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The Constitution

THE CONSTITUTION BY  
HAMILTON, JEFFERSON,  
MADISON, ET AL.

Contains the history of the Constitution;  
& its full text with annotations

Brian W. Kelly

GO United States of America!

# The Constitution By Hamilton, Jefferson, Madison, et al.

Contains the history of the Constitution; as well as its full text with annotations. It highlights the story of the fight to assure its ratification as the governing document for the new United States.

This is your first book to read to help make the great words of the Constitution ring forever in your ears. We begin with the thinking of the major patriots who wrote this document—men such as Hamilton, Jefferson, and Madison, et al.

The book then moves on to the purpose of the Constitution; how it came about, and who the writers actually were. You will learn why the Constitution is the most famous written document of all time. The patriot founders so properly named it: “The Constitution of the United States of America.” We are the lucky ones for sure as this is the definition of our democracy!

From this book about the Constitution, you will learn about your rights and freedoms by reading this great document. Understanding the Constitution is the best thing you can do to understand your role in assuring our great form of government well into the future.

This effort resulting from the combined work of Hamilton, Jefferson, Madison, and others is the best starter book for anybody wanting to refresh their knowledge or learn about the US government and its most basic structures and laws. This book is designed to help you be better prepared to react to the over-reach of corrupt politicians in our age, at the highest levels of government.

Just because powerful people for too long a time have chosen to ignore our rights and freedoms does not mean we must endure continual tyranny. The first step of course is to understand the most basic written precepts in the Constitution.

Therefore, reading this book is a must.



BRIAN W. KELLY

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**Title: The Constitution by Hamilton, Jefferson, Madison, et al.!**

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# Dedication

*To the entire McKeown & Kelly Family.  
(Mom's side and my Dad's side of the family)*

*They have all stood there with me and I with  
them, as we seek the truth and continue our  
fight for freedom.*





# Acknowledgments

In every book that I write or edit, I publicly acknowledged all of the help that I have received from many sources. Some of these wonderful people are still on earth and others have made their way to heaven.

I would like to thank many people for helping me in this effort. I appreciate all the help that I received in putting this book together, along with the 119 other books from the past.

My printed acknowledgments were once so large that book readers needed to navigate too many pages to get to page one of the text. To permit me more flexibility, I put my acknowledgment list online at [www.letsGOPublish.com](http://www.letsGOPublish.com). The list of acknowledgments continues to grow. Believe it or not, it once cost about a dollar more to print each book.

Thank you all on the big list in the sky and may God bless you all for your help.

Please check out [www.letsGOPublish.com](http://www.letsGOPublish.com) to read the latest version of my heartfelt acknowledgments updated for this book. Thank you all!

In this book, I received some extra special help from many avid supporters of my writing including Bruce Ikeda, Dennis Grimes, Gerry Rodski, Wily Ky Eyely, Angel Irene McKeown Kelly, Angel Edward Joseph Kelly Sr., Angel Edward Joseph Kelly Jr., Ann Flannery, Angel James Flannery Sr., Mary Daniels, Bill Daniels, Robert Gary Daniels, Angel Sarah Janice Daniels, Angel Punkie Daniels, Joe Kelly, Diane Kelly, Brian P. Kelly, Mike P. Kelly, Katie P. Kelly, Angel Ben Kelly, and Budmund (Buddy) Arthur Kelly.



## Preface

Indeed, we are citizens of a truly exceptional country. America is the exception to the rule, founded on principles of liberty and freedom and ruled by the people. The Founders knew that even the great Constitution they wrote might not be enough to keep knaves and scoundrels from subverting their work. Just check the news every day and you know how true this is. But, of course, be careful and watch out for the fake news.

And so, today, over 225 + years after the Constitution, all is not perfect in America, but the principles of the Constitution are so sound and so powerful that even a knave politician cannot bring us under. The big concern of course is that if we don't smarten up, things will get a lot worse. I suspect that is why you are reading this book, originally written by the Founders.

Our ailments are large and growing. Taxes are too high, elected officials are out of touch, government is too big, spending is out of control; the new which now is also the old healthcare program is a train wreck/ The Federal government is incompetent, the people have no voice in government. Too many people are too lazy to hold government accountable; too many are on the take, and worse than that, the list of ailments is growing, not shortening.

Your intention no doubt in learning about the structure of America as written by its founders—its most fundamental laws—in choosing to read this book is to help you understand why all this is happening.

That is why Brian wrote this book. I am betting that more sooner than later, you will better understand our great country and our great form of government—at least before the bad guys take it away.

This book is the best starter book for anybody wanting to refresh their knowledge or learn about the government of the United States

of America and to be better prepared to react to the over-reach of today's corrupt politicians at the highest levels of government.

Without the knowledge that you can gain easily in this book, for example, you might unknowingly be convinced by socialist progressives in the government that you have no rights, and you have no freedoms, and any of your permissions come from the government itself. The Constitution itself says pay no heed to "fake news like this."

If you have been paying attention to what is going on in America today, you know we are in trouble. We have a busted economy, high unemployment, no jobs, and our basic rights to freedoms such as speech, religion, the press, and our right-to-bear-arms are being impinged upon. The Founders saw it as a civic duty for Americans to pay attention to our government so that we can avoid being chumps and being snookered by crooked politicians.

We are on the same side in this battle for the Constitution and for the survival of America. Together we can all help. We first must understand what is going on and we then must understand our rights as delivered in the Declaration of Independence, The Constitution, and the Bill of Rights.

My concern is that when we all wake up from our deep fog, there may be no Bill of Rights or Constitution left for our progeny. We will have blown it for sure if that is permitted to happen.

In this book, Brian Kelly unabashedly recommends that we stop trusting government since it is clearly not working for our best interests.

The sooner we can understand the threat from the Left, and how our President is on America's side, the sooner we can move on to solving the problem for our values, our country, and our freedom.

The smarter we are, the more chance we have for success. Understanding America's founding and the founding documents, especially the Constitution and The Bill of Rights, is a sure way to become an American forever. I know you love America as I do.

Your author continually monitors what is happening to our government and he has written extensively on the major problems our country faces. Brian Kelly is one of America's most outspoken and eloquent conservative spokesmen.

Brian is the author of *America 4 Dummies*; *The Bill of Rights 4 Dummies*; *No Amnesty! No Way!*; *The Annual Guest Plan*; *Saving America*; *Taxation Without Representation*; *Jobs! Jobs! Jobs!*; *The Federalist Papers*, and many other patriotic books. All books are available at [amazon.com/author/brianwkelly](http://amazon.com/author/brianwkelly).

Like many Americans, Brian is fed up with stifling socialist progressive Marxists in the top seats in Washington. They place the needs of their buddies in front of the needs of Americans. Like many Americans, Kelly is shocked at how brazen the former administration was in ignoring our Constitution and our Bill of Rights! This must be stopped.

Brian W. Kelly has read the founding documents, the underlying intelligence reports, and he has researched and written about such topics for years. Brian has written one hundred nineteen other books and hundreds of patriotic articles. He is deeply concerned about how intolerable the results of poor government policy has been within our neighborhoods and our lives. His comprehensible and sane recommendations as brought forth in the Constitution and the Founding documents will contribute to this soon-to-be classic edition.

*The Constitution by Hamilton, Jefferson, Madison, et al.* is a title to get your attention for sure. I hope we got your attention. In addition to a review of the founding history, your author has presented the Constitution itself in a way that it can be easily read. The Constitution itself is a major civics lesson in this book and its intent is to bring you up to date on how to deal with the current national scene.

Additionally, Kelly has included copies of the founding documents so that you can read them directly in this book, rather than on the Internet.

You are going to love this book since it is designed by an American for Americans. Few books are a must-read but The Constitution by Hamilton, Jefferson, Madison, et al. will quickly appear at the top of America's most read list.

Sincerely,

Brian P. Kelly, Editor

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# About the Author



Brian W. Kelly retired as an Assistant Professor in the Business Information Technology (BIT) program at Marywood University, where he also served as the IBM i and midrange systems technical advisor to the IT faculty. Kelly designed, developed, and taught many college and professional courses. He is a contributing technical editor to a number of IT industry magazines. Brian has preserved many of his articles over the years at [www.brianwkelly.com](http://www.brianwkelly.com)

Kelly is a former IBM Senior Systems Engineer and he has been a candidate for US Congress and the US Senate from Pennsylvania. He has an active information technology consultancy. He is the author of 120 books and numerous articles. Ask Brian to speak at your next conservative or nationalist or populist rally! You might be surprised!

Over the past twelve years, Brian Kelly has become one of America's most outspoken and eloquent conservative protagonists. Besides *The Constitution* by Hamilton, Jefferson, Madison et al, Kelly is also the author of many 119 other patriotic books. Check them out at [amazon.com/author/brianwkelly](http://amazon.com/author/brianwkelly)

Books are available at all popular booksellers including Amazon, CreateSpace, Kindle, Barnes & Noble and others,



# Chapter 1 What is the Constitution of the United States of America

## Studying the Constitution

Welcome aboard this most patriotic book titled *The Constitution by Hamilton, Jefferson, and Madison, et al.* The words of these great patriots and others involved in the founding of our country as expressed in the Constitution form the basis for the government of the United States of America. It is the most fundamental document that describes America. It is also the supreme law of the land.

After several introductory chapters, we take you on a ride into the actual final draft of the US Constitution. As we reveal the Constitution as written, we also provide a number of helpful annotations to put in sharper focus the words of the founders who wrote this historical document.

If you desire some additional information before you begin this fantastic voyage, your author recommends another book that puts the Constitution into a historical perspective by describing the events of the day and the circumstances under which the Constitution was written. This book is titled *The Constitution Companion*. Its subtitle is *A Guide to Reading and Comprehending The Constitution of the United States of America*

## The highest set of laws for the US Government

The U.S. Constitution established America's national government and fundamental laws, and guaranteed certain basic rights for its citizens. Without the Constitution, technically there would be no legitimate government of the people, for the people, and by the people today in our great country. The Articles of Confederation, which preceded the Constitution were recognized by officials of the

day as very imperfect and so, in order to form a more perfect union, our forefathers drafted the Constitution.

The document was formally signed on September 17, 1787, by delegates to the Constitutional Convention in Philadelphia, presided over by George Washington. Under America's first governing document, as noted, the Articles of Confederation, the national government was weak and states operated like independent countries. Though some liked this arrangement, the US never could have become the most powerful country on earth and its pieces would have been targets for take-over by the warring parties of the late 1700's and later.

At the 1787 convention, delegates devised a plan for a stronger federal government with three branches—executive, legislative and judicial—along with a system of checks and balances to ensure no single branch would have too much power. The Bill of Rights—10 amendments guaranteeing basic individual protections such as freedom of speech and religion—became part of the Constitution in 1791. To date, there have been a total of 27 constitutional amendments.

## **Did America really need a new Constitution?**

America's first constitution, the Articles of Confederation, was ratified five years after the Revolutionary War in 1781. At the time, the country was a loose confederation of states, each operating like independent countries. The national government was comprised of a single legislature, the Congress of the Confederation. There was no president and there was no judicial branch. The Articles of Confederation gave Congress the power to govern foreign affairs, conduct war and regulate currency; however, in reality, these powers were sharply limited because Congress had no authority to enforce its requests to the states for money or troops.

It was much better than nothing and the states had informally begun to figure out how to get things done. For example, the Revolutionary War cost \$400 million that had to be collected from the states. Good luck!

In fact, the American Revolutionary War inflicted great financial costs on all of the combatants, including the newly organized United States of America, France, Spain and Great Britain. France and Great Britain spent 1.3 billion livres and 250 million pounds, respectively. The United States spent \$400 million in wages for its troops and additional sums for armaments.

## **Things many do not know!**

Many Americans who have studied the basics of American history do not know that George Washington was initially reluctant to attend the Constitutional Convention. Although he saw the need for a stronger national government, he was busy with his own life, managing his estate at Mount Vernon. Washington suffered from rheumatism and he worried intensely that the convention would not be successful in putting together a more perfect government to achieve its goals.

It was not long after America won its independence from Great Britain with its 1783 victory in the American Revolution, it became increasingly evident that the young republic needed a stronger central government in order to remain stable and free from outside interference. In 1786, Alexander Hamilton (1757-1804), a lawyer and politician from New York, called for a constitutional convention to discuss the matter. The Confederation Congress endorsed the idea in February 1787 and proceeded to invite delegates from all 13 states to a meeting in Philadelphia.

## **Forming a more perfect union**

Allowing some time for planning, three months later, on May 25, 1787, the Constitutional Convention opened in Philadelphia at the Pennsylvania State House, now known as Independence Hall, where the Declaration of Independence had been adopted 11 years earlier. Fifty-five (55) delegates attended the convention. They represented all 13 states except for Rhode Island, the smallest territory, which refused to send representatives. RI officials were very wary of a big and powerful central government interfering in its economic business affairs. George Washington, who had

become the most famous national hero of the times after having lead the Continental Army to victory during the American Revolution, was selected as president of the convention by unanimous vote. Washington's personal strength kept the participants in line and assured they would do their best to accomplish their work.

The delegates (who have become known as the "framers" of the Constitution) were a very well-educated group that included merchants, farmers, bankers and lawyers. They were clearly the leaders in the community and most had a degree of wealth that separated them somewhat from the John Doe's on the street.

Many had served as officers in the Continental Army, colonial legislatures or the Continental Congress (known as the Congress of the Confederation as of 1781). In terms of religious affiliation, most were Protestants. Eight of the delegates were signers of the Declaration of Independence, while six had signed the Articles of Confederation. This was an august body indeed.

At age 81, Pennsylvania's Benjamin Franklin (1706-90) was the oldest delegate, while the majority of the delegates were in their 30s and 40s. Political leaders not in attendance at the convention included Thomas Jefferson (1743-1826) and John Adams (1735-1826). They were serving as U.S. ambassadors in Europe. They had worked on early drafts of the Constitution and had dialogue about its contents for some time before the final draft was put together and voted upon in Philadelphia. Though they were unavailable to sign the final document, they were major contributors for sure.

Other patriots absent from the convention included John Jay (1745-1829), Samuel Adams (1722-1803) and John Hancock (1737-93). Virginia's Patrick Henry (1736-99) was chosen to be a delegate but refused to attend the convention because he didn't want to give the central government more power, fearing it would endanger the rights of states and individuals. Henry a deep patriot, is known for saying that he : "smelt a rat in Philadelphia, tending toward the monarchy"

Reporters and other visitors were barred from the convention sessions, which were held in secret to avoid outside pressures.

However, Virginia's James Madison (1751-1836) kept a detailed account of what transpired behind closed doors. (In 1837, Madison's widow Dolley (Dolley Madison was not an ice cream back then) sold some of his papers, including his notes from the convention debates, to the federal government for \$30,000.

## Debating the merits of the Constitution

The convention delegates had been tasked by Congress with amending the Articles of Confederation; however, they saw this as more trouble than starting from scratch. They soon began deliberating proposals for an entirely new form of government.

After intensive debate, which continued throughout the summer of 1787 and at times threatened to derail the proceedings, they developed a plan that established three branches of national government—executive, legislative and judicial. A system of checks and balances was put into place so that no single branch would have too much authority. The specific powers and responsibilities of each branch were also laid out.

Among the more contentious issues was the question of state representation in the national legislature. They needed to come up with a way that the big states could not overpower the small states in the creation of laws and other matters. Delegates from larger states wanted population to determine how many representatives a state could send to Congress, while small states called for equal representation. The issue was resolved by what became known as the “Connecticut Compromise.”

This grand compromise proposed a bicameral (two bodies) legislature with proportional representation of the states in the lower house (House of Representatives) and equal representation in the upper house (Senate).

Another controversial topic was slavery. At the time slavery was known mostly as a southern issue. Some northern states had already outlawed the practice. Nonetheless, they went along with the southern states' insistence that slavery was an issue for

individual states to decide and should be kept out of the Constitution.

Many northern delegates believed that without agreeing to this, the South would not join the Union and thus there would never be a United States of America.

For the purposes of taxation and determining how many representatives a state could send to Congress, it was eventually decided that slaves would be counted as three-fifths of a person. Additionally, it was agreed that Congress wouldn't be permitted to pass legislation to prohibit the slave trade before 1808, and until that time states were required to return fugitive slaves to their owners. In other words, a slave who broke away to freedom, if caught by authorities was legally required to be returned to his or her "master."

These were not the best of times for the nation as today we all see clearly the folly that slavery is OK anywhere. The twenty-one year waiting period was established to appease the South. It would have been better for the North to hold its ground. Eventually, this major disagreement between the sections of the country would not be resolved easily and so we know that it was the Civil War over 150 years ago that ultimately freed all people in the United States.

## **Ratifying the Constitution**

For four months during the summer of 1787, the Constitutional Convention met and the delegates worked hard "in order to form a more perfect union." With the country's legal framework finally drafted, the framers of the Constitution signed the document on September 17, 1787, before sending it to the states for ratification.

By September 1787, the convention's five-member Committee of Style (Hamilton, Madison, William Samuel Johnson of Connecticut, Gouverneur Morris of New York, Rufus King of Massachusetts) had drafted the final text of the Constitution, which consisted of some 4,200 words.



On September 17, George Washington, president of the convention was the first to sign the document. Of the 55 delegates, a total of 39 signed. Some of the delegates could not give as much time and had already left Philadelphia. There were three delegates—George Mason (1725-92) and Edmund Randolph (1753-1813) of Virginia, and Elbridge Gerry (1744-1813) of Massachusetts—who refused to approve the document. In order for the Constitution to become the law of the land, the next step was that it had to be sent to each state, where it had to be ratified by at least nine of the 13 states.

James Madison and Alexander Hamilton, with assistance from John Jay (five essays), wrote a series of essays to persuade people to ratify the Constitution. These 85 essays, known collectively as “The Federalist” (or “The Federalist Papers”), were in many ways responsible for the “positive spin” on the work of the convention. The papers, more than the Constitution itself were full of detail describing how the new government would work.

They were published in a number of different newspapers in large cities so as to gain maximum exposure. So, nobody got credit or blame for the papers, the writers used a pseudonym Publius (Latin for “public”) in newspapers across the states starting in the fall of 1787. It did not take long for a major debate to occur in the US of the late 1780’s. People in supported of the Constitution became known as Federalists, while those opposed to the Constitution, mostly because they thought it gave too much power to the national government, were called Anti-Federalists.)

Beginning on December 7, 1787, five states—Delaware, Pennsylvania, New Jersey, Georgia and Connecticut—ratified the Constitution in quick succession. However, other states, especially Massachusetts, opposed the document, as it failed to reserve all undelegated powers to the states and lacked constitutional protection of basic political rights, such as freedom of speech, religion and the press.

In February 1788, a compromise was reached under which Massachusetts and other states would agree to ratify the document with the assurance that amendments (The Bill of Rights) would be immediately proposed. The Constitution was thus narrowly ratified in Massachusetts, followed by Maryland and then South Carolina.

It was about nine months after the signing in Philadelphia, that New Hampshire became the ninth state to ratify the document. It was June 21, 1788. It was subsequently agreed that government under the U.S. Constitution would begin on March 4, 1789.

## **Washington inaugurated as first US President**

George Washington was inaugurated as America's first president on April 30, 1789. In June of that same year, Virginia ratified the Constitution, and New York followed in July. On February 2, 1790, the U.S. Supreme Court held its first session, marking the date when the government was fully operative.

Rhode Island, the last holdout of the original 13 states, finally ratified the Constitution on May 29, 1790.

## **The Bill of Rights**

In 1789, James Madison, then a member of the newly established U.S. House of Representatives, introduced 19 amendments to the Constitution. On September 25, 1789, Congress adopted 12 of the amendments and sent them to the states for ratification. Ten of these amendments, known collectively as the *Bill of Rights*, were ratified and became part of the Constitution on December 10, 1791.

Because of how the Constitution is written, many felt the Bill of Rights were already implicit within the Articles of the Constitution itself. So, many feel the Bill of Rights were redundant but clearly necessary to convince the people of a number of specific rights.

The Bill of Rights guarantees individuals certain basic protections as citizens, including freedom of speech, religion and the press; the right to bear and keep arms; the right to peaceably assemble; protection from unreasonable search and seizure; and the right to a speedy and public trial by an impartial jury. For his contributions to the drafting of the Constitution, as well as its ratification, James Madison, a prolific writer and a great scholar became known as "Father of the Constitution."

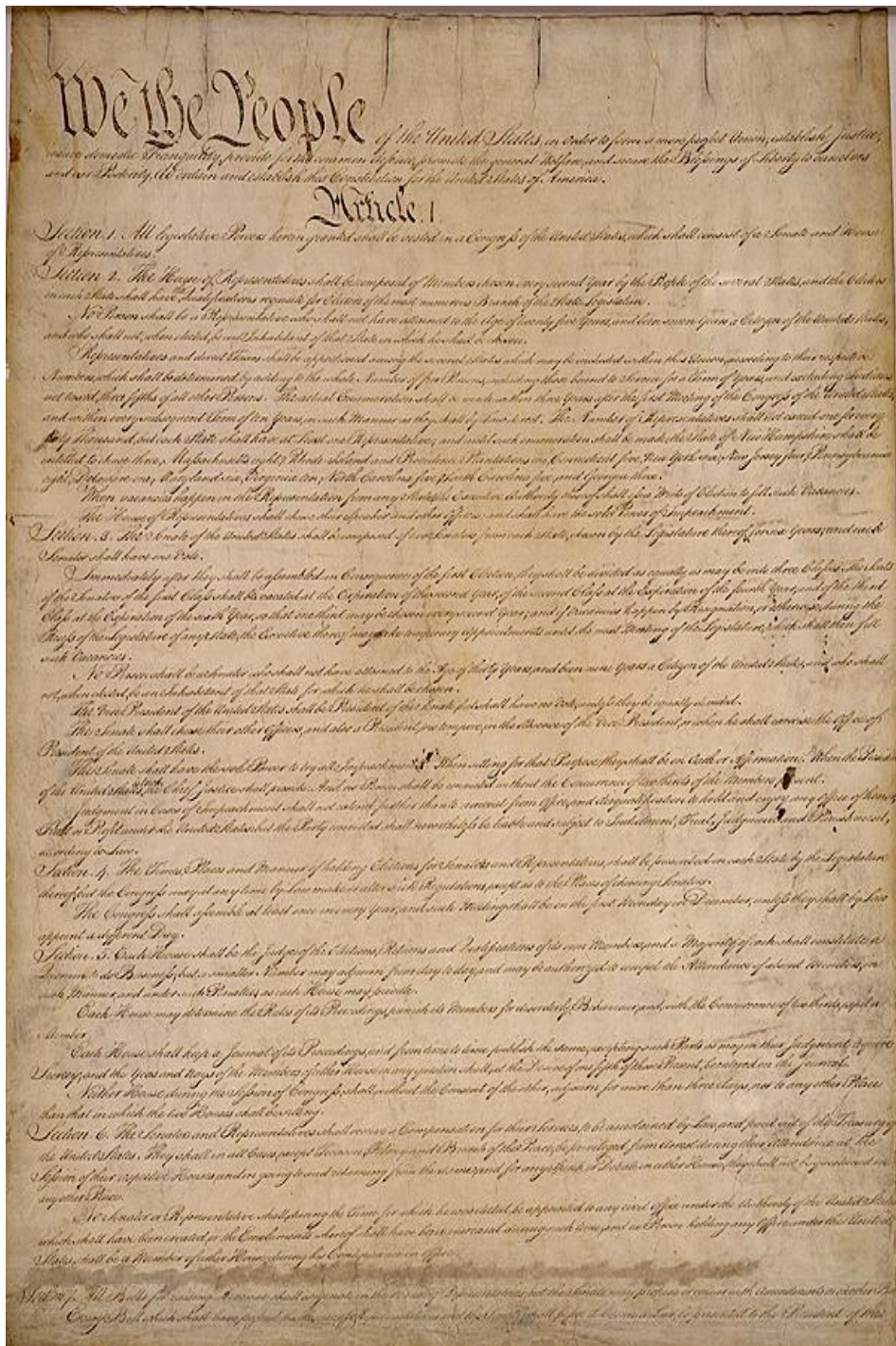
To date, there have been thousands of proposed amendments to the Constitution. However, only 17 amendments have been ratified in addition to the Bill of Rights because the process isn't easy. After a proposed amendment makes it through Congress, it must be ratified by three-fourths of the states. The most recent amendment to the Constitution, Article XXVII, which deals with congressional pay raises, was proposed in 1789 and it was finally ratified in 1992.

## **The Constitution is the same today**

In the more than 200 years since the Constitution was created, America has grown from 13 states to 50. The new United States stretches across an entire continent and it separates to include Alaska and it reaches out into the Pacific Ocean to include Hawaii. There are also a number of countries that are territories that are part of the US but are not states.

The population and the economy have expanded more than the document's framers likely ever could have envisioned. Through all the changes, the Constitution has endured and adapted but basically it stayed the same other than its amendments.

The framers knew it wasn't a perfect document. However, as Benjamin Franklin said on the closing day of the convention in 1787: "I agree to this Constitution with all its faults, if they are such, because I think a central government is necessary for us... I doubt too whether any other Convention we can obtain may be able to make a better Constitution." Today, the original Constitution is on display at the National Archives in Washington, D.C. A picture is shown on the following page.



# Chapter 2 Who Wrote the Constitution?

## Can this question be accurately answered?

How can we really know? None of us were there? Upon asking the question “Who Wrote the Constitution”, the answer given concerning the authorship of the Constitution more often than not includes a response reflecting that it was a communal effort of authorship with several main scribes. ; the primary recipients of this classification of authorship are typically credited to Thomas Jefferson, James Madison, Thomas Paine, and John Adams – George Washington is credited with the responsibility of overseeing the Constitutional Convention that took place in Philadelphia between May 5th 1787 and September 17th, 1787.

Many consider Alexander Hamilton to be the “Father of the Constitutional Convention” in Philadelphia. He was also a delegate and one of the prime authors of the Federalist papers.

The scenario goes like this. On September 11, 1786, twelve delegates from five states met at Mann’s Tavern in Annapolis, Maryland for the Annapolis Convention. This was called for the purpose of resolving commercial issues between the states. During the Annapolis Convention, however, it became clear that there were so many federal government impediments that required action as a precondition to resolving commercial issues that they had to be tackled first.

Alexander Hamilton knew how to get things done. He rallied the attendees to take bold action and hold another convention to address the deficiencies of the Articles of Confederation under which the states were operating. Hamilton wrote the call for the federal convention on September 14<sup>th</sup>. This has become known as the Constitutional Convention. It was to convene and in fact did convene in May of 1787 in Philadelphia to be attended by all the

states. Hamilton obtained a unanimous vote among the attending delegates in Annapolis.

Though Hamilton penned many of the Federalist essays, he is not known to have written much of the final draft. He is said to have proposed the idea of the vice president, but that's arguably one of the least important parts of the explicit text in the document. Yet there is something haunting about a man who was such a great patriot who could write the Federalist Papers and who would not have contributed text to the Constitution itself. Since we were not there, we will never know.

Hamilton's more substantive role was in pursuing the Constitutional Convention itself, and more significantly in being the primary author of The Federalist Papers, which were his idea. As noted, this series of essays did a great job in promoting the cause of ratification, and they have served judges all the way up to the Supreme Court in interpretation of the text and the intent of its authors (and the public meaning in the time of ratification).

Once at the convention, Hamilton favored the Virginia Plan for proportional representation in both houses of Congress. This would have favored his home state of New York, which was one of the largest and most populous in the Union, but his two fellow delegates sided with the small states instead.

## **Quick review of the Basics of the Constitution**

The Constitution of the United States is without a doubt the foremost piece of legislature with regard to the implementation and authorization of legality and lawfulness within the United States. The Constitution replaced the preexisting legislative document, which was called The Articles of Confederation. The Articles were responsible for the conveyance of legal process within the United States of American – however, many historians classify the Articles to be reactionary to the unpleasant conditions under which citizens of the United States lived with regard to the Monarchical rule of King George II of England prior to the end of the Revolutionary War. Thus, in reality, they

needed to be abandoned and a new government, defined by the Constitution needed to be established.

## **Did Hamilton write the Constitution?**

Alexander Hamilton was both a state representative from New York, as well a member of the Federalist Party, there would be no Constitution without Hamilton. He has been credited with the initial ideology expressed in the Constitution: The practices proposed in his Federalist Papers – a publication authored by Hamilton, James Madison, and John Jay – illustrated a direct portrayal of flaws believed to exist within the Articles of Confederation and his essays helped to demonstrate how these flaws were properly addressed in the Constitution.

## **Did Madison write the Constitution?**

Like Hamilton, James Madison was a Federalist. Alongside Alexander Hamilton, he was renowned for his contribution to the authorship of the Federalist Papers; James. Whereas Hamilton wrote most of the Federalist essays urging ratification. Madison has been considered by many scholars and historians to be the “Father of the Constitution.”

As a result of his acumen with regard to political thought, ideology, and theory, Madison applied a majority of his own tenets that were expressed within the text of the Federalist Papers directly to the text of the Constitution; as a result, historians credit James Madison with the provision of the document’s structure

James Madison is also credited with the conception of the Bill of Rights; due to his communication regarding the absence of a Constitutional Clause providing a system for both the amendment and adjustment of the original text. Such a clause was subsequently created rectifying these concerns. The actions of James Madison resulted in the proposal of the Bill of Rights in 1789, as well as its subsequent ratification in 1791. The amendment process itself within the Constitution needed to be

first defined before amendments could be added to the document.

## **Did Thomas Jefferson write the Constitution?**

Thomas Jefferson surely had a major role in the breakaway from England and is credited with being “The Father of the Declaration of Independence.” Jefferson is also recognized as one of the influential framers of the Constitution of the United States.

Jefferson was not a participant in the Constitutional Convention itself yet his ideas were well known. Jefferson was undertaking a diplomatic mission in Europe during the creation of the final draft does not appear amongst the names of the Constitutional signees.

In early 2016, GOP Presidential candidate Ben Carson told C-SPAN that Jefferson “tried to craft our Constitution in a way that it would control people’s natural tendencies and control the natural growth of the government.” Modern-day critics of Jefferson immediately pointed out that Jefferson was in Paris in 1787, and not Philadelphia. The Carson campaign clarified that that Dr. Carson was referring to Jefferson’s influence on the drafting of the Constitution and the Bill of Rights, and pointed to Jefferson’s correspondences with those present at the Constitutional Convention as evidence.

And, so this book gives credit to Hamilton Jefferson, and the principle scribe, James Madison as well as et al for the ultimate framing of the Constitution. The et al’s in this case are many including George Washington, the president of the convention. Additionally, a key et al was John Adams.

## **Did John Adams write the Constitution?**

John Adams is recognized as one of the influential framers of the Constitution of the United States. Adams was on a diplomatic mission in Europe during the creation of the final version of the Constitution of the United States; as a result, his signature appears amongst the names of the Constitutional signees.



He was a very important et al. In 1776, for example, Adams had been on the committee to draft the Declaration of Independence and was an early proponent of separation from England. He describes the Declaration and his work with Jefferson in a letter to Thomas Pickering in 1888. He gave Jefferson full credit for the draft of the Declaration and notes that the original draft contained language to abolish slavery. Adams supported that language and regretted that Congress as a whole struck it from the document to gain the favor of the southern contingent.

His strong belief in the individual rights of man was also displayed by his support for the inclusion of the Bill of Rights in the Constitution. Adams had helped write the constitution for the State of Massachusetts and authored much of the Declaration of Rights for Massachusetts. His work It included provisions against unreasonable search and seizure, guaranteeing freedom of religion and the press, and providing for trial by jury.

The Declaration of Rights for Massachusetts comes before the body of the Constitution of Massachusetts. During 1787 he not only published in three volumes, “A Defence of the Constitutions of Government of the United States of America,” but also corresponded extensively with those who were writing the Constitution, hoping to add some encouragement and additional ideas from his work in Massachusetts.

It must have been frustrating for John Adams to be in England during that period. Nonetheless, the power of his writing and the wealth of ideas explored in the “Defence” definitely influenced the development of the Constitution.

His letters and writings show that he thought the Bill of Rights for the United States should have preceded the Constitution, and that the principles of the Constitution should have been based on them. After he returned from England, he made extensive contributions to what we call our "Bill of Rights", the first 10 Amendments to the Constitution.



# Chapter 3 The Most Awesome and Most Patriotic US Document: The Constitution

## Introduction to the Constitution

The Articles of Confederation were admittedly an imperfect *constitution* for the newly formed union. To put this in proper perspective, would it have been possible for Bill Gates to have introduced Windows 11 in 1985 rather than Windows 1.0? That answer is a clear no.

Mr. Gates and Microsoft needed to go through all of the versions from 1.0 to Windows 11 to learn what was needed in Windows 11. This is similar to how The Constitution is a better version of the first law of the land, the Articles of Confederation. Once there is a basis for something, it can be improved. The Articles were well done but needed improvement.

The additional features in the Constitution over the Articles of Confederation are substantial. In many ways, it was like going from Windows 1.0 to Windows 98. Then, of course the Bill of rights was like moving to Windows NT from 98. Now, add in the 17 other constitutional amendments, each a minor update to the Constitution, and we can ask ourselves in Microsoft parlance, "What version of the Constitution are we running today?"

As an aside, besides the powers of government being separated, which items gave the government a higher probability for tyranny? George Washington described the biggest problem with the Articles of Confederation in just two words, "no money."

The Federal government relied on the states for funding. Without the Constitution, America might really be the name of a large land mass consisting of 48 countries, combined with two other non-

contiguous countries--Hawaii and Alaska. A country with no money could not survive – even over the short haul.

The barebones Constitution itself was far more perfect than the Articles of Confederation, just like Windows 98 was far more perfect than Windows 1.0. Microsoft could not immediately go to Windows 11 because nobody knew how any of the other previous versions would behave or be accepted, and all the subsequent iterations of Windows occurred from its use over time, and its technological successes and failings.

In many ways, our country grew the same way. The phrase "a more perfect union" in the Preamble of the Constitution notes the imperfections in a prior version and it introduces the rationale for the drawing of the Constitution. We know from reading so far in this book that the prior document was The Articles of Confederation. Bill Gates knew that the prior document to Windows was the last version of DOS without the Windows GUI. He knew he could make it better. The Framers of the Constitution knew they could make the law of the land more perfect.

The U.S. Constitution (and its subsequent 27 amendments) mimics the idea of having a v3.1, V4.1.x, and V5.x.3. It has survived for well over two-hundred years without many changes. This notion of a basis document and then perfections in subsequent versions testifies to the perfection of the Constitution.

Like Windows, the Constitution went through multiple iterations to get to where we are today. Back in 1787, it was built to be the basis of our constitutional representative democracy (Republic) called the United States. If he were alive at the time, even Bill Gates would have approved of iteration # 1.

## **From the National Archives:**

<http://www.archives.gov/national-archives-experience/charters/constitution.html>

I like how this text from the national archives reads—so instead of trying to rephrase this, I simply include it below to explain the purpose of the work behind the Constitution.

*The Federal Convention convened in the State House (Independence Hall) in Philadelphia on May 14, 1787, to revise the Articles of Confederation. Because the delegations from only two states were at first present, the members adjourned from day to day until a quorum of seven states was obtained on May 25. Through discussion and debate it became clear by mid-June that, rather than amend the existing Articles, the Convention would draft an entirely new frame of government.*

*All through the summer, in closed sessions, the delegates debated, and redrafted the articles of the new Constitution. Among the chief points at issue were how much power to allow the central government, how many representatives in Congress to allow each state, and how these representatives should be elected--directly by the people or by the state legislators. The work of many minds, the Constitution stands as a model of cooperative statesmanship and the art of compromise.*

## The Law of the Land

As noted previously, since 1787, the Constitution of the United States has comprised the primary law of the U.S. Federal Government. In simple terms, it is the law of the land and all other laws must conform to the statutes contained within this original document and its amendments.

This law also describes the three chief branches of the Federal Government and their jurisdictions as well as the separation of the powers. It also gives the nation the ability to levy taxes, though an income tax was not permitted on people or corporations.

Since it was not in the original Constitution and it was desired by President Wilson, the federal government passed the 16<sup>th</sup> Amendment and the states ratified the 16<sup>th</sup> amendment. This amendment to the United States Constitution allows the Congress to levy an income tax without apportioning it among the states or basing it on the United States Census.

Ironically, there was no income tax provision in The Constitution. The Founders did not want a personal or corporate income tax

mainly because it might be apportioned so that certain states paid more than others.

The people in the early twentieth century for their own reasons voted to ratify the Sixteenth amendment to the Constitution. This gave the Congress the right to tax them and US at a personal level. In the passage of this law, there was both chicanery and a lot more irony.

As hard as it may be to believe, the Sixteenth Amendment (which gave the American people the misery of confiscatory income taxes) was a trick. It never was supposed to have passed. Good people representing good people would never have permitted it.

It was introduced by the Republicans as part of a political scheme to fake-out the Democrats from a tax increase bill that would have passed but could never have been enforced because it would be unconstitutional. But, the trick backfired.

As previously noted, the Founding Fathers had rejected income taxes (as well as any other direct taxes) in the Constitution unless they were apportioned to each state according to population.

The politicians in the US Senate passed a bill to institute the Sixteenth Amendment permitting such direct taxation. The people of course would have to ratify it if it passed Congress. It surprisingly passed unanimously 77-0 in the Senate! The House also approved it by another large margin, 318-14. Nobody was thinking!

It was then sent to the states for ratification. State after state ratified this “soak the rich” amendment, thinking it would not affect them until it went into full force and effect on February 12, 1913. The people voted to tax the rich but just about everybody has been taxed by this folly ever since. You can’t outfox a foxy politician.

In the Economic Policy Journal in April 2012, David, a blogger, called it right with his opinion of many Americans. His explanation which is quoted below is that Americans would not vote for somebody, even Ron Paul who they truly believe would eliminate the income tax on everybody, because they think the rich should pay all the taxes and they should pay none. David sees it as a matter

of class envy and offers a bleak outlook on the chances of it getting better until people wake up. See what he has to say:

"Americans are envious and covetous of the wealth of others. They don't want freedom. They like a government that will do things to them, so long as the resulting chains appear to be gold plated. They like politicians that stir up class envy. Humans by nature are slaves. They don't yearn to be free, responsible, independent people. Until this wholly selfish and self-centered people awakens from their slumber and learns to hate their slavery to government, until the iron of their chains eats into their soul, things are going to get worse."

The fact that Americans are beginning to get upset is a good sign. The fact that citizens such as yourself are reading a book about the Constitution is another good sign. I think this will turn around with the help of some good leaders. That means we Americans must do our best to kick every federal politician (representative) out of office and replace them with good people as soon as we can. Then we take our battle to the state capitals, and then the cities. Finally, America will be run by the people again.

## **Back to the Constitution**

In addition to permitting all but direct taxation, The Constitution lays out the basic rights of citizens of the United States. The Constitution of the United States is the oldest federal constitution in existence in the world, and it was framed by a convention of delegates from twelve of the thirteen original states in Philadelphia in May 1787.

The Constitution is the landmark legal document of the United States and all other laws are tested against its specifications. Many other constitutions, such as the Constitution of Mexico, for example are based on this work.

The text of the entire Constitution is included in this section and it is lightly referenced in Appendix E. The Bill of Rights (first ten amendments) and the other 17 amendments are shown in subsequent chapters as well as in Appendix F. Those Amendments

that were submitted but not passed or ratified are shown in Appendix G.

To give the reader an appreciation or a reminder of just how significant the Articles and the Amendments of this document really are, I am including the entire text known as the Constitution in the next five chapters. The chapters will also include some light annotations.

The Constitution is a free document for anybody to record and retransmit in any form. It is over two hundred twenty-five years old. It makes America, America. It is available in this book, and on the Internet from many sources and some sources are better than others.



# Chapter 4 Summary of the Articles of the US Constitution

## Explanation / Summary of Article I of the US Constitution:

**Article I: The Legislative Branch** [Congress] consists of 10 sections and defines:

1. All Legislative powers,
2. Composition of the House of Representatives,
3. Composition of the Senate
4. Holding Elections,
5. Congress sets its own rules by House,
6. Compensation for Senators,
7. Revenue Bills originate in House,
8. Congress can lay and collect taxes,
9. States' rights and taxes,
10. State treaties.

Note: Article I, Section 9, Clause 8 of the Constitution is of particular interest to this writer. Is it not strange that the most vilified people on earth in the US today are the representatives of the US citizens? They love being referred to as the Honorable So and So from Such and Such. This section of the Constitution shows what the founding fathers thought of such titles:

For your convenience, this is provided here and in its proper place within the Constitution:

**Section 9 Clause 8:** *No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the*

*Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.*

**Article II: The Executive Branch: Consists of 4 sections and defines:**

(1) Executive Power and President, (2) President as Commander in Chief, (3) State of the Union & Information Requirements, (4) Rules of Executive Branch impeachment

**Article III: The Judicial Branch: Consists of 3 sections and defines:**

(1) Judicial Power, (2) Laws and Trial by Jury, (3) Treason

**Article IV: Relations Between States: Consists of 4 sections and defines:**

(1) Faith and Credit of State Laws, (2) Privileges apply to all in all states, (3) New States May be Admitted to the Union, (4) Federal guarantee to defend states.

**Article V: The Amendment Process: Consists of 1 section and defines the amendment process for adding / deleting to/from the Constitution.**

**Article VI: General Provisions, Supremacy of the Constitution: Consists of 1 section and defines the debt process and the requirement to support the Constitution**

**Article VII: Ratification Process: Consists of 1 section and it outlines the process for ratifying the Constitution.**

***End of summary***

The preamble and the detailed Articles of the US Constitution follow in separate chapters:



# Chapter 5 The Preamble to the US Constitution

## Preamble through Article I Section III

### *The Preamble to the US Constitution:*

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

Now, let us all look at the meat of the Constitution of the United States of America, our country, aka—the USA! We'll begin with Article I.

### **Section. I.**

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

**[Explanation of Article I, Section I:** This establishes the first of the three branches of the government, the Legislature The legislature was to be bicameral meaning

two distinct chambers and it establishes the name of the legislature as The Congress. The Senate and the House of Representatives became the names for the two chambers.]

## **Section. II.**

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

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

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons.

The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United

States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct.

The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode-Island and Providence Plantations one, Connecticut five, New-York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

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

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

### Section. III.

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

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

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

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

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

The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall



be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present.

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



# Chapter 6 The Constitution Article I, Sections IV through X

## Let's pick up with Article I Section IV

### **Section. IV**

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

### **Section. V.**

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

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

Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy; and the Yeas and Nays of the Members of either House on any

question shall, at the Desire of one fifth of those Present, be entered on the Journal.

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

**Section. VI.**

The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

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

**Section. VII.**

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

Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States: If he approves he shall sign it, but if not, he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it.

If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively.

If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved

by him, or being disapproved by him, shall be re-passed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

**Section. VIII.**

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

- To borrow Money on the credit of the United States;
- To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;
- To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;
- To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;
- To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;
- To establish Post Offices and post Roads;
- To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

- To constitute Tribunals inferior to the supreme Court;
- To define and punish Piracies and Felonies committed on the high Seas, and Offenses against the Law of Nations;
- To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;
- To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;
- To provide and maintain a Navy;
- To make Rules for the Government and Regulation of the land and naval Forces;
- To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;
- To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;
- To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the

Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings;--And

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

#### **Section. IX.**

- The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.
- The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.
- No Bill of Attainder or ex post facto [with retroactive effect or force] Law shall be passed.



- No Capitation, or other direct, Tax shall be laid, unless in Proportion to the Census or enumeration herein before directed to be taken.
- No Tax or Duty shall be laid on Articles exported from any State.
- No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another; nor shall Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another.
- No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.
- No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

**Section. 10.**

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

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

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

# Chapter 7 The Constitution Article II, Executive Power

## Continuing to Executive Power

### **Section 1.**

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

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

The Electors shall meet in their respective States, and vote by Ballot for two Persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the

Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted.

The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be more than one who have such Majority, and have an equal Number of Votes, then the House of Representatives shall immediately chuse by Ballot one of them for President; and if no Person have a Majority, then from the five highest on the List the said House shall in like Manner choose the President.

But in choosing the President, the Votes shall be taken by States, the Representation from each State having one Vote; A quorum for this purpose shall consist of a Member or Members from two thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall choose from them by Ballot the Vice President.

The Congress may determine the Time of choosing the Electors, and the Day on which they shall give their

Votes; which Day shall be the same throughout the United States.

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

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

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

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

***Section. II.***

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

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

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

***Section. III.***

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

***Section. IV.***

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





# Chapter 8 The Constitution Article III

## Supreme Court and other courts

### Judicial Power in the Constitution

#### **Section. I.**

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

#### **Section. II**

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

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

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

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

—

**Section. III.**

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

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

## **Article. IV. Regarding the states**

### ***Section. I.***

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

### ***Section. II.***

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

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

No Person held to Service or Labor in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labor, but shall be

delivered up on Claim of the Party to whom such Service or Labor may be due.

**Section. III.**

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

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

**Section. IV.**

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

]

# Chapter 9 The Constitution Articles V through VII

## Wrapping things up in the Constitution

The key elements of the constitution are the Articles about separation of powers from the legislative to executive to the judicial branches. Almost as an afterthought, the founders, who believed they had built an almost perfect Constitution by granting the people default powers, they tidied up some procedural matters in the last three articles.

### *Article. V. Changing the Constitution in the future*

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

**Article. VI. Regarding the United States itself**

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

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

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

**Article. VII. Ratification**

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

## **Framers notes at the end of the Constitution:**

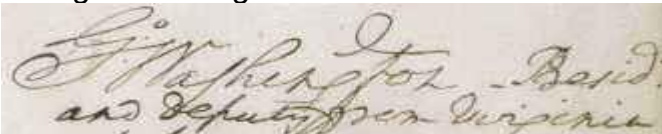
The Word, "the," being interlined between the seventh and eighth Lines of the first Page, the Word "Thirty" being partly written on an Erasure in the fifteenth Line of the first Page, The Words "is tried" being interlined between the thirty second and thirty third Lines of the first Page and the Word "the" being interlined between the forty third and forty fourth Lines of the second Page.

Attest William Jackson Secretary

## **Closing clause of the US Constitution**

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

*George Washington*

A photograph of a handwritten signature in cursive ink on aged paper. The signature reads "George Washington" and "and Deputy from Virginia".

*President and Deputy from Virginia*

## **Delaware**

George Read, Gunning Bedford, John Dickinson, Richard Bassett, Jacob Broom

## **Maryland**

James McHenry, Dan of St Thos. Jenifer Daniel Carroll

## **Virginia**

John Blair, James Madison Jr.

## **North Carolina**

William Blount, Richard Dobbs Spaight, Hume  
Williamson

## **South Carolina**

J. Rutledge, Charles Cotesworth Pinckney, Charles  
Pinckney, Pierce Butler

## **Georgia**

William Few, Abraham Baldwin

## **New Hampshire**

John Langdon, Nicholas Gilman,

## **Massachusetts**

Nathaniel Gorham, Rufus King

## **Connecticut**

William. Samuel Johnson, Roger Sherman



## **New York**

Alexander Hamilton,

## **New Jersey**

William Livingston, David Brearley, William Paterson,  
Jonathan Dayton

## **Pennsylvania**

Ben Franklin, Thomas Mifflin, Robert. Morris, George.  
Clymer, Thomas. Fitzsimons, Jared Ingersoll, James  
Wilson, Gouverneur Morris

**Rhode Island** and its provinces were not represented.

**New York's** representatives left before the convention had created the Constitution.

## **Reference with spelling corrections:**

[http://www.archives.gov/national-archives-experience/charters/constitution\\_transcript.html](http://www.archives.gov/national-archives-experience/charters/constitution_transcript.html)



# Chapter 10 Do the Founding Fathers' Views Still Matter?

## Constitution continues to have great value

On September 24, 2010, Jonathan Bernstein of The New Republic wrote a piece with the same title of this chapter. This chapter uses his work only as a reference point as it provides an evaluation of the Constitutional work of the founders in regards to the applicability of the Constitution today.

The beauty of the Constitution is that it is a timeless work and the principles espoused are to assure a governing nation and to protect the government from men and women who become officials with grand designs to control the government without regard to the people.

The bywords of our government, **Of**, **By**, and **For** the people provide the eternal essence of the Constitution. Even though these words are not contained within the Constitution, along with the Preamble, they set the stage for what the Constitution is all about today and in the past and forever.

Let's take one more look at the original PREAMBLE, which is written in pretty good English:

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

In a Class that helps those with rough English skills understand the essence of the Constitution, the course designers use this as an equivalent, more appropriate for the language of the times  
PREAMBLE.

*We the people of the United States create this Constitution. We aim to use this document to improve our government, establish justice, make relations within the country peaceful, protect ourselves, make living conditions good, achieve all the benefits of freedom for ourselves and our children.*

When he wrote his March 22 op-ed, “Leave it to Neil,” Dana Milbank offered the characterization of Supreme Court nominee Judge Neil Gorsuch’s testimony in his Senate confirmation hearings as that of “a folksy sycophant.” He picked on the apparent proof that Mr. Gorsuch’s touted brilliance slipped a bit when he said “government of the people, by the people, for the people” as if it were contained within Abraham Lincoln’s second inaugural address. Gorsuch, dealing with many US historians and scholars was corrected by a Democratic senator, who noted that the words cited were part of the Gettysburg Address.

Milbank writes that

“Lincoln evidently borrowed the now-famous three-part phrase. In 1384, John Wycliffe wrote in the prologue to his translation of the Bible, ‘The Bible is for the Government of the People, by the People, and for the People’ (Familiar Quotations by John Bartlett, 1951 edition). Bartlett cites Theodore Parker using this phraseology in a sermon in Boston’s Music Hall on July 4, 1858, noting that Lincoln’s law partner William H. Herndon visited Boston and returned to Springfield, Ill., with some of Parker’s sermons and addresses. Herndon wrote that Lincoln marked with pencil the portion of the Music Hall address ‘Democracy is direct self-government, over all the people, by all the people, for all the people.’”

Then, when speaking at Gettysburg, “Lincoln enshrined the people’s rule in the fervent pledge that, ‘under God,’ this democracy ‘shall not perish from the earth.’”

The reference for the rest of this chapter is from Edwin Meese’s excerpt from *The Heritage Guide to the Constitution*.

The Constitution of the United States has endured for over two centuries. It remains the object of reverence for nearly all Americans and an object of admiration by peoples around the world. William Gladstone was right in 1878 when he described the U.S. Constitution as "the most wonderful work ever struck off at a given time by the brain and purpose of man."

Part of the reason for the Constitution's enduring strength is that it is the complement of the Declaration of Independence. The Declaration provided the philosophical basis for a government that exercises legitimate power by "the consent of the governed," and it defined the conditions of a free people, whose rights and liberty are derived from their Creator.

The Constitution delineated the structure of government and the rules for its operation, consistent with the creed of human liberty proclaimed in the Declaration.

Justice Joseph Story, in his *Familiar Exposition of the Constitution* (1840), described our Founding document in these terms:

We shall treat [our Constitution], not as a mere compact, or league, or confederacy, existing at the mere will of any one or more of the States, during their good pleasure; but, (as it purports on its face to be) as a Constitution of Government, framed and adopted by the people of the United States, and obligatory upon all the States, until it is altered, amended, or abolished by the people, in the manner pointed out in the instrument itself.

By the diffusion of power--horizontally among the three separate branches of the federal government, and vertically in the allocation of power between the central government and the states--the Constitution's Framers devised a structure of government strong enough to ensure the nation's future strength

and prosperity but without sufficient power to threaten the liberty of the people.

The Constitution and the government it establishes "has a just claim to [our] confidence and respect," George Washington wrote in his Farewell Address (1796), because it is "the offspring of our choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers uniting security with energy, and containing, within itself, a provision for its own amendment."

The Constitution was born in crisis, when the very existence of the new United States was in jeopardy. The Framers understood the gravity of their task. As Alexander Hamilton noted in the general introduction to *The Federalist*,

[A]fter an unequivocal experience of the inefficacy of the subsisting federal government, [the people] are called upon to deliberate on a new Constitution for the United States of America. The subject speaks its own importance; comprehending in its consequences nothing less than the existence of the Union, the safety and welfare of the parts of which it is composed, the fate of an empire in many respects the most interesting in the world.

Several important themes permeated the completed draft of the Constitution. The first, reflecting the mandate of the Declaration of Independence, was the recognition that the ultimate authority of a legitimate government depends on the consent of a free people. Thomas Jefferson had set forth the basic principle in his famous formulation:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men deriving their just powers from the consent of the governed.

That "all men are created equal" means that they are equally endowed with unalienable rights. Nature does not single out who is to govern and who is to be governed; there is no divine right of

kings. Nor are rights a matter of legal privilege or the benevolence of some ruling class. Fundamental rights exist by nature, prior to government and conventional laws. It is because these individual rights are left unsecured that governments are instituted among men.

Consent is the means by which equality is made politically operable and whereby arbitrary power is thwarted. The natural standard for judging if a government is legitimate is whether that government rests on the consent of the governed. Any political powers not derived from the consent of the governed are, by the laws of nature, illegitimate and hence unjust.

The "consent of the governed" stands in contrast to "the will of the majority," a view more current in European democracies. The "consent of the governed" describes a situation where the people are self-governing in their communities, religions, and social institutions, and into which the government may intrude only with the people's consent.

There exists between the people and limited government a vast social space in which men and women, in their individual and corporate capacities, may exercise their self-governing liberty. In Europe, the "will of the majority" signals an idea that all decisions are ultimately political and are routed through the government. Thus, limited government is not just a desirable objective; it is the essential bedrock of the American polity.

A second fundamental element of the Constitution is the concept of checks and balances. As James Madison famously wrote in *The Federalist No. 51*.

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 controul the governed; and in the next place oblige it to controul itself. A dependence on the people is, no doubt, the primary controul on the government; but experience has taught mankind necessity of auxiliary precautions.

These "auxiliary precautions" constitute the improved science of politics offered by the Framers and form the basis of their

"Republican remedy for the diseases most incident to Republican Government" (The Federalist No. 10).

The "diseases most incident to Republican Government" were basically two: democratic tyranny and democratic ineptitude. The first was the problem of majority faction, the abuse of minority or individual rights by an "interested and overbearing" majority. The second was the problem of making a democratic form of government efficient and effective. The goal was limited but energetic government. The constitutional object was, as the late constitutional scholar Herbert Storing said, "a design of government with the powers to act and a structure to make it act wisely and responsibly."

The particulars of the Framers' political science were catalogued by Madison's celebrated collaborator in The Federalist, Alexander Hamilton. Those particulars included such devices as representation, bicameralism, independent courts of law, and the "regular distribution of powers into distinct departments;" as Hamilton put it in The Federalist No. 9; these were "means, and powerful means, by which the excellencies of republican government may be retained and its imperfections lessened or avoided."

Central to their institutional scheme was the principle of separation of powers. As Madison bluntly put it in The Federalist No. 47, the "preservation of liberty requires that the three great departments of power should be separate and distinct," for, as he also wrote, "The accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed or elective, may justly be pronounced the very definition of tyranny."

Madison described in The Federalist No. 51 how structure and human nature could be marshaled to protect liberty:  
[T]he great security against a gradual concentration of the several powers in the same department, consists in giving to those who administer each department, the necessary constitutional means, and personal motives to resist encroachments of the others.



Thus, the separation of powers frustrates designs for power and at the same time creates an incentive to collaborate and cooperate, lessening conflict and concretizing a practical community of interest among political leaders.

Equally important to the constitutional design was the concept of federalism. At the Constitutional Convention, there was great concern that an overreaction to the inadequacies of the Articles of Confederation might produce a tendency toward a single centralized and all-powerful national government. The resolution to such fears was, as Madison described it in *The Federalist*, a government that was neither wholly federal nor wholly national but a composite of the two.

A half-century later, Alexis de Tocqueville would celebrate democracy in America as precisely the result of the political vitality spawned by this "incomplete" national government.

The institutional design was to divide sovereignty between two different levels of political entities, the nation and the states. This would prevent an unhealthy concentration of power in a single government. It would provide, as Madison said in *The Federalist* No. 51, a "double security. ... to the rights of the people." Federalism, along with separation of powers, the Framers thought, would be the basic principled matrix of American constitutional liberty.

"The different governments," Madison concluded, "will controul each other; at the same time that each will be controuled by itself."

But institutional restraints on power were not all that federalism was about. There was also a deeper understanding--in fact, a far richer understanding--of why federalism mattered. When the delegates at Philadelphia convened in May 1787 to revise the ineffective Articles of Confederation, it was a foregone conclusion that the basic debate would concern the proper role of the states. Those who favored a diminution of state power, the Nationalists, saw unfettered state sovereignty under the Articles as the problem; not only did it allow the states to undermine congressional efforts

to govern, it also rendered individual rights insecure in the hands of "interested and overbearing majorities."

Indeed, Madison, defending the Nationalists' constitutional handiwork, went so far as to suggest in *The Federalist No. 51* that only by way of a "judicious modification" of the federal principle was the new Constitution able to remedy the defects of popular, republican government.

The view of those who doubted the political efficacy of the new Constitution was that good popular government depended quite as much on a political community that would promote civic or public virtue as on a set of institutional devices designed to check the selfish impulses of the majority. As Herbert Storing has shown, this concern for community and civic virtue tempered and tamed somewhat the Nationalists' tendency toward simply a large nation. Their reservations, as Storing put it, echo still through our political history.

It is this understanding, that federalism can contribute to a sense of political community and hence to a kind of public spirit, that is too often ignored in our public discussions about federalism. But in a sense, it is this understanding that makes the American experiment in popular government truly the novel undertaking the Framers thought it to be.

At bottom, in the space left by a limited central government, the people could rule themselves by their own moral and social values, and call on local political institutions to assist them. Where the people, through the Constitution, did consent for the central government to have a role, that role would similarly be guided by the people's sense of what was valuable and good as articulated through the political institutions of the central government.

Thus, at its deepest level popular government means a structure of government that rests not only on the consent of the governed, but also on a structure of government wherein the views of the people and their civic associations can be expressed and translated into public law and public policy, subject, of course, to the limits established by the Constitution.

Through deliberation, debate, and compromise, a public consensus is formed about what constitutes the public good. It is this consensus on fundamental principles that knits individuals into a community of citizens. And it is the liberty to determine the morality of a community that is an important part of our liberty protected by the Constitution.

The Constitution is our most fundamental law. It is, in its own words, "the supreme Law of the Land." Its translation into the legal rules under which we live occurs through the actions of all government entities, federal and state. The entity we know as "constitutional law" is the creation not only of the decisions of the Supreme Court, but also of the various Congresses and of the President.

Yet it is the court system, particularly the decisions of the Supreme Court, that most observers identify as providing the basic corpus of "constitutional law." This body of law, this judicial handiwork, is, in a fundamental way, unique in our scheme, for the Court is charged routinely, day in and day out, with the awesome task of addressing some of the most basic and most enduring political questions that face our nation.

The answers the Court gives are very important to the stability of the law so necessary for good government. But as constitutional historian Charles Warren once noted, what is most important to remember is that "however the Court may interpret the provisions of the Constitution, it is still the Constitution which is the law, not the decisions of the Court."

By this, of course, Warren did not mean that a constitutional decision by the Supreme Court lacks the character of binding law. He meant that the Constitution remains the Constitution and that observers of the Court may fairly consider whether a particular Supreme Court decision was right or wrong.

There remains in the country a vibrant and healthy debate among the members of the Supreme Court, as articulated in its opinions, and between the Court and academics, politicians, columnists and commentators, and the people generally, on whether the Court has

correctly understood and applied the fundamental law of the Constitution.

We have seen throughout our history that when the Supreme Court greatly misconstrues the Constitution, generations of mischief may follow. The result is that, of its own accord or through the mechanism of the appointment process, the Supreme Court may come to revisit some of its doctrines and try, once again, to adjust its pronouncements to the commands of the Constitution.

This recognition of the distinction between constitutional law and the Constitution itself produces the conclusion that constitutional decisions, including those of the Supreme Court, need not be seen as the last words in constitutional construction.

A correlative point is that constitutional interpretation is not the business of courts alone but is also, and properly, the business of all branches of government. Each of the three coordinate branches of government created and empowered by the Constitution--the executive and legislative no less than the judicial--has a duty to interpret the Constitution in the performance of its official functions.

In fact, every official takes a solemn oath precisely to that effect. Chief Justice John Marshall, in *Marbury v. Madison* (1803), noted that the Constitution is a limitation on judicial power as well as on that of the executive and legislative branches. He reiterated that view in *McCullough v. Maryland* (1819) when he cautioned judges never to forget it is a constitution they are expounding.

The Constitution--the original document of 1787 plus its amendments--is and must be understood to be the standard against which all laws, policies, and interpretations should be measured. It is our fundamental law because it represents the settled and deliberate will of the people, against which the actions of government officials must be squared. In the end, the continued success and viability of our democratic Republic depends on our fidelity to, and the faithful exposition and interpretation of, this Constitution, our great charter of liberty.

Edwin Meese III is Ronald Reagan Distinguished Fellow in Public Policy and Chairman of the Center for Legal and Judicial Studies at The Heritage Foundation. This essay is excerpted from *The Heritage Guide to the Constitution*, a line-by-line analysis of the original meaning of each clause of the United States Constitution, edited by David Forte and Matthew Spalding.



Edwin Meese III  
Ronald Reagan Distinguished Fellow Emeritus



# Appendix A The Declaration of Independence

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IN CONGRESS, JULY 4, 1776

The Unanimous Declaration of the thirteen United States of America

When in the Course of human events it becomes necessary for one people to dissolve the political bands which have connected them with another and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. — That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, — That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shewn that mankind are more disposed to suffer, while evils are sufferable than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security. — Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter their former Systems of Government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world.

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

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

He has refused to pass other Laws for the accommodation of large districts of people, unless those people would relinquish the right of Representation in the Legislature, a right inestimable to them and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their Public Records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved Representative Houses repeatedly, for opposing with manly firmness his invasions on the rights of the people.

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

He has endeavoured to prevent the population of these States; for that purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their migrations hither, and raising the conditions of new Appropriations of Lands.

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

He has made Judges dependent on his Will alone for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of New Offices, and sent hither swarms of Officers to harass our people and eat out their substance.

He has kept among us, in times of peace, Standing Armies without the Consent of our legislatures.

He has affected to render the Military independent of and superior to the Civil Power.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his Assent to their Acts of pretended Legislation:

For quartering large bodies of armed troops among us:

For protecting them, by a mock Trial from punishment for any Murders which they should commit on the Inhabitants of these States:

For cutting off our Trade with all parts of the world:

For imposing Taxes on us without our Consent:

For depriving us in many cases, of the benefit of Trial by Jury:

For transporting us beyond Seas to be tried for pretended offences:

For abolishing the free System of English Laws in a neighbouring Province, establishing therein an Arbitrary government, and enlarging its Boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these Colonies

For taking away our Charters, abolishing our most valuable Laws and altering fundamentally the Forms of our Governments:

For suspending our own Legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated Government here, by declaring us out of his Protection and waging War against us.

He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.



He is at this time transporting large Armies of foreign Mercenaries to compleat the works of death, desolation, and tyranny, already begun with circumstances of Cruelty & Perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the Head of a civilized nation.

He has constrained our fellow Citizens taken Captive on the high Seas to bear Arms against their Country, to become the executioners of their friends and Brethren, or to fall themselves by their Hands.

He has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers, the merciless Indian Savages whose known rule of warfare, is an undistinguished destruction of all ages, sexes and conditions.

In every stage of these Oppressions We have Petitioned for Redress in the most humble terms: Our repeated Petitions have been answered only by repeated injury. A Prince, whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free people.

Nor have We been wanting in attentions to our British brethren. We have warned them from time to time of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which would inevitably interrupt our connections and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity, which denounces our Separation, and hold them, as we hold the rest of mankind, Enemies in War, in Peace Friends.

We, therefore, the Representatives of the united States of America, in General Congress, Assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the Name, and by Authority of the good People of these Colonies, solemnly publish and declare, That these united Colonies are, and of Right ought to be Free and Independent States, that they are Absolved from all Allegiance to the British Crown, and that all political connection between them and the State of Great Britain, is and ought to be totally dissolved; and that as Free and Independent States, they have full Power to levy War, conclude Peace, contract Alliances, establish Commerce, and to do all other Acts and Things which Independent States may of right do. — And for the support of this Declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our Lives, our Fortunes, and our sacred Honor.

— John Hancock

New Hampshire:

Josiah Bartlett, William Whipple, Matthew Thornton

Massachusetts:

John Hancock, Samuel Adams, John Adams, Robert Treat Paine, Elbridge Gerry

Rhode Island:

Stephen Hopkins, William Ellery

Connecticut:

Roger Sherman, Samuel Huntington, William Williams, Oliver Wolcott

New York:

William Floyd, Philip Livingston, Francis Lewis, Lewis Morris

New Jersey:

Richard Stockton, John Witherspoon, Francis Hopkinson, John Hart, Abraham Clark

Pennsylvania:

Robert Morris, Benjamin Rush, Benjamin Franklin, John Morton, George Clymer, James Smith, George Taylor, James Wilson, George Ross

Delaware:

Caesar Rodney, George Read, Thomas McKean

Maryland:

Samuel Chase, William Paca, Thomas Stone, Charles Carroll of Carrollton

Virginia:

George Wythe, Richard Henry Lee, Thomas Jefferson, Benjamin Harrison, Thomas Nelson, Jr., Francis Lightfoot Lee, Carter Braxton

North Carolina:

William Hooper, Joseph Hewes, John Penn

South Carolina:

Edward Rutledge, Thomas Heyward, Jr., Thomas Lynch, Jr., Arthur Middleton

Georgia:

Button Gwinnett, Lyman Hall, George Walton

# Appendix B The Articles of Confederation

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The Articles of Confederation

Agreed to by Congress November 15, 1777; ratified and in force, March 1, 1781.

## **Preamble:**

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

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

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

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

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

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

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

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

Article V. For the most convenient management of the general interests of the United States, delegates shall be annually appointed in such manner as the legislatures of each

State shall direct, to meet in Congress on the first Monday in November, in every year, with a power reserved to each State to recall its delegates, or any of them, at any time within the year, and to send others in their stead for the remainder of the year.

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

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

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

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

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

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

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

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

No State shall engage in any war without the consent of the United States in Congress assembled, unless such State be actually invaded by enemies, or shall have received certain advice of a resolution being formed by some nation of Indians to invade such State, and the danger is so imminent as not to admit of a delay till the United States in Congress assembled can be consulted; nor shall any State grant commissions to any ships or vessels of war, nor letters of marque or reprisal, except it be after a declaration

of war by the United States in Congress assembled, and then only against the Kingdom or State and the subjects thereof, against which war has been so declared, and under such regulations as shall be established by the United States in Congress assembled, unless such State be infested by pirates, in which case vessels of war may be fitted out for that occasion, and kept so long as the danger shall continue, or until the United States in Congress assembled shall determine otherwise.

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

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

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

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

The United States in Congress assembled shall also be the last resort on appeal in all disputes and differences now subsisting or that hereafter may arise between two or more States concerning boundary, jurisdiction or any other causes whatever; which authority shall always be exercised in the manner following. Whenever the legislative or executive authority or lawful agent of any State in controversy with another shall present a petition to Congress stating the matter in question and praying for a hearing, notice thereof shall be given by order of Congress to the legislative or executive authority of the other State in controversy, and a day assigned for the appearance of the parties by their lawful agents, who shall then be directed to appoint by joint consent, commissioners or judges to constitute a court for hearing and determining the matter in question: but if they cannot agree, Congress shall name three persons out of each of the United States, and from the list of such persons each party shall alternately strike out one, the petitioners beginning, until the number shall be reduced to thirteen; and from that number not less than seven, nor more than nine names as Congress shall direct, shall in the presence of Congress be drawn out by lot, and the persons whose names shall be so drawn or any five of them, shall be commissioners or judges, to hear and finally determine the controversy, so always as a major part of the judges who shall hear the cause shall agree in the determination: and if either party shall neglect to attend at the

day appointed, without showing reasons, which Congress shall judge sufficient, or being present shall refuse to strike, the Congress shall proceed to nominate three persons out of each State, and the secretary of Congress shall strike in behalf of such party absent or refusing; and the judgment and sentence of the court to be appointed, in the manner before prescribed, shall be final and conclusive; and if any of the parties shall refuse to submit to the authority of such court, or to appear or defend their claim or cause, the court shall nevertheless proceed to pronounce sentence, or judgment, which shall in like manner be final and decisive, the judgment or sentence and other proceedings being in either case transmitted to Congress, and lodged among the acts of Congress for the security of the parties concerned: provided that every commissioner, before he sits in judgment, shall take an oath to be administered by one of the judges of the supreme or superior court of the State, where the cause shall be tried, 'well and truly to hear and determine the matter in question, according to the best of his judgment, without favor, affection or hope of reward': provided also, that no State shall be deprived of territory for the benefit of the United States.

All controversies concerning the private right of soil claimed under different grants of two or more States, whose jurisdictions as they may respect such lands, and the States which passed such grants are adjusted, the said grants or either of them being at the same time claimed to have originated antecedent to such settlement of jurisdiction, shall on the petition of either party to the Congress of the United States, be finally determined as near as may be in the same manner as is before prescribed for deciding disputes respecting territorial jurisdiction between different States.

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

The United States in Congress assembled shall have authority to appoint a committee, to sit in the recess of Congress, to be denominated 'A Committee of the States', and to consist of one delegate from each State; and to appoint such other committees and civil officers as may be necessary for managing the general affairs of the United States under their direction — to appoint one of their members to preside, provided that no person be allowed to serve in the office of president more than one year in any term of three years; to ascertain the necessary sums of money to be raised for the service of the United States, and to appropriate and apply the same for defraying the public expenses — to borrow money, or emit bills on the credit of the United States, transmitting every half-year to the respective States an account of the sums of money so borrowed or emitted — to build and equip a navy — to agree upon the number of land forces, and to make requisitions from each State for its quota, in proportion to the number of white inhabitants in such State; which requisition shall be binding, and thereupon the legislature of each State shall appoint the regimental officers, raise the men and cloath, arm and equip them in a solid- like manner, at the expense of the United States; and the officers and men so clothed, armed and equipped shall march to the place appointed, and within the time agreed on by the United States in Congress assembled. But if the United States in Congress assembled shall, on consideration of circumstances judge proper that any State should not raise men, or should raise a smaller number of men than the quota thereof, such extra number shall be raised, officered, clothed, armed and equipped in the same manner as the quota of each State, unless the legislature of such State shall judge that such extra number cannot be safely spread out in the same, in which case they shall raise, officer, cloath, arm and equip as many of such extra

number as they judge can be safely spared. And the officers and men so clothed, armed, and equipped, shall march to the place appointed, and within the time agreed on by the United States in Congress assembled.

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

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

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

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

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

Article XIII. Every State shall abide by the determination of the United States in Congress assembled, on all questions which by this confederation are submitted to them. And the Articles of this Confederation shall be inviolably observed by every State, and the Union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them; unless such alteration be agreed to in a Congress of the United States, and be afterwards confirmed by the legislatures of every State.

And Whereas it hath pleased the Great Governor of the World to incline the hearts of the legislatures we respectively represent in Congress, to approve of, and to authorize us to ratify the said Articles of Confederation and perpetual Union. Know Ye that we the undersigned delegates, by virtue of the power and authority to us given for that purpose, do by these presents, in the name and in behalf of our respective constituents, fully and entirely ratify and confirm each and every of the said Articles of Confederation and perpetual Union, and all and singular the matters and things therein contained: And we do further solemnly plight and engage the faith of our respective constituents, that they shall abide by the determinations of the United States in Congress assembled, on all questions, which by the said Confederation are submitted to them. And that the Articles

thereof shall be inviolably observed by the States we respectively represent, and that the Union shall be perpetual.

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

On the part and behalf of the State of New Hampshire:  
Josiah Bartlett, John Wentworth Junior. August 8th 1778

On the part and behalf of The State of Massachusetts Bay:  
John Hancock, Samuel Adams, Elbridge Gerry, Francis Dana, James Lovell, Samuel Holten

On the part and behalf of the State of Rhode Island and Providence Plantations:  
William Ellery, Henry Marchant, John Collins

On the part and behalf of the State of Connecticut:  
Roger Sherman, Samuel Huntington, Oliver Wolcott, Titus Hosmer,  
Andrew Adams

On the part and behalf of the State of New York:  
James Duane, Francis Lewis, William Duer, Gouv Morris

On the part and behalf of the State of New Jersey: November 26, 1778.  
John Witherspoon, Nathan Scudder

On the part and behalf of the State of Pennsylvania:  
Robert Morris, Daniel Roberdeau, John Bayard Smith, William Clingan,  
Joseph Reed 22nd July 1778

On the part and behalf of the State of Delaware:  
Thomas Mckean February 12, 1779, John Dickinson May 5th 1779,  
Nicholas Van Dyke

On the part and behalf of the State of Maryland:  
John Hanson March 1 1781, Daniel Carroll

On the part and behalf of the State of Virginia:  
Richard Henry Lee, John Banister, Thomas Adams, John Harvie,  
Francis Lightfoot Lee

On the part and behalf of the State of No Carolina:  
John Penn July 21st 1778, Cornelius Harnett, John Williams

On the part and behalf of the State of South Carolina:  
Henry Laurens, William Henry Drayton, John Mathews, Richard Hutson,  
Thomas Heyward Junior

On the part and behalf of the State of Georgia:  
John Walton 24th July 1778, Edward Telfair, Edward Langworthy



# Appendix C The Constitution of the United States of America

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The Constitution of the United States: A Transcription

Note: The following text is a transcription of the Constitution in its original form. Items that are hyperlinked have since been amended or superseded.

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

## **Article. I.**

Section. 1.

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

Section. 2.

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

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

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

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

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

Section. 3.

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

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

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

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

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

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

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

Section. 4.

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

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

Section. 5.

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

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

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

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

#### Section. 6.

The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

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

#### Section. 7.

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

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

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

#### Section. 8.

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

- \*To borrow Money on the credit of the United States;
- \*To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;
- \*To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;
- \*To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;
- \*To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;
- \*To establish Post Offices and post Roads;
- \*To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;
- \*To constitute Tribunals inferior to the supreme Court;
- \*To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations;
- \*To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;
- \*To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;
- \*To provide and maintain a Navy;
- \*To make Rules for the Government and Regulation of the land and naval Forces;
- \*To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;
- \*To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;
- \*To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings; And
- \*To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

#### Section. 9.

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

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

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

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

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

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

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

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

#### Section. 10.

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

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

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

## Article. II.

### Section. 1.

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

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

The Electors shall meet in their respective States, and vote by Ballot for two Persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be more than one who have such Majority, and have an equal Number of Votes, then the House of Representatives shall immediately chuse by Ballot one of them for President; and if no Person have a Majority, then from the five highest on the List the said House shall in like Manner chuse the President. But in chusing the President, the Votes shall be taken by States, the

Representation from each State having one Vote; A quorum for this purpose shall consist of a Member or Members from two thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice President.

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

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

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

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

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

#### Section. 2.

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

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

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

#### Section. 3.

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

#### Section. 4.

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

### **Article III.**

#### Section. 1.

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

#### Section. 2.

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

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

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

#### Section. 3.

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

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

## **Article. IV.**

### Section. 1.

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

### Section. 2.

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

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

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

### Section. 3.

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

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

### Section. 4.

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

## **Article. V.**

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

## **Article. VI.**

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

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



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

## **Article. VII.**

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

The Word, "the," being interlined between the seventh and eighth Lines of the first Page, the Word "Thirty" being partly written on an Erasure in the fifteenth Line of the first Page, The Words "is tried" being interlined between the thirty second and thirty third Lines of the first Page and the Word "the" being interlined between the forty third and forty fourth Lines of the second Page.

Attest William Jackson Secretary

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

George Washington  
President and Deputy from Virginia

### **Delaware**

Geo Read, Gunning Bedford, John Dickinson, Richard Bassett, Jaco Broom

### **Maryland**

James McHenry, Dan of St Thos. Jenifer Daniel Carroll

### **Virginia**

John Blair, James Madison Jr.

### **North Carolina**

William Blount, Richard Dobbs Spaight, Hume Williamson

### **South Carolina**

J. Rutledge, Charles Cotesworth Pinckney, Charles Pinckney, Pierce Butler

### **Georgia**

William Few, Abraham Baldwin

### **New Hampshire**

John Langdon, Nicholas Gilman,

### **Massachusetts**

Nathaniel Gorham, Rufus King

### **Connecticut**

William. Samuel Johnson, Roger Sherman

### **New York**

Alexander Hamilton,

### **New Jersey**

William Livingston, David Brearley, William Paterson, Jonathan Dayton

### **Pennsylvania**

Ben Franklin, Thomas Mifflin, Robert. Morris, George. Clymer,  
Thomas. FitzSimons, Jared Ingersoll, James Wilson, Gouv Morris

[http://www.archives.gov/national-archives-experience/charters/constitution\\_transcript.html](http://www.archives.gov/national-archives-experience/charters/constitution_transcript.html)



# Appendix D The Bill of Rights

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## The Preamble to the Bill of Rights

Congress of the United States -- begun and held at the City of New-York, on Wednesday the fourth of March, one thousand seven hundred and eighty nine.

THE Conventions of a number of the States, having at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added: And as extending the ground of public confidence in the Government, will best ensure the beneficent ends of its institution.

RESOLVED by the Senate and House of Representatives of the United States of America, in Congress assembled, two thirds of both Houses concurring, that the following Articles be proposed to the Legislatures of the several States, as amendments to the Constitution of the United States, all, or any of which Articles, when ratified by three fourths of the said Legislatures, to be valid to all intents and purposes, as part of the said Constitution; viz.

ARTICLES in addition to, and Amendment of the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures of the several States, pursuant to the fifth Article of the original Constitution.

## The Bill of Rights: A Transcription

The Preamble to The Bill of Rights-- Congress of the United States, begun and held at the City of New-York, on Wednesday the fourth of March, one thousand seven hundred and eighty nine.

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Note: The following text is a transcription of the first ten amendments to the Constitution in their original form. These amendments were ratified December 15, 1791, and form what is known as the "Bill of Rights."

### **Amendment I**

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

### **Amendment II**

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

### **Amendment III**

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

### **Amendment IV**

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

### **Amendment V**

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

### **Amendment VI**

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

### **Amendment VII**

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

**Amendment VIII**

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

**Amendment IX**

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

**Amendment X**

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

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