

The background of the entire image is a stylized American flag. It features a blue field with white stars on the left side, and red and white stripes on the right side. The stripes are wavy, suggesting the flag is waving. A yellow rectangular box is centered on the flag, containing the title text.

THE
U.S.
Constitution

*And Fascinating Facts
About It*

Get to Know the Most Important Legal Document Ever Created!

In *The U.S. Constitution And Fascinating Facts About It*, you'll see the entire text of the Constitution, the Bill of Rights and the Declaration of Independence—and much more! You'll find interesting insights into the men who wrote the Constitution, how it was created, and how the Supreme Court has interpreted the Constitution in the two centuries since its creation. For instance, did you know...

- ★ Which famous American refused to go to the Constitutional Convention because he “smelt a rat”? (Patrick Henry)
- ★ Which Supreme Court justice said of obscenity, “I know it when I see it”? (Justice Potter Stewart)
- ★ Which Supreme Court justice is also in the Football Hall of Fame? (Justice Byron “Whizzer” White)
- ★ Which two Founding Fathers both died fifty years to the day after they signed the Declaration of Independence? (Thomas Jefferson and John Adams died July 4, 1826)
- ★ Why America almost had a King instead of a President? (Alexander Hamilton led a group of politicians who offered the American monarchy to Prince Henry of Prussia, but changed their minds before he responded.)
- ★ Who convinced Supreme Court justices not to wear traditional powdered wigs by saying the wigs make English judges “Look like rats peeping through bunches of oakum”? (Thomas Jefferson)

To find out more about the Constitution—the people, the events, the landmark cases—see inside!

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- Political Science
- History
- Law

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FOREWORD

This little book introduces you to the greatest legal document ever written: the United States Constitution.

The Constitution is certainly the most influential legal document in existence. Since its creation some two hundred years ago, over one hundred countries around the world have used it as a model for their own.

And it is a living document. It is one of the world's oldest surviving constitutions. And, while the Supreme Court continually interprets the Constitution as to reflect a rapidly changing world, its principles have remained virtually unchanged since its inception, and unchallenged as well. People often question its interpretation, but never do they question the wisdom of its underlying principles. Imagine living a document that governs your grandchildren and grandchildren's grandchildren! That's what the 1787 Constitutional Convention did.

For this volume, great people have spent their lives studying and interpreting the Constitution. In this little book you will begin to see why. You'll get a taste of some of the Founding Fathers' thoughts. You'll see some of the reasoning behind the Supreme Court's landmark decisions. But, most importantly, you'll get a feel for the Constitution itself and how it is that a document that was written over 200 years ago still plays an integral role in our everyday lives.

"The Constitution is the guide, which I never will abandon."

— GEORGE WASHINGTON

THE U.S. CONSTITUTION

And Fascinating Facts About It

Supplemental text by Terry L. Jordan

SEVENTH EDITION

Fifteenth Printing

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THE FOUNDING FATHERS

The U.S. Constitution brought together, in one remarkable document, ideas from many people and several existing documents, including the Articles of Confederation and Declaration of Independence. Those who made significant intellectual contributions to the Constitution are called the “Founding Fathers” of our country.

Many of the Founding Fathers were at the Constitutional Convention, where the Constitution was hammered out and ratified. George Washington, for example, presided over the Convention. James Madison, also present, wrote the document that formed the model for the Constitution.

Other Founding Fathers were not there, but made significant contributions in other ways. Thomas Jefferson, who wrote the Declaration of Independence, was serving as ambassador to France at the time of the Convention. He kept abreast of the proceedings in Philadelphia by carrying on correspondence with James Madison. John Adams, as ambassador to Great Britain, wrote “Defense of the Constitution of the Government of the United States Of America.” Thomas Paine wrote the influential pamphlet “Common Sense,” which immeasurably influenced the philosophy reflected in the Declaration of Independence. One of the Founding Fathers, Patrick Henry, was initially opposed to the very idea of the Constitution! He wanted to keep the Articles of Confederation, the predecessor to the Constitution. However, when an agreement was made to add a “bill of rights” to the Constitution, Henry fought hard for its ratification.

The term “framers” is sometimes used to specify those who helped “craft” the Constitution. “Founding Fathers” often refers to people who contributed to the development of independence and nationhood. However, the notion of a “framer” or a “Founding Father” is not easily defined. When the following sections of the book talk about “Founding Fathers,” they are describing people who had a significant impact on the Constitution either directly or indirectly. The list is by no means complete, but it does identify people who played a large role in the development of the Constitution at this crucial time in American history.

FASCINATING FACTS ABOUT SIX FOUNDING FATHERS

GEORGE WASHINGTON (1732-1799)

Highest Political Office: President (1789-1797)

Other Accomplishments: Led the colonial forces in the Revolutionary War.

The staid portraits of George Washington accurately reflect the personality of the father of the nation. He was a man of few words, whose political ascension was attributable to his strength of character, rather than his intellect.

A huge man for his day, Washington stood 6' 3 1/2" tall with enormous hands. Washington had pockmarked skin as a result of a teenage case of smallpox, and a shy disposition that was the result of a domineering mother. Twice he proposed to women, and twice he was rejected. He finally married Martha Custis, the richest widow in Virginia.

He had lost almost all his teeth by the time he was president, leaving him with badly sunken cheeks that were stuffed with cotton for portraits. Contrary to popular belief, George Washington never had wooden teeth! His teeth were made mostly of lead fitted with human, cattle, and hippopotamus teeth. Some were carved from elephant and walrus tusks.

In his will, he freed all 300 of his slaves permanently. The popular tale of Washington and the cherry tree, historians say, was almost certainly untrue.

His Politics: Washington was a Federalist, so he favored a strong central government. He also had a strong affinity for aristocrats. During the Constitutional Convention, he spent much of his time at the mansion of Robert Morris, the richest man in America. His closest political ally was Alexander Hamilton, whose policies inevitably leaned toward the upper classes.

Washington was the only president to win unanimous approval (all of the votes cast) by the electoral college. He did it twice.

In office, Washington served the nation best by keeping the government stable. He advocated a strong national defense, and kept the country out of the escalating tension between England and France.

His health failing, Washington begged out of the presidency after one term. Men from both sides of the political fence urged him to remain in office, however, so he stayed on. His second inaugural address may reveal his enthusiasm for the second term. At 133 words, it is the shortest inaugural address in history.

Closest Crony Among the Founding Fathers: Alexander Hamilton

What He Said: “Government is not reason, it is not eloquence—it is a force! Like fire, it is a dangerous servant and a fearful master; never for a moment should it be left to irresponsible action.”

JAMES MADISON (1751-1836)

Highest Political Office: President (1809-1817)

Other Accomplishments: Helped draft Virginia’s state constitution when he was 25. Virginia’s constitution later became the model for the U.S. Constitution. Served as Jefferson’s Secretary of State.

Madison was a soft-spoken and tiny man—about 5'4" and less than 100 pounds. Even his nickname was diminutive: “Jemmy.” He was too small to serve in the Revolutionary War, and turned to politics instead.

Madison, “the Father of the Constitution”—the most important legal document in modern history—never received a law degree.

Even in his forties, Madison was a lonely and single man. That changed when Aaron Burr introduced him to Dolley Todd. The couple married when Madison was 43, and never had children.

Dolley Madison earned a place in history when she stole away from the White House with crucial government documents and a portrait of George Washington as the British stormed the capital during the War of 1812.

Madison outlived all of the other Founding Fathers. He died at the age of eighty-five in June 1836.

His Politics: His presidency was marred by the War of 1812—the only war in which U.S. soil was overrun by enemy forces. The war was precipitated by the widespread sentiment that the United States was destined to conquer Canada, then a British territory.

MORE FASCINATING FACTS ABOUT THE FOUNDING FATHERS



George Washington was born on February 11, 1732, but in 1751 Great Britain changed from the Julian to the Gregorian calendar. An act of Parliament added eleven days to make the adjustment complete and in 1752 Washington celebrated his birthday on February 22!



Once Gouverneur Morris was offered a bet of one dinner if he would approach George Washington, slap him on the back, and give him a friendly greeting. He wanted to show people how “close” he was to the “chief.” Morris carried out the bet, but later admitted that after seeing the cold stare from Washington, he wouldn’t do it again for a thousand dinners!



Of the Founding Fathers who became president, only George Washington did not go to college. John Adams graduated from Harvard, James Madison graduated from Princeton, and Thomas Jefferson attended the College of William and Mary.



John Adams was the first president to live in the White House when he came to Washington, D.C., in November of 1800. However, he was only there for four months after losing the election of 1800 to Thomas Jefferson.



Washington Irving described James Madison as “a withered little applejohn” and his wife Dolley as a “fine, portly, buxom dame.”



The Marquis de Lafayette thought so much of George Washington that he named his son George Washington Lafayette.



George Washington gave the shortest inauguration speech in American history on March 4, 1793. It was only 133 words long. William Henry Harrison gave the longest at 8,443 words on March 4, 1841, on a cold and blustery day in Washington, D.C. He died one month later of a severe cold.



John Adams died on July 4, 1826, at the age of 90 years, 247 days. He had the longest marriage of any ex-president. He and Abigail were married October 25, 1764, and the marriage lasted 54 years (his wife died in 1818).



Upon graduating from Harvard, John Adams became a grammar school teacher. "My little school, like the great world, is made up of Kings, politicians, divines, fops, buffoons, fiddlers, fools, coxcombs, sycophants, chimney sweeps, and every other character I see in the world. I would rather sit in school and consider which of my pupils will turn out to be a hero, and which a rake, which a philosopher and which a parasite, than to have an income of a thousand pounds a year."



Thomas Jefferson sometimes spent \$50 a day (about \$870 today) for groceries because of his lavish entertaining. The wine bill for the eight years he served as president was \$11,000 (about \$191,000 today!). He was also the first president to grow tomatoes in North America.



Thomas Jefferson died broke. Before his death, Jefferson was able to alleviate part of his financial problems by accepting \$25,000 for his books from Congress. Those books were used to begin the Library of Congress. Friends even tried to organize a lottery to sell part of his land to help, but it was not enough.

SIGNERS OF THE CONSTITUTION

(The 39 delegates who signed the Constitution and what happened to them after 1787.)

On September 17, 1787, the Constitutional Convention came to a close in the Assembly Room of Independence Hall in Philadelphia, Pennsylvania. There were seventy individuals chosen to attend the meetings with the initial purpose of amending the Articles of Confederation. Rhode Island opted to not send any delegates. Fifty-five men attended most of the meetings, there were never more than forty-six present at any one time, and ultimately only thirty-nine delegates actually signed the Constitution. (William Jackson, who was the secretary of the convention, but not a delegate, also signed the Constitution. John Delaware was absent but had another delegate sign for him.) While offering incredible contributions, George Mason of Virginia, Edmund Randolph of Virginia, and Elbridge Gerry of Massachusetts refused to sign the final document because of basic philosophical differences. Mainly, they were fearful of an all-powerful government and wanted a bill of rights added to protect the rights of the people.

The following is a list of those individuals who signed the Constitution along with a brief bit of information concerning what happened to each person after 1787. Many of those who signed the Constitution went on to serve more years in public service under the new form of government. The states are listed in alphabetical order followed by each state's signers.

State and Signers

CONNECTICUT

William S. Johnson (1727-1819)—He became the president of Columbia College (formerly known as King's College), and was then appointed as a United States Senator in 1789. He resigned from the Senate in 1791 to return to Columbia. He retired from education in 1800.

Roger Sherman (1721-1793)—He campaigned strongly

for the ratification of the Constitution and served as a United States Representative (1789-1791) and Senator (1791-1793) until his death in 1793 at the age of 72.

DELAWARE

Richard Bassett (1745-1815)—He was appointed as a United States Senator from Delaware (1789-1793), and was instrumental in the organization of the Judiciary of the United States. He favored moving the nation's capital from New York City to Washington, D.C., and was opposed to Alexander Hamilton's plan of the assumption of state debts by the federal government. After his retirement from the Senate, he devoted the rest of his life to public affairs in Delaware. He was elected governor of Delaware (1799-1801).

Gunning Bedford, Jr. (1747-1812)—President Washington appointed him the first United States district judge for the state of Delaware in 1789, a position he held until his death in 1812.

Jacob Broom (1752-1810)—Broom became the first postmaster of Delaware from 1790-1792, and was the head of the board of the Delaware Bank of Wilmington. He was involved in business ventures such as operating a cotton mill and running a machine shop, and was involved with attempts to improve the infrastructure of the state of Delaware in such areas as toll roads, canals, and bridges. He also served on the board of the College of Wilmington and showed concern for many other philanthropic activities.

John Dickinson (1732-1808)—He lived for twenty years after the official ratification of the Constitution but held no public offices. He spent much of his time writing about politics, and criticized the administration of President John Adams. He died in 1808 at the age of 75. Thomas Jefferson wrote: "A more estimable man or truer patriot could not have left us ... It has been a great comfort to me to have retained his friendship to the last moment of his life."

George Read (1733-1798)—He served for four years as a United States Senator (1789-1793), and became the first chief justice of Delaware in 1793.

FASCINATING FACTS ABOUT THE U.S. CONSTITUTION



The U.S. Constitution has 4,440 words. It is the oldest and the shortest written constitution of any major government in the world.



Of the spelling errors in the Constitution, “Pensylvania” above the signers’ names is probably the most glaring.



Thomas Jefferson did not sign the Constitution. He was in France during the Convention, where he served as the U.S. minister. John Adams was serving as the U.S. minister to Great Britain during the Constitutional Convention and did not attend either.



The Constitution was “penned” by Jacob Shallus, a Pennsylvania General Assembly clerk, for \$30 (\$702 today).



Since 1952, the Constitution has been on display in the National Archives Building in Washington, D.C. Currently, all four pages are displayed behind protective glass framed with titanium. To preserve the parchment’s quality, the cases contain argon gas and are kept at 67 degrees Fahrenheit with a relative humidity of 40 percent.



Constitution Day is celebrated on September 17, the anniversary of the day the framers signed the document.



The Constitution does not set forth requirements for the right to vote. As a result, at the outset of the Union, only male property-owners could vote. African Americans were not considered citizens, and women were excluded from the electoral process. Native Americans were not given the right to vote until 1924.



James Madison, “the father of the Constitution,” was the first to arrive in Philadelphia for the Constitutional Convention. He arrived in February, three months before the convention began, bearing the blueprint for the new Constitution.



Of the forty-two delegates who attended most of the meetings, thirty-nine actually signed the Constitution. Edmund Randolph and George Mason of Virginia and Elbridge Gerry of Massachusetts refused to sign due in part to the lack of a bill of rights.



When it came time for the states to ratify the Constitution, the lack of any bill of rights was the primary sticking point.



The Great Compromise saved the Constitutional Convention, and, probably, the Union. Authored by Connecticut delegate Roger Sherman, it called for proportional representation in the House, and one representative per state in the Senate (this was later changed to two.) The compromise passed 5-to-4, with one state, Massachusetts, “divided.”



Patrick Henry was elected as a delegate to the Constitutional Convention, but declined, because he “smelt a rat.”



Because of his poor health, Benjamin Franklin needed help to sign the Constitution. As he did so, tears streamed down his face.



Gouverneur Morris was largely responsible for the “wording” of the Constitution, although there was a Committee of Style formed in September 1787.



The oldest person to sign the Constitution was Benjamin Franklin (81). The youngest was Jonathan Dayton of New Jersey (26).

DATES TO REMEMBER

(The Constitution)

May 25, 1787: The Constitutional Convention opens with a quorum of seven states in Philadelphia to discuss revising the Articles of Confederation. Eventually, all states but Rhode Island are represented.

September 17, 1787: All 12 state delegations approve the Constitution. 39 delegates sign it of the 42 present, and the Convention formally adjourns.

June 21, 1788: The Constitution becomes effective for the ratifying states when New Hampshire is the ninth state to ratify it.

February 4, 1789: The first presidential election takes place but the results will not be known until April 6.

March 4, 1789: The first Congress under the Constitution convenes in New York City.

April 6, 1789: George Washington is elected the first President of the United States under the Constitution with 69 electoral votes. John Adams is elected Vice President with 34 votes.

April 30, 1789: George Washington is inaugurated as the first President of the United States.

June 8, 1789: James Madison introduces the proposed Bill of Rights in the House of Representatives.

September 24, 1789: Congress establishes a Supreme Court, 13 district courts, 3 ad hoc circuit courts, and the position of Attorney General.

September 25, 1789: Congress approves 12 amendments and sends them to the states for ratification.

February 2, 1790: The Supreme Court convenes for the first time.

December 15, 1791: Virginia ratifies the Bill of Rights, and 10 of the 12 proposed amendments become part of the U.S. Constitution.

THE CONSTITUTION OF THE UNITED STATES

The signing of the Constitution took place on September 17, 1787, at the Pennsylvania State House (now called Independence Hall) in Philadelphia.

PREAMBLE

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

Article I

THE LEGISLATIVE BRANCH

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.

THE HOUSE OF REPRESENTATIVES

Section 2. [1] The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

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

[3] [Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons.] (*Note: Changed by section 2 of the Fourteenth Amendment.*) 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.

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

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

THE SENATE

Section 3. [1] The Senate of the United States shall be composed of two Senators from each State, [chosen by the Legislature thereof,] (*Note: Changed by section 1 of the Seventeenth Amendment.*) for six Years; and each Senator shall have one Vote.

[2] Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one-third may be chosen every second Year; [and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.] (*Note: Changed by clause 2 of the Seventeenth Amendment.*)

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

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

[5] The Senate shall chuse their other Officers, and also a President pro tempore, in the Absence of the Vice

AMENDMENTS TO THE CONSTITUTION

On September 25, 1789, Congress transmitted to the state legislatures twelve proposed amendments of which the first two dealt with Congressional representation and Congressional pay. Numbers three through twelve were adopted by the states to become the Bill of Rights in 1791. So, in effect amendment number three of the proposed twelve is our First Amendment. There is normally a seven-year time limit (with the possibility of an extension) for an amendment to be approved by three-fourths of the state legislatures (38 states) and to become a part of the Constitution. However, there were no time limitations set for the first twelve proposed amendments. Michigan became the thirty-eighth state to ratify the second proposed amendment that dealt with Congressional raises on May 7, 1992. Thus, two hundred and three years after it was introduced, the proposal placing restrictions on congressional pay raises became our twenty-seventh amendment and most immediate change to the Constitution.

THE BILL OF RIGHTS

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

AMENDMENT I

FREEDOM OF RELIGION, SPEECH, AND THE PRESS;

RIGHTS OF ASSEMBLY AND PETITION

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

RIGHT TO BEAR ARMS

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

AMENDMENT III

HOUSING OF SOLDIERS

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

SEARCH AND ARREST WARRANTS

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

RIGHTS IN CRIMINAL CASES

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

RIGHTS TO A FAIR TRIAL

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

AMENDMENTS PROPOSED BUT NEVER RATIFIED

One of the enduring features of our Constitution is its flexibility. At the time of its ratification, the population of the United States was around 4 million. Today that population exceeds 305 million. From the time of its adoption, the Constitution has only changed 27 times! Actually, since 1791 (with the inclusion of the Bill of Rights) it has only changed 17 times—extraordinary, in light of radical shifts in technology, infrastructure, population, and other changes that have occurred in this country during the last 200 some years.

The framers of the Constitution realized that no document could cover all of the changes that would take place in the future. To ensure its longevity, they developed procedures for amending it. In order for an amendment to be passed, a number of steps must be taken as outlined in Article V of the Constitution. The article provides two methods for the proposal and two methods for the ratification of an amendment. An amendment may be proposed by a two-thirds vote of the House of Representatives and the Senate or a national convention called by Congress at the request of two-thirds of the state legislatures. The latter procedure has never been used. The amendment may then be ratified by three-fourths of the state legislatures (38 states) or special conventions called by three-fourths of the states. The Twenty-First amendment was the only one to be adopted in this way. However, it is within the power of Congress to decide which method of ratification will be used.

The time limit for the ratification process of seven years was first applied to the Eighteenth Amendment. There have been more than 10,000 amendments proposed in Congress since 1789, and fewer than one percent of them have received enough support to actually go through the constitutional ratification process.

The following is a very limited list of some of the proposed amendments that never left the halls of Congress:

- 1876** An attempt to abolish the United States Senate
- 1876** The forbidding of religious leaders from occupying a governmental office or receiving federal funding
- 1878** An Executive Council of Three to replace the office of President
- 1893** Renaming this nation the “United States of the Earth”
- 1893** Abolishing the United States Army and Navy
- 1894** Acknowledging that the Constitution recognize God and Jesus Christ as the supreme authorities in human affairs
- 1912** Making marriage between races illegal
- 1914** Finding divorce to be illegal
- 1916** All acts of war should be put to a national vote. Anyone voting yes had to register as a volunteer for service in the United States Army.
- 1933** An attempt to limit personal wealth to \$1 million
- 1936** An attempt to allow the American people to vote on whether or not the United States should go to war
- 1938** The forbidding of drunkenness in the United States and all of its territories
- 1947** The income tax maximum for an individual should not exceed 25%
- 1948** The right of citizens to segregate themselves from others
- 1971** American citizens should have the alienable right to an environment free of pollution

THE DECLARATION OF INDEPENDENCE

IN CONGRESS, July 4, 1776.

*The unanimous Declaration of the thirteen united
States of America,*

WHEN in the Course of human Events, it becomes necessary for one People to dissolve the Political Bands which have connected them with another, and to assume among the Powers of the Earth, the separate and equal Station to which the Laws of Nature and of Nature's God entitle them, a decent Respect to the Opinions of Mankind requires that they should declare the causes which impel them to the Separation.

WE hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness—That to secure these Rights, Governments are instituted among Men, deriving their just Powers from the Consent of the Governed, that whenever any Form of Government becomes destructive of these Ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its Foundation on such Principles, and organizing its Powers in such Form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient Causes; and accordingly all Experience hath shewn, that Mankind are more disposed to suffer, while Evils are sufferable, than to right themselves by abolishing the Forms to which they are accustomed. But when a long Train of Abuses and Usurpations, pursuing invariably the same Object, evinces a Design to reduce them under absolute Despotism, it is their Right, it is their Duty, to throw off such Government, and to provide new Guards for their future Security. Such has been the patient Sufferance of these Colonies; and such is now the Necessity which constrains them to alter their former Systems of Government. The History of the present King

of Great-Britain is a History of repeated Injuries and Usurpations, all having in direct Object the Establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid World.

He has refused his Assent to Laws, the most wholesome and necessary for the public Good.

He has forbidden his Governors to pass Laws of immediate and pressing Importance, unless suspended in their Operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other Laws for the Accommodation of large Districts of People, unless those People would relinquish the Right of Representation in the Legislature, a Right inestimable to them, and formidable to Tyrants only.

He has called together Legislative Bodies at Places unusual, uncomfortable, and distant from the Depository of their public Records, for the sole Purpose of fatiguing them into Compliance with his Measures.

He has dissolved Representative Houses repeatedly, for opposing with manly Firmness his Invasions on the Rights of the People.

He has refused for a long Time, after such Dissolutions, to cause others to be elected; whereby the Legislative Powers, incapable of Annihilation, have returned to the People at large for their exercise; the State remaining in the mean time exposed to all the Dangers of Invasion from without, and Convulsions within.

He has endeavoured to prevent the Population of these States; for that Purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their Migrations hither, and raising the Conditions of new Appropriations of Lands.

He has obstructed the Administration of Justice, by refusing his assent to Laws for establishing Judiciary Powers.

He has made Judges dependent on his Will alone, for the Tenure of their Offices, and the Amount and Payment of their Salaries.

AN INTRODUCTION TO THE ARTICLES OF CONFEDERATION

America's First Constitution

The first constitution in our nation's history was the Articles of Confederation. Under the Articles of Confederation we took "baby steps" as a nation. The government conducted the affairs of the country during the last two years of the Revolutionary War, helped to negotiate the Treaty of Paris in 1783, and produced two monumental pieces of legislation in the Land Ordinance of 1785 and the Northwest Ordinance of 1787.

While the Articles of Confederation was a plan of government based upon the principles fought for in the American Revolutionary War, it contained crucial flaws. It had no power of national taxation, no power to control trade, and it provided for a comparatively weak executive. Therefore, it could not enforce legislation. It was a "league of friendship" which was opposed to any type of national authority. The Articles of Confederation's greatest weakness, however, was that it had no direct origin in the people themselves—it knew only state sovereignty. Each state, therefore, had the power to collect its own taxes, issue currency, and provide for its own militia. The government could not govern effectively because of a general lack of power to compel states to honor national obligations. The government's main activity was to control foreign policy and conclude treaties. Economic credibility was a major problem because the government owed \$42 million (more than \$40 billion today) after the Revolutionary War, and the debt was mainly owed to American patriots. This financial obligation was not paid off until the early part of the 1800's.

It would have been very difficult for our country to have created a stronger second constitution without learning from the mistakes of the first. The Articles of Confederation served as a "transition" between the Revolutionary War and the Constitution.

JOHN HANSON

America's First President

When we think of the President of the United States, many people do not realize that we are actually referring to presidents elected under the U.S. Constitution. Everybody knows that the first president in that sense was George Washington. But in fact the Articles of Confederation, the predecessor to the Constitution, also called for a president—albeit one with greatly diminished powers. Eight men were appointed to serve one-year terms as president under the Articles of Confederation. The first of these was John Hanson, in 1781. His exact title was the “President of the United States in Congress Assembled.”

The Articles of Confederation did not specifically “define” the powers of the President, and so under Hanson’s leadership various departments of the government were formed. He alone had the authority to correspond and negotiate with foreign governments. During his year in office, he approved the Great Seal of the United States that is still used today and helped establish the first U.S. Treasury Department. He led the fight to guarantee the statehood of the Western Territories beyond the Appalachian Mountains that had been controlled by some of the original thirteen colonies.

Upon his death on November 21, 1783, the following eulogy appeared in the *Maryland Gazette*:

“Thus was ended the career of one of America’s greatest statesmen. While hitherto practically unknown to our people, and this is true as to nearly all the generations that have lived since his day, his great handiwork, the nation which he helped to establish, remains as a fitting tribute to his memory. It is doubtful if there has ever lived on this side of the Atlantic, a nobler character or shrewder statesman. One would search in vain to find a more powerful personage, or a more aggressive leader, in the annals of American history. And it is extremely doubtful if there has ever lived in an age since the advent of civilization, a man with a keener grasp of, or a deeper insight into, such democratic ideals as are essential to the promotion of personal liberty and the extension of human happiness. He was firm in his opinion that the people of America were capable of ruling themselves without the aid of a king.”

THE ARTICLES OF CONFEDERATION

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

The Articles of Confederation and Perpetual Union
Between The States Of New Hampshire, Massachusetts-
bay Rhode Island and Providence Plantations,
Connecticut, New York, New Jersey, Pennsylvania,
Delaware, Maryland, Virginia, North Carolina, South
Carolina and Georgia.

Article I

The Stile of this Confederacy shall be “The United States
of America”.

Article II

Each state retains its sovereignty, freedom, and indepen-
dence, 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 defense,
the security of their liberties, and their mutual and
general welfare, binding themselves to assist each other,
against all force offered to, or attacks made upon them,
or any of them, on account of religion, sovereignty, trade,
or any other pretense whatever.

Article IV

The better to secure and perpetuate mutual friendship
and intercourse among the people of the different States
in this Union, the free inhabitants of each of these States,
paupers, vagabonds, and fugitives from justice excepted,
shall be entitled to all privileges and immunities of free
citizens in the several States; and the people of each
State shall free ingress and regress to and from any other
State, and shall enjoy therein all the privileges of trade
and commerce, subject to the same duties, impositions,
and restrictions as the inhabitants thereof respectively,

provided that such restrictions shall not extend so far as to prevent the removal of property imported into any State, to any other State, of which the owner is an inhabitant; provided also that no imposition, duties or restriction shall be laid by any State, on the property of the United States, or either of them.

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

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

Article V

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

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

Each State shall maintain its own delegates in a meeting of the States, and while they act as members of the committee of the States.

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

Freedom of speech and debate in Congress shall not be impeached or questioned in any court or place out of Congress, and the members of Congress shall be protected

FASCINATING FACTS ABOUT THE SUPREME COURT



When the first session of the Court convened in 1790, the tradition of justices wearing wigs still lingered. Justice William Cushing was the only justice to arrive at the court wearing the white wig he had worn on the Massachusetts bench. The ribbing he took from boys outside the court apparently turned the tide against the headgear, and he took the advice of Thomas Jefferson: “For heaven’s sake, discard the monstrous wig which makes the English judges look like rats peeping through bunches of oakum.”



During the Supreme Court’s first term (1790) it had no docket and made no decisions. When the nation’s capital moved to Washington, D. C., in 1800 it did not even have a courtroom. Congress provided a small committee room in the basement of the Capitol, where the Court remained until the Civil War.



In 1789, the chief justice’s salary was \$4,000, while associate justices made \$3,500. By 2009, the chief justice’s salary had risen to \$217,400, with associate justices receiving \$208,100.



The tradition of the “conference handshake” began with Chief Justice Melville W. Fuller in the late 1800s. Before they take their seats at the bench, each justice shakes hands with the others. Chief Justice Fuller cited the practice as a way to remind justices that, although they may have differences of opinion, they share a common purpose.



The longest serving justice was William O. Douglas, who retired in November, 1975, after thirty-six years and six months on the bench. John Rutledge had the briefest Court tenure. He was appointed chief justice and served for four months, at which point the Senate rejected his nomination.

A SUPREME COURT CASE: HOW IT HAPPENS

GETTING INTO COURT

With few exceptions, the life of a U.S. Supreme Court case begins when a lower court case ends, since the Supreme Court is primarily a court of appeals. The losing party in a lower court case must request entry onto the court's calendar. The justices then decide whether to hear the case, the crucial factor being whether the case can shed new light on an issue of Constitutional law. The Court hears between 75 and 80 of the 10,000 cases that compete for a spot on the court's calendar each year.

PREPARING FOR THE HEARING

Once the court agrees to hear the case, lawyers from each side must submit written arguments. Each justice will typically choose a clerk to review the arguments and prepare a memo, outlining the issues the case presents. The lawyers for each side are told the date of their oral arguments. Shortly before oral arguments, justices review the memos, so they can anticipate each party's argument and the theories behind their reasoning.

INSIDE THE COURTROOM

Each party has one half hour for their oral arguments, including questions from the justices. The justices are seated in order of seniority, with the Chief Justice seated in the center. The next senior justice sits to his right. The next senior justice sits to the Chief Justice's left, and so on, in alternating order. Justices often question the lawyers as their arguments proceed.

THE DECISION

After the oral arguments, there are more arguments, only now they are among the nine justices themselves. They review the case with their clerks (who are recent law school graduates), and chart out an initial impression of their votes. On a day soon thereafter, the justices meet in a conference room, casting their votes. The senior justice on

TWENTY LANDMARK CASES IN SUPREME COURT HISTORY

Marbury v. Madison, 1803

“A law repugnant to the Constitution is void.”

With these words, Chief Justice John Marshall established the Supreme Court’s role in the new government. Hereafter, the Court was recognized as having the power to review all acts of Congress where constitutionality was at issue, and judge whether they abide by the Constitution.

McCulloch v. Maryland, 1819

“Let the end be legitimate . . . and all means which are . . . consistent with the letter and spirit of the Constitution, are constitutional.”

Chief Justice Marshall invoked this phrase to establish the right of Congress to pass laws that are “necessary and proper” to conduct the business of the U.S. government. Here, the court upheld Congress’ power to create a national bank.

Gibbons v. Ogden, 1824

When a federal and state law are in conflict, the federal law is supreme.

Congress and New York had both passed laws regulating the steamboat industry. Gibbons had a federal permit for a steamboat business; Ogden had a state permit for the same waters. Siding with Gibbons, the Court said that, in matters of interstate commerce, the “Supremacy Clause” tilts the balance of power in favor of federal legislation.

Dred Scott v. Sandford, 1857

The Constitution does not consider slaves to be U.S. citizens. Rather, they are constitutionally protected property of their masters.

Chief Justice Roger Taney authored this opinion—one of the most important and scorned in the nation’s history. Dred Scott, a slave, had moved with his master to Illinois, a free state. He moved again to a slave state, Missouri, and filed suit to gain freedom, under that state’s

SUPREME COURT JUSTICES

**asterisk denotes chief justice*

John Jay* (1789-95)	Samuel F. Miller (1862-90)
John Rutledge* (1790-91; 1795)	David Davis (1862-77)
William Cushing (1790-1810)	Stephen J. Field (1863-97)
James Wilson (1789-98)	Salmon P. Chase* (1864-73)
John Blair, Jr. (1790-96)	William Strong (1870-80)
James Iredell (1790-99)	Joseph P. Bradley (1870-92)
Thomas Johnson (1792-93)	Ward Hunt (1873-82)
William Paterson (1793-1806)	Morrison R. Waite* (1874-88)
Samuel Chase (1796-1811)	John M. Harlan (1877-1911)
Olliver Ellsworth* (1796-1800)	William B. Woods (1881-87)
Bushrod Washington (1799-1829)	Stanley Matthews (1881-89)
Alfred Moore (1800-1804)	Horace Gray (1882-1902)
John Marshall* (1801-35)	Samuel Blatchford (1882-93)
William Johnson (1804-34)	Lucius Q.C. Lamar (1883-93)
Henry B. Livingston (1807-23)	Melville W. Fuller* (1888-1910)
Thomas Todd (1807-26)	David J. Brewer (1890-1910)
Gabriel Duvall (1811-35)	Henry B. Brown (1891-1906)
Joseph Story (1812-45)	George Shiras, Jr. (1892-1903)
Smith Thompson (1823-43)	Howell E. Jackson (1893-95)
Robert Trimble (1826-28)	Edward D. White* (1894-1921)
John McLean (1830-61)	Rufus W. Peckham (1896-1909)
Henry Baldwin (1830-44)	Joseph McKenna (1898-1925)
James Moore Wayne (1835-67)	Oliver W. Holmes (1902-32)
Roger B. Taney* (1836-64)	William Rufus Day (1903-22)
Philip P. Barbour (1836-41)	William H. Moody (1906-10)
John Catron (1837-65)	Horace H. Lurton (1910-14)
John McKinley (1838-52)	Charles E. Hughes* (1910-16)
Peter Vivian Daniel (1842-60)	Charles E. Hughes* (1930-41)
Samuel Nelson (1845-72)	Willis Van Devanter (1911-37)
Levi Woodbury (1845-51)	Joseph R. Lamar (1911-16)
Robert C. Grier (1846-70)	Mahlon Pitney (1912-22)
Benjamin R. Curtis (1851-57)	James C. McReynolds (1914-41)
John A. Campbell (1853-61)	Louis D. Brandeis (1916-39)
Nathan Clifford (1858-81)	John H. Clarke (1916-22)
Noah Haynes Swayne (1862-81)	William H. Taft* (1921-30)
	George Sutherland (1922-38)

GLOSSARY

admiralty and maritime law: comes from the general maritime law of nations and has been modified to also apply to the Great Lakes and all navigable rivers in the United States.

amendment: a formal change to the United States Constitution. Currently there are twenty-seven amendments or “changes” to the Constitution.

bad tendency doctrine: allows legislatures to make illegal speech that could encourage people to engage in illegal action.

balanced budget: a philosophy with the objective of not spending more money than is taken in by the government.

bicameral legislature: refers to a two-house legislature.

bill of attainder: a legislative act that authorizes punishment for a person even though he or she was not found guilty by a court of law.

Bill of Rights: the first ten amendments to the Constitution that were adopted in 1791. These are the basic rights that all Americans have and its purpose is to protect the people from the government.

bipartisanship: emphasizes cooperation between the major political parties.

cabinet: a group of governmental officials who head various departments in the Executive Branch and advise the president.

checks and balances: a system set by the Constitution in which the executive, legislative, and judicial branches of government have the power to check each other to maintain a “balance” of power.

clear and present danger: an interpretation of the First Amendment to the Constitution that gives the government the right to curtail activities that may in some way threaten the security of the United States.

cloture: the procedure for ending debate in the United States Senate.

coattail effect: the influence on the outcome of an election that a popular or unpopular candidate has on the other candidates on the same party ticket.

concurrent powers: powers that are shared by the federal government and the state governments.

Constitutional home rule: constitutional authorization for parts of the local government to conduct their own affairs.

cooperative federalism: when the state governments, local governments, and the federal government share responsibility. This has been referred to as the “New Federalism.”

crossover voting: this is part of the open primary system in which the voters are not required to vote based upon their party affiliation.

deficit spending: a practice by the government of spending more money than it takes in during a specific time period.

delegated power: powers that are exclusively for the federal government and are “enumerated” in Article I, Section 8 of the Constitution.

democracy: the governmental philosophy in which the people ideally have a high degree of control over political leaders.

detente: a relaxation of tension between countries.

direct democracy: a political process in which the people are able to have direct control over the government in making decisions. In colonial America this was the New England town meeting and today could be exemplified by the referendum.

discharge petition: a petition signed by a majority of the members of the House of Representatives to force a bill from committee and bring it to the floor for consideration.

domestic tranquility: peace at home.

Electoral College: the name for the “indirect” process by which the people elect the president. The “electors” are determined by the number of representatives each state (including Washington, D.C.) has in the House of Representatives and Senate. In a presidential election year the “electors” meet in their respective state capitals on the first Monday after the second Wednesday to “vote” for the President.

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