TEACHING AMERICAN HISTORY UNIT PLAN
“Birth of the American Constitution”

UNIT TITLE: Birth of the American Constitution

GPS: SSUSH5
The student will explain specific events and key ideas that brought about the adoption and implementation of the United States Constitution.

a. Explain how weaknesses in the Articles of Confederation and Daniel Shays’ Rebellion led to a call for a stronger central government.
b. Evaluate the major arguments of the anti-Federalists and Federalists during the debate on ratification of the Constitution as put forth in The Federalist concerning form of government, factions, checks and balances, and the power of the executive, including the roles of Alexander Hamilton and James Madison.
c. Explain the key features of the Constitution, specifically the Great Compromise, separation of powers (influence of Montesquieu), limited government, and the issue of slavery.
d. Analyze how the Bill of Rights serves as a protector of individual and states’ rights.

Enduring Understanding:

GA DOE:
The student will understand that the actions of individuals, groups, and/or institutions affect society through intended and unintended consequences
The student will understand that the beliefs and ideals of a society influence the social, political, and economic decisions of that society.
The student will understand that the beliefs and ideals of America as a new nation and will explore the social, political, and economic influences involved in deciding upon a new frame of government unifying all states under a federal constitution.

This unit examines the conflict and change associated with post Revolution America, including the ideological background of the Declaration of Independence. Through the conceptual lens of beliefs and ideals, the unit also focuses on early American documents including the Articles of Confederation, Constitution, and the U. S. Bill of Rights. Students will explore the strengths and weaknesses of a Confederation and the binding document of the Articles of Confederation. Key events such as Shays’ Rebellion will be evaluated via political, social, and political elements. The unit ends with the ratification of the United States Constitution and the adoption of the Bill of Rights. This will also cover the influence of the guidance of George Washington, James Madison, and Alexander Hamilton as well as other key Federalists and Anti-federalists. The key debates, documents and compromises which influenced and brought about acceptance will also be addressed by examining primary and secondary documents.
Essential Questions:

- Identify and evaluate the events and compromises that led to the formation of a new government and differentiate between the Federalists and the Anti-Federalists views.
- How has the interpretation of the Constitution and the Bill of Rights changed in order to protect liberty and order to American society?
- What are the major ideas (rights of the individual, popular sovereignty, majority rule and minority rights) in the Constitution and Bill of Rights?

Student Performance:

Students will be given an objective pre and post test aligned directly to GPS. Students will generate written work engaging in evaluation, analysis, and synthesis as part of the formative assessment. Students will engage in collaborative groups as well as individual accountability. Remediation and Enrichment will be provided. Alternate text will be available to those on an active IEP or 504 plans. Multi-modality in acquisition and expression has been incorporated.

Enduring Understanding:

<table>
<thead>
<tr>
<th>√</th>
<th>Unit Connecting Themes</th>
<th>Global Enduring Understandings</th>
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</thead>
<tbody>
<tr>
<td>√</td>
<td>Relationships:</td>
<td>The students will understand that while people may strive to be independent, their wants and needs encourage interdependent relationships.</td>
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<td>Independence and Interdependence</td>
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<td>√</td>
<td>Culture:</td>
<td>The students will understand that migration of people to new ideas or areas, results in positive and negative consequences to all.</td>
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<td>Norms and Variations</td>
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<td>√</td>
<td>Change:</td>
<td>The students will understand that compromise requires acceptance of differing points of view and the failure of compromise often results in conflict.</td>
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<td>Conflict and Compromise</td>
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<td>Discovery:</td>
<td>The students will understand that scientific and technological discoveries, inventions, and innovations can negatively and positively impact the relationship between the environment and society.</td>
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<td></td>
<td>Science, Technology, &amp; Environment</td>
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<tr>
<td>√</td>
<td>Government:</td>
<td>The students will understand that the relationship between authority and the individual is based on political, social, and economic factors.</td>
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<tr>
<td></td>
<td>Authority and the Individual</td>
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<td>Economics:</td>
<td>The students will understand that people’s wants and needs drive the production, distribution and consumption of goods and services.</td>
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<tr>
<td></td>
<td>Production, Distribution, &amp; Consumption</td>
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</table>
### Student Resources

*The Articles of Confederation, US Constitution; Bill of Rights; Federalists Papers; Anti-Federalist writings; Text guide; Prompted Notes; Charts and Tables; *Openers with EQ's and Vocabulary; US History Georgia Performance Standards; Pacing Guide; PowerPoint Notes; Graphic Organizers; Historical Map; Student Reference Study Aides and Examples*

### *Opener*

The Opener is designed to give students a framework for the activities of the day. It is an activation strategy that requires student participation, and it results in a study guide and assessment. The Opener contains the days EQ, comprehension questions, essential vocabulary and an extension component. Graded periodically.

### Instructional Resources

- Whiteboard; Computer and Projector; PowerPoint presentation; Pictures, Graphs & Tables; Video Clips; Highlighters; Prompted Notes; Differentiated Worksheets; Openers with EQ's and Vocabulary; PowerPoint Notes; Graphic Organizers; Historical Maps; Primary & Secondary sources; Georgia EOCT GPS US History Coach

### Learning Styles

- Verbal
- Auditory
- Visual
- Kinesthetic
- Spatial
- Musical
- Interpersonal
- Intrapersonal

### Formative Assessment

- Observation
- Discussion
- Conferencing
- Writing Sample
- Performance
- Pre Test

### Unit Vocabulary: Birth of the American Constitution

#### 1 Creating a Confederacy

<table>
<thead>
<tr>
<th>Articles of Confederation</th>
<th>Northwest Ordinance of 1787</th>
<th>Land Ordinance of 1785</th>
<th>Confederation</th>
<th>Republic</th>
</tr>
</thead>
</table>
| Unicameral                | Bicameral                    | National Debt          | Civic Virtue   | "Virtuous Republic"

#### 2 Articles Fail America

<table>
<thead>
<tr>
<th>Daniel Shays</th>
<th>Shay's Rebellion</th>
<th>James Madison</th>
<th>Alexander Hamilton</th>
<th>Federalism</th>
</tr>
</thead>
<tbody>
<tr>
<td>State’s Rights</td>
<td>Federalist</td>
<td><em>The Federalist Papers</em></td>
<td>Anti-Federalist</td>
<td>Philadelphia Convention</td>
</tr>
</tbody>
</table>

#### 3 Creating a Constitution

<table>
<thead>
<tr>
<th>Preamble</th>
<th>Montesquieu</th>
<th>Separation of Powers</th>
<th>Checks and Balances</th>
<th>Executive</th>
<th>Legislative</th>
</tr>
</thead>
<tbody>
<tr>
<td>Judicial</td>
<td>Amendment</td>
<td>Bill of Rights</td>
<td>Great Compromise</td>
<td>3/5's Compromise</td>
<td>Ratification</td>
</tr>
</tbody>
</table>
### Essential Unit Vocabulary

#### 4 Refining Federalism

<table>
<thead>
<tr>
<th>Electoral College</th>
<th>Senate</th>
<th>House of Representatives</th>
<th>Supreme Court</th>
</tr>
</thead>
<tbody>
<tr>
<td>Elastic Clause</td>
<td>&quot;Necessary and Proper Clause&quot;</td>
<td>&quot;Supreme Law of the Land&quot;</td>
<td>Popular Sovereignty</td>
</tr>
</tbody>
</table>

#### 5 The "Living" Constitution

<table>
<thead>
<tr>
<th>Enumerated Powers</th>
<th>Delegated Powers</th>
<th>Implied Powers</th>
<th>Reserved Powers</th>
<th>Precedent</th>
</tr>
</thead>
<tbody>
<tr>
<td>&quot;Un-Constitutional&quot;</td>
<td>Civil Rights</td>
<td>Civil Liberties</td>
<td>Loose Construction</td>
<td>Strict Construction</td>
</tr>
</tbody>
</table>

*Vocabulary Key: GPS Vocabulary; Important to Understanding; Enrichment*

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**Student Evaluation:**

Students will be given an objective pre and post test aligned directly to GPS. Students will generate written work engaging in evaluation, analysis, and synthesis as part of the formative assessment. Students will engage in collaborative groups as well as individual accountability. Remediation and Enrichment will be provided. Alternate text will be available to those on an active IEP or 504 plans. Multi-modality in acquisition and expression has been incorporated.
"Birth of a Constitution" Lesson Plan

<table>
<thead>
<tr>
<th>Subject:</th>
<th>American History 11th Advance- New Nation</th>
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<tbody>
<tr>
<td>GPS: SSUSH5</td>
<td>The student will explain specific events and key ideas that brought about the adoption and implementation of the United States Constitution.</td>
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<td>a. Explain how weaknesses in the Articles of Confederation and Daniel Shays’ Rebellion led to a call for a stronger central government.</td>
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<td>b. Evaluate the major arguments of the anti-Federalists and Federalists during the debate on ratification of the Constitution as put forth in The Federalist concerning form of government, factions, checks and balances, and the power of the executive, including the roles of Alexander Hamilton and James Madison.</td>
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<td>c. Explain the key features of the Constitution, specifically the Great Compromise, separation of powers (influence of Montesquieu), limited government, and the issue of slavery.</td>
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<td></td>
<td>d. Analyze how the Bill of Rights serves as a protector of individual and states’ rights.</td>
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| Learning Goals: | - Student will identify key documents and summarize contents: Articles of Confederation, Federalist Papers examples; US Constitution, and Bill of Rights |
|                | - Students will explain the purpose of each of the documents listed above |
|                | - Students will evaluated the strengths and weakness of the Articles of Confederation |
|                | - Students will analyze the process involved in preparing, writing, and refining the US Constitution |
|                | - Students will evaluate the arguments, propaganda, and compromises involved in generating the US Constitution as well as the Bill of Rights |
|                | - Students will synthesize a personal account of the key elements of the US Constitution and Bill of Rights that play a pivotal role in their lives today |

| Essential Question: | ➢ Why did the Americans choose to form a Confederacy? [SSUSH5] |
|                    | ➢ Why did the Articles of Confederation not meet the needs of the new nation? [SSUSH5a] |
|                    | ➢ Identify and evaluate the events and compromises that led to the formation of a new government and differentiate between the Federalists and the Anti-Federalists views. [SSUSH5b] |
|                    | ➢ What are the major ideas (rights of the individual, popular sovereignty, majority rule and minority rights) in the US Constitution and the Bill of Rights? [SSUSH5c] |
|                    | ➢ How has the interpretation of the Constitution and the Bill of Rights changed in order to protect liberty and order to American society? [SSUSH5d] |
# Activate Learning; Teacher Strategies; Summarizing:

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<tr>
<th>Acquisition</th>
<th>Extending &amp; Refining</th>
<th>Guided Summarizing</th>
<th>Summative Assessment</th>
<th>Re-teaching Activity</th>
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<tr>
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<td>Collaborative Pairs</td>
<td>3-2-1</td>
<td>Unit Conferencing</td>
<td>Conferencing</td>
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<td>Word Splash</td>
<td>Outline</td>
<td>Ticket Out</td>
<td>Demonstration</td>
<td>Retest with Prompts</td>
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<td>Anticipation Guide</td>
<td>Graphic Organizers*</td>
<td>Best Test</td>
<td>Performance</td>
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<td>Vocabulary Intro</td>
<td>Group Activity</td>
<td>Cheat Notes</td>
<td>Cooperative Learning</td>
<td>Portfolio</td>
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<td>Word Map/Web</td>
<td>Guided Practice</td>
<td>Relay Summary</td>
<td>Computer Activity</td>
<td>Computer Activity</td>
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<tr>
<td>Brainstorming</td>
<td>Application Activity</td>
<td>Important Thing</td>
<td>Observation</td>
<td>Project</td>
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<td>Four Corners</td>
<td>Modeling</td>
<td>Frames/Prompts</td>
<td>Post Test: Objective</td>
<td>Oral Report</td>
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<td>Mental Imagery</td>
<td>Technology Application</td>
<td>Reflection Questions</td>
<td>Post Test: Subjective</td>
<td>DBQ or Essay</td>
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<tr>
<td>3-Step Interview</td>
<td>Guided Discussion</td>
<td>Brainstorming</td>
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<td>Other</td>
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<tr>
<td>Map Activity</td>
<td>3-Step Interview</td>
<td>3-Step Interview</td>
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<td>Lecture</td>
<td>Research Activity</td>
<td>Guided Summary</td>
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<td>Video</td>
<td>Written Response</td>
<td>Note Review Game</td>
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<tr>
<td>Reading Activity</td>
<td>DBQ or Essay</td>
<td>EQ Review</td>
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<td>PowerPoint</td>
<td>Map Activity</td>
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<td>Graphic Organizer</td>
<td>Information Synthesis</td>
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<td>Demonstration</td>
<td>Information Evaluation</td>
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<td>Other</td>
<td>Information Analysis</td>
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<td>Relative Activity</td>
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<td>Other</td>
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# “Birth of a Constitution” Daily Lesson Plan

**Daily Learning Activities:** Various sources for activities

<table>
<thead>
<tr>
<th>LP Key</th>
<th>T-Test Grade; Q- Quiz Grade; D-Daily Grade; &gt;- Continued Activity; *- Extra Credit Grade; NA- Not for Grade</th>
</tr>
</thead>
</table>

<table>
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<tr>
<th>DAY</th>
<th>ACTIVITIES</th>
<th>ASSESSMENT</th>
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</table>
| 1   | **Creating a Confederacy:**<br>Opener & EQ: Why did the Americans choose to form a Confederacy? [SSUSH5]<br>Key Concepts: Results of Treaty of Paris 1783; Problems facing the new nation; National debt; Inflation; Confederacy and state rights; Limited central government; *Articles of Confederation* elements<br>**Acquisition Activity:** Review the trials of the revolution and the state of the average people. Focus on the key players prior to the war and update on “Where they are now”? Discuss their ambitions and what would become of them if the nation fails at this point. Discuss the impact of winning on the mood of the states and powerful people. Discuss the process of surrender and the circumstances of fate surrounding the surrender. Review the terms of the Treaty and the Americans’ plan to ignore some aspects due to benefits and practicality. Discuss the expected problems facing the new nation with list of 5 top problems. Do chart on key problems and address from notes. Discuss forming of new government. Discuss the desire for democracy in the practical form of a republic. Review “founding fathers” and their myths and truths as real men.<br>**Application Activity:** Do activity of analyzing their strengths and goals. Intro the Articles of Confederation. Do survey of prior knowledge from civics. Compare to the desire for state independence to the problems facing the whole gov’t. Review notion of colonial autonomy and states’ rights<br>PPT and Primary Documents: Articles of Confederation<br>**Summary Activity:** EQ Review & Departure question: List Pro’s and Con’s of forming a Confederation *(Ticket Out the Door)* | Opener 1 >
|       | Problems of the New Nation (D) |
|       | Articles of Confederation Analysis *(Leveled) (D)* |
|       | Ticket Out the Door |
| 2   | **Articles Fail America:**<br>Opener & EQ: Why did the Articles of Confederation not meet the needs of the new nation? [SSUSH5a]<br>Key Concepts: Confederacy and limited government; Daniel Shays and problems facing former American soldiers; Shays Rebellion; Concerns over lack of centralized power to halt rebels; Hamilton and Madison meeting on revamping Articles or creating Constitution; Washington's role in meetings<br>**Acquisition Activity:** Review a timeline of events during early days of US. Review the expected problems facing the new nation. Revisit chart on key problems and address from notes. Discuss the terms covered in the Articles and compare the problems of America and the weaknesses. Discuss rationale for the weaknesses according to the founding fathers. Review the text of the Articles of Confederation. Review democracy vs a republic. Intro and discuss Shay’s Rebellion. Give background on the man Daniel Shays and his followers. Do expansion lesson on the financial coping was behind the war and its recovery. Include the notion of creditors and debtors. Discuss the | Opener 2 >
|       | Articles of Confederation Weaknesses Activity *(D)* |
|       | *Shays Rebellion Study (D)* |
response of the leaders. Intro the fear facing the states in the face of possible rebellions of their own soldiers who helped to create the nation. Discuss the ineffective nature of the Articles.

**PPT and Document excerpts**

**Application Activity:** View Articles and do activity of analyzing strengths and weaknesses. Discuss impact of regionalism on decisions. Compare Articles to what was desired according to the Declaration of Independence and Common Sense. Take the text and build a graphic to show relationships among the three documents.

**Summary Activity:** EQ Review & Departure question: Speculate on why Americans want to return to a Confederacy in the South?

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**Creating a Constitution:**

- **Opener & EQ:** Identify and evaluate the events and compromises that led to the formation of a new government and differentiate between the Federalists and the Anti-Federalists views. [SSUSH5b]

**Key Concepts:** Controversy of discarding Articles; Constitutional Convention; Notion of "Founding Fathers"; Arguments, agreement, and compromises of the convention; Federalists vs. Anti-federalists arguments and propaganda techniques; Bill of Rights as compromise; Problems with ratification

**Acquisition Activity:** Discuss the early stages of the Constitutional Convention and the needs of the various states. Do listing of the states in the regions and assign their desires, fears and failings. Focus on the emerging desire to expand their economic position. Intro the argument between small and large states as well as the question of counting slaves in the population concerning representation. Discuss the compromises and the concerns with federal and confederate power. Read accounts of the vying powers behind the Constitution. Read accounts from key figures and create possible topics for debate. Review the growing "regionalism" of the North and the agricultural South. Intro the Virginia Plan. Discuss the appeal for the large states. Intro New Jersey Plan. Do anticipation of debates between states. Intro the Great Compromise. Examine VA Plan and NJ Plan, Great Compromise and 3/5ths Compromise. Intro Federalists vs Anti-Federalist. Create table of supporters and ideals. Focus on the controversy of drafting the Constitution with respect those wanting to maintain the autonomy under the Articles. Read accounts from some in dispute. Do review of the elements contributing to the Constitution.

**PPT and Primary Documents:** Federalist Papers #10 and 51; Anti-Federalist Response #3

**Application Activity** View Primary sources; Compare and contrast Articles and Constitution using information of the weaknesses. Using Constitution do analysis activity.

**Summary Activity:** Constitution analysis extension activity using SOAPS
| 4 | **Refining Federalism:**  
**Opener & EQ:** What are the major ideas (rights of the individual, popular sovereignty, majority rule and minority rights) **in the Constitution and Bill of Rights?** [SSUSH5c]  
**Key Concepts:** Foundations and Implementation of Constitution, Ratification Issues, Origin of Political Parties, Jefferson v Hamilton  
**Acquisition Activity:** Intro to Constitutional Theory as foundation for implementation. Powers and limits. Do analysis of the Constitution. Students work in groups to develop graphic to use that will apply to Constitution and its application to modern life. Break into pairs and review the key notions behind its creation and use chart. Students will prepare graphic to aide in understanding the key points of the US Constitution. Attend to vocabulary and discuss application.  
PPT and Primary Documents: US Constitution and Bill of Rights  
**Application Activity:** US Constitution Graphic; Abstract summary of Constitution article: “Words We Live By: Constitution in Context” *(Social Education* 67(7), pp.381-385)  
**Summary Activity:** Review the criteria agreed upon and discussed when giving presentations of student generated graphics  |
| 5 | **The “Living” Constitution:**  
**Opener & EQ:** How has the interpretation of the Constitution and the Bill of Rights changed in order to protect liberty and order to American society? [SSUSH5d]  
**Key Concepts:** Key concepts reviewed and learned concerning US Constitution, Presentation of Student Graphics  
**Acquisition Activity:** Using student generated graphics that relay an understanding of the key concepts discussed about the US Constitution, groups will present their graphic using predetermined rules and criteria for presentation of student materials. Question and answer time will be encouraged abnd prompted by teacher.  
PPT and Primary Documents: US Constitution and Bill of Rights  
**Application Activity:** US Constitution Graphic Presentation and student feedback  
**Summary Activity:** Living Constitution Test (T)  |

**Unit Post Assessment** | Openers/ Activities/ *Extra Credit ; Multiple Choice Post Test (Day 6)
**Openers**

**Unit:** Birth of a Constitution - 1 – Creating a Confederacy

**EQ:** Why did the Americans choose to form a Confederacy? [SSUSH5b]

1. What were the causes of several rebellions including Shays’?

2. Why were many in the states reluctant to support many of the decisions of the Continental Congress?

3. What were the provisions and expectation of the Treaty of Paris of 1783?

**Vocabulary:**

- Articles of Confederation
- Northwest Ordinance of 1787
- Land Ordinance of 1785
- Confederation
- Republic
- Unicameral
- Bicameral
- National Debt
- Civic Virtue
- “Virtuous Republic”
Problems Facing the New Nation

Problems of the New Nation

- Continental Dollars:
- State Debt:
- National Debt:
- Personal Finance:
- Treaties:
- Recognition:
- Debt:
- Women:
- Level of Democracy:

Political Policies

- Soldiers:
- Trade:
- State vs National Power:
- New Territories:
- Voting:
- Slavery:

Foreign Relations

Social Issues
ARTICLES OF CONFEDERATION

To all to whom these Presents shall come, we the undersigned Delegates of the States affixed to our Names send greeting.

Articles of Confederation and perpetual Union between the states of New Hampshire, Massachusetts-bay Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia.

I. The Stile of this Confederacy shall be "The United States of America".

II. Each state retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right, which is not by this Confederation expressly delegated to the United States, in Congress assembled.

III. The said States hereby severally enter into a firm league of friendship with each other, for their common defense, the security of their liberties, and their mutual and general welfare, binding themselves to assist each other, against all force offered to, or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretense whatever.

IV. The better to secure and perpetuate mutual friendship and intercourse among the people of the different States in this Union, the free inhabitants of each of these States, paupers, vagabonds, and fugitives from justice excepted, shall be entitled to all privileges and immunities of free citizens in the several States; and the people of each State shall free ingress and regress to and from any other State, and shall enjoy therein all the privileges of trade and commerce, subject to the same duties, impositions, and restrictions as the inhabitants thereof respectively, provided that such restrictions shall not extend so far as to prevent the removal of property imported into any State, to any other State, of which the owner is an inhabitant; provided also that no imposition, duties or restriction shall be laid by any State, on the property of the United States, or either of them.

If any person guilty of, or charged with, treason, felony, or other high misdemeanor in any State, shall flee from justice, and be found in any of the United States, he shall, upon demand of the Governor or executive power of the State from which he fled, be delivered up and removed to the State having jurisdiction of his offense.

Full faith and credit shall be given in each of these States to the records, acts, and judicial proceedings of the courts and magistrates of every other State.

V. For the most convenient management of the general interests of the United States, delegates shall be annually appointed in such manner as the legislatures of each State shall direct, to meet in Congress on the first Monday in November, in every year, with a power reserved to each State to recall its delegates, or any of them, at any time within the year, and to send others in their stead for the remainder of the year.

No State shall be represented in Congress by less than two, nor more than seven members; and no person shall be capable of being a delegate for more than three years in any term of six years; nor shall any person, being a delegate, be capable of holding any office under the United States, for which he, or another for his benefit, receives any salary, fees or emolument of any kind.
Each State shall maintain its own delegates in a meeting of the States, and while they act as members of the committee of the States.

In determining questions in the United States in Congress assembled, each State shall have one vote.

Freedom of speech and debate in Congress shall not be impeached or questioned in any court or place out of Congress, and the members of Congress shall be protected in their persons from arrests or imprisonments, during the time of their going to and from, and attendance on Congress, except for treason, felony, or breach of the peace.

VI. No State, without the consent of the United States in Congress assembled, shall send any embassy to, or receive any embassy from, or enter into any conference, agreement, alliance or treaty with any King, Prince or State; nor shall any person holding any office of profit or trust under the United States, or any of them, accept any present, emolument, office or title of any kind whatever from any King, Prince or foreign State; nor shall the United States in Congress assembled, or any of them, grant any title of nobility.

No two or more States shall enter into any treaty, confederation or alliance whatever between them, without the consent of the United States in Congress assembled, specifying accurately the purposes for which the same is to be entered into, and how long it shall continue.

No State shall lay any imposts or duties, which may interfere with any stipulations in treaties, entered into by the United States in Congress assembled, with any King, Prince or State, in pursuance of any treaties already proposed by Congress, to the courts of France and Spain.

No vessel of war shall be kept up in time of peace by any State, except such number only, as shall be deemed necessary by the United States in Congress assembled, for the defense of such State, or its trade; nor shall any body of forces be kept up by any State in time of peace, except such number only, as in the judgment of the United States in Congress assembled, shall be deemed requisite to garrison the forts necessary for the defense of such State; but every State shall always keep up a well-regulated and disciplined militia, sufficiently armed and accoutered, and shall provide and constantly have ready for use, in public stores, a due number of filed pieces and tents, and a proper quantity of arms, ammunition and camp equipage.

No State shall engage in any war without the consent of the United States in Congress assembled, unless such State be actually invaded by enemies, or shall have received certain advice of a resolution being formed by some nation of Indians to invade such State, and the danger is so imminent as not to admit of a delay till the United States in Congress assembled can be consulted; nor shall any State grant commissions to any ships or vessels of war, nor letters of marque or reprisal, except it be after a declaration of war by the United States in Congress assembled, and then only against the Kingdom or State and the subjects thereof, against which war has been so declared, and under such regulations as shall be established by the United States in Congress assembled, unless such State be infested by pirates, in which case vessels of war may be fitted out for that occasion, and kept so long as the danger shall continue, or until the United States in Congress assembled shall determine otherwise.

VII. When land forces are raised by any State for the common defense, all officers of or under the rank of colonel, shall be appointed by the legislature of each State respectively, by whom such forces shall be raised, or in such manner as such State shall direct, and all vacancies shall be filled up by the State which first made the appointment.

VIII. All charges of war, and all other expenses that shall be incurred for the common defense or general welfare, and allowed by the United States in Congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several States in proportion to the value of
all land within each State, granted or surveyed for any person, as such land and the buildings and improvements thereon shall be estimated according to such mode as the United States in Congress assembled, shall from time to time direct and appoint.

The taxes for paying that proportion shall be laid and levied by the authority and direction of the legislatures of the several States within the time agreed upon by the United States in Congress assembled.

IX. The United States in Congress assembled, shall have the sole and exclusive right and power of determining on peace and war, except in the cases mentioned in the sixth article -- of sending and receiving ambassadors -- entering into treaties and alliances, provided that no treaty of commerce shall be made whereby the legislative power of the respective States shall be restrained from imposing such imposts and duties on foreigners, as their own people are subjected to, or from prohibiting the exportation or importation of any species of goods or commodities whatsoever -- of establishing rules for deciding in all cases, what captures on land or water shall be legal, and in what manner prizes taken by land or naval forces in the service of the United States shall be divided or appropriated -- of establishing courts for the trial of piracies and felonies committed on the high seas and establishing courts for receiving and determining finally appeals in all cases of captures, provided that no member of Congress shall be appointed a judge of any of the said courts.

The United States in Congress assembled shall also be the last resort on appeal in all disputes and differences now subsisting or that hereafter may arise between two or more States concerning boundary, jurisdiction or any other causes whatever; which authority shall always be exercised in the manner following. Whenever the legislative or executive authority or lawful agent of any State in controversy with another shall present a petition to Congress stating the matter in question and praying for a hearing, notice thereof shall be given by order of Congress to the legislative or executive authority of the other State in controversy, and a day assigned for the appearance of the parties by their lawful agents, who shall then be directed to appoint by joint consent, commissioners or judges to constitute a court for hearing and determining the matter in question: but if they cannot agree, Congress shall name three persons out of each of the United States, and from the list of such persons each party shall alternately strike out one, the petitioners beginning, until the number shall be reduced to thirteen; and from that number not less than seven, nor more than nine names as Congress shall direct, shall in the presence of Congress be drawn out by lot, and the persons whose names shall be so drawn or any five of them, shall be commissioners or judges, to hear and finally determine the controversy, so always as a major part of the judges who shall hear the cause shall agree in the determination: and if either party shall neglect to attend at the day appointed, without showing reasons, which Congress shall judge sufficient, or being present shall refuse to strike, the Congress shall proceed to nominate three persons out of each State, and the secretary of Congress shall strike in behalf of such party absent or refusing; and the judgment and sentence of the court to be appointed, in the manner before prescribed, shall be final and conclusive; and if any of the parties shall refuse to submit to the authority of such court, or to appear or defend their claim or cause, the court shall nevertheless proceed to pronounce sentence, or judgment, which shall in like manner be final and decisive, the judgment or sentence and other proceedings being in either case transmitted to Congress, and lodged among the acts of Congress for the security of the parties concerned: provided that every commissioner, before he sits in judgment, shall take an oath to be administered by one of the judges of the supreme or superior court of the State, where the cause shall be tried, 'well and truly to hear and determine the matter in question, according to the best of his judgment, without favor, affection or hope of reward': provided also, that no State shall be deprived of territory for the benefit of the United States.
All controversies concerning the private right of soil claimed under different grants of two or more States, whose jurisdictions as they may respect such lands, and the States which passed such grants are adjusted, the said grants or either of them being at the same time claimed to have originated antecedent to such settlement of jurisdiction, shall on the petition of either party to the Congress of the United States, be finally determined as near as may be in the same manner as is before prescribed for deciding disputes respecting territorial jurisdiction between different States.

The United States in Congress assembled shall also have the sole and exclusive right and power of regulating the alloy and value of coin struck by their own authority, or by that of the respective States -- fixing the standards of weights and measures throughout the United States -- regulating the trade and managing all affairs with the Indians, not members of any of the States, provided that the legislative right of any State within its own limits be not infringed or violated -- establishing or regulating post offices from one State to another, throughout all the United States, and exacting such postage on the papers passing through the same as may be requisite to defray the expenses of the said office -- appointing all officers of the land forces, in the service of the United States, excepting regimental officers -- appointing all the officers of the naval forces, and commissioning all officers whatever in the service of the United States -- making rules for the government and regulation of the said land and naval forces, and directing their operations.

The United States in Congress assembled shall have authority to appoint a committee, to sit in the recess of Congress, to be denominated 'A Committee of the States', and to consist of one delegate from each State; and to appoint such other committees and civil officers as may be necessary for managing the general affairs of the United States under their direction

-- to appoint one of their members to preside, provided that no person be allowed to serve in the office of president more than one year in any term of three years; to ascertain the necessary sums of money to be raised for the service of the United States, and to appropriate and apply the same for defraying the public expenses -- to borrow money, or emit bills on the credit of the United States, transmitting every half-year to the respective States an account of the sums of money so borrowed or emitted

-- to build and equip a navy -- to agree upon the number of land forces, and to make requisitions from each State for its quota, in proportion to the number of white inhabitants in such State; which requisition shall be binding, and thereupon the legislature of each State shall appoint the regimental officers, raise the men and cloth, arm and equip them in a solid-like manner, at the expense of the United States; and the officers and men so clothed, armed and equipped shall march to the place appointed, and within the time agreed on by the United States in Congress assembled. But if the United States in Congress assembled shall, on consideration of circumstances judge proper that any State should not raise men, or should raise a smaller number of men than the quota thereof, such extra number shall be raised, officered, clothed, armed and equipped in the same manner as the quota of each State, unless the legislature of such State shall judge that such extra number cannot be safely spread out in the same, in which case they shall raise, officer, cloth, arm and equip as many of such extra number as they judge can be safely spared. And the officers and men so clothed, armed, and equipped, shall march to the place appointed, and within the time agreed on by the United States in Congress assembled.

The United States in Congress assembled shall never engage in a war, nor grant letters of marque or reprisal in time of peace, nor enter into any treaties or alliances, nor coin money, nor regulate the value thereof, nor ascertain the sums and expenses necessary for the defense and welfare of the United States, or any of them, nor emit bills, nor borrow money on the credit of the United States, nor appropriate money, nor
agree upon the number of vessels of war, to be built or purchased, or the number of land or sea forces to be raised, nor appoint a commander in chief of the army or navy, unless nine States assent to the same: nor shall a question on any other point, except for adjourning from day to day be determined, unless by the votes of the majority of the United States in Congress assembled.

The Congress of the United States shall have power to adjourn to any time within the year, and to any place within the United States, so that no period of adjournment be for a longer duration than the space of six months, and shall publish the journal of their proceedings monthly, except such parts thereof relating to treaties, alliances or military operations, as in their judgment require secrecy; and the yeas and nays of the delegates of each State on any question shall be entered on the journal, when it is desired by any delegates of a State, or any of them, at his or their request shall be furnished with a transcript of the said journal, except such parts as are above excepted, to lay before the legislatures of the several States.

X. The Committee of the States, or any nine of them, shall be authorized to execute, in the recess of Congress, such of the powers of Congress as the United States in Congress assembled, by the consent of the nine States, shall from time to time think expedient to vest them with; provided that no power be delegated to the said Committee, for the exercise of which, by the Articles of Confederation, the voice of nine States in the Congress of the United States assembled be requisite.

XI. Canada acceding to this confederation, and adjoining in the measures of the United States, shall be admitted into, and entitled to all the advantages of this Union; but no other colony shall be admitted into the same, unless such admission be agreed to by nine States.

XII. All bills of credit emitted, monies borrowed, and debts contracted by, or under the authority of Congress, before the assembling of the United States, in pursuance of the present confederation, shall be deemed and considered as a charge against the United States, for payment and satisfaction whereof the said United States, and the public faith are hereby solemnly pledged.

XIII. Every State shall abide by the determination of the United States in Congress assembled, on all questions which by this confederation are submitted to them. And the Articles of this Confederation shall be inviolably observed by every State, and the Union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them; unless such alteration be agreed to in a Congress of the United States, and be afterwards confirmed by the legislatures of every State. And Whereas it hath pleased the Great Governor of the World to incline the hearts of the legislatures we respectively represent in Congress, to approve of, and to authorize us to ratify the said Articles of Confederation and perpetual Union. Know Ye that we the undersigned delegates, by virtue of the power and authority to us given for that purpose, do by these presents, in the name and in behalf of our respective constituents, fully and entirely ratify and confirm each and every of the said Articles of Confederation and perpetual Union, and all and singular the matters and things therein contained: And we do further solemnly plight and engage the faith of our respective constituents, that they shall abide by the determinations of the United States in Congress assembled, on all questions, which by the said Confederation are submitted to them. And that the Articles thereof shall be inviolably observed by the States we respectively represent, and that the Union shall be perpetual.

In Witness whereof we have hereunto set our hands in Congress. Done at Philadelphia in the State of Pennsylvania the ninth day of July in the Year of our Lord One Thousand Seven Hundred and Seventy-Eight, and in the Third Year of the independence of America.

Agreed to by Congress 15 November 1777
In force after ratification by Maryland, 1 March 1781
U.S. DURING UNDER THE ARTICLES OF CONFEDERATION

The period was known as the *Critical Period* (1781-1789)

**Powers of the New “Unified” Government**

- It unified the 13 states
- Placed greater power in the state governments giving them independent sovereignty
- The central government had a single house legislature and each state had one vote.
  - It took 2/3’s majority to pass any law.
  - To change the Articles of Confederation took a unanimous vote.
  - There was no executive branch or judicial branch.
- The national government had the following powers:
  - It was supposed to control foreign policy.
  - Congress was to create a post office.
  - Coining money was function of the national government.
  - It could borrow money.
  - The national government could maintain an army and navy.
- The states had the rest of the powers including taxation and the regulation of commerce.

**Lasting & Positive Accomplishments:**

- The Land Ordinance of 1785
- The Northwest Ordinances of 1787
Articles of Confederation Analysis

1. Why did the members of the Continental Congress and choose to join together in a loose union with no strong chief executive?

2. What was the governing body of the Confederation?

3. How many delegates was each state allowed?

4. What was the term of office for the delegates?

5. What powers were held by the national government under the Articles?

6. What powers held by the Continental Congress were also retained by the state?

7. What problems were created by each state being allowed only one vote?

8. What kinds of problems occurred because the Congress lacked the power to tax?
9. In order that the Articles be ratified by all the states, the states of Connecticut, Massachusetts, New York, North Carolina, South Carolina, Virginia and later Georgia, made a major concession. What was this concession?

10. Why do you think the states agreed to make concessions to create limited unity?

11. The Continental Congress passed two major pieces of legislation. What were these laws and for what did they provide?

12. The Continental currency led to the phrase “not worth a Continental.” Why?
The Articles of Confederation Analysis Enrichment*

Introduction: After the Revolutionary War, the new nation looked for a way to effectively govern itself. They thought they had found a solution with the Articles of Confederation, which was written as the first constitution of the United States. The Articles expressed the view that a weak central government would be best for an independent nation.

Directions: Go to http://avalon.law.yale.edu/18th_century/artconf.asp to answer the following questions.

1. Which states were more supported the Articles of Confederation?

   - Why do you think each state’s name is listed in the introduction to the Articles?

2. Article II states that “each state retains its sovereignty, freedom and independence.” What do you think this implies regarding the stability of the union?

3. Article V deals with the legislative branch of government. How many delegates would each state be entitled to?
   - How many votes would each state be entitled to?
   - What sort of problems might this cause?

4. Article X notes that nine of the thirteen states would need to vote for any bill before it became law. Form a conclusion about why the Articles included this provision.

   - Who might this provision have handicapped the central government?
5. According to Article XIII, describe how the Articles could be amended.

   -In your view, would this be a workable way to change the Articles?

6. Speculate why it was important that the Articles of Confederation be written and in place before the British granted independence to the United States.

7. The framers of the Articles decided not to include an executive branch or a federal court system. Why do you think they did this?

   -Do you think this was a good idea or a bad idea? Explain.
<table>
<thead>
<tr>
<th>Ticket Out the Door</th>
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<td><strong>Confederation</strong></td>
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**Unit:** Birth of a Constitution - 2 – Articles Fail America

**EQ:** Why did the *Articles of Confederation* not meet the needs of the new nation? [SSUSH5a]

1. What are the weaknesses associated with a Confederacy?
2. What “Revolutionary” problems persisted under the Articles of Confederation?
3. What issues dominated ordinary citizens’ concerns?

**Vocabulary:**
- Shay’s Rebellion
- James Madison
- Alexander Hamilton
- State’s Rights
- *The Federalist Papers*
- Federalism
- Anti-Federalist
- Federalist
- Daniel Shays
- Constitutional Convention
- “Mobocracy”
THE ARTICLES OF CONFEDERATION FALTER

The main purpose of government
1. Promote the public good
2. Protect individual rights

Revisit the graphic on the problems faced by the new nation.
For each section answer how well the Articles addressed and solved those problems.

Consider:
Problems under the Articles of Confederation:

- The government had severe financial problems because it could not tax.
  - Some soldiers could not be paid and they revolted.
  - The government could not pay its debts, national and foreign.
  - Increase in national debt and it was difficult to find anyone to loan the government money.
- Other countries treated the U.S. with contempt because it had such a weak government.
- Foreign relations became more difficult with Spain and England and could not be solved.
- Economic problems could not be dealt with by the central government.
  - The national money was worthless and there were too many types of money.
  - The government could not regulate interstate and foreign commerce.
  - U.S. experienced grave financial problems.
- The government could not adequately protect the frontier from the Indians.
- The national government could not deal effectively with domestic crisis.
  - Shay’s Rebellion showed government weakness.
The national government was as weak

President - none
Congress - weak
Supreme Court - none

The national government had no money
Taxes could not be raised unless 9 out of 13 states agreed.
Congress could not pass laws
Congress had the power to make law, but 9 out of 13 states had to agree to the law. That’s 69%.
There was no President to enforce the law
  If Congress did pass a law no body of government could enforce national law.
  Even states had no consequences to breaking national law.
Trade between the states was difficult. Each state had different rules.
Disputes between the states were common and there was no Supreme Court to settle arguments.
## Shays’ Rebellion

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<td>EQ: Identify and evaluate the events and compromises that led to the formation of a new government and differentiate between the Federalists and the Anti-Federalists views.</td>
<td>[SSUSH5b]</td>
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<tr>
<td>1. What are the weaknesses associated with a Confederacy?</td>
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<td>2. Why was Shays’ Rebellion so disturbing to many involved in government?</td>
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<td>3. Why was the Articles of Confederation inadequate in addressing rebellions like Shays’?</td>
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<td>Vocabulary:</td>
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<td>Montesquieu</td>
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<td>Separation of Powers</td>
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<td>Checks and Balances</td>
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<td>Great Compromise</td>
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<td>3/5’s Compromise</td>
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<td>Individual Rights</td>
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<td>Bill of Rights</td>
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<td>Anti-federalist objections to Constitution</td>
<td>Federalist defenses of the Constitution</td>
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<td><strong>Who are the Anti-federalists?</strong></td>
<td><strong>Who are the Federalists?</strong></td>
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<td>Key Figures:</td>
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**Ratification Positions:**
1. Their opinion of the Articles of Confederation?
2. Why did they oppose a strong central government?
3. What did a strong national government threaten?
4. Who would a stronger national government favor?
5. What did the Constitution need to make them satisfied?
6. Why were the Articles more appealing than some of the Constitution?
7. What problems facing the country concern them most?

**Ratification Positions:**
1. Their opinion of the Articles of Confederation?
2. Why did they desire a strong central government?
3. What did a strong national government need to control?
4. Why should only men of “experience and talent” govern the nation?
5. What powers should the national government not possess?
6. Why was it unnecessary for the Constitution to protect individual freedoms?
7. What problems facing the country concern them most?
Comparing the Articles and the Constitution

**Formal name of the nation**

**Articles:** The United States of America  
**Constitution:** (not specified, but referred to in the Preamble as "the United States of America")

**Legislature**

**Articles:** Unicameral, called Congress  
**Constitution:** Bicameral, called Congress, divided into the House of Representatives and the Senate

**Members of Congress**

**Articles:** Between two and seven members per state  
**Constitution:** Two Senators per state, Representatives apportioned according to population of each state

**Voting in Congress**

**Articles:** One vote per state  
**Constitution:** One vote per Representative or Senator

**Appointment of members**

**Articles:** All appointed by state legislatures, in the manner each legislature directed  
**Constitution:** Representatives elected by popular vote, Senators appointed by state legislatures

**Term of legislative office**

**Articles:** One year  
**Constitution:** Two years for Representatives, six for Senators

**Term limit for legislative office**

**Articles:** No more than three out of every six years  
**Constitution:** None

**Congressional Pay**

**Articles:** Paid by states  
**Constitution:** Paid by the federal government
When Congress is not in session...
Articles: A Committee of States had the full powers of Congress
Constitution: The President can call for Congress to assemble

Chair of legislature
Articles: President of Congress
Constitution: Speaker of the House of Representatives, Vice President is President of the Senate

Executive
Articles: None
Constitution: President

National Judiciary
Articles: Maritime judiciary established
Constitution: Federal judiciary established, including Supreme Court

Adjudicator of disputes between states
Articles: Congress
Constitution: Supreme Court

New States
Articles: Admitted upon agreement of nine states (special exemption provided for Canada)
Constitution: Admitted upon agreement of Congress

Amendment
Articles: When agreed upon by all states
Constitution: When agreed upon by three-fourths of all states

Navy
Articles: Congress authorized to build a navy; states authorized to equip warships to counter piracy
Constitution: Congress authorized to build a navy; states not allowed to keep ships of war

Army
Articles: Congress to decide on size of force and to requisition troops from each state according to population
Constitution: Congress authorized to raise and support armies
Power to coin money
Articles: United States and the states
Constitution: United States only

Ex post facto laws
Articles: Not forbidden
Constitution: Forbidden of both the states and the Congress

Bills of attainder
Articles: Not forbidden
Constitution: Forbidden of both the states and the Congress

Taxes
Articles: Apportioned by Congress, collected by the states
Constitution: Laid and collected by Congress

Ratification
Articles: Unanimous consent required
Constitution: Consent of nine states required
## Articles of Confederation vs. the Constitution

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<tr>
<th></th>
<th>Articles of Confederation</th>
<th>Constitution</th>
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<td><strong>Levying taxes</strong> (Raising taxes)</td>
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<tr>
<td><strong>Federal courts</strong></td>
<td>No system of federal courts</td>
<td>Court system created to deal with issues between citizens, states</td>
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<td><strong>Regulation of trade</strong></td>
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<td><strong>Executive</strong></td>
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<td><strong>Amending document</strong></td>
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<td><strong>Representation of states</strong></td>
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<td><strong>Raising an Army</strong></td>
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<td>Interstate commerce</td>
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<td>Sovereignty (Ruling Power)</td>
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<td>Passing Laws</td>
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Articles or Constitution?

1. Each state acted like an independent country.
2. A weak national government.
3. A strong national government.
4. Thirteen states ran the show.
5. Nobody had the power to settle disputes among the states.
6. The national government had three branches.
7. The national government had only one branch!
8. The national government shared power with the states.
9. A weak Congress had a hard time making laws.
10. A strong Congress that could make laws.
11. It took the agreement of 9 states to pass one national law!
12. No President to carry out the laws.
13. A President to carry out the laws.
14. No Supreme Court to interpret and explain the laws.
15. A Supreme Court to interpret and explain the laws.
16. Congress had the power to levy taxes.
17. Congress did not have the power to levy taxes.
18. Congress had the power to regulate trade.
19. The national government had no money.
20. Congress could not regulate trade.
22. Each state did its own thing.
23. Rhode Island decided not to pay off its debts from the Revolutionary War.
24. One state could stop the national government from doing anything.
26. When there was an uprising in one state, there was no army to crush it!
27. The national government had no Bill of Rights, so it could not carry out its main purpose - protect the rights of individuals.
28. This was America’s first constitution.
29. This was an experiment that failed.
30. This caused the founding fathers to call a Constitutional Convention.
The Answers

1. A of Confederation
2. A of Confederation
3. U.S. Constitution
4. A of Confederation
5. A of Confederation
6. U.S. Constitution
7. A of Confederation
8. U.S. Constitution
9. A of Confederation
10. U.S. Constitution
11. A of Confederation
12. A of Confederation
13. U.S. Constitution
14. A of Confederation
15. U.S. Constitution
16. U.S. Constitution
17. A of Confederation
18. U.S. Constitution
19. A of Confederation
20. A of Confederation
21. A of Confederation
22. A of Confederation
23. A of Confederation
24. A of Confederation
25. U.S. Constitution
26. A of Confederation
27. A of Confederation
28. A of Confederation
29. A of Confederation
30. A of Confederation
In the Press,
and speedily will be published,

THE

FEDERALIST,

A Collection of Essays written in favor of the New Constitution.

By a Citizen of New-York.

Corrected by the Author, with Additions and Alterations.

This work will be printed on a fine Paper and good Type, in one handsome Volume duodecimo, and delivered to subscribers at the moderate price of one dollar. A few copies will be printed on superfine royal writing paper, price ten shillings.

No money required till delivery.

To render this work more complete, will be added, without any additional expense,

PHILO-PUBLIUS,

AND THE

Articles of the Convention,

As agreed upon at Philadelphia, September 17th, 1787.
Federalist #10 (excerpts)
The Utility of the Union as a Safeguard Against Domestic Faction and Insurrection (continued)

Daily Advertiser Thursday, November 22, 1787 [James Madison]

To the People of the State of New York:

Among the numerous advantages promised by a well constructed Union, none deserves to be more accurately developed than its tendency to break and control the violence of faction…. By a faction, I understand a number of citizens, whether amounting to a majority or a minority of the whole, who are united and actuated by some common impulse of passion, or of interest, adverse to the rights of other citizens, or to the permanent and aggregate interests of the community…. The latent causes of faction are thus sown in the nature of man; and we see them everywhere brought into different degrees of activity, according to the different circumstances of civil society. A zeal for different opinions concerning religion, concerning government, and many other points, as well of speculation as of practice; an attachment to different leaders ambitiously contending for pre-eminence and power; or to persons of other descriptions whose fortunes have been interesting to the human passions, have, in turn, divided mankind into parties, inflamed them with mutual animosity, and rendered them much more disposed to vex and oppress each other than to co-operate for their common good…. But the most common and durable source of factions has been the various and unequal distribution of property…. …the causes of faction cannot be removed, and that relief is only to be sought in the means of controlling its effects.

If a faction consists of less than a majority, relief is supplied by the republican principle, which enables the majority to defeat its sinister views by regular vote. It may clog the administration, it may convulse the society; but it will be unable to execute and mask its violence under the forms of the Constitution. When a majority is included in a faction, the form of popular government, on the other hand, enables it to sacrifice to its ruling passion or interest both the public good and the rights of other citizens. To secure the public good and private rights against the danger of such a faction, and at the same time to preserve the spirit and the form of popular government, is then the great object to which our inquiries are directed…. By what means is this object attainable? Evidently by one of two only. Either the existence of the same passion or interest in a majority at the same time must be prevented, or the majority, having such coexistent passion or interest, must be rendered, by their number and local situation, unable to concert and carry into effect schemes of oppression….. …a pure democracy, by which I mean a society consisting of a small number of citizens, who assemble and administer the government in person, can admit of no cure for the mischiefs of faction. A common passion or interest will, in almost every case, be felt by a majority of the whole; a communication and concert result from the form of government itself; and there is nothing to check the inducements to sacrifice the weaker party or an obnoxious individual. Hence it is that such democracies have ever been spectacles of turbulence and contention;… A republic, by which I mean a government in which the scheme of representation takes place, opens a different prospect, and promises the cure for which we are seeking…. The two great points of difference between a democracy and a republic are: first, the delegation of the government, in the latter, to a small number of citizens elected by the rest; secondly, the greater number of citizens, and greater sphere of country, over which the latter may be extended.
The effect of the first difference is, on the one hand, to refine and enlarge the public views, by passing them through the medium of a chosen body of citizens, whose wisdom may best discern the true interest of their country, and whose patriotism and love of justice will be least likely to sacrifice it to temporary or partial considerations…. …it is to be remarked that, however small the republic may be, the representatives must be raised to a certain number, in order to guard against the cabals of a few; and that, however large it may be, they must be limited to a certain number, in order to guard against the confusion of a multitude….it follows that, if the proportion of fit characters be not less in the large than in the small republic, the former will present a greater option, and consequently a greater probability of a fit choice.

In the next place, as each representative will be chosen by a greater number of citizens in the large than in the small republic, it will be more difficult for unworthy candidates to practice with success the vicious arts by which elections are too often carried;… The other point of difference is, the greater number of citizens and extent of territory which may be brought within the compass of republican than of democratic government;…

The influence of factious leaders may kindle a flame within their particular States, but will be unable to spread a general conflagration through the other States. A religious sect may degenerate into a political faction in a part of the Confederacy; but the variety of sects dispersed over the entire face of it must secure the national councils against any danger from that source. A rage for paper money, for an abolition of debts, for an equal division of property, or for any other improper or wicked project, will be less apt to pervade the whole body of the Union than a particular member of it; in the same proportion as such a malady is more likely to taint a particular county or district, than an entire State.

In the extent and proper structure of the Union, therefore, we behold a republican remedy for the diseases most incident to republican government. And according to the degree of pleasure and pride we feel in being republicans, ought to be our zeal in cherishing the spirit and supporting the character of Federalists.

*Publius*

**Questions:**
1. What did Madison mean by a “faction”? According to him, what caused factions?
2. According to Madison, why are factions dangerous?
3. How does Madison refute the prevailing view that democracy was possible only in a small state?
4. How does Madison justify the new central government envisioned in the Constitution?
5. What were Madison’s views on minority rights? (How would “interests” or “factions”—especially those based on property and economic considerations—fit into the new form of government?)
6. On the basis of Federalist #10, would you describe Madison as a democrat? Why or why not?
Cato's Letters # 3

New-York Journal of October 25, 1787
To the Citizens of the State of New York,

The recital, or premises on which the new form of government is erected, declares a consolidation or union of all the thirteen parts, or states, into one great whole, under the form of the United States, for all the various and important purposes therein set forth. But whoever seriously considers the immense extent of territory comprehended within the limits of the United States, together with the variety of its climates, productions, and commerce, the difference of extent, and number of inhabitants in all; the dissimilitude of interest, morals, and politics, in almost every one, will receive it as an intuitive truth, that a consolidated republican form of government therein, can never form a perfect union, establish justice, insure domestic tranquility, promote the general welfare, and secure the blessings of liberty to you and your posterity, for to these objects it must be directed. This unkindred legislature therefore, composed of interests opposite and dissimilar in their nature, will in its exercise, emphatically be like a house divided against itself.

The governments of Europe have taken their limits and form from adventitious circumstances, and nothing can be argued on the motive of agreement from them; but these adventitious political principles have nevertheless produced effects that have attracted the attention of philosophy, which have established axioms in the science of politics therefrom, as irrefragable as any in Euclid. It is natural, says Montesquieu, to a republic to have only a small territory, otherwise it cannot long subsist: in a large one, there are men of large fortunes, and consequently of less moderation; there are too great deposits to trust in the hands of a single subject, an ambitious person soon becomes sensible that he may be happy, great, and glorious by oppressing his fellow citizens, and that he might raise himself to grandeur, on the ruins of his country. In large republics, the public good is sacrificed to a thousand views, in a small one, the interest of the public is easily perceived, better understood, and more within the reach of every citizen; abuses have a less extent, and of course are less protected. He also shows you, that the duration of the republic of Sparta was owing to its having continued with the same extent of territory after all its wars; and that the ambition of Athens and Lacedemon to command and direct the union, lost them their liberties, and gave them a monarchy.

From this picture, what can you promise yourselves, on the score of consolidation of the United States into one government? Impracticability in the just exercise of it, your freedom insecure, even this form of government limited in its continuance, the employments of your country disposed of to the opulent, to whose contumely you will continually be an object. You must risk much, by indispensably placing trusts of the greatest magnitude, into the hands of individuals whose ambition for power, and aggrandizement, will oppress and grind you. Where, from the vast extent of your territory, and the complication of interests, the science of government will become intricate and perplexed, and too mysterious for you to understand and observe; and by which you are to be conducted into a monarchy, either limited or despotic; the latter, Mr. Locke remarks, is a government derived from neither nature nor compact.
Political liberty, the great Montesquieu again observes, consists in security, or at least in the opinion we have of security; and this security, therefore, or the opinion, is best obtained in moderate governments, where the mildness of the laws, and the equality of the manners, beget a confidence in the people, which produces this security, or the opinion. This moderation in governments depends in a great measure on their limits, connected with their political distribution.

The extent of many of the states of the Union, is at this time almost too great for the superintendence of a republican form of government, and must one day or other revolve into more vigorous ones, or by separation be reduced into smaller and more useful, as well as moderate ones. You have already observed the feeble efforts of Massachusetts against their insurgents; with what difficulty did they quell that insurrection; and is not the province of Maine at this moment on the eve of separation from her? The reason of these things is, that for the security of the property of the community—in which expressive term Mr. Locke makes life, liberty, and estate, to consist the wheels of a republic are necessarily slow in their operation. Hence, in large free republics, the evil sometimes is not only begun, but almost completed, before they are in a situation to turn the current into a contrary progression. The extremes are also too remote from the usual seat of government, and the laws, therefore, too feeble to afford protection to all its parts, and insure domestic tranquility without the aid of another principle. If, therefore, this state [New York], and that of North Carolina, had an army under their control, they never would have lost Vermont, and Frankland, nor the state of Massachusetts suffered an insurrection, or the dismemberment of her fairest district; but the exercise of a principle which would have prevented these things, if we may believe the experience of ages, would have ended in the destruction of their liberties.

Will this consolidated republic, if established, in its exercise beget such confidence and compliance, among the citizens of these states, as to do without the aid of a standing army? I deny that it will. The malcontents in each state, who will not be a few, nor the least important, will be exciting factions against it. The fear of a dismemberment of some of its parts, and the necessity to enforce the execution Of revenue laws (a fruitful source of oppression) on the extremes and in the other districts of the government, will incidentally and necessarily require a permanent force, to be kept on foot. Will not political security, and even the opinion of it, be extinguished? Can mildness and moderation exist in a government where the primary incident in its exercise must be force? Will not violence destroy confidence, and can equality subsist where the extent, policy, and practice of it will naturally lead to make odious distinctions among citizens?

The people who may compose this national legislature from the southern states, in which, from the mildness of the climate, the fertility of the soil, and the value of its productions, wealth is rapidly acquired, and where the same causes naturally lead to luxury, dissipation, and a passion for aristocratic distinction; where slavery is encouraged, and liberty of course less respected and protected; who know not what it is to acquire property by their own toil, nor to economize with the savings of industry—will these men, therefore, be as tenacious of the liberties and interests of the more northern states, where freedom, independence, industry, equality and frugality are natural to the climate and soil, as men who are your own citizens, legislating in your own state, under your inspection, and whose manners and fortunes bear a more equal resemblance to your own?
It may be suggested, in answer to this, that whoever is a citizen of one state is a citizen of each, and that therefore he will be as interested in the happiness and interest of all, as the one he is delegated from. But the argument is fallacious, and, whoever has attended to the history of mankind, and the principles which bind them together as parents, citizens, or men, will readily perceive it. These principles are, in their exercise, like a pebble cast on the calm surface of a river—the circles begin in the center, and are small, active and forcible, but as they depart from that point, they lose their force, and vanish into calmness.

The strongest principle of union resides within our domestic walls. The ties of the parent exceed that of any other. As we depart from home, the next general principle of union is amongst citizens of the same state, where acquaintance, habits, and fortunes, nourish affection, and attachment. Enlarge the circle still further, and, as citizens of different states, though we acknowledge the same national denomination, we lose in the ties of acquaintance, habits, and fortunes, and thus by degrees we lessen in our attachments, till, at length, we no more than acknowledge a sameness of species. Is it, therefore, from certainty like this, reasonable to believe, that inhabitants of Georgia, or New Hampshire, will have the same obligations towards you as your own, and preside over your lives, liberties, and property, with the same care and attachment? Intuitive reason answers in the negative.

CATO
… In order to lay a due foundation for that separate and distinct exercise of the different powers of government, which to a certain extent is admitted on all hands to be essential to the preservation of liberty, it is evident that each department should have a will of its own; and consequently should be so constituted that the members of each should have as little agency as possible in the appointment of the members of the others. ….

The great security against a gradual concentration of the several powers in the same department, consists in giving to those who administer each department the necessary constitutional means and personal motives to resist encroachments of the others. The provision for defense must in this, as in all other cases, be made commensurate to the danger of attack. Ambition must be made to counteract ambition. The interest of the man must be connected with the constitutional rights of the place. It may be a reflection on human nature, that such devices should be necessary to control the abuses of government. But what is government itself, but the greatest of all reflections on human nature? If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing 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. A dependence on the people is, no doubt, the primary control on the government; but experience has taught mankind the necessity of auxiliary precautions. This policy of supplying, by opposite and rival interests, the defect of better motives, might be traced through the whole system of human affairs, private as well as public. We see it particularly displayed in all the subordinate distributions of power, where the constant aim is to divide and arrange the several offices in such a manner as that each may be a check on the other that the private interest of every individual may be a sentinel over the public rights. These inventions of prudence cannot be less requisite in the distribution of the supreme powers of the State. But it is not possible to give to each department an equal power of self-defense. In republican government, the legislative authority necessarily predominates. The remedy for this inconvenience is to divide the legislature into [two houses].….

As the weight of the legislative authority requires that it should be thus divided, the weakness of the executive may require, on the other hand, that it should be fortified. [A veto or] negative on the legislature [is how] the executive magistrate should be armed…. In the compound republic of America, the power surrendered by the people is first divided between two distinct governments, and then the portion allotted to each subdivided among distinct and separate departments. Hence a double security arises to the rights of the people. The different governments will control each other, at the same time that each will be controlled by itself. ….

It is of great importance in a republic not only to guard the society against the oppression of its rulers, but to guard one part of the society against the injustice of the other part. Different interests necessarily exist in different classes of citizens. If a majority be united by a common interest, the rights of the minority will be insecure…. [I]n the federal republic of the United States… [while] all authority in it will be derived from and dependent on the society, the society itself will be broken into so many parts, interests, and classes of citizens, that the rights of individuals, or of the minority, will be in little danger from interested combinations of the majority. In a free government the security for civil rights must be the same as that for religious rights. It consists in the one case in the multiplicity of interests, and in the other in the multiplicity of sects. The degree of security in both cases will depend on the number of interests and
sects; and this may be presumed to depend on the extent of country and number of people comprehended under the same government….

Justice is the end of government. It is the end of civil society. It ever has been and ever will be pursued until it be obtained, or until liberty be lost in the pursuit. [Madison discusses how both liberty can be maintained and justice achieved through an extended republic.]

In the extended republic of the United States, and among the great variety of interests, parties, and sects which it embraces, a coalition of a majority of the whole society could seldom take place…. [T]he larger the society, provided it lie within a practical sphere, the more duly capable it will be of self-government. And happily for the republican cause, the practicable sphere may be carried to a very great extent, by a judicious modification and mixture of the federal principle.

Questions:
1. What does the phrase 'ambition must be made to counter ambition' mean?
2. Why does the author of Federalist #51 call the U.S. a 'compound republic,' and why does he argue that this creates a 'double security' for the 'rights of the people'?
The SOAPS Method of Document Analysis

Historians work with primary documents in trying to understand the past. However, the documents are hard to decipher unless one knows about the creator of the document, the background of the document, and why it was created. In a SOAPS analysis, historians look at a document this way:

S- SPEAKER:
Identify the speaker/creator of the document. This is more than simply providing a name. Sometimes the speaker is someone everyone knows. Other times, it is someone no one knows. In any case, WHO is the person? What does this document say about the speaker? Describe the speaker as completely as possible. Base your description on the contents of the document. This is NOT a biography of speaker.

O- OCCASION:
When was the document created? This is more than simply a date. What event(s) and/or era(s) provide the backdrop and context for the document? What was going on in history that might help explain why this document was created when it was? What was the specific event/issue of the time that prompted the document’s creation?

A- AUDIENCE:
For whom was, the document created? Who does the speaker plan on delivering this message to? What does the author think about his/her audience? Why is the audience paying attention to this document? Describe the audience as completely as possible. What was/were the audience’s reaction(s)?

P- PURPOSE:
For what reason was this document created? What does the speaker hope to accomplish? Review quotes from the document to illustrate meaning (with an explanation of its relevance).

S- SIGNIFICANCE:
Why is this document important? What does it say about the era in which it was created? What, if anything, did it lead to? What was the response to the document? Did the speaker accomplish his/her purpose? Explain. Is there a connection to later historical events or the modern world? If so, explain.
## Unit: Birth of a Constitution - 4 – Refining Federalism

**EQ:** What are the major ideas (rights of the individual, popular sovereignty, majority rule and minority rights) in the Constitution and Bill of Rights? [SSUSH5c]

1. What were the goals of the Federalists?
2. What were the fears of the Anti-Federalists?
3. What was the original purpose of the Bill of Rights?

**Vocabulary:**

- Supreme Court
- House of Representatives
- Senate
- Elastic Clause
- Electoral College
- “Necessary and Proper Clause”
- “Supreme Law of the Land”
- Popular Sovereignty
The Words We Live By: The Constitution in Context
Linda R. Monk

The most important words in American government are those that make up the U.S. Constitution. They are considered the “supreme law of the land,” and they form the foundation of all the rights and responsibilities of citizenship. But many of those words meant something different to the framers of the Constitution in 1787 than they do to Americans today. In teaching with founding documents such as the Constitution, it is important to help students understand both the context of the original language and how that language has subsequently been interpreted—by citizens as well as by the courts.

Examining the Preamble, the introductory paragraph to the Constitution, offers a good model for this type of analysis. To begin, ask students to compare George Washington’s working copy of the Preamble to the Constitution, first printed on August 6, 1787 (document 1), to the final version engrossed on parchment and signed by the framers on September 17 (document 2). Washington’s interlining and handwritten notes demonstrate that the framers went through many drafts to perfect the language we know today. The process of writing the Constitution was arduous and frustrating, not unlike students’ efforts to compose their own essays. The Constitution involved many layers of compromise by a convention of fifty-five delegates during a long, hot summer in Philadelphia. It was the product of sweaty, hard work—not merely flashes of divine inspiration. With this backdrop, discuss each phrase of the Preamble with students—offering both its original meaning and its later interpretation, as described below.

We the People . . .
These first three words of the Constitution are the most important. They clearly state that the people—not the king, not the legislature, not the courts—are the true rulers in American government. But who are “We the People”? This question troubled the nation for centuries. As Lucy Stone, one of America’s first advocates for women’s rights, asked in 1853: “‘We the People’? Which ‘We the People’? The women were not included.”1 Neither were white males who did not own property, American Indians, or African Americans—slave or free. Justice Thurgood Marshall, the first African American on the Supreme Court, described this limitation:

The men who gathered in Philadelphia in 1787 could not … have imagined, nor would they have accepted, that the document they were drafting would one day be construed by a Supreme Court to which had been appointed a woman and the descendant of an African slave.2
Through the amendment process, more and more Americans were eventually included in the Constitution’s definition of “We the People.” After the Civil War, the Thirteenth Amendment ended slavery, the Fourteenth Amendment gave African Americans citizenship, and the Fifteenth Amendment gave black men the vote. In 1920, the Nineteenth Amendment gave women the right to vote nationwide, and in 1971, the Twenty-sixth Amendment extended suffrage to eighteen-year-olds.

To modern eyes, the limitations of the framers’ definition of “We the People” are obvious. But in pointing out what they got wrong, we should also remember what they got right. According to Yale law Professor Akhil Reed Amar: “The adoption of the Constitution was . . . the most participatory, majoritarian, and populist event the Earth had ever seen.”3 As Justice Ruth Bader Ginsburg notes: “The equal dignity of all persons is . . . a vital part of our constitutional legacy, even if the culture of the framers held them back from fully perceiving that universal ideal.”4

… of the United States, …
The original draft of the Preamble referred to all thirteen states by name. But, in part because no one knew exactly which states would become the nine required to ratify the Constitution, the wording of the Preamble was condensed into the familiar words of today: “We the People of the United States.” Even after the Constitution’s ratification, the United States was still evolving from a loose confederation of states into a cohesive national union. Only the Civil War finally achieved the latter. As historian Shelby Foote noted: “Before the war, it was said, ‘The United States are.’ … After the war, it was always ‘the United States is.’ . . . And that sums up what the war accomplished. It made us an ‘is.’”5

… in Order to form a more perfect Union, …
The first constitution of the United States, the Articles of Confederation, was a failure—or so many advocates of a stronger central government believed. Under the Articles, the states retained virtually all powers, and the national government was considered merely a “firm league of friendship” among them. George Washington was so despairing about this state of affairs that he wrote to a friend: “What a triumph for the advocates of despotism to find that we are incapable of governing ourselves.”6

After only five years under the Articles, trade problems among the states prompted a conference at Annapolis, Maryland, in 1786. There, Alexander Hamilton made a motion, adopted by the conference, that a convention be held in Philadelphia in 1787 to amend “such defects as may be discovered to exist” in the Articles. The Continental Congress approved of the plan, resolving that such a convention be held “for the sole and express purpose of revising the Articles of Confederation.”

Once in Philadelphia, however, the convention delegates quickly scrapped the Articles altogether and began drafting a new constitution. Representing twelve states—all except Rhode Island—they convened on May 25, 1787. Under the leadership of George Washington, the delegates met behind closed doors for almost four months. Their final product was presented to Congress, which then submitted it to the states for ratification. The Constitution was ratified in 1788, and the new government took office in 1789 with George Washington as president. A revolution had been achieved without a single drop of blood. A more perfect union had begun.

… establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, …
The Preamble sets forth the Constitution’s goals, but the Supreme Court has ruled that it is not an independent source of rights. For instance, one cannot file a lawsuit based on the Preamble, as the Court held in *Jacobson v. Massachusetts* (1905). Henry Jacobson had refused to comply with a Massachusetts law mandating vaccination for smallpox, claiming that the law violated his “liberty” as secured by the Preamble. The Court disagreed, saying: “Although … one of the declared objects of the Constitution was to secure the blessings of liberty … , no power can be exerted to that end by the United States, unless, apart from the Preamble, it be found in some express delegation of power, or in some power to be properly implied therefrom.”7

… do ordain and establish …
Under the terms of the Preamble, “We the People,” not the states, “ordain and establish” the Constitution. During the Constitutional Convention, James Madison said that the difference between a government established by state legislatures and one founded on the people directly was “the true difference between a league or treaty, and a Constitution.”8 But Patrick Henry, who refused to attend the convention because he “smelt a rat,” took exception to the Preamble’s language. He argued that the convention had exceeded its power by abandoning the Articles of Confederation. Asked Henry during the Virginia ratifying convention: “Who authorized them to speak the language of, We, the People, instead of We, the States? … The people gave them no power to use their name.”9 But as specified in Article VII, the Constitution was ratified by the people through state conventions, not by the state legislatures. The Supreme Court pointed to this fact in *McCulloch v. Maryland* (1819). Chief Justice John Marshall wrote for the unanimous Court: “The government proceeds directly from the people; is “ordained and established” in the name of the people … Its powers are granted by them and are to be exercised directly on them and for their benefit.”10

… this Constitution for the United States of America.
The U.S. Constitution is the oldest written constitution of a nation still being used. From the beginning, Americans and others have disagreed about its relative merits. Federalists believed that, by creating a stronger national government, the Constitution would enable the United States to survive among the competing powers of Europe and provide a surer safeguard for liberty at home. Antifederalists feared that the new Constitution would create a new form of tyranny, especially since it lacked a bill of rights. Only by promising that the new Congress would make passage of a bill of rights its top priority did the Federalists secure ratification of the Constitution.

At the Constitutional Convention, Benjamin Franklin stated that he approved of the Constitution “with all its faults” because he did not think a better one was possible at that time.11 The oldest delegate to the convention at eighty-one, Franklin was too weak to give speeches and instead offered his opinions through written remarks delivered by a fellow Pennsylvania delegate. Perhaps Franklin’s last words at the convention gave the best assessment of the prospects of the new republic. As the other delegates were signing the Constitution, Franklin remarked to those nearby that, throughout the convention, he had wondered whether the sun carved on the back of George Washington’s chair was rising or setting. “Now,” he said, “I have the happiness to know that it is a rising and not a setting sun.”
Notes


7. 197 U.S. 11, 22 (1905).


11. Bailyn, 3-4; Koch, 659.

The documents featured in this article are in the holdings of the National Archives and Records Administration and can be reproduced in any quantity.

*Linda R. Monk is the author of The Words We Live By: Your Annotated Guide to the Constitution* (New York: Hyperion, 2003), from which this article has been adapted.

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**Visuals:**

George Washington’s copy of the first printed draft of the Constitution, complete with his handwritten notes, lists all the original thirteen states in the Preamble, rather than referring to “the United States” as a whole.

National Archives, Records of the Continental and Confederation Congresses and the Constitutional Convention

Page one of the U.S. Constitution. A high resolution scan of it is available online at www.archives.gov/national_archives_experience/charters_downloads.html.
### Unit: Birth of a Constitution - 5 – The “Living” Constitution

**EQ:** How has the interpretation of the Constitution and the Bill of Rights changed in order to protect liberty and order to American society? [SSUSH5d]

1. What is the main purpose of the Supreme Court?
2. Why was the “Elastic Clause”? Why were terms of the “Elastic Clause” debated?

**Vocabulary:**

- Precedent
- Loose Construction
- Strict Construction
- “Un-Constitutional”
- Civil Rights
- Civil Liberties
- Reserved Powers
- Implied Powers
- Delegated Powers
- Enumerated Powers
US Constitution Quiz

Choose the letter of the best answer. These questions concern the Preamble or Article 1.

____ 1. The vice-president of the United States also serves as
   A. speaker of the house.
   B. "commander-in-chief."
   C. president of the Senate.

____ 2. In order for the Senate or House to vote on a bill, how many members must be present?
   A. at least one-half
   B. more than one-half
   C. two-thirds

____ 3. A member of Congress cannot be held legally responsible for
   A. failure to pay taxes.
   B. any crimes committed while in office.
   C. statements made in speeches or debates in either house.

____ 4. Overriding a presidential veto of a bill requires
   A. a two-thirds vote by both houses of Congress.
   B. a three-fourths vote by both houses of Congress.
   C. a majority vote by one house and a two-thirds vote by the other

____ 5. If Congress passes a bill and sends it to the president two weeks before a scheduled adjournment, and the president neither signs nor returns it, that bill
   A. becomes law.
   B. has been vetoed.
   C. must be resubmitted during the next session of Congress.

If the statement is true, bubble A. If it is false, bubble B. These concern Article 2 or 3.

__________ 6. A person cannot be convicted of treason unless there is a minimum of one witness against him or her.

__________ 7. Unless dismissed for bad behavior, federal court judges hold their offices for four years.

__________ 8. The president must swear to uphold the Constitution.
9. Each state's Electoral College electors equal the number of representatives that state has in Congress.

10. The president must be a U.S. citizen since birth.

The following questions concern Articles 4-7.

11. Someone charged with a crime who flees to another state must be returned to the original state by the state he or she has gone to if
   A. the governor of the original state requests it.
   B. the crime was a federal crime.
   C. a federal court judge issues such an order.

12. The Constitution can be amended if the change is approved by a two-thirds majority of both houses of Congress and
   A. two-thirds of the states.
   B. three-fourths of the states.
   C. a majority of voters in a national vote.

13. New states may be admitted to the Union if approved by
   A. Congress.
   B. the Supreme Court.
   C. three-quarters of the state legislatures.

14. In the Constitution, the "supreme law of the land" is defined as being
   A. the will of the people.
   B. the Constitution itself.
   C. Supreme Court decisions.

15. A person cannot serve as a member of a state legislature or hold federal office unless he or she
   A. is elected by popular vote.
   B. is approved by the Congress.
   C. swears an oath of loyalty to the Constitution.
The following questions concern the Amendments.

____ 16. Searches are prohibited if they are
   A. unreasonable.
   B. not speedy.
   C. on private property.

____ 17. Congress is forbidden to establish a
   A. press.
   B. religion.
   C. militia.

____ 18. Private property cannot be taken by the government without
   A. a jury trial.
   B. permission.
   C. payment.

____ 19. The right to a speedy and public trial is meant to protect the rights of
   A. witnesses.
   B. society.
   C. the accused.

____ 20. A person cannot be forced to testify
   A. more than once.
   B. against himself or herself.
   C. for a grand jury.

____ 21. A Constitutional amendment was necessary before Congress could impose a tax on
   A. income.
   B. property.
   C. imports.

____ 22. Amendment 15, first amendment to deal with voting rights, made it illegal to deny the right to vote based on
   A. gender.
   B. race, color, or previous condition of servitude.
   C. age.
23. How many amendments have been passed and then repealed?
   A. one
   B. two
   C. three

24. It is illegal to deny someone the right to vote based on his or her failure to
   A. register.
   B. pay a tax.
   C. become a citizen.

25. Under no circumstances can any person hold the office of president for more than
   A. four years.
   B. eight years.
   C. twelve years.

26. If an accused woman "pleads the Fifth Amendment," she is
   A. demanding an attorney.
   B. claiming to be innocent of the charges.
   C. refusing to testify against herself in court.

27. The police cannot get a search warrant unless they have
   A. an arrest warrant.
   B. the suspect's confession.
   C. a good reason to believe evidence may be found.

28. The Twenty-fourth Amendment makes it illegal to deny any citizen the right to vote based on his or her failure to pay
   A. a fine.
   B. a poll tax.
   C. child support.

29. Each of the following is a right guaranteed by the Bill of Rights except the right to
   A. join a union.
   B. be tried by a jury.
   C. publish unpopular views.
30. Each of the following is a right guaranteed by the Bill of Rights except the right to
   A. vote.
   B. be tried publicly.
   C. voice an opinion.

Answer each question on a separate sheet of paper.
31. How are states represented in the Senate and in the House?

32. How is it possible for a president to be elected without the majority of the popular vote?

33. Did the framers of the Constitution prohibit slavery? Explain why slavery is now illegal in the United States.

34. Describe a situation in which a person might exercise his or her First Amendment rights.

35. The Preamble to the Constitution lists the following purposes: "to form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity.

   Choose one purpose and give your opinion about whether that purpose has been met. Explain your answer."
Answer Sheet
1. C. president of the Senate.
2. B. more than one-half
3. C. statements made in speeches or debates in either house.
4. A. a two-thirds vote by both houses of Congress.
5. A. becomes law.
6. False / two witnesses
7. False / life
8. True
9. False / senators and representatives
10. True
11. A. the governor of the original state requests it.
12. B. three-fourths of the states.
13. A. Congress.
14. B. the Constitution itself.
15. C. swears an oath of loyalty to the Constitution.
16. A. unreasonable.
17. B. religion.
18. C. payment.
19. C. the accused.
20. B. against himself or herself.
21. A. income.
22. B. race, color, or previous condition of servitude.
23. A. one
24. B. pay a tax.
25. A. four years.
26. C. refusing to testify against herself in court.
27. C. a good reason to believe evidence may be found.
28. B. a poll tax.
29. A. join a union.
30. A. vote.