

UNIT 2

Constitutional Foundations for the United States Democratic Republic

Section 1 The Constitution: The Foundation of American Society

Section 2 The Constitution Tested: Nationalism and Sectionalism

UNIT OVERVIEW

Unit 2 covers the period from the first English settlement in 1607 through the end of the Civil War in 1865. The focus of the unit is the Constitution of the United States—its historical and constitutional foundations, including the ways in which the nation's government, based on the Constitution, developed and was then tested.

Some of the key questions about the United States government and constitutional history through 1865 include:

- What was the influence of the colonial settlement pattern, colonists' experience living in the American colonies, colonial slavery, and Enlightenment thought on the development of the United States Constitution?
- What opinions about government were discussed and debated by the Framers? What compromises did they reach in order to create the Constitution and ensure approval by the states?
- What is the structure of the United States Constitution, and how does the government it describes function?
- What are the basic constitutional principles of American democracy? Why were they important when the Constitution was written? Why have they remained critical principles throughout United States history?
- How did the new nation go about putting its constitution into effect? What helped to build nationalism? What conflicting opinions about government were discussed and debated in those early years?
- How did sectionalism and slavery bring on a constitutional crisis that led the nation to civil war?

SECTION

1

The Constitution: The Foundation of American Society

SECTION OVERVIEW

For centuries, the only inhabitants of North America were Native Americans. In the 1600s, English settlers arrived to found colonies and were soon joined by other Europeans, as well as Africans brought as slaves. By the mid-1700s, tensions between the colonies and Great Britain increased sharply. The colonies declared independence and won the American Revolution. They established a weak central government under the Articles of Confederation, but in 1787 replaced that with the United States Constitution that is still the guiding document of this nation today.

KEY THEMES AND CONCEPTS

Take special note of the following key themes and concepts:

Diversity In what ways did the Native Americans, Europeans, and Africans who met in North America differ?

Citizenship What led the colonists to rebel against the British government?

Foreign Policy Why did France forge an alliance with the colonists during the American Revolution?

Constitutional Principles How does the Constitution ensure that no single part of the government can gain too much power?

KEY PEOPLE

Be sure you understand the significance of these key people:

John Adams
Samuel Adams
Benjamin Franklin
Alexander Hamilton
Patrick Henry
Thomas Jefferson
John Locke
James Madison

John Marshall
James Monroe
Baron de Montesquieu
Jean-Jacques Rousseau
Voltaire
George Washington
John Peter Zenger



THE BIG IDEA The Constitution is the foundation of American society. The United States

- developed from 13 English colonies.
- developed its political system based on British traditions, Enlightenment thought, and American experience.
- won independence in the American Revolution.
- bases its government around the 1787 U.S. Constitution.



KEY TERMS

French and Indian War
indentured servants
triangular trade
Middle Passage
republic
Enlightenment
natural rights
charter
House of Burgesses
Albany Plan of Union
salutary neglect
Proclamation of 1763
mercantilism
Stamp Act
First Continental Congress
Second Continental Congress
Declaration of Independence
Articles of Confederation

**GEOGRAPHY
IN HISTORY**

How did the environment influence the culture of Native Americans?

**PREPARING FOR
THE EXAM**

On the examination, you will need to have a thorough understanding of important United States historical and governmental terms.

- What is a confederacy?
- What are two examples of confederacies in United States history?

**PART 1 THE HISTORICAL FOUNDATIONS
OF AMERICAN SOCIETY AND
GOVERNMENT**

Before examining the Constitution of the United States and the features that make it unique, it is important to understand the roots of the ideas in that document. To do that, we must start with the historical origins of the United States of America.

**THE PEOPLES AND PEOPLING OF THE
COLONIES**

In North America, three different cultures came together—Native Americans (the original inhabitants), Europeans, and Africans brought as slaves.

NATIVE AMERICANS

Native Americans were the first people to occupy the Western Hemisphere. In the late 1400s, they numbered as many as 15 million in North America alone. The way of life of Native Americans was heavily influenced by the environment. The eastern Native American lifestyle was based on agriculture, hunting, and fishing. Trade was an important part of this economic system.

Native American religious beliefs were closely linked to nature. Another feature of their way of life was their strong social organizations based on ties between extended families, with women in positions of some power in some tribes.

The Iroquois Confederacy

The most powerful government of the eastern woodlands' Indians was that of the Iroquois. The Iroquois Confederacy, formed in 1570, was made up of first five and then six Iroquois nations located in central and western New York. At the peak of its power between 1644 and 1700, the Confederacy made it possible for the Iroquois to hold onto its lands against European pressure for almost two centuries.

Trade and Alliances

Relations between colonists and Native Americans often centered around trade and exchange, alliances, or warfare. The survival of the English settlers depended on Indian crops, such as corn and squash. Native Americans' interactions with the settlers led to outbreaks of deadly diseases, such as measles and smallpox.

Patterns of trade developed that influenced later relations between the settlers and Native Americans. For example, the Iroquois wanted control of the fur trade between the Great Lakes region and New York.

In the 1640s and 1650s, the Iroquois fought the Huron and Erie tribes, which threatened French dominance in that region. Wars with France ended only in 1701 when the Iroquois adopted a neutrality policy toward France and England.

The survival of Jamestown, founded in 1607 as the first permanent English settlement in North America, must be credited in part to the food supplied by the many Algonquin tribes that made up the Powhatan Confederacy. Powhatan was motivated by the possibility of the Europeans allying with him in his wars with other tribes.

Different Views and Values

Land control was the central conflict between Native Americans and colonists. Native Americans held land in common and believed it should be used for the good of all. It could not be bought or sold, although the rights to the use of land could be transferred. The English valued individual ownership and had a tradition of buying and selling land.

Secondly, there were cultural and technological differences. The European colonists believed in the superiority of their way of life and acted accordingly. They attempted to convert the Native Americans to Christianity and assumed that they would adopt an English lifestyle.

Warfare

Profitable tobacco farming led settlers to move into Native American

KEY THEMES AND CONCEPTS

Interdependence

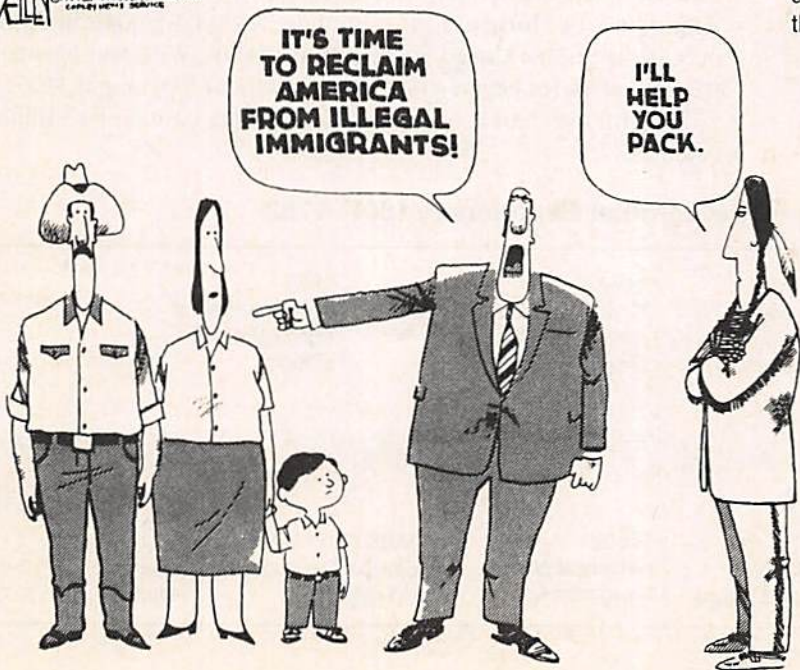
Contact between Native Americans and English colonists was not always hostile. The Powhatan Confederacy, for example, provided food to the Jamestown settlers to help them survive. What was their motivation for helping the colonists?

ANALYZING DOCUMENTS

Examine the cartoon, then answer the following questions.

- Which groups do the speakers in this cartoon represent?
- What point is the cartoonist making about immigration to the United States?

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ANALYZING DOCUMENTS

"I am now grown old, and must soon die; . . . Why should you take by force that from us which you can have by love? Why should you destroy us, who have provided you with food? . . . What is the cause of your jealousy? You see us unarmed, and willing to supply your wants, if you come in a friendly manner, not with swords and guns, as to invade an enemy."

—King Powhatan, 1609

- What is the answer to Powhatan's question, "What is the cause of your jealousy?"

ANALYZING DOCUMENTS

Examine the timeline below, then answer this question.

- Which event occurred first: the election of representatives to the Virginia House of Burgesses or the signing of the Mayflower Compact?

lands in the Chesapeake area. In 1622, Powhatan's brother attacked, killing about one fourth of the colony's population. Fighting continued for over 20 years, but eventually, the Powhatan Confederacy was destroyed.

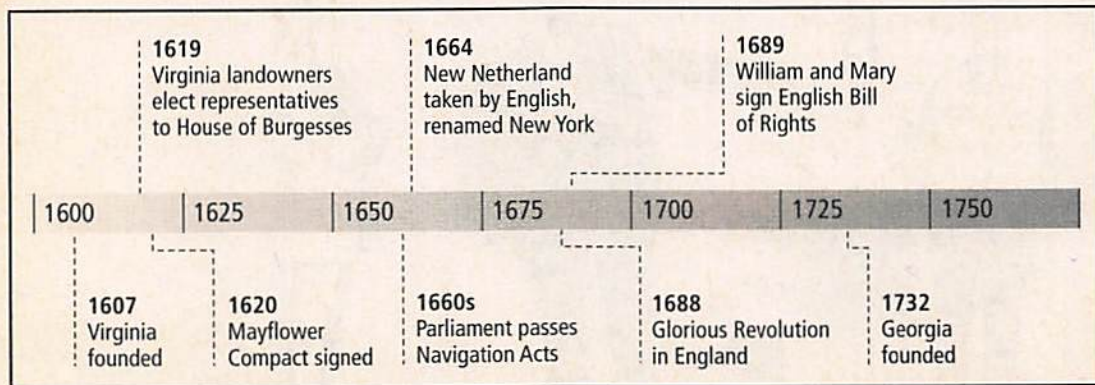
In the mid-1670s, an alliance of New England tribes launched King Philip's War. Native Americans were threatened by the growing number of English settlements. Two years of fighting resulted in victory for the settlers. Numerous Indian survivors were sold into slavery in the West Indies. By the mid-1700s, settlers were moving into the interior of the continent.

The **French and Indian War** (1754–1763) was one of many wars between France and England in the 1700s. France and England were great rivals, and when they battled over issues in Europe, their colonists often fought in America. The French and Indian War erupted when the English challenged the French for control of the land that is now Ohio and western Pennsylvania.

The war pitted the English against the French and their Indian allies. (Native Americans tended to support the French because as fur traders, they built forts rather than settlements, as English colonists did.) The Iroquois, influenced by their earlier trade conflict with the French, supported the English toward the end of the war.

THE COLONISTS

The oldest settlement in what is now the United States is Saint Augustine, in Florida (1565). Founded by the Spanish, it did not become part of the United States until the 1800s. What was to become the United States began with the settlement of Virginia in 1607. By 1732, with the charter of Georgia, there were a total of 13 English colonies.

The Colonial Experience, 1607–1732

Who Came to the Colonies

The settlers were a diverse group. They included Africans brought against their will, Scotch-Irish from northern Ireland, Germans, Portuguese, Jews, Swedes, Dutch, French, Welsh, Irish, Scots, Belgians, and Swiss. In the colonial period, a large number of European immigrants came as **indentured servants** who contracted to work as many as seven years to repay the cost of their passage.

Most of each colony's population, however, was English. This fact would greatly affect the nature of the government that developed in the United States.

Why They Came

Just as the colonists represented many ethnic backgrounds, so did their motivations for coming to the colonies vary.

RELIGIOUS REASONS Some colonies were founded for religious reasons, but the colonists represented different religions and had different motivations. Massachusetts, for example, was founded by Pilgrims, or Separatists, who had left the Church of England, and Puritans who wanted to reform it. Colonies controlled by the Puritans allowed no religious freedom. Rhode Island, on the other hand, permitted all religions including Judaism. Pennsylvania was founded as a refuge for Quakers; Maryland for Roman Catholics.

ECONOMIC REASONS Economic motives were a major factor in the founding of Virginia, Delaware, and New Netherlands (later New York), as well as North and South Carolina. Georgia, the last of the colonies to be founded, was settled by debtors.

POLITICAL REASONS Separatists and Puritans came to North America after having fallen into political disfavor because of their objections to the established Church of England and the king who headed it. Quakers, Catholics, French Huguenots, and Jews came to escape religious intolerance and even governmental persecution.

What Influenced Their Experiences

Geography was a primary influence on the colonial way of life. So were the practices colonists brought from their homelands. Ethnic groups tended to settle together. Large distances and difficult transportation encouraged continuing family patterns, gender roles, and farming methods brought from Europe although these were sometimes modified by the new environment. Native American and African cultures also influenced changes in colonial lifestyles.

READING STRATEGY

Organizing Information

Europeans came to the colonies for three major reasons. In the space below, name these reasons and provide examples of each.

1.

2.

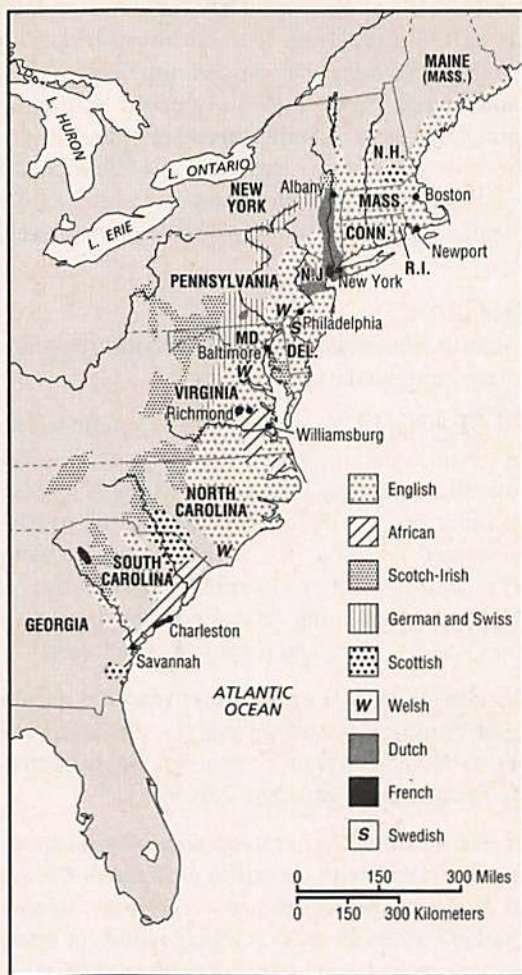
3.

GEOGRAPHY IN HISTORY

Examine the map at right, then answer the following questions.

- How did geography influence colonists' decisions about where to settle and build colonies?
- By 1776, two thirds of the population of the English colonies lived no more than 50 miles from the ocean. Why?
- Which ethnic groups had the largest settlements in 1770? Which had the smallest settlements?

Colonial Settlement by Ethnic Group in 1770



New England

Every aspect of New England life was influenced by religion in the early colonial period. Church membership was a requirement for participation in government. Strict moral codes were enforced.

The cold climate and poor soil of New England challenged Puritan farmers, who grew crops mostly for their own families' consumption. Only when they reached the Connecticut River valley with its richer soil were they successful at commercial farming.

New England developed a diversified economy. Although farming was the most common occupation, New England also became the center of colonial shipping, with major ports at Boston and Salem. Fishing and ship building were among the related industries. Merchants and professionals made up the wealthiest social class.

The Middle Colonies

The middle colonies had a diverse population, including Dutch, Germans, and Scotch-Irish. These colonies, especially New York and Pennsylvania, benefited from more fertile soil. They exported wheat and corn, and this trade helped build New York and Philadelphia. Large numbers of tenant farmers—who rented rather than owned the land—lived in the Hudson River valley of New York and in New Jersey.

The Southern Colonies

Agriculture flourished in the southern colonies, which had a warmer climate and rich soil. The southern economy was based on crops grown for export, such as tobacco, rice, and indigo. They were cultivated first by indentured servants and then by enslaved Africans.

The wealthiest social class included Chesapeake tobacco planters and the owners of the Carolina rice plantations. The labor of servants and slaves contributed to their growing wealth. By 1775, South Carolina and Georgia had the highest average wealth per free landholder in the colonies.

THE AFRICANS

By 1700, the institution of slavery—involving Africans primarily—already served to highlight the regional differences in the colonies.

Origins of the Atlantic Slave Trade

The first enslaved people in the Americas were Native Americans. In the 1500s, the Spanish and Portuguese forced them to work in mines and on sugar plantations. After the Native American population declined as a result of European diseases, the Spanish, Portuguese, and French began enslaving West Africans. With the growth of tobacco, indigo, and rice plantations, the British colonies also began to participate in the slave trade. By the early 1700s, England controlled the Atlantic slave trade.

For some goods, there was a two-way trade between England and the colonies: grains, fish, fur, wood products, tobacco, indigo, and rice from the colonies were exchanged for English manufactured goods. The slave trade, however, was a **triangular trade**. New England merchants traded rum for slaves in West Africa. The slaves were sold in the West Indies for molasses or sugar, which was shipped to New England to make more rum.

Development of Slavery in the Colonies

The first Africans in the colonies were brought to Virginia in 1619. At this time, most were considered indentured servants and were considered free when their contracts ended.

KEY THEMES AND CONCEPTS

Environment

The types of economic activities that took place in the different colonies were greatly affected by the environment. The New England colonies had poor, rocky soil, which made agriculture difficult. However, good harbors at Boston and Salem led to the development of thriving shipping and fishing industries.

In the southern colonies, agriculture flourished, and the economy did not diversify as much as in New England. The central role of agriculture in the southern economy led to a growing dependence on slavery.

How did the environment affect the middle colonies?

KEY THEMES AND CONCEPTS

Places and Regions

Slavery was more common in the southern colonies than in New England. Why?

READING STRATEGY

Organizing Information

Many enslaved Africans found both peaceful and violent ways to resist their enslavement. What are two peaceful ways that slaves resisted?

1.

2.

What are two violent ways that they resisted?

1.

2.

By the middle of the 1600s, large numbers of Africans began to be brought to the colonies as slaves. As the tobacco market grew, planters sought enslaved Africans to work the fields because of a shortage of workers. Free workers were reluctant to suffer the difficult working conditions on tobacco plantations, and indentured servants were now scarce. Soon, a system of permanent slavery was in place.

Slavery

By 1700, a race-based definition of a slave was written into law. Slavery became central to the southern economy. In South Carolina and Georgia, slavery was based on the Caribbean plantation system. The Africans were slaves from the time of their arrival and worked on huge rice plantations. The slave code was the strictest in the colonies.

By the early 1800s, the lower Mississippi Valley contained the greatest number of large plantations—those with 100 or more slaves. Cotton was increasingly important, and profits related directly to the amount of land cultivated. This encouraged the slave system to grow.

In contrast, slavery in the middle and New England colonies was less common, because the diverse economy and smaller farms made the region less dependent upon agriculture. At the end of the colonial period, seven out of every eight enslaved Africans lived in the South. In the North, most slaves worked in agriculture, but in northern cities some slaves worked as skilled tradesmen, domestic workers, and other laborers. The slave codes were also milder in the North.

Slave Resistance

Throughout the period in which slavery was legal, Africans and African Americans resisted their enslavement. On the slave ships during the voyage (called the **Middle Passage**) from Africa to the Americas, some staged revolts. Others chose starvation or drowning over enslavement.

Even in the face of severe punishment, some enslaved Africans attempted escape. Small communities of escaped slaves formed in Spanish Florida, South Carolina, Georgia, and Virginia. Other slaves offered more subtle resistance, such as slowing down at work, pretending illness, or damaging tools and crops.

In colonial America, open rebellion was not very common. Two notable colonial revolts took place in New York City in 1712 and at the Stono River near Charleston, South Carolina, in 1739. Both rebellions were put down by local militia. Most of those slaves who survived were later executed.

The Influence of Africa and African American Culture on Colonial Cultures

The blending of West African cultural traditions with European culture became the basis of a new African American culture. Some African words found their way into the English language, as did certain

farming methods, foods, folk literature, and folk art. African building traditions of multiple small dwellings, front porches, and decorative iron work influenced southern colonial architecture. Some African musical styles and instruments, such as the banjo, continued to be incorporated into religious music and work songs. African musical traditions later influenced many forms of American music.

MAJOR HISTORICAL INFLUENCES ON AMERICAN GOVERNMENT

The government of each of the 13 colonies reflected ideas that came from the heritage of Western civilization. Those ideas were then modified by centuries of English thought and practice and by the American colonial experience.

Ideas from Ancient Greece

The concept of democracy, or government by the people, began in the city-state of Athens (in what is now Greece) between 750 B.C. and 550 B.C. Athens had a direct democracy, one in which all eligible citizens participated in government.

Ideas from Ancient Rome

The concept of republican government was established by the ancient Romans. In a **republic**, voters elect representatives who speak and act for other citizens in the business of government. These representatives

KEY THEMES AND CONCEPTS

Civic Values

American political rights and governmental institutions had three major sources:

1. British constitutional, political, and historical traditions
2. 17th- and 18th-century Enlightenment ideas
3. American colonial experience

What is an example of how each source influenced the political rights and governmental institutions in the United States?

Foundations of American Rights

Rights	Sources of Rights			
	Magna Carta (1215)	English Bill of Rights (1689)	Virginia Declaration of Rights (1776)	Bill of Rights (1791)
Trial by jury	✓	✓		✓
Due process	✓	✓		✓
Private property	✓			✓
No unreasonable searches or seizures			✓	✓
No cruel punishment		✓	✓	✓
No excessive bail or fines		✓		✓
Right to bear arms		✓		✓
Right to petition		✓		✓
Freedom of speech			✓	✓
Freedom of the press			✓	✓
Freedom of religion			✓	✓

**PREPARING FOR THE EXAM**

Common law is law that developed from traditional and court decisions in England. It became the basis of English and then United States law.

- Why do you think that the colonists used English common law as the basis for United States law?

READING STRATEGY**Problem Solving**

Why is the writ of *habeas corpus* called the "Great Writ of Liberty"?

READING STRATEGY**Reinforcing Main Ideas**

Which two rights guaranteed in the U.S. Constitution can be traced directly to the English Bill of Rights?

are supposed to work for the common good. This form of government is sometimes called representative democracy.

Influence of English Events and Documents

Other basic concepts of government and law were established in England before or during the colonial period in America.

MAGNA CARTA In 1215, English noblemen forced King John of England to agree to the Magna Carta, or Great Charter, a document that placed limits on his power to rule. For example, this document established the right to a jury trial—but only for nobles.

PETITION OF RIGHT In 1628, King Charles I signed the Petition of Right. It put in writing certain basic rights and legal traditions, such as a writ of *habeas corpus*, which prevented people from being imprisoned without a trial.

THE ENGLISH BILL OF RIGHTS In 1689, the Glorious Revolution ended a decades-long power struggle between the English Parliament and the monarchy. Parliament overthrew James II and replaced him with William and Mary, who were required to agree to the English Bill of Rights. This established that representative government and the rule of law outweighed the power of any monarch.

17th- and 18th-Century Enlightenment Thought

The framers of the Constitution were also strongly influenced by the ideas of the philosophers of the **Enlightenment**. This intellectual movement held that reliance on reason and experience would lead to social progress.

JOHN LOCKE John Locke believed that people are born free with certain **natural rights**, including the rights to life, liberty, and property. Such rights predate any government and exist in the "state of nature." Locke also wrote about the social contract theory. This theory holds that to protect their natural rights, people agree to form a state and grant to its government the powers necessary to protect those rights. When a government fails to do so, the contract has been broken and the people are free to change or replace that government. This means that governments exist with the consent of the governed.

THE BARON DE MONTESQUIEU The French philosopher Baron de Montesquieu believed that the British political system was successful because the power to govern was divided among the monarch and the two houses of Parliament. This division helped balance political power among the branches, so that no one branch had too much power.

JEAN-JACQUES ROUSSEAU Another French philosopher, Jean-Jacques Rousseau, developed further the idea of a social contract. His arguments in support of government by the consent of the governed influenced our Declaration of Independence.

VOLTAIRE A third important French philosopher, Voltaire, wrote *Philosophical Letters*, praising British institutions and rights. He wrote against religious intolerance and persecution.

THE COLONIAL EXPERIENCE: POLITICAL RIGHTS AND MERCANTILE RELATIONSHIPS

During the colonial period, two important forces helped shape a uniquely American way of life: (1) political ideas based on the English experience and on Enlightenment thinking and (2) the colonists' experience thousands of miles from their home country.

Colonial Charters and Self-Government

Twelve of the 13 original colonies were founded based on charters issued by the British government. A **charter** provided legal authority to companies or individuals to start a colony. Most of the colonies were originally self-governing private enterprises, but by 1730, most became royal colonies. Even after England later centralized control, the colonies remained largely self-governing and independent.

Colonial Principles and Practices of Government

The beliefs that colonists held about the proper role of government had a strong influence over the way they structured their governments.

LIMITS ON GOVERNMENT The colonists believed that the power of government should be limited, in accordance with English laws and traditions. The colonists wrote laws based on the principle that government existed to protect people's natural rights. The rights to life, liberty, and protection of property were most often mentioned. As early as 1641 in Massachusetts, the right to own property and protect it from being illegally seized by the government was written into law. The right to vote helped to protect property rights.

ENFORCEABLE CONTRACTS Colonists believed in the right to enter into contracts. Enforceable contracts between parties can be traced to the idea of a political compact, or contract. After the United States won independence, decisions of the Marshall Court protected individuals' right to enter into contracts.

FREEDOM OF THE PRESS Colonists believed there should be legal limits on government attempts to control what is written. In 1735, John Peter Zenger, a German immigrant to New York, was tried for seditious libel for accusing the governor of the colony of wrongdoing. Zenger's lawyer argued that no crime was committed when what Zenger had printed was true, and the jury found Zenger not guilty. Later, this case helped establish the principle of freedom of the press in the United States.

ANALYZING DOCUMENTS

"I may detest what you say, but will defend to the death your right to say it."

—Voltaire

- What basic civil liberty is Voltaire defending?

KEY THEMES AND CONCEPTS

Constitutional Principles

The following two cases deal with property rights and economic policy:

Fletcher v. Peck (1810) established that a state cannot interfere with constitutionally protected contract rights.

Dartmouth College v. Woodward (1819) extended constitutional protection of contracts to corporate charters.

Why are *Fletcher v. Peck* and *Dartmouth College v. Woodward* important to economic freedom?

READING STRATEGY

Formulating Questions

From the context of the paragraph about the Zenger case, define what is meant by *seditious libel*.

ANALYZING DOCUMENTS

"We whose names are underwritten . . . covenant and combine ourselves together into a civil body politic, for our better ordering and preservation and furtherance of the ends aforesaid; and by virtue hereof to enact, constitute, and frame such just and equal laws, ordinances, acts, constitutions, offices from time to time as shall be thought most meet and convenient for the general good of the colony; unto which we promise all due submission and obedience."

—Mayflower Compact

- What words indicate that this is a contract or compact?
- Is this to be a limited government?

MAYFLOWER COMPACT In 1620, before landing at Plymouth in present-day Massachusetts, the Pilgrims signed the Mayflower Compact. This was a contract in which the colonists consented to be governed by a government that they created—**self government**.

Colonial Assemblies and Local Governments

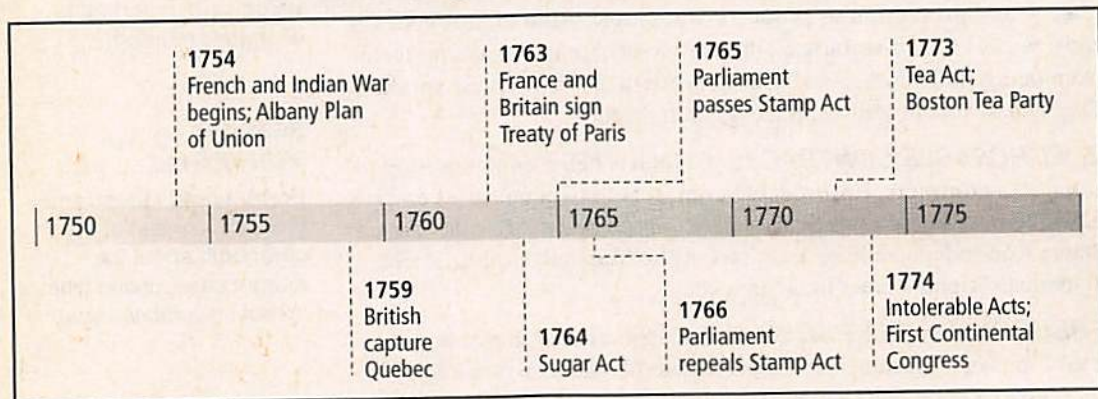
The importance of self-government is seen in the colonial assemblies established in each colony. As early as 1619, Virginia colonists took the first step toward republican government when they instituted the colonies' first representative lawmaking body, the **House of Burgesses**. Most colonies established a bicameral, or two-house, legislature modeled after the two-house English Parliament.

Colonists also recognized the need for local governments. The county was the center of local government in most of the colonies. In New England, local government was at the town level, where the town meeting allowed citizens to govern themselves through direct democracy.

THE CAUSES OF THE AMERICAN REVOLUTION

For almost a century before the outbreak of the American Revolution in 1775, Britain and France were involved in a rivalry for power, not only in Europe, but wherever the two nations had colonies. In 1754, Benjamin Franklin tried to get the colonies to agree to the **Albany Plan of Union** as protection against the French. The colonies rejected the plan because they feared the loss of self-government.

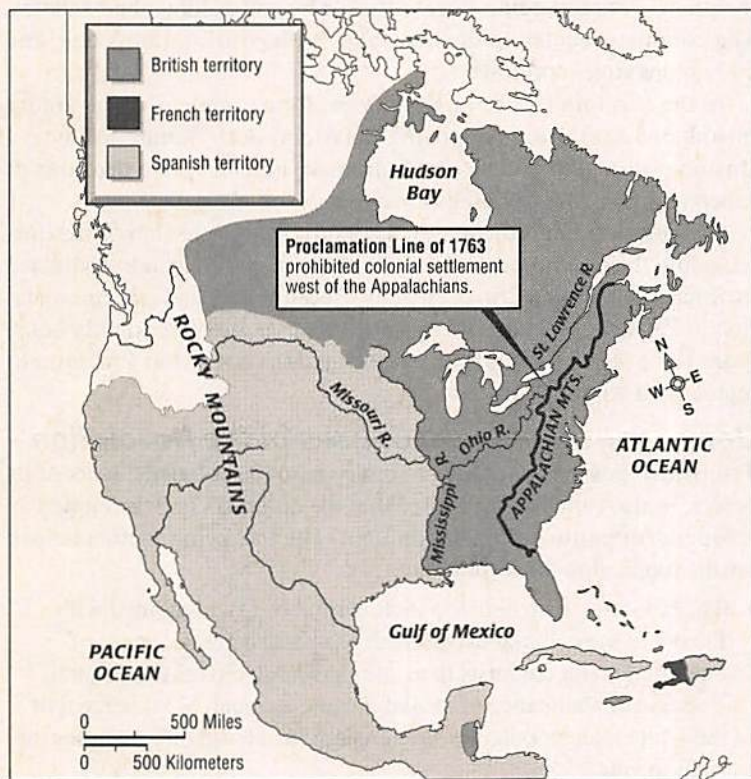
Events Leading to the American Revolution



Preoccupied with France, Britain governed the colonies until 1763 under a policy known as **salutary neglect**, or a healthy ignoring of the colonies. Thus, the colonies had many years in which to practice self-government. The British government controlled foreign affairs and foreign trade, while the colonists governed local matters.

The Treaty of Paris of 1763 marked Britain's victory over France in the Seven Years' (or French and Indian) War. It also shifted the way power was distributed in North America. With the French defeated, Native Americans could no longer benefit from balancing the French and British against one another.

Land Claims After the French and Indian War, 1763



With the French defeat, the colonists felt free to move west and resented the **Proclamation of 1763**, which prohibited movement into the lands gained from France.

Economic Causes of the Revolution

After winning the French and Indian War, Britain was left with a large debt. The British government believed that the colonies should pay for their own defense. Parliament began to enforce the policy of **mercantilism**, which held that colonies existed to provide raw materials and markets for the economic benefit of the home country.

Parliament passed several new tax laws, such as the Sugar Act (1764), which taxed foreign imports and the **Stamp Act** (1765), which required a tax stamp on printed materials. The colonists resented these

TURNING POINT

Why is the Treaty of Paris of 1763 considered a turning point in history?

ANALYZING DOCUMENTS

In May 1765, Patrick Henry voiced his opposition to the Stamp Act with a speech to the Virginia House of Burgesses. In that speech, he said:

"Caesar had his Brutus; Charles the First, his Cromwell; and George the Third . . . may profit by their example. If this be treason, make the most of it."

Brutus assassinated Caesar, and Cromwell defeated Charles I and had him beheaded.

- What is Patrick Henry's message?
- What might Patrick Henry have been implying but would not say?

KEY THEMES AND CONCEPTS

Economic Systems

The 16th to 18th century economic system called mercantilism was based on the belief that a strong national state was built by accumulating precious metals through increasing exports, establishing colonies to supply raw materials and markets, limiting colonies' trade with other nations, and protecting industries.

**READING
STRATEGY****Organizing Information**

The American Revolution had economic, political, and social and ideological causes. List them, then identify those you consider the most significant.

1. Economic

2. Political

3. Social and Ideological

acts and forced their repeal. Parliament then passed the Townshend Acts, which taxed imported goods. Colonists saw the Townshend Acts as a serious economic threat.

Political Causes of the Revolution

Some colonists also saw the Townshend Acts as a political threat. The money raised by the acts would be used to pay some of the English officials in the colonies. Colonial legislatures believed this undermined their power to exert control over officials by withholding their salaries. The colonists reacted to the new taxes with petitions, boycotts, and other more violent protests.

In the Virginia House of Burgesses, for example, Patrick Henry introduced resolutions opposing the Stamp Act. Samuel Adams, a Boston political organizer and journalist, helped create the Sons of Liberty and the Massachusetts Committee of Correspondence.

Colonists viewed these new taxes as a threat to their liberties, including the right to property. They charged that Britain had violated their natural rights as British citizens. Because they had no representation in Parliament, colonists reasoned that taxation could only come from the colonial legislatures. Britain insisted that Parliament represented all of its subjects.

Social and Ideological Causes of the Revolution

The British government failed to understand the colonists' fears of its power. It also failed to recognize that the colonists had developed an independent political life and thought. The following factors helped lay the foundation for revolution:

- The colonists' firm belief in their natural rights, combined with factors in the colonial experience, produced a greater sense of equality among colonists than among British citizens in general.
- Because of abundance of available land, as much as 90 percent of the white male population held enough land to qualify them for the right to vote.
- In the decades before the Revolution, the colonial population grew rapidly, while increased numbers of immigrants came from nations other than England. Appeals had to be made to all peoples.
- The Great Awakening, a religious movement, encouraged people to question authority and enjoy a sense of equality with others.

THE AMERICAN REVOLUTION AND THE DECLARATION OF INDEPENDENCE

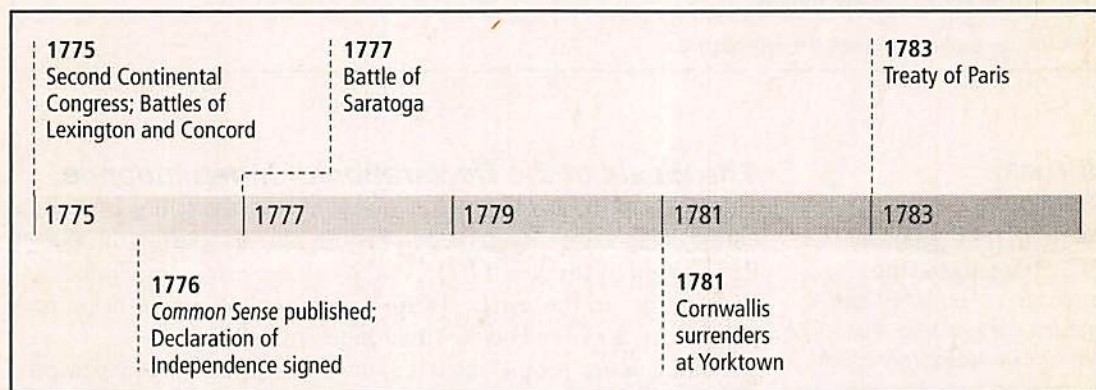
In 1773, the issue of taxation without representation rose again when Parliament passed the Tea Act, which made British tea less expensive than tea imported by colonial tea merchants. Colonists protested by destroying three shiploads of British tea in the Boston Tea Party. The British government reacted with the “Intolerable Acts” of 1774. These acts punished Massachusetts by closing the port of Boston, forbidding town meetings, and reducing the powers of the legislature. More British troops were sent to occupy the colony and enforce the acts.

ANALYZING DOCUMENTS

Use the timeline to answer the following questions.

- How long did the American Revolution last?
- Was the Declaration of Independence issued before or after fighting began in the American Revolution?

The American Revolution and the Declaration of Independence, 1775–1783



Colonial Efforts at Union

In the late summer of 1774, twelve of the colonies sent representatives to Philadelphia to plan a response to these British actions. This meeting became known as the **First Continental Congress**. After the start of the American Revolution in 1775, a **Second Continental Congress** met and took charge of the war effort.

Decision for Independence

In June 1776, Richard Henry Lee of Virginia presented a resolution to the Second Continental Congress calling for independence from Great Britain. The Congress appointed a committee (including Thomas Jefferson, Benjamin Franklin, and John Adams) to draft a formal declaration. The resulting **Declaration of Independence** was almost entirely the work of Thomas Jefferson. The delegates adopted the Declaration of Independence on July 4, which marks the birth of the United States of America. The key facts about this important document are listed on the next page:



The Declaration of Independence

The PURPOSE of the Declaration:	The Declaration's KEY IDEAS OF GOVERNMENT:
<ul style="list-style-type: none"> • To announce to the world that the colonies were now a new, independent nation • To explain and justify the reasons that the united colonies had decided to become the United States of America 	<ul style="list-style-type: none"> • People have natural rights, including the rights to "Life, Liberty, and the pursuit of Happiness." • Governments receive their power to govern "from the consent of the governed" by social contract or compact in which the government agrees to protect the people's natural rights. • When a government fails to protect and respect those rights, it is the "Right of the People to alter or to abolish" that government.
The THREE PARTS of the Declaration: <ul style="list-style-type: none"> • A theory of government • A list of grievances against the King • A formal resolution declaring independence 	

READING STRATEGY

Reading for Evidence

"We have boasted the protection of Great Britain, without considering, that her motive was *interest not attachment*; and that she did not protect us from *our enemies on our account*; but from *her enemies on her own account*. . . . A government of our own is our natural right: and . . . it is infinitely wiser and safer, to form a constitution of our own in a cool deliberate manner, while we have it in our power, than to trust such an interesting event to time and chance."

—Thomas Paine,
Common Sense, 1776

- What is common sense to Paine?

The Ideals of the Declaration of Independence

The ideals of the Declaration of Independence are still goals for the nation. They have also served to inspire others—during the French Revolution of the late 1700s, the South American independence movement in the early 1800s, and even twentieth-century independence movements in Africa and Asia.

Although few people noted it at the time, there was a fundamental contradiction between the Declaration's ideals of freedom and the institution of slavery. The colonists had looked to John Locke's compact theory (which stated that no person may rule another without the consent of the other person) as justification for choosing freedom. Few, however, advocated such freedom for slaves.

Fighting the War for Independence

The American Revolution began in 1775 and ended with the British surrender at Yorktown, Virginia, in 1781. A peace treaty, the Treaty of Paris, was negotiated by John Adams, John Jay, and Benjamin Franklin and was signed in 1783.

Throughout the American Revolution, the Second Continental Congress served as the national government. The Congress had no constitutional basis but was created in a crisis and supported by popular opinion. It remained in place until 1781.

The British army was larger in number, better trained, and aided by the Creek, Cherokee, and Shawnee in the South and most Iroquois in the North. It was disadvantaged by its use of European military techniques in America and by the behavior of its troops, which alienated many colonists in the territories it occupied.

The continental army (the colonists' army) was the achievement of George Washington, the colonial commander in chief. The continental army was reinforced as it moved from region to region by an untrained militia or home guard defending their homes.

The colonists were aided by an alliance with France, negotiated by Benjamin Franklin. Motivated by its ongoing rivalry with Great Britain, France supplied the colonists with military arms, troops, and naval support and engaged Britain in war elsewhere in the world.

The American victory at Saratoga helped bring the French into the war. They saw that the colonists might possibly win the war. The victory also prevented the British from isolating New England from the rest of the colonies by taking control of the Hudson River valley and the area north of it to Canada.

Slavery, African Americans, and the Outcome of the American Revolution

Although African Americans fought on both sides during the American Revolution, more fought on the British side because of British promises of freedom from slavery. After first hesitating, Washington and the Continental Congress eventually recruited African Americans, as did state militias.

During the Revolution, some African slaves in the South successfully escaped. Others were freed in return for military service. Some left the country with the British army, while others settled in northern cities and became part of a growing free black population.

TURNING POINT

Why is the Battle of Saratoga considered a turning point in the war?

ANALYZING DOCUMENTS

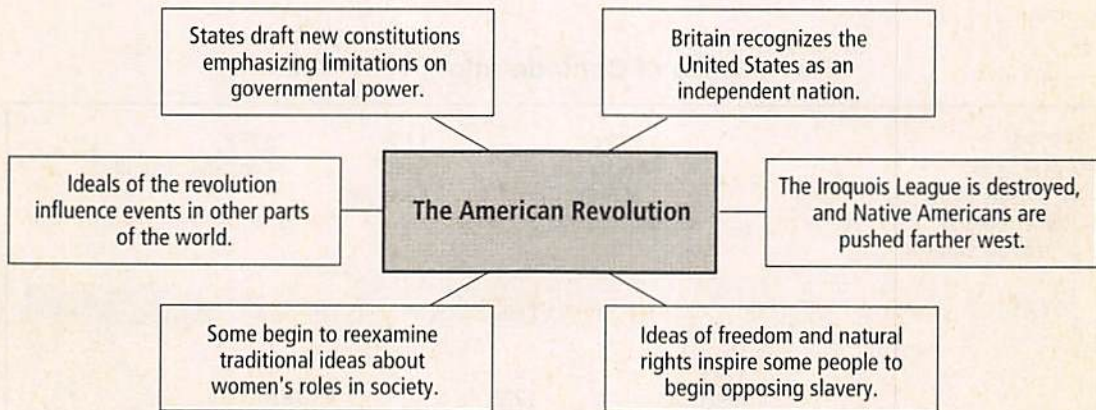
Reading for Evidence

"We have in common with all other men a natural and unalienable right to that freedom which the Great Parent of the Universe hath bestowed equally on all mankind, and which they have never forfeited by any compact or agreement whatsoever."

—From a petition of a group of slaves to the Massachusetts legislature, 1777

- What evidence is there that the writers knew about Enlightenment ideas and the Declaration of Independence?

Some Effects of the American Revolution



The Revolution had important consequences for many groups of people.

**READING
STRATEGY****Reinforcing Main Ideas**

Why did the Articles of Confederation create a weak national government?

**PREPARING FOR
THE EXAM**

Why was the period under the Articles of Confederation called the "critical period"?

An antislavery movement led by Quakers started in the North before the Revolution. After the war, northern states passed laws that immediately or gradually abolished slavery. Although free, African Americans in the North still faced discrimination. Many were not allowed to vote, except in New England. There was segregation in public places, housing, and transportation.

THE ARTICLES OF CONFEDERATION, 1781–1789

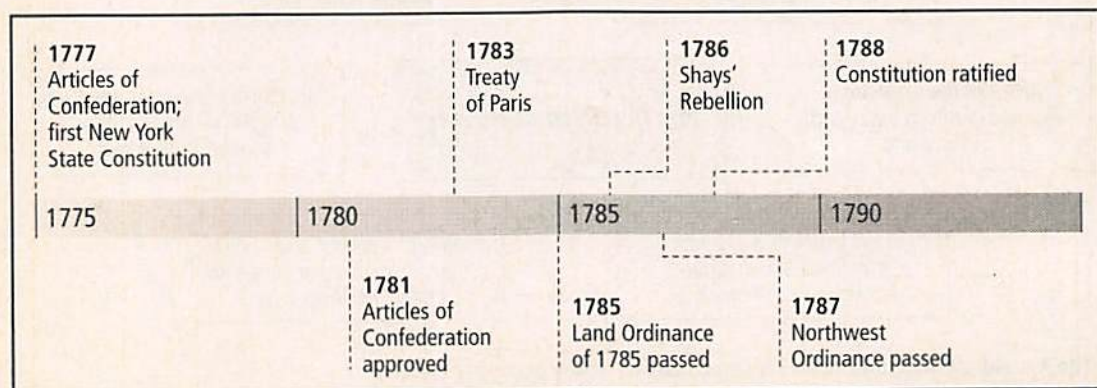
The first constitution of the United States was the **Articles of Confederation**. This constitution, proposed by the Second Continental Congress in 1777, went into effect in 1781 after all 13 states had ratified, or approved, it. The Articles of Confederation reflected the colonists' fear of a strong central government and the desire of the individual states to protect their powers. As a result, the Articles created a weak national government.

An Alliance of Independent States

The Articles set up a confederation among the 13 states. A confederation is an alliance of independent states in which the states give as much power as they choose to the central government, while keeping the greater part of the power and remaining sovereign. The Articles were more like a treaty among the states than a plan of centralized government.

Achievements of the Confederation Government

The government under the Articles of Confederation had the power to make treaties, declare war, and receive ambassadors. The Confederation also made some notable achievements:

The Articles of Confederation, 1781–1789

1. Successful conclusion of the American Revolution
2. Negotiation of the Treaty of Paris of 1783, ending the war and setting the United States border at the Mississippi River
3. Passage of the Land Ordinance of 1785 and the Northwest Ordinance of 1787, which (a) set the pattern by which new states could join the nation, and (b) prohibited slavery in the Northwest Territory

Weaknesses of the Confederation Government

The Confederation government proved too weak to deal with the problems during the critical period of the 1780s. There was no single national currency, because the states could also coin money. The Congress could not tax the people directly but had to ask the states for funds. The government lacked a president to direct operations. The Congress did not have the money to raise an army without the consent of the states.

The new nation soon suffered severe economic problems, while its government was unable to command respect at home or abroad. However, all 13 states had to agree before the Articles could be changed, so it was nearly impossible to change this constitution.

STATE GOVERNMENTS BASED ON REPUBLICAN PRINCIPLES

Between 1776 and 1787, 11 of the 13 states adopted new constitutions. State constitutions were based on republican principles creating a government grounded in representation of the people, the consent of the governed. Special state conventions were called so that the constitutions could be written by the people. When complete, they were ratified or approved by the voters.

Fears of a strong executive led the framers of the first state constitutions to emphasize limitations on power. The New York Constitution of 1777, which even included the text of the Declaration of Independence, gave most of the power to the legislature, rather than to a single person such as a governor. In New York as in most states, the legislature remained bicameral, rather than unicameral.

Some states granted more people the right to vote by lowering property qualifications. Some states gave the right to vote to property-owning African Americans and Native Americans. State constitutions, including the New York state constitution, protected some individual rights, such as the right to religious freedom. In addition, the state government could not give money to any religion. This was part of a national movement to disestablish churches, which meant the end of government endorsement and financial support of any single religious group.

ANALYZING DOCUMENTS

Reading for Evidence

- How were the state constitutions that were adopted after the American Revolution affected by the conflict and war with Great Britain?
- What ideas and other features from New York's and other state's constitutions were eventually included in the U.S. Constitution?



PREPARING FOR THE EXAM

What provision in the U.S. Constitution expressly supports disestablishment?

KEY THEMES AND CONCEPTS

Government

The purpose of the Constitutional Convention was to create a government which did not have the weaknesses of the Articles of Confederation while avoiding a national government so strong that it threatened the liberties of its citizens.

- How did the U.S. Constitution create a stronger national government than that of the Articles of Confederation?

PART 2 WRITING AND RATIFYING THE CONSTITUTION, 1787–1789

By the late 1780s, it was clear that the national government created by the Articles of Confederation was too weak. The government faced increasing difficulty in regulating trade and dealing with the nation's debt.

The problems plaguing the national government led to a call for a Constitutional Convention in Philadelphia in May 1787 for "the sole and express purpose of amending the Articles of Confederation." The chart below shows how the delegates tried to correct the weaknesses of the Articles of Confederation.

THE CONSTITUTIONAL CONVENTION

Fifty-five delegates, representing all the states except Rhode Island, met in the Pennsylvania State House (now known as Independence Hall) in Philadelphia in May 1787 at the Constitutional Convention. The delegates were prominent lawyers, planters, and merchants at a time when most of the population were small farmers.

Governments of the United States: 1781 and 1789

How the Weaknesses of the Articles of Confederation Were Corrected by the Constitution	
Articles of Confederation	Constitution of the United States
<ul style="list-style-type: none"> • States have most of the power. The national government has little. • No executive officer to carry out the laws of Congress. • No national courts. Only state courts exist. • Congress is responsible to the states. • Nine out of 13 states have to approve a law before it can go into effect. • Congress has no power to tax. • Congress can not regulate trade among the states. • Each state coins its own money. There is no national currency. 	<ul style="list-style-type: none"> • States have some power, but most power is given to the national government. • A President heads the executive branch of the government. • Both national and state courts exist. • Congress is responsible to the people. • Laws may be passed by a majority vote of both houses of Congress. • Congress given the power to tax. • Congress given the power to regulate interstate and foreign trade. • Only the national government has the power to coin money.

The most famous delegate was George Washington, who was elected president of the Constitutional Convention. Another well-known figure was James Madison, whom some consider to have had the most influence on the Constitution. Also attending were Benjamin Franklin and Alexander Hamilton, a strong nationalist from New York.

Some famous Americans from the Revolution were noticeably absent. Thomas Jefferson and John Adams were serving the country as diplomats in Europe. A few patriots, such as Patrick Henry, refused to attend because they suspected that the convention would try to create a strong national government, which they opposed. Still others were not selected by their states.

In addition, no women, Native Americans, African Americans, or poorer white men attended the Constitutional Convention. At that time, these groups had limited political and legal rights.

KEY COMPROMISES AT THE CONVENTION

The delegates agreed that discussions would be kept secret in order to debate freely without outside pressure. They also decided not to revise the Articles of Confederation, but to write a new constitution instead.

Most of what we know about the Convention comes to us from Madison's notes. The delegates' task was to create a government with enough authority to govern effectively while protecting individual liberties. The debates involved much conflict and much compromise. In fact, the United States Constitution has been called a "bundle of compromises." Three key compromises made the Constitution possible.

KEY THEMES AND CONCEPTS

Diversity

Certain groups of people were not represented at the Constitutional Convention. How does their absence explain some sections of the Constitution? Why were these groups absent?

READING STRATEGY

Organizing Information

- Which groups stood in opposition to each other on the major issues at the Constitutional Convention?
- Why did they take their particular positions?

Major Compromises of the Constitutional Convention

Compromise	Issue	Solution
Connecticut	Representation in Congress	Bicameral legislature: States have equal representation in Senate; representation in the House depends on State's population.
Three-Fifths	Counting slaves within population to determine representation	Slaves were counted as if 3/5 of one person, both for representation and taxation.
Commerce and Slave Trade	Granting Congress the power to regulate foreign and interstate trade	Congress was forbidden to tax a State's exports or take action against the slave trade for 20 years.

KEY THEMES AND CONCEPTS

Individuals, Groups, Institutions

At the Constitutional Convention, three major compromises were achieved.

- For each issue, how did the compromise satisfy each side?
- Why were the compromises necessary?

READING STRATEGY

Problem Solving

Only nine states needed to ratify the U.S. Constitution to put it into effect.

- Why was it essential that Virginia and New York be among those states that ratified it?

KEY THEMES AND CONCEPTS

Government

In which states was there strong division of opinion about ratification?

The Great Compromise, or Connecticut Plan

The first issue to be resolved was that of representation. The delegates from Virginia proposed the Virginia Plan, which called for a bicameral legislature. A state's representation in each house would be based on its population. Larger states supported this plan. The smaller states favored the New Jersey Plan. This plan called for a unicameral legislature in which each state had equal representation.

The Virginia Plan served as the basis for much of the new Constitution. However, the matter of representation had to be settled by what is known as the **Great Compromise** or the Connecticut Plan, which gave something to both large and small states. The compromise created the Congress, a bicameral legislature. The states had equal representation in the upper house, or the Senate. In the lower house, or the House of Representatives, representation was based on population. In addition, all bills dealing with money would have to start in the House, but would need the approval of the Senate.

The Three-Fifths Compromise

Meanwhile, a bitter debate continued over slavery and power. Southerners wanted slaves to be counted for purposes of deciding representation in the House, but not for purposes of determining taxes. The compromise reached was that three fifths of the enslaved African Americans in a state were counted for both representation and taxation purposes.

The Commerce Compromise

Northerners wanted a government that could regulate trade. Southerners, however, feared that the importing of African slaves would be prohibited and that their agricultural exports would be taxed. The delegates agreed that no export duties could be passed by Congress and that Congress could not prohibit the slave trade for 20 years.

RATIFICATION OF THE CONSTITUTION

After months of debate in Philadelphia, delegates approved the Constitution of the United States. On September 17, 1787, thirty-nine of the delegates remaining in Philadelphia signed the Constitution. The fact that three, including George Mason, author of the Virginia Declaration of Rights, refused to sign gave an indication of the coming debate. The Framers had written that 9 of the 13 states must approve the Constitution for it to go into effect. Approval would be done through special conventions called in each state rather than through the state legislatures.

The Great Debate and Ratification

Two groups formed in each state: the **Federalists**, who favored ratification, and the **Anti-Federalists**, who opposed it.

The Great Debate

The Federalist Arguments:	The Anti-Federalist Arguments:
<ul style="list-style-type: none"> Wanted a strong national government to provide order and protect rights of people. 	<ul style="list-style-type: none"> Wanted a weak national government so that it would not threaten the rights of the people or the powers of the states.
<ul style="list-style-type: none"> Claimed that a bill of rights was unnecessary because the new government's powers were limited by the Constitution. 	<ul style="list-style-type: none"> Wanted to add a bill of rights to protect the people against abuses of power.

The first five states ratified the Constitution within a few months. By June 1788, nine states had given their approval—enough for ratification. But these did not include the states of Virginia and New York. The success of the new government depended upon acceptance of the Constitution by these two key states.

In Virginia, James Madison led the fight for ratification against the opposition of George Mason and Patrick Henry. Virginia approved the Constitution by 10 votes but with amendments suggested. New York was the next battleground. Here, *The Federalist*—a series of pro-ratification essays by Alexander Hamilton, John Jay, and James Madison—helped turn the tide against the Anti-Federalists, led by Governor George Clinton. Ratification was by a margin of three votes. *The Federalist* remains one of the finest statements on government and the Constitution ever written.

PART 3 WHAT YOU NEED TO KNOW ABOUT THE U.S. CONSTITUTION AND GOVERNMENT

The Constitution of the United States includes a number of important basic principles, which are listed below.

Popular Sovereignty

The Constitution is based on the idea of popular sovereignty—that the source of all power or authority to govern is the people. This type of government is considered a democracy.

Limited Government

Governmental powers are defined by the Constitution. In this way, our government is limited by law. The Constitution places limits on state and national governments and government officials as well.

Separation of Powers

The Constitution establishes the **separation of powers**, meaning that power to govern is divided among the legislative, executive, and

ANALYZING DOCUMENTS

“Ambition must be made to counteract ambition . . . If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself.”

—James Madison,
The Federalist No. 51

- Based on this quote, what is James Madison's view of the relationship between human nature and good government?

Three Branches of U.S. Government

Legislative	Executive	Judicial
Senate House of Representatives	President Vice President	Supreme Court Federal Courts
Makes laws	Enforces laws and treaties	Explains and interprets laws
<ul style="list-style-type: none"> • Overrides presidential vetoes • Approves presidential appointments • Approves treaties • Taxes to provide services • Provides for defense, declares war • Regulates money and trade • Impeaches officials 	<ul style="list-style-type: none"> • Can veto laws • Appoints high officials • Conducts foreign policy • Enforces laws and treaties • Commander in chief of the military • Recommends bills to Congress • Reports the state of the Union to Congress 	<ul style="list-style-type: none"> • Settles legal disputes between states • Settles State and federal disputes • Settles disputes between States and foreign countries • Hears cases with ambassadors of foreign governments • Settles disputes between individuals and Federal Government

Source: U.S. Department of Justice

ANALYZING DOCUMENTS

"We the People of the United States . . . do ordain and establish this Constitution for the United States."

—Preamble to the U.S. Constitution

- According to the Preamble, who is creating this Constitution?
- In what other documents have we seen a concept that is restated here?

judiciary branches to ensure that no single branch can dominate the government. Each branch takes its power directly from the Constitution, not from another branch.

Checks and Balances

The system of **checks and balances** gives each branch of the national government ways to check, or control, the other branches. This prevents too much power from falling into the hands of any one part of the government.

Flexibility

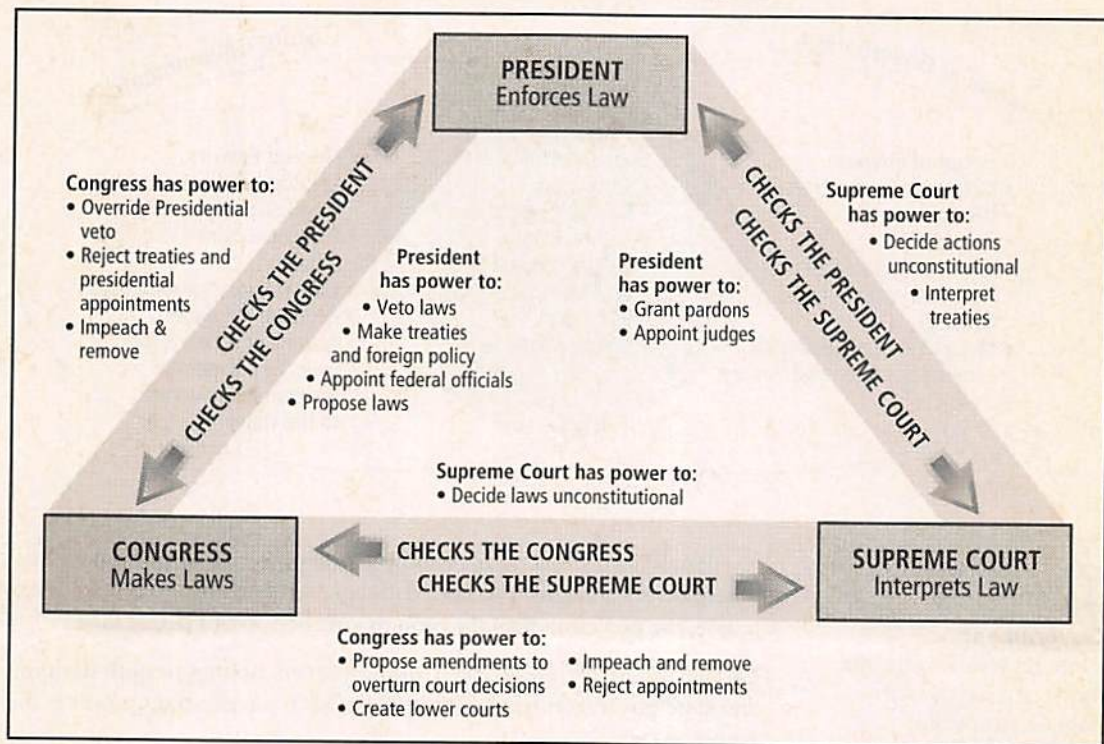
The Constitution is a flexible document that can meet changing conditions over time.

THE ELASTIC CLAUSE Article I, Section 8, Clause 18, states that Congress can make all laws "necessary and proper" for carrying out the tasks listed in the Constitution.

THE AMENDMENT PROCESS Article V describes how the Constitution may be formally amended. Both Congress and the states must agree to such changes.

JUDICIAL INTERPRETATION The Supreme Court and lower federal courts review cases which involve possible conflicts with the Constitution and federal laws. This involves interpreting local, state, and federal laws, as well as executive actions.

The Checks and Balances System



FEDERALISM IN THE CONSTITUTION

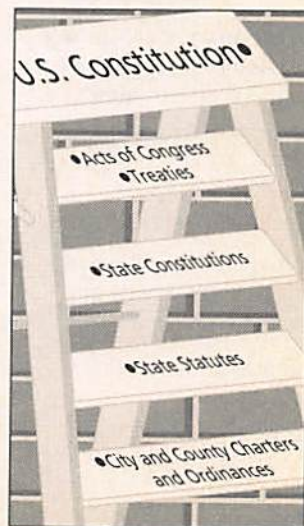
The Constitution divides the power to govern between the national and the state governments. Disputes between the national and state governments are settled by the courts, but the Supremacy Clause of Article VI of the Constitution makes the Constitution, federal laws, and treaties superior to state laws.

DELEGATED POWERS Certain powers of the national government are spelled out in the Constitution. Most of these delegated powers are listed in Article I, Section 8. One example is the power of the national government to declare war.

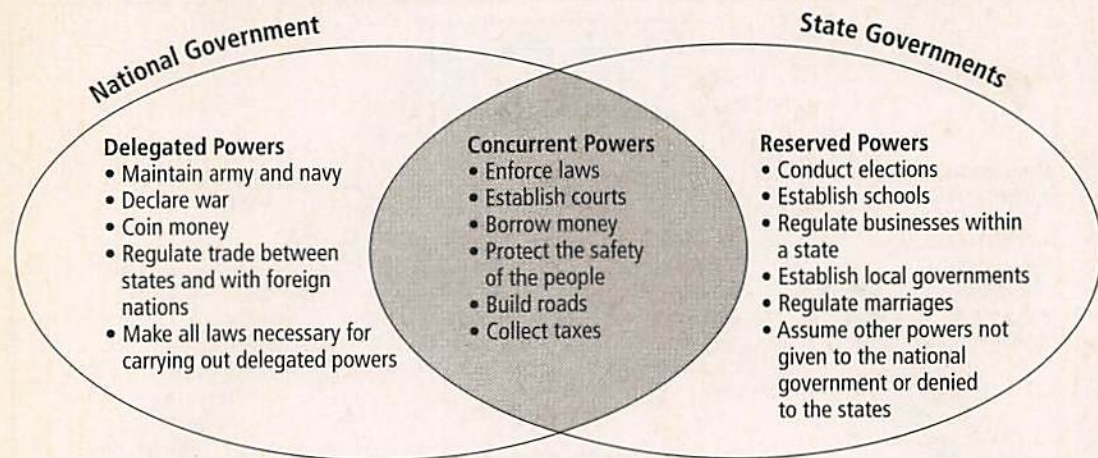
IMPLIED POWERS Certain powers of the national government are not stated in writing. Their existence is implied by the Elastic Clause. One example of an implied power is the regulation of child labor; this power is implied by the delegated power to regulate interstate commerce.

DENIED POWERS Certain powers are denied to the national government, for example, the power to pass an export tax. Other powers

The Supremacy Clause



System of Federalism



KEY THEMES AND CONCEPTS

Government

What do you call a power that is shared by both national and state governments?

Name two examples:

- 1.
- 2.

What do you call a power that is held only by the national government?

Name two examples:

- 1.
- 2.

What do you call a power that is held only by the states?

Name two examples:

- 1.
- 2.

are denied to the states, for example, the power to print money. Still other powers are denied to both national and state governments, for example, the power to deny the right to vote because of sex or race.

CONCURRENT POWER Certain powers belong to both national and state governments. One example of such a concurrent power is the power to tax.

RESERVED POWERS The reserved powers are neither delegated to the national government nor denied to the states. One example is the power to make divorce laws.

Article IV of the Constitution describes relations among the states and lists guarantees that the national government makes to the states. Article VII, which describes ratification of the Constitution, serves as a reminder that the new national government had to be approved by the individual states.

THE BASIC ORGANIZATION AND FUNCTIONS OF GOVERNMENT UNDER THE CONSTITUTION

The first three articles of the Constitution describe and define the powers of the legislative, executive, and judicial branches of the national government. These articles detail the separation of powers, while showing how each branch can check and balance the others.

Federal Officeholders

Office	Number	Term	Selection	Requirements
Representative	at least 1 per state; based on state population	2 years	Elected by voters of congressional district	<ul style="list-style-type: none"> • Age 25 or over • Citizen for 7 years • Resident of state in which elected
Senator	2 per state	6 years	Original Constitution- elected by state legislature Amendment 17-elected by voters	<ul style="list-style-type: none"> • Age 30 or over • Citizen for 9 years • Resident of state in which elected
President and Vice-President	1	4 years	Elected by electoral college	<ul style="list-style-type: none"> • Age 35 or over • Natural-born citizen • Resident of U.S. for 14 years
Supreme Court justice	9	Life	Appointed by President with approval of the Senate	<ul style="list-style-type: none"> • No requirements in Constitution

ARTICLE I: THE LEGISLATIVE BRANCH

Article I establishes the United States Congress with its two houses—the Senate and the House of Representatives. Congress is the legislative branch of government. Article I gives the qualifications for election to Congress, the rights and privileges of members of Congress, and some basic operating procedures of both houses. The article also lists the powers delegated to Congress. Each house of Congress also has special duties that it alone can perform.

Article I briefly outlines how a bill becomes a federal law. This process requires the approval of each house and of the President. A presidential veto, or rejection, of a bill can be overridden by a two-thirds vote of each house. As the diagram on page 57 shows, the process today is quite complex, and a bill must pass through numerous committees before becoming a law.

PREPARING FOR
THE EXAM

Some examination questions require you to read and interpret charts. Study the chart above and answer this question.

- How does the term of a Supreme Court justice differ from those of other federal officeholders?

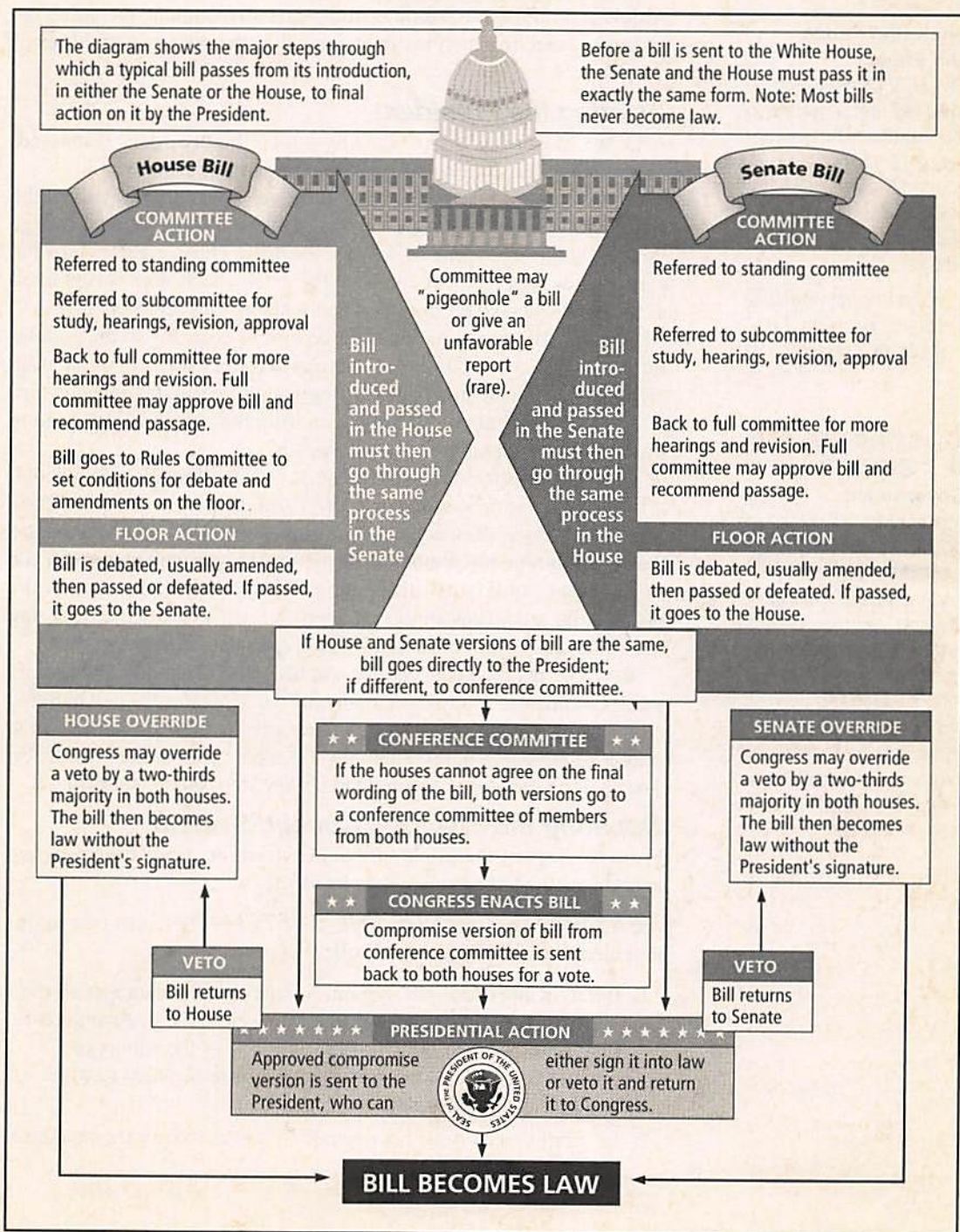
The Powers of Congress as Stated (by Clause) in Article I, Section 8 of the United States Constitution

Expressed Powers	
Peace Powers	
<ol style="list-style-type: none"> 1. To lay taxes <ol style="list-style-type: none"> a. Direct (not used since the War Between the States, except income tax) b. Indirect (customs [tariffs], excise for internal revenue) 2. To borrow money 3. To regulate foreign and interstate commerce 4. To establish naturalization and bankruptcy laws 5. To coin money and regulate its value; to regulate weights and measures 6. To punish counterfeiters of federal money and securities 7. To establish post offices and post roads 8. To grant patents and copyrights 9. To create courts inferior to the Supreme Court 10. To define and punish piracies and felonies on the high seas; to define and punish offenses against the law of nations 17. To exercise exclusive jurisdiction over the District of Columbia; to exercise exclusive jurisdiction over forts, dockyards, national parks, federal buildings, and the like 	
War Powers	
<ol style="list-style-type: none"> 11. To declare war; to grant letters of marque and reprisal; to make rules concerning captures on land and water 12. To raise and support armies 13. To provide and maintain a navy 14. To make laws governing land and naval forces 15. To provide for calling forth the militia to execute federal laws, suppress insurrections, and repel invasions 16. To provide for organizing, arming, and disciplining the militia, and for its governing when in the service of the Union 	
Implied Powers	
<ol style="list-style-type: none"> 18. To make all laws necessary and proper for carrying into execution the foregoing powers, such as: <ul style="list-style-type: none"> To define and provide punishment for federal crimes To establish the Federal Reserve System To improve rivers, canals, harbors, and other waterways To fix minimum wages, maximum hours of work 	

Special Powers of the House and Senate

House	Senate
• To select the President if no candidate receives a majority of the electoral vote	• To select the Vice President if no candidate has a majority of the electoral vote
• To bring impeachment charges	• To act as jury in cases of impeachment
• To originate all revenue (money) bills	• To ratify treaties (by a two-thirds vote)
	• To approve presidential appointments (by a majority vote)

How Bills Become Laws



**READING
STRATEGY****Analyzing Cause
and Effect**

The U.S. Constitution requires that a census of the population be taken every 10 years. The census is used to determine how many representatives each state will send to the House.

- What impact does the census have on the electoral college?

**KEY THEMES AND
CONCEPTS****Government**

A precedent is an action or decision which serves as a basis for later actions or decisions. For example, George Washington set a precedent when he decided not to run for President after completing two terms. No President served for more than two terms until Franklin D. Roosevelt was elected to a third and fourth term in 1940 and 1944.

ARTICLE II: THE EXECUTIVE BRANCH

Article II outlines the workings of the executive branch, including the method of electing the President as well as the powers and duties of the office.

Electing the President

Article II describes the process by which the president is elected. Amendments 12, 20, 22, and 25 have changed this process.

A key compromise of the Constitutional Convention involved the method of electing the President. Under the resulting **electoral college** system, voters cast their ballots for electors. Those electors cast the actual votes for President and Vice President. Each state was granted as many presidential electors as it had senators plus representatives.

The Constitution requires that a census, or counting of the population, be taken every 10 years. Changes to reflect shifts in population are then made in the number of representatives per state, which in turn affects the electoral vote. Today, data from the census is also used to make decisions about other national needs.

Customs and precedents influenced how the President is elected. After Washington's two terms, the formation of political parties forced changes in the election process. No longer did electors exercise their own judgments. Rather, they pledged in advance to vote for the presidential candidate of their party. Today, while the names of the presidential candidates appear on the ballot, voters are actually casting their ballots for electors chosen by each candidate's party.

By 1832, national conventions had become the method of selecting party candidates. Today more than half the delegates to such national conventions are selected through party presidential primaries. Such primaries are only one step in today's complex path to the presidency. The chart on the next page summarizes key steps along that path.

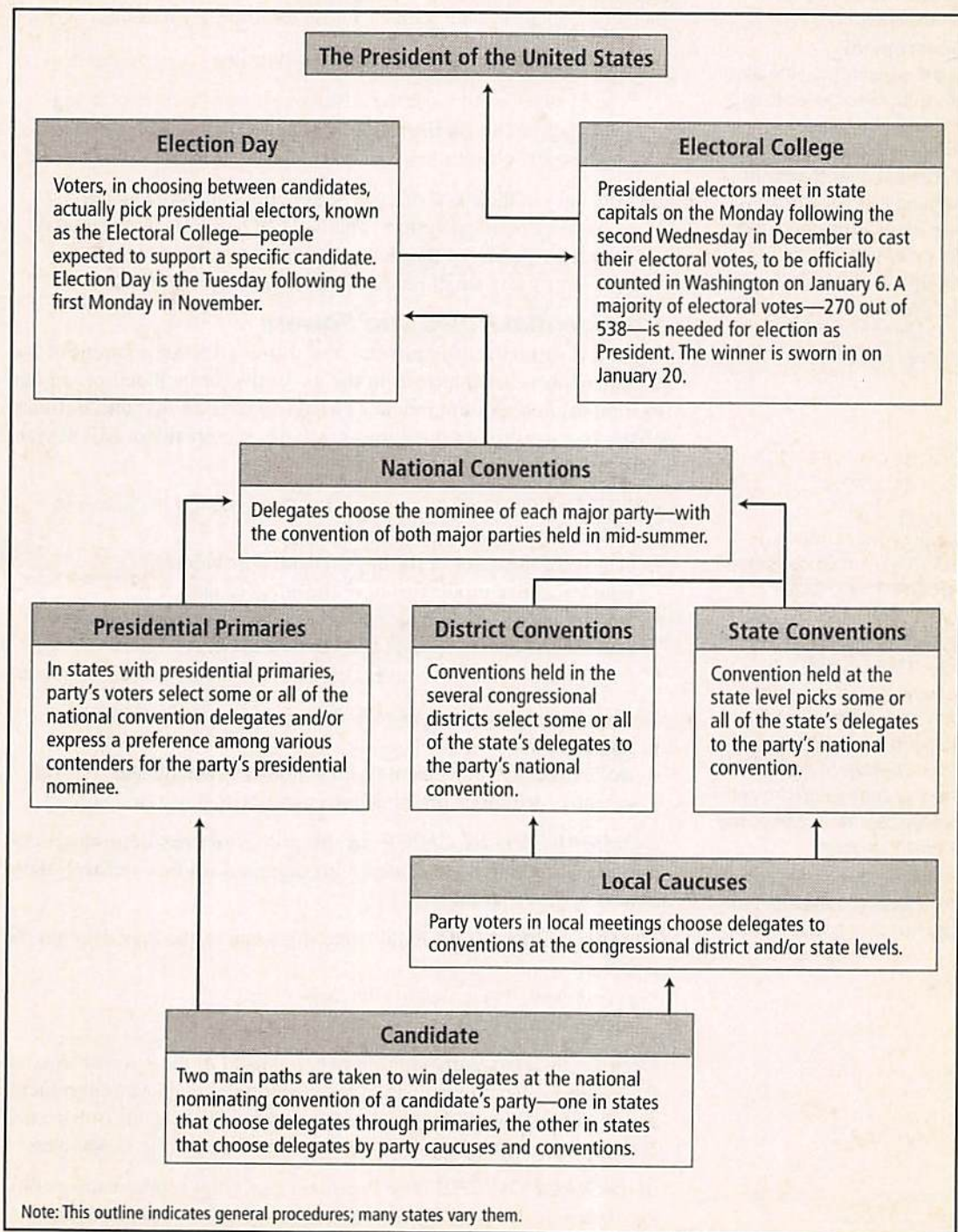
Debating the Electoral College System

From the days of the Constitutional Convention, people have argued over the method of selecting the president.

REASONS TO CHANGE THE SYSTEM There are two major arguments against the electoral college system.

1. It is a "winner-take-all" system. A winning candidate gets all the electoral votes in a state, no matter how close the popular vote is. Four times—in 1824, 1876, 1888, and 2000—the winner of the popular vote has lost the presidency because he failed to win a majority of the electoral vote.
2. Generally, electors are not required by law to vote for the candidate who wins in their state.

The Path to the Presidency



KEY THEMES AND CONCEPTS

Government

In the presidential election of 2000, George W. Bush became the fourth President to win the electoral college without winning the popular vote. The other Presidents were John Quincy Adams, elected in 1824; Rutherford B. Hayes, who ran in 1876; and Benjamin Harrison, elected in 1888.



PREPARING FOR THE EXAM

A flowchart is a diagram that shows the different steps in a process. Study the flowchart of the route to the presidency on the previous page, then answer the question below:

What are three sources of delegates to a political parties national convention?

1.

2.

3.

REASONS TO KEEP THE SYSTEM Despite such criticisms, the electoral college system remains in use for three key reasons:

1. It is very difficult to amend the Constitution.
2. Small states would lose the advantage they now have of being over-represented in the electoral college; they would, therefore, oppose any change.
3. Changes in the electoral college system might threaten the two-party political system. The fact that a presidential candidate needs a majority of the electoral college vote, critics believe, prevents many small political parties from springing up.

Presidential Roles and Powers

Article II describes the powers and duties of the President of the United States. Since power in the executive branch centers in one individual, a president can act swiftly in time of war and national crisis. In carrying out the duties of office, the president fills several different roles.

CHIEF EXECUTIVE In this role, the President has the power to

- enforce or put the laws into effect
- act as administrator of the huge federal bureaucracy
- issue executive orders that have the effect of laws
- appoint judges, diplomats, and other high government officials—some with Senate approval and others without
- remove appointed government officials within the executive branch

CHIEF DIPLOMAT In this role, the President has the power to

- make treaties
- make executive agreements with nations without Senate approval
- extend or withdraw diplomatic recognition to a nation

COMMANDER IN CHIEF In this role, the President has broad military powers that are shared with Congress. In times of war, these powers are even stronger.

CHIEF LEGISLATOR In this role of lawmaker, the President has the power to

- recommend legislation to Congress
- veto potential laws

CHIEF OF STATE In addition to being head of the government, the President is also chief of state, the ceremonial head of government, and the symbol of all the people of the nation. He fills this role in such ceremonies as the laying of a wreath on the Tomb of the Unknowns.

JUDICIAL POWERS The President can grant reprieves, pardons, and amnesties, or pardons extended to groups rather than individuals.

HEAD OF THE PARTY The President is also the leader of the political party in power. The duties of this role are not mentioned in the Constitution because the party system developed through custom.

The Federal Bureaucracy

The federal bureaucracy consists of the administrative agencies and staff that put the decisions or policies of the government into effect. Such a bureaucracy has developed through legislation, executive action, and custom.

Most of the bureaucracy is part of the executive branch and includes the White House staff, 14 executive departments, and more than 200 independent agencies. This bureaucracy is explained in more detail in the chart on the next page.

KEY THEMES AND CONCEPTS

Government

The executive branch is the largest branch of the government, as shown in the chart on the next page.

- Why is the executive branch so large?
- How were the departments and agencies shown created?

ARTICLE III: THE JUDICIAL BRANCH

Article III of the Constitution creates the Supreme Court and gives Congress the power to create lower federal courts. The role of this judicial branch is to interpret the law. In addition to this national court system, each of the 50 states has its own court system.

Jurisdiction

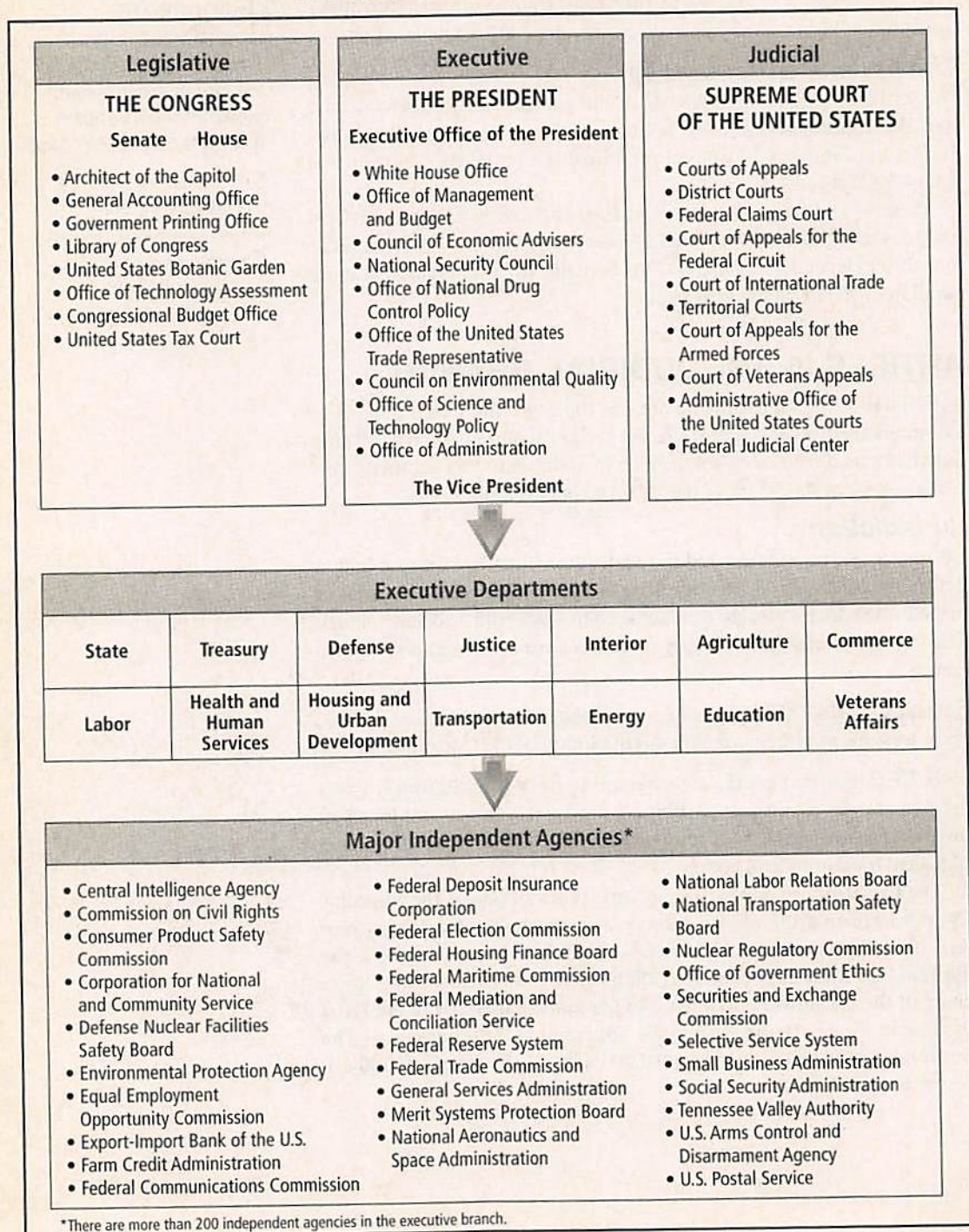
With two court systems—federal and state—the Constitution had to define the jurisdiction, or authority, of the federal courts in order to make clear which cases go to federal courts and which to state courts. The court that has the authority to hear a case is determined by two factors:

SUBJECT MATTER Federal courts hear cases involving federal laws, treaties, maritime law, and interpretation of the Constitution.

PARTIES Federal courts are directed to have jurisdiction if cases involve certain parties, or participants in a case. For example, cases involving representatives of foreign governments or states suing other states are tried in federal courts.

The Constitution states that in some types of cases, the Supreme Court will have original jurisdiction. This means the Supreme Court will hear the case first and make a decision. In most cases, the Supreme Court has appellate jurisdiction. This means that, in a lower court, if the losing side believes a judge made a mistake in applying the law in a case, that case may be appealed to a higher court. The Supreme Court hears only about 150 cases of the nearly 5,000 appealed to it each year.

The United States Government



Judicial Review

The most important power of the federal courts is the right to **judicial review**. This power enables the courts to hear cases involving the application and interpretation of law. Laws that are judged not in keeping with the Constitution's intent are declared unconstitutional and void.

The Supreme Court is the final voice in interpreting the Constitution. The right of judicial review strengthened the power of the judiciary against the other two branches of government. Chief Justice John Marshall first stated the right of judicial review in the 1803 case of *Marbury v. Madison*.

READING STRATEGY

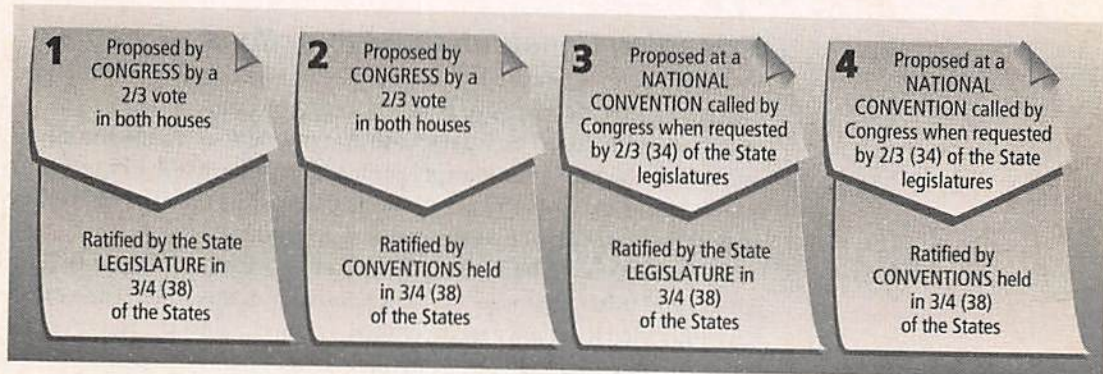
Problem Solving

The process of amending the Constitution is an excellent example of federalism in practice. Why?

AMENDING THE CONSTITUTION

Article V describes methods of amending, or formally changing, the Constitution. In the most common method of amendment, Congress approves a proposed amendment by a two-thirds vote in each house. The amendment then goes to the state legislatures. If three quarters of them ratify it, the amendment becomes part of the Constitution. Twenty-six amendments have been adopted by this method. To date, only the Twenty-first Amendment has been ratified by special conventions called in the states.

The Formal Amendment Process (Four Methods)



The Bill of Rights

The Bill of Rights is the name given to the first 10 amendments to the Constitution adopted in 1791. These amendments guarantee certain basic or fundamental rights of the people against the power of the federal government.

The Bill of Rights

Amendment	Subject
1st	Guarantees freedom of religion, of speech, and of the press; the right to assemble peacefully; and the right to petition the government.
2nd	Protects the right to possess firearms.
3rd	Declares that the government may not require people to house soldiers during peacetime.
4th	Protects people from unreasonable searches and seizures.
5th	Guarantees that no one may be deprived of life, liberty, or property without due process of law.
6th	Guarantees the right to a trial by jury in criminal cases.
7th	Guarantees the right to trial by jury in most civil cases.
8th	Prohibits excessive bail, fines, and punishments.
9th	Declares that rights not mentioned in the Constitution belong to the people.
10th	Declares that powers not given to the national government belong to the states or to the people.

Extending Constitutional Protections

In the 200 years since the Bill of Rights was added to the Constitution, the rights of the people have been expanded by court decisions and by other amendments. The Fourteenth Amendment contains the equal protection clause. Court interpretations have held that the Fourteenth Amendment extends the protections of most of the Bill of Rights against the states as well as the national government.

The courts have held that civil rights (as defined in the Bill of Rights and other amendments) are relative, not absolute. The courts have thus tried to balance an individual's rights against the rights of society and other individuals. Sometimes basic civil rights conflict with each other. For example, the Fifth Amendment right of the accused to confront witnesses might clash with a reporter's First Amendment, freedom-of-the-press right to protect news sources. In such conflicts, the courts must decide the issue.

Additional Constitutional Amendments

Between 1795 and 1992, an additional 17 amendments have been added to the Constitution. Note that the Thirteenth, Fourteenth, and Fifteenth Amendments were passed after the Civil War to make citizens of former slaves, and to give them the right to vote.

Amendments 11–27

Amendment	Year Ratified	Subject
11th	1795	Lawsuits against the states
12th	1804	Separate voting for President and Vice President
13th	1865	Abolition of slavery
14th	1868	Citizenship and civil rights
15th	1870	Voting rights for African American men
16th	1913	Income tax
17th	1913	Direct election of senators
18th	1919	Prohibition of alcoholic beverages
19th	1920	Voting rights for Women
20th	1933	Terms of the President, Vice President and Congress
21st	1933	Repeal of Eighteenth Amendment
22nd	1951	President limited to two terms
23rd	1961	Electoral votes for the District of Columbia
24th	1964	Abolition of poll taxes
25th	1967	Presidential disability and succession
26th	1971	Voting age lowered to eighteen
27th	1992	Changing congressional salaries

The Right to Vote

Year	People Allowed to Vote
1789	White men over age 21 who meet property requirements (state laws)
Early 1800s–1850s	All white men over age 21 (state laws)
1870	Black men (15th Amendment)
1920	Women (19th Amendment)
1961	People in the District of Columbia in presidential elections (23rd Amendment)
1971	People age 18 or over (26th Amendment)

ANALYZING DOCUMENTS

Based on the chart at left, what has been the most common way of extending the right to vote to more people?

NEW YORK STATE GOVERNMENT COMPARED TO THE FEDERAL GOVERNMENT

The government of New York has many similarities to the federal government. New York has a constitution and a Bill of Rights. The New York government has three branches. The executive branch is headed by the governor. The bicameral legislature has a Senate and an Assembly. The highest court in the judicial branch is the Court of Appeals.

PART 4 THE THIRTEEN BASIC CONSTITUTIONAL PRINCIPLES

Thirteen basic constitutional principles have endured since the ratification of the Constitution. These principles continue to be important to the development of American government and society.

Constitutional Principle 1 National Power—Limits and Potential

The powers of the federal government are limited. The Constitution states the powers held by each branch of government. The powers that are not delegated to the national government are reserved to the states or to the people (Tenth Amendment). The Bill of Rights also limits the government's interference with basic rights.

However, the powers of all three branches of the federal government have grown.

- Has the national government become too powerful?
- Do the limits placed on the national government make it incapable of dealing with the problems of the modern age?

Examples of This Principle as a Recurring Theme in U.S. History

Need for a strong central government: debate over ratification

Loose vs. strict interpretation of the Constitution:

Hamilton's financial plan, Louisiana Purchase

Conflict over slavery: 1820–1860

Civil War: establishing federal supremacy over the states

Imperialism: Spanish-American War, acquiring an overseas empire

Progressive movement: Theodore Roosevelt and Woodrow Wilson

Elastic clause: Pure Food and Drug Act, Social Security

Commerce clause: expanding powers of government

New Deal: expanding role of government

Great Society: demand for reform

New Federalism: less government involvement

Constitutional Principle 2 Federalism—Balance Between Nation and State

The Constitution created a new federal government that divided power between the states and the national government. The Constitution reserved certain powers to the states and to the people, but the Constitution and the laws and treaties of the United States are supreme to state laws.

- Is the power still balanced, or has it tilted to the federal government?
- Has the shift of power to the federal government become greater since the New Deal, or did Reagan's New Federalism reverse this trend?

Examples of This Principle as a Recurring Theme in U.S. History

Marshall Supreme Court cases: *McCulloch v. Maryland*, *Gibbons v. Ogden*

John C. Calhoun: nullification, states' rights

Conflict over slavery: 1820–1860

Civil War: establishing federal supremacy over the states

Reconstruction: greater federal supremacy; 13th, 14th, and 15th Amendments

Populists and Progressive reform

New Deal legislation

Rights of minorities: *Brown v. Board of Education*

Fourteenth Amendment: use to extend Bill of Rights

protections to states

Great Society, mid-1960s

New Federalism, 1980s

Constitutional Principle 3**The Judiciary—Interpreter of the Constitution or Shaper of Public Policy**

The Judiciary interprets the law (Article III) and has the power to declare laws unconstitutional. This power of judicial review dates from Marshall's decision in *Marbury v. Madison*, which was based on Article III, and the supremacy clause in Article VI, which states that the Constitution is the "supreme law of the land."

- By acting when Congress has not acted, or by reversing congressional actions to favor the states, have the courts become lawmakers instead of law interpreters?
- If the courts did not have the power to shape public policy, would the Bill of Rights and democracy itself be endangered?

Examples of This Principle as a Recurring Theme in U.S. History

Marbury v. Madison: judicial review strengthened judiciary, government, and national unity

Federal vs. state powers: *McCulloch v. Maryland*, *Gibbons v. Ogden*

Limiting protections and rights: *Dred Scott v. Sandford*, *Civil Rights Cases*

Reversals of decisions: *Plessy v. Ferguson*, *Brown v. Board of Education*

State vs. federal powers: *United States v. E.C. Knight Co.*, *Lochner v. New York*, *Schechter Poultry v. United States*

Rights of accused: *Miranda v. Arizona*, *Gideon v. Wainwright*

First Amendment cases (freedom of speech, press, religion, assembly): *Engel v. Vitale*, *Schenck v. United States*, *New York Times Co. v. United States*, *Tinker v. Des Moines Independent Community School District*

Ninth Amendment privacy cases: *Roe v. Wade*; *Cruzan v. Director, Missouri Department of Health*

Checks and balances: *Watkins v. United States*, *United States v. Nixon*

Constitutional Principle 4**Civil Liberties—Protecting Individual Liberties from Government Abuses; the Balance Between Government and the Individual**

A problem unique to a democratic government is how to balance the rights of the individual and the needs of society. The Constitution's Bill of Rights and Fourteenth Amendment guarantee certain basic rights, rights which predate any government. But these rights are not unlimited.

- What are the rights of the individual?
- Should government protect and/or extend the rights of the individual?
- Should government decide where the balance should be between individual and societal rights?

Examples of This Principle as a Recurring Theme in U.S. History

Equal protection clause: Fourteenth Amendment—*Civil Rights Cases*, *Heart of Atlanta Motel v. United States*

Freedom of speech vs. "clear and present danger": *Schenck v. United States*

Relocation of Japanese Americans: *Korematsu v. United States*

Red Scare, McCarthyism: fear of subversion, the erosion of liberties

Testing for drug use: *Vernonia School District v. Acton*

Rights of individuals: effects of technology

Constitutional Principle 5**Criminal Procedures—The Balance Between the Rights of the Accused and the Protection of the Community and Victims**

This is a question of balancing the rights of individuals accused of crimes and those of citizens to be safe and secure.

- Why does an individual accused of a crime have rights?

- Are those rights easily defined?
- What are the rights of a victim of a crime?
- When do the rights of the accused interfere with society's ability to maintain law and order?

Examples of This Principle as a Recurring Theme in U.S. History

Free press vs. the rights of the accused

Death penalty: individual rights vs. rights of society

Writ of *habeas corpus*: purpose

Due process of law, search and seizure: *Mapp v. Ohio*

Students' rights and search and seizure: *New Jersey v. T.L.O.*; *Vernonia School District v. Acton*

Rights of the accused: *Miranda v. Arizona*, *Gideon v. Wainwright*

Constitutional Principle 6

Equality—Its Historic and Present Meaning as a Constitutional Value

This issue involves questions of who is equal and in what ways. When Jefferson wrote that “all men are created equal,” he referred to the equality before the law of white, property-owning males. The equal protection clause of the Fourteenth Amendment and the due process clause of the Fifth Amendment were later interpreted to make equal justice more of a reality for all Americans.

- According to the Constitution, who is equal: men and women? All races? Rich and poor? Young and old?
- How has the Constitution expanded equality?
- Has equality been achieved?
- How are people equal: equal in opportunity? Before the law? In entitlements?

Examples of This Principle as a Recurring Theme in U.S. History

Conflict over slavery: Constitutional Convention; 1820–1860
 Passage of 13th, 14th, and 15th Amendments
 Equal protection clause: 14th Amendment
 Jim Crow laws: legal basis for segregation
Plessy v. Ferguson
Brown v. Board of Education
 Martin Luther King, Jr.: civil rights movement

19th-century women’s rights movement
 19th Amendment
 1960s women’s rights movement
 Treatment of Native Americans: *Worcester v. Georgia*
 Native American movement
 New Deal: relief of human suffering
 Great Society: help for less fortunate
 Affirmative action: court decisions

Constitutional Principle 7

The Rights of Women Under the Constitution

Women are not mentioned in the Constitution except in the Nineteenth Amendment, which protects their right to vote.

- What is the historic and present meaning of equality for women as a constitutional value?

- How were these changes achieved?
- Are federal laws and court rulings sufficiently protective of the rights of women?
- Was there a need for the defeated Equal Rights Amendment?

Examples of This Principle as a Recurring Theme in U.S. History

Elizabeth Cady Stanton and Susan B. Anthony: Women’s suffrage movement
 Seneca Falls: Women’s rights movement
 Effects of industrialization on the role of women

1960s women’s rights movement
Roe v. Wade: Ninth amendment, right to privacy, abortion
 Affirmative action and women

Constitutional Principle 8

The Rights of Ethnic and Racial Minority Groups Under the Constitution

The Constitution has not always protected ethnic, racial, and other minority groups. When first ratified, in fact, the Constitution contained clauses that protected slavery and the rights of slaveholders.

- Has the Constitution protected the rights of ethnic and racial minority groups?

- Has the Constitution protected the rights of economically powerful groups better than those of minority groups?
- Are the gains that minorities have made secure, or do such groups need more protection of their rights?
- How do we balance minority rights and rule by a majority?

Examples of This Principle as a Recurring Theme in U.S. History

Conflict over slavery: Constitutional Convention; 1820–1860
 Frederick Douglass: abolition movement
Dred Scott v. Sandford
 Civil War: Emancipation Proclamation
 Reconstruction: 13th, 14th, and 15th Amendments
 Jim Crow laws, *Plessy v. Ferguson*: legal basis for segregation
 Equal protection clause: 14th Amendment

Brown v. Board of Education
 Martin Luther King, Jr.: civil rights movement of 1960s
 Restrictions on immigration: quota system, exclusion of Chinese and Japanese
 Relocation of Japanese Americans: *Korematsu v. United States*
 Native Americans: treaty rights, *Worcester v. Georgia*, Dawes Act, citizenship in 1924
 Native American movement

Constitutional Principle 9 Presidential Power in Wartime and in Foreign Affairs

The Constitution gives the President the power to make treaties, as well as other major foreign-policy responsibilities. The President is also the commander in chief of the armed forces. The powers of the President have grown since the early days of the United States

government, and they are even greater in wartime.

- Does the President have too much power, particularly since the Civil War?
- Are broad presidential powers necessary to conduct war and foreign affairs?

Examples of This Principle as a Recurring Theme in U.S. History

George Washington: expanded governmental powers, Proclamation of Neutrality
Increase of presidential power during wartime by Lincoln, Wilson, and FDR.: *Schenck v. United States*, *Korematsu v. United States*
T. Roosevelt: increase of presidential power because of U.S. involvement in world affairs
T. Roosevelt: Roosevelt Corollary to Monroe Doctrine
Truman: decision to drop atomic bomb

Korean and Vietnam Wars: expanded presidential wartime powers
Kennedy: Cuban missile crisis
War Powers Act: a check on presidential power
Carter: Camp David Accords
Sandinistas and Contras
Persian Gulf Crisis
Intervention in Somalia, Bosnia, Haiti, Yugoslavia
Clinton: Israeli-PLO Agreement

Constitutional Principle 10 The Separation of Powers and the Effectiveness of Government

The Constitution established three branches of government with separate powers, as well as a system of checks and balances among them.

- Has the system of separation of powers and of checks and balances been effective in preventing dominance by one branch?

- Is this system necessary, or has it resulted in a badly-run government that is slow to respond to the needs of the people and the nation?

Examples of This Principle as a Recurring Theme in U.S. History

Checks and balances: presidential veto
Judicial review: *Marbury v. Madison*
Reconstruction: period of legislative power
Checks and balances: Treaty of Versailles
Checks and balances: FDR and Supreme Court reorganization
Checks and balances: Vietnam War

Checks and balances: *Watkins v. United States*, *United States v. Nixon*
War Powers Act: check on presidential power
Watergate: government based on laws and not on an individual
Clinton: impeachment and acquittal

Constitutional Principle 11 Avenues of Representation

Since the Constitution was ratified, there has been a continuing expansion of the right to vote. However, while the system has become more democratic and more reflective of majority rule, the power of political parties and special interest groups has grown.

- Has the federal government become more or less representative of "we the people"?

Examples of This Principle as a Recurring Theme in U.S. History

Great Compromise: representation in Congress
Electoral college system
Direct election of senators
Passage of 15th, 19th, 24th, and 26th Amendments
19th-century and Progressive reform movements
Populist and Grange movements

Women's suffrage movement
Third parties' effect on the political process
"One man, one vote": effect on representative government
Campaign funding: individual rights vs. influence of special interests
Politics: effects of technology

Constitutional Principle 12 Property Rights and Economic Policy

The Constitution gives the government responsibility for promoting the general welfare and Congress the power to regulate commerce and taxes.

- Has government balanced its two roles as the promoter of capitalism and free enterprise and as the protector of the public from the abuses of business?

Examples of This Principle as a Recurring Theme in U.S. History

Hamilton: government encouragement of business, national bank

Andrew Jackson: second national bank

Expanded interstate commerce clause: *Gibbons v.*

Ogden; Wabash, St. Louis & Pacific R.R. v. Illinois

Weakened interstate commerce clause: *United States v.*

E.C. Knight Co., Lochner v. New York, Schechter

Poultry v. United States

Interstate commerce clause used against labor: *In Re Debs*

Antitrust activities: Sherman Antitrust Act, T. Roosevelt and W. Wilson, *Northern Securities Co. v. United States*, Clayton Antitrust Act

Federal Reserve: regulating monetary system

Government action for environmental and consumer protection

New Deal: government farm price supports

New Deal: collective bargaining, Wagner Act

Reagan: supply side economics, budget deficits

Constitutional Principle 13 Constitutional Change and Flexibility

The Constitution has adapted to changing circumstances over the years because of certain provisions built into it, such as the necessary and proper clause and the interstate commerce clause.

- Has the Constitution proven adaptable to changing times?

- Should the Constitution be easier to change?

- Has the amendment process, combined with judicial interpretation and the implied powers of the executive and legislative branches, kept the Constitution able to meet the challenges of the modern world?

Examples of This Principle as a Recurring Theme in United States History

Washington: the unwritten constitution

Hamilton's bank plan: implied powers

Commerce clause: expansion of government authority, regulation of business, Federal Reserve System

Amendments and court decisions used to expand rights

Cabinet and congressional committees: custom and precedent

Role of political parties

PART 5 PUTTING THE CONSTITUTION INTO EFFECT

From the time of our first Presidents, an unwritten constitution developed in response to changing times and circumstances. This unwritten constitution resulted from a combination of (1) executive interpretations and actions, (2) congressional interpretations and actions, (3) court decisions, especially judicial review, (4) customs and traditions, and (5) the actions of political parties.

EXECUTIVE INTERPRETATION, ACTION, AND CUSTOM

Starting with George Washington, presidents sought advice from the heads of the executive departments, who were called the President's **cabinet**, when developing policy. Today, the White House staff also plays a major role in this advisory process. The President appoints cabinet members with Senate approval but can dismiss a cabinet member without Senate approval.

The early Presidents also consulted with congressional leaders when developing policies. Such consultation is an informal procedure. Today, the Senate's official role often seems more "to consent" than "to advise" on presidential decisions. This method of advising the President has become custom.

Developing a Financial Plan

With Washington's support, Alexander Hamilton, the first secretary of the treasury, set out to put the government on a sound economic footing. He proposed a plan that included four key elements:

KEY THEMES AND CONCEPTS

Government

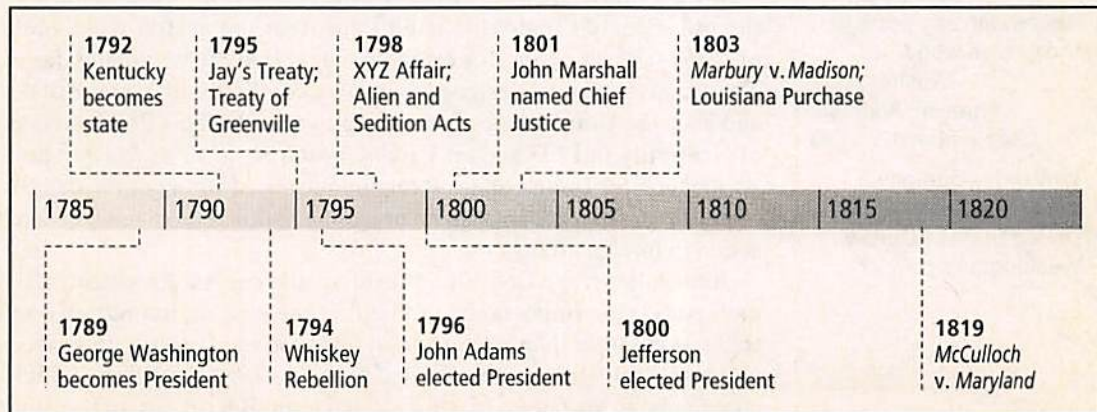
In the early years of the new nation, the United States government grew from the basic framework of the Constitution to a functioning governmental system. Provide an example of how interpretation, action, and custom each contributed to this process.

Interpretation:

Action:

Custom:

First Years of the New Government, 1789–1820



ANALYZING DOCUMENTS

Hamilton used the “necessary and proper” clause to justify creating a national bank. Read the clause below, then answer the question.

“[The Congress shall have the power] to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.”

—U.S. Constitution, Article I, Section 8, Clause 18

- Was Hamilton justified in using the “necessary and proper” clause to create a national bank?
- Did the Supreme Court support his argument?

GEOGRAPHY IN HISTORY

“It is our true policy to steer clear of permanent alliances with any portion of the foreign world. . . .”

—Washington’s Farewell Address, September 17, 1796

- Why did geography make it possible for the United States to follow Washington’s policy?

ASSUMPTION Hamilton wanted the national government to pay off American Revolution war debts run up by the Continental Congress as well as the wartime debts of the states. Hamilton believed that this would establish the credit of the nation. Congress approved this plan.

A NATIONAL BANK Hamilton wanted Congress to create a national bank, which he believed would win the government the support of the business community. Such a bank would also help the government in all of its financial dealings. Congress chartered a national bank in 1791.

AN EXCISE TAX Hamilton proposed that the government raise operating revenues through an excise tax on whiskey.

A PROTECTIVE TARIFF Hamilton called for a protective tariff to shield products of the nation’s infant industries from foreign competition. Congress rejected the protective tariff but passed other tariffs to generate income for the government.

The Hamilton plan raised some controversy, but it put the new nation on a sound financial footing. It also encouraged the wealthy to support the government and built a solid foundation for the nation’s future as an industrial power.

The Whiskey Rebellion

In 1794, western Pennsylvania farmers protested and refused to pay excise tax on the whiskey they made from grain. Washington called out state militias and put down this “Whiskey Rebellion.” There is debate today over how serious a threat this rebellion really was, but Washington’s actions demonstrated that the new government intended to enforce federal law.

Foreign Policy in the Federalist Era

From 1789 to 1815, the French Revolution and the European wars that grew out of it put many pressures on the new nation. Washington and the other early Presidents tried to protect the nation from such pressures. Washington, for example, supported the unpopular **Jay’s Treaty**, an agreement designed to resolve conflicts with Great Britain and keep the United States from going to war. With his Proclamation of Neutrality in 1793 and his Farewell Address in 1796, Washington set the tone for United States foreign policy by warning of the danger of political alliances. Instead he urged the nation to take independent action in foreign affairs.

John Adams, the first Vice President and second President, also understood the importance of keeping the new nation out of war. He settled rather than expand an undeclared naval war with France (1798–1800). His actions divided his own Federalist Party, which contributed to his failure to win a second term. But Adams, in resisting

internal and external pressures for war and ending the 1778 alliance with France, made possible a peaceful and independent entry into the new century.

Reacting to Dissent: The Alien and Sedition Acts

Taking advantage of the emotions stirred up by the French Revolution, the Federalists passed the Alien and Sedition Acts (1798), which were designed to strengthen the Federalist party and weaken the Republican opposition. The Alien Acts made it more difficult to become a citizen and easier to arrest and deport any noncitizens thought to endanger national security. The Sedition Act made it easier to arrest a person for criticizing the government. Protests were made against these acts for challenging the freedom of speech and of the press. Madison and Jefferson in the Virginia and Kentucky Resolutions declared the acts dangerous to civil liberties and representative government.

The Two-Term Presidency

After serving two terms, Washington rejected a third term as president. In doing so, he established a tradition that was not broken until 1940 and 1944, when Franklin D. Roosevelt won a third and then a fourth term. Unhappiness over Roosevelt's break with tradition led to passage of the Twenty-second Amendment that limited a President to two terms in office.

CONGRESSIONAL INTERPRETATION, ACTION, AND CUSTOM

The Constitution supplied few details of how the machinery of government would operate, so early congressional actions helped set up that machinery. For example, Congress also created the first five executive departments—Treasury, State, War (Defense), Attorney General (Justice), and Postmaster General. Today, there are 14 departments and more than 200 independent agencies.

In 1789, Congress began the custom of assigning bills to committees. This developed into today's committee system, in which standing committees review all bills before sending them on to the full House or Senate. Congressional committees can also operate as investigative committees, gathering information in order to determine the need for new laws or to examine how current laws are working.

Lobbying

Custom has also led to the development of lobbying, or actions by people representing special-interest groups for the purpose of influencing legislation. Such lobbying is protected by the First Amendment's right to petition but also regulated by federal law.

KEY THEMES AND CONCEPTS

Presidential Decisions and Actions

What impact did Franklin D. Roosevelt's decision to run for a third and fourth term eventually have on the U.S. Constitution?

KEY THEMES AND CONCEPTS

Constitutional Principles

The practice of lobbying is protected by the First Amendment's right to petition, but it is also regulated by federal law.

- Why should the government limit lobbyists' First Amendment right to petition?

GEOGRAPHY IN HISTORY

How did the location of New Orleans make it important to bring it under American control?

PORT OF NEW ORLEANS

Access to the port of New Orleans opened up the Ohio River Valley to farmers wanting to move their goods to market by water.

Strict vs. Loose Construction

Hamilton's proposal for a national bank started the first national debate between "strict" and "loose" constructionists. Strict constructionists favor a narrow interpretation of the Constitution, holding that government can do only those things the document specifically spells out. Loose constructionists favor a freer reading of the Constitution that gives government more room to act.

In 1803, Jefferson had the chance to double the size of the nation through the Louisiana Purchase. However, supporting the purchase meant adopting a loose interpretation of the Constitution. Jefferson overcame his reluctance to spend public money and backed the purchase. In addition to adding new lands, the Louisiana Purchase also gave the United States control of the vital Mississippi River.

The Louisiana Purchase, 1803



ANALYZING DOCUMENTS

In *McCulloch v. Maryland*, the Court rejected the right of Maryland to tax the national bank. Chief Justice Marshall wrote, "The power to tax is the power to destroy." What did he mean?

JUDICIAL INTERPRETATION OF THE CONSTITUTION

The power of the judicial branch was greatly strengthened during the period in which John Marshall served as the nation's fourth chief justice (1801–1835).

The Marshall Court

The decision of the Supreme Court in *McCulloch v. Maryland* (1819) upheld the congressional creation of the Second Bank of the United States. Supporting loose interpretation, this decision strengthened federal supremacy and national economic interests.

Similarly, in 1824, the verdict in *Gibbons v. Ogden* expanded the powers of the national government over commerce through a broad interpretation of the congressional power to regulate interstate commerce (Article I, Section 8, Clause 3).

Perhaps most critically, Marshall led the Court in the 1803 decision in *Marbury v. Madison*. This decision established the court's right of judicial review, its power to rule on the constitutionality of a law.

Activism versus Restraint

Those favoring judicial activism believe the Court should use this power to help make public policy, particularly when Congress has failed to act on pressing social problems. Those favoring judicial restraint believe that this power should be used only when there is an obvious violation of the Constitution. They feel that policy-making should be left to the other two branches.

ACTIONS OF POLITICAL PARTIES

Political parties developed through custom and tradition. The debate between Federalists and Anti-Federalists over ratification revealed the existence of differences of opinion on government. These differences led to the formation of the first two political parties—the Federalists and the Democratic-Republicans.

The formation of political parties led to constitutional changes in the method of electing the president. Party politics also gave rise to nominating conventions and the pledging of electoral votes to a candidate. Today, due to the growth of primaries and party caucuses, the presidential candidate has usually been selected before the delegates attend the nominating convention.

The First Political Parties

Federalists	Republicans
1. Led by Alexander Hamilton, John Adams	1. Led by Thomas Jefferson, James Madison
2. Wealthy and well-educated should lead nation	2. People should have political power
3. Strong central government	3. Strong state governments
4. Emphasis on manufacturing, shipping, and trade	4. Emphasis on agriculture
5. Loose interpretation of Constitution	5. Strict interpretation of Constitution
6. Pro-British	6. Pro-French
7. Favored national bank	7. Opposed national bank
8. Favored protective tariff	8. Opposed protective tariff

KEY THEMES AND CONCEPTS

Government

Supreme Court decisions have affected the separation of powers in the federal system. How did *Marbury v. Madison* affect the separation of powers?

KEY THEMES AND CONCEPTS

Government

The peaceful transfer of political power from one party to another is an important feature of the democratic system in the United States.

ANALYZING DOCUMENTS

Jefferson left instructions that his gravestone be inscribed:

"Author of the Declaration of Independence, the Statute of Virginia for Religious Freedom, and father of the University of Virginia."

- What does this tell you about a man who was both President and Vice President of the United States, governor of Virginia, the first secretary of state, and the second minister to France?

**PREPARING FOR THE EXAM**

National self-interest is the prime motivation behind a nation's foreign policy. Debates center on the issue of what actions, in a given situation, are in the best interests of a nation.

READING STRATEGY**Reading for Evidence**

Is the War of 1812 best described as

- a second war for independence?
- a war of expansion?
- a war for rights on the seas?

Explain your answer.

In the first half of the 1800s, many more men had the right to vote, and the campaign techniques and organization of political parties changed to appeal to this broader electorate.

While major political parties have changed infrequently, the nation has seen many influential "third parties." Such parties have offered criticisms and suggested reforms later adopted by the major parties when in power.

FOREIGN POLICY: 1800–1823

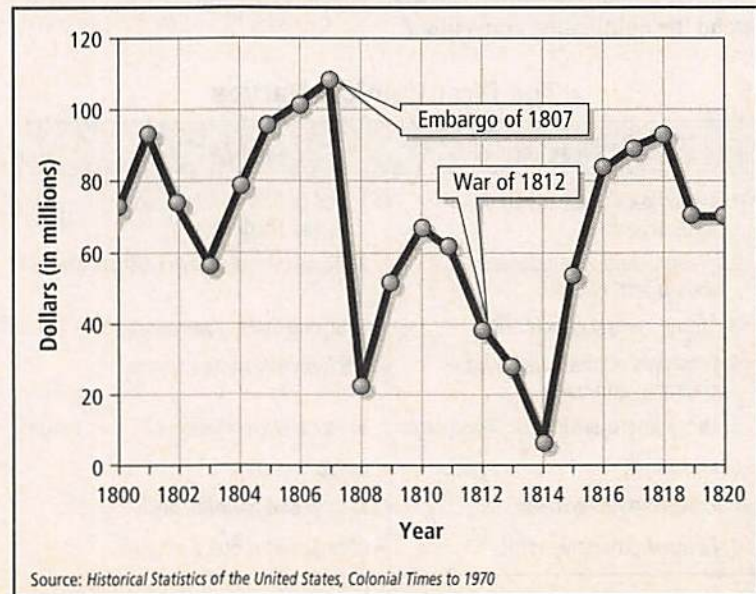
Events in Europe from 1789 to 1815 influenced domestic and foreign policies of the United States. Presidents maintained American neutrality, staying out of European wars while insisting on the rights of the United States as a nation. The distance from Europe made it easier to keep out of European affairs. However, the right to trade with European nations remained a major concern because America's economic well-being depended on such trade.

War of 1812

Meanwhile, Britain and France remained at war, and Britain outraged Americans by seizing American merchant ships trying to reach France. Congress passed the Embargo Act of 1807—which prohibited trade with other nations—in an attempt to punish Britain. American exports fell, but Britain was largely unaffected. Protests led to the repeal of the act in 1809.

ANALYZING DOCUMENTS

Examine the table. What effect did the War of 1812 have on U.S. exports? Why?

United States Exports, 1800–1820

Britain continued to violate American freedom of the seas, seizing American ships and forcing American sailors to serve in the British navy. Meanwhile, western and southern “War Hawks”—interested in expanding into British Canada and Spanish Florida—urged war. In 1812, Congress declared war on Britain. The war, however, was not supported by all Americans and provoked disputes among different sections of the nation.

Although the war ended in a draw in 1814, it produced some significant long-term results.

- The war reinforced the American belief that a policy of neutrality regarding European affairs was justified.
- Native American tribes in the West lost their ally, Britain, and were much less able to stand up to American expansion.
- American manufacturing began to grow, particularly in New England, when the United States was cut off from European imports.
- Opposing the war weakened the Federalist Party, which soon ceased to be a major factor in national politics.
- In Andrew Jackson and William Henry Harrison, the nation gained new war heroes. “The Star Spangled Banner” was inspired by the bombardment of Fort McHenry.

Foreign Policy After the War of 1812

The new national self-confidence also revealed itself in the field of diplomacy. John Quincy Adams, secretary of state for President James Monroe, settled the border between the United States and Canada. He also acquired Florida from Spain and reached agreement with that nation on the southern boundary of the Louisiana Purchase.

Monroe Doctrine

Adams was the chief adviser on the 1823 Monroe Doctrine, which became the foundation of the United States’ foreign policy in the Western Hemisphere. The Monroe Doctrine called for

- an end to European colonization in the Western Hemisphere
- no intervention by Europe in existing nations in this hemisphere
- a declaration that European interference was “dangerous to our peace and safety”
- a promise of noninterference by the United States in European affairs and European colonies

In 1823, the United States lacked the military might to enforce this doctrine. However, Great Britain agreed to support the United States if this policy were challenged. By the end of the 1800s, the United States was actively enforcing the policy on its own.

KEY THEMES AND CONCEPTS

Foreign Policy

Did the motives behind American foreign policy change after the War of 1812? Why or why not?

PREPARING FOR THE EXAM

On the examination, you will need to understand the changing influences on United States foreign policy.

How was the Monroe Doctrine influenced by each of the following?

- geography
- isolationism and neutrality
- United States national interests
- concerns for the new Latin American republics

KEY THEMES AND CONCEPTS

Foreign Policy

National self-interest—sometimes mixed with a desire to extend democratic ideals to other nations—provides the basis for the foreign policies of most democratic nations, including the United States.

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