became what we know as the Bill of Rights. You can read them on the next page, where they are accompanied by an explanation to make them easier to understand. However, to really understand the Bill of Rights takes a lifetime.¹

The Bill of Rights

<p>Amendment I</p> <p>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.</p>	<p>Freedom of religion has been interpreted as not having a religion forced on individuals. This amendment states basic rights to expression, including freedoms of speech, press, meeting peacefully, and petitioning the government. These rights come into question when freedoms are used to plan violent acts and other evil or some antisocial purposes.</p>
<p>Amendment II</p> <p>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.</p>	<p>This is the controversial “gun control” amendment. Despite the “shall not be infringed” phrase, many laws have been passed to protect the public from gun-carrying criminals, assault weapons, etc. Recently, the Supreme Court ruled that the “well-regulated militia” phrase did not deny individuals the right to keep firearms.</p>
<p>Amendment III</p> <p>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.</p>	<p>Forcing colonists to put up British soldiers in their homes caused the passage of this amendment. It seldom comes into question today.</p>

¹ The Bill of Rights we have today originally only protected people from powers exercised by the federal government. Because of the 14th amendment to the Constitution and its interpretation by the courts, the Bill of Rights today also protects us from acts by state governments.

Amendment IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants 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.

This amendment sets the terms under which law enforcement authorities can search you, your house, or property (including your car or school locker), or tap your phone. It requires that the law enforcers have good evidence that a crime has been committed. Any evidence found by illegal searches may not be admitted in trials of the accused. Electronic surveillance of U.S. citizens without prior judicial approval remains an issue.

Amendment V

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

This amendment guarantees a number of rights. It:

- Protects you from facing a jury trial unless there is solid evidence against you
- Protects you against being tried twice for the same offense
- Guarantees you a trial by jury of others like yourself
- Protects you from being forced to give evidence against yourself (leading to the famous Miranda rule)
- Prevents government from taking your property without fair payment

Amendment VI

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

This amendment guarantees a number of rights. It:

- Guarantees a jury trial in the area where the crime was committed
- Guarantees that you be informed of the charges against you
- Allows your lawyer to cross-examine witnesses against you
- Guarantees that the witnesses for you can come to testify in court
- Gives you the right to have a lawyer

<p>Amendment VII</p> <p>In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any court of the United States, than according to the rules of the common law.</p>	<p>This amendment states that in matters exceeding \$20 you are guaranteed a right of trial by jury, and that the commonly accepted rules of law apply concerning the examination of evidence.</p>
<p>Amendment VIII</p> <p>Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.</p>	<p>Protects you from paying an unreasonable amount of bail, too high a fine, or that you won't be subjected to an unusually cruel punishment. This last part has been interpreted by some to prohibit the death penalty. It definitely does not allow torture.</p>
<p>Amendment IX</p> <p>The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.</p>	<p>This amendment states that just because some rights are not listed in the Constitution it does not necessarily mean you don't have them.</p>
<p>Amendment X</p> <p>The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.</p>	<p>This amendment has less to do with your rights and more to do with the powers of the national government. It says that powers not given to the national government or not denied to the states belong to the states.</p>

Student Activities

A. Student Exercises

1. Do you think that the Constitution should have been ratified without the promise that a bill stating the people's rights would be added? Why or why not?
2. Be prepared to name at least eight rights guaranteed in the Bill of Rights.
3. Come to class with three questions you have about the Bill of Rights.

For Further Consideration: Does the Bill of Rights Stop at the Schoolhouse Door?

John and Mary Beth Tinker attended public school in Des Moines, Iowa. As part of a community group opposing the war in Vietnam, they decided to go to school wearing black armbands to express their opposition to the war. The principals in the school district learned of this intended protest and created a rule that any student wearing black armbands would be suspended unless the student removed it. The principals justified this rule by claiming these offending armbands would disrupt the educational mission of the school. Fully aware of this rule, the Tinkers nevertheless came to school in December 1965 wearing their armbands. After refusing to take them off, John and Mary Beth Tinker and a friend who joined the protest were sent home by the principal. Their suspension lasted until they agreed to come back to school without the banned symbols of protest. The families of the three students took their case to court, claiming the principal's rule was an unconstitutional denial of their children's right to free speech.

After a series of defeats in lower courts, the Tinkers appealed their case to the Supreme Court of the United States. The fundamental question of the case came down to this: Does the First Amendment's promise of free speech extend to the symbolic speech of public school students? And, if so, in what circumstances is that symbolic speech protected? The First Amendment to the Constitution says, "Congress shall make no law... abridging the freedom of speech." The Fourteenth Amendment extends this rule to state government as well, which includes schools. The question of what kind of speech or action is protected under the First Amendment has been considered many times by the Supreme Court of the United States. Generally, the Court has held that the First Amendment protects adult symbolic speech that does not harm or threaten to harm. However, at the time of *Tinker*, it was unclear whether students' rights in this area were different.

In 1968, the Supreme Court of the United States agreed to hear the Tinkers' case and consider whether the Des Moines public schools ban on armbands was an unconstitutional violation of the students' right to free speech. The Court's decision in *Tinker v. Des Moines* was handed down in 1969.

Key Excerpts from the Supreme Court Judges Favoring the Tinkers	Key Excerpts from the Supreme Court Judges Favoring the School
<p>...It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate...</p> <p>...The Fourteenth Amendment, as now applied to the States, protects the citizen against the State itself—Boards of Education not excepted.</p>	<p>First Amendment rights, applied in light of the special characteristics of the school environment, are available to teachers and students...the crucial...questions are whether students and teachers may use the schools at their whim as a platform for the exercise of free speech...</p> <p>...While I have always believed that under the</p>

These have, of course, important, delicate, and highly discretionary functions, but none that they may not perform within the limits of the Bill of Rights. That they are educating the young for citizenship is reason for scrupulous protection of Constitutional freedoms of the individual, if we are not to strangle the free mind at its source and teach youth to discount important principles of our government as mere platitudes...

...In order for the State in the person of school officials to justify prohibition of a particular expression of opinion, it must be able to show that its action was caused by something more than a mere desire to avoid the discomfort and unpleasantness that always accompany an unpopular viewpoint...

...the record fails to yield evidence that the school authorities had reason to anticipate that the wearing of the armbands would substantially interfere with the work of the school or impinge upon the rights of other students...[and] the school officials banned and sought to punish petitioners for a silent, passive expression of opinion, unaccompanied by any disorder or disturbance on the part of petitioners...

...In our system, state-operated schools may not be enclaves of totalitarianism. School officials do not possess absolute authority over their students. Students in school as well as out of school are "persons" under our Constitution. In the absence of a specific showing of constitutionally valid reasons to regulate their speech, students are entitled to freedom of expression of their views.

First and Fourteenth Amendments neither the State nor the Federal Government has any authority to regulate or censor the content of speech, I have never believed that any person has a right to give speeches or engage in demonstrations where he pleases and when he pleases...

...I think the record overwhelmingly shows that the armbands did exactly what the elected school officials and principals foresaw they would, that is, took the students' minds off their classwork and diverted them to thoughts about the highly emotional subject of the Vietnam War...

...[D]etailed testimony by some of them shows their armbands caused comments, warnings by other students, the poking of fun at them, and a warning by an older football player that other, non-protesting students had better let them alone. There is also evidence that a teacher of mathematics had his lesson period practically "wrecked" chiefly by disputes with Mary Beth Tinker, who wore her armband for her "demonstration." Even a casual reading of the record shows that this armband did divert students' minds from their regular lessons...

...It is a myth to say that any person has a constitutional right to say what he pleases, where he pleases, and when he pleases...

Write a strong paragraph supporting one side or the other in the *Tinker* case. Come to class prepared to present your opinion, listen to the opinions of others, and either defend yours or change your mind.

Chapter 8. Slavery, Amending the Constitution, and Ratifying It

Teacher Page

Overview:

This chapter covers important parts of the Constitution that were not mentioned in previous chapters. These include what the Framers put into the Constitution about the continuation of the slave trade as well as their inclusion of the three-fifths clause and the provision regarding the return of fugitive slaves. It also covers the procedure for ratifying the Constitution and amending it after it was ratified. The most important of the 26 amendments that were subsequently made are listed and explained. The “For Further Consideration” section provides primary source documents arguing for and against ratifying the Constitution without first adding a bill of rights, eliminating its undemocratic features, and allocating more power to the states.

Objectives:

Students will:

- learn how the original Constitution dealt with the issues involving slavery, and ratifying as well as amending the Constitution
- discuss whether the document should have been ratified without first making the government less powerful, changing its treatment of slavery, including a bill of rights, and making it more democratic
- learn that the anti-Federalists who opposed ratifying the Constitution became the forefathers of the current Democratic Party, and the Federalists who favored the Constitution became the forefathers of the current Republican Party

Strategy:

Before class: Assign the chapter either up to or including the “For Further Consideration” section. Inform students they will be expected to write their answers to all the Student Activities questions covering the assigned section(s).

In class: Review and discuss the provisions embedded in the Constitution for the extension of the slave trade, the three-fifths clause, and the return of fugitive slaves. Make sure students understand that the provision requiring the approval of nine of the 13 states to ratify the Constitution circumvented the requirement of the Articles of Confederation for unanimous approval for amendments. Review the process of amending the Constitution and discuss some of the most important amendments that were passed. You may want to discuss whether any amendments should be added—including the controversial equal rights amendment for women.

I believe that the most important use of class time would be to have all students read, prepare for, and debate the question posed in the “For Further Consideration” section: Was the Constitution sufficiently democratic and protective

of individual and states' rights to be ratified before it was amended? This will help prepare students to argue some of the issues raised during the Federalist Period and help them understand that the fight for democratic rights remained to be carried on by people other than the Founders.

Chapter 8. Slavery, Amending the Constitution, and Ratifying It

I-Chart

	What did the Constitution say about slavery?	What is the process for amending the Constitution?	Name the most important amendments to the Constitution.
What I already know			
What I learned from Chapter 8, Part I			
What I learned from Chapter 8, Part II			
What I still would like to learn about this subject			

Vocabulary for Chapter 8—Slavery, Amending the Constitution, and Ratifying It

liberty	dangle	“such Persons”
flaws	banning	respective
	exceeding	apportion

Vocabulary for Chapter 8—Slavery, Amending the Constitution, and Ratifying It

Freedom and/or independence	To show something in order to entice someone to want or do something	In the Constitution, slaves were referred to as “such Persons”
Things wrong with something or someone	Not allowing, prohibiting; usually in a formal sense	In relation to something said or done
More than	To divide something among different people or groups	

Chapter 8

Slavery, Amending the Constitution, and Ratifying It

Introduction

In our review of what the Founders decided when they were writing the Constitution, we omitted several important topics. Read this chapter to learn what the Constitution said about slavery, how the Constitution could be changed, and what was needed to have the country agree to it.

Slavery

What to do about slavery and the slave trade was one of the most difficult problems facing the Founders. Many delegates from Southern states threatened to leave the Constitutional Convention if the Constitution interfered with slavery or the slave trade. A large minority of people in the North (and even a number of slave owners) thought slavery was wrong and that no more slaves should be brought into the country. However, there were still many Northerners who had no objections to slavery and thought it helped make the country rich.

There were three distinct areas where the Founding Fathers dealt with the problem of what to do about slavery. Note in the following chart that the Founders never put the word “slavery” into the Constitution.

Statement about Slavery in Constitution	Meaning of Statement
Article 1, Section 2. 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 ... three-fifths of all other Persons.	Each slave shall count as three-fifths of a person in settling on the number of people in the states for the purpose of deciding the taxes the state should pay and the number of representatives it would have in Congress.
Article I, Section 9. The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year 1808, but a tax or duty may be Imposed on such Importation, not exceeding ten dollars for each Person.	Congress may not prevent the further importation of slaves until 1808, but may place a tax on such importation of not more than \$10 per slave.

Article IV, Section 2. No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due	Escaped slaves (even if they reached states where slavery was banned) must be returned to those who owned them.
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Amendments

The Founding Fathers realized that they were also writing a constitution for future generations and that people would want to change it as time went on. They provided a way of amending the Constitution by a two-thirds vote in both the House and the Senate, and a three-fourths vote by the states. All together, 27 amendments have been made to the Constitution in this fashion. The following is a list of the amendments that have made significant changes in the way the people have been governed:

Amendment	Summary of the Amendment
1–8	The Bill of Rights—protects people from the national government
10	Gave the states powers they weren't denied or that weren't given to the national government
13	Ended slavery
14	Provided that no state could deprive its residents of 'the equal protection under the law.'
15	Gave former slaves and African Americans the right to vote
16	Allows the national government to tax incomes
17	Senators must be elected directly by voters and not by state legislatures
18	Prohibited the sale of alcoholic beverages
19	Gave women the right to vote
21	Repealed the ban on the sale of alcoholic beverages
22	Limited President to two terms in office
24	States may not require voters to be charged for the right to vote
26	Gave 18-year-olds the right to vote

Ratifying the Constitution

The Constitution was only a proposal when signed by the Founding Fathers on September 17, 1787. It still needed to be approved by the states for it to become the supreme law of the land. Article VII of the Constitution clearly stated that the approval of the conventions of nine states would be “sufficient for the establishment of this Constitution.”

Ratification was not guaranteed. The votes in Massachusetts, Pennsylvania, Virginia, and New York were close. Those who opposed the Constitution were called anti-Federalists because they opposed a strong central government. They objected to the seemingly overwhelming grant of powers to the national government with no guarantee that the states would be left with any powers, the lack of a bill of rights, and the lack of direct elections of the president and the U.S. Senate. Some were dissatisfied with the failure to end the slave trade. But the Federalists (the pro-Constitution party) overcame their objections. They argued that the federal government needed much more power than it had under the Articles of Confederation, and that there was no immediate need for a bill of rights. They also pointed out that amending the Constitution could change whatever flaws it currently had. In state after state, the superior organizing ability of the Federalists and the force of their arguments carried the day. The Constitution that we now have was ratified!

The issues that divided the country between Federalists and anti-Federalists can be summed up as the power of the national government versus the power of the states, and the need for order versus the desire for liberty. These issues continued as the basis for political discussions during the period of Federalist rule (1789–1801) and they are still being debated today.

Student Activities

A. Student Exercises

1. Do you think the decisions the Founders made about slavery were necessary to get the Constitution ratified, or did they go too far in ensuring the continuation of this institution? Your answer should show you know what the Founders decided.
2. Explain how the Constitution can be amended and select three amendments that you think were too late in coming.
3. What were the main issues Americans had to consider in 1788 while deciding whether to ratify the Constitution?

B. Graphic Organizer

Fill in all your answers to the questions raised by the headings of the graph below. Note that you have to review information from the Articles of Confederation chapter as well as from this chapter.

Issue	Solution by Articles of Confederation	Solution by new Constitution
Number of votes each state was given	Each state had one vote	
Division of power between national and state governments		
Separation of powers between branches of government		
Power to regulate the slave trade		
Rights protected from federal government		
Process of amending constitution		

For Further Consideration: Ratifying the Constitution

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

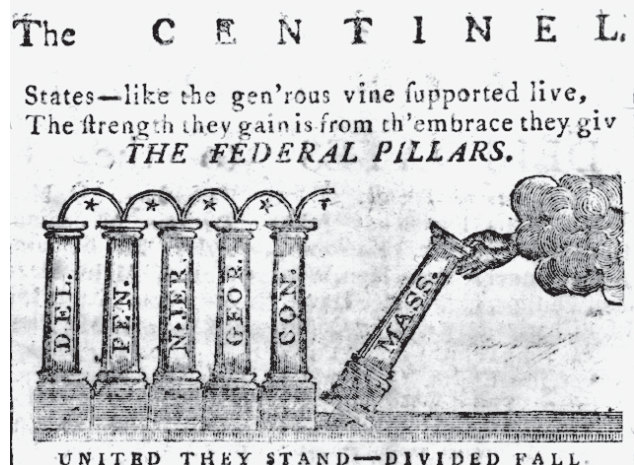
Ignoring their original instructions by the Continental Congress to suggest amendments to the Articles of Confederation and not to write a new document, the Founders sent the proposed Constitution directly to the states for their consent. The approval of nine of the 13 states was required before the proposed Constitution would become the law of the land. Because the majority of the people of the country probably opposed ratification, a favorable outcome depended on the political skill of the Founders. They had to reassure many Americans that the stronger government created by the Constitution was necessary and would neither take away their liberties nor give too much power to a privileged few.

The Ratification Struggle

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

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

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



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

Of all the states holding conventions, New York was least likely to ratify the Constitution, and it surely would have failed but for the efforts of Alexander Hamilton. A series of 85 brilliant essays by Madison, Hamilton, and John Jay printed in newspapers supported the Federalist cause. Furthermore, the Federalists threatened to have New York City secede from the state and join the Union unless ratification was secured. Still, New York may not have given assent if Alexander Hamilton had not been able to hold off a decisive vote until news arrived that Virginia had already ratified. These tactics succeeded; seven anti-Federalists abstained from the final tally, and three changed their minds in a hard-fought 30–27-vote victory for the Federalists.

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

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

Although Sam Adams, John Hancock, and Patrick Henry supported the anti-Federalists, they were unable to command the aid of the majority of the educated elite in the colonies. Their supporters were men of relatively little education or experience in state or national politics, “plowmen rather than statesmen.” They simply did not

possess the intellectual ability, prestige, or political skill to mount an effective campaign against their more sophisticated opponents. Even in the states where they started with a majority in the ratifying conventions, the “antis” often lost the debates with their better-prepared rivals.

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

Arguments Against Ratifying	Arguments for Ratification
<p>How short your memories are, you who want a new Constitution. You do not remember that the Articles of Confederation were good enough for us during the eight years we were at war with England. You do not remember that we were ruled by them when we beat the world’s strongest nation. You do not remember that they were written by our greatest patriots.</p> <p>The Constitution, however, was written by men of ambition and cunning. It was written in secrecy, behind closed doors. While these men were making chains for the nation, the rest of us were fed stories of imagined weaknesses under the Articles of Confederation. We will not believe their rot!</p> <p>We have two main objections to the Constitution.</p> <p>First, we object because the Constitution will destroy the power of the states. In the place of our democratic state governments we will again have a dictatorship like the one England forced on us.</p> <p>The powers of Congress under the Constitution are completely unlimited. By its power of taxation, Congress can take all of the property belonging to our people.</p>	<p>There are times when troubles are so thick that few indeed understand their causes. We are living in such a time. Only the wise and far-seeing know the reason for our nation’s problems. The cause, my friends, is the Articles of Confederation. Fortunately, however, we have a new Constitution that can solve these problems.</p> <p>The fault with the Articles of Confederation is easy to see. It is their lack of power. Under the Articles, Congress could declare war, but did not have the power to raise armies or collect taxes. How can you wage war without men or money? Under the Articles, Congress could draw up treaties, but lacked the power to enforce them; it could borrow money, but not collect taxes to see it repaid; it could coin money, but not stop the states from issuing their own. In brief, Congress could make all kinds of recommendations. But it lacked the force to see that they were carried out. What a pitifully weak government these disunited states had!</p> <p>The Constitution writers agreed that a strong national government was absolutely necessary. They had the good sense to give the government enough power to solve the problems this nation faced. At the same time, they did not take too much power from the states.</p>

This is not just my imagination. The Constitution says (Article I, section 8): “The Congress shall have power to lay and collect taxes, duties, etc. to pay the debts, and provide for the common defense and general welfare of the United States.”

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

If that is not enough, the supremacy of the laws of the United States is also set up in Article VI:

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

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

As all can see, this Constitution does not have a Bill of Rights stating the unalienable rights of men. Without the full, free, and safe enjoyment of these rights, there can be no freedom—no right of conscience—no

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

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

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

Let those who are honest in their hope for a

guarantee for a trial by jury. Once more, there is no freedom of the press—without which there can be no other freedoms. The argument that they are in the state constitutions is just so much nonsense. The Constitution, as we have seen, overpowers the state constitutions in all matters.

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

We also object because of the long terms of the President and the Senators and the methods by which they are elected.

better Constitution from another convention think of the time it would take. Let them think how hard it would be to carry on in our embarrassing situation.

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

Based on what you have learned so far about how the Founding Fathers solved the issues they confronted at the Convention, do you think the Constitution was sufficiently democratic and protective of individual and states' rights to be ratified before it was amended? Write at least two strong paragraphs stating your answer and come to class prepared to present your opinion, listen to the opinions of others, and either defend yours or change your mind.

Chapter 9. Hamilton and Jefferson: The Men and Their Philosophies

Teacher Page

Overview:

After a brief summary of their careers, this chapter presents the conflicting ideas of Alexander Hamilton and Thomas Jefferson. The following topics are covered: whether the government should protect the interests of the rich or the great masses of people, the need for a Bill of Rights, how to deal with rebellions, the need for states, industrializing America, and slavery. Students are asked to agree or disagree with one of these two men on at least three different issues. The “For Further Consideration” section provides background information on the first Washington Administration and then summarizes Hamilton’s Program for guiding the fledgling government to the realization of his goals for the country. The chapter explains Hamilton’s proposals for paying the national as well as the states’ debts at face value, establishing a national bank, instituting a protective tariff, and imposing an excise tax that fell mainly on whiskey brewed in frontier areas. Students are asked to evaluate the program as an instrument for achieving nationalistic goals without using democratic means.

Objectives:

Students will:

- understand the irony that Hamilton’s and Jefferson’s political/economic views did not reflect their social origins
- decide whether they are more Hamiltonian in their beliefs or Jeffersonian
- express their own views on three topics on which Hamilton and Jefferson disagreed
- understand and evaluate Hamilton’s program

Strategy:

Before class: Unless you intend to spend two days on this chapter, assign the chapter either up to or including the “For Further Consideration” section. Inform students they will be expected to write their answers to all the Student Activities questions covering the assigned section(s). If you intend to spend a second day on this chapter, assign students to read and take notes on the “For Further Consideration” section (on Hamilton’s program) in this chapter.

In class: Start class by asking students why governments should adopt policies favoring one class of citizens, such as the wealthy or the not-so-well-off. After some discussion, you should notice deep divisions among students; ask Hamilton’s followers to support other of their leader’s ideas, and ask Jefferson’s followers to do the same. Give the most dedicated Jeffersonians and Hamiltonians the opportunity to speak to the class in favor of their hero’s ideas and to argue against the ideas of the other. If discussion dies down, you may wish to do one of two things: (a) ask students to write

a strong paragraph on the ideas and character of the person with whom they agree or the one with whom they disagree, or (b) go over the ideas expressed by both leaders on each of the five topics covered in this chapter.

Given the importance of Hamilton's program, it would be wise to devote a full class to it to make sure that students understand it. You should also ask your students to debate whether or not Hamilton's proposals were more suited to the interests of the rich and wellborn than to the interests of the country as a whole.

**Chapter 9. Hamilton and Jefferson:
The Men and Their Philosophies
I-Chart**

	Why were Alexander Hamilton and Thomas Jefferson famous?	What did they believe about government, states, rights, rebellions, industrialization, and slavery?	Whose ideas on these topics are most important for the U.S. government to support?
What I already know			
What I learned from Chapter 9, Part I			
What I learned from Chapter 9, I, Part II			
What I still would like to learn about this subject			

Vocabulary for Chapter 9—Hamilton and Jefferson: The Men, Their Philosophies, and Hamilton's Program

contradiction

conversationalist

national debt

magnifying

Secretary of State

“weak reed”

organization

corruption

Hercules

Vocabulary for Chapter 9—Hamilton and Jefferson: The Men, Their Philosophies, and Hamilton's Program

Money owed by the government of a country	Person who is interesting to talk to	Something that is not logical or not consistent
Weak link; flaw or weakness that threatens the whole	Position in government in charge of foreign policy	Making something appear larger or more important than it really is
Legendary son of a Greek god known for his courage and strength	Abuse of power often by taking money or harming others	A body that is set up with a recognizable structure or rules

Vocabulary for Chapter 9—Hamilton and Jefferson: The Men, Their Philosophies, and Hamilton's Program

deprive

Vocabulary for Chapter 9—Hamilton and Jefferson: The Men, Their Philosophies, and Hamilton's Program

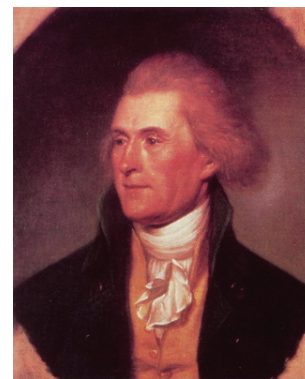
To prevent someone from
having something

Chapter 9

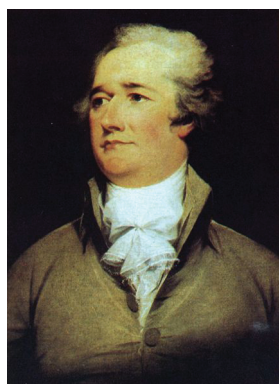
Hamilton and Jefferson: The Men, Their Philosophies, and Hamilton's Program

Introduction

He was born with a silver spoon in his mouth, yet Thomas Jefferson claimed to speak for the vast majority of average Americans and not for the rich and powerful. He owned slaves, but wrote the Declaration of Independence, which said that all men were born with God-given rights that could not be taken away. He believed in limiting the power of the national government, but as president he greatly added to its powers. As a private citizen, he borrowed so much more money than he could pay back, and he was forced to sell some of his slaves. As President, he tried to balance the budget and pay the national debt. It was said that he was not practical, but he is known for his inventions, his talent as an architect, and his careful notes on the geography of his home state. He was a poor public speaker but a brilliant writer and a charming conversationalist. The man with so many contradictions was honored and praised for his service to his country as ambassador, as Secretary of State, as president, and, most of all, as author of the Declaration of Independence.



Thomas Jefferson



Alexander Hamilton

Alexander Hamilton was born in the West Indies but became a devoted patriot. He distinguished himself in the Revolution against British tyranny, but was a lifelong admirer of England and its government. His origins were truly humble, but he spent his life helping the rich and powerful. His friends became rich following his lead, but he died deeply in debt. He thought the Constitution was a “weak reed,” but was responsible for making the government established under it successful. He favored a strong national government but helped establish the political party now known for its support for states’ rights. He had no skills in aiming or firing a gun, but accepted the challenge of fighting a duel which he had no chance of winning. The man whose life and career contained such contradictions became the first U.S. Secretary of the Treasury and is given credit for putting the U.S. government’s finances in good order.

The careers of Hamilton and Jefferson were among the most fascinating in American history. Few men played more important roles in the period between 1770 and 1800; few were further apart on key political issues during the 1790s. Both men made important contributions to their nation while they served President Washington as advisors and as Secretary of the Treasury and Secretary of State. Each became a

political leader and played a major role in forming the first real political parties in the United States.

Since the ideas expressed by Alexander Hamilton and Thomas Jefferson had such a strong influence on the development of our country, it is important that we study their widely differing political beliefs.

Contrasting Philosophies of Hamilton and Jefferson

The following are among the best-known ideas from the writings of Hamilton and Jefferson. As you read them, try to understand the differences between these men, and decide whether you agree with either of them.

Whose Support Is Needed Most: The Rich or the “Great Mass of People”?	
<p style="text-align: center;">Hamilton</p> <p>All communities [societies] divide themselves into the few and the many. The first are the rich and the well-born; the other, the mass of the people. The people are turbulent [disorderly] and changing; they seldom judge or determine right. Give therefore to the first class a distinct and permanent share in the government.</p> <p>Our great error is that we suppose mankind more honest than they are. Our prevailing [existing] passions are ambition and interest; it will be the duty of a wise government to control these passions in order to make them subservient [obedient] to the public good.</p>	<p style="text-align: center;">Jefferson</p> <p>Men...are naturally divided into two parties. Those who fear and distrust the people [and] those who identify themselves with the people and have confidence in them as the most honest and safe [for keeping a government in check]... Whenever the people are well informed, they can be trusted with their own government.</p> <p>The mass of mankind has not been born with saddles on their backs, nor a favored few booted and spurred, ready to ride them legitimately [rightfully] by the grace of God.</p>
On the Need for Rebellions	
<p style="text-align: center;">Hamilton</p> <p>Beware, my dear sir, of magnifying a riot into an insurrection [rebellion], by employing [using] in the first instance an inadequate [too little] force. Tis better far to err [go wrong] on the other side. Whenever the government appears in arms, it ought to appear like Hercules, and inspire respect by the display of strength.</p>	<p style="text-align: center;">Jefferson</p> <p>A little rebellion now and then is a good thing, and necessary in the political world as storms in the physical. It is a medicine necessary for the sound health of government.</p>

On Need for State Governments

Hamilton

There is no reason to keep state governments the way we have them today. They are not necessary for any great purpose—neither for agriculture, commerce, revenue, or defense. Yes, they are necessary to administer laws—but not to make them. The states need not continue to have any great authority. We can all but abolish them and have one government for all the people of the country.

Jefferson

Our country is too large to have all its affairs directed by a single government. Public servants at such great distance from under the eye of their constituents [the people] must be unable to administer [carry out] and overlook all the details necessary for good government...and will invite [tempt] public agents to corruption and plunder, and waste...Let the general government be reduced to a very simple organization and a very inexpensive one; a few plain duties to be performed by a few public servants.

On the Need for a Bill of Rights

Hamilton

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

Jefferson

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

A bill of rights is what the people are entitled to against every government on earth.

On Industrializing America

Hamilton

It is in the interest of nations to diversify [give variety to] the industrious pursuits of the individuals who compose them; that the establishment of manufacturers is calculated not only to increase the general stock of useful and productive labor, but even to improve the state of agriculture...

Jefferson

For the general operation of manufacture, let our workshops remain in Europe. It is better to carry provisions and materials to workmen there than bring them here. The loss by the transportation of commodities [goods] across the Atlantic will be made up in happiness and permanence [continuance] of government. The mobs of great cities add to government, as sores do to the strength of the human body.

On Slavery	
<p style="text-align: center;">Hamilton</p> <p>The benevolent [kind] Creator and Father of Men having given to them [Africans] all, an equal Right to Life, Liberty and Property; no Sovereign [ruling] Power, on Earth, can justly deprive them of either...</p> <p>It is our Duty, therefore, both as free Citizens and Christians, not only to regard, with Compassion, the Injustice done to those, among us, who are held as Slaves, but to endeavour [try], by lawful Ways and Means, to enable them to Share, equally with us, in that civil and religious Liberty with which an indulgent Providence [kind fate] has blessed these States; and to which these, our Brethren, [brothers] are by Nature, as much entitled as ourselves.</p>	<p style="text-align: center;">Jefferson</p> <p>...It will probably be asked, Why not retain and incorporate [include] the blacks into the state...Deep rooted prejudices entertained by the whites; ten thousand recollections [memories], by the blacks, of the injuries they have sustained; new provocations [annoyances]; the real distinctions [differences] which nature has made, will divide us into parties, and produce convulsions [disturbances], which will probably never end but in the extermination [killing] of the one or the other race...</p> <p>I advance it as a suspicion only, that the blacks...are inferior to the whites in the endowments [abilities] both of body and mind, which are physical and moral.</p>

Student Activities

A. Graphic Organizer

Jefferson and Alexander Hamilton could hardly have been more different. Fill in the chart below to show areas where the two differed.

	Alexander Hamilton	Thomas Jefferson
Birth and early life		
Contribution to the Revolution		
Service after the Revolution		
Ideas on 3 topics you chose: Topic 1.		
Topic 2.		
Topic 3.		

B. Student Exercises

Take a stand on two of the areas of belief you chose to cover. In your own words, explain why you agree with Hamilton or Jefferson on each topic. Be prepared to present and discuss your beliefs in class.

For Further Consideration: Hamilton's Program

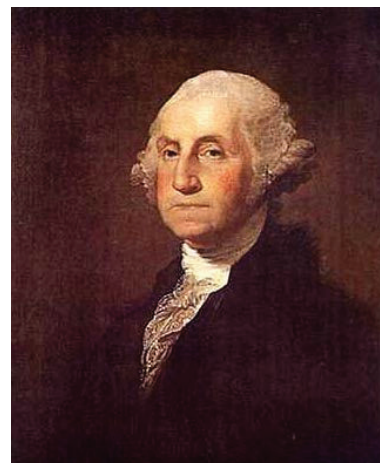
The first vote for the full House of Representatives, the U.S. Senate, and the President of the United States was held in 1788. George Washington won all the electoral votes, and was the only president who ever accomplished this feat. The election also created a great congressional majority for the men who supported the Constitution and called themselves Federalists. Together with the opposition party, called the anti-Federalists, the two became the forerunners of the present day Republicans (formerly Federalists) and Democrats (formerly anti-Federalists.)

Problems Faced by the New Nation

There were many good reasons why George Washington received the unanimous vote of the Electoral College. From his days in the House of Burgesses in Virginia, the Second Continental Congress, the U.S. Army (where he served as commander-in-chief), and the Constitutional Convention (where he presided), most Americans admired Washington. Washington had given his life in service to his country. However, he hesitated when honored with the presidency, for he knew that his newly formed country faced enormous problems. But once again he answered the call of his countrymen.

In 1788, the new nation consisted of nearly four million inhabitants strung across a coastline stretching more than 1300 miles, and reaching from the Atlantic Ocean to the Mississippi River. Its people were deeply divided. The rich merchants of New England and New York did not like the haughty planters of the South. Small farmers in the backcountry distrusted the seaboard aristocracy. The British had not left the northwest forts they had promised to leave, and Spain controlled the New Orleans outlet of the mighty Mississippi River. Hostile Indians threatened frontier settlements. The national debt was stupendous. Coins and paper money from many nations and most states served as an excuse for a national currency. Gold and silver had always been in short supply, but had been drained out of the country during the Revolution. Finally, the nation was just recovering from a postwar economic depression.

President Washington arrived in New York City—the nation's temporary capital—in April 1789 and was inaugurated on April 30th. He quickly moved to organize his administration. He picked a cabinet of four men to help run the departments of government established by Congress. Thomas Jefferson was chosen to serve as Secretary of State; Alexander Hamilton became the nation's first Secretary of the Treasury. The position of Secretary of War was awarded to Washington's former artillery commander, Henry Knox, and Edmund Randolph of Virginia became the Nation's first Attorney General.



During Washington's first term in office, Congress passed the Judiciary Act, which established a series of lesser courts to the Supreme Court of the United States. Under James Madison's direction, Congress sent 12 constitutional amendments for the states to ratify. Ten of that number became the current Bill of Rights.

Hamilton's Program

The major disputes over domestic issues during Washington's presidency revolved around a series of four controversial proposals made by Treasury Secretary Alexander Hamilton. We will outline these proposals here and provide a series of arguments against them. You are invited to judge how they reflected Hamilton's philosophy and decide whether they should have been passed.

1. Dealing with the Debt: In 1789, the national debt (mostly in the form of government bonds) amounted to \$75 million dollars. Twelve million was owed to foreign countries; 21 million was owed to bondholders that had lent money to state governments, and 42 million was owed to Americans who had lent money to the federal government during the Revolution. Hamilton proposed that all of the debt be paid back at the full face value of the bonds whose market value (what they were selling for in the 1790s) was only about 20 percent of the face value. Hamilton's purpose was to establish the credit of the federal government by paying face value for the bonds, so that the U.S. would have no problems borrowing money in the future. By paying the people who owned the bonds—many of whom were already wealthy—Hamilton also hoped to gain their support for future government projects.

Opponents of Hamilton's proposal to fund the debt at face value pointed out that many of the people who originally lent money to the government by buying its bonds had to sell them for lack of funds. People with inside information on Hamilton's proposal, including many Congressmen who voted for the funding bill, had bought the bonds and stood to make a large profit.

2. Establishing A National Bank: Hamilton proposed that the federal government establish a national bank with branches in major financial centers like Boston, New York, and Philadelphia. The Bank would have the power to print money and would use the gold and silver in its vaults to back up this paper currency. In many states, banks had been printing money, which then circulated at steep discounts in other states. Hamilton hoped his bank would establish a uniform currency. He also thought it would be a safe place for the government to deposit its money, it could lend money to the government, and it could help the government collect taxes.

There were three major objections to Hamilton's proposal for a national bank. First, many people objected because eight of the 10 million dollars needed to start the bank would be raised by selling shares of stock to the public at \$400 a share. Since most Americans did not earn \$400 in any given year, wealthy individuals who bought the stock would be able to control the bank.

Another reason for opposing the bank was that the Constitution did not give the Federal government the right to establish one. The Constitution, however, did give the government the power to collect taxes, coin money, and regulate commerce. Some argued Congress could stretch the elastic clause (“necessary and proper”) to give Congress the power to establish a bank; others thought that stretching the powers of the government beyond what was stated in the Constitution would set a dangerous precedent that would lead to granting it an unlimited number of powers.

A third source of opposition to the Bank came from state banks, which feared the national bank would put them out of business. They argued that state banks were closer to the citizens in their states and would be more likely to consider the needs of people within their jurisdiction.

3. A Protective Tariff: Hamilton’s third proposal was to pass a protective tariff. Unlike a revenue tariff, a protective tariff raises prices on imports so high that many people would prefer to buy products made in the U.S. This helps the businessmen who sell these goods and the workers who made them.

The protective tariff was opposed by consumers who did not want to buy the more expensive items produced in their own country. If the U.S. put a tariff on cotton shirts, consumers would have to pay more. Southerners, who had little opportunity and less inclination to start manufacturing goods, opposed the tariff; New Englanders, who were interested in industrializing their country, favored a protective tariff.

4. An Excise Tax: The federal government needed to raise money to pay the principal and interest on its debt, as well as pay for running the government. Since money from the sale of lands and a revenue tariff would not be enough to pay the federal government’s bills, Hamilton proposed an excise (processing) tax. This tax would fall on industries that were well enough established to pay it.

The excise tax Hamilton proposed would have fallen mainly on people who distilled alcoholic beverages. It was particularly loathsome to farmers in North Carolina, Virginia, and western Pennsylvania, who made whiskey of their rye and wheat for their own consumption or to earn money, which was scarce in their part of the country. These farmers could not understand why their only source of comfort and a cash income should be taxed, while the wealthy people in the East who would benefit from Hamilton’s program would not have to pay a similar tax.

Your teacher can tell you whether the Federalist Congress, which served under George Washington, enacted Hamilton’s measures into law. You should come to class with a strong written paragraph on the following question: Would Hamilton’s program have been likely to benefit the nation as a whole or mainly the wealthy? Come to class prepared to present your opinion, listen to the ideas of others, and argue for your position or change your mind.

Chapter 10. The Whiskey Rebellion

Teacher Page

Overview:

This chapter starts by describing the reasons for the tax on whiskey and continues with an explanation of why the tax was particularly burdensome to farmers in western Pennsylvania. Readers are informed that Hamilton and Jefferson had different positions on dealing with the Whiskey Rebellion. After students learn how the rebellion was suppressed, they are asked whether it should have been put down and if the tax should have been repealed either before or after the rebellion. The “For Further Consideration” section asks students to write a five-paragraph essay using the three topics covered in their graphic organizer.

Objectives:

Students will:

- know the reasons Hamilton wanted an excise tax placed on whiskey
- understand why this excise tax was particularly burdensome to farmers in western Pennsylvania
- understand the reasons for suppressing the Whiskey Rebellion, and know how it was accomplished
- debate whether the tax should have been suppressed before the whiskey tax was repealed, and whether the tax should have been repealed at all
- write a five-paragraph essay on the above debate

Strategy:

Before class: Unless you plan to have your students write an essay on the Whiskey Rebellion, assign the chapter either up to or including the “For Further Consideration” section. Inform students they will be expected to write their answers to all the Student Activities questions covering the assigned section(s).

In class: Since the Whiskey Rebellion is remembered more for its symbolic rather than actual importance, feel free to use class time to review information not sufficiently covered in previous classes. Assign four students to organize the information they used to prepare for class to present an argument for or against suppressing the rebellion before repealing the tax. While they are preparing to debate the issue, make sure other students understand the reasons for the tax, the arguments against it, Hamilton’s dictum on suppressing rebellions, and Jefferson’s idea that rebellions are as necessary as storms in the meteorological world. Note that the three major issues are whether the tax was fair, if the rebellion was justified, and if too much force was used to suppress it. If applicable, use the last ten minutes of class to explain that a five-paragraph essay has a thesis and foreshadowing paragraph, three argumentative paragraphs, and a concluding paragraph.

Chapter 10. The Whiskey Rebellion I-Chart

	Why was the Whiskey Rebellion important?	Was it right and fair for the government to tax whiskey?	Should the Rebellion have been repressed before the tax was repealed?
What I already know			
What I learned from Chapter 10, Part I			
What I learned from Chapter 10, Part II			
What I still would like to learn about this subject			

Vocabulary for Chapter 10—The Whiskey Rebellion

inadequate	excise tax	conspiracy
dry goods	Committees of Correspondence	corrals
minted	necessities	unalienable rights

Vocabulary for Chapter 10—The Whiskey Rebellion

<p>To have produced a coin from some type of metal, usually gold or silver</p>	<p>Cloth products, clothing, and similar products</p>	<p>Not good enough</p>
<p>Things that definitely are needed</p>	<p>Before the Revolution, such committees were formed to let revolutionaries know what the British were doing and what steps were being taken in response</p>	<p>A tax on processing goods, such as making tobacco into cigarettes</p>
<p>Basic rights that all people have or should have and may not be taken away</p>	<p>A fenced-in area usually used for keeping animals</p>	<p>When two or more people plan to do something illegal</p>

Chapter 10

The Whiskey Rebellion

Introduction

Why would anyone want to place a tax on whiskey? For Alexander Hamilton, it was a way to raise money to help pay the interest on the huge debt from the Revolutionary War. Wealthy bondholders held most of the debt, which Hamilton had agreed to pay in full. For poor farmers in western Pennsylvania, the tax on whiskey cut into their major source of income and pleasure. Rather than pay the tax, they tarred and feathered federal agents who came to collect it. The question you will be asked at the end of this reading is whether the government should have repealed the tax or suppressed the rebellion.

The Importance of Whiskey and the Tax on It

To Alexander Hamilton and the Federalists in the east, it seemed to be a good idea. Hamilton believed that industries that could afford it should pay taxes. To the average American family that drank six gallons of whiskey a year, such a tax would cost about \$1.50 every 12 months. But to farmers in western Pennsylvania, Virginia, and the Carolinas, this was considered a tax on one of life's necessities. In the west, whiskey was used freely to toast the bride at weddings and mourn the dead at funerals. Whiskey was believed to warm the body in winter and refresh the spirit in summer.

Whiskey played an important part in the economy of western parts of Pennsylvania, where it was often used in place of money. Whether in the form of paper currency (either printed by the Bank of the United States or by state banks) or coins minted by the U.S. Treasury, money was seldom seen by farmers living in these faraway places. Whiskey was their main source of cash. Twelve hundred pounds of wheat, oats, or rye could easily be refined into 20 gallons of alcohol weighing 160 pounds. The liquor could then be poured into jugs, thrown across the backs of mules, and taken some 300 miles from Pittsburgh to Philadelphia. There it would be sold at the price of \$1 per gallon. Whiskey became the one cash-producing product for these western farmers, and since it could so readily be exchanged for money, it was often used in its place. Farmers paid for their dry goods with whiskey, and merchants exchanged it for their next year's supplies. Even ministers' small salaries were often paid in part with whiskey.

Alexander Hamilton knew of the independent ways of these western farmers, but he also knew that a tax on whiskey would raise about \$800,000 a year. The money was needed to help pay the national and state debts. While the tax of some 25 cents per gallon would cost most families no more than \$1.50 a year, it would take about \$6 of the \$20 the average farm family in western Pennsylvania earned in 12 months. To the

farmers in this part of the state who did not benefit from the full payment of the national debt, \$6 seemed to be a very high tax.^{1*}

The Debate Over the Whiskey Tax

Alexander Hamilton's suggestion for a tax on whiskey in 1791 caused a heated debate in Congress. James Jackson of Georgia thought the whiskey tax was unfair and proposed that the government tax "salaries, pensions, and lawyers." When told that the people should drink less whiskey, Jackson defended their right to get drunk. Hugh Williamson of North Carolina proposed that a tax be laid on the beer and cider that New Englanders drank. He said it was unfair to ask people who did not get help from the government to pay taxes used to help others. A common complaint among farmers was that raising taxes would benefit the wealthy persons who "had bought government bonds that most people thought weren't worth very much and then influenced Congress ... to pay much more for these bonds."² Those who supported the tax pointed out that alcohol was a luxury (and a sinful one at that) and not a necessity. Others suggested that farmers raise the price of their whiskey and thus pass the tax on to the consumer. Many pointed out that the rich were already paying a tariff (tax on imports) of eight percent, costing them far more than \$6 each year.³



Rebels tarring and feathering a tax collector

The Whiskey Rebellion

After the tax was passed, many of the farmers in the west remembered how the colonists had protested against England's policies. Tax collectors were tarred and feathered by angry mobs. Liberty poles with slogans against unjust taxation were planted in the ground. Committees of Correspondence were formed, and several towns and counties

passed resolutions stating why they opposed the whiskey tax.

Alexander Hamilton was quick to warn President Washington about the dangers of revolution. He advised the president to raise an army in order to stop the Whiskey Rebellion. Washington preferred to get voluntary obedience. He issued a proclamation

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- 1 Whiskey was not the only industry singled out for an excise tax. Snuff and lump sugar manufacturers were charged with a similar internal duty. These businesses survived by passing the cost of the tax on to consumers by raising prices.
 - 2 Leland D. Baldwin, *Whiskey Rebellion: The Story of a Frontier Uprising*, (University of Pittsburgh Press: Pittsburgh, 1939), p. 62.
 - 3 James Madison and Thomas Jefferson remained silent on the issue of the whiskey tax in part because they had made a deal with Alexander Hamilton. The deal involved moving the nation's capital from Philadelphia to Washington D.C. in exchange for the federal government's assuming the states' unpaid revolutionary war debts. The whiskey tax was Hamilton's chosen method of paying for part of this obligation, and the two opposition leaders did not suggest an alternative.

(announcement) calling for people to pay the tax and obey the law. He asked Congress to pass a law that would bring people accused of interfering with tax collection or law enforcement to trial in Philadelphia, some 300 miles from the scene of the disturbances. Opponents were quick to point out that their government was acting like King George III, who had wanted to bring colonists 3000 miles to stand trial in England.

For some two years, the hated tax was collected without much open opposition. In 1794, however, violence broke out once more. Tax collectors were attacked, and U.S. soldiers coming to their aid were surrounded. A federal officer was killed and an army of some 5000 rebels prepared to march on Pittsburgh. On August 4, 1794, Supreme Court Justice James Wilson declared the western counties of Pennsylvania to be in open rebellion against the U.S. government.

Hamilton and Jefferson on the Whiskey Rebellion

“Beware my dear sir,” Hamilton had once written, “of employing an inadequate force to put down a riot.” Only the fear of punishment, the Secretary of the Treasury thought, would hold a nation together: “The government ought to inspire respect with a display of strength.” At another time, he had written that communities divided themselves into the few (the rich and well-born) and the many (the masses of people). Hamilton believed that the rich and wellborn ought to rule, because they would check the unsteadiness of the people and maintain good government.

Thomas Jefferson believed that the purpose of government was to protect the “unalienable rights” of its citizens, and that these rights included “life, liberty, and the pursuit of happiness.” Jefferson had written in the Declaration of Independence that the people have the right to rebel when the government deprives them of their rights. He had also written that “I hold it that a little rebellion now and then is a good thing, and as necessary in the political world as storms in the physical.” Although Jefferson had resigned from the Cabinet by the time of the Whiskey Rebellion, he reflected that “the first error was to pass it (the whiskey tax); the second was to enforce it; and the third, to make it the means of splitting this Union.”

The Rebellion Is Put Down

Following Justice Wilson’s announcement, President Washington made hurried preparations to suppress the Whiskey Rebellion. He raised an army of 13,500 men that marched from Philadelphia with the President in command. After



Washington leading troops to put down the rebellion

five days, Washington turned back and left Treasury Secretary Alexander Hamilton in charge of the army, which was almost as large as any army Washington had commanded during the Revolution.

The advance of this huge force and a terrible rainstorm brought a quick end to the rebellion. Nevertheless, Hamilton insisted on keeping the army in the western counties through October and November. Hundreds of suspects were rounded up, and many were kept in corrals, but there was only enough evidence to put 20 men on trial for plotting to commit rebellion. These men were brought 300 miles to Philadelphia and arrived on Christmas Day in 1794. They were jeered and insulted by townsfolk as they were herded through the streets. Their trials lasted until the following summer.

In Philadelphia, the federal court found only two of the 20 rebels guilty of conspiracy against the government of the United States. Using the power of his office, President Washington pardoned them both. For the next six years, the whiskey tax was collected, but it is unlikely that the revenue from the tax was actually greater than the cost of suppressing the rebellion. After he became president in 1801, Thomas Jefferson successfully urged Congress to repeal the tax.

Student Activities

A. Student Exercises

1. Explain at least two reasons whiskey was so important to farmers in the western part of Pennsylvania.
2. Considering that people in other parts of the country were paying taxes on imports, do you think the tax on whiskey was fair? Explain your answer.
3. Describe the actions taken by western people to oppose the tax on whiskey.

B. Graphic Organizer

Compare the arguments over putting the rebellion down or repealing the tax by completing each empty box in the chart below.

Topic	Put the rebellion down (use facts and arguments)	Repeal the tax (use facts and arguments)
Was the whiskey tax fair? Why or why not?		
Was the rebellion justified? Why or why not?		
Was the force used too expensive and a denial of protestor's rights? Why or why not?		

For Further Consideration

Write the best essay you can supporting either putting the rebellion down or repealing the tax. Cover all of the topics posted on the graphic organizer and come to class prepared to state your opinion, listen to the thoughts of others, and either support your ideas or change them.

Chapter 11. The French Revolution, Sedition Act, and Virginia and Kentucky Resolutions

Teacher Page

Overview:

This chapter covers a lot of ground in a limited period of time. It begins by describing the French Revolution as it pertained to France's relationship with the United States. It portrays the Revolution, the Reign of Terror, and the revolutionaries' attempts to spread the blessings of liberty, equality, and fraternity to neighboring countries. It also reveals that the French demanded that the U.S. provide it with the help in its war with England as promised in the 1778 Treaty of Alliance. The narrative continues with President Washington issuing his Proclamation of Neutrality and the French responding by attacking American shipping. As relations continued their downhill spiral and President Adams's attempt to restore relations were rebuffed by the XYZ Affair, rumors of impending attacks by France on American ships abounded. Washington was called from retirement to raise an army, and the Alien and Sedition Acts were passed. The chapter emphasizes the fact that the Sedition Act prohibited only false and malicious criticism of U.S. leaders that also attempted to hold them in disrepute. Arguments for and against the Act are provided, and the case of "Ragged Matt, the Democrat" is used as an example of the numerous victims of attempts to limit free speech at a time of presumed national crisis. The "For Further Consideration" section reprints part of Jefferson's Kentucky Resolution and asks whether the nullification doctrine it espoused is more dangerous than the threat to freedom of expression posed by the Sedition Act.

Objectives:

Students will:

- understand that the Sedition Act was issued at a time of presumed national emergency
- realize that in order to indict critics of U.S. leaders, the offending speech or publication needed to be false, malicious, and demonstrate an attempt to hold U.S. government officials in disrepute
- show the Sedition Act was used to stifle criticism against the party in power and not the opposition
- understand the reasoning behind the doctrine of nullification and its danger to effective government while attempting to protect minority rights

Strategy:

Before class: Let students know that this is the last chapter of this unit, and (if relevant) they are to prepare for a test on the unit after a day of review. If possible, come to class ready to distribute a review sheet.

In class: Ask students whether some curbs on freedom of expression must be made in times of perceived national emergency and if this is relevant in today's world. After no more than 5–7 minutes of discussion, review the assigned questions from the Student Activities section; then ask whether they think that Matthew Lyons was guilty of violating the Sedition Act and ask who else was indicted and convicted under this law.

If time permits, review the “For Further Consideration” section of the reading. If sufficient time is not available, save the discussion of the Kentucky Resolution for the next time the class meets. Make sure that students understand the reasoning behind the nullification theory it advocates, Jefferson's intentions in writing it, and the danger of applying this theory to oppose federal laws.

**Chapter 11. The French Revolution, Sedition Act,
and Virginia and Kentucky Resolutions
I-Chart**

	Why did France and the U.S. become enemies in the 1790s?	Is it right for governments to limit criticism during war?	Was the Kentucky Resolution more dangerous than the Sedition Act?
What I already know			
What I learned from Chapter 11, Part I			
What I learned from Chapter 11, Part II			
What I still would like to learn about this subject			

Vocabulary for Chapter 11—The French Revolution, the Sedition Act, and the Kentucky Resolution

entangle	detestable	slandorous
negotiated	sedition	deprive
vicious	conceal	malicious

Vocabulary for Chapter 11—The French Revolution, the Sedition Act, and the Kentucky Resolution

Showing the intent to cause serious harm	Having reached an agreement through discussion and compromise	To tie up or to involve someone in a problem from which escape would be difficult
To hide something, someone, or some information	An attempt to incite rebellion	Hateful and unacceptable
With evil intent	To take something valued away, or prevent someone from getting it	Refers to false statements intended to hurt someone's reputation

Vocabulary for Chapter 11—The French Revolution, the Sedition Act, and the Kentucky Resolution

		inaugurated
		defame
		unconstitutional

Vocabulary for Chapter 11—The French Revolution, the Sedition Act, and the Kentucky Resolution

Put into office with a formal ceremony; also, to mark the beginning of something

To ruin a person's reputation
(similar to slander)

Something that goes against the principles in a constitution

Chapter 11

The French Revolution, Sedition Act, and the Kentucky Resolution

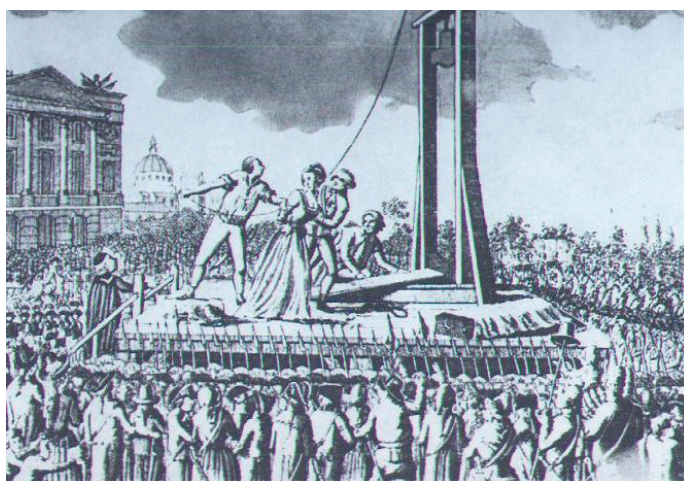
Introduction

At a time when the country is in danger of being attacked, is it wise to allow people to tell vicious lies about their leaders that make others question their leadership? This is the question this chapter raises. It is a question Americans had to answer during the 1790's when the enemy was France. But first a little background.

Background: France and the U.S. Become Enemies

France had been America's ally during the war for independence, and without France's help the U.S. might have lost. However, this friendship between the U.S. and France did not last. The U.S. had promised the French in an agreement signed in 1778 that it would not make a separate peace treaty with England. This promise was not kept. American negotiators met separately with the British to write a peace treaty without including France.

During their own revolution, which started in 1789, the French overthrew the king who had been in power during America's war for independence. Although the French revolutionaries claimed to believe in the same ideals that had inspired the American Revolution, they soon turned theirs into a bloodbath. The King was overthrown, imprisoned, and beheaded. His wife, Marie Antoinette suffered a similar fate. Soon afterwards, other "enemies" of the French people were put to death



Marie Antoinette being led to the guillotine

for opposing the execution of those who had already been killed. In the meantime, the French tried to spread their supposed ideals of "liberty, equality, and fraternity" to neighboring countries by declaring war on them and attempting to overthrow the kings there as well. The French also declared war on England, and expected help from the U.S. as had been promised by the aforementioned treaty. However, the U.S. refused to risk war with England to help France, and in 1793, President Washington issued a Proclamation of Neutrality. A year later, the U.S. negotiated the Jay Treaty with England, which gave very favorable terms to the British. When Washington retired from politics three years later, he warned the nation "to steer clear of permanent alliances,

with any portion of the foreign world.” He wanted Americans to not “entangle our peace and prosperity in the toils of European ambition.” In 1797, John Adams, who did not conceal his distaste for the French Revolution, was elected president. When the French learned that Adams had been elected, they ordered the U.S. ambassador to leave France. Meanwhile, French leaders continued to spread their revolutionary ideas, and French armies attacked Austria, Prussia, and several Italian city-states. They also began to attack American ships that were trading with England.

Insults and Preparations for War

In an attempt to avoid a war with France, President Adams appointed a special committee of three well-known Americans to discuss our differences with France. They left the United States in November of 1797. But when they got to France, they were told the French government would talk to them only if the U.S. lent them \$12 million.

When this diplomatic insult became known throughout our country, Americans were furious. War with France suddenly seemed very likely. Rumors spread that the French were preparing for an invasion of the United States with an army of 200,000. Their plans, it was said, called for a slave rebellion in the South, and with the aid of a “party of mad Americans,” a plot to burn Philadelphia to the ground and capture the West.

Congress began making preparations for this possible war by spending large sums of money to defend harbors, to build ships, and to raise an army of 10,000. Adams convinced George Washington to come out of retirement to lead the army, and Major-General Alexander Hamilton began recruiting and equipping soldiers to do the actual fighting.

The Sedition Act

In the midst of this war scare, Federalist leaders were constantly insulted in publications. Even President Washington was called the “scourge (curse) and misfortune of our country.” President Adams was disrespected as “the blasted tyrant of America” and the “foremost in whatever is detestable.” This violent criticism of the U.S. president at a time of national emergency caused Congressman Allen of Connecticut to warn:

Let gentlemen look at certain papers, and ask themselves whether a...dangerous combination does not exist to overturn the Government by publishing the most shameless falsehoods against Representatives of the people.

Under pressure from Allen and others, the Federalist Congress passed the Sedition Act, which made it illegal to:

Write, print, or publish any false, scandalous, and [emphasis added] malicious statements against the government, Congress and the President of the United States, with the intent to bring them into contempt or disrepute [disgrace].

But the Sedition Act allowed:

Any person prosecuted under this act to give as evidence in his defense, the truth of the matter contained in the publication.¹

Arguments for and Against the Sedition Act

Those opposing the Sedition Act claimed that it was a direct violation of the First Amendment to the Constitution, which stated:

Congress shall make no law abridging [reducing] freedom of speech or of the press.

In defense of this Act, Congressman Allen argued:

Am I free to falsely call you a thief, a murderer, a person who does not believe in God? The freedom of press and opinions was never understood to give the right of printing lies and slanders, nor of calling for revolution and slaughter.

Are we bound hand and foot that we must watch these deadly attacks on our liberty? God deliver us from the liberty of vomiting on the public, floods of lies and hatred to everything we hold dear. If any gentleman doubts the effects of such freedom, let me direct his attention to France; it has made slaves of thirty millions of men.

Congressman Albert Gallatin of Pennsylvania made a strong argument against the Sedition Act:

This bill makes anyone speaking or writing against the present Administration [government] an enemy of the Constitution. If you put the press under any such restraint, you thus deprive the people of the means of getting the facts about their government and make the right of free elections worthless. This bill must be considered only as a weapon to be used by the party in power in order to keep their authority and present place.

Despite Gallatin's warnings, the House of Representatives and the Senate passed the Sedition Act. It was to expire in less than two years and on the day before the next president would take office.

¹ The Naturalization and Alien Acts were passed at the same time; the former extended the period before an immigrant could become a citizen from five to fourteen years and the latter gave the President the power to expel foreigners by executive decree. These laws were considered partisan because most immigrants opposed the Federalists.

Ragged Matt, The Democrat

One of the Sedition Act's targets was Matthew Lyon of Vermont. The Federalists hated Lyon in part because he spit in the face of Federalist Congressman Roger Griswold when Griswold criticized Lyon's military record. Lyon was attacked in a Federalist newspaper, which called him a "wild beast whose pelt resembles a wolf, is carnivorous (eats flesh), but has never been detected in having attacked a man, but reports say he will beat women."



Political cartoon of Lyon fighting with Griswold

Lyon's legal troubles started after passage of the Sedition Act because he published articles attacking President Adams:

In this man we see every consideration of the public good swallowed up in a continual grasp for power, and an increasing thirst for ridiculous dress, foolish praise, and selfish greed.

At another time, Lyon published the following letter, written by a Frenchman.

After hearing what insults President Adams had made of France, we [the French people] wondered why America's Congress had not ordered him sent to a mad house. Instead, the Senate repeated his speech with more slavishness than ever King George the Third experienced from Parliament.

Matthew Lyon was soon indicted for "knowingly and maliciously" publishing certain false, scandalous, and seditious writings; he was soon brought to trial for violating the Sedition Act.

The Trial of Ragged Matt

Matthew Lyon served as his own lawyer at his trial. He gave a 2½-hour speech in his defense. In it he claimed his writings were not published with "bad intent," what

he said was true, and the Sedition Act was unconstitutional. He presented no other evidence than a cross-examination of the presiding judge, William Paterson of New Jersey. Lyon asked Paterson if he had dined with Adams and observed ridiculous pomp. Paterson replied that, on the contrary, he had seen “a great deal of plainness and simplicity.”

In response to Lyon’s claim that the Sedition Act was unconstitutional, Judge Paterson told the jury it was not able to rule on the question of constitutionality. The prosecution claimed Lyon’s statements were obviously false, malicious, and intended to harm the reputation of President Adams. Judge Paterson informed the jury that it had to determine whether Lyons had proved his statements true and, if not, whether his lies were malicious with the intent to defame.

Altogether, 15 individuals were prosecuted under the Sedition Act. They were all Republicans—political opponents of Federalists. Ten, including the editors of three leading Republican newspapers and Matthew Lyon, were found guilty. Lyon served four months in jail and was reelected to Congress while still in prison. The Sedition Act expired on March 3, 1801, the day before Thomas Jefferson was inaugurated to succeed John Adams as president of the United States; Jefferson made no effort to renew the act.

Student Activities

A. Student Exercises

1. Explain three reasons France had for being angry at the United States.
2. List three hostile actions France took against the U.S., and state what France's supposed plans were against the U.S.
3. Exactly what limits did the Sedition Act place on the freedom of speech and the press?

B. Graphic Organizer

Fill in the following chart, writing three arguments for and three against the Sedition Act.

	Arguments for Sedition Act	Arguments Against Sedition Act
1.		
2.		
3.		

Extra Credit

Do you think that Matthew Lyon actually violated the Sedition Act and that he should have gone to jail for violating it? Support your answer.

For Further Consideration: The Virginia and Kentucky Resolutions

It might be said that in politics, as in physics, every action has an equal and opposite reaction. The Republicans reacted to the Sedition Act by introducing and passing resolutions in the state legislatures of Virginia and Kentucky. The authors of these famous resolutions were none other than James Madison and Thomas Jefferson.

Both resolutions argued that the Sedition Act was unconstitutional. They pointed out that Amendment I to the Constitution states that “Congress should make no law... abridging the freedom of speech or the press.” Jefferson went further than Madison, implying that individual states could declare acts of Congress null and void. The Kentucky Resolution stated that the Sedition Act, which does abridge the freedom of the press, is not law, but is altogether void and of no effect. In writing this resolution, Jefferson suggested that the states, which he said wrote the Constitution, could decide what laws the federal government had the right to make and enforce. Having called the Sedition Act unconstitutional, he invited other state legislatures to follow Kentucky’s example.

I. *Resolved*, that the several States composing the United States of America, are not united on the principle of unlimited submission to their general government; but that by compact under the style and title of a Constitution for the United States and of amendments thereto, they constituted a general government for special purposes, delegated to that government certain definite powers, reserving each State to itself, the residuary mass of right to their own self-government; and that when so ever the general government assumes undelegated powers, its acts are unauthoritative, void, and of no force: That to this compact each State acceded as a State, and is an integral party, its co-states forming, as itself, the other party: That the government created by this compact was not made the exclusive or final judge of the extent of the powers delegated to itself; since that would have made its discretion, and not the Constitution, the measure of its powers; but that as in all other cases of compact among parties having no common Judge, each party has an equal right to judge for itself, as well of the mode and measure of redress.

Jefferson and Madison failed in their attempts to have other state legislatures declare the Sedition Act unconstitutional. In fact, nine states rejected the states’ rights theory of the Virginia and Kentucky Resolutions. The Massachusetts lawmakers predicted that the states’ rights theory would reduce the national government “to a mere cypher [zero] with the form and pageantry of authority without the energy of power.”

Rejection of his theory by other states did not change Jefferson’s thinking. In 1799, he wrote his friend Madison to express his willingness to “sever ourselves from the union we so much value, rather than give up the right of self-government which we have reserved, and in which alone we see our liberty and happiness.” Jefferson’s states’ rights theory and his willingness to put liberty above Union was used many times over the next 70 years to oppose laws that states did not like.

Which do you think was more harmful to the nation: the Sedition Act or the ideas behind the Kentucky Resolution? Write a strong paragraph responding to this question and be prepared to present your ideas in class, listen to the opinions of others, and defend or change your own.