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1789: The Congress That Could

With Madison's Prodding, It Gave Us a Treasure in Four Months

By Linda R. Monk

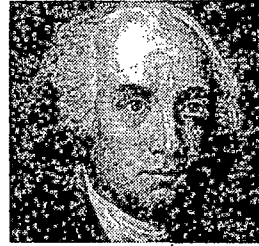
IN THIS HEYDAY of Congress-bashing, it is useful to recall that we have Congress itself to thank for our greatest charter of freedom: the Bill of Rights. Indeed, the first words of the resolution offering those first 10 amendments to the Constitution are: "Congress of the United States . . ."

We tend to forget that the Constitution, as originally written and ratified by the states, did not include the Bill of Rights. Even James Madison, one of the chief authors of the Constitution, believed that a bill of rights was unnecessary and would be little more than a "parchment barrier" against the will of the majority.

But several states had conditioned their ratification of the Constitution on passage of a bill of rights by the new government. And if Congress declined, Article V of the Constitution provided that the states themselves could call a second constitutional convention—which might give anti-Federalists a chance to chip away at the strong powers granted to the central government.

Despite his original opposition, Madison was soon convinced by his friend Thomas Jefferson and the voters of Virginia that a bill of rights was both philosophically sound and politically necessary.

Jefferson had not participated in the Constitutional Convention because he was then minister to France. But in a letter to Madison, he argued that "a bill of rights is what the people are entitled to against every government on earth, general or particular, and what no just government should refuse, or rest on inference." One great strength of a bill of rights, he reminded Madison, was "the legal check which it puts into the hands of the judiciary."



By the time Madison ran for Congress from Virginia against James Monroe, he not only had reversed his original opposition to a bill of rights but had promised voters to work for passage in Congress.

When the first Congress convened in New York City in the spring of 1789, Madison quickly acted to fulfill his campaign pledge. On May 4, he announced to the House his intention to propose amendments to the Constitution protecting individual rights. The next day, both Virginia and New York applied to Congress to call a second constitutional convention, but Madison was able to delay immediate action. On June 8, Madison introduced draft amendments intended to be inserted into the text of the Constitution at appropriate places. But the House adopted Rep. Roger Sherman's motion that the amendments be added to the end of the Constitution.

Madison was more editor than author of the Bill of

Linda Monk is a constitutional scholar and the author of "The Bill of Rights: A User's Guide" (Close Up Foundation, 1991), from which this article is adapted.

Rights. He based his proposals not on his own ideas but on recommendations by the state ratifying conventions, in particular those from Virginia. Madison selected from nearly 100 different provisions offered by the states, choosing those on which there was a consensus and avoiding any that might prove controversial.

Madison's original draft contained every provision that became part of the Bill of Rights, but several of his suggested amendments were eliminated: a general declaration of the theory of popular government, a prohibition of state violations of certain individual liberties, a limit on appeals to the Supreme Court and a statement of the separation of powers doctrine.

Madison faced an uphill battle getting the amendments through Congress, which was preoccupied with import duties necessary to finance the government. Some legislators believed the amendments should wait until more experience was gained about the specific flaws in the new government. When the legislators finally agreed to hear Madison's amendments, they criticized them unmercifully as "milk and water" and "water gruel" designed to cure the imaginary illnesses of the public. Anti-Federalists accused Madison of trying to distract attention from the serious dangers to liberty posed by a strong central government.

The debates over the Bill of Rights were, in Madison's words, "extremely difficult and fatiguing." Members of Congress challenged each other to duels at one passionate point. Madison wrote to a friend that the Bill of Rights had become a "nauseous project." But he persevered.

On Aug. 24, the House passed 17 proposed amendments, making few changes to the substance of Madison's original proposals. The Senate reduced those amendments to 12 by combining some and eliminating others. The Senate also weakened the language on religious freedom, but it was restored by the conference committee that reconciled the House and Senate versions. Madison's skill as a lobbyist finally paid off, and Congress approved the final version of the Bill of Rights on Sept. 25, 1789, not quite four months after Madison introduced them.

But when the 12 proposed amendments were sent to the states for ratification, the first two—one changing the apportionment of Congress and the other forbidding congressional pay raises to take effect until after the next election—failed to pass muster, leaving the 10 we know today. On Dec. 15, 1791, Virginia became the 11th state to ratify the Bill of Rights, and it became part of the law of the land.

The Bill of Rights was an act of Congress, not an act of God. It was written by legislators, not "Founding Fathers." Madison supported the amendments more out of political expediency than philosophical conviction—not unlike the choices made by today's lawmakers. When celebrating the Bill of Rights, then, it is also appropriate to celebrate Congress. For all its faults, Congress still manages to give us the best of representative democracy—when asked to. Two hundred years ago, Americans demanded a bill of rights and Congress responded. The same legislative process criticized so vehemently today produced the most precious guarantee of liberty ever written.

Liberty's Text: 10 Amendments That

THAT CHANGED THE WORLD

By A.E. Dick Howard

THE PEOPLES of faraway lands are giving Americans a splendid present on the 200th birthday of our Bill of Rights today. From Eastern Europe to South Africa, country after country—some recently among the most repressive—has adopted or is developing a statement of fundamental rights based largely on principles articulated in the first 10 amendments to our Constitution.

These emerging documents are a powerful reminder of the distance that thinking about human rights—and their constitutional formulation—has traveled since the days of James Madison and his contemporaries. Today a citizen's rights may mean not only the right to vote but the right to a job and even the right to sunlight and fresh air. The bills of rights in the world's constitutions are a road map of the great social and political movements of the past 200 years.

New constitutions are not unusual, but too often they have been shams. The Soviet Union's 1936 constitution, written at the height of Stalinism, made glowing promises of justice and human dignity even as its citizens were dying by the millions. Today those cynical documents are being replaced by authentic constitutionalism—and at the core of each new charter lies a bill of rights.

Constitutional experts are in worldwide demand; traffic is heavy between the emerging democracies and the established ones. Constitutional commissions in Central and Eastern Europe invite professors and scholars from other countries to discuss political theory, to pore over draft bills of rights and to offer comments and advice. Together they examine the history and traditions of the country for which the document is being created. In Hungary, for example, they study the great Golden Bull of 1222, its "Magna Carta," and in Poland the national constitution of 1791—the world's second (after our own in 1787).

This exhilarating international dialogue about rights and constitutions, while unquestionably momentous for our times, is in fact part of a process of political and social evolution that has been going on for centuries.

As long ago as 1215, the Magna Carta set forth in England a guarantee of proceedings according to the "law of the land"—the forerunner of the principle of due process. The struggles between Parliament and the Stuart kings in 17th-century England produced other "liberty documents," and England's Bill of Rights (1689) provided such guarantees as the right to petition for redress of grievances and such prohibitions as a ban on cruel and unusual punishment.

Drafters of the American colonial constitutions, like their modern counterparts, looked to both home-grown and imported ideas for inspiration. Each colonial charter had a provision like that of the Virginia Company (1606) guaranteeing settlers "all liberties, franchises and immunities . . . as if they had been abiding and born within this our Realm of England." Responding to complaints about the lack of an established body of laws protecting rights in Massachusetts Bay, the colony's magistrates in 1648 adopted the Laws and Liberties of Massachusetts. Pennsylvania's founder, William Penn, drafted its Frame of Government (1682), with such guarantees as open courts, jury trial and moderate fines.

The revolution that began in 1776 gave Americans the opportunity to rethink and declare those rights they deemed fundamental to a free society. Like framers today, they examined the writings of the great European political theorists. Madison drew upon Montesquieu in declaring that allowing legislative, executive and judicial powers to fall into the same hands "may justly be pronounced the very definition of tyranny." From John Locke the American founders gleaned notions of a social compact and the inherent rights of life, liberty and property. Associating tyranny with kings, governors and courts, the drafters sought structural means to protect those rights—separation of powers, checks and balances, and federalism. The first state constitutions, too, reflected the themes of republicanism and frequent elections to assure direct, active, continuing popular control over government.

The Americans' experiments with self-government, and their efforts to devise ways to articulate and protect citizens' rights, excited intense interest across the Atlantic. The American envoy in revolutionary France, Thomas Jefferson, had Virginia's Statute for Religious Freedom translated into French; it soon found its way into Diderot's *Encyclopedie*. George Mason's Declaration of Rights for Virginia (1776), a model for other American states and for the federal Bill of Rights, directly influenced the framers of France's Declaration of Rights of Man and the Citizen in 1789. But when it came to protecting those rights, France hewed even closer than the Americans to notions of popular sovereignty and settled on a one-house legislature and an executive with only limited veto power—following a path that led ultimately to the Reign of Terror.

The U.S. Constitution and Bill of Rights inspired liberal reformers in the Latin world as well. A Venezulean who had traveled to Philadelphia translated the American document into Spanish for the framers of Spain's Cadiz Constitution (1812). American constitutional ideas also found their way into the constitutions of Venezuela (1811), Mexico (1824) and Argentina (1826).

The American documents were products of the 18th century, shaped by men steeped in Enlightenment ideals and the belief that reason was the avenue to understanding. The 19th century brought reaction against the Marquis de Condorcet's notion of a "common core of human happiness" that transcended nationality and ethnicity. Nationalism and nationality became the battle cry of the revolutions of 1848. European intellectuals looked increasingly to their own roots. Especially influential was the Belgian Constitution of 1830, a font of much constitutional drafting in 19th-century Europe. American ideas hardly became irrelevant; they simply became one thread in a much richer constitutional tapestry.

A century later, in the ashes of World War II, the United States once again enjoyed immense influence. In Japan, Gen. Douglas MacArthur's headquarters drafted a new constitution in seven days for that defeated country. The mark of American ideas on West Germany's postwar constitution is equally evident. And now, as fledgling democracies arise in Central and Eastern Europe, the U.S. Constitution and the Bill of Rights once again are widely recognized as defining the fundamental principles of constitutional democracy.

These principles include:

(1) *Consent of the governed.* "We the People"—the first three words of our Constitution—embody the principle of government by consent. But American constitutionalism also defines certain elements essential for genuinely representative government, including freedom to form political parties, fair apportionment of legislative seats, a liberal voting franchise and free and fair elections.

(2) *Limited government.* Constitutionalism pays special attention—through devices such as separation of powers and checks and balances—to preventing power from being concentrated in such a way that it becomes a threat to individual liberty.

(3) *An open society.* Central to American precepts of individual liberty are the rights to believe what one will, to

embrace what religious beliefs one chooses, to engage in free and robust debate, to oppose the orthodoxy of the moment.

(4) *Human dignity and the sanctity of the individual.* It is no accident that the Bill of Rights accords detailed attention to treatment of those charged with or suspected of crimes. The sanctity of the individual also connotes aspects of personal privacy and autonomy—zones of private life into which the state may not intrude at all or only for demonstrable and pressing public needs.

(5) *The rule of law.* The principle of due process requires fairness and impartiality in both criminal and civil proceedings. A corollary of fairness is equality. Constitutionalism's moral fabric is put to special test by discrimination based on race, religion or like factors.

Bills of rights drafted in Central and Eastern Europe parallel, in many respects, the principles flowing from American constitutionalism. Every draft bill of rights contains, in one form or another, assurances of free speech, freedom of conscience and the right to form political parties. No draft fails to include anti-discrimination principles—bans on discrimination on the basis of nationality, ethnicity, religion or other enumerated grounds. Procedural protections for those accused of crime are invariably included.

Other provisions of bills of rights being proposed or adopted will strike the American observer as less familiar—indeed, in some cases disturbing. In some respects they go beyond the requirements of American constitutional law; in other ways they fall short.

Perhaps most significantly, the drafters have enlarged the meaning of "rights." Our Constitution and Bill of Rights reflect the 18th-century purpose of limiting government's powers; they constitute what Justice Hugo L. Black once called a list of "Thou Shalt Nots." The 20th century, by contrast, is an age of positive government, of entitlements. Bills of rights in the newer nations include the traditional negative rights but they also declare a "second generation" of *affirmative* rights, especially social and economic rights. They make explicit claims upon government—such as the right to an education, a job or old-age care—that are, at most, implicit in American constitutional law.

Thus the Charter of Fundamental Rights and Freedoms of the Czech and Slovak Federal Republic, adopted last January, declares that workers "are entitled to fair remuneration for work and to satisfactory working conditions." Other sections decree free medical care, material security in one's old age, maternity benefits and assistance to assure the needy of "basic living conditions."

At the same time, some new bills of rights promise less than they seem to. While stating that one may speak freely, drafts commonly state that advocacy of "fascism or communism" is excepted from the constitution's protection, or that speech may be forbidden if it conflicts with "public morality" or with the "constitutional order." Seldom do they require a finding of "clear and present danger" or a like standard to justify a restriction on speech.

The draft constitution in Romania, for example, declares that "any defamation of the country and the nation, instigation to an aggressive war, to national, racial, class or religious hatred, any incitement to discrimination, territorial separatism, public violence as well as any obscene conduct contrary to morality, shall be prohibited by law." Should this become law, it is not hard to imagine what would happen to an ethnic Hungarian who complains about conditions in Transylvania.

Draft bills of rights, in addition to banning various forms of discrimination, often declare affirmative rights of culture, language and education. The Czech and Slovak charter, for example, guarantees national and ethnic minorities the right to education in their language, the right to use that language in official settings and the right to participation (form unspecified) in the settlement of matters concerning those minorities. But left unaddressed in most drafts is the explosive question whether rights of national minorities are simply rights of the individuals who make up those minorities or take on the character of group rights—an issue of great delicacy wherever (as in South Africa) disparate racial and ethnic groups are involved.

A constitution, of course, must be planted in a country's own soil to take root. So one should not be surprised that Central and Eastern European drafts would, in their specific provisions at least, bear more resemblance to fundamental laws in Western Europe—existing European constitutions and the European Convention of Human Rights—than to American documents. There are ties of tradition—the strong appeal of French ideas in some intellectual circles, for example, and the long-standing regard for German legal scholarship in many countries. But lofty

aspirations are also coupled with more practical considerations. The new bills of rights reflect the hope of the emerging democracies to be fully accepted as members of the civilized community of nations. Countries aspiring to membership in such regional arrangements as the European Community want to be seen as having fundamental laws in line with principles accepted in Western Europe.

Increasingly this century, bills of rights have come to resemble political party platforms that appeal to this or that constituency—though in the Third World such rhetoric inevitably confronts the hard realities of poverty and privation. The revolutionaries who drafted Mexico's 1917 constitution paid special attention to labor and social welfare, decreeing the rights to an eight-hour day, a minimum wage and workers' compensation—subjects on which con-

stitutions are commonly silent. That document's Article 123 is considered so important that a street in Mexico City is named for it.

India's 1950 constitution reflects the ethos of a Gandhian state. Its "Directive Principles of State Policy" point India toward the goal of a welfare state, the creation of a "casteless and classless society" and India's promotion of world peace.

Perhaps the most baroque use of a bill of rights to legislate public policy is found in Brazil's 1988 constitution. Rather than convene a constituent assembly, Brazil's leaders asked their Congress to draft a new constitution. All 559 members of Congress participated, dividing themselves into eight committees, each with three subcommittees. These 24 subcommittees worked without any master plan. The resulting document is unrivaled among constitutions for conferring favors upon special-interest groups. There are, for example, 37 sections dealing with just the rights of workers. Some (such as one day off in seven) were found in Brazil's 1946 constitution; others (such as a 44-hour work week) had not been legally mandated before the adoption of the 1988 constitution.

In South Africa, delegates to the drafting table will consider proposals to use the bill of rights to make up for past inequalities. An African National Congress draft provides for diverting resources from richer to poorer areas "in order to achieve a common floor of rights for the whole country." The judiciary would be "transformed in such a way as to consist of men and women drawn from all sections of South African society." The nation's land, waters and sky are declared to be the "common heritage" of the people of South Africa, and the state's agencies and organs are admonished to take measures against air and water pollution and other kinds of environmental harm.

The latter is a prime example of what are being called "third generation" rights (after political and social/economic rights). But use of a bill of rights as an affirmative tool presents special problems. The traditional rights, such as expression or assembly, tell government what it *cannot* do and may be enforced through injunctions and other familiar judicial remedies. Affirmative rights tell government what it *must* do. Here enforcement is more problematical. Affirmative rights commonly entail legislative implementation or decisions about allocation of resources—tasks ill-suited to the courts. Anyone familiar with cases in which American judges have become administrators of school systems, prisons and other public institutions will understand the skewing effect that decreeing affirmative rights has on public budgets.

Whatever their specific content, bills of rights reflect a common quest to decide which values are so important as to be put into a country's fundamental charter. More than paper, however, is required to make constitutional democracy work. Constitutionalism, to flourish, requires skillful political leadership, viable political parties, healthy press and media, an independent bench and bar, a sound economy and a system of education in which young minds will prosper. Ultimately, for rights to be respected, there must be a mature civic spirit—an attitude in the minds of ordinary citizens. A people who do not understand the basic precepts of free government are unlikely to keep it alive and vibrant. This lesson is as cogent in Washington as it is in Moscow or Warsaw.

Americans have good cause to celebrate 200 years of the Bill of Rights. They likewise have every reason to hope that its principles will take root in the lands now free of tyrannical rule. Neither East or West, however, should take liberty for granted. Recalling the story of the Bill of Rights is an occasion for probing the lessons implicit therein—the nature and meaning of rights, the means by which they are enforced, the habits of mind that keep them alive.

A.E. Dick Howard, a professor of law and public affairs at the University of Virginia, is a consultant to drafters of constitutions and bills of rights in Central and Eastern Europe. A version of this article appears in the December issue of the New York State Bar Journal.

THE BILL OF RIGHTS

Amendment I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or of the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Amendment II

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

Amendment III

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

Amendment IV

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

Amendment V

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

Amendment VI

In all criminal prosecutions, the



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

Amendment VII

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-

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

Amendment VIII

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

Amendment IX

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

Amendment X

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

More precious than gold

December 15 is more precious than gold. On that date 200 years ago the founding fathers of our country gave the gift of the Bill of Rights to the country when Virginia became the 11th state to ratify those 10 first amendments to the Constitution.

Since then, those precious freedoms, designed to protect us from our own government, have held injustice in its myriad forms and variety in check.

Granted, James Madison and the other framers of the Bill of Rights didn't think of everything, and it took the 13th and 19th amendments to end slavery and grant nationwide suffrage to women. But those initial golden amendments and their promise of liberty lighted the way to a better future for the citizens of a new nation and for the seekers of justice who would follow from far across the seas.

As a gentle reminder, here is what the Bill of Rights gave you:

Amendment I. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Amendment II. A well regulated militia, being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed.

Amendment III. No soldier shall, in time of peace be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

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

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

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

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Amendment X. The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Not a bad beginning.

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An Appendage, an Anomaly, A Paradox That's 200 Today

For Their Freedoms, Americans in Debt to the Bill of Rights

By Haynes Johnson
Washington Post Staff Writer

They are not divinely carved on stone like the Ten Commandments and handed down from a mountaintop to the multitudes, nor inscribed on lasting parchment like the Magna Carta and signed with a flourish by royalty, but for Americans the Bill of Rights is the indispensable guarantor of freedom for ordinary people.

Today, on the 200th anniversary of their addition to the Constitution, those first 10 constitutional amendments are as serviceable—and as controversial—as ever. They are also as relevant as the latest headlines about a sensational rape trial or the divisive debates over such issues as abortion, school prayer, gun control, pornography, flag burning and the extension—or restriction—of civil rights, women's rights, gay rights, criminal rights, press rights.

They are also extraordinarily elastic and encompassing. From liberals fearing assaults on freedom of expression to conservative business groups increasingly invoking the Fifth Amendment "takings clause" to fight various environmental regulations, everybody uses the Bill of the Rights. And those rights, in turn, offer protection to all points of view and interests.

That in itself is perhaps the most remarkable fact about those simple declarative statements that provide the capstone to the triumvirate of American democracy: the Declaration of Independence, the Constitution and the Bill of Rights.

The miracle of the Bill of Rights, and of the Constitution they adorn, is that anybody paid any attention to them. Throughout history, numerous ringing declarations about the Rights of Man have been promulgated amid contemporary praise and just as quickly discarded and forgotten. It is a singular tribute to the American character, and a welcome counterpoint to the present moment of national doubt and disgust over the workings of the system, that however strong the opposition or the reservations, the people of the United States have allowed their Bill of Rights to operate.

To late 20th century eyes, the very creation of the Bill of Rights is filled with anomalies.

It was drafted by a small group of privileged people serving in the first United States Congress, who enjoyed the finest advantages in terms of education, material possessions and social position the young America just emerging on the world stage could then offer. They were all white men, all

of European descent, mainly English. Most were young and, by the standards of their time, wealthy. They were the supreme elitists of their day, and the portraits we have of them reinforce the impression of a favored few.

The language they let loose upon the world that day was not flowery rhetoric. It was muscular, unadorned and radical in its implications.

Their straightforward words said, among other things, that Americans forever after would enjoy the right to worship, or not, as they chose; that government could make no law to establish an official religion; that people could speak and publish and assemble without fear of government interference; that they should be secure from unreasonable searches and seizures by the police power; have the right to a speedy and fair public trial by a jury; the right to be compensated for private property taken for public purposes.

For decades, in an enduring paradox, Americans have signaled in survey after survey that they know little about these rights and would alter, or even dispense with, many of the liberties contained in them.

After World War II, a bloody conflict in which Americans fought and died for the kinds of principles in the Bill of Rights, the Gallup Poll found that a full 41 percent of all citizens questioned could not even answer the question, "What is the Bill of Rights?"

The same kind of public ignorance has continued to be exhibited in the decades since.

Last July, a poll conducted by the American Society of Newspaper Editors and Middle Tennessee State University concluded that the First Amendment would fail to pass if put to a popular vote. A month later, USA Today cited survey data collected by the Roper Center for Public Opinion at the University of Connecticut showing that 83 percent of Americans thought military restrictions on news reports during the Persian Gulf War were a good idea while only 12 percent thought they were a bad idea.

These kinds of findings, accumulating with dismal regularity over the years, might not have surprised the drafters of the Bill of Rights. They wrote the original articles "to protect the people from themselves," as one noted constitutional scholar put it.

That was the beauty of the Bill of Rights. Whether the people knew, understood, or agreed with the rights enumerated did not make any difference, for the purpose of the Bill of Rights was to protect the minority from the majority.

This was a dramatic departure from previous declarations asserting claims to inalienable human rights. When the British Parliament adopted its version of a bill of rights, a century before the American model, it was intended to protect the government from abuses by the king. By the time Americans drafted their charter of liberty, they were not worried about royal tyranny, having overthrown the crown. Their concern was the threat of popular tyranny.

As the late Alan Barth, a nationally acclaimed authority on the Bill of Rights and longtime editorial writer for The Washington Post, wrote, their greatest fear was that a majority of the people "might override all opposition, silence dissent, crush diversity and deal arbitrarily with any who might resist its will."

It was that fear that lay at the heart of James Madison's efforts to add a Bill of Rights to the Constitution. In a famous 1788 letter to Thomas Jefferson arguing for a Bill of Rights, Madison wrote:

"Wherever the real power in a Government lies, there is the danger of oppression. In our Governments, the real power lies in the majority of the community, and the invasion of private rights is chiefly to be apprehended, not from acts of Government contrary to the sense of the constituents, but from acts in which the Government is the mere instrument of the major number of the constituents."

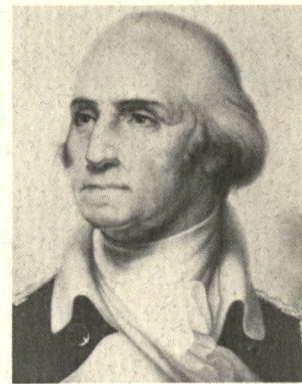
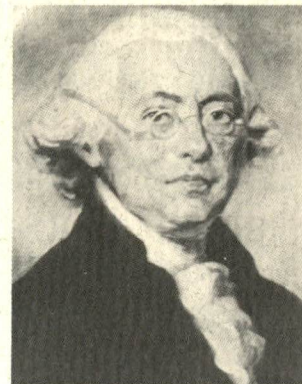
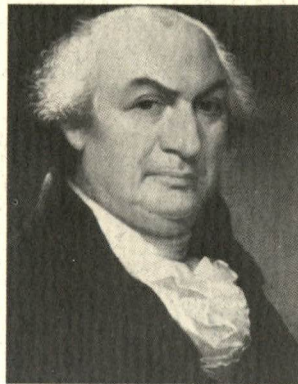
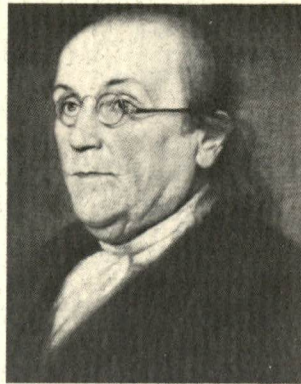
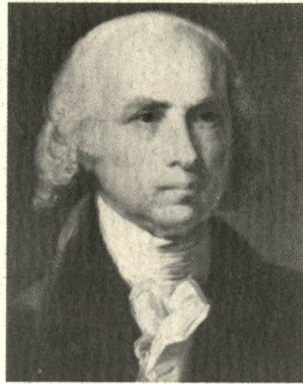
Still, the original framers of the Bill of Rights did not envision its current use. At the time of the Constitutional Convention in 1787, many of the original American states had their own bills of rights, some with language similar to the eventual federal one. A handful of people in the convention tried to have them included in the original Constitution. They failed. With some irony, Madison and others argued that they were not necessary; the constitutional checks and balances would ensure that people's rights were protected.

When the constitutional ratification process began, Madison and the managers who led the fight for adoption promised to add a bill of rights as the first order of business in the new Congress in order to satisfy state concerns. Had they not done so, the Constitution might not have been ratified.

Initially, the Bill of Rights was intended to protect the states from the power of the much feared federal government. It was not until the 20th century that they began to be applied by the Supreme Court to actions of state governments.

In a larger and enduring sense, though, the Bill of Rights cast a wide net over threats to liberties. As Madison told Jefferson, he favored a Bill of Rights because it would at the least "counteract the impulses of interest and passion."

His view prevailed. Two centuries later Americans continue to be buffeted by strong conflicting "impulses of interest and passion." But they are still secured by a Bill of Rights.



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

“A nation without a National Government is, in my view, an awful spectacle.”

Alexander Hamilton

“... What is government itself but the greatest of all reflections on human nature?”

James Madison

“I consent, Sir, to this Constitution because I expect no better and because I am not sure that it is not the best.”

B. Franklin

“We the People of the United States, in Order to form a more perfect Union.”

Gouverneur Morris

“We should consider that we are providing a Constitution for future generations and not merely for the circumstance of the moment.”

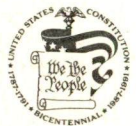
James Wilson

“I sincerely believe it is the best that could be obtained... and with a constitutional door opened for amendment hereafter, the adoption of it... is in my opinion desirable.”

John Jay

GEORGE WASHINGTON
1732-1799

"First in war, first in peace, and first in the hearts of his countrymen," George Washington, more than any other single American, was responsible for making the War of Independence a success. After the war, he worked to persuade Americans that they needed a stronger national government. By coming to Philadelphia in 1787 and presiding over the Constitutional Convention, Washington lent it his great prestige and authority. He effectively held the Convention together, and his approval and signing the Constitution was a great impetus when it came to ratification by the states. Following ratification, Washington was unanimously chosen as our first President; the Constitution went into effect with his inauguration on April 30, 1789. For two terms he governed with dignity and restraint, providing the stability and authority our emergent country needed. After John Adams became our second President, Washington returned to Mount Vernon. He was 67 when he died in 1799. In his will, he emancipated his slaves.



George Washington, 1835
oil portrait by Rembrandt Peal.
Courtesy of The New-York
Historical Society

JAMES WILSON
1742-1798

James Wilson, speaking with a Scotch burr, was one of the most vocal delegates at the Constitutional Convention. He was an effective spokesman for a strong central government and for voting in Congress proportioned to population. He also believed in the right of the people to elect their own President, Representatives, and Senators. Wilson helped frame the specific provisions of the Constitution, and was directly responsible for the provision whereby the executive power is vested in a single person. Before the Convention, he was a lawyer, a member of the Continental Congress, and a signer of the Declaration of Independence. After the Convention, he worked for the ratification of the Constitution, was a law professor at the University of Pennsylvania, and a member of the first United States Supreme Court.



James Wilson
oil portrait by James Peale.
Courtesy of The Library
of Congress.

GOUVERNEUR MORRIS
1752-1816

Gouverneur Morris, because of his extraordinary writing and organizational abilities, was largely responsible for the final wording and organization of the Constitution. In fact, the preamble of the Constitution came from his fluent pen. A wealthy and successful lawyer-businessman, Morris represented Pennsylvania at the convention. Witty, brilliant, flamboyant, he was a talker who made more speeches than any other delegate. A skilled compromiser, he fought vigorously for a strong central government and for a single executive directly elected by the people. Earlier, in 1776, he helped draft New York's constitution, signed the Articles of Confederation, and was active in the Continental Congress. He later served in the U.S. Senate and was a Minister to France.



Gouverneur Morris, 1815
oil portrait by Ezra Ames.
Courtesy of The New-York
Historical Society.

BENJAMIN FRANKLIN
1706-1790

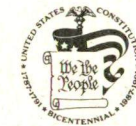
At 81, Benjamin Franklin was the elder statesman and one of the most original, delightful and revered members of the Constitutional Convention. In failing health, he was carried to the Convention in a sedan chair. He was too weak to deliver his final statement and had James Wilson read it. Franklin's presence lent prestige to the Convention; his wit and wisdom served as a tension breaker. During his long life, this self-made man was a publisher, printer, essayist, author, inventor, scientist, businessman, philosopher, sage, politician, diplomat and humanitarian. As early as 1754 Franklin urged a central government for America in his plan of union at the Intercolonial Conference at Albany, New York. He was a member of Congress in 1776, and signed the Declaration of Independence. In addition, he helped to negotiate and signed the Treaty of Paris between England, France and The United States which finalized our independence from England. Because of the respect in which he was held, his name on the Constitution was a major factor in winning its ratification by the states.



Benjamin Franklin, 1785
oil portrait by Charles Wilson Peal.
Courtesy of The Library
of Congress.

JAMES MADISON
1751-1836

James Madison, the "Father of the Constitution," was one of the most thoroughly prepared and erudite members of the Convention. His leadership was influential in guiding the debates. A brilliant political philosopher, scholar and nationalist, he helped lay the groundwork for the Convention as well as the Constitution. Madison's daily detailed journal is the best single record we have of the Convention. He led the fight for ratification in Virginia, contributed twenty-six essays explaining and defending the Constitution in The Federalist. As a U.S. Representative, he helped frame and insure the passage of the Bill of Rights. Along with Thomas Jefferson, he formed the Republican Party. He also served as Secretary of State, and in 1808, he was elected the fourth President of the United States.



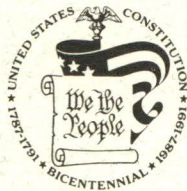
James Madison, 1835
oil portrait by Asher B. Durand.
Courtesy of The New-York
Historical Society

ALEXANDER HAMILTON
1755-1804

Alexander Hamilton, nicknamed "The Little Lion" because of his great courage and his short stature, was George Washington's right-hand man in war and in peace. A brilliant politician-lawyer and ardent nationalist, Hamilton wrote the report at the Annapolis Convention that was instrumental in the convening of the Constitutional Convention in Philadelphia in May of 1787. In the Revolutionary War, Hamilton served as a Captain of Artillery, and as a Lt. Colonel of Light Infantry. He was a member of the Continental Congress, the New York Legislature, as well as a delegate to the Constitutional Convention and a signer of the Constitution. Hamilton conceived and wrote the majority of The Federalist Papers, a series of essays explaining and defending the Constitution. He was a powerful force behind the ratification of the Constitution in New York. As the first Secretary of the Treasury he established the system of funding the national debt. Hamilton helped organize the Federalist Party. He was killed in a duel with Vice President Aaron Burr in 1804.



Alexander Hamilton, 1804
oil portrait by John Trumbull.
Courtesy of The New-York
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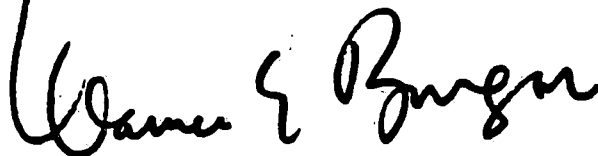
Dear Friend of the United States Constitution:

It's a pleasure to send you the enclosed materials which tell the story of how this country's freedom trail was blazed -- in a hostile world where kings and despots had hitherto set the rules.

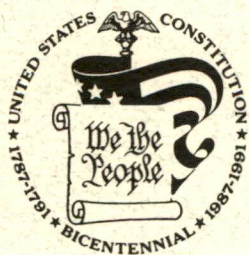
Our national charter is a living monument because -- for two hundred years -- We The People have translated the Constitution's words into the reality of liberty, opportunity, and justice for all.

We intend to treat September 17, 1987, as the "kick-off" of a program that will continue as we focus on the ratification struggle and a new look at the Legislative, Executive and Judicial processes. Finally in 1991, we will concentrate on the Bill of Rights and the later Amendments and their meaning in the daily life of every American.

Thank you for your interest in our great Constitutional adventure.



Warren E. Burger
Chairman, Commission on the Bicentennial
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COMMISSION ON THE BICENTENNIAL OF THE UNITED STATES CONSTITUTION

STATE BICENTENNIAL COMMISSIONS

ALABAMA

Alabama Bicentennial Task Force
Governor's Office
State Capitol
Montgomery, Alabama 36130
205/261-4361

Contact:

Dr. Ed Bridges

ALASKA

Alaska Commission to Celebrate
the United States Constitution
Office of Management and Budget
Office of the Governor
Post Office Box AM
Juneau, Alaska 99811
907/465-3568

Chairman:

John Havelock

Contact:

Allison Elgee

ARIZONA

Arizona Commission on
the Bicentennial of
the United States Constitution
Arizona Bar Association
363 North 1st Avenue
Phoenix, Arizona 85003
602/254-9163

Chairman:

The Honorable Frank X. Gordon, Jr.

Contact:

Ellie Sbragia
Executive Director

ARKANSAS

Arkansas Constitution
Bicentennial Commission
Lieutenant Governor's Office
State Capitol
Little Rock, Arkansas 72201
501/371-2144

Chairman:

The Honorable Winston Bryant

Contact:

Mike Ross
Bicentennial Coordinator

CALIFORNIA

State of California Commission on the
Bicentennial of the United States
Constitution
700 North Brand Boulevard, Suite 550
Glendale, California 91203
818/502-1791

Chairman:

Jane A. Crosby

Contact:

Jeffrey D. Allen
Executive Director

COLORADO

Colorado Commission on
the Bicentennial of
the United States Constitution
7951 East Maplewood Avenue, Suite 237
Englewood, Colorado 80111
303/694-9428

Chairman:

Roger Alan Walton

Contact:

Esther Marie Capps
Executive Director

CONNECTICUT

United States Constitution
Bicentennial Commission for
the State of Connecticut

Chairman:

Ralph G. Elliot
Tyler, Cooper & Alcorn
City Place, 35th Floor
Hartford, Connecticut 06103-3488
203/522-1216

DELAWARE

Delaware Heritage Commission
Carvel State Office Building, 3rd Floor
820 North French Street
Wilmington, Delaware 19801
302/652-6662

Chairman:

Robert P. Barnett

Contact:

Dr. Claudia L. Bushman
Executive Director

FLORIDA

United States
Constitutional Bicentennial
Knott Building
Florida Department of Education
Tallahassee, Florida 32399
904/487-1022

Chairman:

The Honorable Ben F. Overton

Contact:

Carol Bellamy
Executive Director

GEORGIA

Georgia Commission
on the Bicentennial of
the United States Constitution
Secretary of State's Office
214 State Capitol
Atlanta, Georgia 30334
404/656-2869

Chairman:

The Honorable Thomas O. Marshall

Contact:

Helen P. Dougherty
Executive Director

HAWAII

Hawaii Bicentennial Commission
Post Office Box 26
Honolulu, Hawaii 96810
808/531-8031

Chairman:

Vernon F. L. Char, Esquire

IDAHO

Constitution
Bicentennial Commission of Idaho
217 West State Street
Boise, Idaho 83720
208/345-1990

Chairman:

Dennis Harwick

Contact:

Constance M. Arana
Executive Director

ILLINOIS

Committee to Commemorate
United States Constitution
in Illinois
75 East Wacker Drive, Suite 2100
Chicago, Illinois 60601
312/726-4853 or 312/726-8775

Chairman:

Richard E. Friedman

Contact:

Cheryl I. Niro
Executive Director

INDIANA

Indiana Commission on the Bicentennial of
the United States Constitution
Indiana State Library
140 North Senate
Indianapolis, Indiana 46204
317/232-3692

Chairman:

The Honorable Randall T. Shepard

Contact:

Ray Ewick
State Librarian

IOWA

Iowa State Commission on
the Bicentennial of
the United States Constitution
% State Historical Society of Iowa
402 Iowa Avenue
Iowa City, Iowa 52240
319/335-3916

Chairman:

Dr. Joseph Walt

Contact:

Loren N. Horton
Coordinator of Bicentennial Projects

KANSAS

Kansas Commission on
the Bicentennial of
the United States Constitution
Post Office Box 4929
Topeka, Kansas 66604
316/269-6171

Chairman:

The Honorable Frank Theis

Contact:

Marjorie Schnacke
Executive Director

KENTUCKY

United States Constitution
Celebration Project
Kentucky Department of Education
Capitol Plaza Tower
Frankfort, Kentucky 40601
502/564-2106

Chairman:

The Honorable Alice McDonald

Contact:

Betty H. Seay
Project Director

LOUISIANA

Louisiana Commission on
the Bicentennial of
the United States Constitution
Post Office Box 51388
New Orleans, Louisiana 70151-1388
504/568-5707

Chairman:

The Honorable James L. Dennis

Contact:

Terry Allbritton
Executive Director

MAINE

Maine Commission to Commemorate
the Bicentennial of
the United States Constitution
Post Office Box 4820, Downtown Station
Portland, Maine 04112
207/879-4792

Chairman:

Arthur M. Johnson

Contact:

Rosalyn S. Bernstein, Esquire
Program Director

MARYLAND

Maryland Office for the Bicentennial
of the Constitution of
the United States
% Maryland State Archives
Hall of Records, Box 828
Annapolis, Maryland 21404
301/269-3914

Chairman:

Edward C. Papenfuse

Contact:

Gregory S. Stiverson
Director

MASSACHUSETTS

Massachusetts Advisory Commission
to Commemorate the Bicentennial of
the United States Constitution
State House, Room 114
Boston, Massachusetts 02133
617/727-2068

Chairman:

The Honorable Edward F. Hennessey

Contact:

Margaret Cavanaugh
Executive Director

MICHIGAN

Michigan Commission on
the Bicentennial of
the United States Constitution
Department of Management and Budget
Lewis Cass Building, 1st Floor
Lansing, Michigan 48909
517/373-1004

Chairman:

Dr. David W. Adamany

Contact:

Ronald Russell
Executive Director

MINNESOTA

Minnesota Commission on
the Bicentennial of
the United States Constitution
200 Ford Building
117 University Avenue
St. Paul, Minnesota 55155
612/296-8997

Co-Chairman:

The Honorable Hubert H. Humphrey III
The Honorable Connie Levi

Contact:

Scott D. Fride
Project Coordinator

MISSISSIPPI

United States Constitution
Bicentennial Commission of
Mississippi
Post Office Box 139
Jackson, Mississippi 39205
601/359-3100

Co-Chairmen:

The Honorable William C. Keady
The Honorable Harry Grey Walker

Contact:

Fred Slabach
Bicentennial Coordinator

MISSOURI

United States Constitution
Bicentennial Commission of Missouri
State Capitol Building, Room 116-3
Jefferson City, Missouri 65101
314/751-5938

Chairman:

The Honorable Albert L. Rendlen

Contact:

Joanne M. Hibdon
Executive Director

MONTANA

Montana Constitutional
Connections Committee
Statehood Centennial Office
Post Office Box 1989, Capitol Station
Helena, Montana 59620-1989
406/444-1989

Chairman:

The Honorable Frank Haswell

Contact:

Richard Roeder
Executive Director

NEBRASKA

United States Constitution
Bicentennial Commission of Nebraska
Varner Hall, Room 219
3835 Holdrege Street
Lincoln, Nebraska 68583
402/472-2111 x320

Chairman:

Jack Schuetz

Contact:

Julie Garay
Executive Director

NEVADA

Nevada Commission on
the Bicentennial of
the United States Constitution
2501 East Sahara
Las Vegas, Nevada 89158
702/486-4506

Contact:

The Honorable Robert J. Miller
Executive Director

NEW HAMPSHIRE

State of New Hampshire
Bicentennial Commission on
the United States Constitution
Middletown Road
Wolfeboro, New Hampshire 03894
603/569-1827

Chairman:

The Honorable Russell C. Chase

NEW JERSEY

Constitutional Bicentennial Commission
of New Jersey
Ramapo College
505 Ramapo Valley Road, Room G431
Mahwah, New Jersey 07430-1680
201/529-7401

Chairman:

The Honorable Jane Burgio

Contact:

Lynne Edwards
Executive Director

NEW MEXICO

New Mexico Diamond Jubilee/
United States Constitution
Bicentennial Commission
325 Don Gaspar
Santa Fe, New Mexico 87503
505/827-3800

Chairman:

Michael L. Keleher

Contact:

Virginia Hendley
Executive Director

NEW YORK

New York State Commission on
the Bicentennial of
the United States Constitution
Cultural Education Center, Room 9D30
Empire State Plaza
Albany, New York 12230
518/473-6191

Chairman:

The Honorable Sol Wachtler

Contact:

Stephen L. Schechter
Executive Director

NEW YORK

Mayor's Commission
on the Bicentennial of the
United States Constitution
919 Third Avenue
New York, NY 10022
212/735-3000

Chairman:

Mr. Joseph Flom

Contact:

Peter Kohlman
Executive Director

NORTH CAROLINA

North Carolina Commission on
the Bicentennial of
the United States Constitution
532 North Wilmington Street
Raleigh, North Carolina 27604
919/733-2050

Chairman:

The Honorable Robert B. Jordan III

Contact:

Gerry Hancock
Director

NORTH DAKOTA

North Dakota Constitution
Celebration Commission
Supreme Court of North Dakota
State Capitol Building
Bismarck, North Dakota 58505
701/224-2689

Chairman:

The Honorable Herbert L. Meschke

Contact:

Lawrence D. Spears
Assistant State Court Administrator

OHIO

Northwest Ordinance and United States
Constitution Bicentennial Commission
1987 Velma Avenue
Columbus, Ohio 43211
614/297-2371

Chairman:

Dr. Phillip R. Shriver

Contact:

James C. Miller
Executive Director

OKLAHOMA

Constitution 200

Co-Chairman:

Dr. Richard S. Wells
Department of Political Science
University of Oklahoma
455 West Lindsay Street
Norman, Oklahoma 73019
405/325-5910

Co-Chairman:

Dr. Joseph A. Blackman
Tulsa Junior College
909 South Boston
Tulsa, Oklahoma 74119
918/587-6561 x172

OREGON

Oregon Governor's Commission on
the Bicentennial of
the United States Constitution
Circuit Court of Oregon
4th Judicial District
Multnomah County Courthouse
1021 Southwest 4th Avenue, Room 206
Portland, Oregon 97204
503/248-3198

Chairman:

The Honorable Charles S. Crookham

PENNSYLVANIA

Commonwealth of Pennsylvania Commission
on the Bicentennial of
the United States Constitution
% Pennsylvania Department of Education
333 Market Street
Harrisburg, Pennsylvania 17126-0333
717/787-7133

Chairman:

The Honorable Samuel J. Roberts

Contact:

Mitch Akers
Staff Director

PENNSYLVANIA

"We The People 200"
313 Walnut Street
Philadelphia, Pennsylvania 19106
215/922-1987

PUERTO RICO

Puerto Rico Commission on
the Bicentennial of
the Constitution of the United States
Call Box 22-A, Hato Rey Station
Hato Rey, Puerto Rico 00919
809/763-7319

Chairman:

The Honorable Victor M. Pons, Jr.

Contact:

Carmen I. Navas
Executive Director

RHODE ISLAND

Rhode Island Bicentennial Foundation
189 Wickenden Street
Providence, Rhode Island 02903
401/861-5656 or 401/272-1776

Chairman:

Dr. Patrick T. Conley

SOUTH CAROLINA

United States Constitution Bicentennial
Commission of South Carolina
Department of Archives and History
Post Office Box 11669
Columbia, South Carolina 29211-1669
803/734-8591

Chairman:

The Honorable P. Bradley Morrah, Jr.

Contact:

Tray Stephenson
Projects Director

SOUTH DAKOTA

South Dakota Centennial Commission
State Library
800 Governor's Drive
Pierre, South Dakota 57501
605/773-3131

Chairman:

Kay Jorgensen

Contact:

David Martin
Executive Director

TENNESSEE

United States Constitution
Bicentennial Commission of Tennessee
c/o Tennessee State Museum
James K. Polk State Office Building
505 Deaderick Street
Nashville, Tennessee 37219
615/741-0825

Co-Chairman:

The Honorable Harry W. Wellford
The Honorable Douglas Henry

Contact:

Mary Sewell
Staff Director

TEXAS

Texas Commission on the Bicentennial
of the United States Constitution
Post Office Box 2066
Brownsville, Texas 78520
512/548-2570

Chairman:

The Honorable Ricardo H. Hinojosa

UTAH

Governor's Commission
on Law and Citizenship
110 State Capitol Building
Salt Lake City, Utah 84114
801/533-5841

Chairman:

Brinton R. Burbidge

Contact:

Donald C. Cobb
Executive Director

VERMONT

Vermont Statehood Bicentennial Commission
Resolution
1 Mill Street
Burlington, Vermont 05401
802/862-8881

Chairman:

Bill Schubart

VIRGIN ISLANDS

United States Constitution
Bicentennial Commission
of The Virgin Islands
Virgin Islands Humanities Council
Post Office Box 1829
St. Thomas, Virgin Islands 00801
809/776-4044

Chairman:

Dr. Roderick Moorehead

Contact:

Sherry Simmons
Vice-Chairman

VIRGINIA

Virginia Commission on
the Bicentennial of
the United States Constitution
207 Minor Hall
Institute of Government
University of Virginia
Charlottesville, Virginia 22903
804/924-3396

Chairman:

Dr. A. E. Dick Howard

Contact:

Timothy G. O'Rourke
Executive Director

WASHINGTON

Constitutions Committee,
Washington Centennial Commission
111 West 21st/KL-12
Olympia, Washington 98504
206/586-0373

Chairman:

Robert E. Mack

Contact:

Caryl Zenker
Program Coordinator

WEST VIRGINIA

United States Constitution Bicentennial
Commission of West Virginia
Department of Culture and History
Cultural Center
Capitol Complex
Charleston, West Virginia 25305
304/348-0220

Chairman:

The Honorable Charles H. Haden II

Contact:

Ken Sullivan
Executive Director

WISCONSIN

Wisconsin Bicentennial Committee on
the Constitution, Wisconsin Bar Center
Post Office Box 7158
Madison, Wisconsin 53707-7158
608/257-3838 or 608/233-8041

Chairman:

The Honorable Roland B. Day

Contact:

Philip S. Habermann
Program Coordinator

WYOMING

Wyoming Commission on the Bicentennial of
the United States Constitution
Herschler Building
1st Floor, East Wing
122 West 25th
Cheyenne, Wyoming 82002
307/777-5856

Chairman:

The Honorable Bill McIlvain

Contact:

Becky W. Evans
Executive Director

THE CONSTITUTION

The words we live by



...house three; Massachusetts eight; Rhode Island
...one; Maryland six; Virginia ten; North
...vacancies happen in the Representation for
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THE MIRACLE OF THE CONSTITUTION.

Warren E. Burger
Chairman of the Commission on the Bicentennial
of the United States Constitution
Chief Justice of the United States, 1969-1986

It is all too easy to take our Constitution for granted—indeed, most of us have done just that for too long. We tend to assume that when we won our war for independence, the creation of the Constitution was somehow inevitable. In reality, however, the drafting and ratification of the Constitution were the culmination of a chain of events that began years before that hot Philadelphia summer of 1787, when the delegates to the Constitutional Convention (as we call it now) wrote our national charter.

Although it is difficult to pinpoint the exact beginning of this remarkable story, one could start with the Mayflower Compact. Before setting foot on American soil in November 1620, the adult male passengers of the *Mayflower* drew up and signed a covenant binding themselves together as “a Civil Body Politick” and pledging to abide by any laws established in the new settlement. For the first time on our shores people joined together to form a civil government and to elect officers to administer civil affairs.

In 1633, some settlers from Massachusetts headed south, founding three small towns on the banks of the Connecticut River. The towns combined to frame a body of laws that would govern them as a separate colony. This document, the Fundamental Orders of Connecticut, was the

first formal organic law or constitution in America.

After the Fundamental Orders of Connecticut, the colonies drafted other charters to govern themselves, subject, of course, to royal authority. These laws were aimed at asserting the colonists’ rights and privileges as Englishmen. But war broke out in April 1775, chiefly because England did not respect those rights.

STATES FORM LOOSE ALLIANCE

During the war, the former colonies entered into a loose alliance or “firm league of friendship,” as they called it, not unlike the North Atlantic Treaty Organization (NATO). Although the states sent delegates to the Continental Congress, that body lacked the power to enforce its will. The states expressly reserved their independence and sovereignty. This loose alliance was eventually formalized in the Articles of Confederation, which were finally ratified by all the states in 1781.

The weaknesses of the Confederation, as the alliance was called, became painfully obvious to many during the war but were not seen by all. The lack of authority to impose taxes and raise armies led directly to the terrible privations, the needless deaths from malnutrition and freezing that George Washington’s troops suffered

throughout the war and especially at Valley Forge—only a few miles from where the delegates later met. Washington and other leaders had to beg and cajole the states just to get money and supplies sufficient to carry on the war. Perhaps it was that experience that led Washington, just before the Philadelphia meeting, to remark:

Let us have [a government] by which our lives, liberties and properties will be secured; or let us know the worst at once.

Fortunately, Washington’s indomitable strength of character, as well as his abilities as a military leader and politician, helped make up for the weakness of the Confederation.

Soon after the American victory was assured by the surrender of British General Cornwallis at the Battle of Yorktown, the loose wartime alliance began to fall apart. One reason was that the Articles of Confederation left the states free to act as they pleased in matters of trade. Each of the thirteen states was free to set up trade barriers against each other, and they began to do so once the war was over. New Jersey had her own customs service and treated New York as a foreign trading partner. Connecticut’s shipping interests were at the mercy of New York and Massachusetts, and New Jersey’s and

Delaware's sea trade depended upon the good graces of Pennsylvania and New York. States also issued their own currency, which impeded the development of commerce by making trade more difficult. A healthy commerce could never develop in that setting.

Differences among the states on trade matters also led to political strife, as Virginia's James Madison and others recognized. Said Madison, "Most of our political evils may be traced to our commercial ones."

In short, the Articles of Confederation were what might be called today a "paper tiger." To continue that structure would not only hamper our development as a nation and encourage the local and regional conflicts that had almost led to disaster during and after the war; it would also tempt the great powers to exploit the lack of unity among the states.

But convincing the states of the need for a stronger central government was no easy task. In the eighteenth century and, indeed, well into the nineteenth, many people thought of themselves as Virginians or New Yorkers first and Americans second. They regarded themselves as mere allies of people in other states. During the Revolution, for example, when New Jersey troops reporting for duty at Valley Forge were asked to swear allegiance to the United States, the soldiers at first declined, saying, "New Jersey is our country."

The American people also had a genuine and understandable fear of central governments. That fear stemmed from the fact that they had fought a revolution to escape from a strong, insensitive and distant central government in London. Patrick Henry of Virginia was so opposed to the idea of a stronger central government that he refused even to be a delegate to Philadelphia, saying, "Me thinks I smell a rat."

From 1781 to 1783 James Madison, Robert Morris and Alexander Hamilton attempted to strengthen the Articles of Confederation by interpretation and amendment. Those efforts failed. But beginning around 1785, several events occurred that helped many thinking people to recognize the disadvantages of the loose-knit alliance represented by the Articles.

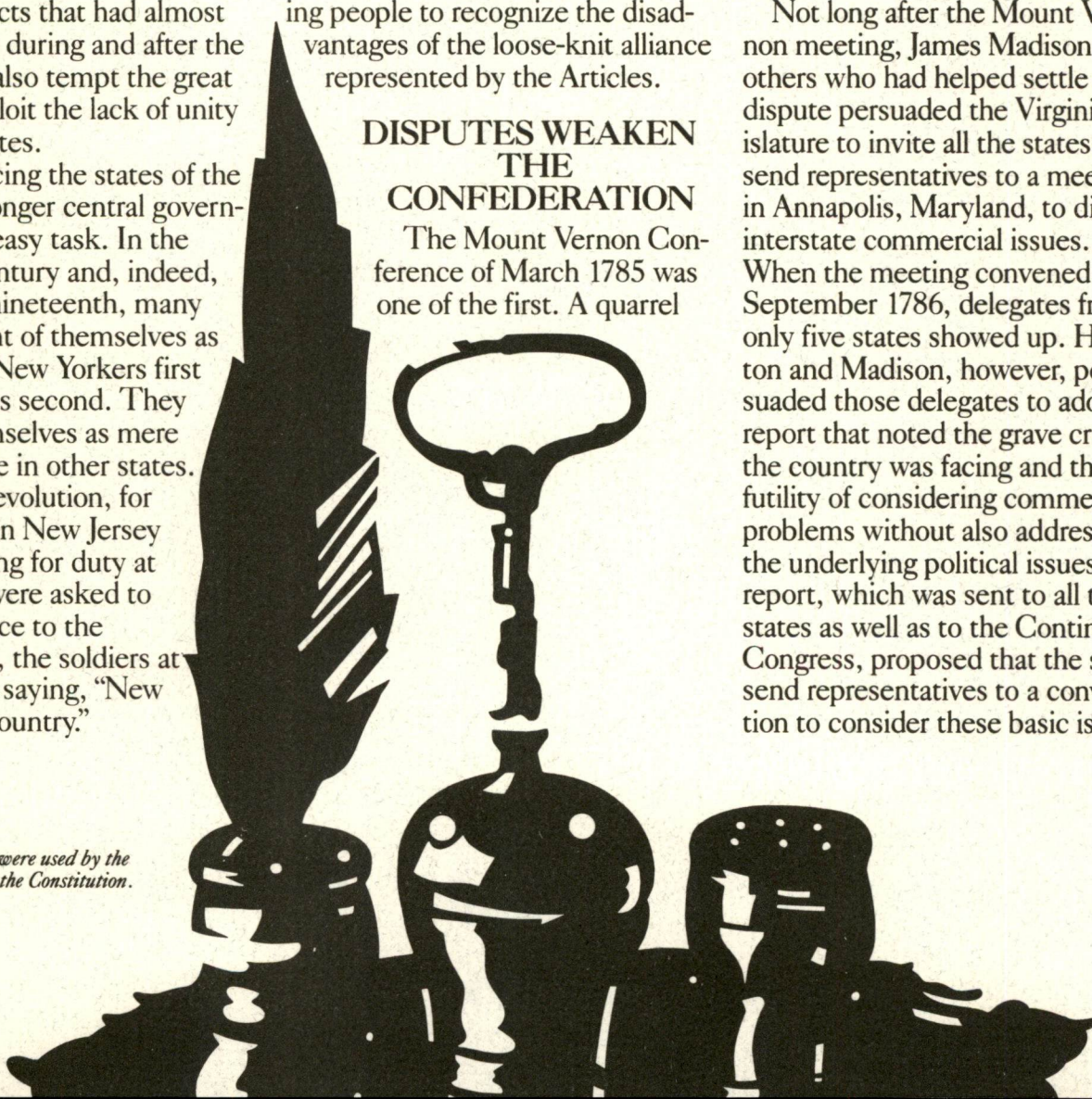
DISPUTES WEAKEN THE CONFEDERATION

The Mount Vernon Conference of March 1785 was one of the first. A quarrel

had arisen between Virginia and Maryland over the use of the Potomac River and the Chesapeake Bay. It was a serious dispute, the kind of conflict that had led to wars in Europe and other parts of the world. In an effort to resolve this difficulty, both states appointed commissioners, who at first met in Alexandria, Virginia. When they failed to reach agreement, George Washington invited them to Mount Vernon. Under the influence of his great prestige they were able—no doubt with some gentle nudging—to resolve their differences. Despite the happy result, the episode dramatized the need for a comprehensive solution to the commercial and other rivalries that plagued the states.

Not long after the Mount Vernon meeting, James Madison and others who had helped settle that dispute persuaded the Virginia legislature to invite all the states to send representatives to a meeting in Annapolis, Maryland, to discuss interstate commercial issues. When the meeting convened in September 1786, delegates from only five states showed up. Hamilton and Madison, however, persuaded those delegates to adopt a report that noted the grave crisis the country was facing and the futility of considering commercial problems without also addressing the underlying political issues. The report, which was sent to all the states as well as to the Continental Congress, proposed that the states send representatives to a convention to consider these basic issues.

An ink well and pen were used by the delegates who signed the Constitution.



Go all to whom

these Minutes shall come, we the undersigned Delegates of the States
of New Jersey, New York, Pennsylvania, Delaware, Maryland, Virginia,
North Carolina, South Carolina, Georgia, and the States of New Hampshire,
Massachusetts Bay, Rhode Island and Providence
Planters, Connecticut, New Jersey, Pennsylvania, Delaware,
Maryland, Virginia, North Carolina, South Carolina and Georgia
in the Heads following, viz. Article of Confederation and perpetual
Union between the States of New Hampshire, Massachusetts Bay, Rhode Island
and Providence Planters, Connecticut, New York, New Jersey, Pennsylvania,
Delaware, Maryland, Virginia, North Carolina, South Carolina
and Georgia.

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

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

Article III. The said states hereby severally enter into a firm
league of friendship with each other, for their common defence, the security
of their Liberties, and their mutual and general welfare, binding them
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
pretence whatsoever.

Article IV. The latter 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 have
free ingress and egress to and from any other state, and shall enjoy therein
all the privileges of trade and commerce, subject to the same duties, imposts
and excises as the inhabitants of the latter state, provided that

That convention was scheduled for May 1787.

About the time of the Annapolis Convention, an uprising now known as Shays' Rebellion broke out in western Massachusetts. It began with protests by indebted farmers who wanted paper money and more favorable foreclosure and bankruptcy laws. Daniel Shays' armed band defeated the state militia and forced some state courts to adjourn. In early 1787, Shays attempted to seize a federal arsenal, but his men were routed by General Benjamin Lincoln. This was not merely protest; blood was shed.

Needless to say, Shays' Rebellion made a tremendous impression at a time when many of the states were still deciding whether to send delegates to Philadelphia and the Continental Congress still had not decided whether to endorse that meeting. George Washington expressed disgust that the country, having just won a difficult war, could not keep order in peacetime. Said Washington:

I am mortified beyond expression when I view the clouds that have spread over the brightest morn that ever dawned upon any Country.

Finally, on February 21, 1787, the Continental Congress invited the thirteen states to send delegates to Philadelphia "for the sole and express purpose of revising the Articles of Confederation." There was no hint of drafting a new Constitution.

THE MIRACLE AT PHILADELPHIA

It is difficult to recreate the atmosphere that must have existed in Philadelphia during that summer of 1787. Most of the people of

our thirteen states were distant from each other. This was a nation of small farms and small communities stretching along the Atlantic coast from New England to Spanish Florida. To the North were British military forces; the Spanish had troops in the South and West. Perhaps these concerns of potential foreign dominance moved Benjamin Franklin to propose that a chaplain be invited to open

the sessions of the Convention with a prayer. This had regularly been done in the Continental Congress.

Philadelphia was then the largest city in the United States, boasting a population of 40,000. It was cosmopolitan, bustled with commerce, and had many houses of worship, a public library, a university, theaters and ten newspapers.

Fifty-five of the most remarkable men this—or any—nation has

Below: Because gold and silver coins were scarce after the War of Independence, many states continued to print their own paper money. Photo courtesy of National Numismatic Collections, Smithsonian Institution.



Far left: The Articles of Confederation were ratified in 1781. It provided for a loose alliance among the states. Photo courtesy of The National Archives.

ever produced gathered in Philadelphia that summer. Some had studied ideas about government that came from Greece and Rome; from 17th and 18th century England, Scotland and France; and all were experienced in the art of politics. Among them were General George Washington; the thoughtful, scholarly James Madison; the brilliant lawyer Alexander Hamilton; and 81-year-old Benjamin Franklin, internationally known as a diplomat, writer, scientist and humanitarian.

By and large, the delegates were young men. Only four had reached their 60th birthday, and five were under 30. The average age was 43. Eight of the delegates had signed the Declaration of Independence and six signed the Articles of Confederation. Thirty had served in the Continental Army. At least thirty-three had studied law. Eleven would later be elected state governors. Five would serve on the United States Supreme Court, two as Chief Justice. Two would be elected President of the United States, and one a Vice President.

When the convention opened, the immediate concern of Washington and other advocates of a strong central government was to convince the delegates that the states needed to surrender some authority and sovereignty to a new, unknown and as yet undefined

national government. Governor Edmund Randolph of Virginia seized the initiative at the beginning of the convention by proposing the so-called Virginia Plan. Under that plan, the government would consist of legislative, executive and judicial branches. The national legislature would be given broad powers both to pass laws and to invalidate state laws found to be in conflict with the national constitution. The lower house of the legislature would elect the upper house; together, the two houses would then elect the executive and members of the judiciary.

Many delegates—especially those from the smaller states—strongly objected to the idea of surrendering so much power to a central government. Responding to this view, James Wilson, one of the ablest thinkers at the Convention and Pennsylvania's first Justice on the United States Supreme Court, said:

If no state will part with any of its sovereignty, it is in vain to talk of a national government.... I do not see the danger of the states being devoured by the national government. On the contrary, I wish to keep [the states] from devouring the national government.

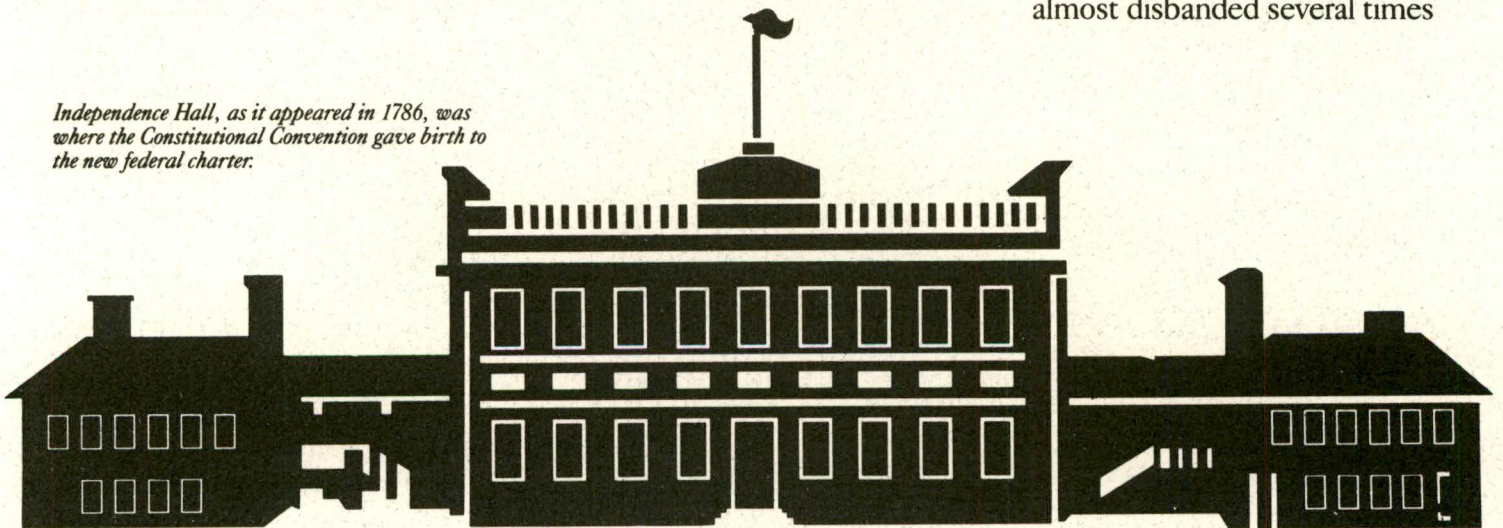
Delaware delegate John Dickinson, at one point almost in despair, said:

If the general Government should be left dependent on the state legislatures, it would be happy for us if we had never met in this Room.

The delegates eventually reached a consensus along the broad outlines of Randolph's Virginia Plan after they had heard the small states' plan, proposed by New Jersey's William Paterson, and the plans of Alexander Hamilton and of Charles Pinckney of South Carolina. Once the delegates reached this consensus, it became clear to everyone that the convention would not merely "revise" the Articles of Confederation, but instead produce a new Constitution. Some did not like that; two of the three New York delegates walked out, leaving Alexander Hamilton alone to speak for New York.

The next major challenge was to find a method of electing the national legislature that would be acceptable to both the small and the large states. The large states—Virginia, Pennsylvania and Massachusetts—wanted representation based on population. The smaller states, understandably fearful that such an arrangement would limit their voices in the new government, wanted each state to have equal representation. The meeting almost disbanded several times

Independence Hall, as it appeared in 1786, was where the Constitutional Convention gave birth to the new federal charter.



over this issue. Feelings were tense, voices sometimes harsh.

Finally, a committee proposed what we know as The Great Compromise: proportional representation of the people in one house of Congress, equal representation of the states in the other. This plan had been proposed earlier by Roger Sherman of Connecticut. With the issue of representation solved, the convention proceeded to hammer out a series of resolutions that were eventually organized into the Constitution.

On the last day of the Convention, before any of the delegates had signed the document, Franklin explained his support, saying:

Mr. President, I confess that there are several parts of this Constitution which I do not at present approve, but I am not sure I shall never approve them: For having lived long, I have experienced many instances of being obliged by better information or fuller consideration, to change opinions, even on important subjects, which I once thought right, but found to be otherwise. It is, therefore, that the older I grow, the more apt I am to doubt my own judgment, and to pay more respect to the judgment of others.

I cannot help expressing a wish that every member of the Convention who may still have objections to it, would with me, on this occasion doubt a little of his own infallibility—and to make manifest our unanimity, put his name to this instrument.

In these sentiments, Sir, I agree to this Constitution with all its faults....

Franklin's pleas no doubt persuaded many of the hesitating delegates. All but three of the forty-two delegates remaining in Philadelphia then signed the Constitution. One who did not, Edmund Randolph, later supported Virginia's ratification of the Constitution.

RATIFICATION BY THE STATES

The day after the Convention—on September 18, 1787—a delegate from New Hampshire penned the following statement about the Constitution to a member of his family:

[I]t was done by bargain and Compromise, yet notwithstanding its imperfections, on the adoption of it depends... whether we shall become a respectable nation, or a people torn to pieces by intestine commotions, and rendered contemptible for ages.

Later, James Madison summed up his view of the Convention:

It is impossible for the man of pious reflection not to perceive in [the creation of this Constitution], a finger of that Almighty Hand, which has been so frequently... extended to our relief in the critical stages of the revolution.

After all the drama of the Philadelphia Convention, the Constitution still had to run the gauntlet of ratification by the states. The reaction in the Continental Congress was an indicator of trouble yet to come. Some members were so opposed that they offered a resolution criticizing the delegates for drafting a Constitution when they were sent "for the sole purpose" of revising the existing Articles of Confederation. And in the state ratifying conventions, the proposed Constitution encountered such stiff oppo-

sition that it was initially rejected by two states—North Carolina and Rhode Island. The vote was uncomfortably close in several other important states.

That was true, for example, in Massachusetts, where one of the delegates to the ratifying convention had this to say:

Mr. President, ... some gentlemen [have] called on them that were on the stage in the beginning of our troubles, in the year 1775. I was one of them... And I say that, if anybody had proposed such a constitution as this in that day, it would have been thrown away at once. It would not have been looked at....

Another delegate, who had experienced the trauma of Shays' rebellion, answered:

Mr. President, I am a plain man, and get my living by the plough. I am not used to speak[ing] in public, but I beg your leave to say a few words to my brother ploughjoggers in this house. I have lived in a part of the country where I have known the worth of good government by the want of it.

Massachusetts ratified by a vote of 187 to 168.

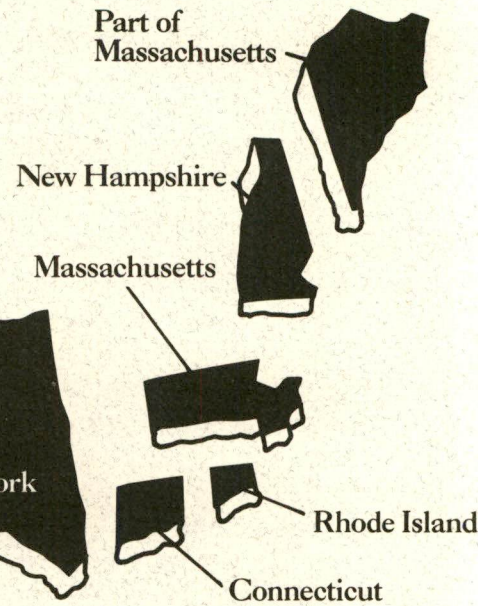
The Virginia ratification convention lasted more than three weeks. It was perhaps the most dramatic and certainly one of the most important of the state conventions. Popular and articulate heroes like Patrick Henry strongly opposed ratification. But Patrick Henry's oratory was countered by the calm, analytical logic of James Madison and John Marshall, then a 33-year-old lawyer, buttressed by Washington's prestige. The final vote to ratify was 89 to 79.

New York's ratifying convention

was equally dramatic. Hamilton, along with Madison and John Jay—who would become the first Chief Justice of the United States—had been working furiously ever since the Philadelphia Convention to convince the people of New York of the advantages of the Constitution. Together they had written a series of extraordinary political essays, now known as the *Federalist Papers* and widely regarded as the clearest explanation of the Constitution ever written.

When the New York ratification convention convened, two-thirds of the elected delegates, including popular Governor George Clinton, opposed the Constitution. Any vote taken at that time would surely have gone against ratification. But Hamilton and others who favored the Constitution managed to postpone the vote for several weeks, during which time Hamilton responded to many of the delegates' concerns by arguing

that the states had no reason to fear being destroyed by the new national government. During the debate, word arrived that New Hampshire (the ninth state) and Virginia had approved the Constitution. This took most of the wind out of the Clinton faction's sails. The Constitution was then approved by a vote of 30 to 27. Although the necessary nine states had already ratified before Virginia and New York did so, as a practical matter the proposed Constitution could probably



Constitution on the understanding that a bill of rights would be added, the first Congress drafted a series of proposed amendments. These amendments defined important freedoms never before guaranteed by a national government: freedom of religion, freedom of speech and of the press, freedom from arbitrary arrests and searches by the police, the right to a fair trial by a jury, and freedom from cruel and unusual punishments. Ten amendments, the Bill of Rights, were ratified on December 15, 1791. The First Congress also enacted the Judiciary Act of 1789 creating the Federal Judiciary, which then consisted of thirteen trial judges and six Supreme Court Justices.

Our Constitution is unique in many respects. First, it represents not a grant of power or rights from rulers to the people ruled, as with King John's grant of power to English nobles under Magna Carta in 1215, but a grant of power by the people to a government which they had created. That is why the first words of the Constitution are "WE THE PEOPLE." No other national government before 1789 was based upon such a concept.

never have been implemented without their participation.

A NEW GOVERNMENT IS BORN

The great story of the Constitution does not, of course, end with its ratification. The government it created took form in 1789 when the First Federal Congress convened and George Washington took the oath of office in New York as our first President. Since many of the states had ratified the

The original 13 colonies saw themselves as independent sovereignties before the signing of the Constitution. Maine remained a part of Massachusetts until achieving statehood in 1820.

For centuries, monarchs ruled by divine right and their subjects had only those privileges and rights the rulers saw fit to bestow upon them.

Second, the government created by the Constitution was based upon a system of "checks and balances" and separation of powers that had never been tried in a national government. The framers of the Constitution recognized that officials elected by the people or appointed by the people's representatives might abuse their power. All of the framers depended largely on horses for transportation, so they knew that the value of a horse depended on having it in harness. Accordingly, the Constitution provided for a series of checks and balances among the three coequal, coordinate branches of a national government—Legislative, Executive and Judicial. In addition, state and local governments provided a balance or counterweight to the national government. This system, although not perfect, has proven to be the best means yet conceived by humans to define and protect individual liberty and the opportunities flowing from freedom.

Third, the authors of the Constitution struck a balance between a strong government and one that leaves people free to do as they please. As colonists, the delegates had experienced the tyranny of a strong but distant and unresponsive government. During and after the war for independence, they had experienced other extremes as well: the Confederation government did not interfere with individual liberty, but it was barely adequate to carry on the war and was unable to govern a diverse and growing nation in peacetime. The structure of ordered liberty created by the Constitution gave us the strength of the British system, but

with greater individual freedom.

Fourth, the new Constitution gave Americans an important "civil right," not often thought of in those terms, deriving largely from the Commerce Clause. The Constitution created a strong central authority that ensured free trade among the states and with other nations, thereby creating a "common market" a century and a half before that concept came into our vocabulary. The Constitution also provided a common currency, a central revenue system, and allowed for a central banking system. All of these were needed in order for the previously sovereign, independent states to develop into a true nation and a powerful economic force.

Finally, the authors of our Constitution knew that the nation's needs would change, so they provided that a vote of three-fourths of the states could amend the Constitution. In all, the Constitution has been amended 26 times.

THE BICENTENNIAL OF THE U.S. CONSTITUTION

These and other features of the Constitution have given it durability and vitality. During the relatively short period of two hundred years, this nation has grown from a small contingent of fewer than four million people, scattered along the eastern seaboard with an unexplored wilderness to the West, and has become a great world power of more than 240 million people. Other nations had great natural resources: industrious, talented and ambitious citizens as well as centuries of history and tradition. But the unique system created by the Constitution allowed every person to develop his or her God-given talents and abilities without being burdened by the heavy hand

of arbitrary government or ancient traditions of class or station. The Constitution was indeed a watershed in the history of governments and, more important, in humanity's struggle for freedom and fulfillment.

The Bicentennial of the Constitution provides us with an opportunity to understand our Constitution, how we got it, and what it means to us and those who will follow. At the Constitution's centennial celebration one hundred years ago, President Grover Cleveland said:

"If the American people are true to their sacred trust, another centennial day will come, and millions yet unborn will inquire concerning our stewardship and the safety of their Constitution. God grant they may find it unimpaired."

TEXT OF THE CONSTITUTION OF THE UNITED STATES.

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

Article I.

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

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

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

[Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons]* The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten years, in such Manner as they shall by Law direct. The number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode-Island and Providence Plantations one, Connecticut five, New-York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

* Changed by section 2 of the Fourteenth Amendment.

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

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

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

* Changed by section 1 of the Seventeenth Amendment.

Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The

"I think it very material to separate in the hands of Congress the Executive and Legislative powers, as the Judiciary already are in some degrees."

John Adams

Far left: The original Constitution of the United States was signed in Philadelphia on Sept. 17, 1787. Photo courtesy of The Library of Congress.

Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one third may be chosen every second Year; [and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.]*

**Changed by section 2 of the Seventeenth Amendment.*

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

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

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

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

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

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

The Congress shall assemble at least once in every year, and such Meeting shall be [on the first Monday in December,]* unless they shall by Law appoint a different Day.

**Changed by section 2 of the Twentieth Amendment.*

Section. 5. Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

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

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

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

Section. 6. The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except treason, Felony and Breach of the Peace, be privileged from Arrest during their

“The Legislative department may be divided into two branches: One of them to be chosen every ___ years by the Legislatures or the people at large; the other to consist of a more select number, holding their appointments for a longer term and going out in rotation.”

James Madison

Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

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

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

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

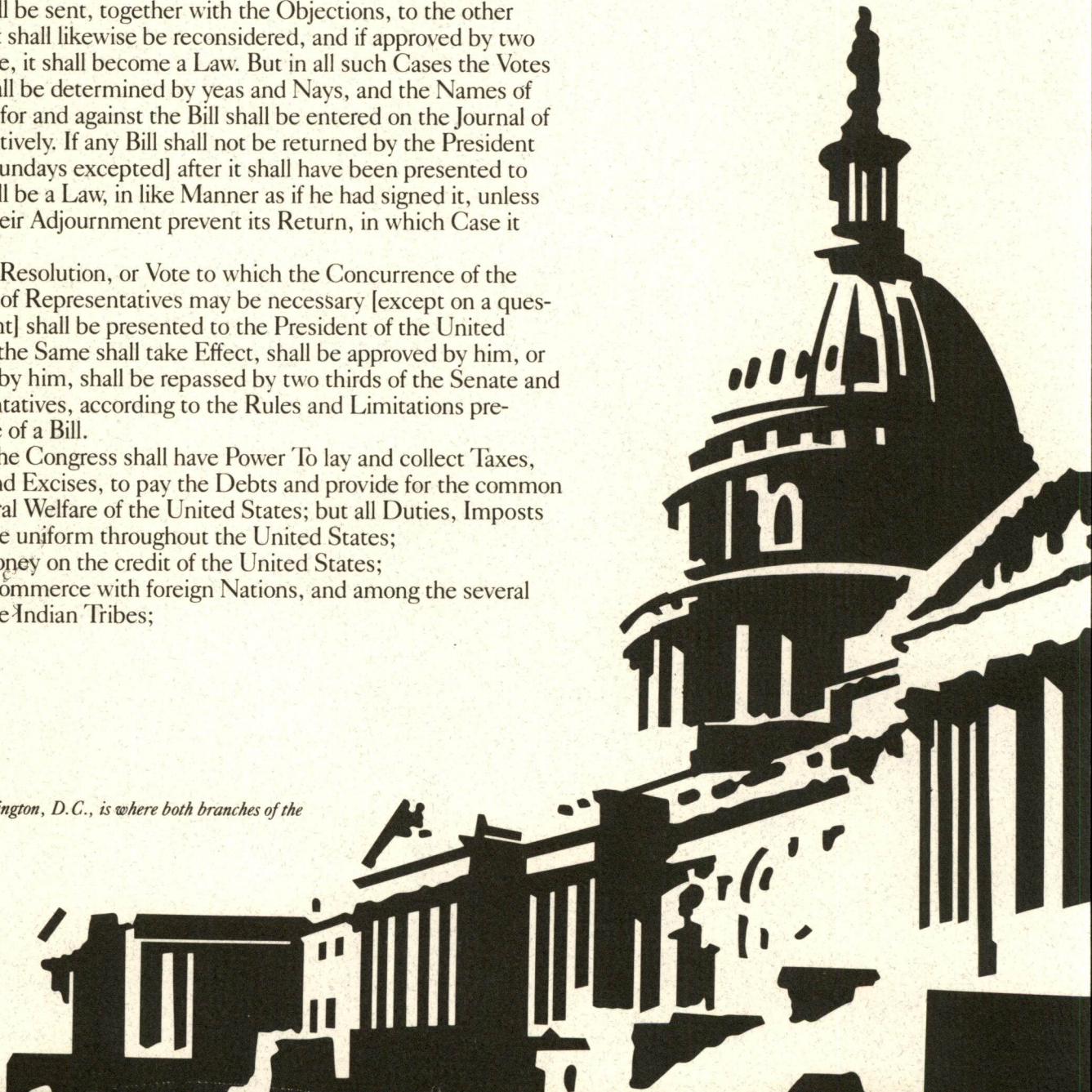
Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary [except on a question of Adjournment] shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by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

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

To borrow Money on the credit of the United States;

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

The U.S. Capitol in Washington, D.C., is where both branches of the Congress meet.



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

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

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

To establish Post Offices and post Roads;

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

To constitute Tribunals inferior to the supreme Court;

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

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

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

To provide and maintain a Navy;

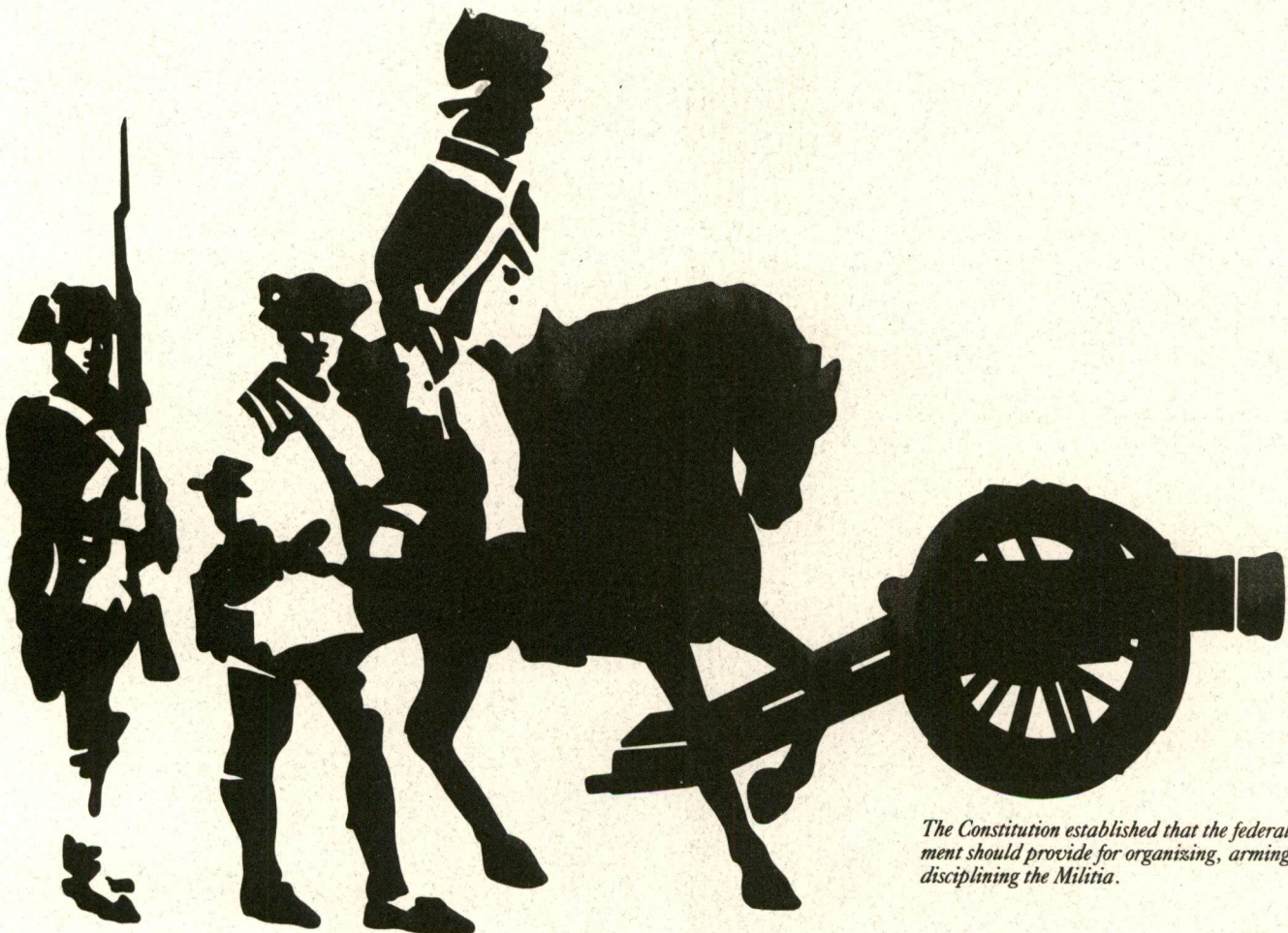
To make Rules for the Government and Regulation of the land and naval Forces;

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

To provide for organizing, arming, and disciplining, the Militia, and for

"We shall learn to prize the checks and balances of a free government."

John Adams



The Constitution established that the federal government should provide for organizing, arming and disciplining the Militia.

governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

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

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

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

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

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

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

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

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

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

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

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

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

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

Article. II.

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

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

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

** Superseded by the Twelfth Amendment.*

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

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

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

** Modified by the Twenty-Fifth Amendment.*

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

*"I do solemnly swear (or affirm)
that I will faithfully execute the
Office of President of the United
States and will to the best of my
Ability, preserve, protect and
defend the Constitution of the
United States."*



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

Section. 2. The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offenses against the United States, except in Cases of Impeachment.

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

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

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

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

Article. III.

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

Section. 2. The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;-to all Cases affecting Ambassadors, other public Ministers and Consuls;-to all Cases of admiralty and maritime Jurisdiction;-to Controversies to which the United States shall be a Party;-to Controversies between two or more States; between a State and Citizens of another State;-between Citizens of different States-between Citizens of the same State claiming Lands under Grants of

"...If it be possible...to construct a Federal Government capable of regulating the common concerns and preserving the general tranquility...it must carry its agency to the persons of the citizens. It must stand in need of no intermediate legislations; but must itself be empowered to employ the arm of the ordinary magistrate to execute its own resolutions. The majesty of the national authority must be manifested through the medium of the Courts of Justice...."

Alexander Hamilton

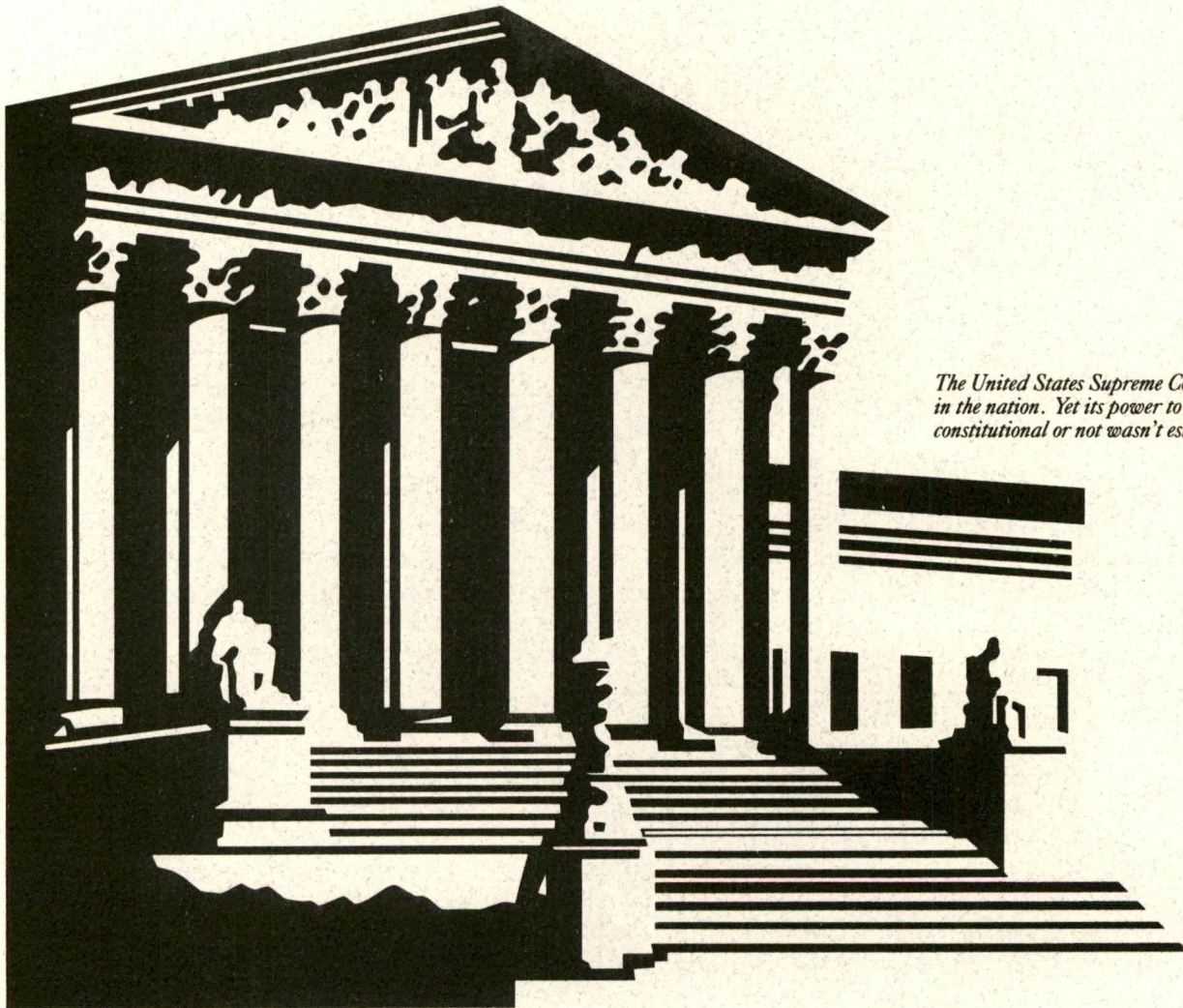
different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

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

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

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

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



The United States Supreme Court is the highest court in the nation. Yet its power to decide if a law is constitutional or not wasn't established until 1803.

Article. IV.

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

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

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

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

**Superseded by the Thirteenth Amendment.*

Section. 3. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

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

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

Article. V.

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

Article. VI.

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

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

The Senators and Representatives before mentioned, and the Mem-

“There is something noble and magnificent in the perspective of a great Federal Republic, closely linked in the pursuit of a common interest, tranquil and prosperous at home, respectable abroad; but there is something proportionably diminutive and contemptible in the prospect of a number of petty states, with the appearance only of union, jarring, jealous and perverse, without any determined direction, fluctuating and unhappy at home, weak and insignificant by their dissensions, in the eyes of other nations.”

Alexander Hamilton

“Happy for us, that when we find our constitutions defective and insufficient to secure the happiness of our people, we can assemble with all the coolness of philosophers and set it to rights, while every other nation on earth must have recourse to arms to amend or to restore their constitutions.”

Thomas Jefferson

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

Article. VII.

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

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

G^o. Washington—Presid^t.
and deputy from Virginia

“To give a new system its proper validity and energy, a ratification must be obtained from the people, and not merely from the ordinary authority of the Legislatures. This will be the more essential as inroads on the existing Constitutions of the States will be unavoidable....”

James Madison

New Hampshire
John Langdon
Nicholas Gilman

Massachusetts
Nathaniel Gorham
Rufus King

Connecticut
Wm. Saml. Johnson
Roger Sherman

New York
Alexander Hamilton

New Jersey
Wil: Livingston
David Brearley
Wm. Paterson
Jona: Dayton

Pennsylvania
B Franklin
Thomas Mifflin
Robt Morris
Geo. Clymer
Thos. FitzSimons
Jared Ingersoll
James Wilson
Gouv Morris

Delaware
Geo: Read
Gunning Bedford
jun
John Dickinson
Richard Bassett
Jaco: Broom

Maryland
James McHenry
Dan of St. Thos.
Jenifer
Danl Carroll

Virginia
John Blair-
James Madison Jr.

North Carolina
Wm. Blount
Richd. Dobbs
Spaight
Hu Williamson

South Carolina
J. Rutledge
Charles Cotesworth
Pinckney
Charles Pinckney
Pierce Butler

Georgia
William Few
Abr Baldwin

THE BILL OF RIGHTS.

Amendment I.*

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

** The first ten Amendments (Bill of Rights) were ratified effective December 15, 1791.*

Amendment II.

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

Amendment III.

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

Amendment IV.

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

Amendment V.

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

Amendment VI.

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

Amendment VII.

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

Amendment VIII.

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

Amendment IX.

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

"The Constitution is itself in every rational sense and to every useful purpose, a Bill of Rights."

Alexander Hamilton

Amendment X.

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

Amendment XI.*

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

* *The Eleventh Amendment was ratified February 7, 1795.*

Amendment XII.**

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

***The Twelfth Amendment was ratified June 15, 1804.*

**Superseded by section 3 of the Twentieth Amendment.*

Amendment XIII.*

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

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

**The Thirteenth Amendment was ratified December 6, 1865.*

"I am for preserving to the States the powers not yielded by them to the Union, and to the legislature of the Union its constitutional share in the division of powers; and I am not for transferring all the powers of the States to the general government, and all those of that government to the Executive branch."

Thomas Jefferson

Amendment XIV.**

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

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

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

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

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

***The Fourteenth Amendment was ratified July 9, 1868.*

Amendment XV.*

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

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

**The Fifteenth Amendment was ratified February 3, 1870.*

Amendment XVI.**

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

***The Sixteenth Amendment was ratified February 3, 1913.*

"... Our forefathers, who brought forth on this continent a new nation, conceived in liberty and dedicated to the proposition that all men are created equal."

Abraham Lincoln

Amendment XVII.***

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

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

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

***The Seventeenth Amendment was ratified April 8, 1913.

Amendment XVIII.*

[Section 1. After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

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

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

*The Eighteenth Amendment was ratified January 16, 1919. It was repealed by the Twenty-First Amendment, December 5, 1933.

Amendment XIX.**

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

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

**The Nineteenth Amendment was ratified August 18, 1920.



"We will not hold ourselves bound to obey laws in which we have no voice or representation, until now, woman's discontent has been steadily increasing, culminating nearly thirty years ago in a simultaneous movement among the women of the nation, demanding the right of suffrage.... It was the boast of the founders of the republic, that the rights for which they contended were the rights of human nature. If these rights are ignored in the case of one-half the people, the nation is surely preparing for its downfall. Governments try themselves. The recognition of a governing and a governed class is incompatible with the first principles of freedom...."

Susan B. Anthony

The 19th Amendment represented a victory for the Suffrage Movement in 1920 by giving women the right to vote.

Amendment XX.*

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

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

Section 3. If, at the time fixed for the beginning of the term of the President, the President elect shall have died, the Vice President elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President elect shall have failed to qualify, then the Vice President elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case wherein neither a President elect nor a Vice President elect shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice President shall have qualified.

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

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

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

** The Twentieth Amendment was ratified January 23, 1933.*

Amendment XXI*

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

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

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

** The Twenty-First Amendment was ratified December 5, 1933.*

Amendment XXII**

Section 1. No person shall be elected to the office of the President more than twice, and no person who has held the office of President, for more than two years of a term to which some other person was elected President shall be elected to the office of the President more than once. But this Article shall not apply to any person holding the office of President when this Article was proposed by the Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this Article becomes operative from holding the office of President or acting as President during the remainder of such term.

Section 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress.

***The Twenty-Second Amendment was ratified February 27, 1951.*

Amendment XXIII*

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

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

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

** The Twenty-Third Amendment was ratified March 29, 1961.*

Amendment XXIV*

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

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

**The Twenty-Fourth Amendment was ratified January 23, 1964.*

Amendment XXV**

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

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

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

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

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

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

***The Twenty-Fifth Amendment was ratified February 10, 1967.*

Amendment XXVI*

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

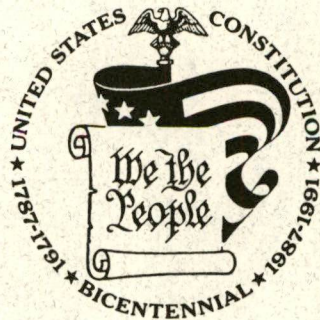
Section 2. The Congress shall have power to enforce this article by appropriate legislation.

**The Twenty-Sixth Amendment was ratified July 1, 1971.*

"Whilst the last members were signing it," wrote Madison, "Doctr. Franklin looking towards the Presidents' chair, at the back of which a rising sun happened to be painted, observed to a few members near him, that painters had found it difficult to distinguish in their art a rising from a setting sun. I have, said he, often and often in the course of the session, and the vicissitudes of my hopes and fears as to its issue, looked at that behind the President without being able to tell whether it was rising or setting: But now at length I have the happiness to know that it is a rising and not a setting sun."

Madison's notes
September 17, 1787.





THE CONSTITUTION

The words we live by