Colonization

**Sir William Blackstone (1723 – 1780)**
William Blackstone was an English Jurist, a professor of law at Oxford, and Solicitor General to the Queen. Before Blackstone joined the faculty, English universities had focused exclusively on the study of Roman law. Blackstone authored *Commentaries on the Laws of England* widely regarded as the most complete and readable commentary on English law. The Supreme Court often references Blackstone’s writing as a source for determining the intent of the Founders when interpreting the Constitution.

**Thomas Hooker (1586-1647)**
Born in England in 1586, Thomas Hooker was raised in an ultra-conservative period in English history. After receiving degrees at Cambridge University, Thomas Hooker became a preacher whose sermons clashed with the established Church of England. He was eventually forced to leave England. He lived in Massachusetts and later founded the colony of Connecticut where he established a highly successful church in what is now Hartford, Connecticut. He aided in the adoption of the Fundamental Orders of Connecticut in 1639. Believing in the principle of equality for all mankind, Hooker is sometimes called “the father of American democracy.” Hooker advanced a more democratic view, favoring the vote for all men, regardless of any religious or property qualifications.

**Anne Hutchinson (1591-1643)**
Anne Hutchinson stood up to a religious theocracy (where the church and the government are the same) in defense of religious liberty. A well-educated minister’s daughter, Hutchinson was born in England in 1591 and came to the Massachusetts Bay Colony in 1634. She became a midwife, and she made friends. Soon she began to invite women to her home for Bible study.

Over the years, Hutchinson attracted a following. Almost sixty people, both men and women, joined her group. The discussions at her home soon became more like sermons where she criticized the teachings of the colony’s ministers. For anyone—and especially a woman—to go against the official religion of the colony was a crime. Colony ministers charged Hutchinson with eighty-two “erroneous opinions.” But she did not keep silent. She courageously defended her beliefs. In the end, Hutchinson was convicted and banished to the colony of Rhode Island.

Hutchinson’s struggle affirmed the values of respect and religious liberty. In 1789, the Constitution banned religious tests for public office; the First Amendment, adopted in
1791, stopped the federal government from establishing a national church; finally, all the states ended their official churches by the early 19th century. Hutchinson’s early struggle helped lay the foundation for religious liberty.

William Penn (1644-1718)

William Penn was born in England to a prominent Anglican family, and endured persecution when he came a Quaker. He was arrested and imprisoned for expressing his beliefs. Penn was determined to found a new Quaker settlement in America where religious toleration would flourish. With land given to him by the King as payment for debts owed his father, Penn founded Pennsylvania (named after his father) in 1681.

Writing the colonial charter and making plans from across the Atlantic in England, Penn wrote to the colony’s residents about his belief that just government relies on the consent of the governed: “You shall be governed by laws of your own making…” He ensured rights such as jury trials, freedom of assembly and freedom of religion for all Christians were included in the charter. Penn’s commitment to moderation was evident in the colony’s criminal code. At a time when other colonies punished religious dissenters with death and English law provided the death penalty for offenses like robbery, Pennsylvania reserved the death penalty for the crimes of murder and treason only. The government also included precursors to the Constitution including separation of powers and republican government.

On his first visit to Pennsylvania in 1682, Penn founded the city of Philadelphia. In negotiating with Indians, he always treated them with respect and paid a fair price for land. On his second visit in 1701, a new constitution for the colony was written that endured until the Revolutionary War. A bell was cast in 1751 for the 50th anniversary of that document, on which was inscribed a Biblical verse: “Proclaim liberty throughout the land unto all the inhabitants thereof.” This bell, now known as the Liberty Bell, hangs in Independence Hall in Philadelphia. Thomas Jefferson called Penn “the greatest law-giver the world has produced.”

John Peter Zenger (1697-1746)

John Peter Zenger was a German immigrant who settled in New York and became a publisher. He printed the first political newspaper in the country called the New York Weekly Journal. Its pages contained criticism of the New York governor, charging that he was threatening the “liberties and properties” of the people, and that he had violated the rules of his office.

In response, the governor ordered the newspapers burned and had Zenger arrested for “seditious libel.” Zenger’s bail was set extremely high and he spent nine months in jail. At his trial, Zenger complained that the three judges on the bench had all been appointed by the governor. In response, the judges disbarred (or disqualified) Zenger’s lawyers. Philadelphia lawyer Andrew Hamilton then took the case.
Hamilton argued that the law defining “seditious libel” was unjust, because it was irrelevant whether the objectionable printed statements were true or false. Since what Zenger printed was true, Hamilton argued, the jury should set him free. He asserted the importance of a free press in society, which ought to have “a liberty both of exposing and opposing tyrannical power by speaking and writing truth.” The jury agreed and set aside the law, acquitting Zenger.

In addition to the principles of press freedom expressed by Hamilton, the Zenger case illustrates the importance of protections such as jury trials, due process, and prohibitions on excessive bail.

Revolution/Declaration of Independence

Abigail Adams (1744-1818)

Abigail Adams was born in Massachusetts, a descendant of the distinguished Quincy family. She married young lawyer John Adams in 1764. They settled on a farm in Braintree, Massachusetts. The couple had four surviving children, including son John Quincy Adams. Abigail raised the children and ran the farm while John traveled as a circuit judge and later while he served overseas. She and John corresponded through their long separations and her letters tell of her loneliness, but she persevered with courage and industry.

Abigail often shared her views with John on political matters. She famously requested that the members of the Continental Congress, “I long to hear that you have declared an independency. And, by the way, in the new code of laws which I suppose it will be necessary for you to make, I desire you would remember the ladies and be more generous and favorable to them than your ancestors. Do not put such unlimited power into the hands of the husbands. Remember, all men would be tyrants if they could. If particular care and attention is not paid to the ladies, we are determined to foment a rebellion, and will not hold ourselves bound by any laws in which we have “no voice or representation.” She also told John that she believed there was a need for the Alien and Sedition Acts.

John Adams (1735-1826)

John Adams was born in Massachusetts, the second cousin of Samuel Adams. He began his law practice after graduating from Harvard. A defining moment in his young life was watching James Otis’s courtroom challenge of British writs of assistance, which was based on natural rights theory. The speech filled Adams with zeal for liberty, and Adams would remember it into his old age. Willing to take unpopular stands, Adams courageously defended the British soldiers accused in the Boston Massacre. Advising the courtroom to avoid relying on passion as a guide, he emphasized that “Facts are stubborn things.”
Adams drafted the Massachusetts Constitution and Declaration of Rights and served in the Continental Congress where he was a leading advocate of independence. He seconded the Lee Resolution and served on the committee to draft the Declaration of Independence (though the writing was done by Thomas Jefferson). He signed the Treaty of Paris with Benjamin Franklin and John Jay, and completed diplomatic missions in Europe. He was serving overseas as the Constitution was being drafted. He and his friend Jefferson wrote to James Madison urging the addition of a bill of rights.

Adams served as the country’s first Vice President under George Washington from 1789-1797. He was elected the second President of the United States in 1796. As President, he kept the United States out of war with France but signed the controversial and probably unconstitutional Alien and Sedition Acts to do so. He also signed the Judiciary Act of 1801. Six months before he died, Adams’ son John Quincy Adams became the sixth president of the United States. Adams died fifty years to the day after the adoption of the Declaration of Independence.

**Samuel Adams (1722-1803)**

Samuel Adams was born in Massachusetts, the second cousin of John Adams. He worked at various businesses after graduating from Harvard. During the 1760s, Adams became a leader of Patriot resistance to the British government’s attempts to tax the colonies. Adams organized the Sons of Liberty with James Otis and John Hancock. This group took the lead in resisting the Stamp Act and Townshend Duties. Adams was soon famous throughout the colonies.

In 1772 Adams authored “The Rights of the Colonists,” which appealed to the concepts of the rights of Englishmen and natural rights theory. When Parliament passed the Tea Act, Adams organized the Boston Tea Party. In this nighttime raid, 150 members of the Sons of Liberty dumped 342 chests of British Tea into Boston Harbor. The governor of Massachusetts pardoned all the members of the Boston resistance except for Adams and Hancock. The shots in Lexington that began the Revolutionary War were fired on British troops with orders to arrest the two men, but they escaped capture.

Adams signed the Declaration of Independence and helped write the Massachusetts Constitution and the Articles of Confederation. Suspicious of strong governmental power, Adams rejected the purpose of the Constitutional Convention—to strengthen the central government—and did not attend. He eventually supported the Constitution after the Bill of Rights was added.

**James Armistead (1748-1830)**

In the Revolutionary War, one of General George Washington’s most effective weapons against the British was an African American slave named James Armistead. Armistead was enlisted as a patriotic spy who worked as a “double-agent” on behalf of the United States. Pretending to be a runaway slave, Armistead infiltrated the British defenses and acquire countless important British war secrets which helped turn the tide of the Revolution in favor of the Americans. Marquis de Lafayette helped him by writing a letter
of recommendation for his freedom, which was granted in 1787. In gratitude, Armistead adopted Lafayette’s surname and lived as a farmer in Virginia until his death in 1830.

Crispus Attucks (1723-1770)

In 1770, Crispus Attucks, an African American former slave was the first of five unarmed American civilians to be shot and killed by British soldiers in a riot known as the Boston Massacre. Attucks was credited as the leader and instigator of the heroic upheaval against the British army. The events of that fateful day eventually led to the American Revolution and the fight for ultimate freedom. A “Crispus Attucks Day” was inaugurated by African American abolitionists in 1858. In 1888 the Crispus Attucks Monument was built on Boston Common. And in 1998 a commemorative Silver Dollar was minted honoring Crispus Attucks and the overall efforts of black patriots in the Revolutionary War. His death has forever linked his name with the cause of freedom.

Charles Carroll (1737-1832)

Charles Carroll was born in Maryland in 1737. Educated in Europe, he quickly became involved with the revolutionary movement when he returned to America. When Maryland decided to send delegates to the Continental Congress, Carroll was one of those chosen. He wasn’t in time to vote for the Declaration of Independence, but he was there to sign the document. He served on the Board of War during the Revolution. After the war, he was involved in setting up the state government of Maryland and served a brief time as the only Catholic in the U.S. Senate once the U.S. Constitution was ratified. He was the last surviving signer of the Declaration when he died in 1832 at the age of 95.

Wentworth Cheswell (1746-1817)

Wentworth Cheswell was a beloved and respected patriot. He was a grandson of the first African American landowner in New Hampshire. Cheswell’s life revolved around freedom, justice and the betterment of American citizens. At an early age, Cheswell became an influential town leader, judge, historian, schoolmaster, archeologist and soldier in the American Revolution. After his studies at Dummer Academy, he became a schoolteacher and was then elected town messenger for the regional Committee of Safety, one of the many groups established in Colonial America to monitor events pertaining to public welfare. As an enlisted man in the American Revolution, he served under Colonel John Langdon in the Company of Light Horse Volunteers at the Saratoga campaign. Cheswell and his wife had 13 children. He was very active in public life in New Hampshire.

John Dickinson (1732-1808)

John Dickinson was born in Maryland, and his family soon moved to Delaware. He practiced law in Philadelphia and served in both the Delaware and Pennsylvania
assemblies. Historians believe him to be the author of *Letters from a Farmer in Pennsylvania* (1767-1768) which called for resistance to British policies while urging reconciliation. Dickinson also wrote America’s first patriotic song, “The Liberty Song.”

In 1775, Dickinson and Thomas Jefferson wrote Declaration of the Causes of Taking Up Arms. In this document, Dickinson reassured the British King that the colonists were not raising an army with the intent of establishing independence. When Congress debated the Declaration of Independence the next year, Dickinson objected to its strong wording. In what many saw as a sign of integrity, he left Philadelphia when it became clear that Congress would approve the Lee Resolution. Once independence was declared, Dickinson dropped his objections and helped draft the Articles of Confederation. He served as governor of Delaware before being elected governor of Pennsylvania. In 1783, he lent his name to Dickinson College in Pennsylvania.

In 1786, Dickinson chaired the Annapolis Convention and later headed Delaware’s delegation to the Constitutional Convention. During the ratification debates, Dickinson authored the *Letters of Fabius* in support of the Constitution. Because of Dickinson’s articulate defense of American liberty, he is known as the “Penman of the Revolution.”

**Benjamin Franklin (1706-1790)**

Benjamin Franklin, born in Boston, took initiative as a publisher, inventor, entrepreneur, and statesman. Working as an apprentice at his brother’s Boston newspaper, he began writing social commentaries under the pseudonym Silence Dogood.

Wishing to work independently, Franklin left Boston and finally settled in Philadelphia where he purchased the *Pennsylvania Gazette* in 1729. In 1732 he published the first edition of *Poor Richard’s Almanack*.

In 1754 the prospect of war with France led several colonial governors to call a convention to create a plan to unify the colonies. Franklin’s *Gazette* ran a “Join or Die” political cartoon urging governors to send delegates. Franklin wrote the Albany Plan of the Union at the convention.

Franklin lived in England from 1757 to 1775 serving as an agent of the colonies. He became famous there as a defender of American rights. The British branded him a traitor, but he escaped imprisonment in 1775 by returning to Philadelphia. He served on the committee that drafted the Declaration of Independence. He acted as commissioner to France from 1779-1785, and along with John Adams and John Jay, negotiated the 1783 Treaty of Paris.

Franklin returned to the United States in 1785. He believed the Articles of Confederation to be too weak and joined the call for a Constitutional Convention. Because of some of his proposals at the Convention, a cabinet was established to advise the president, and Congress was given the power to override presidential vetoes. Franklin called for blacks to be counted as citizens hoping to encourage abolition, but this proposal was rejected.
In 1787, Franklin was elected president of the Pennsylvania Society for Promoting the Abolition of Slavery. His last public act was signing a petition to Congress recommending the end of the slave system. He died at age 84. Franklin’s *Autobiography* was published the year after his death, and covers the years of his life only to the 1760s.

**Bernardo de Gálvez (1746-1786)**

During the American Revolution, England was not only at odds with the colonists, but also with European superpower Spain. In 1776, Bernardo de Gálvez, a descendant of ancient Spanish nobility, became the acting Governor of the Louisiana Territory. Due to the “bad blood” between his home country of Spain and England, Gálvez naturally sided with the Americans throughout the war. He was instrumental in buying Spanish weapons, gunpowder, clothing and many other vital supplies that were essential to the colonial army. Galveston, Texas is named in his honor.

**King George III (1738-1820)**

King George III was born on June 4, 1738. He became heir to the throne upon the death of his father in 1751 and succeeded his grandfather George II in 1760. During his reign, there were many conflicts involving his kingdom. After the French and Indian War, the British Parliament angered the American colonists by taxing them to pay for military protection. In 1776 the American colonists declared their independence and listed their grievances against the king. The Treaty of Paris of 1783 ended the Revolutionary War and confirmed the independence of the United States. After 1784, George III largely retired from an active role in government. He suffered a nervous breakdown in 1789. After he was declared insane in 1810, his son was appointed to rule for him.

**John Hancock (1737-1793)**

Forever famous for his outsized signature on the Declaration of Independence, John Hancock was a larger than life figure in other ways as well. Born in 1737, in Braintree, Massachusetts, Hancock was part of the Boston Sons of Liberty that included Samuel Adams and James Otis. Hancock was a wealthy merchant whose bank account helped to finance the group’s radical activities resisting British tyranny. After the violence that came to be known as the Boston Massacre, Hancock courageously took the lead in raising further opposition to the British. Not long after that, he and Sam Adams organized the Boston Tea Party. The British were seeking Hancock and Adams when the Minutemen fired on the British troops thus beginning the Revolutionary War.

Hancock served as president of the Continental Congress. He signed the Declaration on July 4, 1776, and presided over Congress’s signing of the document on August 2, 1776.
Disappointed at being passed over for command of the Continental Army in 1777, he returned to Massachusetts, where he had a hand in writing the state constitution of 1780. He signed the Articles of Confederation. Despite his reservations about centralized government power, Hancock eventually agreed to support ratification of the Constitution.

**Patrick Henry (1736-1799)**

Patrick Henry was born in Virginia where he was educated by his father and expected to become a farmer. After failing at farming and storekeeping, he studied law and was admitted to the bar in 1760.

As a member of the Virginia legislature in the 1760s, Henry opposed the Stamp Act. By the 1770s he had emerged as one of the most radical leaders of the opposition to British tyranny. He served in the Continental Congress and urged his fellow Virginians to take up arms against the British, famously uttering in 1775 as the British militia advanced in Massachusetts, “Gentlemen may cry ‘peace!’ but there is no peace...the war is actually begun!...I know not what course others may take, but as for me, give me liberty, or give me death!” Henry later led 150 colonists to Williamsburg demanding the return of gunpowder seized by the royal governor.

After helping craft the Virginia Declaration of Rights, Henry was elected the first governor of Virginia. He would serve a total of five terms. In later years, he helped found Hampden-Sydney College, and attempted to expand government support of teachers—who were mainly ministers of the state’s official church. His proposal was defeated and two years later Virginia adopted the Virginia Statute for Religious Freedom bringing an end to the state church.

Wary of federal power and suspicious of the motives of the assembly, Henry declined to attend the Constitutional Convention. He became a leading Anti-Federalist critic of the Constitution. When it was sent to the states for ratification, he engaged in heated debates with James Madison at the Virginia ratifying convention. When the Bill of Rights was sent to the states, Henry believed the amendments were not enough and instead called in vain for a new constitutional convention.

Henry retired from politics in 1791 and resumed his law practice. He turned down offers from President George Washington to serve as Secretary of State and then as Chief Justice of the Supreme Court. Washington convinced Henry to run for the state legislature. He was elected, but he died before he could take office.

**Thomas Jefferson (1743-1826)**

Thomas Jefferson was born in Virginia. He studied law, was elected to the Virginia legislature, and became known for his writing. Many of his writings reveal the influence of John Locke as well as Jefferson’s belief in natural rights theory. In Notes on the State
of Virginia and Summary View of the Rights of British America, he expressed his ideas about religious freedom, education, and property rights, among other things.

While the Continental Congress debated the Lee Resolution in 1776, Jefferson was selected to draft the Declaration of Independence. He authored the Virginia Statute for Religious Freedom in 1786. Jefferson did not take part in the Constitutional Convention as he was serving as minister to France at the time, but he wrote to James Madison expressing his view that the document should include a bill of rights.

In 1789 George Washington appointed Jefferson the first Secretary of State. He and Secretary of the Treasury Alexander Hamilton soon became bitter rivals. The nation’s first political parties formed around the two men. Jefferson resigned his post after three years and ran for president in 1796 but lost to John Adams by three electoral votes. Under the system in place at the time, he became Adams’ Vice President. He disagreed sharply with many of Adams’ policies. He and James Madison wrote the Virginia and Kentucky Resolutions in 1798 in opposition to the Alien and Sedition Acts.

Two years later, Jefferson was elected president. He purchased the Louisiana Territory from France in 1803. His second term as President was beset by foreign and domestic troubles. After two terms as president, he retired to Monticello. In 1819, he founded the University of Virginia, which he noted as one of his proudest achievements. He died fifty years to the day after the adoption of the Declaration of Independence.

**John Paul Jones (1747-1792)**

John Paul Jones was born in 1747 in Scotland. After being accused of a crime he fled to America. In 1776 with his ship the *Bonhomme Richard*, he defeated the British warship *Serapis*, which raised American spirits. Jones’ success against the best navy in the world angered the British and inspired the Americans. Jones’ famous words during this battle were “I have not yet begun to fight!” which became a slogan for the U.S. Navy. Some consider him the “Father of the U.S. Navy.”

**Marquis de Lafayette (1757-1834)**

Marquis de Lafayette was a French officer who came to help the Americans fight the Revolution against Great Britain. When he learned of the struggle of the Americans in their endeavor to secure independence, he resolved to come to the colonies to aid them in their efforts. He was given the rank of major general, since he represented the highest rank of French nobility. He developed a friendship with George Washington which lasted as long as Washington lived. His influence helped to secure support from France for the patriots’ cause. Lafayette was also able to obtain troops and supplies from France. He was the first foreigner to be granted honorary United States citizenship. When he died on May 20, 1834 at the age of seventy-six, the United States government sent American soil to his gravesite.
Richard Henry Lee (1732-1794)

Richard Henry Lee was born to one of the wealthiest families in Virginia. He studied law and was elected to the Virginia legislature at age 25. There he was an outspoken opponent of slavery. He asserted that Africans, with the same natural rights as Europeans, were “equally entitled to liberty and freedom by the great law of nature.” Nevertheless, Lee owned slaves and did not free them.

In response to British policies, Lee condemned the Stamp Act and Townshend Acts, organized committees, and kept in contact with Samuel Adams, a Patriot leader in Boston. He served in the Continental Congress, and on June 7, 1776, introduced the Lee Resolution calling for independence from England. His resolution led to the writing and ratification of the Declaration of Independence.

Lee signed the Articles of Confederation in 1781 and served in the Confederation Congress, serving as the body’s first president. He helped guide the Northwest Ordinance through Congress in 1787.

Lee was alarmed at the call for a stronger central government and refused to attend the Constitutional Convention in 1787. He attempted to persuade the delegates not to alter the Articles, and became a leading opponent of ratification of the Constitution in Virginia. In 1787 and 1788, an anonymous series of Anti-Federalist essays called Letters from a Federal Farmer appeared, which closely mirrored Lee’s arguments against the Constitution. Some historians believe that Lee and Mercy Otis Warren were the authors of these essays.

When the Constitution was adopted, Lee accepted a seat in the Senate where he was a leading advocate of laws and amendments limiting the power of the federal government. He was pleased when the Bill of Rights was ratified in 1791.

Robert Morris (1734-1806)

Robert Morris was born in England and came to Maryland in his youth. After apprenticing at a Philadelphia shipping and banking firm, he became a partner of the company at age 23. The firm was successful, trading in a variety of products, including tobacco, rum, wheat, and, for a brief time, African slaves.

Morris became a prominent Philadelphia citizen, leading merchants to close the port of Philadelphia to British goods. He served in the state legislature and on the Continental Congress. Initially opposed to independence, he voted against the Lee Resolution, but he changed his mind and signed the Declaration of Independence.

He also signed the Articles of Confederation.

As chairman of the Congress Finance Committee, Morris persuaded reluctant states to contribute to the continental system and army. He obtained war supplies and risked his own ships in bringing these supplies past the British Navy. Morris’s company received a commission on each shipment, though some criticized him for profiting at the country’s
expense. Some accused him of stealing money, but a committee of Congress found that he was not guilty of any wrongdoing and acted with “fidelity and integrity.” Robert Morris is known as the “Financier of the American Revolution” in part because he risked and spent so much of his own money for the Patriot cause, putting up more than $1 million to finance the decisive Battle of Yorktown alone.

Morris supported revising the Articles and attended the Constitutional Convention, though he rarely spoke during the proceedings. He was pleased with the Constitution and signed it. He turned down President George Washington’s offer to be Secretary of the Treasury, instead accepting a Senate seat in the first Congress.

**John Peter Muhlenberg (1746-1807)**

John Peter Muhlenberg was born in Pennsylvania. John was the son of a Lutheran minister. Eventually, he followed in his father’s footsteps becoming a minister himself. While in Virginia, he became a follower of Patrick Henry. He is said to have supported the American cause in a sermon in which he cited the verse from Ecclesiastes which begins with the words, “To everything there is a season…a time of peace and a time of war. And this is a time of war.” He later served in the Continental Army fighting at Charleston, Brandywine, Stony Point, and Yorktown. He was also present during the winter at Valley Forge. After the war, he served in the Pennsylvania state government before being elected to the U.S. Congress. Even though he didn’t serve as a Lutheran minister again, he was active as a Lutheran layman until he died in 1807.

**James Otis (1725-1783)**

James Otis was born in Massachusetts, the brother of Mercy Otis Warren. Otis went to Harvard and opened a law practice in Boston in 1750. Six years later, the royal governor appointed him an advocate general in the Vice Admiralty Court.

Decisions in Vice Admiralty Courts were rendered by royal judges, not by citizen juries. Many cases involved smuggling, and Otis was troubled by British writs of assistance. (These general warrants gave broad authority to inspectors to search ships, warehouses, and even private homes for evidence of crimes.) In 1761, Otis resigned his post and took the case of Boston merchants who challenged the legality of the writs. In a five-hour long speech, Otis cited the traditional rights of Englishmen to “the freedom of one’s house.” He also based his argument natural rights theory, asserting that the right to private property was inalienable. John Adams, who observed the speech, would later remark that it marked the start of the American Revolution. Indeed, many of the principles he championed were later enshrined in the Fourth Amendment.

Otis soon became a Patriot leader, joining Samuel Adams and John Hancock in opposing British tyranny. In 1764 he published *The Rights of the Colonists Asserted and Proved*. This pamphlet criticized British taxation without representation, and denounced slavery: “The colonists are by the law of nature freeborn, as indeed all men are, white or black.”
In 1769, Otis was physically attacked in a Boston coffeehouse by a customs official whom Otis had criticized in the newspaper. The official beat Otis’s head with a cane, fracturing his skull and causing permanent brain damage severe enough to force his retirement from public life. In 1783 he died after being struck by lightning.

**Thomas Paine (1737-1809)**

Paine was born in England and had little formal education. After working various jobs, he met Benjamin Franklin who convinced him to come to America in 1774. In January 1776, Paine published the best-selling pamphlet of the revolutionary era, *Common Sense* which encouraged colonial independence. While serving with George Washington’s troops in the Continental Army, Paine wrote a series of essays called *The American Crisis*. These essays helped improve morale among the troops during the Revolutionary War.

Paine continued his defense of the American Revolution and natural rights theory in *The Rights of Man* when he returned to England in 1787. England charged him with seditious libel because of his critique of monarchy. He fled to France, where he became involved in the revolutionary assembly. He was imprisoned and sentenced to death for voting against the King’s execution. While in prison he wrote *The Age of Reason*, a controversial work criticizing organized religion while insisting on the religious freedom for all.

He was freed in 1794 due to the efforts of James Madison, the new American minister to France. Paine had blamed the previous minister, Gouverneur Morris, for what he saw as Morris’s failure to secure his release. In 1796 Paine wrote an insulting open letter to George Washington. This letter won him many enemies. President Thomas Jefferson invited Paine to return to America in 1802, but he soon found he was unwelcome. His New York funeral was attended only by a few. His body was later stolen and taken to England, which denied its entry as Paine was still an outlaw. His remains were later lost.

**Benjamin Rush (1745-1813)**

Benjamin Rush was born near Philadelphia. He studied medicine in Pennsylvania, Scotland, England, and France. When he returned to Pennsylvania in 1769 he was named the first professor of chemistry at the College of Philadelphia. He gained a good reputation in the city, treating the poor and then expanding his practice. During the yellow fever epidemics of the 1790s, John and Abigail Adams were among his patients. He supported innovative techniques but was criticized for continuing to practice bloodletting even when it was shown to be ineffective.

Rush encouraged Thomas Paine to write on behalf of independence, and even suggested the title for *Common Sense*. He signed the Declaration of Independence. He served as Surgeon General of the Continental Army during the Revolutionary War. He was appalled by the dreadful conditions of the military hospitals, and even questioned General George Washington, telling Congress that officers should be chosen annually. He resigned his
post when Congress rejected his plea. Rush attended the Constitutional Convention and, along with James Wilson, helped secure ratification of the Constitution in Pennsylvania.

Rush was also concerned with social reform. He courageously expressed views he knew would be controversial. He supported the new technique of vaccinations against smallpox. He helped establish the first abolitionist society in America. In his view, slavery was inconsistent with the principles of natural rights theory and the Declaration of Independence. His belief in equality also led him to urge public education for all, including women. President John Adams appointed Rush as Treasurer of the US Mint in 1799, a post he held until 1813.

Rush’s influence on the lives of two prominent Founders is also noteworthy. When the divisive political issues of the 1790s took their toll on the friendship of John Adams and Thomas Jefferson. Rush was instrumental in their reconciliation. Rush corresponded with the two men for 20 years. Upon hearing of his death in 1813, John Adams reflected, “I know of no character living or dead who has done more real good for his country.”

Haym Salomon (1740-1785)

Haym Salomon was a Polish-born Jewish immigrant who played an important role in financing the American Revolution. He became a patriot and joined the New York Sons of Liberty. He was a member of the American espionage ring and helped convince many Hessians to desert the British military. He was arrested as a spy by the British but escaped before he could be hung. Salomon became a financial broker in Philadelphia. Using his own personal money, he went on to help finance the Continental Congress and the overall patriot cause. Together with Robert Morris, Salomon is sometimes called the “financier of the American Revolution.” Salomon died penniless in 1785.

Jonathan Trumbull, Sr. (1710-1785)

Jonathan Trumbull Sr. was born in Connecticut. He studied theology at Harvard and later served as a colonial governor of Connecticut. During the American Revolution, he became the only colonial governor to support the American cause. He was a strong supporter of General Washington and spent the war doing what he could to recruit troops and raise supplies for the cause. General Washington is said to have depended on him for these things during the trying times of the Revolution. Since he supported the cause, he was the only colonial governor to remain in power after independence was declared. Governor Trumbull died in 1785 and is buried in Lebanon Connecticut.

Mercy Otis Warren (1728-1814)

Mercy Otis Warren was born in Massachusetts, the sister of James Otis. She was an early supporter of independence and anonymously published satirical plays designed to criticize the Massachusetts royal governor in 1772 and 1773.
She corresponded with many Patriot leaders, exchanging hundreds of letters with Abigail Adams, John Adams, Benjamin Franklin, Thomas Jefferson, and Alexander Hamilton. Believing in the natural rights theory expressed in the Declaration of Independence, she argued that women should have equal rights under the law.

Warren opposed ratification of the Constitution. She authored an anonymous criticism of the document in 1788 called *Observations on the New Constitution … by a Columbian Patriot*. Other than the lack of equal rights for women, her chief complaints were later addressed in the Bill of Rights. Some historians believe she was also the author of at least one Anti-Federalist paper attributed to Elbridge Gerry, and that she co-authored *Letters from a Federal Farmer* with Richard Henry Lee.

In later years she argued for equality in education for girls and boys. She also published a volume of poetry and, in 1805, published a three-volume work, *History of the Rise, Progress and Termination of the American Revolution*. She is sometimes called “The Conscience of the American Revolution.”

**George Washington (1732-1797)**

George Washington is known as the “Father of his Country.” Born in Virginia, Washington ran his family’s 8000-acre farm, Mount Vernon. He studied ancient republics and read independently.

Washington served as commander of the Virginia militia, the Virginia colonial legislature, and the Continental Congress. In 1775, Congress selected him to be Commander-in-Chief of the Continental Army. He accepted Cornwallis’s surrender at Yorktown in 1781, ending the Revolutionary War. Washington then resigned his commission and returned to Mount Vernon, intending no return to public life.

However, Washington soon grew concerned that the Articles of Confederation were inadequate for the new nation. Washington was selected to lead the Constitutional Convention in Philadelphia in 1787. Once the Constitution was complete, Washington was unanimously elected to be the first president, with John Adams as Vice President. Washington’s First Inaugural Address inspired the nation. Washington appointed Thomas Jefferson and Alexander Hamilton to his cabinet, and James Madison served as a chief advisor.

He served two terms as president, discouraging political parties and working to keep the new nation out of foreign wars. He refused a third term. In his Farewell Address, Washington urged his fellow citizens to cherish the Constitution. Washington served his country with courage and responsibility, believing that liberty would endure.

**John Witherspoon (1723-1794)**

John Witherspoon was born in Scotland, and came in 1768 to the colonies to assume the presidency of Princeton University in New Jersey. He was also a prominent Presbyterian minister. While serving as the president of Princeton University, he strongly influenced
the course of study. He believed that morality was crucial to all those holding public positions of leadership. Therefore, he instituted a required course called Moral Philosophy for the students. One of his most famous students was James Madison. Witherspoon was elected to the Continental Congress and was present to vote for and sign the Declaration of Independence. He served in the Congress all through the war and helped in the drafting of the Articles of Confederation. He later served as a delegate from New Jersey at the Constitutional Convention, voting for its adoption and advocating its ratification in New Jersey.

Creation of the Constitution

Alexander Hamilton (1757-1804)

Alexander Hamilton was born in the West Indies, the illegitimate son of a poor Scottish merchant and a woman of French descent. After being sent to America by a local businessman, he became active in New York’s Patriot movement. General George Washington asked Hamilton to join his personal staff and made him a lieutenant colonel. He was admitted to the bar in 1782. In 1783 he served in the Confederation Congress, where he and James Madison both desired a stronger central government.

At the 1787 Constitutional Convention, Hamilton’s nationalist views were not received well by the other delegates. He called for a strong executive branch with a president who would serve for life. Though it did not strengthen the national government as much as he had hoped, Hamilton took the lead in promoting ratification of the Constitution in New York. He teamed with Madison and John Jay to write The Federalist Papers, writing 52 of the 85 essays. In Federalist No. 70, he made the case that “the vigor of government is essential to the security of liberty.” In Federalist No. 84, he argued that a bill of rights was not needed, because the government had only those powers listed: “why declare that things shall not be done which there is no power to do?”

Hamilton served as Secretary of the Treasury under President Washington. He pressed for the establishment of a national bank—something not in Congress’s enumerated powers. This plan was opposed by Thomas Jefferson and others who feared growing federal power. The first party system in America formed around these two men.

After leaving the Washington administration in 1795, Hamilton acted as the defense lawyer in People v. Croswell (1803), in which he made the argument that truth could be used as a defense for libel. Though he lost the case, his arguments led New York to change its law, protecting freedom of the press.

Fifteen years after Hamilton’s death in a duel with Aaron Burr Chief Justice John Marshall held in McCullough v. Maryland (1819) that the creation of a national bank was an implied power of the federal legislature and was therefore constitutional.
Thomas Hobbes (1588-1679)

Thomas Hobbes was an English philosopher, considered to be among the founders of modern political philosophy. His landmark work of political philosophy is *Leviathan*. His political philosophy influenced later thinkers including Jean Jacques Rousseau and John Locke. He asserted that the natural state of humanity is war, and that people must enter into a compact for their safety and betterment.

The Founders, including James Madison, accepted Hobbes’s premise that individuals must unite into a society for their own protection. However, they disagreed with Hobbes on many important matters. Hobbes advocated a strong monarch as the enforcer of the law. Hobbes rejected the ideas of freedom of religion and separation of powers in government, which are fundamental parts of the Constitution.

John Jay (1745-1829)

John Jay was born in New York City to a prominent family and gained notoriety as a lawyer throughout the state. He served in the First Continental Congress and published *Address to the People of Great Britain* in which he argued that the colonists had the same rights as the British, including rights to private property, jury trials, due process, and religious liberty. Though he opposed many British policies, he favored a moderate approach to Britain. In what many believed to be a sign of integrity, he resigned from Congress rather than sign the Declaration of Independence. He joined his fellow Patriots once the rest of the colonists rallied behind the action.

In 1777 Jay helped draft the New York constitution, served as state supreme court Chief Justice, and on the Continental Congress. He was elected President of the Assembly, the highest office under the Articles of Confederation. Together with Benjamin Franklin and John Adams, he traveled to Europe to negotiate the Treaty of Paris. While he was away, Congress appointed him Secretary of Foreign Affairs. He found the job difficult to execute because under the Articles each state could act alone, and he had no power to negotiate meaningful treaties. This experience strengthened his resolve for a stronger central government. He teamed with Alexander Hamilton and James Madison to write five essays of *The Federalist Papers* encouraging ratification of the Constitution.

President George Washington appointed Jay the first Chief Justice of the Supreme Court in 1789. In 1794 he negotiated “Jay’s Treaty” which was successful at avoiding war with Britain, but which received a negative reception in the United States because of the belief that Jay had made too many concessions to the British. The next year Jay resigned from the Supreme Court as he had been elected governor of New York—an office he neither requested nor sought. As governor, he signed an emancipation bill and continued to work for the abolition of slavery.
John Locke (1632-1704)

John Locke was an English philosopher and Oxford scholar. In one of his most important works, *Second Treatise of Civil Government*, Locke asserts that individuals unite into a society for the better protection of their natural rights, including life, liberty, and property. This work was of great influence on the Founders, including Thomas Jefferson, James Madison, and George Mason. After William and Mary of Orange assumed the throne and the English Bill of Rights denied freedom of worship to Catholics and Protestants outside the Church of England, Locke wrote “A Letter Concerning Toleration.” This essay argued for a new relationship between civil government and religion. Though Locke asserted that atheists and Catholics could not be tolerated, his ideas form one basis of the First Amendment, which prevents the establishment of a national religion and an absolute freedom of belief.

James Madison (1751-1836)

Madison was born in Virginia to a wealthy family. After graduating from Princeton, he served in the Virginia legislature. He worked closely with Thomas Jefferson and helped draft and win support for the Virginia Statute for Religious Freedom. In 1780 he joined the Continental Congress and became concerned that the Articles of Confederation were inadequate.

In 1787, he was a leader at the Constitutional Convention. The author of the Virginia Plan, he suggested a system of checks and balances. He also worked to balance the reserved and concurrent powers of the states and federal government. He also took detailed notes through the convention. Because of his efforts, Madison is known as the “Father of the Constitution.”

When the Constitution was sent to the states for ratification, Madison teamed with Alexander Hamilton and John Jay to write the Federalist Papers in support of ratification. He led the debate to approve the Constitution in Virginia, taking on Anti-Federalist leader Patrick Henry. When it became clear that the Constitution would not pass without the promise of a listing of rights, he proposed seventeen amendments, twelve of which were sent to the states for approval. Of those twelve, the states approved ten which became known as the Bill of Rights. Madison was elected to the US House of Representatives in 1789, where he became George Washington’s chief supporter. Madison eventually split from Washington politically as Washington aligned himself with Alexander Hamilton and his plan for a Bank of the United States. Madison moved away from the Federalists and closer to Jefferson’s Democratic-Republican Party.

After leaving Congress in 1797, Madison and Jefferson wrote the Virginia and Kentucky Resolutions in response to the Alien and Sedition Acts. Madison became Jefferson’s Secretary of State and later succeeded him as President in 1809. As President, he allowed the nation to enter the War of 1812—called “Mr. Madison’s War” by many at the time—a decision that many historians count as a historic failure. However, the war won respect for the new republic overseas and Madison emerged from the war with great popular support.
George Mason (1725-1792)

George Mason was born in Virginia. He was George Washington's supply officer in the French and Indian War, and served in the Virginia colonial legislature. Mason supported independence and was the primary author of the Virginia Constitution and Virginia Declaration of Rights. Both documents were adopted in June of 1776. Mason’s words in the Virginia Declaration, which were based on the ideas of John Locke and natural rights theory, influenced Thomas Jefferson's writing in the Declaration of Independence.

During the 1780s, Mason was among the many statesmen who believed the Articles of Confederation to be an inadequate form of government. Mason was called on to serve at the Constitutional Convention during the summer of 1787. There, he opposed the Constitution because he believed the central government was too strong. He argued that the document needed a bill of rights to protect the people from government abuses. He also called for an end to the importation of slaves. All these calls were rejected. Acting with integrity, Mason refused to sign the Constitution. He argued against its ratification, making enemies of James Madison and George Washington.

Mason became a leading Anti-Federalist after the Convention, writing a pamphlet called *Objections to this Constitution of Government*. He argued that the Constitution gave “no security” to the “Declarations of rights in the separate States.” At the Virginia Ratifying Convention, he joined Patrick Henry in opposing adoption. Madison promised that a bill of rights would be added, and Virginia voted to ratify. Three years later, many of the protections in the U.S. Bill of Rights would be based on Mason’s Virginia Declaration of Rights. For this reason, Mason is known as the “Grandfather of the Bill of Rights.”

Baron de Montesquieu (1689 – 1755)

Baron Charles de Montesquieu was a famous French nobleman who lived from 1689 to 1755. His ideas about government and law were recorded in several books. The most influential of these was *The Spirit of the Laws* written in 1748. In this work, he proposed separating the powers of government so that power would not be concentrated in the hands of one person or one group of people. His ideas inspired James Madison and were echoed in Federalist 47 in which Madison defended the division of power detailed in Articles I, II, and III of the U.S. Constitution. Madison went on in Federalist 51 to defend the checks and balances system as a way to further define the powers of the three branches. Montesquieu is thought to be the most quoted political philosopher by the men at the Constitutional Convention in 1787.

Gouverneur Morris (1752-1816)

Gouverneur Morris was born in New York. During a visit home from King’s College (now Columbia University), Morris’s right arm was crippled when he was burned by an overturned pot of hot water. After being admitted to the New York bar, Morris became interested in politics and after initial resistance, took up the Patriot cause. He helped write
New York’s new constitution and served in the Continental Congress. He signed the Articles of Confederation in 1778 and soon after, lost his left leg in a carriage accident. He had to use a wooden leg for the rest of his life.

In 1781 as Assistant United States Superintendent of Finance, Morris struggled to finance the Continental Army. He hinted that the Continental Army might employ force if Congress did not act. The officers assembled at a barn in Newburgh, New York to discuss marching on Philadelphia, but George Washington quelled the Newburgh Conspiracy by appearing at the gathering.

Morris was a delegate the Constitutional Convention. He was appointed, along with Alexander Hamilton, to the Committee of Style and was responsible for the final language of the Constitution. Some believe he glossed the wording (what does this phrase “glossed the wording” mean?) to enhance the power of the federal government, including beginning the Preamble with the words “We the people” rather than “We the states,” signifying that the Constitution was not the creature of the states, but the work of the nation as a whole.

Morris turned down an offer from Alexander Hamilton to co-author a defense of the Constitution which became known as The Federalist Papers. He succeeded Thomas Jefferson as ambassador to France and courageously remained at his post during the bloody Reign of Terror—the only foreign diplomat to do so. In 1812 he became distressed by the war with Great Britain and called for the secession of New York and New England from the Union. This attempt was discredited, and Morris died four years later at the age of 64.

**Edmund Randolph (1753-1813)**

Virginian Edmund Randolph, born in 1753, is sometimes called a “Forgotten Founder” because his name is not familiar to many Americans despite his many contributions to the United States. During the Revolutionary War, he served as an aide-de-camp to General George Washington. He also served in several public offices including delegate to the Continental Congress, delegate to the Annapolis Convention, as well as the Constitutional Convention.

At the Constitutional Convention, Randolph introduced the Virginia Plan. By the Convention’s end, though, Randolph refused to sign the Constitution. He believed his integrity required him to refuse. He thought the final version had strayed too far from what he called the “republican propositions” of the Virginia Plan. He also feared that a single President would lead to tyranny. Instead he supported a three-person executive council. James Madison later persuaded Randolph to support ratification at the Virginia Ratifying Convention. The compromise was made easier for Randolph because eight states had already ratified by the time of Virginia’s Convention.

Randolph was appointed to serve as the nation’s first Attorney General by President George Washington.
Jean-Jacques Rousseau (1712-1778)

Jean-Jacques Rousseau was born in Geneva, Switzerland. His political and philosophical writings, including *The Social Contract* (1762), were both influential and controversial. Banned in France and Geneva for criticizing religion, *The Social Contract* nonetheless had an influence on governments in Europe and on the Founders.

Rousseau held that human nature was essentially good—that man was naturally a “noble savage”—but degrades into cruelty without a system of laws. Rousseau held that in a natural state, individuals must compete with each other, but they are also increasingly interdependent on each other. This contradiction was to blame for man’s degradation. By uniting under a social contract, individuals surrender their natural freedom and agree to submit to the general will of the people, who are sovereign.

While the Founders accepted some of Rousseau’s philosophy, such as supporting freedom of religion, they rejected others. Rousseau criticized private property and asserted that the general will of the people was sovereign over the individual’s body and property. This argument put him knowingly in opposition to other enlightenment philosophers including John Locke. Rousseau also advocated restraints on free speech in order to protect people from bad ideas. For this and other reasons, he is considered an intellectual ancestor of socialist systems.

Roger Sherman (1721-1793)

Roger Sherman was born in Massachusetts, and moved to Connecticut in 1743. He owned a cobbler shop, published a series of almanacs, and studied the law independently.

In the 1760s Sherman became a leader in the resistance to British tyranny. Dedicated to moderation, he urged peaceful forms of protest, including boycotts and petitions. In 1774 he was elected to the Continental Congress. He served on the committee in charge of drafting the Declaration of Independence, including Benjamin Franklin, John Adams, Robert Livingston and Thomas Jefferson; it was the committee that chose Jefferson to draft the document. In 1776, Sherman helped frame the Articles of Confederation, and he later signed it. After leaving national politics to return to public service in Connecticut, Sherman returned to Congress in 1783 to approve the Treaty of Paris.

Sherman was a delegate to the Constitutional Convention, where he worked to guard the power of states against the national government. He argued that the legislature should be the strongest branch of government, suggesting Congress should have the power to select the President. He suggested the Connecticut Compromise, or Great Compromise, which determined the method of representation in Congress. He initially opposed adding a bill of rights to the Constitution, but eventually supported James Madison’s effort to add amendments. In 1791, the 70-year old Sherman was appointed to the US Senate, where he served until he died in 1793.
James Wilson (1742-1798)

James Wilson was born in Scotland and came to Pennsylvania in 1765. He joined John Dickinson’s law firm before opening his own practice. He became involved in Patriot activities and published pamphlets criticizing British policies. He served in the Second Continental Congress and signed the Declaration of Independence.

As a delegate to the Constitutional Convention, Wilson advocated direct election of the president. This would have constituted a radical change from the system under the Articles of Confederation (which had no national executive) and from that supported by advocates of republican government. It also put him at odds with major figures from the Founding period, such as Patrick Henry and Thomas Jefferson, who believed that substantial power should be reserved to the individual states, and that a popularly-elected executive—among other changes—would concentrate power too heavily at the national level. Wilson is credited with the compromise that resulted in the formation of the Electoral College. Once the Constitution was sent to the states, Wilson joined with Benjamin Rush to secure ratification in Pennsylvania.

In 1789, President George Washington appointed Wilson to the Supreme Court. His most important opinion, establishing that a citizen of one state could sue the government of another state, was overturned by the Eleventh Amendment. During his time on the Court, Wilson also served as the University of Pennsylvania’s first professor of law. He lectured on the place of law in society, and cruel and unusual punishment as prohibited by the Eighth Amendment, and he urged moderation, swiftness, and certainty in punishment as a means of ensuring justice.

Early Republic

Aaron Burr (1756-1836)

Aaron Burr was born in New Jersey, the son of a Presbyterian cleric and grandson of theologian Jonathan Edwards. After studying theology for two years he turned to the practice of law. After serving in the Continental Army, he began to organize the Democratic Party in New York. He ran for Vice President in 1800, though at the time electors did not cast separate votes for President and Vice President. When Burr and Thomas Jefferson received an equal number of electoral votes, fellow New Yorker Alexander Hamilton lent his support to Jefferson. Jefferson won the presidency and Burr became Vice President. To minimize the danger of another deadlock, Congress passed the Twelfth Amendment to the Constitution in 1803; the states ratified the amendment in 1804. This amendment required each elector to cast one vote for President and one vote for Vice President.

Burr’s animosity for Hamilton grew when, in 1804, Burr ran for governor of New York and lost. Burr blamed his loss on Hamilton’s political maneuvering. In July of 1804 he
challenged Hamilton to a duel. Burr’s shot mortally wounded his rival. Burr was charged with murder but was never brought to trial.

After the duel Burr went south to New Orleans. At the time, the Spanish were conspiring for control of the Mississippi valley. Burr allegedly made plans with James Wilkinson, the governor of the Louisiana Territory, to support a rebellion. He was arrested and charged with treason – he was accused of attempting to establish an independent republic in the Southwest. John Marshall presided over his Virginia trial. Burr was acquitted in the first application of the Constitution’s provisions for the crime of treason.

**Matthew Lyon (1749-1822)**

Matthew Lyon was born in Ireland and came to Connecticut when he was fifteen. He fought in the Revolutionary War, founded the town of New Haven, and helped write the Vermont state constitution. He served in the state legislature and later in the U.S. House of Representatives.

Throughout the 1790s he worked as a writer and printer, publishing pamphlets and a weekly newspaper, the *Fair Haven Gazette*. Lyon was particularly critical of the Federalists in Congress, President John Adams, and the Alien and Seditions Acts, which Lyon believed violated freedom of speech and press protected by the First Amendment. In his newspaper, he published letters from people criticizing President John Adams, and he himself wrote that President Adams was “foolish” and “selfish” and “in a continual grasp for power” for signing this law. Lyon became the first person charged under the Alien and Sedition Acts.

At his trial, Lyon argued that the law as unconstitutional. The court disagreed and Lyon was fined and sentenced to four months in jail. While serving his sentence, he was reelected to Congress in a landslide. Public opinion turned against John Adams and the Congress responsible for the Alien and Sedition Acts. Many were turned out of office, and the new Congress allowed the Alien and Sedition Acts to expire in 1801.

**John Marshall (1755-1835)**

John Marshall was the fourth Chief Justice of the Supreme Court, serving from 1801 until his death. Born in Virginia, he served in the Virginia legislature and at the Virginia Ratifying Convention where fought for ratification of the Constitution with James Madison. He also served in the US House of Representatives. Marshall was appointed to the Supreme Court by President John Adams.

Marshall’s most important decision was *Marbury v. Madison* (1803) which established the doctrine of judicial review. He also decided *Dartmouth College v. Woodward* (1819), which clarified the Contracts Clause; *McCullough v. Maryland* (1819), which examined implied powers of Congress under Article I, section 8 and affirmed the supremacy of the Constitution over state law; and *Gibbons v. Ogden* (1824) which affirmed that Congress had control of interstate waterways under the Commerce Clause. He also presided over the treason trial of Aaron Burr.
Marshall’s interpretations of the Constitution, including his understanding of federalism, proved definitive and laid the groundwork for much of current constitutional theory and a strong national government.

James Monroe (1758-1831)

Born in Virginia in 1758, Monroe was the 5th President of the United States. He attended the College of William and Mary, fought in the Continental Army, was a lawyer, and a politician. Monroe joined the Anti-Federalists in Virginia and opposed ratification of the new U.S. Constitution. He was an advocate of Jefferson’s policies and was elected a U.S. Senator from Virginia. Monroe helped negotiate the Louisiana Purchase. During the War of 1812 he served as Secretary of War and Secretary of State under President Madison. His presidency was called the “Era of Good Feelings.” He is known for the Monroe Doctrine in 1823 which provided that the Western Hemisphere should be free from future European colonization and that the U.S. should be neutral in European wars. This was the basis of American foreign policy for many years.

Alexis de Tocqueville (1805-1859)

Alexis de Tocqueville was a French historian and political scientist. As French foreign minister, he traveled to the United States in 1831. It was the experiences during this visit that led him to write his most famous work, *Democracy in America*. In this book, he details his observations of society and culture in the United States. He predicted that democratic institutions like those of the United States would eventually replace the aristocratic governments in Europe.

Tocqueville criticized individualism and believed that associations among people would lead to the greatest happiness for society. He emphasized responsibilities of citizenship and the value of compromise. Further, he analyzed the American attempt to foster equality among citizens through the promotion of liberty, while contrasting that approach to more socialistic systems that attempt to foster equality through government control.

Age of Jackson

John Quincy Adams (1767-1848)

John Quincy Adams was the sixth President of the United States and the first President whose father was also President. A Harvard graduate, Adams was fluent in several languages. At 26, Adams was appointed Minister to the Netherlands and Russia. As a diplomat he helped negotiate the Adams-Onis Treaty of 1819. As a result the U.S. bought Florida from Spain. Prior to his presidency, he served as a U.S. Senator and U.S. Secretary of State, and helped formulate the Monroe Doctrine of 1823. In the 1824
election, he ran against Andrew Jackson who claimed that Adams’ victory represented a “corrupt bargain.” He ran for reelection in the 1828 but lost to Jackson. He is the only President to be elected to the U.S. House of Representatives after his presidency. In 1841, he served as counsel to the slaves on board the Amistad and argued their case before of the U.S. Supreme Court, where he defended their right to be free.

Andrew Jackson (1767-1845)

Andrew Jackson was born on the border between North and South Carolina but always considered himself to be a South Carolinian. His success as a self-taught lawyer allowed him to build a home in Tennessee and buy slaves. He was that state’s first Congressman and also served in the Senate. Jackson was a general in the War of 1812, and he befriended Sam Houston. His defeat of the British at New Orleans made him a national hero.

General Jackson also oversaw the military removal of many Indian Tribes in Georgia, Alabama, and Spanish Florida, and negotiated several treaties securing Indian land for the US. He was elected President in 1828 and two years later proposed the Indian Removal Act. As a result of the legislation, 46,000 American Indians were removed from their homes. Many died on the Trail of Tears heading west, and 25 million acres of land were opened to settlement by the US.

Jackson saw himself as a populist—having been elected with a greater portion of the popular vote than any previous candidate—and proposed eliminating the Electoral College in his first address to Congress. Jackson frequently exercised his veto power over Congress’ legislation, which resulted in a split within Jackson’s political party. Those who opposed his policies included John C. Calhoun, Daniel Webster and Henry Clay, who ran against him for president in 1832. Jackson was reelected in 1832 with five times more electoral votes than Clay.

Westward Expansion

John James Audubon (1785-1851)

John James Audubon was a member of the Hudson River School art movement. He was a naturalist specializing in painting the birds of America. As a young man, he travelled down the Ohio River to western Kentucky and set up a dry goods store. He was somewhat successful in business until hard times hit, and he was jailed for bankruptcy. He decided to continue his hobby of drawing birds as he floated down the Mississippi River. Through his observation of birds and nature, he became a conservationist. He illustrated a collection of 435 life size prints of America birds. Today the Audubon Society, founded by George Bird Grinnell, continues John James Audubon’s spirit of protecting birds and their habitats. John James Audubon’s illustrations and life story help to describe the spirit of young America.
Sam Houston (1793-1863)

Sam Houston was born in Virginia and moved to Tennessee in his teens. His courageous service in the War of 1812 caught the attention of General Andrew Jackson, and the two men became friends. After the war he studied law and was admitted to the bar in 1818. He represented Tennessee in the House of Representatives from 1823-28 and later became governor of that state. He resigned the office in 1829 and lived among the Cherokee Indians for a time, even being made a member of the Cherokee Nation. He assisted the tribe with the relocations required by the Indian Removal Act. On various trips, he met Alexis de Tocqueville who is believed to have used Houston in composite examples of Americans.

Houston soon moved to Texas, supporting its independence from Mexico. As Commander-in-Chief, he led the Texas Army in the defeat of Mexican General Santa Ana, and served as the first President of the Republic of Texas. The state joined the Union in 1845, and Houston served three terms in the US Senate. There, he often clashed with John C. Calhoun. He expressed support for the Union and favored the Compromise of 1850. He opposed the Kansas-Nebraska Act because he believed it would contribute to increased sectionalism and lead to war. Though Houston owned slaves and opposed abolition, his desire to preserve the Union prevailed.

Houston left the Senate and was elected governor of Texas in 1859. When President Abraham Lincoln was elected, Texas seceded from the Union. In what many saw as a sign of integrity, Houston refused to take an oath of allegiance to the Confederacy, and was removed as governor. He died two years later.

Reform Movements

Susan B. Anthony (1820-1906)

Susan B. Anthony was born in Massachusetts, the daughter of Quaker abolitionists. At her first women’s rights convention in 1852, she declared that voting was “the right which woman needed above every other.” In 1869 Anthony, Elizabeth Cady Stanton, Lucretia Mott and Lucy Stone founded the National Woman Suffrage Association (NWSA). This organization condemned the Fourteenth and Fifteenth Amendments as injustices to women because they failed to clearly protect women’s rights. She and Stanton also published a weekly newspaper, The Revolution.

In 1872, Anthony decided to test the meaning of the Fourteenth Amendment by casting a vote. She argued that because the amendment protected the “privileges and immunities” of all citizens, that it should protect her right to vote. She was arrested, imprisoned, tried, and found guilty of voting. Anthony’s trial gave her a chance to bring her message to a larger audience.
In the 1880s, NWSA merged with another suffrage organization to form the National American Woman Suffrage Association (NAWSA). Stanton became its first president. In 1892, Anthony became its second president – a post she held for eight years. Anthony died in 1906, thirteen years before the Nineteenth Amendment would secure women’s right to vote. The fight for women’s suffrage was continued by others including Alice Paul and Carrie Chapman Catt.

**Frederick Douglass (1817-1895)**

Frederick Douglass was born a slave in Maryland, in 1817 or 1818. He loved to read and memorized classical speeches. In 1838, he escaped from slavery. He settled in Massachusetts where he attended abolitionist meetings. He soon began a three-year lecture series. He traveled throughout America and Europe giving speeches, exercising his rights to freedom of speech and assembly.

Douglass also exercised his right to freedom of the press, publishing his thoughts in a weekly abolitionist newspaper, *The North Star*. His most important work was his autobiography, *Narrative of the Life of Frederick Douglass, an American Slave*. It was incredibly popular and opened many peoples’ eyes to the horrors of slavery. He spoke to President Abraham Lincoln about soldier conditions during the Civil War, and advocated passage of the Thirteenth Amendment, which banned slavery throughout the United States.

Douglass also spoke and wrote in favor of an amendment to the Constitution securing voting rights and other liberties for former slaves. This call was eventually heeded with the passage of the Fifteenth Amendment. Douglass continued to persevere in his work for equal rights for former slaves and for women until his death.

**Angelina Grimke (1805 – 1879)**

Angelina Grimke was born in South Carolina. She and her sister, Sarah Grimke, were Quakers and abolitionists. Grimke published an anti-slavery letter called “An Appeal to the Christian Women of the South,” in William Lloyd Garrison’s newspaper *The Liberator*. In it, she urged women to convince the men in their lives that slavery was a “crime against God and man…If you believe slavery is sinful, set them at liberty.” Aware of the importance of freedom of speech and press, she wrote, “It is through the tongue, the pen, and the press, that truth is principally propagated…” She also encouraged women to circulate and sign petitions urging an end to slavery.

Threats from South Carolina slave owners prompted Grimke and her sister to move to New York. There, the Grimke sisters became the first women to lecture on behalf the Anti-Slavery Society. Religious leaders who disapproved of public speaking by women condemned them. During the Civil War, Grimke spoke out in support of President Abraham Lincoln. She celebrated the passage of the Thirteenth Amendment. Years later, she tested the Fourteenth Amendment by attempting to cast a vote.
In later life, Grimke spoke out for women’s suffrage and the Biblical equality of men and women. She and her sister opened a private school, to which Elizabeth Cady Stanton sent her children.

**Elizabeth Cady Stanton (1815-1902)**

Elizabeth Cady Stanton fought for the ideals of the Declaration of Independence—that all people are created equal. Stanton was born in New York State in 1815. She received a formal education, unlike most women of her time. She did well in school, impressing her teachers and classmates with her intelligence. But as a woman, she could not attend the college of her choice. Stanton was disturbed by women’s lower legal status. She helped organize the first women’s rights convention in the U.S. in Seneca Falls, New York.

At that convention, the Declaration of Sentiments and Resolutions was read. This document, based on the Declaration of Independence and written by Stanton, declared the legal equality of men and women, and listed the legal rights women should have, including the right of suffrage (voting). Her work helped launch the women’s movement which eventually won women the right to vote. Stanton knew she was fighting for something bigger than herself. She did not live to see the passage of the Nineteenth Amendment. When Elizabeth Cady Stanton died, Susan B. Anthony wrote “Mrs. Stanton was always a courageous woman, a leader of thought and new movements.”

**Harriet Beecher Stowe (1811-1896)**

Harriet Beecher Stowe used the power of her pen to open the eyes of a nation to the injustices of slavery. She was born in Connecticut in 1811. Her world was immersed in Protestant and abolitionist traditions: her father was a minister, her brother was a theologian, her husband was a clergyman. When Congress passed the Fugitive Slave Act in 1850, Stowe knew she had to act. At the time, women had few ways to engage in politics. She could not run for office, or even vote, but she was undeterred.

She took initiative and found a political voice in her writings. She began to do research by interviewing former slaves and others who had personal experience with slavery. Her first novel, *Uncle Tom’s Cabin*, told of the abuse suffered by enslaved people and families in emotional, human terms. *Uncle Tom’s Cabin* sold 10,000 copies in its first week, and was a bestseller in its time. She reached peoples’ hearts and minds in a way that politicians had not been able to do. Historians believe the publication of *Uncle Tom’s Cabin* sped up the outbreak of the Civil War, as more and more people believed the nation had a duty to end slavery. The Thirteenth Amendment was ratified in 1865, ending slavery in the United States forever. Harriet Beecher Stowe’s writing truly changed a nation’s view of justice.
Henry David Thoreau (1817-1862)

As a writer, friend, and citizen, Henry David Thoreau always tried to live a life of integrity and moderation. Born in 1817, Thoreau lived in a small bare cabin near Walden Pond in his home state of Massachusetts. In stark contrast to the Industrial Revolution going on around him, he wanted to live by Transcendentalist principles such as simplicity and economy.

Thoreau opposed the United States' war with Mexico because he believed that the war would lead to slavery's expansion in the West. He did not want his tax money to support the war or slavery. Thoreau refused to pay the poll taxes required by Massachusetts. As a result, Thoreau was arrested in 1856. He spent the night in jail, an experience which affected him deeply. "Under a government which imprisons any unjustly, the true place for a just man is in prison," he argued. (A family member paid the tax the next day and he was released.)

He believed he had acted responsibly as a citizen by refusing to support what he believed was an unjust war. Exercising his First Amendment freedom of the press, he articulated his philosophy in an essay called Civil Disobedience. Henry David Thoreau's words and actions have inspired generations of Americans including Martin Luther King, Jr. Thoreau was not without his critics, who argue that his ideas on civil disobedience threaten the rule of law. The way to respond to unjust laws is to work to change them, they argue, rather than to disobey them.

Sectionalism

John C. Calhoun (1782-1850)

John C. Calhoun was born in South Carolina and after attending Yale University, began to practice law. He was elected to the state legislature and later to the US House of Representatives. He served as Vice President under President John Quincy Adams and again under President Andrew Jackson. In 1832 he resigned that office and was elected to the US Senate.

Calhoun favored slavery and its expansion. In an 1837 Senate speech, Calhoun defended slavery as a beneficial institution. Slaves, he argued, fared better under the care of a master than poor workers did in the industrial North. Further, he expressed a view of the Union similar to the one his predecessor, Charles Hayne, had expressed in the Webster-Hayne debate. He believed that the Union was a compact between sovereign states, and that states, not the Supreme Court, could declare acts of Congress unconstitutional. He believed states should nullify federal attempts to limit slavery.

Three weeks before his death, he spoke against many of the provisions of the Compromise of 1850, which limited slavery’s westward expansion. He favored the Fugitive Slave Act. His final, 42-page speech asserted that North and South were now two separate nations that should separate peacefully.
Henry Clay (1777-1852)

Henry Clay was born in Virginia, studied law, and began to practice law in Kentucky. He served in the Kentucky state legislature and was elected to the US House of Representatives five times, each time serving as Speaker of the House. He and John C. Calhoun worked together to pass the Tariff of 1816 to help both North and South recover after the War of 1812.

Clay became known as the Great Compromiser. Clay was a slave owner, but favored emancipation and the return of slaves to Africa. In 1820, the question of slavery in the Missouri Territory caused a rift in Congress. Clay brokered the Missouri Compromise, maintaining the balance between slave states and free states in the Senate. He ran for president in 1824, but the election produced no winner and was decided in the House of Representatives. Clay gave his support to John Quincy Adams, who, upon election, appointed Clay Secretary of State. This arrangement was dubbed a “corrupt bargain” by Andrew Jackson and his supporters.

Clay would run for President and lose a total of five times. He helped create the Whig Party, which opposed the new Democratic Party under the leadership of Andrew Jackson. Clay was elected to the US Senate in 1831. Later in his career, he helped establish the Compromise of 1850.

Stephen Douglas (1813-1861)

Stephen Douglas was born in Vermont and moved to Illinois when he was 20. In the 1830s and 1840s he served in various Illinois offices and emerged as a leader of the Democratic Party. He represented Illinois in the US House of Representatives from 1843-1847 and in the US Senate from 1847 until he died in 1861.

In Congress, he favored westward expansion, “Manifest Destiny,” and the Compromise of 1850. He believed that states should enter the Union slave or free, based on how their voting population indicated, a doctrine known as “popular sovereignty.” To that end, he proposed the Kansas-Nebraska Act in 1854.

In 1858, he ran for reelection to the Senate against Abraham Lincoln. During the campaign the two candidates squared off in a series of debates, which became known as the Lincoln-Douglas debates. Lincoln lost the Senate race but his performance helped boost his national support for the presidency. When Lincoln was elected President in 1860, Douglas condemned secession and, on Lincoln’s request, traveled the country speaking out in favor of preserving the Union. He died two months after shots were fired on Fort Sumter.
**Daniel Webster (1782-1852)**

Daniel Webster was born in New Hampshire and first became an acclaimed public speaker while attending Dartmouth College. He began to practice law and later argued on behalf of Dartmouth in the Supreme Court case *Dartmouth College v. Woodward* (1818).

Webster represented New Hampshire in the US House of Representatives from 1812 to 1816. He subsequently moved to Massachusetts and in 1827 was elected to the Senate. There he defended the view that states could not nullify federal laws. He famously uttered the words, “liberty and Union, now and forever, one and inseparable” in the Hayne-Webster Debate on the compact theory of the Union. His views were shared by Henry Clay and opposed by John C. Calhoun. He supported the Compromise of 1850 and, as Secretary of State, helped enforce the Fugitive Slave Act.

**Civil War/Reconstruction**

**Philip Bazaar (unknown)**

Philip Bazaar was a Chilean immigrant and a resident of Massachusetts. He was a member of the U.S. Navy during the Civil War. As a seaman on the *USS Santiago de Cuba*, he participated in the assault on Fort Fisher, a Confederate fort. He and five other seamen, carried dispatches during the battle. He was awarded the Congressional Medal of Honor in 1865 for his bravery.

**William Carney (1840-1908)**

William Carney was born a slave in Virginia. His father escaped from slavery with the help of the Underground Railroad and earned enough money to buy his family’s freedom. William Carney enlisted in the all African American 54th Massachusetts regiment during the Civil War, which was led by Colonel Robert Gould Shaw. William Carney was quoted in *The Liberator* as saying “Previous to the formation of colored troops, I had a strong inclination to prepare myself for the ministry; but when the country called for all persons, I could best serve my God by serving my country and my oppressed brothers.” He fought bravely at the Battle of Fort Wagner outside Charleston, South Carolina and earned a promotion to sergeant. He was shot four times and survived. He is the first African American to receive the Congressional Medal of Honor.

**Jefferson Davis (1808-1889)**

Jefferson Davis was born in Kentucky, and his family soon moved to Mississippi. His father had been an officer in the Revolutionary War. Davis attended the Military Academy at West Point, served in the Black Hawk War, and later returned to Mississippi to become a cotton planter. He allowed his slaves to grow and sell their own food, and is considered to have treated them well compared to other slave owners.
A supporter of slavery and a strong advocate of the rights of states against federal interference, he represented Mississippi in the US Senate and House of Representatives. He supported the Fugitive Slave Act and proposed extending the line set by the Missouri Compromise to the Pacific Ocean. He also called for a reinstitution of the slave trade. As tensions grew and talk of southern secession grew, Davis gave speeches arguing against secession and appeared to oppose the idea. However, upon President Abraham Lincoln’s election, he yielded to the wishes of the citizens of Mississippi and announced the state’s secession in 1861. He described leaving the Union as “necessary.” Davis was soon after elected president of what was called the Confederate States of America.

Davis assigned Robert E. Lee to command the Army of Northern Virginia, and later appointed Lee Commanding General. After the Civil War, Davis was indicted for treason. While imprisoned, he sold his estate to one of his former slaves. The treason case against him was dropped after several years. He was later re-elected to the US Senate, but was unable to take office under the Fourteenth Amendment.

**Ulysses S. Grant (1822-1885)**

Ulysses S. Grant was born in 1822. Grant was educated at West Point Academy where he graduated in the middle of his class. He fought in the U.S.-Mexican War where he served under General Zachary Taylor. President Lincoln appointed him General of the Union Army during the Civil War, and he won the first major Union victories of the war. On April 9, 1865, at Appomattox Court House, General Robert E. Lee surrendered to Grant. Grant wrote out the terms of surrender in such a way as to prevent treason trials. He became the 18th President of the United States in 1868. As President, he presided over the government similar to the way he ran the Army. He brought part of his Army staff to the White House, and his presidency was plagued by corruption.

**Thomas “Stonewall” Jackson (1824-1863)**

Thomas “Stonewall” Jackson was one of the most famous figures in American Civil War history. He was a strong-willed, naturally gifted military leader. He graduated from West Point, served in the U.S. Army, fought in the U.S.-Mexican War, and was a Confederate general in the Civil War. Perhaps best known for his courageous ability to face an opposing army like a "stone wall" without backing down, Jackson was a veteran of many Civil War battles and skirmishes. He was revered by the Confederate armies of the South, not only for his years of dedicated military service but also for his repeated displays of bravery and valor. Jackson died in May, 1863 as a result of complications from wounds received at Chancellorsville and pneumonia. When Stonewall died, Robert E. Lee said, “I have lost my right arm.” Stonewall Jackson was buried at Lexington, Virginia.
Robert E. Lee (1807-1870)

Robert E. Lee was born in Virginia and attended the Military Academy at West Point, later becoming the institution’s Superintendent. He spent his life serving in the military. He served in the U.S.-Mexican War and on the Texas frontier. He was called back to Virginia in 1859 where he remained until the Civil War.

Lee was personally devoted to the Constitution and privately denounced secession. However, when Virginia seceded, he turned down an offer to command the Union Army and instead took command of Virginia’s forces on behalf of the Confederacy. He was later made a General and then General-In-Chief by Jefferson Davis in January 1865. By that April, however, it was clear the South would be defeated. Lee surrendered on April 9, 1865 rather than lose the lives of any more soldiers.

After the war, Lee supported President Andrew Johnson’s plans for a speedy rebuilding of the Southern states. He spoke out against equal rights for former slaves, saying it would “excite unfriendly feelings between the two races.” He supported the Anti-Reconstruction candidate against Ulysses S. Grant in the presidential election of 1868.

Abraham Lincoln (1809-1865)

Abraham Lincoln taught himself the law by reading Blackstone’s Commentaries on the Laws of England. He served in the Illinois House of Representatives and in 1846 was elected to US Congress. He served one term in the US House of Representatives before returning to his law practice.

Lincoln’s concerns about the Kansas-Nebraska Act lured him back into politics. Lincoln challenged its sponsor, Stephen Douglas, in the 1858 race for the Senate. Lincoln lost the election but his performance in debates with Douglas gained him national attention. In 1860 he was elected President of the United States. Upon his election, seven southern states seceded from the Union, and others followed suit. In his First Inaugural Address, he argued that secession was not proper under the Constitution. He cited the Articles of Confederation as creating a “perpetual Union,” furthered by the Preamble’s goal of a “more perfect Union.”

After the fighting began, Lincoln called for the suspension of writs of habeas corpus. This meant rebel fighters could be arrested and held without trial. The case of ex parte Milligan addressed the constitutionality of the suspension of habeas corpus.

As the war continued, Lincoln consulted with Frederick Douglass about conditions faced by Army soldiers. He issued the Emancipation Proclamation in 1863 announcing that slaves in rebelling states were free and that the Union Army would enforce their freedom. Later that year Lincoln delivered the Gettysburg Address, invoking the spirit of the Declaration of Independence and its promise of equality. At his Second Inaugural Address in March of 1865, the war was coming to an end. Lincoln urged his countrymen to “bind up the nation’s wounds” and called the war God’s punishment to a country that tolerated the evil of slavery. When the Confederate capital of Richmond was captured, Lincoln made the symbolic gesture of sitting at Jefferson Davis’ desk.
Five days after General Robert E. Lee’s surrender in April of 1865, Lincoln was assassinated. His Vice President Andrew Johnson assumed the presidency. Later that year, the Thirteenth Amendment was ratified, abolishing slavery throughout the nation.

**Hiram Rhodes Revels (1827-1901)**

Hiram Rhodes Revels was born a free man in 1827. An ordained minister for the African Methodist Episcopal Church, he spent the years of the Civil War recruiting African Americans to fight as well as serving as a chaplain to their regiments. After the war, he moved to Mississippi where he continued to serve as a minister as well as establishing schools for the freed slaves. In 1868 he became involved in politics and served in the Mississippi State Senate where he made a name for himself. At that time the state legislatures selected the U.S. Senators, so in 1870, he was selected as the first African American to serve in the U.S. Congress as a Senator. While in the Senate he actively supported amnesty for former Confederates.

**Harriet Tubman (1822-1913)**

Harriet Tubman, an enslaved field hand who could not read, escaped to freedom in 1849. Thirty years of poverty and abuse had left her small body battered and scarred, but her spirit was unstoppable. “There was one of two things I had a right to—liberty or death. If I could not have one, I would have the other,” she later said.

Not content with securing her own freedom, Tubman then turned to helping others escape. Although she faced death or re-enslavement if caught, Tubman became a “conductor” on the Underground Railroad in the 1850s. At first, she returned south to rescue her family. Over time, she saved hundreds of slaves. She was clever and gifted at avoiding capture, so successful that she was nicknamed “Moses.” Nineteen times, she made the dangerous 650-mile journey from Maryland to Canada. She was never caught, and “never lost a passenger.” During the Civil War, she became a scout, spy, nurse, and cook. She recruited freedmen to the Union cause, and helped lead raids that freed hundreds more slaves.

With unequaled courage, Tubman pursued liberty for every American, and in doing so became a legend. The Thirteenth Amendment, ratified in 1865, ended slavery forever in the United States.
Colonization

Mayflower Compact, 1620

In 1620, Pilgrims seeking religious freedom travelled from England to the New World aboard the *Mayflower*. They landed off the coast of Cape Cod well outside the limits of the Virginia Company Charter. As a result, before they left the ship, the men drafted and signed an agreement called the Mayflower Compact. This document was an agreement among the men to create a government. The Mayflower Compact helped establish the idea that the people create government based on consent of the governed. As a result, the Mayflower Compact served as a precedent to the creation of the government for the United States.

Fundamental Orders of Connecticut, 1639

The Fundamental Orders of Connecticut was adopted in 1639 and was the first written constitution in North America. Thomas Hooker was the author of the Fundamental Orders of Connecticut. This document created a “General Court” that had legislative, executive, and judicial authority. It helped to advance the idea of representative government. It provided that all freemen elect their representatives, and it put some limits on government’s power. Consequently, it set the example of a written constitution as the basis for government.

Navigation Acts of the 1650’s

In the 1650’s, the American colonies were forced to trade with England by a series of acts passed by Parliament known as the Navigation Acts. According to these laws, American colonies were required to trade mainly with Great Britain, buying Britain’s manufactured goods in exchange for the colonists selling them their raw materials. For example, the colonists sold the British lumber and the British sold the colonists furniture made from that lumber. Manufactured goods were more expensive than raw products. As a result, this mercantile trade policy allowed Great Britain to increase its wealth. These acts were not heavily enforced (salutary neglect) by the British until they needed money to pay for the French and Indian War. When they attempted to enforce these acts, colonial unrest increased.

Albany Plan of Union of 1754

Benjamin Franklin proposed the Albany Plan of Union in 1754. It was the first formal proposal to unite the colonies during the early months of the French and Indian War. The Albany Plan called for each of the colonies to send representatives to a Grand Council in
Albany, New York. This council would be able to collect taxes, raise armies, make treaties, and start new settlements. It was not viewed as a desire on the part of the colonies to seek independence from England. However, the Articles of Confederation, the plan of government adopted by the colonies after winning independence was similar to Franklin’s plan. Seven colonies attended the Albany Congress and adopted the plan in 1754. However, the Albany Plan was never adopted by the remaining colonial governments who feared it would limit their own authority.

**Join or Die Cartoon (1754)**

The “Join or Die” cartoon was the first political cartoon to appear in any newspaper in the colonies. It was published in Benjamin Franklin’s newspaper *The Pennsylvania Gazette*, and urged the colonists to unite and assist the British during the French and Indian War. The cartoon was a picture of a snake cut into two and based on the superstition that the snake would come to life if the pieces were joined together. The cartoon encouraged the colonies to unite with the message, “Join or Die.” It is one of the earliest examples of a call for colonial unity.

**Treaty of Paris of 1763**

The Treaty of Paris ending the French and Indian War was signed in 1763. The treaty gave land previously held by the French in North America to the British. This included Canada and their land east of the Mississippi excluding Florida which was controlled by Spain. To reward Spain for its help in the French and Indian War, France gave Spain New Orleans and all land west of the Mississippi River. The treaty effectively ended French colonial power in North America.

**Revolution/Declaration of Independence**

**Proclamation of 1763**

Following the French and Indian War, the King of England issued the Proclamation of 1763 to keep the colonists from going west of the Appalachian Mountains into the Ohio River Valley. It was issued to keep the peace between the Native Americans and the settlers. This act angered the colonists because they believed that they had the right to settle in the Ohio River Valley. The Proclamation was enforced by British troops, many of whom were quartered in colonists’ homes which increased tension between England and the colonists.

**Stamp Act of 1765**

The British Parliament passed the Stamp Act in 1765 to help pay England’s debts for the French and Indian War. The act required all legal and commercial documents to carry an official stamp, showing that the tax had been paid. Documents such as diplomas,
wills, contracts, newspapers, playing cards, and calendars had to have the stamp. The American colonists felt they were being unfairly taxed without their consent (“no taxation without representation”). Thus, they met at the Stamp Act Congress and organized a boycott until the law was repealed.

**Coercive Acts (Intolerable Acts) of 1774**

After the Boston Tea Party, Britain was angered by the colonists’ actions, and Parliament passed the Coercive Acts in 1774. These were a series of laws to punish the colonies. The colonists called them the Intolerable Acts because they believed that the laws were too severe. One of the acts closed the port of Boston until the colonists paid for the destroyed tea. Another banned democratic town meetings. The Intolerable Acts also allowed the British to quarter (house) troops in colonists’ homes and let colonists accused of crimes in the colonies stand trial in Britain. In response to the acts, the colonies came together in September 1774, at the First Continental Congress in Philadelphia to mobilize a united resistance to the Crown and these policies.

**Common Sense, 1776**

In January 1776, Thomas Paine published a pamphlet titled *Common Sense*. This pamphlet contained a strong attack on the idea of monarchy and argued that it was only “common sense” for the thirteen colonies to separate from Great Britain. Within six months, 500,000 copies had been sold and read by one million people. Paine’s pamphlet convinced many colonists that the time for total independence from Great Britain had come.

**The American Crisis, 1776**

In 1776, during the American Revolution, Paine also wrote a series of pro-revolution essays entitled *The American Crisis*. George Washington liked the first of Paine’s essays, which began with the words “These are the times that try men’s souls,” so much that he demanded it be read to colonial troops suffering at Valley Forge to strengthen their spirits and resolve to fight.

**Declaration of Independence, 1776**

After much debate and over a year of fighting, colonial delegates to the Second Continental Congress determined that a complete break from Britain was necessary. A committee made up of John Adams, Benjamin Franklin, Robert Livingston, Roger Sherman, and Thomas Jefferson was given the task of drafting the declaration. The Declaration of Independence was adopted on July 4, 1776. Using ideas from English philosopher John Locke, Thomas Jefferson (the primary author) wrote “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…” The longest part of the document included twenty-seven specific grievances against the king and Parliament. The most serious or “war crimes” were at
the end of the list. This document has served as a model for many in their attempts to overthrow an autocratic government.

**Treaty of Paris 1783**

Although the American victory at Yorktown marked the last battle of the American Revolution, it was not until the Treaty of Paris was signed on September 3, 1783 (almost 2 years later) that the Americans and the British agreed on the diplomatic terms to end the conflict. The British gave up their rights to all land between the Atlantic Ocean and the Mississippi River, except for Florida and New Orleans, and recognized the United States of America as an independent nation.

**Creation of the Constitution**

**Magna Carta, 1215**

King John of England signed this document in 1215. The Magna Carta limited the power of the king and stated that not even the king was above the law. It also guaranteed important rights to noblemen and freemen. For example, they could not have their property seized by the king or his officials; they could not be put on trial based only on an official’s word without witnesses; and they could only be punished by a jury of their peers. The Magna Carta influenced many future documents, such as the English Bill of Rights, the U.S. Constitution, and the U.S. Bill of Rights with these same principles.

**English Bill of Rights of 1689**

The English Bill of Rights was written in 1689. It stated that the power to make laws and impose taxes belonged to Parliament. It also included the right of citizens to petition the government and the right to trial by jury. It influenced the U.S. Bill of Rights which drew upon many of the same ideas. For example, both the English Bill of Rights and the U.S. Bill of Rights protect citizens against excessive bail or fines and cruel and unusual punishment.

**Articles of Confederation, 1781**

The Articles of Confederation was the document drafted in 1781 which outlined a government for the newly-formed United States of America. The government created by the Articles had no chief executive, no judiciary, no power to tax, no power to raise an army, required unanimous agreement from all thirteen colonies to change the document, and left most of the power to the states. The states were not in favor of a strong central government for fear that it would become too powerful like the British monarchy. Even though the Articles of Confederation was a weak document, Congress did manage to pass two important laws: The Land Ordinance of 1785 and the Northwest Ordinance of 1787. Due to its weaknesses, the Articles of Confederation was replaced in 1789 by the U.S. Constitution.
Land Ordinance of 1785

The Congress of the Articles of Confederation passed two laws during the early years after the American Revolution: The Land Ordinance of 1785 and the Northwest Ordinance of 1787. These laws were designed to help govern new territories and establish new states. The Land Ordinance of 1785 divided the Northwest Territory into townships and sections for settlement. The law also set aside land in each township for the support of public schools.

Northwest Ordinance of 1787

The Congress of the Articles of Confederation passed two laws during the early years after the American Revolution: The Land Ordinance of 1785 and the Northwest Ordinance of 1787. These laws were designed to help govern new territories and establish new states. The Northwest Ordinance of 1787 established these four basic principles: slavery was abolished in states carved out of the Northwest Territory, the rights of citizens were protected, fair treatment of Indians was guaranteed, and the importance of public education was emphasized. The Northwest Ordinance of 1787 set up orderly procedures for the expansion of the United States. It created a system of government for new territories and provided a way to admit new states to the Union once a territory’s population reached 60,000 free white males. New states would also be considered equal to existing states. This procedure for admitting new states was adopted in the new U.S. Constitution.

Three-Fifths Compromise, 1787

At the Constitutional Convention of 1787, northern and southern states disagreed about whether slaves should be counted as part of a state’s population when calculating taxes and determining the number of representatives a state would have in the House of Representatives. The North wanted slaves to count for taxation purposes, but not for representation, while the South wanted the opposite (to count slaves for representation, but not for taxation). Delegates compromised and decided that three-fifths (3/5th) of the slave population would be counted for both taxation and representation. In other words, for every five slaves in a state, three would be counted.

Federalist Papers, 1787-1788

As states held ratifying conventions debating whether to accept or reject the newly proposed Constitution, two groups emerged. Those in favor of the new Constitution were called “Federalists” because they favored a strong federal (or national) government, and those opposed were called “Antifederalists” because they feared that the Constitution made the new central government too powerful. Alexander Hamilton, a strong Federalist, wrote the largest number of the 85 essays explaining and defending the Constitution. He quickly enlisted the help of James Madison who had taken extensive notes during the Constitutional Convention and who wrote the second largest number of the essays. John Jay wrote five essays as well. The 85 essays were published anonymously under the
pseudonym “Publius” in the New York newspapers in 1787-1788. Today, these essays are considered the best insight into the Founders’ logic and purpose behind the Constitution.

Anti-Federalist Essays, 1787-1788

As states held ratifying conventions debating whether to accept or reject the newly proposed Constitution, two groups emerged. Those in favor of the new Constitution were called “Federalists” because they favored a strong federal (or national) government, and those opposed were called “Anti-Federalists” because they feared that the Constitution made the new central government too powerful. In 1787-1788 Anti-Federalists published essays in newspapers speaking out against ratification of the Constitution. Patrick Henry, a strong Anti-Federalist, spoke out publicly in his speech to the Virginia Convention, saying “…Your President may become king…” Anti-Federalists like George Mason and Mercy Otis Warren argued that the new Constitution had no Bill of Rights and that a Bill of Rights was necessary to protect citizens’ rights.

Bill of Rights, 1791

After ratification of the Constitution, the first U.S. Congress met in 1789 and James Madison, a Representative from Virginia, immediately began drafting the first amendments (changes) to the Constitution. Congress proposed twelve amendments which Madison had written and introduced. These twelve proposed amendments then had to be ratified by the legislatures of three-fourths of the states. Ten were ratified by the required number of states in 1791, and they became known as the Bill of Rights. The Bill of Rights protects some of our most important freedoms, such as religion, speech, trial by jury, and due process.

Early Republic

Hamilton’s Tariff of 1789

The Tariff of 1789 placed a tariff of between 5 and 10 percent on certain imported goods (depending on the value of the item) with the goal of raising revenue (income) for the new government of the U.S. while also providing some protection for new American industries. This is the beginning of the tariff policy for the U.S. The income from tariffs would be the leading source of revenue for the U.S. government until the income tax was passed in the early 20th century. The amount of the tariff and the imported goods that were subject to the tariff changed as the economy of the U.S. dictated. When it became necessary to protect American industries from foreign competition, Congress often would raise the tariff. Tariffs later became a source of conflict between the North and South since the Southerners who relied on agriculture felt the Northerners who were more industrialized were benefitting because the Southerner often paid the tariff for imported goods they needed.
The Judiciary Act of 1789

This act by Congress created the lower court system of the judicial branch of the government as authorized by Article III of the Constitution. It created the courts below the Supreme Court which was the only court authorized in the Constitution. The act also set the number of the members of the Supreme Court as well as clarified the appellate jurisdiction the highest court (Supreme Court) would have over cases they could hear.

Funding and Assumption Act of 1790

This act provided for full funding of the national debt and for the U.S. government to assume responsibility for the states' American Revolution unpaid war debts. This act along with the Residence Act of 1790 were part of what is known as the Compromise of 1790. At a dinner at Thomas Jefferson's house, Secretary of the Treasury Alexander Hamilton and Representative James Madison worked out the compromise. Hamilton had been unsuccessful in getting the Congress to assume and pay off the states' debts from the Revolutionary War with opposition mainly coming from the Southern states who had been more successful than the Northern states in paying off their debts. Madison agreed to support Hamilton's proposal in return for his support to build the new capital on the Potomac River in Virginia.

Residency Act of 1790

This act designated Philadelphia as the temporary capital of the U.S. for a period of ten years. At the end of the ten years, a site on the Potomac River was designated to be the permanent capital. This site became known as Washington D.C. This act was part of a compromise between Alexander Hamilton and James Madison. Hamilton agreed to the capital being built in Virginia in return for Madison's support for his plan for the new government to assume the states' revolutionary war debts.

Fugitive Slave Act of 1793

This law supported Article IV, Section 2, Clause 3 of the U.S. Constitution by creating a legal way for slave owners to recover runaway slaves in any state or territory even if that state abolished slavery. It also made it a crime to assist a runaway slave. Over the years as opposition to slavery grew in the Northern states, enforcement of the Fugitive Slave Act was lax. The Southern states then insisted in the Compromise of 1850 that governments and residents were required to capture and return fugitive slaves.

Washington’s Farewell Address, 1796

Foreign policy is the way that one country chooses to deal with other countries. George Washington had to deal with many foreign policy issues during his presidency, including increasing conflicts in Europe. He issued the Neutrality Proclamation in 1793 which made it clear that America would not take sides in the war between Britain and France. In 1796 Washington left office after two terms and issued a Farewell Address with two warnings for Americans. First, he strongly advised the country to stay out of foreign conflicts and
remain neutral. Second, he warned of the dangers of political parties and the division they would create within the country.

**Alien and Sedition Acts of 1798**

In 1798, the Federalist Congress passed several laws during John Adams’ presidency which made it more difficult for immigrants to participate in the political process and were aimed at the growing support for Jefferson’s Democratic-Republicans. The Alien Act allowed the President to deport any alien (foreigner) who was deemed to be a threat to the country and increased the waiting period for an immigrant to become a citizen from five years to fourteen years. The Sedition Act provided that a person could be fined or imprisoned for criticizing the government, Congress, or the President. Several members of the Democratic-Republican Party were convicted under this law. Jefferson and others felt the Sedition Act was a clear violation of the First Amendment. Both laws were seen by the opposition as an attempt to silence the Democratic-Republicans.

**Virginia and Kentucky Resolutions, 1798-1799**

As a result of the Alien and Sedition Acts passed by the Federalist Congress in 1798 and 1799, Jefferson and Madison wrote the Kentucky and Virginia Resolutions, criticizing the Federalists and John Adams for these policies. Thomas Jefferson and others argued that these Acts were a clear violation of the First Amendment and that states could nullify (declare invalid) a federal law they believed was unconstitutional because it violated the Constitution.

**Marbury v. Madison, 1803**

William Marbury was appointed Justice of the Peace by John Adams in his final days in office as President, but his appointment papers were not delivered before Jefferson took office. President Jefferson forbade his Secretary of State James Madison to deliver Marbury’s appointment papers. Marbury then hired a lawyer and sued Madison. Using a part of the Judiciary Act of 1789, the U.S. Supreme Court, headed by Chief Justice John Marshall, heard the case under its original jurisdiction (first and only court to hear a case) in 1803. The Court dismissed the case saying the Supreme Court did not have the original jurisdiction to hear this case. Thus the Court did not rule for or against Marbury. Of more importance, the Court struck down part of the Judiciary Act of 1789 as unconstitutional because the Court decided it was in conflict with Article III of the Constitution. This was the first time the Supreme Court overturned part of an act of Congress and claimed that it had the power of judicial review. Judicial review is the power to decide if laws are constitutional. By exerting this power, the Supreme Court established itself as a equal partner with the legislative and executive branches of the government.

**Slave Trade Prohibition Act of 1807**

As authorized by Article I, Section 9, Clause 1 of the Constitution, Congress passed the Slave Trade Prohibition outlawing the importation of more slaves after January 1, 1808. This portion of the Constitution was agreed on during the Constitutional Convention as
part of the compromises between the Northern and Southern states. This did not end slavery in the United States, nor did it prohibit the trading of slaves within the United States. It merely stopped slaves being imported from other countries.

**McCulloch v. Maryland, 1819**

In 1819, the Supreme Court ruled in favor of the federal government in the case of *McCulloch v. Maryland*. Using Alexander Hamilton’s financial plan, the U.S. Congress chartered the Second Bank of the United States in 1816. Its largest branch was located in Baltimore, Maryland. The state of Maryland did not agree that the federal government had the power under the U.S. Constitution to charter a bank. In an effort to put the bank out of business, the state passed a law placing a heavy tax on all transactions conducted at the Baltimore branch of the Bank. James McCulloch, the bank manager, refused to pay the tax and was prosecuted and convicted in a Maryland court. McCulloch then appealed to the Supreme Court. The case went to the Supreme Court to answer the questions of whether the federal government had the power to create a national bank and whether a state government had the power to tax it. The Supreme Court, led by John Marshall, ruled in favor of the federal government saying “the power to tax involves the power to destroy.” The decision strengthened the power of the federal government.

**Monroe Doctrine, 1823**

To protect trade with the newly freed Latin American countries and prevent European interference in this hemisphere, President James Monroe established an American foreign policy known as the Monroe Doctrine in 1823. It stated that the Western Hemisphere was closed to European countries and that no further European colonization would be permitted. Even though the United States could not enforce its policy militarily, Great Britain supported the U.S. policy in order to secure trade with the Latin American countries.

**Gibbons v. Ogden, 1824**

The New York Legislature granted a 20-year monopoly to Aaron Ogden to operate steamboats in New York waters, but the U.S. Congress granted a license to Thomas Gibbons to engage in the coastal trade and operate steamboats between New York and New Jersey. Ogden sued Gibbons in a New York court, and the court ruled in Ogden’s favor. Gibbons appealed the decision to the U.S. Supreme Court. In 1824, the U.S. Supreme Court, presided over by Chief Justice John Marshall, heard arguments between the two competing steamboat operators in the case of *Gibbons v. Ogden*. In its decision, the Court explained that Congress had the power under the interstate commerce clause of Article I, Section 8 to grant Gibbons a license to operate steamboats between New York and New Jersey. Since Article VI of the Constitution makes laws of the U.S. that do not conflict with the Constitution part of the supreme law of the land, New York’s action had to give way. Along with cases like *Marbury v. Madison* and *McCulloch v. Maryland*, this case further strengthened the power of the federal government.
Age of Jackson

Tariff of 1828

Over the years from the first tariff in 1789, Congress had raised the tariff not only to raise revenue for the operation of the government, but sometimes to protect the growing industries of the U.S. When the tariff was raised to assure that the foreign manufactured goods were more than the U.S. goods, it was called a protective tariff. Most of the industries were in the Northern states, while the Southern states continued to rely on agriculture. Most farmers in the South were involved in cash-crop agriculture meaning they grew one major crop such as cotton, rice, indigo, and tobacco. Once they sold their crop they used their profits to buy whatever they needed and often had to pay tariffs for imported goods. The South resented the tariff since they felt it favored the Northern interests, especially when it was protective in nature. In 1828, Congress passed the Tariff of 1828 which raised the tariff to an average of 45% on certain manufactured goods imported from other nations mainly to protect New England mills. The South reacted by threatening to declare the tariff null and void. They even went so far to threaten to secede if the U.S. government tried to enforce the tariff. Eventually a compromise was reached and the tariff was lowered over the next few years.

Indian Removal Act of 1830

Early during George Washington’s administration, our nation attempted to develop a Native American policy. His policy had been to recognize the tribes as autonomous nations and allow them to keep their tribal lands provided they began to assimilate with the American culture. However, as the nation grew, the wisdom of this policy became controversial. In 1830 President Andrew Jackson persuaded Congress to pass the Indian Removal Act. This act granted the Indians including the Chickasaw, Choctaw, Creek, Seminole, and the Cherokee unsettled land west of the Mississippi in exchange for Indian lands within existing state borders. Some believed that the only way to prevent the complete destruction of the Indian culture was to move them west. Others saw the movement west as a way for the Southerners to gain valuable land from the Indians. The results of this act included two Supreme Court cases, Cherokee Nation v. Georgia and Worcester v. Georgia and the “Trail of Tears” which occurred when Indians were forced to move west at gunpoint in the middle of winter.

Cherokee Nation v. Georgia, 1831

The U.S. Supreme Court under Chief Justice John Marshall first addressed the question of the Indian’s land in Cherokee Nation v. Georgia (1831). The Cherokees had appealed to the Supreme Court asking the federal government to step in against the laws being passed by the state of Georgia that threatened their land. The Court ruled that the Indians were not a foreign nation, but rather a domestic nation, dependent on the United States. Therefore, the Supreme Court did not have jurisdiction to rule in this case. This left the Cherokees at the mercy of the land-hungry state of Georgia. Georgia responded to this decision by passing a law requiring anyone living on Indian territory to obtain a license
from the state. This law was aimed at stopping Christian missionaries from living and helping the Indians keep their land.

**Worcester v. Georgia, 1832**

Worcester, a non-Indian missionary along with several others had settled on Cherokee land at the request of the Cherokees and with the approval of the U.S. government. The state of Georgia charged Worcester and the other missionaries with “residing within the limits of the Cherokee nation without a license.” They were convicted and sentenced to four years of hard labor. Worcester and the others then appealed to the Supreme Court. Chief Justice Marshall ruled in favor of Worcester saying that the Cherokee nation was a “distinct community with self-government” in which the laws of Georgia had no force. In response to this Supreme Court ruling, President Jackson supposedly said, “John Marshall has made his decision. Now let him enforce it.” The struggle for the land continued and eventually resulted in the Native Americans being forced to move by gunpoint in the middle of winter in what has become known as the Trail of Tears.

**Westward Expansion**

**Treaty of Guadalupe-Hidalgo, 1848**

In 1848, the United States and Mexico signed the Treaty of Guadalupe Hidalgo ending the Mexican American War. In the treaty, the Mexican government gave the United States the following: California and the province of New Mexico known as the Mexican Cession; set the Rio Grande River as the southern border of the United States; and in return the U.S. paid the Mexican government $15 million for the land. The Mexican Cession eventually was carved up into several states that included present-day Arizona, New Mexico, and parts of Utah, Nevada, and Colorado. This treaty helped the United States fulfill its Manifest Destiny goal.

**Reform Movements**

**Civil Disobedience, 1849**

Henry David Thoreau was a leading transcendentalist and was well-known for his many writings, such as the book titled *Walden*. In one of his most-famous essays, *Civil Disobedience* (1849), Thoreau describes his decision no longer to pay taxes as a form of protest against the Mexican War and the institution of slavery. Thoreau was thrown in jail as a consequence, but he continued to argue that sometimes people have to disobey a law when they feel a deep, moral objection to it. This concept of civil disobedience has influenced many generations and movements such as the Civil Rights Movement of the 1950’s and 1960’s and Martin Luther King, Jr.
Sectionalism

Missouri Compromise, 1820
In 1819 Missouri requested admission to the union of the United States as a slaveholding state. Missouri’s admission as a slave state would have upset the balance in Congress between the slaveholding states and the free states. Henry Clay introduced a compromise called the Missouri Compromise in 1820. The compromise allowed Missouri to enter the union as a slave state, but also allowed Maine to enter the union as a free state, thus keeping the balance in Congress and avoiding war between the sections. The compromise also forbade slavery in all the territory north of the 36°30’ parallel with the exception of Missouri.

Compromise of 1850
The Compromise of 1850 attempted to settle the conflict in Congress over the issue of slavery in the western territories. It admitted California to the Union as a free state and split the remaining Mexican Cession territory into Utah and New Mexico (settling a border dispute with Texas). It allowed Utah and New Mexico territories to decide the issue of slavery by popular sovereignty (voting by the people). It also banned the slave trade in Washington, D.C., and enacted a stronger Fugitive Slave Act which required all citizens to help catch and return runaway slaves. It bought some peace and time, but not all its provisions were achieved.

Uncle Tom’s Cabin, 1852
Harriet Beecher Stowe published *Uncle Tom’s Cabin* in 1852 in which she described the horrors of slavery. Although her novel was fictional, it furthered the abolitionist movement in the North and gained international attention. It highlighted slavery as a moral issue (not just an economic or states’ rights issue) and opened many people’s eyes to the harsh reality of slave-life in the South. The South was shocked and argued that *Uncle Tom’s Cabin* was anti-slavery propaganda. This novel is considered one of the most influential books in American history.

Kansas-Nebraska Act, 1854
Authored by Senator Stephen Douglas of Illinois, the Kansas-Nebraska Act of 1854 divided the land west of Missouri into two territories: Kansas and Nebraska. It allowed the residents of the two territories to decide the issue of slavery by popular sovereignty (voting by the people). Pro-slavery and anti-slavery supporters from neighboring territories (including radical abolitionist John Brown) flooded into Kansas to sway the vote, resulting in violent clashes between the two groups. This violence was known as “Bleeding Kansas.”
**Dred Scott v. Sanford, 1857**

Dred Scott was a slave who sued for his freedom after his owner took him into a territory where slavery was forbidden by the Missouri Compromise of 1820. Anti-slavery lawyers argued that he should be freed because he had lived in a free territory. When his case reached the Supreme Court in 1857, the Court, presided over by Chief Justice Roger Taney, ruled that Mr. Scott could not file a lawsuit because, as a slave, he was not considered a U.S. citizen. The Court further reasoned that people of African descent could never be citizens. According to the Court, slaves were “property,” and thus could not be taken from their owners without violating the due process of law clause of the Fifth Amendment. The Court also struck down part of Congress’ Missouri Compromise of 1820 as unconstitutional, stating that Congress could not ban slavery in the western territories. The Court’s decision in *Dred Scott v. Sanford* was later overruled by Section One of the Fourteenth Amendment added to the U.S. Constitution in 1868. Section One of the Fourteenth Amendment granted former slaves citizenship.

**Civil War and Reconstruction**

**Jefferson Davis’ Inaugural Address, 1861**

After the Southern states seceded from the Union, they formed the Confederate States of America and elected Jefferson Davis as President. In his Inaugural Address (statement to the country) in 1861, Davis argued that separation from the Union was a “necessity, not a choice.” He also referred to the U.S. Declaration of Independence of 1776 and the South’s belief that the states should reclaim their sovereignty.

**Lincoln’s First Inaugural Address, 1861**

After Abraham Lincoln was elected President, in 1861, he delivered his First Inaugural Address (statement to the country). In this speech Lincoln addressed the looming Civil War and the secession of some Southern states. He called for preservation of the Union and emphasized his commitment to that goal. In an attempt to avoid war, he also stated, "I have no purpose, directly or indirectly, to interfere with the institution of slavery in the States where it exists."

**Homestead Act, 1862**

Passed in 1862 during the Civil War, the Homestead Act allowed any person who was head of a family or was 21 years of age and a citizen of the U.S. and had not taken up arms against the U.S. to claim 160 acres of public land in the West for a small fee after residing on the land for five years. Eventually, 285 million acres of western land were claimed and settled under the Homestead Act.
Morrill Land Grant Act, 1862

Under the Morrill Land Grant Act of 1862, the U.S. government donated public land to the states for their use in establishing colleges to educate the nation’s farmers and workers in “agriculture and the mechanic arts.” The Morrill Act was very important for the development of public education in the U.S. It resulted in the establishment of more than 100 land-grant colleges and universities such as Texas A&M University.

Lincoln’s Gettysburg Address, 1863

President Abraham Lincoln delivered the Gettysburg Address on November 19, 1863, to dedicate a cemetery in Gettysburg, Pennsylvania where many were buried after dying in the Battle of Gettysburg. In his two-minute speech, Lincoln spoke to the fact that our nation was “conceived in liberty, and dedicated to the proposition that all men are created equal.” He suggested that the Civil War was a test of whether the nation and democracy would survive.

Emancipation of Proclamation, 1863

Abraham Lincoln issued the Emancipation Proclamation in 1863 after the victory by the Union forces at the Battle of Antietam. This executive order declared all slaves in rebelling states to be free. This event expanded the goals of the war from saving the Union to freeing the slaves. As a result of the Proclamation, many escaped slaves, former slaves, and freemen joined the Union army. It is also widely believed that this proclamation may have kept Britain, where slavery was illegal, from entering the war on the side of the Confederates.

Lincoln’s Second Inaugural Address, 1864

After Abraham Lincoln’s reelection as President in 1864, he delivered his Second Inaugural Address (statement to the country) in 1865. At the time of this speech, the Civil War was nearing an end, and Lincoln addressed the future of the country. Lincoln called for healing and peace, saying, “With malice toward none; with charity for all… let us strive on to finish the work we are in; to bind up the nation's wounds…”

Freedmen’s Bureau Act of 1865

As part of the Reconstruction effort, this act established the Freedmen’s Bureau in the War Department to provide assistance to former slaves and poor whites in the South and the District of Columbia following the Civil War. The Bureau was to issue food and clothing, operate hospitals, and construct temporary camps for the newly freed slaves. They attempted to settle the slaves on abandoned or confiscated land. This part of the act had varying degrees of success depending on the state. The most successful part of the act established colleges and training schools for the newly freed slaves. The best known of these institutions is Howard University founded in Washington in 1867 and still operating today.
Black Codes 1865-1866

After the Thirteenth Amendment was adopted, some southern states passed so-called “Black Codes” which were designed to keep former slaves in a subordinate position. For example, these “codes” prohibited former slaves from pursuing certain occupations. They also defined race by blood, and that the presence of any amount of “black blood” made one black. In addition, they provided that freed slaves could not assemble without the presence of a white person or be taught to read or write. Finally, the codes established that public facilities were segregated.

Civil Rights Act of 1866

In the spring of 1866 the U. S. Congress adopted the Civil Rights Act of 1866, the first of a series of laws designed to assert and protect basic legal and civil rights for former slaves. Even though the Thirteenth Amendment had abolished slavery it did nothing to assure the freedom of those slaves. That would be left up to Congressional action and the result was the Civil Rights Act of 1866. The act went on to authorize federal officials to arrest and prosecute those who were violating the rights guaranteed to all citizens. It did not extend the right to vote, hold office, or sit on juries to the former slaves. President Johnson vetoed the bill, but Congress overrode the veto by a two-thirds vote in both houses.

First Reconstruction Act of 1867

This act divided the secessionist states into five military districts. Each district was to be governed by a Union general. That general declared martial law and stationed troops in the region to keep the peace and protect the former slaves. Before any state could be readmitted to the Union, they had to redraft their Constitution to outlaw slavery, ratify the 14th Amendment, and provide suffrage (the right to vote) to former slaves that was guaranteed in the 15th Amendment.

The Enforcement Acts (Ku Klux Klan Act) of 1870-1871

Congress passed the Enforcement Acts of 1870-1871 also known as the Ku Klux Klan Acts to counter the violence against African Americans being carried out by the Klan. The Klan was present in nearly every southern state and was a means for resisting Reconstruction era policies designed to achieve equality for former slaves. The organization attempted through violent actions to intimidate not only former slaves but also whites who supported former slaves’ efforts to achieve their rights. Among other techniques which Klan members utilized were burning crosses, rallies, parades and marches, and, most seriously, lynching. In response to the violence perpetrated by the Ku Klux Klan, Congress intended to protect former slaves’ rights to vote, hold office, serve on juries, and be guaranteed the equal protection of the laws. If states did not act, these laws allowed the U. S. government to intervene. Using these laws, President Ulysses Grant sent U. S. troops to restore law and order where Klan related violence was most prevalent.
Dawes Act, 1887

The Dawes (Severalty) Act of 1887 was designed to eliminate Native American tribal life and assimilate Native Americans into white society. In the law, Congress provided for the gradual elimination of most tribal ownership of the land. The tribal land was divided up, giving 160 acres to the head of a family, 80 acres to a single adult, and 40 acres to each dependent child. Adult owners were also given U.S. citizenship. However, owners could not gain full title to their property for 25 years. Native Americans who were to be given the land had to agree to live separately from the tribe.
Colonization

The Transatlantic Slave Trade (15th to 19th centuries)
The Transatlantic slave trade involved capturing, transporting, and selling Africans as slaves to buyers in the Americas. Between the 15th and 19th centuries, slaves were taken from Africa to the Americas on what is called the Middle Passage, the middle leg of a three-part voyage. This Triangular Trade began in Europe where ships loaded with rum, cloth and guns sailed to Africa. Once in Africa, these goods were traded for African slaves. These slaves were then transported to the Americas where they were sold as labor for cultivating sugar into molasses and rum. These products were then returned to Europe. Eventually, African slaves became the dominant labor force on Southern plantations in the United States.

Founding of Jamestown (1607)
The first permanent English colony was in Jamestown, Virginia. In 1607, a group of merchants formed the Virginia Company of London and settled in Jamestown, named after King James I. Many of the settlers spent their time looking for gold and did not prepare for the winter. The first winter was very harsh and many of the settlers faced starvation and disease. This was called “The Starving Time.” Settler John Smith helped colonists survive by establishing a work ethic (“He that shall not work, shall not eat”). Thanks to John Rolfe’s cultivation of tobacco, settlers eventually discovered that Jamestown was ideal for growing tobacco because of the fertile soil. Tobacco became one of the South’s largest cash crops.

Creation of the House of Burgesses (1619)
The Virginia House of Burgesses was created in 1619 and was the first representative assembly in the American colonies. Made up of free white men who were landowners, the first meeting was held in Jamestown where the House of Burgesses was empowered to enact legislation for the colony. Like the Fundamental Orders of Connecticut, the Virginia House of Burgesses was an early attempt at self-government in the New World. Notable members of the House of Burgesses included George Washington, Thomas Jefferson, and Patrick Henry.
Establishment of Mercantilism (16th and 17th centuries)
Mercantilism was an economic theory followed by European nations in the 16th and 17th centuries which argued that nations increased their power and wealth by obtaining gold and by creating a favorable balance of trade where they exported more than they imported. England increased its wealth by establishing colonies in North America which provided raw materials to the mother country (England). In return the mother country (England) used the raw materials to make manufactured goods that were then sold to the colonies. In the 1650’s, the American colonies were forced to trade with England by the Navigation Acts. These acts were not heavily enforced (salutary neglect) until after the French and Indian War which contributed to colonial unrest when the British tried to enforce the policies to pay for the war debt.

Bacon’s Rebellion (1676)
Bacon’s Rebellion was a revolt in 1676 led by Nathaniel Bacon against colonial authority in Jamestown. Bacon and his supporters were small farmers and frontier settlers who opposed Governor William Berkeley. They were against high taxes and Governor Berkeley’s favoritism towards large plantation owners (Tidewater gentry) as well as his Indian policy. Bacon and his group marched into Jamestown, took control of the House of Burgesses, and burned much of Jamestown. After Bacon became ill and died, the rebellion ended and Governor Berkeley hanged many of Bacon’s followers. The outcome of Bacon’s Rebellion was that the King appointed a new governor, and the House of Burgesses passed laws to prevent future royal governors from assuming too much power.

First Great Awakening (1730’s)
The First Great Awakening was a revival of religious feelings and beliefs in the American colonies that began in the 1730’s. To revive peoples’ religious spirit, preachers would travel from town to town delivering sermons about God at outdoor revival meetings. The sermons from preachers such as Jonathan Edwards and others emphasized that people were equal in the eyes of God. The preachers also believed strongly in religious freedom and toleration. In 1791, the importance of religious freedom and toleration became a key idea in the First Amendment of the Bill of Rights.

French and Indian War (Seven Years’ War 1754-1763)
The French and Indian War (1754-63) was also known as the Seven Years' War in Europe. The French and some Native Americans fought together against the British and the colonists over control of parts of North America including the Ohio River Valley. While Britain eventually won, the war left Britain with a huge debt. Parliament responded by imposing new laws and taxes on the English colonies, which angered many colonists and eventually led to the American Revolution.
Revolution/Declaration of Independence

Meeting of the Stamp Act Congress (1765)

The Stamp Act Congress met in New York City in October 1765, to voice colonists’ concerns about British taxes being imposed on the colonies. Nine of the colonies sent delegates to the Congress which drew up a petition to the King protesting the Stamp Act. They argued that taxation could only be carried out by colonial assemblies, and not by the British Parliament in which the colonists had no representation (“No taxation without representation!”). This marked the first time the colonies united to discuss growing tensions between Britain and her colonies.

Boston Massacre (1770)

On March 5, 1770, a group of young colonial dock workers and British soldiers faced off outside a customs house. A British soldier had stones, ice, and coal chunks thrown at him. More British soldiers arrived. The colonial mob taunted the soldiers. A fight broke out, and the soldiers began firing. Crispus Attucks, a former slave, and four other colonists were killed. The shooting was referred to as a “massacre,” and Patriots used the incident as anti-British propaganda in newspaper articles, posters, and pamphlets. The colonists were outraged by the incident. Paul Revere’s famous “Bloody Massacre” engraving appeared in many colonial publications which stirred stronger feelings against the British.

Boston Tea Party (1773)

The Tea Act passed by Parliament in 1773 was unpopular in the colonies. It gave the English East India Company a monopoly on importing tea into the colonies. This led to many protests, including the famous Boston Tea Party. The Sons of Liberty, led by Samuel Adams, disguised themselves as Mohawk Indians and boarded three tea ships docked in the Boston Harbor. They dumped 342 chests of East India Company tea into Boston Harbor in protest of the Tea Act. They believed that by destroying the tea Britain would see how strongly the colonists disagreed with the law. The British responded by passing the Intolerable Acts which imposed strong penalties against Boston for the event and eventually led to the colonists calling the First Continental Congress to discuss the growing tensions with Great Britain.

Meeting of the First Continental Congress (1774)

In September 1774, fifty-five delegates from twelve of the colonies met in Philadelphia, Pennsylvania, to discuss rising concerns over the Intolerable Acts and the colonists’ continuing frustration over “taxation without representation.” This meeting was called the First Continental Congress. This Congress did not advocate independence. The delegates decided to boycott all trade with Great Britain if the Intolerable Acts were not repealed.
Meeting of the Second Continental Congress (1775)

Delegates from the colonies met in May 1775, after the first shots had already been fired at Lexington and Concord. This meeting was called the Second Continental Congress. The delegates adopted the Olive Branch Petition expressing their loyalty to the king, but disapproving Parliament’s actions. The Congress elected George Washington Commander of the Continental Army. A year later the Congress organized a committee to write the Declaration of Independence since the problems with Great Britain could not be resolved. Eventually, delegates adopted and signed the Declaration of Independence in 1776.

American Revolution (1775-1783)

The American Revolution (1775-1783) was a war for independence between the American colonies and Great Britain. The colonists were unhappy with Great Britain’s mercantilist policies and being taxed without representation. The colonists had become accustomed to governing themselves during their early history due to Britain’s “salutary neglect.” After the French and Indian War, the sudden increase in taxation and unwanted attention from Great Britain (such as the Proclamation of 1763, the Stamp Act, and the Intolerable Acts) surprised and angered the colonists. This war ended with the Treaty of Paris in 1783 and resulted in American independence from Great Britain.

Battles of Lexington and Concord (1775)

In April 1775, British soldiers marched out of Boston to seize a stockpile of colonial weapons and arrest members of the Sons of Liberty. Warned by Paul Revere and William Dawes that “The Redcoats are coming!” about seventy Minutemen stood in Lexington ready to face about 250 British soldiers. No one knows who fired first, but seven Americans were killed before British soldiers moved past Lexington to Concord. In Concord, they were met with more Minutemen who fought back until the British retreated. Americans regrouped and continued firing on the British throughout their twenty-mile march back to Boston. Lexington and Concord are considered the first battles of the American Revolution. American poet Ralph Waldo Emerson described this event as “the shot heard round the world” because the battles eventually led to independence for the colonies.

Battle of Saratoga (1777)

The Battle of Saratoga was a major battle of the American Revolution. British General John Burgoyne led a series of attacks, in the summer of 1777, to cut off the New England colonies from the rest of the English colonies by taking control of the Hudson River. His troops were defeated in a two-part battle at Saratoga which marked the turning point of the Revolutionary War. After the victory at Saratoga, France and Spain pledged their aid to the United States in America’s fight for independence.
Winter at Valley Forge (1777)

In the winter of 1777, during the American Revolution, Washington's army of 10,000 exhausted troops set up camp at Valley Forge, a frozen field about 25 miles outside of Philadelphia. Nearly one in four of his men died during this time due to disease, starvation, and the harsh, freezing conditions. However, Washington was also able to use the winter to train his men with military drills so that they would be ready to fight like a professional army when fighting resumed in the spring.

Battle of Yorktown (1781)

The Battle of Yorktown was the last major battle of the American Revolution. British General Charles Cornwallis marched his troops through Virginia to the coast and controlled much of the coast during the war. However, just before Cornwallis' arrival at Yorktown, a French fleet of ships defeated the Royal Navy, which left Cornwallis in trouble. Washington's troops quickly blocked Cornwallis in from the North as French troops landed to the South. Surrounded on every side, Cornwallis and his men held out for weeks but finally surrendered on October 19, 1781, effectively ending the war.

Creation of the Constitution

Shay's Rebellion (1786)

In 1786, about 700 debt-ridden farmers led by Daniel Shays took part in a violent uprising in western Massachusetts. They attacked courthouses to stop officials from foreclosing on farms. The farmers rebelled against state taxes that were difficult to pay due to the economic depression. The Massachusetts militia was called to end the mob violence. Many Americans saw Shays' Rebellion as a sign that the Articles of Confederation was not working. Fearing a future crisis, leaders called for a convention to discuss how to solve the problems with the Articles. This led to the Constitutional Convention of 1787 in Philadelphia and the creation of a stronger national government.

Meeting of the Constitutional Convention (1787)

In May 1787, fifty-five delegates from every state except Rhode Island met at the Philadelphia State House to revise the Articles of Confederation. They kept their proceedings secret so that they could freely discuss their ideas. Well-known faces, such as Benjamin Franklin and George Washington (elected president of the Convention), were present as well as young delegates such as James Madison and Alexander Hamilton. Thomas Jefferson was not present because he was serving as U.S. diplomat in France. John Adams was not present because he was serving as U.S. diplomat in England. By September, the delegates had scrapped the Articles of Confederation and created a strong federal union instead of a loose confederation of states. They signed
the Constitution on September 17, 1787, and called on the states to hold special ratifying conventions to approve or reject this new government. In 1789, the new U.S. Constitution was ratified and became law.

**Early Republic**

**The Second Great Awakening (1790’s)**

The Second Great Awakening was a religious movement beginning in the 1790’s in which people felt a renewed sense of spirituality and often attended religious revivals held by charismatic preachers. This movement stressed “free will” and salvation through good works which contributed to the reform spirit in America as people looked to improve society and help others. The Second Great Awakening was one of the factors leading to the many reform movements in the early to mid-1800’s.

**Origin of the Federalist Political Party (1790’s)**

During the debate over ratification of the new U. S. Constitution in 1788, differences began to appear among some of the nation’s political leaders. In the 1790’s, Alexander Hamilton as Secretary of the Treasury and Thomas Jefferson as Secretary of State were both members of President George Washington’s Cabinet and had very different visions of how the new government should function. These differences led to the development of the nation’s first political parties. Hamilton preferred a strong federal government and a loose interpretation of the Constitution. He believed that Congress should have the power to make laws that were “necessary and proper” to carry out its duties. Many of Hamilton’s supporters were large landowners, bankers, and businessmen in New England and the middle states. They also supported England and opposed France with regards to foreign affairs. Hamilton and his supporters became known as Federalists. John Adams was the last Federalist President and the party largely disappeared after 1800.

**Origin of the Democratic-Republican Party (1790’s)**

During the debate over ratification of the U.S. Constitution, differences began to appear among some of the nation’s political leaders. In the 1790’s, Alexander Hamilton, Secretary of the Treasury, and Thomas Jefferson, Secretary of State were both members of President Washington’s Cabinet and had different visions of how the new government should function. These differences led to the development of the nation’s first parties. Jefferson believed that the federal government’s power should be limited to protect the powers of the states. He believed in strict interpretation of the Constitution, meaning that Congress and the President were restricted to doing only what the Constitution specifically said they could do. Jefferson and James Madison, another leader of the Democratic-Republicans, were strong supporters of agriculture and farming, and much of their support was in the South. They also supported France and opposed England with
regards to foreign affairs. Jefferson, Madison, and their supporters became known as Democratic-Republicans.

**Adoption of Hamilton’s Financial Plan (1790)**

Alexander Hamilton served as the nation’s first Secretary of the Treasury under President George Washington. One of Hamilton’s biggest challenges during this time was the large national debt accumulated during the Revolution. In 1790, Hamilton called on Congress to assume (buy up) the national and state debts by issuing new bonds to investors which the U.S. government would then repay with interest. He also pushed Congress to create the Bank of the United States which was later chartered in 1791 for a period of twenty years with its main branch in Philadelphia. This bank was to serve as the government’s monetary agent and the bank for federal funds. Finally, Hamilton created a tariff (tax) policy on certain imported items and imposed excise taxes (taxes on purchases of certain goods) in order to raise revenue for the new U.S. government.

**Whiskey Rebellion (1794)**

To help pay for war-related debts, an excise tax was passed by Congress that included 7 cents per gallon on “spirits” (mostly whiskey) produced in the United States and 10 cents on “spirits” using foreign material (mostly rum). In 1794, Pennsylvania farmers took up arms in rebellion against tax collectors because they were angry about taxes on whiskey. Part of the farmers’ income came from selling whiskey distilled from corn. President George Washington and Alexander Hamilton led 13,000 federal militia troops to put down the rebellion. When the farmers heard about this, they fled. Many Americans saw the Whiskey Rebellion as a test of the government’s strength under the new Constitution. The federal government proved that it would be able to face a crisis and that it would not tolerate violent uprisings.

**XYZ Affair (1797)**

In 1797, the French navy began seizing American ships and impressing American sailors. Impressment was the act of seizing foreign sailors and forcing them to serve in another country’s navy. This is often called “the Half War” with France. President John Adams sent diplomats, including John Marshall, to Paris to discuss a solution. When the diplomats arrived, the French foreign minister, Talleyrand, sent three agents to demand a bribe of $250,000 for himself and a loan of $10 million to France before he would even meet with them. The diplomats refused. When President Adams told Congress about the incident, he referred to the French agents as “X, Y, and Z,” and therefore, this became known as the “XYZ Affair.” The American public was outraged when they learned of the bribe and anti-French sentiment grew.
Election of 1800

The Election of 1800 is considered a revolution due to the change in control of the American government for the first time from one political party to another political party. In the Election of 1800, President John Adams ran for a second term as the candidate of the Federalist Party. He was defeated by Thomas Jefferson, the candidate of the Democratic-Republican Party. The election actually had to be decided in the House of Representatives since Jefferson and his Vice-Presidential candidate Aaron Burr tied with the same number of electoral votes. Jefferson finally won when Alexander Hamilton threw his support to him because he didn’t trust Burr. This later led Burr to challenge Hamilton to a duel in which Hamilton was killed. This election marked the first time the Federalists lost control of both houses of Congress. The United States had experienced a change in control of its government without a single drop of blood being spilled.

Midnight Appointments (1801)

The Election of 1800 signaled a loss of power for the Federalist Party. However, in the time between Thomas Jefferson’s victory over John Adams in November 1800, and Jefferson’s actual inauguration as the third President of the U.S. in March 1801, the outgoing Federalist controlled Congress passed laws increasing the number of judges in the federal court system. President Adams appointed as many Federalist judges as he could before leaving office, thus securing a legacy for the Federalists in government since they had lost power in the other two branches. Adams was busy signing appointment papers for these positions, including several as Justices of the Peace for the District of Columbia, right up until midnight. Some of the Federalist appointees had their appointment papers delivered to them by the outgoing Secretary of State John Marshall, but a few did not get their papers. When Jefferson took office the next day, he forbade his new Secretary of State, James Madison, to deliver these midnight appointments, sparking the landmark Supreme Court case, Marbury v. Madison.

War of 1812

Tensions continued to rise between Great Britain and the United States through the time Thomas Jefferson was president mainly due to problems over interference with trade policies. Finally, President James Madison urged Congress to declare war on Great Britain in 1812. War Hawks, such as Henry Clay and John C. Calhoun, who were western and southern politicians, were convinced that Great Britain was supplying weapons to Native American tribes in the Ohio River Valley. Even though there was no evidence that Great Britain was supplying Native Americans, a leader named Tecumseh and his brother the Prophet began organizing the tribes against Americans. The American troops, led by William Henry Harrison, attacked the Native Americans at the Battle of Tippecanoe, killing the Prophet. Upset at his brother’s death, Tecumseh joined the British in attacking
Americans. The War continued between the Americans and the British and is considered the Second American Revolution. The War of 1812 resulted in an increase in nationalism, which included the writing by Francis Scott Key of the Star-Spangled Banner. The effect of the war was an economic shift from relying on British manufactured goods to an increase in American textiles and manufactured goods. The end of the war marked the beginning of an alliance between the United States and Great Britain.

**Battle of New Orleans (1815)**

In 1815 in the last major battle of the War of 1812, the American army led by General Andrew Jackson faced the British soldiers in New Orleans. Even though the Americans were outnumbered, Jackson and his troops stopped the British and won the battle. The war was officially over with the signing of the Treaty of Ghent two weeks before the battle, but communication was slow and was not received by the troops. Because of the American victory, Andrew Jackson emerged as a national military hero.

**Age of Jackson**

**Election of 1824**

In 1824 there were four candidates for the presidency of the United States: John Quincy Adams of Massachusetts, Henry Clay of Kentucky, Andrew Jackson of Tennessee, and William Henry Crawford of Georgia. Each candidate represented a different section of the country. It was a close race, and none of the four received a majority of the electoral votes although Andrew Jackson received more popular and electoral votes than did any of the other three. When no candidate has a majority, the Twelfth Amendment to the Constitution states that the House of Representatives decides who will be president from the top three candidates. Henry Clay was Speaker of the House of Representatives and thus had a huge influence on the vote. In what became known as the “Corrupt Bargain,” Clay supported John Quincy Adams. John Quincy Adams became President, and Clay secured a new job as the Secretary of State for himself in the process when Adams appointed him to that position.

**Election of 1828**

After losing the presidential election of 1824 in the House of Representatives, Andrew Jackson ran once more against John Quincy Adams for President in 1828. Jackson ran as a Democrat and Adams ran as a Whig. Jackson was one of the first candidates to personally campaign for the presidency. He traveled the country visiting taverns and talking to people. He portrayed himself as a “common man.” With this persona, and increased male suffrage (voting) by non-landowners, Jackson easily won the election.
Jackson supported limited government powers and hands-off government. He used the spoils system to reward political supporters with government jobs.

**Nullification Crisis (1828-1832)**

The Nullification Crisis of 1828-1832 was a conflict between the national government and Southern state governments over the issue of tariffs. John C. Calhoun, Vice President of the United States, wrote the South Carolina Exposition and Protest in response to what the South called the “Tariff of Abominations.” He argued that a state could nullify (declare invalid) a federal law it saw as unconstitutional. President Andrew Jackson argued for national sovereignty, and Calhoun argued for state sovereignty. South Carolina threatened nullification and secession (to officially withdraw from the U.S.) unless the Tariffs of 1828 and 1832 were repealed. Congress repealed the tariffs but passed the Force Bill allowing the President to send troops to enforce its laws. South Carolina nullified the Force Bill. Although a compromise was reached, the threat of Civil War loomed over the country.

**Trail of Tears (1830’s)**

The Trail of Tears was the result of the forced removal of Indians living in the Southeastern United States from their ancestral lands to the Oklahoma Territory. The Indian Removal Act of 1830 had authorized the removals. During the march west the Indians were guarded by state and local militia. Thousands died due to disease, starvation, and exposure during the winter. The removal of the Native Americans resulted in opening approximately 25 million acres of land for settlement and agricultural expansion in the South.

**Bank War (1832-1836)**

This term refers to the 1832-1836 conflict between supporters of the Second Bank of the U.S. and Andrew Jackson. President Andrew Jackson vetoed (rejected) Congress’ re-charter of the Bank of the United States, thus forcing it to close. He had the U.S. government’s money removed from the National Bank and deposited in state banks called “pet banks.” This led to an economic panic.

**Westward Expansion**

**Louisiana Purchase (1803)**

In 1803, President Thomas Jefferson purchased over 800,000 square miles from Napoleon of France for $15 million. This very large section of land stretched from the Mississippi River to the Rocky Mountains and doubled the size of the United States. Jefferson then sent Lewis and Clark on a military expedition to explore the new territory.
Lewis and Clark Expedition (1803-1806)

President Thomas Jefferson purchased the Louisiana Territory in 1803 from France, thus doubling the size of the United States. Jefferson then sent a military expedition led by Meriwether Lewis and William Clark to explore the new territory (1803-1806). Their goal was to find a water route to the Pacific Ocean, map out the territory, gather scientific information, and establish friendly relations with the natives. With the help of a French fur trapper and his Native American wife Sacagawea, Lewis and Clark could accomplish their goals and return with valuable scientific information in their journals.

Acquisition of Florida (1821)

In 1818, General Andrew Jackson was sent to defend Georgia against attacks by Seminole Indians from Florida. Already established as a war hero after his success at the Battle of New Orleans in the War of 1812, Jackson led over 3,000 troops to Georgia and pursued the Seminoles into Florida Territory which was owned by Spain at the time. While this was a dangerous move, Spain decided not to go to war over the invasion because of internal problems at home and because it was already fighting with Latin American rebels who were seeking independence from Spain. Instead Spain agreed to the Adams–Onis Treaty of 1821. This treaty ceded (gave up) the Florida Territory to the U.S. in return for the U.S. agreeing to pay Spain $5 million. The treaty also recognized Spain’s sovereignty over Texas.

Growth of Manifest Destiny (19th century)

During the 19th century, Manifest Destiny was the philosophy or idea that it was the destiny of the U.S. to expand its territory all the way to the west coast (“from sea to shining sea”). Using new technology, such as steamboats, canal building, and railroads developed during the Transportation Revolution and the Industrial Revolution, Americans set their sights on the West.

Travel on the Oregon Trail (1840’s)

Oregon Territory was a region west of the Rocky Mountains that included present-day Oregon, Washington, Idaho, and parts of Wyoming, Montana, and western Canada. Four different countries claimed the Oregon Territory: the U.S., Great Britain, Spain, and Russia. However, by the 1820s only British and American claims continued. Many settlers were drawn to the territory (“Oregon fever”), and in 1818, Great Britain and the U.S. agreed to jointly occupy Oregon Territory. By the 1840s, many Americans had moved into the territory, traveling by covered wagons along the Oregon Trail, and began calling for an end to Britain’s occupation. During his 1844 presidential campaign, President James K. Polk supported the occupation of Oregon territory. Polk’s supporters adopted the slogan “54°40” or Fight!” (Meaning the U.S. should occupy Oregon Territory
to the 54°40” parallel). In 1846 President Polk was successful in negotiating a treaty with Britain that established a new boundary at the 49th parallel.

**Travel on the Mormon Trail (1846-1869)**

Under the leadership of Joseph Smith, Jr., the Church of Jesus Christ of Latter Day Saints (Mormons) established several settlements between 1830 and 1840s in Ohio, Missouri and Illinois. Mormons were persecuted (harassed) for their beliefs. Joseph Smith, Jr. was later murdered by an angry mob in 1844 in Illinois. After Smith’s death, most Mormons found a new leader in Brigham Young. To escape persecution, the Mormons traveled across the Great Plains and Rocky Mountains. From 1846-1869, 70,000 Mormons travelled to Utah Territory and established communities (including present-day Salt Lake City). The journey is called the Mormon Trail which covered over 1,300 miles. The Mormons made many contributions to the region. The growth of Mormon communities helped to spread agriculture to the West. Population growth in the region would eventually help lead to statehood. The Mormon Trail contributed to westward expansion and the fulfillment of Manifest Destiny.

**Texas Annexation (1845)**

The United States tried to purchase Texas from Mexico in 1827 and again in 1829, but both times Mexico refused to sell. In the 1830s, northern opponents of slavery argued that making Texas part of the U.S. was a southern effort to extend slavery to the Southwest. In 1844, President John Tyler presented the U.S. Senate with a proposed treaty to annex Texas, but the Senate overwhelmingly defeated the proposed treaty. Toward the end of his presidency, President Tyler once more tried to accomplish Texas’ annexation but this time by a joint resolution of Congress rather than by a treaty. The newly-elected, incoming President, James K. Polk, was persuaded to accept Congress’ joint resolution annexing Texas. The Texas Legislature, the voters of Texas, and both houses of the U.S. Congress approved annexation, and Texas became the 28th state on December 29, 1845.

**Mexican American War (1846-1848)**

In the 1840’s Mexico and the United States went to war over some disputed territory. Mexico claimed the Nueces River as its border, and the U.S. claimed the Rio Grande River as its border. When fighting broke out, U.S. President James K. Polk enticed Americans into war by claiming, “Mexico shed American blood on American soil!” The United States defeated Mexico and signed the Treaty of Guadalupe Hidalgo in 1848, thus gaining a vast amount of land in the Southwest known as the Mexican Cession and expanding the United States to the Pacific coast.
Gold Rush (1848)
Gold was discovered in 1848 in California by accident at Sutter’s Mill which was owned by John Sutter. In 1849, news of the gold discovery spread quickly, and thousands of Americans, along with people from all over the world, rushed to California. By the end of 1849, this newcomer population was estimated at 100,000 compared with a pre-1848 population of less than 1,000. These fortune-seekers became known as the Forty-Niners. Even though few of these Forty-Niners actually struck it rich, miners did extract, it is estimated, more than 750,000 pounds of gold. The Gold Rush peaked in 1852. Many of the Forty-Niners stayed in California and took up farming or started businesses after the “gold fever” had died out. This enormous population boom had several effects on the territory. Gold mining towns such as San Francisco sprung up. California soon applied to become a state and joined the United States, under the Compromise of 1850, as a free state.

Gadsden Purchase (1854)
After the Mexican-American War and the Mexican Cession (land given to the U.S. in 1848 in the Treaty of Guadalupe Hidalgo), the U.S. Government, purchased a portion of Mexican land (29,670 square miles) for $10 million in what is part of present-day Arizona and New Mexico. This treaty is known as the Gadsden Purchase, after James Gadsden the U.S. Minister to Mexico. The U.S. purchased the land in 1854 in order to complete a transcontinental railroad. With the Gadsden Purchase, many Americans felt their dream of Manifest Destiny was fulfilled.

Reform Movements

Industrial Revolution (19th century)
The Industrial Revolution of the 19th century was a change in how goods were produced in the country. The United States went from producing goods by hand in people’s homes to mass-producing goods by machines in factories. Inventions like Samuel Slater’s textile machine, Eli Whitney’s interchangeable parts and cotton gin, and Robert Fulton’s steamboat, all contributed to America’s economic growth and the beginning of the United States as an industrial power.

Transportation Revolution (1700’s-1800’s)
The Transportation Revolution (1700’s – 1800’s) was fueled by the Industrial Revolution, including inventions and advancements in the transportation system such as steamboats, railroads, and canals. These inventions improved transportation costs and made transportation and communication faster. The Industrial and Transportation Revolutions also contributed to urbanization (the rapid growth of cities).
Seneca Falls Convention (1848)

During the 1800’s women fought for suffrage (the right to vote). In 1848, Elizabeth Cady Stanton and Lucretia Mott organized the Seneca Falls Convention for Women’s Rights in Seneca Falls, New York to draw attention to the problems women faced. The delegates approved The Declaration of Sentiments, modeled after the U.S. Declaration of Independence. It proclaimed “We hold these truths to be self-evident: that all men and women are created equal.” Other women’s rights reformers included Susan B. Anthony and Elizabeth Cady Stanton who founded the National American Woman Suffrage Association and the American Equal Rights Association. Sojourner Truth was a former slave who was one of the most effective speakers for women’s rights and drew huge crowds throughout the North.

Education Reform Movement (1800’s)

During the 1800’s, Americans began to demand better schools. Prior to the reforms in public education, most children did not attend school, and those who did usually had poorly trained teachers and overcrowded classrooms. Reformers believed that education would help children become good citizens and escape poverty. Horace Mann pushed for education reform and encouraged legislators to provide more money for education to make it available to more children. Due to his efforts, Horace Mann is known as the “Father of Public Education.”

Temperance Movement (1800’s)

Alcohol abuse was widespread in the early 1800’s with many individuals drinking heavily. The temperance movement was a campaign to stop alcohol abuse by banning alcohol. The movement was led by women and business owners. Supporters believed that alcohol abuse led to domestic violence against women and children, poverty, the breakup of families, and unproductive workers.

Labor Reform Movement (1800’s)

Workers wanted improvements to unsafe working conditions in factories that were unregulated and dangerous. Labor unions began to organize in the 1800’s. They came together to push for better working conditions, shorter hours, higher wages, and an end to child labor in the growing industrialization of the United States.

Advent of Technological Innovations (19th century)

Many new inventions contributed to the Industrial Revolution of the 19th century. Eli Whitney invented the technique of interchangeable parts which made mass-production of goods possible. He also invented the cotton gin which resulted in increased production of cotton and the need for more slave labor. Alexander Graham Bell invented the telegraph that increased communication. Innovations in transportation such as the
transcontinental railroad and Robert Fulton’s steamboat made the transportation of goods easier and cheaper and led to increased economic development.

**Contributions of Art, Music, and Literature on American Culture**

American artists, authors, and musicians have contributed significantly to the cultural identity of the United States. Hudson River School artists, including Thomas Cole and Asher Durand, painted vast American landscapes that coincided with westward expansion. Authors Ralph Waldo Emerson and Henry David Thoreau wrote about their love of nature and Americans’ rugged individualism. John James Audubon’s collection of art illustrates over 450 North American bird species. Many artists and authors have also documented important events in American history. For example, Ralph Waldo Emerson’s *Concord Hymn* famously recounts the battles of Lexington and Concord, and Walt Whitman’s poem, *O Captain, My Captain*, captured the nation’s somber mood after the assassination of Abraham Lincoln.

**Spread of the Abolitionist Movement (1820s-1860s)**

Abolitionists were individuals who wanted to end slavery in the United States. Between the 1820s-1860s, they spoke out publicly and published abolitionist newspapers to achieve their goal. Frederick Douglass was a leader of the abolitionist movement. He was born a slave and eventually escaped to the North. Douglass lectured across the U.S. and published an antislavery newspaper, the *North Star*. William Lloyd Garrison was an outspoken white abolitionist who believed that slavery was evil and it needed to end immediately. He founded *The Liberator* which was the most influential antislavery newspaper of the time. Other abolitionists included Sarah and Angelina Grimke, Harriet Tubman, and Harriet Beecher Stowe (author of *Uncle Tom's Cabin*).

**Hospital and Prison Reform Movements (1840’s)**

Dorothea Dix was a social reformer in the 1840’s who focused her efforts on the mentally ill and criminals. She visited jails and was outraged to discover that some of the prisoners were not criminals but people with mental illness. Dix also wanted to improve prison conditions by banning cruel punishments, stopping state governments from placing debtors in prison, and ending overcrowding of prison cells. She traveled all over the U.S. on behalf of the mentally ill. She led efforts to build 32 new hospitals and create a special justice system for children.

**Emergence of Transcendentalism (1840’s)**

In the 1840’s transcendentalism was a philosophical movement originating in the United States. Transcendentalists, as they were called, believed that the ultimate truths in life transcended (went above) human understanding. They felt that people should seek truth by listening to their intuition and deep, heartfelt emotions, uninfluenced by society. Ralph
Waldo Emerson, a leading transcendentalist, called this an “inner light” and stressed individuality and personal effort in his famous essays titled *Self-Reliance* (1841). Transcendentalists were also noted for supporting social reform movements, seeking to preserve nature, and encouraging people to look for ways to improve society, rather than being driven by material wealth.

**Sectionalism**

**Webster-Hayne Debates (1830)**

In 1830, a series of debates took place in the United States Senate over the issue of national sovereignty versus state sovereignty. Daniel Webster, Senator from Massachusetts, argued for national sovereignty and preserving the union. Webster stated: “Liberty and Union, now and forever, one and inseparable.” Robert Hayne, Senator from South Carolina, argued that the states were sovereign and had given limited power to the national government.

**Lincoln-Douglas Debates (1858)**

Abraham Lincoln and Stephen Douglas competed against each other in 1858 in an election for an Illinois seat in the U.S. Senate. The two men debated each other seven times, and the debates often focused on the issue of slavery. These debates brought Lincoln and the issue of slavery further into the national spotlight. Douglas argued for popular sovereignty (voting by the people) to decide the issue of slavery in the western territories, while Lincoln argued to stop the spread of slavery in the West. Although Lincoln lost to Douglas, the debates brought him national attention and helped him win the presidency in 1860.

**John Brown’s Raid on Harper’s Ferry (1859)**

John Brown was a radical abolitionist who resorted to violence in his attempts to defeat slavery. In 1859, he led a raid on a federal arsenal (a collection of weapons and military equipment) at Harper’s Ferry, Virginia. His hope was to arm slaves and lead an uprising, but he was captured, tried for treason, and hanged for his crime.

**Civil War and Reconstruction**

**Election of 1860**

In the presidential election of 1860, there were four candidates: Abraham Lincoln of Illinois, Republican Party; Stephen Douglas of Illinois, Northern Democrats; John C. Breckinridge of Kentucky, Southern Democrats; and John Bell of Tennessee, Constitutional Union Party. Lincoln won a majority of the electoral vote, and thus became President even though he won only about 40 percent of the popular vote. His election
prompted South Carolina immediately to secede from the Union on December 20, 1860. By the time Lincoln was inaugurated on March 4, 1861, seven states had seceded from the Union and formed the Confederate States of America.

**Civil War (1861-1865)**

The Civil War was fought between the North (Union) and the South (Confederate States of America). The war began on April 12, 1861, with the Confederates firing on Fort Sumter. It ended on April 9, 1865, when Confederate General Robert E. Lee surrendered to Union General Ulysses S. Grant at Appomattox Courthouse. Historians believe there were many causes of the Civil War, including sectionalism, states’ rights, and slavery.

**Firing on Fort Sumter (1861)**

On April 12, 1861, Confederate forces fired the first shots of the Civil War on Fort Sumter in the harbor of Charleston, South Carolina. The Confederates bombarded the fort for thirty-four hours until Union forces were forced to surrender. This marked the beginning of the Civil War.

**Battle of Antietam (1862)**

The Battle of Antietam took place during the Civil War in Maryland in 1862. This was one of the bloodiest single day battles in American history. Nearly 23,000 men were killed or wounded. Abraham Lincoln issued the Emancipation Proclamation soon after and thus expanded the goals of the war to include the abolition of slavery, even though it only freed the slaves in the states who had seceded.

**Battle of Gettysburg (1863)**

The Battle of Gettysburg took place during the Civil War in 1863. This battle lasted for three days and ended in a Union victory. Some historians estimate as many as 50,000 were killed or wounded. Its outcome was considered to have been the turning point of the Civil War eventually leading to a Union victory.

**Battle of Vicksburg (1863)**

The Battle of Vicksburg took place during the Civil War in 1863. Union forces seized control of the Confederate stronghold of Vicksburg, Mississippi, thus effectively gaining control of the Mississippi River. As a result, the South was split in half, and the North could now prevent the shipment of troops and supplies along the river.

**Lee’s Surrender at Appomattox (1865)**

On April 9, 1865, four years after the fighting in the Civil War began, General Robert E. Lee, commander of the Confederate troops, surrendered to General Ulysses S. Grant, commander of the Union troops, at Appomattox Court House in Virginia. The Civil War was over. Both President Lincoln and General Grant did not want to punish the South for
the war and allowed many of the soldiers to keep their horses. Grant is known to have said, “The war is over; the rebels are our countrymen again.”

**Assassination of Abraham Lincoln (1865)**

On April 14, 1865, John Wilkes Booth, an actor and Southern sympathizer, shot President Lincoln in the head at Ford’s Theater. Lincoln was carried across the street to a boarding house where he died of his wounds. The country mourned greatly at the passing of President Lincoln. His death was later commemorated in Walt Whitman’s poem, *O Captain, My Captain*. After Lincoln’s death, control over Reconstruction of the South fell to his successor, Vice President Andrew Johnson, and the Radical Republicans in Congress.

**Reconstruction (1865-1877)**

Reconstruction refers to the period from 1865-1877 after the Civil War when the nation's attention was focused on rebuilding the South and readmitting the southern states into the Union. Even though Presidents Lincoln and Johnson had proposed reconstruction plans, it was the Radical Republicans in the U.S. Congress who took control and passed the Reconstruction Act of 1867. The law divided the South into military districts, forced the southern states to write new state constitutions, and required them to ratify the 13th, 14th, and 15th Amendments to the U.S. Constitution. Republicans supported the newly freedmen by creating the Freedmen’s Bureau, a government agency designed to help former slaves with jobs and education. Reconstruction ended when the last federal troops were withdrawn from the South.

**Impeachment of Andrew Johnson (1868)**

During Reconstruction, President Andrew Johnson and the Radical Republicans in Congress differed strongly on how to treat the South. Among other things, in opposition to President Johnson, Congress passed the Tenure of Office Act. This law required the President to consult with Congress before firing a cabinet member. When President Johnson fired his Secretary of War without consulting Congress, he violated the Tenure of Office Act. In 1868, the Radical Republicans in the House of Representatives impeached (voted charges against) President Johnson. Johnson was the first president to be impeached. In accordance with the Constitution, the Senate tried President Johnson on the charges voted by the House. The final vote in the Senate was one short of the two-thirds majority needed for conviction and removal from office, and thus, Johnson remained President.
Election of 1876

In the presidential election of 1876, the Democratic candidate, Samuel Tilden won the popular vote and received 184 electoral votes. However, Tilden was one electoral vote short of what was needed to win the election at the time. In 1876, a candidate needed 185 electoral votes to be elected. The Republican candidate, Rutherford B. Hayes received fewer popular votes and 165 electoral votes. There were twenty electoral votes unresolved. Democrats and Republican Congressional leaders met and crafted an unwritten and informal deal to resolve the issue. In the deal, which became known as the Compromise of 1877, all twenty unresolved electoral votes were given to Hayes and he became president with the necessary 185 electoral votes. It is suspected that Democrats were willing to agree to let all twenty of the votes go to Hayes in return for a promise that he would withdraw all federal troops from the South. Hayes became president and he withdrew the federal troops from the South, thus officially ending the Reconstruction period in the United States.
Background of the Constitution

Constitutional Convention (1787)
The Congress of the Articles of Confederation in February, 1787, adopted a resolution calling for a convention of delegates from the thirteen states to be held in Philadelphia beginning in May “for the sole purpose of revising the Articles of Confederation.” Twelve of the states chose convention delegates. Only Rhode Island declined to do so. Fifty-five men attended some or all of the convention. The convention was supposed to begin on May 14 but did not do so because not enough delegates had arrived to constitute a quorum. James Madison arrived early on May 3, and he and other delegates from Virginia and Pennsylvania then met informally and prepared a new plan of government to present to the convention once it began. Finally, on May 25, enough delegates had arrived to constitute a quorum, and the convention began. The delegates unanimously elected General George Washington to preside as the President of the Convention. The delegates soon decided that instead of simply “revising the Articles of Confederation,” they would write a completely new constitution with a very different system of government from that which the nation had under the Articles.

After spending the entire summer behind closed doors in secrecy dealing with several difficult issues, on September 17, 1787, the new Constitution of the United States was completed. Thirty-nine delegates present at the end of the convention signed the Constitution. Three delegates – Edmund Randolph of Virginia, Elbridge Gerry of Massachusetts, and George Mason of Virginia—refused to sign it. The new Constitution was then sent to the states for ratification.

Virginia Plan (1787)
The Virginia Plan was prepared by James Madison of Virginia, but Edmund Randolph of Virginia introduced this proposal for a new government at an early meeting of the 1787 Constitutional Convention. The Virginia Plan illustrates Baron de Montesquieu’s influence on Madison since, like Montesquieu in 1748, it called for three separate, independent branches of government: legislative, executive, and judicial. It also provided for a bicameral legislative branch with members of one chamber chosen by the people and members of the other chamber elected by the first chamber. Representation for each state in both chambers would be in proportion to the number of free inhabitants in the state: the larger the number of free inhabitants in a state, the greater the number of members of both chambers that state would receive. The national legislature would have the power to overrule any state law that conflicted with “the articles of union” and to use force against states that resisted. The national legislature would choose a national executive as well as a national judiciary consisting of one or more supreme courts and lower
courts. Finally, the executive and “a convenient number of the national judiciary” would comprise a Council of Revision with the authority to examine every act of the national legislature before it takes effect and every act of a state legislature before a veto thereof would be final. The Virginia Plan was supported by delegates from the more populous states. The U. S. Constitution as written and adopted at Philadelphia included several provisions of the Virginia Plan.

**New Jersey Plan (1787)**
William Patterson of New Jersey introduced the New Jersey Plan at the 1787 Constitutional Convention. It was in large part a response to the Virginia Plan introduced earlier at the convention. According to the New Jersey Plan, in addition to the powers Congress had under the Articles of Confederation, Congress would have the power to raise revenue by taxing imported goods, “by stamps on paper, vellum or parchment,” and by postage on all letters passing through the post office. Unlike the Congress of the Articles, Congress would now also have the power to regulate trade and commerce. In addition, Congress would elect an executive to enforce all national acts and to direct military operations. The New Jersey Plan said nothing about changing the structure of Congress or the representation of states therein, and thus, Congress would remain a unicameral body in which each state would have one vote as it was under the Articles of Confederation. A national judiciary would be established consisting of a supreme court whose judges would be appointed by the executive and who would hold their offices during good behavior. Finally, the New Jersey Plan provided that acts of Congress and treaties would be the supreme law, and state judicial rulings and state laws to the contrary would be void. The New Jersey Plan was supported by delegates from the less populous states. The U. S. Constitution as written and adopted at Philadelphia included several provisions of the New Jersey Plan.

**Connecticut Compromise OR the Great Compromise (1787)**
Roger Sherman of Connecticut introduced the so-called Connecticut Compromise using ideas found in both the Virginia Plan and New Jersey Plan at the 1787 Constitutional Convention. Because there was general agreement among the delegates that Congress would be the more powerful of the three separate branches of the new government, representation for each state in this new Congress proved to be the most hotly disputed issue. For that reason, the Connecticut Compromise which eventually settled the issue is also called “the Great Compromise.” It called for a bicameral U. S. Congress establishing a Senate and a House of Representatives. Each state would be equally represented in the Senate by two senators from each state regardless of the state’s population. Each state’s representation in the House of Representatives would be determined in proportion to the state’s population as determined by the census to be conducted every ten years. The greater a state’s population, the more members of the House of Representatives the state would be entitled to send. However, each state would be guaranteed a minimum of one member of the House regardless of the state’s population. Historians agree that adoption of the Great Compromise was crucial to the success of the convention and the new Constitution.
Preamble

The Preamble to the U.S. Constitution 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 defense, 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.”

NOTE: Written by Gouverneur Morris of Pennsylvania, the Preamble is the introduction to the Constitution. It explains the general purposes or goals of the government which it creates and declares that the Constitution is designed to secure those rights proclaimed in the Declaration of Independence. Its opening words, “We the People”, clearly establish the principle of “popular sovereignty.” In other words, the people are the source of the Constitution and the power of the government.

NOTE: The original draft of the Preamble considered at the 1787 Constitutional Convention was very different from the version finally adopted. If it had been adopted, the Preamble would have read: “We the people of the States of New Hampshire, Massachusetts, Rhode Island and Providence Plantations, Connecticut, etc. …” It would thus have been very lengthy since the name of every state in the Union would have been included, and it would not have included the goals found in the version of the Preamble finally adopted by the convention.

Article I

Article I, Section 1: Legislative Branch - A Bicameral U. S. Congress
The lengthiest of the seven articles of the Constitution, Article I, Section 1 begins by providing that all legislative power is vested in a U. S. Congress which consists of a Senate and a House of Representatives.

Article I, Section 2: The House of Representatives
All Representatives serve a two-year term and are chosen by direct popular vote of the people of their state. There are three qualifications one must have to be eligible to be elected to the House: (1) twenty-five years of age; (2) a citizen of the U. S. for seven years; and (3) an inhabitant of the state from which elected.

NOTE: There is no requirement to be a resident of the district of the state from which elected.

Section 2 also contained the so-called “Three-Fifths Compromise.” A state’s total population would be used to determine how much direct taxes the state would have to pay to support the new national government and the number of members of the new House of Representatives to which a state would be entitled. A state’s population would be determined by counting each free person as one person, each
indentured servant would be counted as one person, Indians would not be counted, and three-fifths of “all other persons” would be counted.

NOTE: Delegates at the constitutional convention who adopted this language understood that “all other persons” meant slaves.

NOTE: This part of Section 2 was changed when Section 2 of the Fourteenth Amendment was added to the Constitution.

Section 2 also provides for a census to be conducted every ten years for determining the population of each state. It provides as well that each state will have at least one Representative, that the House will choose its Speaker and other officers, and that the House has the sole power to bring impeachment charges against executive or judicial officials. It does not set the size of the House of Representatives.

NOTE: There is no requirement that the Speaker must be a member of the House.

NOTE: Congress itself by law set the number of members of the House at 435 in 1913. This is a fixed number which does not change except temporarily when Congress admits a new state to the union.

Article I, Section 3: The U. S. Senate
The Senate is made up of two senators from each state regardless of the state’s population. The term of office for each senator is six years. However, the terms of senators are staggered so that all senators are never up for election at the same time. Instead, only one-third of the members of the Senate are chosen every two years.

As written at the constitutional convention, the two senators from each state were elected by the state legislature of each state.

NOTE: This was changed in 1913 when the Seventeenth Amendment was added to the Constitution. That amendment provides for Senators to be elected by the people of the state.

There are three qualifications one must have to be a U. S. Senator: (1) 30 years of age; (2) a citizen of the U. S. for nine years; and (3) an inhabitant of the state from which chosen.

The Vice President of the United States serves as President of the Senate, but has no vote except when there is a tie.

The Senate chooses its other officers, including a President Pro Tempore to preside over the Senate when the Vice President is absent. The Senate has the sole power to try executive or judicial officials against whom impeachment charges have been voted on by the House of Representatives. Conviction requires a two-thirds vote of the Senators present. When the President is being tried by the
Senate, the Chief Justice of the U. S. presides over the trial. When the Senate convicts an individual, that individual is removed from office and can never hold another office in the U. S. The individual may still be indicted, tried in a traditional court of law, and, if convicted, punished for violation of the law.

**Article I, Sections 4, 5, and 6: Issues Concerning Both Chambers of Congress**

Section 4 provides that the times, places, and manner of holding elections for both chambers of Congress shall be determined in each state by the state’s legislature, but Congress may by law make or alter such regulations. Congress, it also provides, shall meet at least once every year beginning on the first Monday in December.

**NOTE:** The latter was changed to noon on the 3rd day of January when the Twentieth Amendment was added to the Constitution in 1933.

Section 5 provides: (1) that each house will be the judge of the elections, returns, and qualifications of its members; (2) that each house will determine its rules, punish its members for disorderly conduct, and by a two-thirds vote expel a member; and (3) that neither house during a session of Congress without consent of the other house shall adjourn for more than three days nor to any other place than that where the two houses are sitting.

Section 6 provides: (1) that senators and representatives shall be compensated for their services; (2) that except for treason, felony, and breach of the peace, members will be privileged from arrest during attendance at a session of Congress and in going to and returning from the same, and for any speech in either house they shall not be questioned in any other place; (3) that no member of either house during the time for which elected shall be appointed to any office under the authority of the U. S. which shall have been created or the payment thereof shall have been increased during such time; and (4) that no person holding another office in the U. S. government shall be a member of either house of Congress during the person’s continuance in office.

**Article I, Section 7: Bills for Raising Revenue, How a Bill Becomes a Law, The President’s Legislative Powers**

All bills intended to raise revenue (for example, all tax bills) must begin in the House of Representatives. However, the Senate must also pass such a bill for it to become law and may, of course, amend the bill.

**NOTE:** This means that the House has a larger voice in the passage of revenue bills since the Senate must react to what the House has already decided. Before they can become law, all bills must be passed in identical form by both the House of Representatives and the Senate and are then sent to the President. After a bill is presented to the President, he has ten days in which to take action. If he approves the bill, the President signs it, but if not, he vetoes it and returns it with his objections to the chamber where it began. That chamber then reconsidered the bill. After reconsideration of the bill, if two-thirds of the members of that chamber
pass it, it is sent to the other chamber. If that chamber, after reconsideration of the bill, also passes the bill by a two-thirds vote, it becomes law. (In other words, Congress can override the President’s veto by a two-thirds vote of the members of both houses.)

NOTE: Presidential vetoes are very rarely overridden because of the two-thirds requirement in both houses. As long as most or all of the President’s own party members stand by him, and they usually will do so, Congress cannot achieve the two-thirds vote required. If the President does not sign a bill and does not return it to Congress with his objections within ten days after it is presented to him (Sundays excepted) and Congress is still in session, it becomes law as if he had signed it. However, if the president has not signed the bill, and Congress has adjourned thus preventing the bill’s return to reconsider, it does not become law.

NOTE: The latter means that the President has what is called a pocket veto in this situation.

Article I, Section 8: Delegated or Enumerated Powers of Congress
The longest single part of the entire Constitution (eighteen paragraphs), Article I, Section 8 lists what are referred to as the delegated or enumerated powers of Congress.

Some of the most important powers granted Congress by Article I, Section 8 are the following: (1) to lay and collect taxes and duties; (2) to pay the debts and provide for the common defense and general welfare of the U. S.; (3) to borrow money on the credit of the U. S.; (4) to establish a uniform rule of naturalization (how one can become a naturalized citizen of the U. S.; (5) to coin money and regulate the value thereof; (6) to fix the standard of weights and measures; (7) to establish courts below the Supreme Court; (8) to pass legislation concerning any area that becomes the seat of the government of the U. S. (the District of Columbia).

Article I, Section 8: Congress’ Power to Declare War and Grant Letters of Marque and Reprisal
One of the most important powers specifically granted Congress in Article I, Section 8 is the power to declare war.

NOTE: It is a power, however, which Congress has formally used only five times in American history: War of 1812, Mexican-American War, Spanish-American War, World War I, and World War II. Thus, the last time Congress formally declared war was World War II even though the nation has been involved in other wars since then. This power given Congress by the Constitution has sometimes appeared to be in conflict with the power given the President in Article II, Section 2 to be the Commander in Chief of the armed forces of the U. S. Controversy surrounding the President’s power to involve the nation in war without Congress having formally declared war led Congress in 1973 to adopt the War Powers Resolution over President Richard Nixon’s veto.
Congress is also given the power to grant “Letters of Marque and Reprisal.”

**NOTE:** This means that Congress is authorized to issue a government license to a private person to attack and capture enemy vessels and bring them before courts for condemnation and sale. The U. S. has not issued a Letter of Marque and Reprisal in over 200 years, but during the American Revolution, they played an important role for the American colonies.

**Article I, Section 8: Congress’ Power under the Commerce Clause**

One of the most important and often used powers granted Congress by Article I, Section 8 is the power “to regulate commerce with foreign nations and among the several states.”

**NOTE:** This so-called “commerce clause” has been the constitutional authority Congress has used to pass many landmark acts such as the Kansas-Nebraska Act, the Compromise of 1850, the Interstate Commerce Act, and the Civil Rights Act of 1964. Congress’ power under the commerce clause has also been the issue in several landmark Supreme Court cases, such as *Gibbons v Ogden* (1824), *Heart of Atlanta Motel v U. S.*, *Katzenbach v McClung* (1964), *South Dakota v Dole* (1987), and *U. S. v Morrison* (2000). If Congress is unable to point to any other constitutional authority for the passage of a law, it can almost always point to the commerce clause. This is because in the modern world, nearly everything or everybody at some time or another crosses state boundary lines or moves between the U. S. and another nation, and if it does so, it is probably subject to Congress’ power to legislate.

**Article I, Section 8: Congress’ Power to Grant Patents and Copyrights**

Another very important and frequently used power given Congress by Article I, Section 8 is the power 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.”

**NOTE:** Congress carries out this power by issuing copyrights and patents. A copyright is the exclusive right to publish and make money from a written, musical, or other artistic work for a limited time. A patent provides the same protection for inventions. The purpose of copyrights and patents, as the Constitution says, is to promote the progress of science and the arts. Individuals have more incentive to create and invent if they know they can protect the fruits of their labor.

**Article I, Section 8, Paragraph 18: The Necessary and Proper Clause**

The 18th and final paragraph of Article I, Section 8 read as follows: “Congress shall have power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all others vested by this Constitution in the government of the United States or in any department or officer thereof.”

**NOTE:** This paragraph of Article I, Section 8 is sometimes called “the elastic clause.” This is because it has been understood and interpreted by the Supreme Court to “stretch” the powers of Congress beyond those which are specifically
listed in the first seventeen paragraphs of Article I, Section 8. In the landmark 1819 Supreme Court case *McCulloch v Maryland*, Chief Justice John Marshall and the Supreme Court interpreted the Necessary and Proper Clause, when combined with other powers specifically listed in the first seventeen paragraphs of Section 8, to give Congress the power to establish a Bank of the U. S. even though such a power is not specifically listed as being a power of Congress. As a result, it is frequently noted that Congress thus has what are called “implied powers.”

**Article I, Section 9: Limitations on Congress’ Power**

One limitation on Congress’ power in Article I, Section 9 provides that “the migration or importation of such persons as any of the states now existing shall think proper to admit, shall not be prohibited by Congress prior to 1808 …”

**NOTE:** Without actually using the words, delegates at the 1787 Constitutional Convention understood that this meant Congress could not outlaw “the slave trade” before 1808 (twenty-one years after the writing of the Constitution). In 1808, Congress did exactly that and abolished the slave trade.

Another limitation in Section 9 provides that “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.”

**NOTE:** The Latin term habeas corpus means “have the body.” It refers to the right of a person who has been arrested and jailed to be taken within a certain period of time before a neutral judge so that the judge may determine if the person is being detained for a lawful reason. The burden is on those holding the individual to persuade the judge that this is true. If the judge decides that this is not the case, the individual must be released.

**NOTE:** Only a few times in American history has this important protection for an accused person been suspended. One such occasion was during the Civil War when President Abraham Lincoln suspended the right in an area of the U. S. where there was no fighting. The Supreme Court in the 1866 case *Ex parte Milligan* declared Lincoln’s action unconstitutional.

Two more limitations provide that “no bill of attainder or ex post facto law shall be passed.”

**NOTE:** This prohibition on bills of attainder means that Congress cannot convict a person of a criminal offense. While Congress can pass criminal laws, only the courts can decide who may have violated those laws. The prohibition on ex post facto laws means that individuals cannot be convicted and punished for an act which when committed was not illegal.

Another limitation forbids Congress to lay any tax or duty on exports or to give preference to the ports of one state over those of another state.
One of the most important limits requires that Congress cannot spend any money from the U. S. Treasury except as a result of appropriations made by law, and a regular statement and account of receipts and expenditures of public money must be published from time to time.

Another limitation provides that the U. S. cannot grant any title of nobility.

A final limitation called “the emoluments clause” forbids any person holding any office in the government of the U. S. from accepting any present, “emolument,” office, or title of any kind from any king, prince, or foreign government without Congress’ consent.

**Article I, Section 10: Limitations on the States**

Article I, Section 10 lists actions that states may not take as well as certain actions they can take only with the consent of Congress. NOTE: Some of the limitations are the same as those placed on Congress in Article I, Section 9.

No state can enter into any treaty, alliance, or confederation or grant Letters of Marque and Reprisal.

**NOTE:** An explanation of the meaning of Letters of Marque and Reprisal is found in the discussion of powers of Congress in Article I, Section 8 where Congress is given the power to issue such Letters.

No state can coin money or make anything but gold or silver coin payment for debts.

No state can pass any bill of attainder or ex post facto law. NOTE: See Article I, Section 9 for an explanation of these terms which are also prohibitions on Congress.

No state shall pass any law interfering with contracts nor shall any state grant any title of nobility.

Without Congress’ consent, no state can place taxes on imports or exports except what may be absolutely necessary for enforcing the state’s inspection laws, and the net result of any tax by any state on imports or exports is for the use of the U. S. Treasury, and all such laws are subject to revision and control of Congress.

No state without consent of Congress can keep troops or ships of war in time of peace or enter into agreement or compact with another state or with another nation or engage in war unless invaded or in such imminent danger that delay is not possible.
Article II

Article II, Section 1: The Executive Branch – President’s Term of Office, Election, Qualifications, Vacancy in the Presidency, Compensation, and Oath of Office

NOTE: Article II is only approximately one-half as long as Article I and its discussion of the U. S. Congress.

Section 1 begins with a declaration that “the executive power shall be vested in a President of the United States of America” and that the term of office of both the President and the Vice President is four years.

NOTE: As written at the Constitutional Convention in 1787, there was no limit on the number of four year terms a President could serve. George Washington established the precedent that a President would only serve two terms when he declined to seek a third term. This remained true until Franklin D. Roosevelt ran for and was elected to a third term in 1940 and a fourth term in 1944.

Section 1 then describes how the President and the Vice President will be elected.

NOTE: In doing so, it makes no mention of the popular vote in choosing the President and Vice President nor does any other part of the Constitution.

Section 1 creates a body called the Electoral College comprised of individuals called electors which elects the President and Vice President. Each state chooses a number of electors who cast electoral votes in whatever way each state’s legislature decides. The number of electors (electoral votes) to which each state is entitled is equal to the number of U. S. Senators from the state (two from each state as provided in Article I) plus the number of U. S. Representatives from the state (as provided in Article I, at least one from each state and the number above one determined by the state’s population). Thus, each state has at least three electors (electoral votes). No U. S. Senator or U. S. Representative or person holding an office of profit or trust under the U. S. can serve as an elector.

NOTE: The following paragraph describing the presidential election process was replaced in 1804 when the Twelfth Amendment was added to the Constitution.

As written at the 1787 Constitutional Convention, electors met in their individual states and voted for two individuals, at least one of whom could not be from the same state as the electors. After the state’s electors voted, the results were sent to the President of the Senate who in the presence of the Senate and House opened and counted the votes. The individual with the largest number of the electoral votes, if it was a majority of the whole number of electoral votes, became President. If more than one person had a majority and there was a tie, the House would choose the President. If no individual had a majority of the electoral votes, the House, voting by states with each state having one vote, would choose the
President from among the top five electoral vote winners. To win this election in the House, the winning candidate would need a majority of the states’ votes. After the President is chosen, the individual with the greatest number of electoral votes would be the Vice President, but if two or more have the same number of electoral votes, the Senate chooses the Vice President.

Section 1 specifically spells out only three qualifications which an individual must possess to serve as President: (1) a “natural born citizen” of the United States; (2) 35 years of age; and (3) a resident of the United States for fourteen years.

**NOTE:** There is general agreement among constitutional scholars that “natural born citizen of the U. S.” means that at birth one must be a citizen of the U. S., not that one must have been born on the soil of the U. S. However, this requirement has never been tested in the courts, and therefore, there is no court ruling on its meaning. What it does clearly mean is that naturalized citizens of the U. S. are ineligible to be President or Vice President, although they are eligible to hold any other position in American government.

**NOTE:** The following paragraph regarding a presidential vacancy was changed when the Twenty-Fifth Amendment was added to the Constitution in 1967.

Section 1 also provided for what happened if the President were removed from office, died, resigned, or was unable to discharge his duties. In such a situation, the Vice President would become President. If both the President and the Vice President should be unable to perform the duties of the office of President for any reason, Congress by law would decide who would then act as President.

Section 1 also provides that the President shall be compensated for his service and that this compensation cannot be increased or decreased during the period for which the President is elected. Finally, it prescribes the oath or affirmation that the President must take before he assumes the office of President.

**Article II, Section 2: Powers of the President**
Section 2 of Article II lists the President’s powers.

**NOTE:** These powers are fairly few in number, but they are written in very vague language and thus capable of interpretation and argument. Recall that important legislative powers are given to the President in Article I, Section 7.

One of the most important powers granted the President is that of Commander in Chief of the armed forces of the United States and of the militia of the several states when called into service for the United States.

**NOTE:** The President, among other things, chooses who occupies command positions in each branch of the armed forces. At the same time, the President can remove individuals from command positions as President Harry Truman did when he removed General Douglas MacArthur as Commander of American Forces during the Korean War.
NOTE: As has occurred several times in American history, the President can commit American troops abroad and involve them in conflict even though Congress has not formally declared war.

The President grants reprieves or pardons for offenses committed against the United States, but he cannot pardon an individual who has been impeached.

NOTE: The President cannot issue pardons for offenses against a state. The President has the power to make treaties with other nations, but these treaties must be approved by a two-thirds vote of the United States Senate.

NOTE: Presidents have gotten around this requirement for Senate approval of treaties by negotiating what are called “executive agreements” instead of treaties. These do not require Senate approval.

The President has the power to appoint ambassadors, other public ministers, and justices of the Supreme Court with the advice and consent of the Senate.

Article II, Sections 3 and 4: Duties of the President, Impeachment of the President/Vice President/and Other Officers

Article II, Section 3 provides that the President must give Congress information on the State of the Union and recommend to Congress measures he thinks necessary.

The President is authorized on extraordinary occasions to convene either or both houses of Congress, and where the two houses disagree on the time of adjournment, the President can adjourn them at a time he thinks proper.

The President receives foreign ambassadors and other public ministers.

NOTE: The President’s power “to receive foreign ambassadors” means the President has an important power called “recognition.” When he “receives” an ambassador from a foreign nation, the President “recognizes” on behalf of the United States the government of that nation which the ambassador represents as the legitimate, rightful government of that nation.

The President must “take care that the laws be faithfully executed.”

NOTE: The President is thus authorized to take whatever action deemed necessary to enforce the laws of the U. S.

Section 4 of Article II provides that the President, the Vice President, and all civil officers of the United States can be removed from office if impeached for, and convicted of, “treason, bribery, or other high crimes and misdemeanors.”

NOTE: What exactly “other high crimes and misdemeanors” means has been a subject of debate and controversy, and no one is certain about exactly what it
means. The House of Representatives brings impeachment charges against an official by a majority vote of the House. Conviction and removal from office on the charges voted by the House requires a two-thirds vote of the Senate.

**NOTE:** In the nation’s history, the House of Representatives has successfully voted impeachment charges against two Presidents – Andrew Johnson and Bill Clinton. A third President – Richard Nixon – resigned the office before the House could vote impeachment charges against him. The Senate, however, has never convicted and removed from office any President.

### Article III

**Article III, Section 1: The Judicial Branch**

**NOTE:** Article III is by far the shortest of the three articles creating the three branches of the U. S. government.

Section 1 of Article III vests the judicial power of the U. S. in one Supreme Court and in such U. S. courts below the Supreme Court as Congress may choose to establish.

**NOTE:** The Constitution thus specifically creates only one court – the U. S. Supreme Court. Congress has created all U. S. courts below the Supreme Court. Congress thus has more power over these lower courts than it does over the Supreme Court. Since Congress creates these courts, it decides all kinds of questions concerning them and can alter or eliminate them at any time.

**NOTE:** Section 1 does not specify the number of members of the Supreme Court even though it establishes the Court. Congress by law sets the number of members, and that number has varied through history. It has not always been an odd number. The first Supreme Court in 1789, for example, as set by Congress in the Judiciary Act of 1789, had only six members. Congress by law set the number of members at nine in 1869 and has not changed that number since then. The only serious but unsuccessful attempt to change the number occurred in 1937 when President Franklin D. Roosevelt tried to persuade Congress to change the number of justices.

**NOTE:** As noted, Articles I and II spell out qualifications which an individual must have to be eligible to serve as a member of the House and the Senate or as the President. However, Article III does not specify any qualifications which an individual must have for appointment as a Supreme Court Justice or a judge of one of the other courts created by Congress.

**NOTE:** The President’s power to appoint Supreme Court Justices and judges of lower U. S. courts is granted in Article II.

Section 1 provides that Supreme Court Justices as well as judges of the lower U. S. courts created by Congress “shall hold their offices during good behavior.”
NOTE: This means that these presidential appointees serve for life unless they seriously misbehave in which case they are subject to removal by Congress through the impeachment process. No Supreme Court Justice in American history has been impeached by the House and convicted and removed from office by the Senate. A few lower U.S. court judges have been impeached, convicted, and removed from office.

Finally, Section 1 provides that both Justices of the Supreme Court and lower court judges shall be compensated for their service and that this compensation cannot be reduced during the time they hold these offices.

Article III, Sections 2 and 3: Jurisdiction of the Courts, Trial by Jury, Treason

Section 2 of Article III spells out in detail the jurisdiction of the U.S. courts or, in other words, all the cases which these courts may hear. Of great significance, Section 2 provides that “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.”

NOTE: Original jurisdiction refers to those cases which begin at the Supreme Court or, in other words, those cases which the Supreme Court is the first court to hear. Of course, if a case begins at this Court, it also ends there since there is no other court above the Supreme Court. Section 2 has been interpreted to mean that the only cases falling under the Supreme Court’s original jurisdiction are: (1) cases involving foreign ambassadors or other foreign diplomatic personnel; and (2) cases between two or more states. There are very few original jurisdiction cases as indicated by the fact that in any given term, the Court hears at most only one or two such cases. In most terms, it hears no such cases. The Supreme Court is, therefore, primarily an appellate court which means that the overwhelming majority of cases it reviews each year come to it on appeal only after having first been heard and decided by a lower U.S. court or by a state court. The fact that Congress is authorized to regulate the Supreme Court’s appellate jurisdiction, but not the Court’s original jurisdiction, is therefore significant even though Congress has never used this power to any great extent. The Supreme Court in the 1803 case Marbury v Madison declared unconstitutional a part of an action of Congress which the Court interpreted as altering the Court’s original jurisdiction.

NOTE: Article III does not specifically grant the Supreme Court the power called “judicial review” whereby it could rule the actions of the states or the other two branches of the national government as constitutional or not. There is some evidence, however, that most of the framers of the Constitution intended the Court to have such a power, and in Federalist No. 78, Alexander Hamilton makes clear his belief that the Court possessed such a power. In any case, the Supreme Court under the leadership of Chief Justice John Marshall established this important power for itself over the other two branches of the national government in the 1803 case Marbury v Madison and over actions of the states in Fletcher v Peck (1810), Martin v Hunter’s Lessee (1816), and Cohens v Virginia (1821).
Section 2 also provides that, except for cases of impeachment, the trial of all crimes shall be by jury and that this trial shall be held in the state where the crime was committed.

Section 3 of Article III defines treason as levying war against the U. S. or giving aid and comfort to the nation’s enemies. It provides that no one can be convicted of treason except by the testimony of two witnesses to the overt act or by the individual’s confession in open court.

**NOTE:** This is the only criminal offense defined in the Constitution.

### Article IV

**Article IV, Sections 1 and 2: Horizontal Federalism: State to State Obligations**

Sections 1 and 2 of Article IV provide that there are three obligations which each state has to every other state (or to citizens of other states). First, each state must give “full faith and credit to the public acts, records, and judicial proceedings of every other state.” Note: This means that each state must recognize and enforce such things as wills, divorces, marriages, etc. legally made in other states.

Second, each state must extend the same “privileges and immunities” to citizens of other states that the state extends to its own citizens.

**NOTE:** As a general rule, a state must treat citizens of other states who happen to be in that state the same way the state treats its own citizens. There are only a few exceptions to this general rule. For example, a state cannot deny citizens of other states the right to hunt and fish in the state, but it can charge out of state citizens more for a hunting or fishing license.

Third, a person charged in any state with a crime who flees and is found in another state, “shall on demand of the executive authority of the state from which he fled, be delivered up …”

**NOTE:** This is referred to as “extradition.” Most of the time, when a governor of one state requests that the governor of another state to which a fugitive from justice has fled extradite the accused person back to the state from which the fugitive fled, it will be done.

Section 2 also provided that “no person held to service or labor in one state, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.”

**NOTE:** Those present at the 1787 Constitutional Convention understood that this so-called “fugitive slave clause” referred to slaves who had escaped from their owners. This portion of Section 2 was rendered inoperative when the Thirteenth Amendment was added to the Constitution.
Article IV, Sections 3 and 4: Admission of New States and Obligations of National Government to States

Section 3 of Article IV gives Congress full control over the admission of new states into the union. The only limitation on Congress' power is that a new state cannot be formed within the jurisdiction of an already existing state nor can a state be created by joining two or more existing states or parts of such without consent of Congress and the state legislatures involved.

NOTE: Congress can lay down one or more conditions which a territory seeking admission to the union as a state must meet before Congress will grant the admission.

Section 4 addresses the obligations the national government has to the states. The first such obligation provides that the national government must “guarantee every state a republican form of government.”

NOTE: This is called “the guarantee clause.” Its meaning has never been interpreted by the U. S. judiciary, and in fact, in the 1849 case Luther v Borden the Supreme Court declared that enforcement of the clause was “a political question” for Congress to decide and not a justiciable issue for the judiciary.

The second such obligation is that the national government shall protect the states against “invasion” and from “domestic violence” when requested by a state legislature or by a governor.

NOTE: If a state is invaded, the nation is invaded, and national government intervention would occur. Furthermore, if there is “domestic violence” in a state, the President may act even if he is not requested to do so by the state’s governor or legislature, particularly if a U. S. law or court decision is involved.

Article V

Article V: Amending the Constitution

Article V spells out the two-step process by which the Constitution can be amended or changed. The first step is “proposing an amendment.” Article V provides that there are only two ways to propose an amendment: (1) by a two-thirds vote of the members of both houses of the U. S. Congress; or (2) by a national convention called by Congress when two-thirds of the states petition Congress to do so. Once an amendment has been proposed by one of these two methods, the second step is “ratification of the proposed amendment.” Article V provides that there are only two ways by which a proposed amendment can be ratified and that Congress decides which of the two ways shall be used: (1) by the state legislatures of three-fourths of the states; or (2) by special state conventions in three-fourths of the states.
Article V originally provided that there were two parts of the Constitution which were protected from being amended. One was that prior to 1808 no amendment could change that part of Article I, Section 9 which forbade Congress to interfere with “the slave trade.” That limit is no longer valid today. Consequently, the only limit today provides that no state, without its consent, can be denied its equal representation in the U. S. Senate.

NOTE: The President has no formal role in the amendment process other than the fact that he can indicate his support for or his opposition to a proposed amendment. He does not possess a veto over proposed amendments.

NOTE: The national convention method for proposing an amendment has never been used, probably because there are too many unanswered questions about it. All amendments thus far added to the Constitution have been proposed by a two-thirds vote of both houses of Congress.

NOTE: Of the two methods by which a proposed amendment can be ratified, the special state convention method, as Congress decided, has only been used one time. The Twenty-First Amendment is the only amendment ever ratified by that method. The 21st Amendment is thus unique for two reasons, the second reason being that it is the only amendment ever added to repeal another amendment (the Eighteenth Amendment which had called for the prohibition of alcohol in the U. S.).

NOTE: Article V sets no time limit for the states to make up their minds whether to ratify after a proposed amendment is sent to them for ratification. However, Congress can set a time limit. For every recent proposed amendment, Congress has set a seven year time limit. If Congress does not set a time limit, since the Constitution does not, then the states have forever.

NOTE: In the history of the U. S. under this Constitution, there have been thousands of ideas for proposed amendments, but Congress has only proposed 33 amendments. Of those 33, the required number of states have ratified 27 which would seem to indicate that the most difficult step is getting an amendment proposed. The most recent proposed amendment which failed to be ratified by the required number of states was a proposed amendment which would have treated the District of Columbia as a state and given it representation in both houses of Congress.

NOTE: One of the most important uses of the amendment process has been to overrule a decision of the U. S. Supreme Court. Four of the twenty-seven amendments added to the Constitution have been added for that precise purpose: (1) Eleventh; (2) Fourteenth; (3) Sixteenth; and (4) Twenty-Sixth.

NOTE: Aside from the first ten amendments (the Bill of Rights), which were added to guarantee fundamental rights of the American people, another important reason for amending the Constitution has been for the purpose of
extending the right to vote. These five amendments were added for that purpose: (1) Fifteenth; (2) Nineteenth; (3) Twenty-Third; (4) Twenty-Fourth; and (5) Twenty-Sixth.

**Article VI**

**Article VI: Debts Contracted Under the Articles of Confederation, The Supremacy Clause, Religious Tests**

Article VI contains three provisions. The first provision states that debts contracted under the Articles of Confederation before the adoption of the present Constitution were still valid. While important at the time, it is no longer of importance today.

The second provision in Article VI, Paragraph 2 is one of the most important principles of the entire Constitution. It is called “the supremacy clause” or “the supreme law of the land clause.” The three things which constitute the supreme law of the land are: (1) the U. S. Constitution itself; (2) laws of the U. S. made in pursuance of the Constitution; (laws of Congress so long as those laws are not in conflict with the Constitution); and (3) treaties. Furthermore, Paragraph 2 states that “judges in every state shall be bound thereby, anything in the Constitution or laws of any state to the contrary notwithstanding.”

The third provision of Article VI states that U. S. Senators, U. S. Representatives, members of state legislatures, and all executive and judicial officers of the U. S. and the states are bound by oath or affirmation to support the Constitution.

In the only mention of religion in the original Constitution as written at Philadelphia, Article VI finally states that “no religious test shall ever be required as a qualification for holding any office or public trust under the United States.

**Article VII**

**Article VII: Ratification of the Constitution**

NOTE: Because the framers had spent the entire summer of 1787 writing the new Constitution, and because they believed that its adoption was essential to the nation’s survival, they wanted to make certain as best they could that it would be ratified and thus take effect.

For the reasons noted above, the framers carefully spelled out the ratification procedure. Article VII reveals their strategy. First, the proposed new Constitution was not sent to the Congress of the Articles of Confederation for its approval. The framers understood that the Confederation Congress was not likely to approve a document that greatly increased the power of the national government by reducing the power of the states. Second, the proposed new Constitution was to be ratified by special state conventions in the states, not by the state legislatures. Third, for the Constitution to be adopted and thus take effect, ratification by the special state conventions of only nine states was required, rather than ratification by all thirteen states.
NOTE: It was generally understood, however, that ratification by the special state conventions of two states—Virginia and New York—was essential to the success of the endeavor. It was also true that opposition to the new Constitution was particularly strong in both of those states. The special state conventions in those two states did ratify the new Constitution, but the vote in both was very close.

NOTE: The framers’ strategy in sending the proposed new Constitution to special state conventions, rather than to the state legislatures, was also smart because it meant that some of the framers could themselves then be elected as delegates to their state conventions and advocate for its adoption. For example, this was true in Virginia where James Madison, often called “the Father of the Constitution,” was chosen as a delegate to the Virginia ratifying convention where he played a leading role in arguing for the adoption of the Constitution he had helped write.

Amendments 1-10

First Amendment: No Establishment of Religion Clause (1791)
The First Amendment contains two different guarantees relative to religion. The first one provides that “Congress shall make no law respecting an establishment of religion.”

NOTE: It is most often referred to as “the establishment clause.” Its meaning has been one of the most disputed issues in American history. There is general agreement among Americans that one thing “the Establishment Clause” certainly means is that government cannot establish a national religion or a national church. Beyond that, however, there is considerable disagreement about its meaning.

NOTE: Some Americans and some members of the Supreme Court have subscribed to Thomas Jefferson’s view that the clause created “a wall of separation between church and state.” The argument has been over how high that wall should be. The two questions or problems that have most frequently been involved in disputes involving “the establishment clause” are: (1) What kind of government aid to church schools, if any, is permissible? (2) What kind of religious activity on public property such as public schools, courthouses, or capitol grounds, if any, is permissible?

NOTE: In the early history of the U. S., “the establishment clause” was interpreted as only applying to and limiting the power of the national government. However, in the landmark 1947 case Everson v Board of Education of Ewing Township, the Supreme Court ruled that the clause was “incorporated” by the due process of law clause of the Fourteenth Amendment and thus now also applies to and limits the actions of state and local governments.

First Amendment: Free Exercise of Religion Clause (1791)
The second of the two different religious guarantees of the First Amendment provides that “Congress shall make no law prohibiting the free exercise of religion.”
NOTE: Like “the establishment clause,” the meaning of the “free exercise clause” has been one of the most disputed issues in American history.

NOTE: In 1878 in *Reynolds v United States*, one of the earliest cases the Supreme Court heard and decided involving “the free exercise clause,” the Court determined that an individual has an absolute right to believe anything or nothing in terms of religion but not an absolute right to act on or practice that belief. For example, one can believe in the name of one’s religion in human sacrifice, but this does not mean that government cannot prevent action on that religious belief.

NOTE: One religious group in the twentieth century which was particularly active in bringing challenges to government actions on grounds of violation of “the free exercise clause” was Jehovah’s Witnesses. For example, in the landmark 1943 case *West Virginia State Board of Education v Barnette*, Jehovah’s Witnesses challenged a public school policy requiring students to participate in a daily Pledge of Allegiance and salute to the American flag as a violation of their sincerely held religious beliefs. The Supreme Court ruled in favor of Jehovah’s Witnesses.

NOTE: Like “the establishment clause,” in the early history of the U. S., “the free exercise clause” was interpreted as only applying to and limiting the power of the national government. However, in another landmark case initiated by Jehovah’s Witnesses, the 1940 case of *Cantwell v Connecticut*, the Supreme Court ruled that the clause was “incorporated” by the due process of law clause of the Fourteenth Amendment and thus now also applies to and limits the actions of state and local governments.

**First Amendment: Freedom of Speech (1791)**
This third guarantee of the First Amendment states that “Congress shall make no law abridging freedom of speech.”

NOTE: Throughout American history, this has been one of the most important and often litigated issues. Some of the most important and often quoted Supreme Court opinions have been written in these cases.

NOTE: Like the other guarantees of the First Amendment, in the early part of the nation’s history, the freedom of speech guarantee only applied to and limited the national government. However, in the landmark 1925 case *Gitlow v New York*, the Supreme Court ruled that the freedom of speech was “incorporated” by the due process of law clause of the Fourteenth Amendment and thus now also applies to and limits the actions of state and local governments.

NOTE: One important issue which the Supreme Court has had to resolve concerning the freedom of speech guarantee is the nature of speech, and specifically if it is restricted in meaning only to oral, spoken words. The Court on several occasions has ruled that speech does not have to be oral, spoken words. Rather, it has ruled that “symbolic speech” is also protected by the freedom of
speech guarantee. For example, in the landmark 1989 case *Texas v Johnson*, the Court ruled that burning the American flag as a means of protesting government policy was speech and was protected by the First Amendment.

**NOTE:** One of the most important and frequently used tests devised by members of the Supreme Court to judge freedom of speech cases is called the “clear and present danger test” enunciated by Justice Oliver Wendell Holmes, Jr. in the landmark 1919 case *Schenck v United States*. Holmes wrote: “But the character of every act depends upon the circumstances in which it is done. The most stringent protection of free speech would not protect a man in falsely shouting fire in a crowded theater and causing a panic. …The question in every case is whether the words used are used in such circumstances and are of such a nature as to create a clear and present danger …”

**NOTE:** Another important freedom of speech issue has concerned the question of whether public school students enjoy freedom of speech in the schoolhouse. In the landmark 1969 case *Tinker v Des Moines School District*, the Supreme Court ruled that students do enjoy freedom of speech in the schoolhouse when it stated: “Neither students nor teachers shed their constitutional rights at the schoolhouse gate.” However, the Court in that case as well as in others has made it clear that the freedom of speech rights of students in the public schools are not the same as they are in the world outside the public school.

**First Amendment: Freedom of the Press (1791)**
The fourth guarantee of the First Amendment provides that “Congress shall make no law abridging the freedom of the press.”

**NOTE:** From the colonial period of American history to the present day, the press has played an important role in American democracy in informing the public about what is going on in the nation and the world, and particularly in informing the public about the actions of their government and government officials. In early American history, the word “press” was limited in meaning to newspapers, pamphlets, magazines, and books. Today, “press” has a much broader meaning such as “media” and includes not only those earlier means of communication but also radio, television, the Internet, Facebook, Twitter, etc.

**NOTE:** Like the other guarantees of the First Amendment, in the early part of the nation’s history, the freedom of press guarantee only applied to and limited the national government. However, in the landmark 1931 case *Near v Minnesota*, the Supreme Court ruled that freedom of the press was “incorporated” by the due process of law clause of the Fourteenth Amendment and thus now also applies to and limits the actions of state and local governments.

**NOTE:** A variety of issues involving the freedom of press guarantee have arisen throughout American history including libel, prior restraint, and freedom of the press v the right to a fair trial. Libel is usually defined as written defamation, a false statement that harms a person’s reputation in written form. The Supreme Court has ruled that what one has to prove in order to win a libel suit depends on who or
what one is. Most Americans are considered “private citizens” and have to prove less than do “public officials” who hold governmental positions. “Public officials” must prove what the Court calls “actual malice.” They must not only prove that what was published was false but also that it was published with knowledge that it was false or with “reckless disregard” of whether it was false. The media today thus have more protection where “public officials” are concerned.

NOTE: A freedom of the press issue on which the Supreme Court has taken the most steadfast position concerns what is called “prior restraint” which refers to the government interfering with the media by attempting to prevent something from being published in the first place. The Court has made it very clear that “prior restraint” by government is hardly ever allowed.

First Amendment: Freedom of Assembly (1791)
The fifth guarantee of the First Amendment provides that “Congress shall make no law abridging the right of the people peaceably to assemble.”

NOTE: Like the other guarantees of the First Amendment, in early American history the freedom of assembly guarantee only applied to and limited the national government. However, in the landmark 1937 case DeJonge v Oregon, the Supreme Court ruled that the freedom assembly was “incorporated” by the due process of law clause of the Fourteenth Amendment and thus now also applies to and limits the actions of state and local governments.

NOTE: If one thinks about the freedom of assembly, it quickly becomes apparent that it is closely tied to other freedoms of the First Amendment such as speech and religion. Unless one only seeks to speak to oneself or only views religion in terms of one individual, it is obvious that these freedoms are intertwined. Freedom of speech and free exercise of religion also involve freedom of assembly.

NOTE: The principle issues the Supreme Court has had to deal with concerning freedom of assembly involve where, when, and how people can assemble peaceably. Like the other First Amendment freedoms, it is not an “absolute” right. Government can place reasonable time, place, and manner restrictions on the freedom of peaceable assembly.

First Amendment: Freedom to Petition (1791)
The sixth guarantee of the First Amendment provides that “Congress shall make no law abridging the right of the people to petition the government for a redress of grievances.”

NOTE: The Supreme Court ruled in the 1937 case DeJonge v Oregon that the right to petition is “incorporated” by the due process of law clause of the Fourteenth Amendment and thus now also applies to the actions of state and local governments.

NOTE: Individuals have the right to petition government to express their views and ask for change. The framers of the Constitution and the Bill of Rights brought with
them a strong tradition from the colonial period of petitioning government in the face of tyranny. More than once the colonists petitioned the English to cease what they considered oppressive and unfair English behavior. It is not surprising, therefore, when the time came to frame our own Constitution that the right to petition government would be included among the freedoms of the people.

**Second Amendment: Keep and Bear Arms (1791)**
The Second Amendment provides: “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.”

**NOTE:** The Second Amendment is the only amendment with what is called a “preamble” which refers to the opening words of the amendment: “A well-regulated militia, being necessary to the security of a free state.” It is this “preamble” which has led to strong and lasting disagreement about the meaning of the amendment. Interpretation of the Second Amendment differs between those who believe the amendment protects an individual right and those who argue that the “preamble” renders it a group right, namely that of a “well-regulated militia.”

**NOTE:** For much of this nation’s history, the Supreme Court and other U. S. courts sided with those who argued that it was not an individual right but rather that of “a well-regulated militia.” Furthermore, the amendment was viewed as applying only to the national government and not to state and local governments. This changed, however, in 2010 when the Supreme Court in the landmark case *McDonald v City of Chicago* ruled not only that the right to keep and bear arms is an individual right but also that it now applies to and limits state and local government actions.

**Third Amendment: Quartering of Soldiers (1791)**
The Third Amendment provides: “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.”

**NOTE:** The framers of the Constitution brought with them a legacy of guarding their homes against what they saw as unreasonable and tyrannical government intrusion. In the Declaration of Independence, for example, one of the charges against the king was that without colonists’ consent he had “quartered large bodies of armed troops among us.” Since Americans did not like this when the English government was doing it, it is not surprising that they did not want their own government doing it either.

**NOTE:** There has never been a single Supreme Court case involving the Third Amendment. Along with the Seventh Amendment, the Supreme Court has never directly addressed the meaning of the Third Amendment. However, in the 1965 case *Griswold v Connecticut*, the Court cited the Third Amendment as one part of the Bill of Rights that creates “zones of privacy” and thus a constitutional right to privacy.
NOTE: Because there has never been a Supreme Court case involving the Third Amendment, this explains why it is often referred to as “the forgotten amendment.” It also explains why the Third Amendment, regardless of what it says, even today only applies to and limits the national government, not state and local governments. In other words, it is one of only four parts of the Bill of Rights which has never been “incorporated.”

**Fourth Amendment: Unreasonable Searches and Seizures (1791)**

The Fourth Amendment provides: “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 person or things to be seized.”

**NOTE:** The amendment does not prohibit all searches and seizures but only those which are unreasonable.

**NOTE:** One of the most important parts of this amendment is “probable cause.” If law enforcement officers wish to search a home or other place, they must first convince a judge that they are in possession of information that such a search would produce evidence that a criminal offense has been committed. Furthermore, a lawful warrant must specifically describe the place to be searched and the person or things to be seized. This part of the amendment was most likely included to prevent our own government from doing what occurred in the colonial period of our history when English officials had used general search warrants called “writs of assistance” to search anywhere, at any time, for anything.

**NOTE:** The Supreme Court has ruled, however, that there are some situations where a search and seizure is permissible without a warrant. One such situation is where an individual has voluntarily consented to a search. Another is that police without a warrant can legally carry out a limited “pat down” of an individual behaving suspiciously. A warrant, the Court has also ruled, is not needed when police are “in hot pursuit” of a suspect, or when an officer sees incriminating evidence of the commission of a criminal offense “in plain sight.”

**NOTE:** In early American history, the Fourth Amendment, like other guarantees of the Bill of Rights, was interpreted as only applying to and limiting the national government, not state and local governments. However, in the landmark 1949 case *Wolf v Colorado*, the Supreme Court ruled that the amendment now also applies to and limits actions of state and local officers. Nevertheless, the Court also ruled in this case that evidence seized in violation of the amendment by state and local officers was still admissible against the accused in a state court. It was not until 1961 in the landmark case *Mapp v Ohio* that the Supreme Court ruled that the so-called “exclusionary rule” now also applies to and limits state and local courts – namely, that evidence seized in violation of the amendment is inadmissible against the accused.
NOTE: Another important issue involving the Fourth Amendment concerns its application in the public school environment: Do public school students enjoy the protection of the Fourth Amendment? The Supreme Court’s answer has been “yes,” but the Court has made it clear that there is at least one important difference in the public school environment. In the 1984 landmark case *New Jersey v TLO*, the Court ruled that public school officials only need “reasonable suspicion” rather than “probable cause” to conduct a legal search and seizure.

**Fifth Amendment: Grand Jury Clause (1791)**
The Fifth Amendment provides several protections for the accused person in criminal cases. The first protection provides: “No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury …”

NOTE: The function of a grand jury is not to determine the innocence or guilt of an accused person but rather to determine if the government has enough evidence against the accused to proceed to trial. If the grand jury decides that enough evidence exists, it returns an indictment or, in other words, a “true bill.” The accused has no legal right to appear before a grand jury to argue the accused’s case, and therefore, the grand jury only hears the prosecution’s side of the case. Consequently, it is no surprise that grand juries almost always do what the prosecution wishes and returns a “true bill.”

NOTE: Because many believe that grand juries do not serve the function for which they were originally established, namely to serve as a check on arbitrary actions by the government, most states do not use grand juries. The Supreme Court long ago ruled that states are not required to do so and has not changed its position. In other words, the Court has not “incorporated” the grand jury clause into the due process of law clause of the Fourteenth Amendment and thus made it apply to the state and local governments.

**Fifth Amendment: No Double Jeopardy Clause (1791)**
The second protection afforded an accused person in a criminal case by the Fifth Amendment provides: “nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb.”

NOTE: This means that the same government cannot try a defendant for the same offense more than once. However, some criminal offenses may be a violation of both state and national law. If that is true, then both governments can accuse and try the individual, and that is not double jeopardy.

NOTE: In early American history, like other amendments of the Bill of Rights, the no double jeopardy clause only applied to and limited the national government. However, in the landmark 1969 case *Benton v Maryland*, the Supreme Court “incorporated” the clause into the due process of law clause of the Fourteenth Amendment and thus ruled that the clause now also applies to and limits state and local governments.
Fifth Amendment: No Self Incrimination Clause (1791)
The third protection afforded an accused person in a criminal case by the Fifth Amendment provides: “nor shall any person be compelled in any criminal case to be a witness against himself.”

NOTE: Government thus cannot force an accused person to testify against himself. By allowing people to refuse to answer questions that might make them seem guilty, the Fifth Amendment resolves the conflict between defending oneself and telling the truth. As noted by the English jurist, Sir William Blackstone, this protection has its roots in English legal tradition.

NOTE: In the early history of the U. S. this protection against compulsory self-incrimination only applied to and limited the national government. However, in the landmark 1964 case Malloy v Hogan, the Supreme Court “incorporated” the protection into the due process of law clause of the Fourteenth Amendment and thus ruled that it now also applies to and limits state and local governments.

NOTE: Furthermore, in the landmark 1966 case Miranda v Arizona, the Court reinforced its 1964 decision when it ruled that the protection requires the police to inform criminal suspects of their right to remain silent prior to any questioning, and that failure to do so would render a confession thus obtained inadmissible against the accused at trial.

Fifth Amendment: Due Process of Law Clause (1791)
The fourth protection afforded an accused person in a criminal case by the Fifth Amendment provides: “nor shall any person in any criminal case be deprived of life, liberty, or property, without due process of law.”

NOTE: This is the first of two due process of law clauses found in the U. S. Constitution. They both say the same thing. The difference is that the due process clause in the Fifth Amendment applies to the national government whereas the one in the Fourteenth Amendment applies to state and local governments.

NOTE: The due process of law clause means that government has to follow certain rules and established procedures in everything it does in proceeding with a criminal case against an individual. Due process consists of many things, including many of the protections found in other amendments such as a fair trial by an impartial jury of one’s peers, no self-incrimination, no double jeopardy, right to counsel, etc. Due process, as many scholars have noted, has its roots, among other sources, in 1215’s Magna Carta where the English monarch was compelled to agree that “no free man shall be taken or imprisoned … or in any way destroyed … except by the lawful judgment of his peers or by the law of the land.”

NOTE: The Supreme Court used the Fifth Amendment’s due process of law clause when it put an end to racial segregation in the public schools of the nation’s capital, the District of Columbia. When the Court used the equal protection of the laws clause of the Fourteenth Amendment to declare racial segregation by law in the
states unconstitutional in the landmark 1954 case *Brown v Board of Education of Topeka, Kansas*, racial segregation also existed in the public schools of the nation’s capital. The problem was that the Constitution has no equal protection of the laws clause aimed at the national government. Therefore, what the Supreme Court did in order to render racial segregation in the District’s public schools unconstitutional is called “reverse incorporation.” The Court used the due process of law clause of the Fifth Amendment to make the equal protection of the laws clause of the Fourteenth Amendment apply to the national government.

**Fifth Amendment: Takings Clause (1791)**
The fifth and final protection of the Fifth Amendment is unlike the amendment’s other four protections which were directed to the rights afforded an accused person in a criminal case. This fifth protection is called the “Takings Clause.” It provides: “nor shall private property be taken for public use without just compensation.”

**NOTE:** This generally accepted power of government to take privately-owned property in order to build such things as roads, schools, libraries and other public facilities is called “eminent domain.” Government is required by the clause to pay the private property owner “just compensation” which is usually understood to mean the fair market value of the property when it uses this power of “eminent domain” to take the property for public use. The compensation provided has not often been the cause of dispute concerning the “takings clause.”

**NOTE:** The “takings clause” was the first protection of the Bill of Rights to be incorporated and applied to the state and local governments by the Supreme Court in the 1897 case *Chicago, Burlington, & Quincy Railroad v Chicago*.

**NOTE:** The most recent dispute concerning the “takings clause” arose as a result of a Supreme Court decision in the 2005 case *Kelo v City of New London*. In this case, the Supreme Court stirred controversy by its different interpretation of the meaning of the term “public use.” The Court interpreted the term to mean “public benefit” such as anticipated economic development in a region as a result of government’s taking private property.

**Sixth Amendment: Speedy, Public Trial, By an Impartial Jury (1791)**
The Sixth Amendment spells out seven different rights of the accused in “all criminal cases.”

**NOTE:** The Supreme Court has “incorporated” and thus applied to the state and local governments all seven of these rights.

The first three rights are “a speedy and public trial by an impartial jury ….” Note: The right to a speedy trial does not refer to how long a trial lasts but rather to the amount of time that passes between the time the accused is arrested, charged, indicted, and then is actually placed on trial. For example, if ten years passes and the accused is not brought to trial, this was not a speedy trial. The right to a public
trial simply means that the accused cannot be tried behind closed doors in private. The public, including the media, must have access to the trial.

**NOTE:** The right of the accused “in all criminal cases” to a trial by an impartial jury has given rise to several important questions which the Supreme Court has had to answer. The right does not apply to what are called “petty offenses” usually defined as offenses punishable by six months or less confinement. The Court has ruled that a traditional twelve-person jury is not always required. For less serious criminal cases six-person juries are permissible. The same is true of the traditional requirement of unanimous jury verdicts. In some instances, a jury verdict need not be unanimous. Another important issue involves a possible collision between the accused’s right to a trial by an impartial jury and the freedom of the press under the First Amendment to cover a trial’s proceedings. The Supreme Court has ruled that the accused’s right to a trial by an impartial jury is so important that a judge can and should impose certain restrictions on how the press covers the trial. Another important issue relative to the right to a trial by an impartial jury concerns the composition of a jury. The traditional rule is that a jury should be made of one’s peers which has been interpreted to mean that as close as possible the composition of a jury should reflect the population of the area where the trial is being held. For example, if the population of an area where a trial is being held is overwhelmingly African American, then it could not be a trial by a jury of one’s peers if African Americans were excluded from jury service.

**Sixth Amendment: Informed of Nature and Cause of Accusation, Confrontation Clause, Compulsory Process for Favorable Witnesses (1791)**

Three more rights of the accused in all criminal cases according to the Sixth Amendment are “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.”

**NOTE:** “To be informed of the nature and cause of the accusation” simply means that a defendant has the right to know the specific charge against him and cannot be convicted of one crime on an indictment charging a very different crime. “The confrontation clause” means that the defendant has a right to be present at his trial and to cross-examine witnesses against him. Those accusing a defendant of having committed a criminal offense must face him “eyeball to eyeball” in the courtroom. Only for compelling reasons can there be an exception to this confrontation right, and traditionally that exception involves situations where children are crime victims and could suffer traumatic consequences if forced to face an individual accused of having committed a serious offense against them. Even in this situation, however, confrontation must still occur in some form, perhaps through closed circuit television. The right “to have compulsory process for obtaining favorable witnesses” simply means that the defendant is entitled to subpoena or summon witnesses who could possibly produce testimony favorable to the defendant.

**Sixth Amendment: Right to Counsel (1791)**

The seventh and final right of the accused in all criminal cases provided by the Sixth Amendment is “to have the assistance of counsel for his defense.”
NOTE: Many constitutional scholars consider this to be the most important right of an accused person in criminal cases. The reason is that many accused persons are not aware of all their constitutional rights, and if they are not aware of what these rights are, they cannot assert them. Counsel not only knows the rights of the accused and thus allows the accused to assert them but also knows how to assert those rights and others in a court of law.

NOTE: For much of American history, all this right meant, however, was that the accused had a right to the assistance of counsel if the accused could afford one. In 1938, however, the Supreme Court ruled that in any criminal case in a federal court, the U. S. government must supply counsel for indigent or poverty-stricken defendants. The Court has since extended that rule to felony criminal cases in state courts and more recently to any criminal case in a state court where a jail sentence of any length, even one day, is possible. The rule has not yet been extended to those criminal cases where only a fine is the possible punishment. The most recent issue concerning the assistance of counsel concerns not just the right to counsel but the right to “effective counsel” which means the defendant has a right to have counsel who knows what he should do and actually does it. In several instances in recent years, the Supreme Court has overturned defendants’ convictions because in the Court’s view, the defendant had “ineffective counsel.”

Seventh Amendment: Jury Trial in Some Civil Cases (1791)
The Seventh Amendment provides that in civil cases “where the value in controversy shall exceed $20, the right of jury trial shall be preserved …”

NOTE: Together with the Third Amendment, the Seventh Amendment is often referred to as “the forgotten amendment.” There has never been in U. S. history a single Supreme Court case involving the Seventh Amendment. Unlike most of the other rights of the Bill of Rights, the Supreme Court has never “incorporated” the amendment. As a result, the Seventh Amendment has no application to state and local courts.

Eighth Amendment: No Excessive Bail or Fines and No Cruel and Unusual Punishment (1791)
The Eighth Amendment contains two important protections for the accused in criminal cases: (1) no “excessive bail or fines;” and (2) no “cruel and unusual punishments.”

NOTE: The Supreme Court has not “incorporated” the “no excessive bail or fines” protection into the due process of law clause of the Fourteenth Amendment and thus applied it to the state and local governments. Therefore, today it still only applies in U. S. courts, but the meaning of the word “excessive” remains unsettled.

NOTE: The Supreme Court has “incorporated” the “no cruel and unusual punishment” protection into the due process of law clause of the Fourteenth Amendment, and thus today it does apply to state courts. Through the years the
Supreme Court has heard and decided several important issues involving the “no cruel and unusual punishment” prohibition. The Court has ruled, for example, that capital punishment or the death sentence, does not violate the prohibition. However, it has ruled that executing those who are mentally retarded, no matter what they may have done, does violate the prohibition. It has also ruled that executing those who were under the age of 18 when they committed a criminal offense does violate the prohibition. At the same time, the Court has ruled that corporal or physical punishment like paddling in the public schools does not violate the prohibition.

**Ninth Amendment: Other Rights of the People (1791)**
The Ninth Amendment provides: “The enumeration in the Constitution of certain rights should not be construed to deny or disparage others retained by the people.”

**NOTE:** The people may have other rights besides those which are specifically listed in the Constitution. This was James Madison’s response to the argument that listing the rights of the people could be dangerous because it might lead to the belief that the rights listed were the only rights the people had. For most of this nation’s history, the Ninth Amendment, like the Third and Seventh Amendments, was “a forgotten amendment.” Only in the modern era has the amendment been resurrected. Though the Supreme Court has been reluctant to decide cases based solely on the Ninth Amendment, it has been cited particularly by some justices as establishing a constitutional right to “privacy” even though that term never appears anywhere in the Bill of Rights. In fact, in the 1965 case *Griswold v Connecticut*, Justice Arthur Goldberg in a concurring opinion became the first justice in U. S. history to base a vote in a case solely on the Ninth Amendment.

**Tenth Amendment: Reserved Powers of States or the People (1791)**
The Tenth Amendment provides: “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.”

**NOTE:** The Tenth Amendment has sometimes been called “the states’ rights” amendment. It is a key part of the Constitution on which states have relied when they have argued that the national government has exceeded its power under the Constitution. Of the amendments demanded by Anti-Federalists in the state conventions called to ratify the Constitution, one calling for “a reserved powers clause” for the states was by far the most common. The language of the Tenth Amendment echoes language James Madison wrote in Federalist No. 45. There Madison wrote that the powers of the national government would be “few and defined” and would mainly be external powers whereas powers reserved to the states would be “numerous and indefinite.” It is thus not surprising that when Madison authored the Bill of Rights, he would include one attempting to reassure the opponents of the Constitution that the states would continue to occupy an important role under the new Constitution.

**Amendments 11-15**
Eleventh Amendment: Denial of Jurisdiction for U. S. Courts in Certain Cases (1795)
The Eleventh Amendment added to the Constitution in 1795 provides: “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.”

NOTE: The Eleventh Amendment was the first amendment added to the Constitution to change a part of the original Constitution and, at the same time, the first amendment added to overturn a Supreme Court decision.

NOTE: As written at the 1787 Constitutional Convention, Article III, Section 2 extended the jurisdiction of U. S. courts to cases “between a state and citizens of other states” and to cases “between a state, or the citizens thereof, and foreign states, citizens, or subjects.” In the debate over the ratification of the new Constitution, some opponents argued against these provisions on the grounds that they violated “the doctrine of sovereign immunity” which asserts that a sovereign government cannot be sued without its consent. In 1793, the Supreme Court under its first Chief Justice John Jay heard Chisholm v Georgia, a case brought by a citizen of South Carolina against the state of Georgia. The Court ruled in Chisholm’s favor. After Georgia vigorously protested the Court’s action, Congress by overwhelming votes in both houses proposed what became the Eleventh Amendment, and three-fourths of the states quickly ratified it. The amendment alters Article III, Section 2 and specifically denies federal courts jurisdiction to hear suits brought by citizens of one state (or of another nation) against another state.

Twelfth Amendment: Presidential/Vice Presidential Election (1804)
NOTE: Under the presidential election system established in Article II, Section 1 of the 1787 Constitution, each elector of the Electoral College voted two times, but was not required to state for whom he was voting for President and for whom he was voting for Vice President. The framers’ idea was that the electors, free of any political alliances, would simply cast their votes for “the best man.” The individual who received a majority of the electoral votes, became President, and the individual who received the second largest number of electoral votes automatically became Vice President.

NOTE: In the nation’s first two presidential elections (1788 and 1792) the system worked because of George Washington and because the nation had only one political group, the Federalists. By 1796, however, there were two political groups, the Federalists and the Democratic-Republicans, and George Washington had departed the nation’s government. The fourth presidential election in 1800 revealed problems with the 1787 presidential election system. For the only time in the nation’s history, there was a tie in the electoral vote between Thomas Jefferson and Aaron Burr, both members of the Democratic-Republican Party. Pursuant to the Constitution, the election was thrown into the House of Representatives controlled by the Federalists who preferred neither Jefferson nor Burr. Finally, voting by states, as provided by the Constitution, on the 36th ballot, the House
chose Jefferson to be the nation's third President. In 1803, Congress proposed the Twelfth Amendment, and it was ratified by three-fourths of the states in June, 1804.

The Twelfth Amendment made these major changes in Article II's presidential election system: (1) Each elector in the electoral college has one electoral vote for President and one electoral vote for Vice President, and voting by the electors for President is separate and distinct from their voting for Vice President; (2) if no candidate for President wins a majority of the electoral votes for President, the House of Representatives voting by states with each state having one vote chooses the President from among the top three electoral vote winners, instead of from the top five as Article II had originally provided: (3) if no candidate for Vice President receives a majority of the electoral votes for Vice President, the Senate, with each senator having one vote, chooses the Vice President from the top two electoral vote winners; and (4) no person constitutionally ineligible to be President can be Vice President.

Thirteenth Amendment: Abolition of Slavery (1865)
Section 1 of the Thirteenth Amendment added to the Constitution in 1865 provides: “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.”

NOTE: The “fugitive slave” provision of Article IV, Section 2 of the 1787 Constitution was thus repealed.

Section 2 provides: “Congress shall have power to enforce this article by appropriate legislation.”

NOTE: Congress began debating a proposed constitutional amendment abolishing slavery in the entire nation in 1864, and the proposed amendment passed the Senate. However, not until 1865 were the Republicans in the House able to persuade enough Democrats to vote for the proposed amendment and secure the required two-thirds vote. Disagreement arose immediately over the meaning of the amendment, particularly the extent of Congress’ authority to enforce it through “the enforcement clause” of Section 2. Some argued that all the amendment did was to end the “master-slave” relationship and that consequently no more federal action was needed or warranted. Others argued that the amendment required further action by Congress to assure full and equal rights for former slaves.

Fourteenth Amendment: Section 1 - Definition of Citizenship (1868)
The first sentence of Section 1 of the Fourteenth Amendment added to the Constitution in 1868 states: “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.”
NOTE: For several reasons, many constitutional scholars argue that, aside from the Bill of Rights, the Fourteenth Amendment is the most used, significant, and far-reaching amendment ever added to the Constitution.

NOTE: As written at the 1787 Constitutional Convention, the Constitution said nothing about who was a citizen of the United States. In the 1857 case *Dred Scott v Sanford*, the Supreme Court declared that slaves were property and were not and could never be citizens of the U. S. The first sentence of the Fourteenth Amendment for the first time in the Constitution defines American citizenship, and, for only the second time in American history, the constitutional amendment process was used to overturn a Supreme Court decision, namely the Court’s decision in *Dred Scott v Sanford*.

**Fourteenth Amendment: Section 1 -- Limitations on the States – Privileges or Immunities Clause (1868)**
The remainder of Section I of the Fourteenth Amendment provides three important limitations on state governments. The first of the three declares that “no state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States.”

NOTE: Article IV of the Constitution has an identical phrase, but it guarantees that states will treat out-of-state citizens the same way they treat their own citizens.

NOTE: This first of these three important limitations on the states speaks of “the privileges or immunities of citizens of the United States” while the other two limitations spelled out in Section 1 speak of the states being forbidden to deny “any person” due process of law or the equal protection of the laws.

NOTE: Fourteenth Amendment viewed the privileges or immunities clause as the most important of the three clauses placing limitations on the states. They believed that the privileges or immunities clause required the states to respect all of the rights specifically listed in the first ten amendments (the Bill of Rights). The Supreme Court in the 1873 *Slaughterhouse Cases* rejected that view and interpreted the clause so narrowly that, as a result, the clause was made virtually useless forever.

**Fourteenth Amendment: Section 1 -- Limitations on the States – Due Process of Law Clause (1868)**
The second of the three limitations imposed on the states by Section 1 provides: “nor shall any state deprive any person of life, liberty, or property, without due process of law.”

NOTE: The Fifth Amendment also contains a due process of law clause. The difference is that it applies to and thus limits the government of the United States whereas this same provision in Section 1 of the Fourteenth Amendment applies to and limits the states.
NOTE: Beginning in the early decades of the twentieth century, a majority of the Supreme Court, through a process called “incorporation,” began using the due process of law clause of Section 1 to make most of the individual rights of the Bill of Rights apply to and limit the states. In other words, the Court has used the due process clause to largely overturn the Supreme Court's decision in the 1833 case *Barron v Baltimore* where the Court ruled that the Bill of Rights only applied to and limited the national government, not the states. This is sometimes called “the due process revolution” or “the second Bill of Rights.” For example, all of the specific rights of the Bill of Rights except for (1) the Third Amendment, (2) the grand jury clause of the Fifth Amendment, (3) the Seventh Amendment, and (4) the protection against excessive bail or fines of the Eighth Amendment today apply to and limit the states just as they have applied to and limited the national government since they were written.

**Fourteenth Amendment: Section 1 -- Limitations on the States – Equal Protection of the Laws Clause (1868)**
The third of the limitations imposed on the states by Section 1 provides: “nor shall any state deny to any person within its jurisdiction the equal protection of the laws.”

NOTE: In the late nineteenth century, the Supreme Court interpreted the “equal protection of the laws clause” very narrowly. For example, the Court declared Congress’ Civil Rights Act of 1875 outlawing racial discrimination in public accommodations such as hotels and restaurants unconstitutional. The Court reasoned that Congress could only prohibit discrimination by “state action,” not private discrimination as was being done by private individuals who owned hotels and restaurants.

NOTE: In the same time period, the Supreme Court in the 1896 case *Plessy v Ferguson* ruled that a state law requiring racial segregation on railway cars did not violate the equal protection of the laws clause as long as “the separate facilities were equal.” It was not until much later that the Court took a broader view of the equal protection of the laws clause and overruled some of the Court’s own earlier decisions such as *Plessy*. In addition, in the later decades of the twentieth century, the Court also began to interpret the equal protection of the laws clause to prohibit gender discrimination as well as discrimination in other areas such as voting or the drawing of legislative districts.

**Fourteenth Amendment: Sections 2-5 (1868) – Other Provisions**
The meaning of Section 2 of the Fourteenth Amendment was very clear. It repealed the so-called “three-fifths compromise” of Article I, Section 2 of the original Constitution and provided for a reduction of representation in the U. S. House of Representatives for any state denying the right to vote to males over 21 years of age. Note: This provision served to anger leaders of the women’s rights movement because for the first time it introduced the word “male” into the Constitution.
The meaning of Section 3 was also very clear. Anyone who had held office in the government of the U. S. or any state and had taken an oath to support the U. S. Constitution but then committed treason by supporting the Confederacy was forbidden to hold any U. S. or state office.

The meaning of Section 4 was also equally clear. Debts incurred by the Union during the Civil War would be honored, but any debt incurred by the rebellious southern states was not the responsibility of the U. S. or any state.

Section 5 of the amendment provides that “Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.”

**NOTE:** Congress has used this so-called “enforcement clause” of Section 5, for example, in adopting part of the Voting Rights Act of 1965 in which Congress forbade the states to deny the right to vote to any citizen who had completed the sixth grade in the U. S. regardless of his or her language. The Supreme Court upheld Congress’ action using the enforcement clause.

**Fifteenth Amendment: Denial of Right to Vote on Account of Race (1870)**
Section 1 of the Fifteenth Amendment added to the Constitution in 1870 provides that “the right of citizens of the United States to vote shall not be abridged by the United States or by any state on account of race, color, or previous condition of servitude.”

Section 2 provides that “the Congress shall have power to enforce this article by appropriate legislation.”

**NOTE:** In 1869, when Congress began to consider what became the Fifteenth Amendment, a few members advocated that the amendment should extend the vote to women as well as African Americans. Another version would not only have protected the right to vote but also the right to hold office. In an effort to secure the amendment’s passage, its supporters adopted the least aggressive version. Instead of granting a positive or absolute right to vote, the proposed amendment which Congress adopted was framed in terms of a prohibition on the use of race, color, or previous condition of servitude to deny the right to vote. Noticeably, the amendment does not mention gender which meant that male, former slaves could not be denied the right to vote, but women of all races could still be denied that right. Congress later used the enforcement clause of Section 2 to pass the Civil Rights Acts of 1957 and 1960 as well as the Voting Rights Act of 1965.

**Principles of the Constitution**

**Checks and Balances**
The Framers of the U. S. Constitution created a government with three separate and independent branches, each with distinct powers, different constituencies, chose in different ways, and with competing interests. If one branch attempts to act outside its constitutional bounds, one or more of the other branches can stop,
or check, that overreach of power. Some examples of the checks and balances are: the President’s veto power over bills passed by the two chambers of Congress; Congress’ ability to override a President’s veto by a two-thirds vote of both chambers; the requirement that the Senate by a two-thirds vote must ratify treaties negotiated by the President; the Supreme Court’s power to declare acts of the president or acts of Congress unconstitutional; Congress’ control of the nation’s treasury and thus money the other two branches need to operate; and the Senate’s approval of judicial appointments made by the President. These checks and balances provide some of the “auxiliary precautions” against the abuse of power that James Madison spoke of in Federalist No. 51. In framing a government based on separation of powers along with checks and balances, the framers of U.S. government were influenced by the thinking of the French philosopher Baron de Montesquieu and his The Spirit of the Laws.

Separation of Powers
Influenced by the writings of the French philosopher Baron de Montesquieu, the English philosopher John Locke, and other political theorists, the Framers of the U. S. Constitution created a system of government with power divided among three distinct branches. Montesquieu argued that if there was concern about anyone having too much power, the answer was simple. Because government, he noted, has three major functions -- making law, enforcing or executing law, and interpreting law and settling disputes – the way to prevent anyone from having too much power was to create three separate branches and assign each branch one of the three functions. The Framers believed this type of governmental system would best protect the liberty of the people.

The U. S. Constitution outlines the powers of the legislative (or lawmaking) branch in Article I, the powers of the executive (law enforcement or law execution) branch in Article II, and the powers of the judicial (law interpretation and settlement of disputes) branch in Article III.

Federalism
Federalism is a system of government with dual sovereignty. The U. S. Constitution divides power between the national and state governments. This is what James Madison called a “double security.” The Constitution specifically lists the powers of the legislative branch of the national government in Article I, the powers of the executive branch in Article II, and the powers of the judicial branch in Article III. The Tenth Amendment reserves to the states or the people powers not denied to the states and not delegated to the national government.

As the Framers anticipated, the power struggles that have sometimes occurred between the national and state governments have also served as part of the system of checks and balances designed to prevent abuse of power and protect individual rights.

A federal system of government such as that found in the U. S. and a few other nations can be compared to a unitary system of government that Great Britain and most nations of the world have. In a unitary system all power is in the central
government, and local governments have only those powers granted them by the central government. A federal system is also very different from what the U. S. had under its first national constitution, the Articles of Confederation, where all the power was lodged in the state governments. A federal system is thus a compromise between a confederation system and a unitary system.

**Popular Sovereignty**
Influenced by philosophers such as Thomas Hobbes, John Locke, and Jean Jacques Rousseau, the framers of the U. S. Constitution believed in the doctrine of popular sovereignty which asserts that the people are the source of government power. Actions of government and the laws it makes should represent the will of the people. Thomas Jefferson articulated this doctrine in the Declaration of Independence when he wrote “…to secure these [inalienable] rights, Governments are instituted among Men, deriving their just powers from the consent of the governed.”

In Federalist No. 22, Alexander Hamilton wrote: “The fabric of American empire ought to rest on the solid basis of THE CONSENT OF THE PEOPLE. The streams of national power ought to flow from that pure, original fountain of all legitimate authority.” Of course, the clearest endorsement of the fundamental importance of the doctrine of popular sovereignty in the American Constitution is the opening words of the Constitution’s Preamble “We the people of the United States … do ordain and establish this Constitution of the United States.”

**Limited Government**
Another fundamental principle of the American system of government is limited government which means government is not all powerful. The ultimate power is in the hands of the people as the words of the Preamble of the U.S. Constitution indicate. The U. S. Constitution as written at the constitutional convention in 1787 placed several limits on the power of either the national government or the state governments or both. For example, Article I, Section 9 lists several limitations on the power of the national government, and Article I, Section 10 lists certain limitations on the powers of the states.

Amendments added to the Constitution over time have also placed important limitations on government. The Bill of Rights originally placed certain very basic limitations on the national government only. However, using the due process of law clause of the Fourteenth Amendment, the Supreme Court through a doctrine called “incorporation” has made most of those limitations of the Bill of Rights also apply to and limit the power of the state governments. In addition, Section 1 of the Fourteenth Amendment placed three major limitations on the power of state governments. The Fifteenth, Nineteenth, Twenty-Fourth, and Twenty-Sixth Amendments limit the power of both national and state governments as far as the right to vote is concerned.

**Individual Rights (Majority Rule versus Minority Rights)**
The Framers of the U. S. Constitution and the American system of government believed in the natural rights theory which holds that the rights of the people do not come from government but rather come from nature or from God. Here the
Framers were greatly influenced by some of the great “natural rights” philosophers such as the Englishman John Locke. The majority of the people accordingly are limited in their ability to vote away or otherwise abridge or restrict the natural rights of political, ethnic, or religious minorities.

The Framers had great respect for the will of the majority, but also understood, as James Madison wrote in Federalist No. 10, that “the great danger in republics is that the majority will not respect the rights of minority.” President Thomas Jefferson proclaimed in his First Inaugural Address: “All, too, will bear in mind this sacred principle, that though the will of the majority is in all cases to prevail, that will, to be rightful, must be reasonable; that the minority possess their equal rights, which equal laws must protect, and to violate which would be oppression.” An early example of legislation designed to protect religious minorities was the Virginia Statute For Religious Freedom, and a modern example of legislation intended to protect the political and civil rights of women and ethnic minorities was the Civil rights Act of 1964.

An independent judiciary composed of judges who are appointed and serve for life is an important way to help ensure justice and the protection of minorities. Throughout American history, what minorities cannot accomplish by action of the elected branches of government, they can often accomplish through the judiciary. A prime example of this is the U. S. Supreme Court’s ending racial segregation in the nation’s public schools by the Court’s decision in Brown v Board of Education. At the same time, ordinary citizens can help insure minority rights by believing in and practicing such civic values as toleration and respect in their daily lives.

**Republicanism**

Their study of the Ancient Republics and great philosophers such as Aristotle, Locke, Hobbes, Rousseau, and others led the framers of the U. S. Constitution to their belief that republican government, also called representative government, mixed government, or indirect democracy, was most conducive to a good way of life. The people are the source of government power. Since they are too numerous to govern themselves directly, they elect representatives who make and enforce laws to serve the peoples’ interests and the common good. James Madison, the so-called Father of the U. S. Constitution, explained: “We may define a republic to be...a government which derives all its powers directly or indirectly from the great body of the people, and is administered by persons holding their offices during pleasure for a limited period, or during good behavior.”

Further evidence of the Framers’ belief in the value of republican government is that portion of Article IV of the Constitution which provides that the national government will guarantee each state a republican form of government.
**Nullification**

The doctrine of nullification refers to the claimed power of a state to refuse to enforce a national government law the state deems unconstitutional.

In the Kentucky Resolution, Thomas Jefferson argued that when the national government passes a law a state considers unconstitutional, the rightful response is for a state to nullify, or refuse to enforce it. Jefferson argued that “several states who formed that instrument [the Constitution], being sovereign and independent, have the unquestionable right to judge of its infraction; and that a nullification, by those sovereignties, of all unauthorized … is the rightful remedy.”

In the period before the American Civil War, the foremost champion of the doctrine of nullification was John C. Calhoun of South Carolina who was met with strong opposition to his advocacy of nullification by President Andrew Jackson. The debate over a state’s ability to nullify a national law was ultimately resolved by the Union victory in the Civil War.

**Delegated, Implied, Denied, Concurrent, and Reserved Powers**

The American system of government provided by the U. S. Constitution provides for a variety of different types of powers. Some powers of the national government are delegated or enumerated in the Constitution. The Supreme Court has ruled that the national government also has what are called “implied powers.” These are powers which are not specifically listed in the Constitution but can be traced to certain key parts of the document such as the “necessary and proper clause” of Article I, Section 8, the “Commander in Chief” clause of Article II, Section 2, and the “take care that the laws be faithfully executed” clause of Article II, Section 3. Powers denied the national government are listed in Article I, Section 9. Powers denied state governments are listed in Article I, Section 10. Several amendments to the Constitution also deny power to both the national and state governments. Concurrent powers are those which are held by both the national and the state governments. A good example of a concurrent power is the power to tax. Reserved powers are those of the states or the people as indicated by the Tenth Amendment which provides that “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.”
CIVIC VALUES AND SKILLS

Compromise

Compromise means looking for solutions to problems that allow all to benefit, even if it requires setting aside one’s own personal interests. Citizens compromise in politics by looking for solutions that satisfy the concerns of many different groups and by practicing moderation. Citizens compromise in personal relationships by collaborating with others to achieve common goals.

President Dwight D. Eisenhower once said, “People talk about the middle of the road as though it were unacceptable. Actually, all human problems, excepting morals, come into the gray areas. Things are not all black and white. There have to be compromises.”

Compromise in politics allows progress in dealing with problems whereas without compromise progress might end and beneficial outcomes might not be extended to all individuals or groups. The Founders compromised, for example, in the battle over ratification of the new U. S. Constitution written at the constitutional convention at Philadelphia in 1787. James Madison promised the Anti-Federalists that a bill of rights would be added to the Constitution after ratification, even though at first he personally did not favor doing this.

On the other hand, compromising one’s values is not always a virtue. Refusing to compromise can be a sign of integrity. For example, some Anti-Federalists such as George Mason refused to sign the new U. S. Constitution because they believed it did not adequately protect rights. Another example is John Dickinson who did not believe declaring independence from England to be the best course of action and thus left Philadelphia rather than sign the Declaration of Independence.

Some examples of significant compromises in early American history in this Study Guide are the Connecticut Compromise, the Missouri Compromise, and the Compromise of 1850.

Consideration

Consideration means being thoughtful, courteous, having good manners, and showing respect for different ideas even if one does not agree with them. Citizens show consideration for others by not saying hurtful things, by being quiet when others are talking, showing good sportsmanship, offering senior citizens seats on public transportation, and respecting others’ words, actions, ideas, values and backgrounds.

The Founders knew that consideration of new ideas was beneficial to individuals and society. Benjamin Franklin, for example, said, “I have experienced many
instances of being obliged, by better information or fuller consideration, to change opinions…” Thomas Paine observed, “New opinions are always suspected, and usually opposed, without any other reason but because they are not already common.”

In a society that guarantees free speech, individuals and institutions must be considerate. Government cannot simply ban words or ideas that it does not agree with. Citizens have a responsibility to give consideration to others’ points of view. Similarly, people exercising their First Amendment rights to free speech, press, and assembly, have a responsibility to do so in ways that are within the law and considerate of others’ rights.

**Courage**

Courage means taking action in spite of feeling afraid and being strong in the face of danger. Individuals exhibiting courage can bring about political change and ensure justice.

Citizens exhibit courage when they engage in political speech, serve in the military, and stand up for their rights and the rights of others.

President Andrew Jackson said, “One man with courage makes a majority.” In his “Duty Honor, Country” Address, General Douglas MacArthur described the temperament of the American soldier as a “predominance of courage over timidity.”

The Founders displayed courage by issuing the Declaration of Independence, fighting the Revolutionary War, and framing a republican government in the new U. S. Constitution.

**Equality**

Various individuals and documents in American history have asserted that all persons are created equal and have the same natural rights. For example, the Declaration of Independence declared that “all men are created equal” and are endowed by their Creator with certain unalienable rights including life, liberty, and the pursuit of happiness.

Abraham Lincoln echoed the Declaration of Independence in the *Gettysburg Address* when he declared that America is “dedicated to the proposition that all men are created equal.” Alice Paul said of the women’s suffrage movement, “I never doubted that equal rights was the right direction. Most reforms, most problems are complicated. But to me there is nothing complicated about ordinary equality.” Martin Luther King, Jr. expressed his hope for a society more dedicated to equality in his “I Have a Dream” speech.

**Industry**

Industry means working hard with resources that are available, as well as finding or creating the resources one needs. Individuals are industrious when they work hard on whatever they choose to do or are required to do in life.
The Founders saw industry and property rights as critical to the happiness of society. Thomas Jefferson remarked that good government will “leave men free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labor the bread it has earned…” James Wilson asserted that “private industry…is the basis of public happiness.” James Madison agreed, holding that protecting “property as well as personal rights is an essential object of the laws, which encourage industry by securing the enjoyment of its fruits…”

Article I, Section 8 of the Constitution gives Congress the power “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.” The Fifth Amendment requires the government to pay citizens just compensation when private property is taken for public use. These constitutional provisions demonstrate the Founders’ views about industry.

Initiative

Initiative means acting independently and energetically, especially when taking the first steps toward a goal. A society dedicated to self-government requires that individuals take the initiative to ensure the happiness of society. Citizens have many opportunities to show initiative. For example, they do so by completing their home, school, or career responsibilities without being reminded, by starting their own businesses, by joining a political party, or by lobbying for new laws.

Thomas Paine celebrated the initiative of the Founders when he wrote in Common Sense, “We have it in our power to begin the world over again.” Frederick Douglass remarked that his own initiative made the difference in gaining his freedom, “I prayed for twenty years but received no answer until I prayed with my legs.” Several amendments to the Constitution, including the Fifteenth and Nineteenth, were drafted and eventually adopted as a result of the initiative of certain individuals and groups.

Integrity

Citizens exhibit integrity by being true to their word and following through on their promises. Refusing to compromise one’s values can also be a sign of integrity.

President Dwight D. Eisenhower asserted, “The supreme quality of leadership is unquestionably integrity. Without it, no real success is possible, no matter whether it is on a section gang, a football field, in an army, or in an office.

Justice

Justice includes concepts such as the fair, equal, and reasonable treatment of individuals by the government, the fair enforcement of laws, and appropriate punishment for crimes.

Many individuals and documents in the Founding era of the United States were especially concerned with justice. William Penn explained that “Impartiality is the life of justice.” The Declaration of Independence charged the King with being “deaf to the voice of justice.” The Preamble declares that a purpose of the Constitution
is to establish justice. The Fourth, Fifth, Sixth, Seventh and Eighth Amendments to the U. S. Constitution pertain to the administration of justice. The Thirteenth Amendment banned slavery and involuntary servitude, and the Fourteenth Amendment’s Equal Protection Clause was adopted to ensure the equal legal treatment of all Americans.

**Moderation**

Moderation was a value especially prized in Ancient Republics such as Rome. It means to be mild and measured in actions and thoughts and to avoid extremes or excesses. Citizens practice moderation by avoiding too much of anything: food, drink, work, play, sleep, emotions, etc. When individuals or groups disagree, violent conflicts can be avoided by practicing moderation.

The Founders were committed to moderation as a value that would support public happiness. Thomas Paine said “Moderation in temper is always a virtue, but moderation in principle is always a vice.” In his Autobiography, Benjamin Franklin advocated moderation when he advised avoiding extremes. In his Farewell Address, President George Washington urged moderation when dealing with foreign entanglements.

The U. S. Constitution’s checks and balances system is designed to encourage moderation in government. Also, the Constitution’s Eighth Amendment ban on cruel and unusual punishments displays the value of moderation.

**Perseverance**

Perseverance means sticking to one’s goals and continuing to pursue them in the face of opposition or discouragement. Citizens persevere by continuing to pursue their goals even when facing obstacles.

President John Quincy Adams explained that with “courage and perseverance,…difficulties disappear and obstacles vanish into air.” A little known American entrepreneur once said, “I do not think there is any other quality so essential to success of any kind as the quality of perseverance. It overcomes almost everything, even nature.”

The American Founders persevered in expressing their grievances to the British Crown. They also persevered in their goal of establishing a republican form of government when they framed a new U. S. Constitution after the Articles of Confederation proved inadequate. The Anti-Federalist opponents of the new U. S. Constitution successfully persevered in their demands for a bill of rights. Many citizens have persevered through years of court struggles to secure their rights.

**Philanthropy**

Philanthropy is the act of private charitable giving: donating money, time, or resources to beneficial purposes. The word comes from the Greek and means “to love people.”
Individuals act philanthropically by donating money and resources to charities they believe are beneficial as well as by volunteering their time.

The Founders believed philanthropy was important. For example, Thomas Jefferson said, “We are all doubtless bound to contribute a certain portion of our income to the support of charitable and other useful public institutions.”

**Responsibilities of Citizenship**

The responsibilities of citizenship include both private and public responsibilities. Each citizen is responsible for taking care of oneself and one’s family and for showing consideration for the welfare of others. These responsibilities are facilitated through the practice of private civic values such as courage, initiative, industry, justice, integrity, moderation, perseverance, and respect that help ensure the happiness of society as a whole.

Involvement with local governments and other local institutions provides opportunities for individuals to act responsibly in their communities. In a republic based on popular sovereignty, citizens have the responsibility to stay informed about and engaged with government. They are responsible for knowing how government operates and what government is doing. Citizens also have the responsibility to know the law, pay taxes, and understand such constitutional principles as federalism, limited government, individual rights, and majority rule versus minority rights.

Voting, which Samuel Adams called “one of the most solemn trusts in human society,” is another important responsibility of citizens. Citizens should also be aware of other ways by which they can act responsibly: circulating and signing petitions, volunteering, speaking and writing for or against the passage of laws, working on political campaigns, serving on juries, serving in the military, or serving in government.

**Systems of Government**

Among nations of the world, a variety of systems of government can be found. Under the Articles of Confederation (the United States’ first national constitution), the U. S. had what is called a confederation system of government. In such a system, all power is in the smaller units of government (states or whatever they may be called). The national government has only those powers or duties given it by these smaller units of government. No nation in the world today has such a system of government. The closest thing to a confederation system today is the United Nations or perhaps the European Union. Great Britain and most nations of the world today have what is called a unitary system of government. Here the power is in the hands of the national government, and the smaller units of government (whatever they may be called) have only those powers or duties which the national government gives them. The United States and a few other nations of the world such as Canada and Mexico have what is called a federal system of government where power is divided between a national government and a series of smaller units of government called states (or provinces). Some things only the national government can do, and some things only the smaller units of government...
can do. For the framers of the 1787 U. S. Constitution, a federal system was a compromise between a confederation system and a unitary system.

Another important governmental difference among nations of the world today is between a parliamentary system such as that found in Great Britain and the largest number of nations and a so-called presidential system such as that found in the United States. In a parliamentary system, power is centered in the legislative branch of government. For example, in Great Britain power is in the hands of Parliament, more specifically the House of Commons. The Prime Minister (the British equivalent of the U. S. President) is a member of, is chosen by and can be removed at any time by a majority vote of the House of Commons. The Prime Minister is Head of Government, but a different person, namely the monarch, is Head of State. In a parliamentary system, there is in reality no such thing as separation of powers. In a presidential system, on the other hand, such as that found in the United States, separation of powers is a fundamental principle. The President is independent of and separate from the legislative branch. The President cannot at the same time be a member of the legislative branch, is not chosen by, and can only be removed for “high crimes and misdemeanors” by the legislative branch through a constitutionally provided impeachment process. The President serves as both Head of State and Head of Government in the presidential system.

The Importance of an Independent Judiciary
In the Federalist No. 78, Alexander Hamilton wrote, “The complete independence of the courts of justice is peculiarly essential in a limited Constitution.” The U. S. Constitution provides for a judiciary which is independent in two ways – independent from the other two branches of government and independent from the majority of the electorate. Influenced by the French philosopher Baron de Montesquieu and his 1748 work The Spirit of the Laws, the framers of the new U. S. Constitution were careful to provide an independent judicial branch to interpret the law and settle disputes. The American system of checks and balances provides for judges (justices) to be nominated by the President and approved by the Senate. Once appointed and approved by the Senate, these judges (justices) serve for life (“on good behavior”). This system of checks and balances was designed to prevent abuses of power—not only by government but also by a majority of the people.

The framers saw the danger of the tyranny of the majority as a potential threat to the rights of the minority. Thomas Jefferson said, “a democracy is nothing more than mob rule, where 51% of the people may take away the rights of the other 49%.” James Madison said, “The danger in republics is that the majority may not sufficiently respect the rights of the minority.”

The natural rights theory of the Declaration of Independence holds that rights come from the Creator and are not created or “granted” by majority vote. Because judges at the national level in the U. S. hold their office for life (“on good behavior”), they do not have to fear being removed from office for unpopular decisions. As Alexander Hamilton explained, appointed judges who serve for life are more likely “to secure a steady, upright, and impartial administration of the laws…”