

PURSuing TRUTH DEFENDING LIBERTY

The Hillsdale
1776
Curriculum

*Middle School
American Civics*



HILLSDALE COLLEGE

MIDDLE SCHOOL

American Civics

4 units | 40-50-minute classes

COURSE OVERVIEW

Unit 1 | The Declaration of Independence

12-15 classes

- LESSON 1** The Human Person
- LESSON 2** Government
- LESSON 3** The Citizen and Self-Government

Unit 2 | The United States Constitution

12-17 classes

- LESSON 1** The Principles of the Constitution
- LESSON 2** The Congress
- LESSON 3** The Presidency
- LESSON 4** The Judiciary
- LESSON 5** The Bill of Rights

Unit 3 | Politics and Policy

13-18 classes

- LESSON 1** Parties, Elections, and Campaigns
- LESSON 2** Civic Participation
- LESSON 3** Placeholder: State and Local Government
- LESSON 4** Domestic Policy
- LESSON 5** National Security and Foreign Policy

Unit 4 | Challenging and Defending America's Principles

16-20 classes

- LESSON 1** The Exception to the Rule
- LESSON 2** Abolitionism vs. Slavery
- LESSON 3** Progressive Government
- LESSON 4** Civil Rights vs. Discriminatory Laws

UNIT 1

The Declaration of Independence

40-50-minute classes | 12-15 classes

UNIT PREVIEW**Structure**

LESSON 1	The Human Person	2-3 classes	p. 7
LESSON 2	Government	2-3 classes	p. 11
LESSON 3	The Citizen and Self-Government	3-4 classes	p. 15
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Why Teach the Declaration of Independence

The Declaration of Independence was not merely a renunciation of dependence on Great Britain. It was, in fact, generative. It created an entity—a nation—that stood on its own, had its own existence, and was independent of other nations. Even today, it offers guiding principles that continue to shape our arguments about the nature and limits of political authority. In brief, the Declaration of Independence created and still defines the United States of America. Like an organizational mission statement, the Declaration is an indication of the Founders' intention, a guiding star for our political life, and a benchmark for measuring our public institutions. Americans should consider all questions concerning the public sphere in light of the truths asserted in the Declaration. The Declaration of Independence should be both the beginning and end for students' understanding of their country, their citizenship, and the benefits and responsibilities of being an American. In order to judge prudently in matters of public interest in the present day, students must learn about the philosophical principles upon which the American Founders created the United States of America. These include the assertion of self-evident, objective truths about natural rights, morality, and self-government, which find their best expression in the document that founded America.

What Teachers Should Consider

Americans in general—but especially American students—take a lot for granted about their way of life in this country. This is not surprising, given human nature and the wide achievements of American society. But it does indicate one of the primary roles of the teacher of American civics and history: to help students to understand the arguments and the actions, the sacrifices and accomplishments, that led to the way of life they enjoy today.

To that end, teachers themselves must not take life in America for granted and teach history backwards. That means recognizing what America shares with other countries, especially today, but then also looking back at history and comparing the development of United States to life and government in contemporary civilizations. This is a great feat of the imagination that takes great effort on the part of the teacher.

The key starting point for putting America in perspective is its very unique founding. As reflected in its government and institutions, the country was founded as a republic. The people themselves determine what their government will do by choosing from among their fellow citizens those who will represent their interest in government decisions. Compared to monarchies and tyrannies, aristocracies and oligarchies, establishing a republic was an extraordinary exception in the 1700s, especially given its poor historical record of success dating back to the ancient world.

But what was truly unprecedented about America is that it was founded based not merely on borders and not on ethnicity, but on an idea, namely that “all men are created equal,” a truth for all peoples at all times. To found a political community and government on an explicit idea about human beings was truly unheard of in history.

The sources of this truth were as old as the ancients, but their particular articulation in the Declaration of Independence and their assertion as the foundation of just government were altogether novel attempts in political history. “[T]he Laws of Nature and of Nature’s God” served as the foundation for America, where nature indicated the truth of reality and of human nature. These truths stood outside of the will of any human being.

And so within the specific circumstances of the colonists’ struggle with the British government in the 18th century the founders posited in the Declaration of Independence the “abstract truth, applicable to all men and all times,” as Abraham Lincoln put it, that “all men are created equal” and that the purpose of government is to “secure these rights.”

These principles are what made the founding of America truly exceptional, and an exception in human history.

How Teachers Can Learn More

TEXTS

<i>The U.S. Constitution: A Reader</i> , ed. Hillsdale College Politics Faculty	Chapters 1–3
<i>We Still Hold These Truths</i> , Matthew Spalding	Chapters 1–4
<i>The Constitutional Convention</i> , James Madison	
<i>American Government and Politics</i> , Joseph Bessette and John Pitney	Chapters 1 and 4

ONLINE COURSES | [Online.Hillsdale.edu](https://online.hillsdale.edu)

Introduction to the Constitution
Constitution 101

Primary Sources Studied in This Unit

The Declaration of Independence
 The Mayflower Compact
 Thanksgiving Proclamation, George Washington
 Letter to the Massachusetts Militia, John Adams
 Farewell Address, George Washington
 Report of the Commissioners for the University of Virginia, Thomas Jefferson & James Madison
 First Annual Address to Congress, George Washington
 The Northwest Ordinance, Article III
 “Property,” James Madison
 The Examination Number No. 7, Alexander Hamilton

LESSON PLANS, ASSIGNMENTS, AND FORMATIVE QUIZ

Lesson 1 — The Human Person

2-3 classes

LESSON OBJECTIVE

Students learn the Founders’ understanding and assertions about the human person and human nature, understandings that are the starting point for all considerations of political order and on which the United States is established.

ONLINE COURSES FOR TEACHERS | Online.Hillsdale.edu

Introduction to the Constitution
Constitution 101

Lectures 1, 2, 3, and 4
Lectures 1 and 2

PRIMARY SOURCES

Students may read and annotate the following primary source(s), either at home or together in class. Using their annotations and the below questions, lead students through a seminar conversation on each text.

The Declaration of Independence

TERMS AND TOPICS

history	principles
polis	morality
politics	equality
power	natural rights
Laws of Nature and of Nature’s God	unalienable
nature	life
natural law	liberty
objective truth	pursuit of happiness
self-evident	

QUESTIONS FOR THE AMERICAN MIND

- What is the “Course of human events”?
- What is politics?
- According to the text itself, why are the colonists issuing a Declaration of Independence?
- What are “the Laws of Nature and of Nature’s God”?
- What is a “self-evident” truth?
- What does human equality mean in the statement, “all men are created equal”?
- What are natural rights and why do human beings have them?
- According to the Declaration of Independence, from where do natural rights come?
- What does it mean to say that men are “endowed by their Creator” with the rights?

- What does “unalienable” mean?
- Questions from the U.S. Civics Test:
 - Question 8: Why is the Declaration of Independence important?
 - Question 9: What founding document said the American colonies were free from Britain?
 - Question 10: Name two important ideas from the Declaration of Independence and the U.S. Constitution.
 - Question 11: The words “Life, Liberty, and the pursuit of Happiness” are in what founding document?
 - Question 78: Who wrote the Declaration of Independence?
 - Question 79: When was the Declaration of Independence adopted?
 - Question 81: There were 13 original states. Name five.
 - Question 85: Benjamin Franklin is famous for many things. Name one.
 - Question 87: Thomas Jefferson is famous for many things. Name one.
 - Question 125: What is Independence Day?
 - Question 126: Name three national U.S. holidays.

KEYS TO THE LESSON

America is like other nations in that it has a people, a geographic location, and laws that govern it. But America is also very different. It was founded at a particular time on the basis of particular ideas. In the end, America is not bound by an ethnic character, a common religion, or even a shared history as much as by a set of principles held to true and universal and established as the basis for this particular nation. These principles bind America’s extraordinarily diverse people into one nation through a shared belief and commitment to these principles. Students must understand this unique quality about their country and know what these principles are, beginning with the Founders’ assertions about the human person: that there are self-evident truths, that all are equal and equally possess rights by nature, and that chief among these are life, liberty, and the pursuit of happiness.

Teachers might best plan and teach the Human Person with emphasis on the following approaches:

- Teachers would benefit from familiarizing themselves with non-American thinkers who, while disagreeing in many ways, were at least united in conversation around what human nature is and what it means for the civic body. These would include those who contributed to the western philosophical tradition and experience in government up to and during the American founding, such as Plato, Aristotle, Cicero, Niccolò Machiavelli, Thomas Hobbes, and Adam Smith; those who more directly informed the Founders, such as John Locke, Algernon Sidney, William Blackstone, and Montesquieu; and the relevant political histories of ancient civilizations (e.g., Babylonians, Hebrews, Greeks, Romans), medieval society, the Enlightenment, England, and the British North American colonies. Being able to summarize and point students to these figures, ideas, and histories where appropriate may be helpful in teaching the first two units of this course.
- Outline with students (or if they have already studied early American history, review) the key historical circumstances in which the Founding occurred, especially the following:
 - The colonists who settled in British North America came from many nations (chiefly but not exclusively those of Europe) for many different reasons, but one thing they did not

bring with them were the class distinctions that defined the aristocratic and monarchical nations they left behind. These individuals (except for their British governors) were common people who immigrated to America seeking their freedom and to better their station in life.

- Religious faith strongly defined colonial culture, largely because so many came to America to escape the religious persecutions of the old world. From the pilgrims and the Puritans to Roman Catholics and Jews, a wide variety of denominations (mostly Christian) are found throughout colonial settlements. This diversity fostered religious liberty and toleration at the same time that it strengthened a common morality rooted in religious faith and practice, which was widespread and imbued colonial society.
- Colonial America was highly literate and the leading members of colonial society and government were educated in classical thought, ancient and contemporary history, and philosophy and politics (including thinkers of the moderate Enlightenment).
- Have students read and annotate the introduction and first part of the preamble to the Declaration of Independence.
- Begin by considering history (as in the “Course of human events”) and *politics*. Briefly sketch its origins in the ancient world and what virtues it demands of those who would practice it well, particularly that cardinal virtue of prudence.
- Help students to consider that the Founders were making assertions about the existence of objective truth by referencing “the Laws of Nature and of Nature’s God” and by describing the truths as self-evident. This line of thinking adheres to the first law of logic, that of contradiction, which is the basis of all reasoning and of our capacity to make sense of reality: i.e., that something cannot both be and not be at the same time in the same way. The use of the words “the Laws of Nature and of Nature’s God” ties truth to an external reality (nature) with fixed and reliable features (laws). “Self-evident” ties truth to fixed definitions—a “self-evident” claim is one that is true by definition of the idea in question, like the claim that a triangle has three sides. A “self-evident” truth is not merely a matter of perspective; it can be known and understood by anyone at any time.
- Note that for the Founders, the “Laws...of Nature’s God” implied that this understanding of nature was consistent with the Christian tradition within which the American founding occurred. Other references to divine sources of truth in the Declaration include that men are “endowed by their Creator” and its appeals to “the Supreme Judge of the world” and to “the protection of divine Providence.”
- Emphasize with students the importance of an understanding of “nature,” particularly human nature. “Nature” here means not *the physical world* but *the purpose of things*, that toward which a thing’s very existence aims: why something exists. The feature of human nature that distinguishes people from animals is man’s ability to think, communicate, and live together. This means that humans can speak, debate, and agree on certain things. Since man has the ability to deliberate and choose, he is responsible morally for his actions and is also capable of liberty. When we consider human beings living with other human beings, the ends of politics are determined by human nature. That is, the justness of one’s actions or the actions of a people depend on what it means to be human, and should comport with truth.
- Ask students what the Declaration means by “all men are created equal.” The meaning of *equality* in the Declaration refers to universal human dignity and to the equal possession by each person of

natural rights, freedoms that are simply part of being human. Individuals are obviously different by almost any measure. Yet, by nature, human beings are all the same in that they are human, have a human nature, and therefore have the same natural rights.

- Have students consider whether women and slaves were included in this understanding of equality. For one thing, in traditional usage, man, or in this case men, used without an article itself refers to the species or to humanity (mankind) as a whole, not male as opposed to female. Based on the totality of their writings available, the Founders meant that men and women share equally in human dignity and in possession of natural rights or freedoms that are simply part of being human. A consistent application of equality would make slavery, for instance, impossible.
- Consider with students how many have understood the principle of equality as the enduring object or goal of American political life, with each generation seeking further to expand the conditions of political equality. This was the view of many Founders, as well as of Abraham Lincoln, abolitionists like Frederick Douglass, and civil rights leaders like Martin Luther King Jr., who called the Declaration a “promissory note to which every American was to fall heir” in his 1963 “I Have a Dream” speech. The Declaration’s principle of equality—and the persistence and bravery of Americans of all origins to sacrifice and even die insisting that the nation should live up to the principle—has led to unprecedented achievements of human equality and the protection of equal rights.
- Spend time with the rights to life, to liberty, and to the pursuit of happiness. While not exhaustive, these natural rights are the most important and comprehensive freedoms that each human person possesses by nature. All are necessary for each person to fulfill his or her purpose as a human being.

STRENGTHENING UNDERSTANDING: POST-LESSON ASSIGNMENT

Assignment: Based on the Declaration of Independence, what was the Founders’ understanding of the human person? Why is this view, and founding a country based on this belief, so extraordinary? (1–2 paragraphs)

Lesson 2 — Government

2-3 classes

LESSON OBJECTIVE

Students learn what the Founders understood to be the purpose and composition of government based on the nature of the human person asserted in the Declaration of Independence.

ONLINE COURSES FOR TEACHERS | [Online.Hillsdale.edu](https://www.online.hillsdale.edu)

Introduction to the Constitution
Constitution 101

Lectures 1, 2, 3, and 4
Lectures 1 and 2

PRIMARY SOURCES

Students may read and annotate the following primary source(s), either at home or together in class. Using their annotations and the below questions, lead students through a seminar conversation on each text.

The Declaration of Independence
The Mayflower Compact

TERMS AND TOPICS

natural rights
power
consent of the governed
sovereignty
self-government
equality
justice

rule of law
limited government
state of nature
social contract
liberalism
tyranny
revolution

QUESTIONS FOR THE AMERICAN MIND

- What is the purpose of government and its powers?
- How do natural rights limit the government?
- What is meant by “limited government”?
- From where does government derive its just powers?
- Who are the governed?
- What does consent mean?
- What is self-government?
- What is the connection between consent, equality, and justice?
- What is the relationship between the state of nature, the social contract, and consent of the governed?

- What are the people free—and even obligated—to do if the government fails or violates its purpose?
- Ought it to be easy or frequent for a people to overthrow and replace its government? If not, under which circumstances may they do so?
- What is tyranny?
- How does the fact that America was founded with the words of the Declaration of Independence make America the exception in the history of nations, even exceptional?
- America is a country whose existence and purpose for existing rests on belief in and commitment to certain ideas its Founders asserted to be objectively true. What are these truths?
- Questions from the U.S. Civics Test:
 - Question 8: Why is the Declaration of Independence important?
 - Question 9: What founding document said the American colonies were free from Britain?
 - Question 10: Name two important ideas from the Declaration of Independence and the U.S. Constitution.
 - Question 13: What is the rule of law?
 - Question 77: Name one reason why the Americans declared independence from Britain.
 - Question 78: Who wrote the Declaration of Independence?
 - Question 79: When was the Declaration of Independence adopted?
 - Question 85: Benjamin Franklin is famous for many things. Name one.
 - Question 87: Thomas Jefferson is famous for many things. Name one.
 - Question 125: What is Independence Day?
 - Question 126: Name three national U.S. holidays.

KEYS TO THE LESSON

Having established the understanding of the human person that the Founders' held, the unit may progress through the Declaration of Independence to consider the nature of government power based on this understanding of human beings. The reason people join together to form a government is to secure their rights and preserve their safety and happiness. Students should know this purpose to their government and consider the ways in which we determine whether the government is just, through both consent and the extent to which it fulfills its purpose. Students should also learn about what ought to be done when a government becomes an unjust tyranny and under what circumstances the people should take such actions. The list of grievances in the remainder of the Declaration of Independence offers a case study in such tyrannical circumstances.

Teachers might best plan and teach Government with emphasis on the following approaches:

- Ask students what the Declaration states to be the purpose of government. Students should be able to see in the Declaration that the purpose of government is to secure the natural rights of each person.
- Ask students about the source of a government's legitimate power. The basis of rule in the American regime is the sovereignty of the people: since all are equal by nature, no one is born to rule or to be ruled. Legitimate government can only arise out of the consent of those governed. The powers of government are defined when they are delegated by agreement of those who possess rights. Thus, the principle of natural rights both empowers government at the same time that it limits it to these specific purposes.

- Consider with students that, according to the Declaration, rights do not come from government. Rights are inherent in nature, that is, they come with being a human person. Likewise, individuals do not give up their rights by forming government. People *may* give to government their individual power to secure those rights in certain circumstances in order that the government might use that power to protect the rights of all. But the natural rights possessed by each individual cannot be given up, or taken away unless one has violated the rights of another. This is what is meant by “unalienable.”
- Ask students how the establishment and recognition of equal natural rights guards against discrimination based on class, religion, or race, and against the factions and civil divisions that often result from such unjust distinctions. Upholding equal natural rights preserves the humanity of each person, encourages all to recognize that humanity in others despite differences, and reminds all to be mindful that one’s own dignity is protected insofar as others also hold to the belief in natural rights.
- Help students to understand what is meant by self-government in the political body, i.e., that government derives its “just powers from the consent of the governed,” that is, from the people themselves. Consent requires the people, directly or indirectly, to be involved in making the laws. It also implies participation in the activities of governing (office holding, voting, serving as jurors, etc.). As a result, and by design, the people have the liberty to govern themselves in most aspects of their daily lives.
- Connect these parts of the Declaration of Independence to the Mayflower Compact. Read the list of grievances and ask students to connect each grievance to the historical events they studied in the previous lesson. Then ask students to explain how those events violate the statements made in the first two paragraphs of the Declaration.
- Consider with students the colonists’ “appeal to heaven.” King George III was neither securing the rights of the colonists nor providing for the protection. In fact, he and the British Parliament were doing many things that denied the colonists’ rights. When a government fails to protect fundamental rights, the people may alter or abolish the current government and form a new one to assure their safety and happiness. This is called the right of revolution.

STRENGTHENING UNDERSTANDING: POST-LESSON ASSIGNMENT

Assignment: According to the Declaration of Independence, how and why do a people form a government? What are the people to do should that government become ineffective or hostile to the purpose for which the people created it? Using the list of grievances, what are some examples of government abandoning or violating its purpose? (2–3 paragraphs).

Name _____

Date _____

Unit 1 — Formative Quiz

Covering Lessons 1-2
10-15 minutes

DIRECTIONS: Answer each question in at least one complete sentence.

1. According to the text itself, why are the colonists issuing a Declaration of Independence?

2. What does human equality mean in the statement, “all men are created equal”?

3. What are natural rights and why do human beings have them?

4. What is the purpose of government and its powers?

5. What are the people free—and even obligated—to do if the government fails or violates its purpose?

Lesson 3 — The Citizen and Self-Government

3-4 classes

LESSON OBJECTIVE

Students learn about the conditions necessary, both in society and in the characters of most citizens, for the flourishing and perpetuation of freedom and self-government.

ONLINE COURSES FOR TEACHERS | Online.Hillsdale.edu

Introduction to the Constitution

Lectures 7 and 9

Constitution 101

Lectures 3 and 5

PRIMARY SOURCES

The following primary sources are potential readings for students. Teachers should use their discretion based on grade level ability in deciding which texts to share with students. The texts may be assigned for homework, read together in class, or simply read aloud by the teacher. Some texts include guiding reading questions to assist students in the event that the text is assigned for homework. Students should annotate the texts either in preparation for or during a seminar conversation. Teachers should not feel it necessary to assign all of the texts, especially in light of grade level considerations.

Thanksgiving Proclamation, George Washington

Letter to the Massachusetts Militia, John Adams

Farewell Address, George Washington

Report of the Commissioners for the University of Virginia, Thomas Jefferson & James Madison

First Annual Address to Congress, George Washington

The Northwest Ordinance, Article III

“Property,” James Madison

The Examination Number No. 7, Alexander Hamilton

TERMS AND TOPICS

self-government

morality

virtue

liberal education

property

commercial republic

religion

free exercise of religion

freedom of speech

public policy

economics

taxation

property rights

immigration

marriage and family law

QUESTIONS FOR THE AMERICAN MIND

- What are the virtues and character necessary for freedom and self-government?
- How did the Founders promote morality?
- Why is self-reliance important for a free people?
- How is liberal education necessary for freedom and self-government?
- How does religion help promote morality and freedom?
- What is the free exercise of religion and why is it important?
- What is freedom of speech and why is it so crucial to freedom and self-government?
- What is the significance of property rights and work?
- What is the commercial republic and how does it shape character?
- How did the Founders think about the following:
 - economics
 - taxation
 - the protection of property
 - war and diplomacy
 - immigration
 - marriage and family
- Why were the Founders worried about partisanship? How did they attempt to overcome it?
- How did partisanship nonetheless arise?
- Questions from the U.S. Civics Test:
 - Question 6: What does the Bill of Rights protect?
 - Question 12: What is the economic system of the United States?
 - Question 13: What is the rule of law?
 - Question 65: What are three rights of everyone living in the United States?
 - Question 67: Name two promises that new citizens make in the Oath of Allegiance.
 - Question 69: What are two examples of civic participation in the United States?
 - Question 70: What is one way Americans can serve their country?

KEYS TO THE LESSON

Benjamin Franklin, on departing the Constitutional Convention, was asked what the convention's delegates had proposed. Franklin responded, "A republic, if you can keep it." The American system of self-government rests ultimately on the capacity of Americans to govern themselves in political terms and to exercise personal self-government (good character) in their own lives. American students ought to understand thoroughly this necessity to life in the American republic. The key facets to preserving free government involve citizens being knowledgeable, morally upright, spirited, and free to use their minds, voices, and possessions to maintain liberty and the rule of law. Schools, religion, civic organizations, and the family are the key institutions by which citizens are formed to be able to govern themselves. The public and private contributions of the vast majority of citizens who govern their own lives as such is the determining factor in the health of the American republic and in the experiment in free self-government. Should these falter or fail in the individual lives of citizens, the preservation of liberty and equal human dignity will not long last.

Teachers might best plan and teach the Citizen and Self-Government with emphasis on the following approaches:

- Read with students George Washington's Thanksgiving Proclamation, his Farewell Address, and John Adams' letter to the Massachusetts militia. Have students consider the Founders' arguments

for the necessity of religion in fostering morality, virtue, and character. While opinions varied on religious belief and the extent to which government should endorse a single church, specifically at the state-level, there was general consensus that the instruction in moral conduct, duty, and charity in religion warranted at least the encouragement of religious practice by governments. They should see that the free exercise of religion was simultaneously of utmost importance.

- Read the University of Virginia’s Board of Commissioners report and George Washington’s First Annual Address and highlight the important and broad role education would play in the formation of a free citizenry.
- Teach students about the two major achievements of Congress under the Articles of Confederation: the Land Ordinance of 1785 and the Northwest Ordinance of 1787. Students should understand the historic emphasis the Founders placed on public education and private land ownership as evident in these laws. The Northwest Ordinance in particular articulates principles that would later be reflected in the Constitution, namely, consent of the governed, private property, and the liberty of individuals. Each of these, the Founders argued, would be indispensable if freedom and self-government were to succeed in the United States.
- Consider with students George Washington’s observation in his First Inaugural that “the foundations of our national policy will be laid in the pure and immutable principles of private morality” and in his Farewell Address that “Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports” and that “let us with caution indulge the supposition that morality can be maintained without religion.”
- Emphasize with students the most famous line from Article III of the Northwest Ordinance: “Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.” Make clear for students the significance of knowledge and character as fostered by education. Public (meaning taxpayer-funded) support for education, both secular and religious, was present in colonial Massachusetts for decades prior to the founding and would continue through the Land Ordinance of 1785 and the Northwest Ordinance. The township system portioned out land reserved for education explicitly. America was a trailblazer in allocating so many resources exclusively for education. In addition to instruction in knowledge, character-building and the development of patriotic and dutiful citizens were chief purposes of these public schools.
- Read with students James Madison’s “Property.” Rights to hold and preserve property are intimately tied to one’s right to defend oneself and to better one’s condition. The “pursuit of happiness” aims at and recognizes goods higher than mere material prosperity. The right to property, if not sufficient to human happiness, is most certainly necessary to the individual liberty to pursue such happiness. Moreover, the free allocation of scarce resources through commerce ensures that all can have what they most need at the times in which they most need it while contributing to ideas and positive activity conducive to the general improvement of human life.
- Talk with students about how the Founders saw the economic role of government as being to uphold the rule of law, enforce contracts, protect property, and permit economic activity that did not violate natural rights. This ensured broad latitude to the liberty of private individuals to trade with one another freely with only minimal regulation. Taxation at the federal level was limited largely to matters of national defense.
- Read aloud with students in class Alexander Hamilton’s Examination No. 7 on the need for a citizenry that holds certain principles and habits of conduct conducive to respecting the rights of fellow citizens. In a nation as diverse as the United States and that is not bound by blood, understanding of, adherence to, and practice in these principles of self-government become all the

more important. Immigration policy for Hamilton, therefore, sought to encourage as much immigration as was possible while still achieving these prerequisites to maintaining free government. In brief, an immigrant had to understand and be willing and able to practice the responsibilities of self-government.

- Consider with students the Founders' positions on the preservation of morality and the role of the family. While freedom of speech was given broad interpretation, the public utterance and promotion of obscenity was understood to undermine the moral habits of the citizenry, especially the young, and government thus had an interest in restricting such speech to private quarters. The primacy of the family was also significant, as the security, material support, education, sense of duty, and work ethic cultivated first in the family were all equally important to a self-governing citizenry.
- Explain to students how strongly the Founders sought to resist the rise of factions and partisanship. It should be made clear, however, that the Founders' resistance to partisanship was not in some general idea of bipartisanship for bipartisanship's sake. Instead, the Founders believed that if all Americans held to the ideas of the American founding, then there were few disagreements so fundamental as to justify separate and permanent parties. The Founders had no qualms, however, with resisting movements and ideas that rejected the principles of the founding, mainly because such a rejection was, in their view, a rejection of objective truth and justice themselves. Such a rejection of these founding principles was thought irrational and almost certainly to lead to tyranny.

STRENGTHENING UNDERSTANDING: POST-LESSON ASSIGNMENT

Assignment: Why did the American Founders argue that education, religion, and private property were necessary in a citizenry in order for freedom and self-government to exist? (1–2 paragraphs)

APPENDIX A

Study Guide

Test

Writing Assignment

Study Guide — The Declaration of Independence Test

Unit 1

Test on _____

TERMS AND TOPICS

Explain each of the following and the context in which it was discussed during this unit's lessons.

politics	liberty	virtue
power	pursuit of happiness	liberal education
Laws of Nature and of Nature's God	consent of the governed	property
nature	self-government	property rights
self-evident	justice	commercial republic
principles	rule of law	free exercise of religion
morality	limited government	freedom of speech
equality	state of nature	economics
natural rights	social contract	taxation
unalienable	liberalism	immigration
life	tyranny	family
	revolution	

PRIMARY SOURCES

Explain the main arguments in each of the following sources and their significance to our understanding of the Declaration of Independence and the necessities for self-government.

The Declaration of Independence
 The Mayflower Compact
 Farewell Address, George Washington
 The Northwest Ordinance, Article III
 "Property," James Madison

QUESTIONS FOR THE AMERICAN MIND

Based on notes from lessons and seminar conversations, answer each of the following.

Lesson 1 | The Human Person

- What is the "Course of human events"?
- What is politics?
- According to the text itself, why are the colonists issuing a Declaration of Independence?
- What are "the Laws of Nature and of Nature's God"?
- What is a "self-evident" truth?
- What does human equality mean in the statement, "all men are created equal"?
- What are natural rights and why do human beings have them?

- According to the Declaration of Independence, from where do natural rights come?
- What does it mean to say that men are “endowed by their Creator” with the rights?
- What does “unalienable” mean?

Lesson 2 | The Government

- What is the purpose of government and its powers?
- How do natural rights limit the government?
- What is meant by “limited government”?
- From where does government derive its just powers?
- Who are the governed?
- What does consent mean?
- What is self-government?
- What is the connection between consent, equality, and justice?
- What is the relationship between the state of nature, the social contract, and consent of the governed?
- What are the people free—and even obligated—to do if the government fails or violates its purpose?
- Ought it to be easy or frequent for a people to overthrow and replace its government? If not, under which circumstances may they do so?
- What is tyranny?
- How does the fact that America was founded with the words of the Declaration of Independence make America the exception in the history of nations, even exceptional?
- America is a country whose existence and purpose for existing rests on belief in and commitment to certain ideas its Founders asserted to be objectively true. What are these truths?

Lesson 3 | The Citizen and Self-Government

- What are the virtues and character necessary for freedom and self-government?
- How did the Founders promote morality?
- Why is self-reliance important for a free people?
- How is liberal education necessary for freedom and self-government?
- How does religion help promote morality and freedom?
- What is the free exercise of religion and why is it important?
- What is freedom of speech and why is it so crucial to freedom and self-government?
- What is the significance of property rights and work?
- What is the commercial republic and how does it shape character?
- How did the Founders think about the following:
 - economics
 - taxation
 - the protection of property
 - war and diplomacy
 - immigration
 - marriage and family
- Why were the Founders worried about partisanship? How did they attempt to overcome it?
- How did partisanship nonetheless arise?

Name _____

Date _____

Test — The Declaration of Independence

Unit 1

TERMS AND TOPICS

Explain each of the following and the context in which it was discussed during this unit's lessons.

1. Laws of Nature and of Nature's God

2. self-evident

3. morality

4. unalienable

5. self-government

6. rule of law

7. tyranny

8. freedom of speech

PRIMARY SOURCES

Explain the main arguments in each of the following sources and their significance to our understanding of the Declaration of Independence and the necessities for self-government.

9. Farewell Address, George Washington

10. The Northwest Ordinance

QUESTIONS FOR THE AMERICAN MIND

Answer each of the following. Complete sentences are not necessary, but correct spelling and writing should be employed, and responses must fully answer each question.

11. What does human equality mean in the statement, “all men are created equal”?

12. What are natural rights and why do human beings have them?

13. According to the Declaration of Independence, from where do natural rights come?
14. What does it mean to say that men are “endowed by their Creator” with the rights?
15. What is the purpose of government and its powers?
16. From where does government derive its just powers?
17. What are the people free—and even obligated—to do if the government fails or violates its purpose?
18. How does the fact that America was founded with the words of the Declaration of Independence make America the exception in the history of nations, even exceptional?
19. What is the free exercise of religion and why is it important?
20. What is the significance of property rights and work?

Writing Assignment — The Declaration of Independence

Unit 1

Due on _____

DIRECTIONS

Citing primary sources and conversations from class in your argument, write a 4–5 paragraph essay answering the question:

According to the Founders, what do people need to understand about themselves, about government, and about the kind of people they need to be in order to freely govern themselves?

APPENDIX B

Primary Sources

The Second Continental Congress

The Pilgrims

George Washington

John Adams

Thomas Jefferson

James Madison

The United States Congress

Alexander Hamilton

THE THIRTEEN UNITED STATES OF AMERICA

The Unanimous Declaration

A DECLARATION

July 4, 1776

Pennsylvania State House | Philadelphia, Pennsylvania

Declaration of Independence

BACKGROUND

The delegates from each colony at the Second Continental Congress announced their votes to form a new country separate from Great Britain in this statement to mankind that expounds both the principles on which this new country would be founded and the reasons they judged themselves justified to separate.

GUIDING QUESTIONS

1. Why do the United States believe they need to release a statement about their decision to form a country separate from Great Britain?
2. What do they consider about the truths they posit?
3. How are all men equal?
4. From where comes their rights?
5. What is the reason why people create governments?
6. From where comes a government's powers?
7. What may a people do if a government does not fulfill its ends?

"The Declaration of Independence," in *The U.S. Constitution: A Reader*, ed. Hillsdale College Politics Faculty (Hillsdale, MI: Hillsdale College Press, 2012), 5-9.

8. Although governments should not be changed for small reasons, when should the people change them?
9. Against which person does the Declaration of Independence level its charges?
10. What actions involving the military has this person carried out against the colonists?
11. What legal practices has this person violated?
12. What efforts have the colonists made to seek redress and reconciliation with Great Britain?
13. To whom do the representatives appeal for the justness of their intentions?
14. By whose authority do the representatives declare independence?
15. What do each of the representatives pledge to one another?

ANNOTATIONS

NOTES & QUESTIONS

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
5 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
10 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 estab-
15 lished should not be changed for light and transient causes; and accordingly all experience hath shown, 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
20 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
25 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, un-
30 less suspended in their operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

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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.

5 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.

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

15 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.

20 He has endeavored 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.

25 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.

30 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:

5

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:

10

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

For imposing Taxes on us without our Consent:

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

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

20 For abolishing the free System of English Laws in a neighboring 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:

25

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

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

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

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

10 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.

15 He has excited domestic insurrections amongst us, and has endeavored 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.

20 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 25 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.

30

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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

5 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

10 on the protection of divine Providence, we mutually pledge to each other our Lives, our Fortunes and our sacred Honor.

Georgia

Button Gwinnett, Lyman Hall, George Walton

15

North Carolina

William Hooper, Joseph Hewes, John Penn

South Carolina

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

Maryland

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

25 Virginia

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

Pennsylvania

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

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Delaware

Caesar Rodney, George Read, Thomas McKean

New York

5 William Floyd, Philip Livingston, Francis Lewis, Lewis Morris

New Jersey

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

10 New Hampshire

Josiah Bartlett, William Whipple, Matthew Thornton

Massachusetts

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

15

Rhode Island

Stephen Hopkins, William Ellery

Connecticut

20 Roger Sherman, Samuel Huntington, William Williams, Oliver Wolcott

THE UNDERSIGNED SUBJECTS OF KING JAMES

Agreement Between
the Settlers of New Plymouth

LAW

November 11, 1620

Mayflower | Off the Coast of Cape Cod

The Mayflower Compact

BACKGROUND

The settlers who traveled to the British possession of Virginia on the *Mayflower* drafted and signed this agreement pertaining to their governance before disembarking in the New World.

ANNOTATIONS

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IN THE NAME OF GOD, AMEN. We, whose names are underwritten, the Loyal Subjects of our dread Sovereign Lord King James, by the Grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, &c. Having undertaken for the Glory of God, and Advancement of the Christian Faith, and the Honour of our King and Country, a Voyage

5 to plant the first Colony in the northern Parts of Virginia; Do by these Presents, solemnly and mutually, in the Presence of God and one another, covenant and combine ourselves together into a civil Body Politick, for our better Ordering and Preservation, and Further-

10 ance of the Ends aforesaid: And by Virtue hereof do enact, constitute, and frame, such just and equal Laws, Ordinances, Acts, Constitutions, and Officers, from time to time, as shall be thought most meet and convenient for the general Good of the Colony; unto which we promise all due Submission and Obedience.

IN WITNESS whereof we have hereunto subscribed our names at Cape-Cod the eleventh of November, in the Reign of our Sovereign Lord King James, of England, France, and Ireland, the eighteenth, and of Scotland the fifty-fourth, Anno Domini; 1620.

"The Mayflower Compact," in *History of Plymouth Plantation* by William Bradford, ed. Charles Deane (Boston, 1856), 89-90.

PRESIDENT GEORGE WASHINGTON

Thanksgiving Proclamation

PROCLAMATION

October 3, 1789

Federal Hall | New York City, New York

BACKGROUND

President George Washington established a day of thanksgiving to God for peaceably establishing a new form of government, to be observed around the one-year anniversary of the new Constitution.

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By the President of the United States of America, a Proclamation.

Whereas it is the duty of all Nations to acknowledge the providence of Almighty God, to obey his will, to be grateful for his benefits, and humbly to implore his protection and favor—and whereas both Houses of Congress have by their joint Committee requested me
5 “to recommend to the People of the United States a day of public thanksgiving and prayer to be observed by acknowledging with grateful hearts the many signal favors of Almighty God especially by affording them an opportunity peaceably to establish a form of government for their safety and happiness.”

10 Now therefore I do recommend and assign Thursday the 26th day of November next to be devoted by the People of these States to the service of that great and glorious Being, who is the beneficent Author of all the good that was, that is, or that will be—That we may then all unite in rendering unto him our sincere and humble thanks—for his kind care and protection of the People of this Country previous to their becoming a Nation—for the signal
15 and manifold mercies, and the favorable interpositions of his Providence which we experienced in the course and conclusion of the late war—for the great degree of tranquility,

George Washington, “Thanksgiving Proclamation,” 3 October 1789, in *The Papers of George Washington*, “Presidential Series,” Vol. 4, 8 September 1789–15 January 1790, ed. Dorothy Twohig (Charlottesville: University Press of Virginia, 1993), 131–32.

Thanksgiving Proclamation
George Washington

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union, and plenty, which we have since enjoyed—for the peaceable and rational manner, in which we have been enabled to establish constitutions of government for our safety and happiness, and particularly the national One now lately instituted—for the civil and religious liberty with which we are blessed; and the means we have of acquiring and diffusing
5 useful knowledge; and in general for all the great and various favors which he hath been pleased to confer upon us.

And also that we may then unite in most humbly offering our prayers and supplications to the great Lord and Ruler of Nations and beseech him to pardon our national and other transgressions—to enable us all, whether in public or private stations, to perform our sev-
10 eral and relative duties properly and punctually—to render our national government a blessing to all the people, by constantly being a Government of wise, just, and constitutional laws, discreetly and faithfully executed and obeyed—to protect and guide all Sovereigns and Nations (especially such as have shewn kindness unto us) and to bless them with good government, peace, and concord—To promote the knowledge and practice of true religion
15 and virtue, and the encrease of science among them and us—and generally to grant unto all Mankind such a degree of temporal prosperity as he alone knows to be best.

Given under my hand at the City of New-York the third day of October in the year of our Lord 1789.

George Washington

PRESIDENT JOHN ADAMS (FEDERALIST)

To the Officers of the Militia of Massachusetts

LETTER

October 11, 1798
Quincy, Massachusetts

BACKGROUND

President John Adams responds to a message sent to him from the militia of his home state of Massachusetts.

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To the Officers of the first Brigade of the third Division of the Militia of Massachusetts

Quincy October 11. 1798

Gentlemen

I have received from Major General Hull and Brigadier General Walker your unanimous
5 Address from Lexington, animated with a martial Spirit and expressed with a military Dignity, becoming your Characters and the memorable Plains, in which it was adopted.

10 While our Country remains untainted with the Principles and manners, which are now producing desolation in so many Parts of the World: while she continues Sincere and incapable of insidious and impious Policy: We shall have the Strongest Reason to rejoice in the local destination assigned Us by Providence. But should the People of America, once become capable of that deep simulation towards one another and towards foreign nations, which assumes the Language of Justice and moderation while it is practicing Iniquity and Extravagance; and displays in the most captivating manner the charming Pictures of Candour frankness & sincerity while it is rioting in rapine and Insolence: this Country will be

John Adams, "From John Adams to Massachusetts Militia," 11 October 1798, Founders Online, National Archives, <https://founders.archives.gov/documents/Adams/99-02-02-3102>.

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the most miserable Habitation in the World. Because We have no Government armed with Power capable of contending with human Passions unbridled by morality and Religion. Avarice, Ambition Revenge or Galantry, would break the strongest Cords of our Constitution as a Whale goes through a Net. Our Constitution was made only for a moral and religious People. It is wholly inadequate to the government of any other

5

An Address so unanimous and firm from the officers commanding two thousand Eight hundred Men, consisting of such substantial Citizens as are able and willing at their own Expencc, compleatly to arm, And cloath themselves in handsome Uniforms does honor to that Division of the Militia which has done so much honor to their Country. Oaths, in this

10

Country, are as yet universally considered as Sacred Obligations. That which you have taken and so solemnly repeated on that venerable Spot is an ample Pledge of your sincerity, and devotion to your Country and its Government.

John Adams

PRESIDENT GEORGE WASHINGTON**To the People of America**

LETTER EXCERPTS

September 19, 1796

American Daily Advertiser | Philadelphia, Pennsylvania

Farewell Address

BACKGROUND

George Washington wrote this letter to the American people announcing his retirement from the Presidency after his second term. At the time, there were no term limits on the presidency.

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...For this you have every inducement of sympathy and interest. Citizens by birth or choice, of a common country, that country has a right to concentrate your affections. The name of American, which belongs to You, in your national capacity, must always exalt the just pride of Patriotism, more than any appellation derived from local discriminations. With slight
5 shades of difference, you have the same Religion, Manners, Habits and political Principles. You have in a common cause fought and triumphed together. The independence and liberty you possess are the work of joint councils, and joint efforts; of common dangers, sufferings and successes....

...[Y]ou have improved upon your first essay, by the adoption of a Constitution of Government, better calculated than your former for an intimate Union, and for the efficacious
10 management of your common concerns. This government, the offspring of our own 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, has a just claim to your
15 confidence and your support. Respect for its authority, compliance with its Laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true Liberty. The

George Washington, "Farewell Address," 19 September 1796, in *George Washington: A Collection*, ed. W. B. Allen (Indianapolis, IN: Liberty Fund, 1988), 512–17.

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basis of our political systems is the right of the people to make and to alter their Constitutions of Government. But the Constitution which at any time exists, 'til changed by an explicit and authentic act of the whole People, is sacredly obligatory upon all. The very idea of the power and the right of the People to establish Government presupposes the duty of
5 every Individual to obey the established Government....

I have already intimated to you the danger of Parties in the State, with particular reference to the founding of them on Geographical discriminations. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the Spirit of Party, generally.

10 This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human Mind. It exists under different shapes in all Governments, more or less stifled, controlled, or repressed; but, in those of the popular form, it is seen in its greatest rankness and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge
15 natural to party dissention, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries, which result, gradually incline the minds of men to seek security and repose in the absolute power of an Individual; and sooner or later the chief of some prevailing faction more able or more fortunate than his
20 competitors, turns this disposition to the purposes of his own elevation, on the ruins of Public Liberty.

Without looking forward to an extremity of this kind (which nevertheless ought not to be entirely out of sight) the common and continual mischiefs of the spirit of Party are sufficient to make it the interest and the duty of a wise People to discourage and restrain it.

25 It serves always to distract the Public Councils and enfeeble the Public administration. It agitates the Community with ill-founded jealousies and false alarms, kindles the animosity of one part against another, foment occasionally riot and insurrection. It opens the door

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to foreign influence and corruption, which find a facilitated access to the government itself through the channels of party passions. Thus the policy and the will of one country, are subjected to the policy and will of another.

5 There is an opinion that parties in free countries are useful checks upon the Administration of the government and serve to keep alive the spirit of Liberty. This within certain limits is probably true, and in Governments of a Monarchical cast Patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in Governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And
10 there being constant danger of excess, the effort ought to be, by force of public opinion to mitigate and assuage it. A fire not to be quenched; it demands a uniform vigilance to prevent its bursting into a flame, lest instead of warming, it should consume.

It is important, likewise, that the habits of thinking in a free Country should inspire caution in those entrusted with its administration, to confine themselves within their respective
15 Constitutional spheres; avoiding in the exercise of the powers of one department to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create whatever the form of government, a real despotism. A just estimate of that love of power, and proneness to abuse it, which predominates in the human heart is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power; by dividing and distributing it into different
20 depositories, and constituting each the Guardian of the Public Weal against invasions by the others, has been evinced by experiments ancient and modern, some of them in our country and under our own eyes. To preserve them must be as necessary as to institute them. If in the opinion of the People, the distribution or modification of the Constitutional
25 powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

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Of all the dispositions and habits which lead to political prosperity, Religion and morality are indispensable supports. In vain would that man claim the tribute of Patriotism, who should labor to subvert these great Pillars of human happiness, these firmest props of the duties of Men and citizens. The mere Politician, equally with the pious man ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths, which are the instruments of investigation in Courts of Justice? And let us with caution indulge the supposition, that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that National morality can prevail in exclusion of religious principle.

'Tis substantially true, that virtue or morality is a necessary spring of popular government. The rule indeed extends with more or less force to every species of free Government. Who that is a sincere friend to it, can look with indifference upon attempts to shake the foundation of the fabric.

Promote then as an object of primary importance, Institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it is essential that public opinion should be enlightened....

BOARD OF COMMISSIONERS OF THE UNIVERSITY OF VIRGINIA

Report of the Board of Commissioners

REPORT EXCERPTS

August 4, 1818
Rockfish Gap, Virginia

BACKGROUND

Thomas Jefferson and James Madison had a role in forming these ideas on education and the public support thereof as members of the Board of Commissioners for the University of Virginia.

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...The objects of this primary education determine its character and limits. These objects would be,

5 To give to every citizen the information he needs for the transaction of his own business;

To enable him to calculate for himself, and to express and preserve his ideas, his contracts and accounts, in writing;

To improve, by reading, his morals and faculties;

10 To understand his duties to his neighbors and country, and to discharge with competence the functions confided to him by either;

To know his rights; to exercise with order and justice those he retains; to choose with discretion the fiduciary of those he delegates; and to notice their conduct with diligence, with candor, and judgment;

"Report of the Board of Commissioners for the University of Virginia to the Virginia General Assembly," 4 August 1818," in *The Papers of James Madison*, "Retirement Series," Vol. 1, 4 March 1817–31 January 1820, ed. David B. Mattern, J. C. A. Stagg, Mary Parke Johnson, and Anne Mandeville Colony (Charlottesville: University of Virginia Press, 2009), 326–40.

And, in general, to observe with intelligence and faithfulness all the social relations under which he shall be placed.

5 To instruct the mass of our citizens in these, their rights, interests and duties, as men and citizens, being then the objects of education in the primary schools, whether private or public, in them should be taught reading, writing and numerical arithmetic, the elements of mensuration, (useful in so many callings,) and the outlines of geography and history.

And this brings us to the point at which are to commence the higher branches of education, of which the Legislature require the development; those, for example, which are,

10 To form the statesmen, legislators and judges, on whom public prosperity and individual happiness are so much to depend;

To expound the principles and structure of government, the laws which regulate the intercourse of nations, those formed municipally for our own government, and a sound spirit of legislation, which, banishing all arbitrary and unnecessary restraint on individual action, shall leave us free to do whatever does not violate the equal rights of another;

15

To harmonize and promote the interests of agriculture, manufactures and commerce, and by well informed views of political economy to give a free scope to the public industry;

20 To develop the reasoning faculties of our youth, enlarge their minds, cultivate their morals, and instill into them the precepts of virtue and order;

To enlighten them with mathematical and physical sciences, which advance the arts, and administer to the health, the subsistence, and comforts of human life;

And, generally, to form them to habits of reflection and correct action, rendering them examples of virtue to others, and of happiness within themselves.

25

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These are the objects of that higher grade of education, the benefits and blessings of which the Legislature now propose to provide for the good and ornament of their country, the gratification and happiness of their fellow-citizens, of the parent especially, and his progeny, on which all his affections are concentrated.

PRESIDENT GEORGE WASHINGTON**Annual Message to Congress**

SPEECH EXCERPTS

January 8, 1790

Senate Chamber, Federal Hall | New York City, New York

BACKGROUND

President George Washington gave this address as the first annual message to Congress on the state of the Union, as required per the Constitution.

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Fellow Citizens of the Senate, and House of Representatives...

Among the many interesting objects which will engage your attention, that of providing for the common defence will merit particular regard. To be prepared for war is one of the most effectual means of preserving peace....

- 5 Nor am I less persuaded, that you will agree with me in opinion, that there is nothing which can better deserve your patronage, than the promotion of Science and Literature. Knowledge is in every country the surest basis of publick happiness. In one, in which the measures of government receive their impression so immediately from the sense of the community, as in our's, it is proportionately essential. To the security of a free Constitu-
- 10 tion it contributes in various ways: By convincing those who are entrusted with the publick administration, that every valuable end of government is best answered by the enlightened confidence of the people: And by teaching the people themselves to know, and to value their own rights; to discern and provide against invasions of them; to distinguish between oppression and the necessary exercise of lawful authority; between burthens proceeding

George Washington, "First Annual Address," 8 January 1790, in *A Compilation of the Messages and Papers of the Presidents: Section 1 (of 4) of Volume 1: George Washington*, ed. James D. Richardson (New York : Bureau of National Literature, Inc., 1897; Project Gutenberg, 2004), <https://www.gutenberg.org/files/11314/11314.txt>.

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from a disregard to their convenience, and those resulting from the inevitable exigencies of society; to discriminate the spirit of liberty from that of licentiousness, cherishing the first, avoiding the last, and uniting a speedy, but temperate vigilance against encroachments, with an inviolable respect to the laws.

- 5 Whether this desirable object will be best promoted by affording aids to seminaries of learning already established, by the institution of a national university, or by any other expedients, will be well worthy of a place in the deliberations of the Legislature....

THE U.S. CONGRESS OF THE CONFEDERATION

An Ordinance for the Government of the Territory of the United States Northwest of the River Ohio

LAW EXCERPT

July 13, 1787

Federal Hall | New York City, New York

BACKGROUND

Congress passed the Northwest Ordinance to provide the governing structure for all of the territories of the young United States, lands that would later become the states of Ohio, Indiana, Illinois, Michigan, and Wisconsin.

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Article III

Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged. The utmost good faith shall always be observed towards the Indians; their lands and property shall
5 never be taken from them without their consent; and in their property, rights, and liberty they never shall be invaded or disturbed unless in just and lawful wars authorized by Congress; but laws founded in justice and humanity shall, from time to time, be made, for preventing wrongs being done to them, and for preserving peace and friendship with them....

"The Northwest Ordinance," in *The U.S. Constitution: A Reader*, ed. Hillsdale College Politics Faculty (Hillsdale, MI: Hillsdale College Press, 2012), 121-27.

REP. JAMES MADISON (VA)

“Property”

ESSAY

March 27, 1792

The National Gazette | Philadelphia, Pennsylvania

BACKGROUND

James Madison included this essay as part of a series of articles he wrote for *The National Gazette* in the early years of American government under the Constitution.

GUIDING QUESTIONS

1. What are the two senses of the word "property" according to Madison?
2. In what way can man's rights, opinions, and the use of his faculties be his property?
3. According to Madison, what must a government do to secure the various senses of property?

James Madison, “Property,” 27 March 1792, in *The Papers of James Madison*, Vol. 14, ed. William T. Hutchinson, et al. (Chicago: University of Chicago Press, 1983), 266–68.

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This term in its particular application means “that dominion which one man claims and exercises over the external things of the world, in exclusion of every other individual.”

In its larger and juster meaning, it embraces every thing to which a man may attach a value and have a right; and which leaves to every one else the like advantage.

- 5 In the former sense, a man’s land, or merchandise, or money is called his property.

In the latter sense, a man has a property in his opinions and the free communication of them.

He has a property of peculiar value in his religious opinions, and in the profession and practice dictated by them.

- 10 He has a property very dear to him in the safety and liberty of his person.

He has an equal property in the free use of his faculties and free choice of the objects on which to employ them.

In a word, as a man is said to have a right to his property, he may be equally said to have a property in his rights.

- 15 Where an excess of power prevails, property of no sort is duly respected. No man is safe in his opinions, his person, his faculties, or his possessions.

Where there is an excess of liberty, the effect is the same, though from an opposite cause.

- 20 Government is instituted to protect property of every sort; as well that which lies in the various rights of individuals, as that which the term particularly expresses. This being the end of government, that alone is a just government, which impartially secures to every man, whatever is his own.

According to this standard of merit, the praise of affording a just securing to property, should be sparingly bestowed on a government which, however scrupulously guarding the possessions of individuals, does not protect them in the enjoyment and communication of

their opinions, in which they have an equal, and in the estimation of some, a more valuable property.

5 More sparingly should this praise be allowed to a government, where a man’s religious rights are violated by penalties, or fettered by tests, or taxed by a hierarchy. Conscience is the most sacred of all property; other property depending in part on positive law, the exercise of that, being a natural and unalienable right. To guard a man’s house as his castle, to pay public and enforce private debts with the most exact faith, can give no title to invade a man’s conscience which is more sacred than his castle, or to withhold from it that debt of protection, for which the public faith is pledged, by the very nature and original conditions
10 of the social pact.

That is not a just government, nor is property secure under it, where the property which a man has in his personal safety and personal liberty, is violated by arbitrary seizures of one class of citizens for the service of the rest. A magistrate issuing his warrants to a press gang, would be in his proper functions in Turkey or Indostan, under appellations proverbial of
15 the most complete despotism.

That is not a just government, nor is property secure under it, where arbitrary restrictions, exemptions, and monopolies deny to part of its citizens that free use of their faculties, and free choice of their occupations, which not only constitute their property in the general sense of the word; but are the means of acquiring property strictly so called. What must be
20 the spirit of legislation where a manufacturer of linen cloth is forbidden to bury his own child in a linen shroud, in order to favor his neighbour who manufactures woolen cloth; where the manufacturer and wearer of woolen cloth are again forbidden the economical use of buttons of that material, in favor of the manufacturer of buttons of other materials!

A just security to property is not afforded by that government, under which unequal taxes
25 oppress one species of property and reward another species: where arbitrary taxes invade the domestic sanctuaries of the rich, and excessive taxes grind the faces of the poor; where the keenness and competitions of want are deemed an insufficient spur to labor, and taxes

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are again applied, by an unfeeling policy, as another spur; in violation of that sacred property, which Heaven, in decreeing man to earn his bread by the sweat of his brow, kindly reserved to him, in the small repose that could be spared from the supply of his necessities.

5 If there be a government then which prides itself in maintaining the inviolability of property; which provides that none shall be taken directly even for public use without indemnification to the owner, and yet directly violates the property which individuals have in their opinions, their religion, their persons, and their faculties; nay more, which indirectly violates their property, in their actual possessions, in the labor that acquires their daily subsistence, and in the hallowed remnant of time which ought to relieve their fatigues and
10 soothe their cares, the influence will have been anticipated, that such a government is not a pattern for the United States.

If the United States mean to obtain or deserve the full praise due to wise and just governments, they will equally respect the rights of property, and the property in rights: they will rival the government that most sacredly guards the former; and by repelling its example in
15 violating the latter, will make themselves a pattern to that and all other governments.

LUCIUS CRASSUS (ALEXANDER HAMILTON)

The Examination Number VII

ARTICLE

January 7, 1802

New-York Evening Post | New York City, New York

BACKGROUND

Alexander Hamilton wrote this article examining President Thomas Jefferson's message to Congress at the beginning of his presidency.

GUIDING QUESTIONS

1. According to Hamilton, what are the several principles that ought to govern immigration?

Alexander Hamilton, "The Examination Number VII," 7 January 1802, in *The Papers of Alexander Hamilton*, Vol. 25, July 1800–April 1802, ed. Harold C. Syrett (New York: Columbia University Press, 1977), 491–95.

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The next exceptionable feature in the Message, is the proposal to abolish all restriction on naturalization, arising from a previous residence. In this the President is not more at variance with the concurrent maxims of all commentators on popular governments, than he is with himself. The Notes on Virginia are in direct contradiction to the Message, and furnish us with strong reasons against the policy now recommended. The passage alluded to is here presented: Speaking of the *population* of America, Mr. Jefferson there says, "Here I will beg leave to propose a doubt. The present desire of America, is to produce rapid population, by as great *importations of foreigners* as possible. *But is this founded in good policy?*" "Are there no inconveniences to be thrown into the scale, against the advantage expected from a multiplication of numbers, by the *importation of foreigners*? It is for the happiness of those united in society, to harmonize as much as possible, in matters which they must of necessity transact together. Civil government being the sole object of forming societies, its administration must be conducted by common consent. Every species of government has its specific principles: Ours, perhaps, are more peculiar than those of any other in the universe. *It is a composition of the freest principles of the English Constitution*, with others, derived from natural right and reason. To these, nothing can be more opposed than the maxims of absolute monarchies. Yet from such, we are to expect the *greatest number of emigrants*. *They will bring with them the principles of the governments they leave, imbibed in their early youth; or if able to throw them off, it will be in exchange for an unbounded licentiousness, passing as is usual, from one extreme to another. It would be a miracle were they to stop precisely at the point of temperate liberty. Their principles with their language, they will transmit to their children.* In proportion to their numbers, *they will share with us in the legislation*. They will infuse into it their spirit, warp and bias its direction, and render it a *heterogeneous, incoherent, distracted mass*. I may appeal to experience, during the present contest, for a verification of these conjectures: but if they be not certain in event, are they not possible, are they not probable? *Is it not safer to wait with patience for the attainment of any degree of population desired or expected?* May not our government be more homogeneous, *more peaceable, more durable?* Suppose 20 millions of republican Americans, thrown all of a sudden into France, what would be the condition of that kingdom? If it would be more turbulent, less happy, less strong, we may believe that the addition of half a

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million of foreigners, to our present numbers, would produce a similar effect here.” Thus wrote Mr. Jefferson in 1781....

5 ...The impolicy of admitting foreigners to an immediate and unreserved participation in the right of suffrage, or in the sovereignty of a Republic, is as much a received axiom as any thing in the science of politics, and is verified by the experience of all ages. Among other instances, it is known, that hardly any thing contributed more to the downfall of Rome, than her precipitate communication of the privileges of citizenship to the inhabitants of Italy at large. And how terribly was Syracuse scourged by perpetual seditions, when, after the overthrow of the tyrants, a great number of foreigners were suddenly admitted to the rights of citizenship? Not only does ancient but modern, and even domestic history furnish 10 evidence of what may be expected from the dispositions of foreigners, when they get too early footing in a country. Who wields the sceptre of France, and has erected a Despotism on the ruins of a Republic? A foreigner. Who rules the councils of our own ill-fated, unhappy country? And who stimulates persecution on the heads of its citizens, for daring to maintain an opinion, and for exercising the rights of suffrage? *A foreigner!* Where is the virtuous pride that once distinguished Americans? Where the indignant spirit which in defence of principle, hazarded a revolution to attain that independence now *insidiously* attacked?

LUCIUS CRASSUS

UNIT 2**The United States Constitution**

40-50-minute classes | 12-17 classes

UNIT PREVIEW

Structure

LESSON 1	The Principles of the Constitution	3-4 classes	p. 7
LESSON 2	The Congress	2-3 classes	p. 14
LESSON 3	The Presidency	2-3 classes	p. 18
LESSON 4	The Judiciary	1-2 classes	p. 23
LESSON 5	The Bill of Rights	2-3 classes	p. 26
APPENDIX A	Study Guide, Test, Writing Assignment		p. 31
APPENDIX B	Primary Sources		p. 43

Why Teach the United States Constitution

“[I]t seems to have been reserved to the people of this country, by their conduct and example, to decide the important question, whether societies of men are really capable or not of establishing good government from reflection and choice, or whether they are forever destined to depend for their political constitutions on accident and force.” Thus wrote Alexander Hamilton in the opening paragraph of *Federalist 1* in support of the newly proposed United States Constitution. Indeed, it is the Constitution that gives institutional form to the principles of the Declaration of Independence. The Constitution is the vehicle for the American experiment in self-government. Study of the Constitution therefore shows students how and *that* human beings are able to govern themselves in freedom, securing the equal protection of rights and the dignity of

each person through reflection, deliberation, and choice. This is a significant thing for students to grasp, for if the Constitution cannot achieve these ends, then force and violence are the only alternatives left to humankind. It is important for students to understand how and why the Framers formed the three branches and how they were intended to operate. This unit also covers the added safeguards to freedom in the first ten amendments to the Constitution: The Bill of Rights.

What Teachers Should Consider

The idea and presence of a constitution is so ubiquitous to Americans that we forget how it was really the U.S. Constitution that made constitutions so common and expected. With this familiarity comes a lack of consideration of the uniqueness of the U.S. Constitution not only for being the first and oldest written constitution, but especially of the carefully discerned principles on which it rests.

The first of these is the rule of law, a principle that was not new but that was restored from antiquity through the Magna Carta and the English law tradition. The American colonists inherited this legal tradition and practiced it in the colonies for a century and a half in the colonies. Violations of the rule of law were at the heart of the colonists' complaints against the British.

After the Revolution, it was of great significance to construct a government that would preserve the rule of law and create structures and processes that would ward against its violations....

After treating of the main principles that the framers brought to bear on the Constitution, it passes next to examine the actual text of the Constitution. The different articles lay out the structure, selection, and powers of each branch of the federal government. It is here that students come to see how the principles of the Constitution informed the way that the federal government is structured and how it functions.

The chief goal behind every clause to the Constitution is to allow the people to govern but to do so justly, that is, without violating the rights of the minority. The importance of representation, therefore, underlies every consideration. Students should be asked to identify this principle as it functions within each branch of the government and how certain requirements of the Constitution seek to foster good representation.

At the same time, the Constitution limits the power of each branch and official. In the event that good representatives gain power—but given the nature of human beings with respect to power—the Constitution sets guardrails for how much power a branch can accumulate and how that power is wielded. Ultimately, every government decision comes back to the will of the people through elections.

In addition to making these connections between principles and practice, students must learn the simple facts of how the federal government is composed and how it functions. This information is necessary to being a well-informed citizen. Fortunately, students' background knowledge in the principles of the Constitution lend such straightforward study an additional degree of understanding and appreciation. The facts of governing through the Constitution are significant because they were carefully determined, the product of reflective thought and experience. Their historical success, moreover, is a testimony to how well conceived they turned out to be.

Finally, the addition of the Bill of Rights is worthy of careful study on the part of students. Contentious at the time of the ratification debates, the Bill of Rights has proven to be a bulwark against government violations of rights. Students should examine them closely and tie their inclusion both to historical situations which the framers had recently experienced and to the principles of the Declaration of Independence.

How Teachers Can Learn More

TEXTS

<i>The U.S. Constitution: A Reader</i> , ed. Hillsdale College Politics Faculty	Chapters 4–6
<i>We Still Hold These Truths</i> , Matthew Spalding	Chapters 5–7
<i>The Federalist</i> , Alexander Hamilton, James Madison, and John Jay	
<i>American Government and Politics</i> , Joseph Bessette and John Pitney	Chapters 2, 3, 12, 13, 15

ONLINE COURSES | [Online.Hillsdale.edu](https://online.hillsdale.edu)

Introduction to the Constitution
Constitution 101
The Federalist Papers

Primary Sources Studied in This Unit

The U.S. Constitution
Federalist 10
Federalist 51
 The Bill of Rights

LESSON PLANS, ASSIGNMENTS, AND FORMATIVE QUIZ

Lesson 1 — The Principles of the Constitution

3-4 classes

LESSON OBJECTIVE

Students learn about the main ideas and principles that the Founders had in mind when they organized the government through the Constitution.

ONLINE COURSES FOR TEACHERS | Online.Hillsdale.edu

<i>Introduction to the Constitution</i>	Lectures 4, 5, 6, 7, 8
<i>Constitution 101</i>	Lectures 1, 3, 4
<i>The Federalist Papers</i>	Lecture 1, 2, 3, 4, 5

PRIMARY SOURCES

The following primary sources are potential readings for students. Teachers should use their discretion based on grade level ability in deciding which texts to share with students. The texts may be assigned for homework, read together in class, or simply read aloud by the teacher. Some texts include guiding reading questions to assist students in the event that the text is assigned for homework. Students should annotate the texts either in preparation for or during a seminar conversation. Teachers should not feel it necessary to assign all of the texts, especially in light of grade level considerations.

The U.S. Constitution
The Federalist, Nos. 10 and 51

TERMS AND TOPICS

Articles of Confederation	majority tyranny
Constitution	federalism
power	local government
union	state government
republic	federal government
representation	township
representative democracy	republic
direct democracy	enumerated powers
extended sphere	separation of powers
human nature	branch
interest	checks and balances
faction	
parties	

QUESTIONS FOR THE AMERICAN MIND

- In light of the weaknesses and failures of the Articles of Confederation, why did the Federalists believe a Constitution was necessary?
- What is the relationship between the Declaration of Independence and the Constitution?
- What was *The Federalist* and what was its purpose?
- How is representative democracy distinct from direct democracy?
- How is representation supposed to lead to the creation of better laws?
- According to *The Federalist*, what are the virtues and limitations of human nature?
- What did the Framers think about the tendencies of power?
- What is the danger with factions and parties?
- Why did *The Federalist* believe a larger country would help prevent the danger of majority tyranny from factions?
- What is federalism? What are its advantages?
- What are the distinctions among the local, state, and federal governments?
- What are your state and local governments?
- What is separation of powers? Why does the Constitution separate the powers of government?
- What are checks and balances? What is their purpose?
- How did the Constitution balance freedom (majority rule) and justice (preserving minority rights)?
- Questions from the U.S. Civics Test:
 - Question 1: What is the form of government of the United States?
 - Question 2: What is the supreme law of the land?
 - Question 3: Name one thing the U.S. Constitution does.
 - Question 4: The U.S. Constitution starts with the words “We the People.” What does “We the People” mean?
 - Question 10: Name two important ideas from the Declaration of Independence and the U.S. Constitution.
 - Question 13: What is the rule of law?
 - Question 14: Many documents influenced the U.S. Constitution. Name one.
 - Question 15: There are three branches of government. Why?
 - Question 16: Name the three branches of government.
 - Question 58: Name one power that is only for the federal government.
 - Question 59: Name one power that is only for the states.
 - Question 82: What founding document was written in 1787?
 - Question 83: The Federalist Papers supported the passage of the U.S. Constitution. Name one of the writers.
 - Question 84: Why were the Federalist Papers important?
 - Question 86: George Washington is famous for many things. Name one.
 - Question 88: James Madison is famous for many things. Name one.
 - Question 89: Alexander Hamilton is famous for many things. Name one.

KEYS TO THE LESSON

The Constitution should be studied in two steps. The first explores the principles the framers had in mind when they were crafting the form of government. This is essential for understanding the Constitution, for without the underlying principles the form seems conventional and just one of many constitutions in history. The second part to instruction involves learning about the actual structure and function of the government under the Constitution. This lesson is concerned first with the principles and how exceptional and carefully the framers considered them.

Teachers might best plan and teach the Principles of the Constitution with emphasis on the following approaches.

- Survey with students the various main forms of government from which America is distinct, including pure democracy, monarchy, aristocracy, oligarchy, theocracy, autocracy, socialist, communist, fascist, etc.
- Review with students the structure of the Articles of Confederation and the issues that emerged under such a structure. The Articles were drafted by Americans wary of a strong central government in light of their experience with the British. They wanted to keep the states as independent as possible. To prevent the national government from becoming too powerful, the second Article asserted the sovereignty of each state except in case when a power is explicitly delegated to the United States Congress. While united on some matters of foreign policy, the Articles would prove to be ineffective as a federal government charter, because they did not provide a strong and unified executive, and they had no power to enforce laws or levy taxes to pay for the expenses of government.
- Proceed to considering the issues that dominated the 1780s, especially the debt cancellation laws by states (a clear example of majority tyranny) and the event that impressed upon George Washington and James Madison the importance of reforming the Articles: Shays' Rebellion.
- Review with students their history knowledge concerning past experiments with democratic government. Democracies and republics had historically been short-lived because of two primary faults. The first was the tyranny of the majority, when the rights of the minority are trampled by the majority. Second was the ineptitude of democratic governments. Such a government was usually inefficient, weak, divided, and susceptible to the passions of the mob. Factions divided the institutions of such a regime. The result was civil war or conquest by an outside nation. The Constitution intended to form a government that would preserve the benefits of republicanism while guarding against its defects.
- Note for students the senses in which the Framers believed they were in the best position to achieve a free, self-governing republic in 1787, as opposed to previous times. The Framers argued that certain experiences and intelligent thinkers had helped mankind learn from past failures and improve the science of politics. This improved science of politics included the principles of the separation of powers, the office of an independent judiciary serving lifetime appointments, representatives selected by the people, and the extended sphere of a nation's geographic size. This did not mean that they believed human nature changed or improved or that people and governments naturally evolve to become better over time. Human nature, as with all natures, was and is unchanging and therefore would always be prone to certain faults in character and intellect. So, too, would governments, as people are those who govern.

- Help students to appreciate the difficulty of what the delegates to the Constitutional Convention were attempting to do. They had to account, above all, for human nature, mitigating its negative tendencies while channeling its neutral and good tendencies toward constructive governance. Simultaneously, the delegates had to account for the myriad interests and situations of the various states. The issue of how the people and the states would be represented was a chief contention, one that resulted in a bicameral legislature with different means of representation. Other results were strong debates and compromises over the question of slavery.
- Introduce students briefly to the origins and purpose of *The Federalist*, including the backgrounds and roles of their principal authors, James Madison and Alexander Hamilton. It is worth noting that each would disagree strongly with one another on future issues, but on the Constitution, they found common ground, a good model for civil dialogue today.
- Consider with students the main arguments in *Federalist* 10 and 51. These key documents should afford a review of the principles of the Declaration of Independence and the problems of the Articles of Confederation while also illustrating the purposes of the Constitution. The form of the Constitution follows its function with respect to human nature and the purposes for which governments are established, per the Declaration of Independence. *The Federalist* explains both of these functions and the nature of men.
- Make sure students are mindful of the overall goals toward which the Founders directed every decision: freedom and self-government. In other words, they needed to arrange the government and distribute powers so as to enable representatives chosen by the people to protect the rights of the people while avoiding tyranny, either by the one, the few, or the many.
- Spend some time considering the Preamble to the Constitution. It is remarkable in stating two things: first, what the purposes of the government established by the Constitution are to be, and second, that it is the people who are establishing it for these purposes. Students should be able to relate everything mentioned in the Constitution to both of these elements of the Preamble: how does each arrangement achieve these stated purposes of government; and how does it reflect the consent of the governed?
- Ask about the source and purpose of a government's power. Review how the Declaration of Independence claims that government power comes from the free consent of the people, and ask students to identify whether and how the Constitution accomplishes that goal.
- Clarify that the Constitution establishes a republic, not a democracy. In a pure democracy the people make all legislative decisions by direct majority vote; in a republic, the people elect certain individuals to represent their interests in deliberating and voting. The deliberations and voting record of representatives should usually reflect but should also be more refined than that of the entire people voting directly. Sometimes this distinction is described in terms of direct democracy vs. representative democracy.
- Describe the American Founders' understanding of human nature. They understood human nature to be fixed and unchanging, good but also flawed and tending toward corrupting power. In response to human nature, government must guard against the opposite dangers of lawlessness and tyranny, accounting for the realities of human nature and rejecting the possibility of utopia.
- Show how the Constitution does not deny, demonize, or elevate human nature, but rather seeks to channel the powers of human beings into constructive institutions while mitigating man's baser tendencies. In brief, the Constitution is constructed on a deep and accurate understanding of fixed human nature born of the Founders' knowledge of history, their own experience, and their prudence.

- Emphasize for students the reality of majority tyranny. There is a straightforward though mistaken belief nowadays that justice is the rule of the majority and that 51 percent of the people have a moral right to impose whatever they wish on the 49 percent. The Founders rejected this idea of democracy and morality as “might makes right.” They asserted objective standards of right and wrong by which government must abide in protecting rights if it is to be a just government. The Framers of the Constitution were chiefly concerned with allowing the will of the majority to rule—thereby guaranteeing the consent of the governed—while still preserving the rights of the minority and thereby securing justice.
- Note with students how powers are enumerated, thus limiting the scope of government activity afforded by the Constitution, a key feature of limited government.
- Consider how the Constitution repeatedly structures federal institutions to refine and enlarge the will of the people.
- Explain to students how the extended territory under American rule was thought to prevent majority tyranny by taking in a wider array of opinions and interests, many of which depended on geography, with the ties of occupation, culture, and religious beliefs that are connected to a certain location. To achieve a majority in government the representatives would have to achieve a broad consensus on the issues, meaning that only the most universally held positions would be possible to enact.
- Explain the importance of the principles of federalism and the separation of powers, and why these ideas are central to the Constitution’s safeguards against the corrupting tendency of power.
- Distinguish the focus of the federal government compared to the state governments.
- Highlight how the separation of powers (along with checks and balances between the branches) is the key “mechanism” of the Constitution. Remind students that the separation of powers is not an arbitrary design, but serves two purposes: 1) it upholds the rule of law (and good government) by focusing government on its core functions of making law, enforcing law, and adjudicating law; and 2) it preserves liberty (and limited government) by preventing the accumulation of power in the hands of any one branch, which Madison defines as the very definition of tyranny. The system of checks and balances encourages each branch to protect its own powers and to do its assigned duty. The separation of powers coupled with checks and balances was intended to prevent the defects of republican government (namely, the tyrannical rule of a majority faction) while retaining what was good: the consent of the governed under the constitutional rule of law.
- Have students converse about the importance of the rule of law. With deep historical roots (especially British constitutional history and particular events such as the Magna Carta), the rule of law is a general concept of government that is straightforward but extremely important and historically rare. First, it states that all of the governed abide by the law and are equally protected by the law; and second, that even those who govern must abide by the same law. It means that everyone—citizens and government officials alike—should be governed by agreed-upon rules that apply equally to everyone, rather than by the arbitrary judgment of government officials applying one set of rules to the governed and a separate set to themselves. The law is above any one person or group of people and their interests, and everyone is equally accountable to the law. John Adams put it simply when he described the purpose of a constitution government as “a government of laws, not of men.”

STRENGTHENING UNDERSTANDING: POST-LESSON ASSIGNMENT

Assignment: What are the main ideas the Framers kept in mind as they designed the government through the Constitution? (1–2 paragraphs).

Lesson 2 — The Congress

2-3 classes

LESSON OBJECTIVE

Students learn how the Constitution structures the federal legislature to ensure that the will of the people is both expressed as well as refined and enlarged by the people’s representatives to effect good government.

ONLINE COURSES FOR TEACHERS | Online.Hillsdale.edu

The Federalist Papers
Congress

Lecture 6
Lectures 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12

PRIMARY SOURCES

Students may read and annotate the following primary source(s), either at home or together in class. Using their annotations and the below questions, lead students through a seminar conversation on each text.

The U.S. Constitution, Articles I and IV

TERMS AND TOPICS

legislature
legislative power
Virginia Plan
New Jersey Plan
Great Compromise
bill
Congress
bicameralism
House of Representatives

Senate
term
refine and enlarge
majority/minority leader
lame duck
filibuster
Speaker of the House
17th Amendment

QUESTIONS FOR THE AMERICAN MIND

- Which purposes and powers does Congress have?
- How does the Constitution place and structure the legislative power in the Congress?
- What is bicameralism, and what are its advantages?
- What are the similarities and differences between the structure of the House of Representatives and the Senate?
- What are the requirements for becoming a Representative or Senator? Why are they different?
- How does one become Representative or Senator?
- What are the chief characteristics of the House of Representatives, and why?
- What are the chief characteristics of the Senate, and why?

- How does representation itself and the differences between the House of Representatives and the Senate combine to refine and enlarge the will of the people?
- How does a bill become a law?
- How can Congress check and balance the power of the president?
- How can Congress check and balance the power of the judiciary?
- Questions from the U.S. Civics Test:
 - Question 18: What part of the federal government writes laws?
 - Question 19: What are the two parts of the U.S. Congress?
 - Question 20: Name one power of the U.S. Congress.
 - Question 21: How many U.S. senators are there?
 - Question 22: How long is a term for a U.S. senator?
 - Question 24: How many voting members are in the House of Representatives?
 - Question 25: How long is a term for a member of the House of Representatives?
 - Question 26: Why do U.S. representatives serve shorter terms than U.S. senators?
 - Question 27: How many senators does each state have?
 - Question 28: Why does each state have two senators?
 - Question 31: Who does a U.S. senator represent?
 - Question 32: Who elects U.S. senators?
 - Question 33: Who does a member of the House of Representatives represent?
 - Question 34: Who elects members of the House of Representatives?
 - Question 35: Some states have more representatives than other states. Why?

KEYS TO THE LESSON

The legislative power and the Congress that holds it are the most quintessentially American facets to government in the United States. Composed of the elected representatives of the American people, Congress embodies self-government in America. Hence it is listed first among the three equal branches of government. Its bicameral structure satisfied both large and small states and has proven to be a bulwark against the accumulation of power and against momentary passions that sweep through the country while carrying out government's core function of making law. While representation in and of itself seeks to elevate the will of the majority through relatively talented and mindful Representatives, the further refinement and broadening of legislation through the Senate brings an additional safeguard. Prudent and effective legislation supported by a broad legislative consensus was the goal the Framers had in mind when forming the Congress. For all of these reasons, over much of American history, the Congress has operated as the core representative branch—and thus the heart—of American constitutional government. Historically, its power had been great and intentionally so. The two houses had brought and, to lesser extent, continue to bring their unique characters together to form laws most representative of the American citizenry. The structure and functions of Congress are manifold but also inspiring, for it is the clearest expression of the people governing themselves. Students should come away from this unit knowing both the mechanics and functions of Congress today and how they have changed from the original intentions of the Founders.

Teachers might best plan and teach the Congress with emphasis on the following approaches:

- Throughout this lesson, have students consider how the Constitution repeatedly structures the government to refine and enlarge public opinion so as to reflect their consent through the rule of law.
- Help students to understand the very meaningful words *legislative*, *executive*, *judicial*, and *power*. All four words are not merely conventions but are full of significance. In fact, they are true to the very nature of the rule of law. They connote the act of lawmaking, the act of enforcing the law made, and the act of determining whether the law has been violated, either by an individual against a specific law, or by a law itself against the Supreme Law of the Land, the Constitution.
- Clarify for students that under the Constitution the United States is not a democracy but rather a republic. The main distinction is that in a pure democracy, everyone votes on actually making every law, and the only factor to consider in enacting a law is 51 percent of the people. In a republic, the people elect certain of the fellow citizens to represent their views and interests in deliberating and making decisions. The deliberations and voting record of representatives should not only reflect the opinions of the people they represent but also their settled concerns and common good as understood by the representative. How well they have represented the opinions and good of their constituents is determined by election of those being represented. Other terms relevant to these distinctions are *direct democracy* versus *representative democracy*.
- Ask students why the Constitution begins by describing the legislative power and legislative branch. The reason is Congress is most connected with the people at large. Lawmaking is the chief governing act, and in a democratic republic, it is the representatives of the people who do the lawmaking. Students should understand how very different the locus of lawmaking and power is today when one considers the present executive, judiciary, and bureaucracy.
- Have students discuss and understand the purpose of the main legislative powers granted to Congress. Students should be able to connect each of these powers with the purposes of the Constitution as outlined in the Preamble. The structure, character, and operation of Congress are designed in the way most fitting to the function of lawmaking, that is, to exercise the power of making law on behalf of (or as representatives of) the people. Make clear that the legislative power is vested uniquely in the legislative branch, not in the federal government as a whole or in another branch.
- Have students understand clearly the requirements for holding office in the House of Representatives and the Senate and the terms of office. Students should be able to account for the differences and what it means for the purposes and manner of legislating in each body: namely, that the House is more reflective and responsive to the people, while the Senate is more deliberative and refining of the majority will.
- Teach about the House of Representatives in light the appropriateness of the quantity of representatives that the Constitution had originally set and the quality required of such representatives, including the ways in which the Constitution seeks to ensure such individuals are more likely to be elected. The teacher may review *Federalist* Nos. 55 and 57 in preparation.
- Teach about the Senate, paying special attention to how the Senate is structured and chosen, and how these features provide stability and wisdom to the legislature while strengthening federalism and the role of states in the federal government structure. The teacher may review *Federalist* Nos. 62 and 63 in preparation. It is worth noting how the 17th Amendment in 1913 altered this arrangement and changed the role played by the Senate.
- Outline in general some of the more prominent offices and committees within Congress and the process of how laws are made.

- Explain how Congressmen and Congresswomen address constituent relations.
- Spend time on the unique powers each house has, why they have those powers, and how the powers are carried out, for example, the confirmation of appointees, ratification of treaties, introducing appropriations bills, and impeaching and conducting impeachment trials.

STRENGTHENING UNDERSTANDING: POST-LESSON ASSIGNMENT

Assignment: Explain the overall powers of Congress and why Congress, as opposed to other branches, has these powers (1–2 paragraphs).

Lesson 3 — The Presidency

2-3 classes

LESSON OBJECTIVE

Students learn how the Constitution arranges the executive power in the presidency and the purposes and powers of the office.

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The Federalist Papers

Lecture 7

The Presidency and the Constitution

Lectures 1, 2, 3, 4, 5, 6, 7, 8, 9

PRIMARY SOURCES

Students may read and annotate the following primary source(s), either at home or together in class. Using their annotations and the below questions, lead students through a seminar conversation on each text.

The U.S. Constitution, Article II

TERMS AND TOPICS

executive power

bully pulpit

presidency

State of the Union address

Electoral College

foreign policy

term

vice president

veto power

War Powers Resolution

impeachment

pardoning power

cabinet

impeachment

Commander-in-Chief

12th, 20th, 22nd, and 25th Amendments

presidential oath

QUESTIONS FOR THE AMERICAN MIND

- What were the debates about the presidency at the Constitutional Convention?
- What is the executive power? Why do we need a president?
- What purposes and powers does the presidency have?
- What are the requirements for becoming president?
- How does one become president?
- What are the chief characteristics of the presidency, and why?
- What is the Electoral College, how did it originally work, and what is its purpose?
- What was the purpose of the State of the Union address?
- How has the role of the president changed as political parties have changed?

- Explain the role of the president in relation to foreign policy. What powers does he have and not have?
- How can the president check and balance the power of the Congress?
- How can the president check and balance the power of the judiciary?
- Questions from the U.S. Civics Test:
 - Question 17: The President of the United States is in charge of which branch of government?
 - Question 36: The President of the United States is elected for how many years?
 - Question 37: The President of the United States can serve only two terms. Why?
 - Question 38: What is the name of the President of the United States now?
 - Question 39: What is the name of the Vice President of the United States now?
 - Question 40: If the president can no longer serve, who becomes president?
 - Question 41: Name one power of the president.
 - Question 42: Who is Command in Chief of the U.S. military?
 - Question 43: Who signs bills to become laws?
 - Question 44: Who vetoes bills?
 - Question 45: Who appoints federal judges?
 - Question 46: The executive branch has many parts. Name one.
 - Question 47: What does the President’s cabinet do?
 - Question 48: What are two Cabinet-level positions?
 - Question 49: Why is the Electoral College important?

KEYS TO THE LESSON

The office of president demonstrated some of the most significant changes the Framers put into the Constitution, compared to the Articles of Confederation. The Framers saw the need of a stronger executive, especially in the area of representing the United States on the world stage and in providing for the nation’s security and carrying out its foreign policy. The president’s first responsibility, however, was simply to enforce the laws passed by Congress. The Constitution states the bounds of this authority with respect to Congress in the Constitution’s charge that the president “take care that the laws be faithfully executed.” In this sense, the president is beholden to the legislature and to the law. It is his job to carry out the law as it is created by the legislature. This means he is neither to create laws nor fail to enforce them. His main check on the legislative power is his veto, and even that may be overridden by Congress. Once a law is passed, and only once it has been passed, does the president simply make sure people follow the law. In American history, the presidency has acquired an outsized regard for its importance and prestige. This is owing partly to the talents of exceptional presidents, partly to later reinventions of the office, and partly to America’s growth into a superpower in which foreign policy and the head of state have played a more prominent role in the world. Still, students should understand that the original intention for the office was to execute laws passed by Congress, uphold the rule of law, and defend the Constitution. The executive office has a character of its own: law enforcement, which ultimately means that the president exists to provide the necessary force behind law, which does not come about naturally. Students should understand these features of executive power as well as how the presidency functions.

Teachers might best plan and teach the Presidency with emphasis on the following approaches:

- Consider with students the nature of executive power and its ultimate reliance on a fear of losing liberty, property, or even life, should appeals to virtue and right conduct fail to elicit an adherence to the law by citizens.
- Examine with students Publius's arguments for the presidency and the necessity of an energetic executive, especially the unity (one person) that is necessary for "decision, activity, secrecy, and dispatch" in executive actions. The teacher may review *Federalist 70* in preparation.
- Share with students that the office of the president was crafted by the Framers with both hindsight and foresight. On one hand, they had learned that the legitimate concern of the Articles of Confederation to prevent executive tyranny resulted in a weak if non-existent executive with no independent power to enforce the laws or conduct foreign policy. The Constitution defined the proper ground by creating the president vested with the executive power to enforce the law and administer the affairs of government at home and abroad while also preventing and checking executive tyranny. On the other hand, the Founders created the office with the knowledge that George Washington—who had already relinquished his military authority as general—would assuredly be the first president to exercise these powers and in doing so set precedents for the future. They were confident he would do so with vigor but also with prudence and justice for the sake of establishing the Constitution.
- Note for students that the president's executive power in Article II is a general grant of power, not "herein granted" or enumerated as in Article I. While Congress has great powers to control and influence the means of the president, especially through its control of the budget, the presidency is designed to embody the executive power of government, primarily enforcing all the laws enacted by Congress but also maintaining the rule of law, seeing to the nation's security, and conducting the nation's foreign policy.
- Make sure students know the requirements for being president and the kind of individual the Framers believed would be best for the office.
- Explain the circumstances under which the president can exercise the powers of Commander-in-Chief. Students should be aware that, as the most popular branch, only Congress has the power to declare war, while the president has the power to carry out that declaration and otherwise direct the armed forces in circumstances of military necessity. Emphasize for students how a unique trait of the American armed forces is that they are under civilian control, in particular a civilian, elected president, checked by Congress (and a Supreme Court), subservient to the Constitution and the rule of law.
- Read aloud and discussion with students the president's unique oath of office, found in Article II, Section 1, Clause 8: "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."
- Clarify with students how the Electoral College works and why the Founders decided on this process for choosing the president. The first original reason was to provide a way for the people's representatives in the states to check against a tyrannical or fraudulent choice of the president, a purpose which most states abandoned when they enacted laws tying a state's choice of electors to the state's popular vote and then usually requiring those electors to be faithful to the state's popular vote. The second reason was to ensure that presidential candidates would have to pay attention to the interests and opinions of all the states and their populations. This prevented regional and encourage national candidates, and forced presidential candidates to address the concerns not merely of large population centers like cities but also of rural and more remote populations. Together with the equal representation among states in the Senate, the Electoral

College has discouraged majority tyranny in favor of a broader and more settled national consensus. Explain the Electoral College system as intended by the Founders and as it functions today.

- Make sure students understand how the presidency operates in the twenty-first century, with its various personnel and the responsibilities and roles the White House has acquired over the years. Spend time discussing the cabinet, the armed forces, and the bureaucratic agencies. Consider the president's role in foreign policy and in appointing members of the judiciary.
- Survey and discuss with students the various amendments to the Constitution that have changed the role and functioning of the president and the executive branch, namely the 12th, 20th, 22nd, and 25th Amendments. Students should consider the merits and consequences of each change to the presidency.

STRENGTHENING UNDERSTANDING: POST-LESSON ASSIGNMENT

Assignment: Explain the overall powers of the presidency and why the presidency, as opposed to other branches, has these powers (1–2 paragraphs).

Unit 3 — Formative Quiz

Covering Lessons 1-3
10-15 minutes

DIRECTIONS: Answer each question in at least one complete sentence.

1. How is representative democracy distinct from direct democracy?
2. What did the Framers think about the tendencies of power?
3. What is federalism? What are its advantages?
4. What is separation of powers? Why does the Constitution separate the powers of government?
5. What are the chief characteristics of the House of Representatives, and why?
6. What are the chief characteristics of the Senate, and why?
7. What are the chief characteristics of the presidency, and why?

Lesson 4 — The Judiciary

1-2 classes

LESSON OBJECTIVE

Students learn about the judicial power in the Constitution and about the Supreme Court’s power of judicial review.

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The Federalist Papers
The U.S. Supreme Court

Lecture 8
 Lecture 1

PRIMARY SOURCES

Students may read and annotate the following primary source(s), either at home or together in class. Using their annotations and the below questions, lead students through a seminar conversation on each text.

The U.S. Constitution, Article III

TERMS AND TOPICS

judicial power
 Supreme Court
 coequality of branches
 Judiciary Act of 1789
 appellate courts
 jurisdiction

original jurisdiction
 appellate jurisdiction
Marbury v. Madison
 judicial review

QUESTIONS FOR THE AMERICAN MIND

- Which purposes and powers does the Supreme Court have?
- How does the Constitution place and structure the judicial power in the Supreme Court?
- What are the requirements for becoming a justice?
- How does one become a justice?
- What are the chief characteristics of the Supreme Court, and why?
- What is judicial review? How was the power first claimed and asserted?
- Who has the power to establish “lesser courts”?
- How can the judiciary check and balance the power of the president?
- How can the judiciary check and balance the power of Congress?
- To whom are elected officials and the Constitution itself ultimately subject?
- Questions from the U.S. Civics Test:
 - Question 2: What is the supreme law of the land?
 - Question 13: What is the rule of law?

- Question 50: What is one part of the judicial branch?
- Question 51: What does the judicial branch do?
- Question 52: What is the highest court in the United States?
- Question 53: How many seats are on the Supreme Court?
- Question 54: How many Supreme Court justices are usually needed to decide a case?
- Question 55: How long do Supreme Court justices serve?
- Question 56: Supreme Court justices serve for life. Why?

KEYS TO THE LESSON

In many respects, the Supreme Court was not given much consideration by the founding generation. The relatively minimal amount of detail and deliberation concerning the judiciary may have been the result of the rather straightforward nature of the judicial power: to use reason to judge whether or not a law has been violated in particular cases. The keys to exercising such a power, which has historic origins, depended on the wisdom of the judge as well as their understanding of the law. The requirement that the more deliberative Senate would have to consent to an elected president's appointment of federal judges acted as a check against judicial tyranny. A key innovation the Framers brought to the judiciary was making it separate from the lawmaking and law-enforcing parts of the government and independent by lifetime appointment. The coequality of the judiciary was also an important element in enacting the separation of powers to ensure that justice would be effectively served. Most important was that the judiciary would be the constant guard of the Constitution and the rule of law.

Teachers might best plan and teach the Judiciary with emphasis on the following approaches:

- Explain that the judicial power is vested by Article III in the Supreme Court and in such inferior Courts as Congress creates by law. The judicial power (and the judiciary's function) is to decide (or adjudicate) the "cases and controversies" that come before the courts according to the jurisdiction assigned by the Constitution or by Congress.
- Point out that the key to understanding the role of the judiciary in upholding the rule of law is that the "Constitution, and the Laws of the United States which shall be made in Pursuance thereof" is "the supreme Law of the Land" (Article VI). This means not only that all laws consistent with the Constitution must be followed but also that the Constitution is above ordinary laws.
- Explain that while lower court decision may be appealed, the decisions of the Supreme Court in particular cases before it are final. While the precedents of the Supreme Court (the doctrine of *stare decisis*) are important for instructing lower courts and predicting how the Supreme Court might decide similar cases in the future, the precedent of a particular case is neither final nor absolute. Significant cases (such as *Dred Scott v. Sandford* in 1857 and *Plessy v. Ferguson* in 1896) have been overturned years later despite the Court's earlier decisions.
- Teach how Publius explains and defends the judicial power and the principle of judicial review—the authority of the courts to declare a law unconstitutional. It is important to note what Publius considered the role of the judge to be: not a legislator who makes laws but rather an impartial judge in a particular case who will uphold and apply the law fairly. In carrying out the judicial power, the judge must also support and defend the Constitution, which means that in making their decisions they are obligated to side with the Constitution if a law is inconsistent with the

“supreme Law of the Land.” The judge must therefore interpret the laws and the Constitution. In doing so they should look at the intentions of Congress in making the laws, and to the courts’ own precedents, but most important they should abide by the original meaning of the Constitution as the intent expressed by the American people. The teacher may review *Federalist 78* in preparation.

- Explain that while judicial review is rightly understood as a crucial element implied in the Constitution’s grant of judicial power, this does not mean that the Supreme Court has either the only or the final say over the Constitution and its meaning. Each branch of government is responsible to the Constitution as the source and extent of their authority, and are obligated to uphold it in carrying out their constitutional duties. This means Congress should consider the constitutionality of the laws it passes (and repeal those it considers unconstitutional), presidents should veto bills that they believe are unconstitutional and execute laws only in a constitutional manner, and that courts should strike down laws that are inconsistent with the Constitution. Nevertheless, when the three branches are at odds about the Constitution, the sovereign people have the final say as to the meaning of the Constitution by electing legislators who will make different laws, presidents who will appoint different judges, or by amending the Constitution itself. No singular branch has a monopoly on what the Constitution means.
- Teach students about how the Supreme Court decisions *Marbury v. Madison* debated and asserted the idea of judicial review that had been previewed in *The Federalist*. As explained above, note how the argument for judicial review asserted by the Supreme Court in *Marbury v. Madison* is distinct from judicial absolutism or judicial finality.
- Note for students how Congress began to establish lesser courts, per the Constitution, with the Judiciary Act of 1789. Students should be generally familiar with lower courts established throughout American history, their jurisdictions, and the general workings of lawsuits, trials, etc.

STRENGTHENING UNDERSTANDING: POST-LESSON ASSIGNMENT

Assignment: Explain the overall structure and powers of the Supreme Court and lesser courts, and why the judiciary, as opposed to other branches, has these powers (1-2 paragraphs).

Lesson 5 — The Bill of Rights

2-3 classes

LESSON OBJECTIVE

Students learn about the arguments for and against a Bill of Rights, what each of the first ten amendments to the Constitution protects, and why each was included and written the way it was.

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The Federalist Papers

Lecture 9

Civil Rights in American History

Lecture 2

PRIMARY SOURCES

Students may read and annotate the following primary source(s), either at home or together in class. Using their annotations and the below questions, lead students through a seminar conversation on each text.

The U.S. Constitution, Articles V-VII

The Bill of Rights

TERMS AND TOPICS

Bill of Rights

freedom of the press

freedom of religion

right to assembly

free exercise

right to bear arms

establishment clause

due process

freedom of speech

QUESTIONS FOR THE AMERICAN MIND

- What is the process for amending the Constitution?
- Why does the Constitution make it so hard for it to be amended?
- What were the arguments for and against a Bill of Rights?
- What do each of the following amendments in the Bill of Rights guarantee and why: 1st, 2nd, 4th, 5th, 9th, and 10th?
- What is the origin of the rights protected in the Bill of Rights?
- How does religion help promote morality and freedom?
- What is the free exercise of religion and why is it important?
- What is freedom of speech and why is it so crucial to freedom and self-government?
- Why does the 2nd Amendment make it evident that the Founders found it necessary to guarantee to private citizens the right to possess tools used for their self-defense?
- What is due process? Why is it such an important legal guarantor of freedom?

- Questions from the U.S. Civics Test:
 - Question 5: How are changes made to the U.S. Constitution?
 - Question 7: How many amendments does the U.S. Constitution have?
 - Question 60: What is the purpose of the 10th Amendment?
 - Question 65: What are three rights of everyone living in the United States?

KEYS TO THE LESSON

The genius of the Bill of Rights was in the recognition that while future changes would produce new debates on government power, there nevertheless were fundamental rights not subject to change. Some sort of absolute prohibition that makes clear what is nonnegotiable seemed prudent. It is important to note that the list of rights guaranteed by the Constitution did not indicate a view by the framers that rights came from the government. Rather, these rights were recognized as fundamentals which no government created or may violate. What is somewhat remarkable about this list of rights is how universal they are now considered. That is in many respects owing to their articulation and inclusion by the framers in America.

Teachers might best plan and teach the Bill of Rights with emphasis on the following approaches:

- Before looking at the Bill of Rights itself, read with students Articles V-VII of the Constitution. Students should be familiar with what these Articles, particularly concerning the amendment process and the status of the Constitution in the American constitutional system of law. Remind them that the Bill of Rights are ten amendments to the Constitution but do not replace or redefine the main Constitution as the main bulwark of liberty.
- Teach students about the Anti-Federalists' concerns with the Constitution, the arguments for and against a Bill of Rights, and how the Federalists ultimately convinced key states to support the Constitution by guaranteeing to add a Bill of Rights if it was ratified.
- Lead students through a complete reading of the Bill of Rights. Pause frequently to ask students questions on the various parts of the text. Sometimes the Bill of Rights comes across as special rights that the government has given to the people (and, therefore, may conceivably take away). This is not the case. These are fundamental rights recognized and protected by the Constitution. The people may point to and claim these rights when government threatens them.
- Help students understand how the rights found in the Bill of Rights are related to the preservation of life, liberty, property, or the pursuit of happiness, or how they answer some of the grievances in the Declaration of Independence or problems discovered under the Articles of Confederation. Spend time especially considering the 1st, 2nd, 4th, 5th, 9th, and 10th Amendments and the following guarantees:
 - Religious Liberty: When the Founders wrote that "Congress shall make no law respecting an establishment of religion," they were not at all against religion playing a significant public role in society. But they did not want to establish an official church and creed, because they feared this would become a threat to "the free exercise of religion," which was also protected in the First Amendment. They wanted to encourage and protect religious belief and exercise from a government that was either hostile to religion in general or to a specific religion, as was the case in other countries where church and state were not officially separated. The Founders emphatically believed that religion was necessary to promote morality, to shape civil society, and to form virtuous, responsible,

wise, and caring citizens. They believed that government should encourage and support religion in general. But they did not think the government should endorse or fund one single, official church or do anything to obstruct the people from exercising their religious faith.

- Freedom of Speech: It is essential for any free society to have freedom of speech for citizens to hold government accountable and to discuss and debate ideas. Freedom of speech helps society to flourish by promoting the sharing of ideas, innovations, scientific thought, and virtue. The Founders also wanted to keep politicians and the government accountable to the people by allowing for the free expression of ideas in support of or critical of elected officials' choices and character. Freedom of the Press applies freedom of speech to printed speech as well.
 - Freedom of Assembly and to Petition. Any group of citizens can gather without the government's permission as long as their activities are peaceful. Similarly, citizens have the right to make their interests known to the government, including to specific branches of the government and specific elected members of the government.
 - The Right of Self-Defense: The right to bear arms reflects two essential principles: 1) individuals have a natural right to protect and defend their own lives, families, and property against the tyrannical actions of another person; and 2) citizens may protect their own lives, families, and properties against the tyrannical actions of the government itself. The right to bear arms protects citizens' ability and right to counter any attempt at oppression by the government.
 - Due Process: Due process is the legal process that every person under the rule of law is due as a matter of equal justice. It establishes that any deprivations of a person's natural rights to life, liberty, and property must be accompanied by a legal process in which the law was already a law at the time of being violated and in which the opportunity to defend one's innocence is afforded. Innocence is presumed until evidence is judged in a fair trial to prove guilt. All are equal before the law and are guaranteed the same fair and impartial justice and the equal protection of the law. The right of the criminally accused to a jury of their peers (meaning fellow citizens) is also an important and long established element of due process. This ensures that the government's executives and judges are held accountable to public opinion and that those judging whether a law was broken are those who could one day have that same judgment applied to them, thus ensuring a fair trial and verdict.
- Explain that the Founders did not believe the Bill of Rights encompassed all the rights of men in society. While some of the rights in the Bill of Rights are natural rights, others are generally civil rights (rights existing in law) intended to preserve certain natural rights, particularly from the misapplication of government power. Many of these rights, moreover, require prudential judgment to determine if they have been violated in a particular instance. There are certainly other natural and civil rights retained by the people that might not be listed in the Constitution. Note that the 9th Amendment suggests and guarantees just that.
 - Discuss how the 10th Amendment was written to affirm that any other powers that are not delegated to the government by the Constitution are reserved to the States or to the people. By this amendment, the Constitution recognizes that key powers remain with the States, which have the general authority over the safety and well-being of their state citizens. It also means (especially when read in conjunction with the 9th Amendment) that the ultimate sovereign are the people,

who are endowed with all rights and (as a result) are the only ones who can delegate any power to government.

STRENGTHENING UNDERSTANDING: POST-LESSON ASSIGNMENT

Assignment: Explain the meaning and importance of the freedom of religion, the freedom of speech, the right to bear arms, and the 10th Amendment (2–3 paragraphs).

APPENDIX A

Study Guide

Test

Writing Assignment

Study Guide — The United States Constitution Test

Unit 2

Test on _____

TERMS AND TOPICS

Explain each of the following and the context in which it was discussed during this unit's lessons.

Articles of Confederation	separation of powers	vice president
Constitution	branch	judicial power
union	checks and balances	Supreme Court
republic	legislative power	coequality of branches
representative democracy	bill	jurisdiction
direct democracy	Congress	<i>Marbury v. Madison</i>
extended sphere	bicameralism	judicial review
human nature	House of Representatives	Bill of Rights
faction	Senate	freedom of religion
majority tyranny	term	free exercise
federalism	Speaker of the House	establishment clause
local government	executive power	freedom of speech
state government	presidency	freedom of the press
federal government	veto power	right to assembly
township	impeachment	right to bear arms
republic	cabinet	due process
enumerated powers	Commander-in-Chief	

PRIMARY SOURCES

Explain the main arguments in each of the following sources and their significance to understanding the United States Constitution.

The U.S. Constitution
Federalist 10
Federalist 51
 The Bill of Rights

QUESTIONS FOR THE AMERICAN MIND

Based on notes from lessons and seminar conversations, answer each of the following.

Lesson 1 | The Principles of the Constitution

- What is the relationship between the Declaration of Independence and the Constitution?
- How is representative democracy distinct from direct democracy?
- How is representation supposed to lead to the creation of better laws?

- According to *The Federalist*, what are the virtues and limitations of human nature?
- What is the danger with factions and parties?
- Why did *The Federalist* believe a larger country would help prevent the danger of majority tyranny from factions?
- What is federalism? What are its advantages?
- What are the distinctions among the local, state, and federal governments?
- What is separation of powers? Why does the Constitution separate the powers of government?
- What are checks and balances? What is their purpose?

Lesson 2 | The Congress

- Which purposes and powers does Congress have?
- What is bicameralism, and what are its advantages?
- What are the requirements for becoming a Representative or Senator? Why are they different?
- How does one become Representative or Senator?
- What are the chief characteristics of the House of Representatives, and why?
- What are the chief characteristics of the Senate, and why?
- How does representation itself and the differences between the House of Representatives and the Senate combine to refine and enlarge the will of the people?
- How does a bill become a law?
- How can Congress check and balance the power of the president?
- How can Congress check and balance the power of the judiciary?

Lesson 3 | The Presidency

- What is the executive power? Why do we need a president?
- What purposes and powers does the presidency have?
- What are the requirements for becoming president?
- How does one become president?
- What are the chief characteristics of the presidency, and why?
- What is the Electoral College, how did it originally work, and what is its purpose?
- What was the purpose of the State of the Union address?
- Explain the role of the president in relation to foreign policy. What powers does he have and not have?
- How can the president check and balance the power of the Congress?
- How can the president check and balance the power of the judiciary?

Lesson 4 | The Judiciary

- Which purposes and powers does the Supreme Court have?
- What are the requirements for becoming a justice?
- How does one become a justice?
- What are the chief characteristics of the Supreme Court, and why?
- What is judicial review? How was the power first claimed and asserted?
- Who has the power to establish “lesser courts”?
- How can the judiciary check and balance the power of the president?

- How can the judiciary check and balance the power of Congress?
- To whom are elected officials and the Constitution itself ultimately subject?

Lesson 5 | The Bill of Rights

- Why does the Constitution make it so hard for it to be amended?
- What do each of the following amendments in the Bill of Rights guarantee and why: 1st, 2nd, 4th, 5th, 9th, and 10th?
- How does religion help promote morality and freedom?
- What is the free exercise of religion and why is it important?
- What is freedom of speech and why is it so crucial to freedom and self-government?
- Why does the 2nd Amendment make it evident that the Founders found it necessary to guarantee to private citizens the right to possess tools used for their self-defense?
- What is due process? Why is it such an important legal guarantor of freedom?

Name _____

Date _____

Test — The United States Constitution

Unit 2

TERMS AND TOPICS

Explain each of the following and the context in which it was discussed during this unit's lessons.

1. representative democracy

2. majority tyranny

3. federalism

4. enumerated powers

5. legislative power

6. executive power

7. judicial power

8. judicial review

PRIMARY SOURCES

Explain the main arguments in each of the following sources and their significance to our understanding of the United States Constitution.

9. *Federalist 10*

10. *Federalist 51*

QUESTIONS FOR THE AMERICAN MIND

Answer each of the following. Complete sentences are not necessary, but correct spelling and writing should be employed, and responses must fully answer each question.

11. How is representation supposed to lead to the creation of better laws?

12. What is separation of powers? Why does the Constitution separate the powers of government?

13. Which purposes and powers does Congress have?

14. How can Congress check and balance the power of the president?

15. What purposes and powers does the presidency have?

16. Explain the role of the president in relation to foreign policy. What powers does he have and not have?

17. What is judicial review? How was the power first claimed and asserted?

18. To whom are elected officials and the Constitution itself ultimately subject?

19. Why does the 2nd Amendment make it evident that the Founders found it necessary to guarantee to private citizens the right to possess tools used for their self-defense?

20. What is due process? Why is it such an important legal guarantor of freedom?

Writing Assignment — The United States Constitution

Unit 2

Due on _____

DIRECTIONS

Citing primary sources and conversations from class in your argument, write a 4–5 paragraph essay answering the question:

How does the Constitution attempt to make sure the best people (wisest, honest, most talented, dutiful to the people they represent, etc.) are making, enforcing, and judging laws so that the laws that result are the most just?

APPENDIX B

Primary Sources

The American People

James Madison

THE PEOPLE OF THE UNITED STATES OF AMERICA

The Constitution

LAW

March 4, 1789
United States of America

BACKGROUND

Delegates to the Constitutional Convention drafted and the states ratified this Constitution, forming the second national government for the United States of America.

ANNOTATIONS

NOTES & QUESTIONS

Preamble

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

"The Constitution of the United States of America," in *The U.S. Constitution: A Reader* (Hillsdale, MI: Hillsdale College Press, 2012), 47-66.

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
5 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 enu-
10 meration 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
15 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 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.
20 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
25 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.

5 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.

10 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.

15 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.

20 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 choosing 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.

25 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 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.

10 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
15 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
20 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
25 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
 5 (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 pre-
 10 sented 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
 15 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
 20 Indian Tribes;

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

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

25 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;

5 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;

10 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;

15 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;

20 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

25 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.

- 5 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.

- 10 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.

- 15 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.

- 20 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.

- 25 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.

5 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

10 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:

15 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.

20 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, 25 then the House of Representatives shall immediately choose 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
5 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
10 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,
15 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,
20 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
25 Constitution of the United States."

Section 2. The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of

the executive Departments, upon any subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offenses against the United States, except in Cases of Impeachment.

5 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
10 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
15 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,
20 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

25 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

Behavior, and shall, at stated Times, receive for their Services a Compensation, which shall not be diminished during their Continuance in Office.

5 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,
10 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
15 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.

20 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
25 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 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 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
5 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
10 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 Con-
15 federation.

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 notwithstand-
20 ing.

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
25 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.

5 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.

10 George Washington—

President and deputy from Virginia

Delaware

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

15 **Maryland**

James McHenry, Daniel of St. Thomas Jenifer, Daniel Carroll

Virginia

John Blair, James Madison, Jr.

North Carolina

20 William Blount, Richard Dobbs Spaight, Hugh Williamson

South Carolina

John Rutledge, Charles Cotesworth Pinckney, Charles Pinckney, Pierce Butler

ANNOTATIONS

Georgia

William Few, Abraham Baldwin

New Hampshire

John Langdon, Nicholas Gilman

5 **Massachusetts**

Nathaniel Gorham, Rufus King

Connecticut

William Samuel Johnson, Roger Sherman

New York

10 Alexander Hamilton

New Jersey

William Livingston, David Brearley, William Paterson, Jonathan Dayton

Pennsylvania

15 Benjamin Franklin, Thomas Mifflin, Robert Morris, George Clymer, Thomas FitzSimons, Jared Ingersoll, James Wilson, Gouverneur Morris

Attest William Jackson Secretary

Amendments to the Constitution of the United States of America

Amendment I

Ratified December 15, 1791

5 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

Ratified December 15, 1791

10 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

Ratified December 15, 1791

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.

15 **Amendment IV**

Ratified December 15, 1791

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

Amendment V

Ratified December 15, 1791

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
 5 forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

10 Amendment VI

Ratified December 15, 1791

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 na-
 15 ture and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.

Amendment VII

Ratified December 15, 1791

20 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.

25

Amendment VIII

Ratified December 15, 1791

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

5 **Amendment IX**

Ratified December 15, 1791

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

Amendment X

10 Ratified December 15, 1791

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

Amendment XI

Ratified February 7, 1795

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

Amendment XII

Ratified June 15, 1804

20 The Electors shall meet in their respective states and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all per-

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

Amendment XIII

Ratified December 6, 1865

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

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

Amendment XIV

Ratified July 9, 1868

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

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

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

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

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

Amendment XV

10 Ratified February 3, 1870

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

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

15 **Amendment XVI**

Ratified February 3, 1913

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

20 **Amendment XVII**

Ratified April 8, 1913

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

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

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

Amendment XVIII

Ratified January 16, 1919

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

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

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

Amendment XIX

- 20 Ratified August 18, 1920

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

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

Amendment XX

Ratified January 23, 1933

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

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

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

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

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

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

Amendment XXI

Ratified December 5, 1933

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

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

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

Amendment XXII

Ratified February 27, 1951

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

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

25

Amendment XXIII

Ratified March 29, 1961

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

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

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

Amendment XXIV

Ratified January 23, 1964

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

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

Amendment XXV

- 20 Ratified February 10, 1967

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

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

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

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

Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive department or of such other body as Congress may by law provide, transmit within four days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within forty-eight hours for that purpose if not in session. If the Congress, within twenty-one days after receipt of the latter written declaration, or, if Congress is not in session, within twenty-one days after Congress is required to assemble, determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of his office, the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office.

25

Amendment XXVI

Ratified July 1, 1971

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

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

Amendment XXVII

Ratified May 7, 1992

No law varying the compensation for the services of the Senators and Representatives shall
10 take effect, until an election of Representatives shall have intervened.

PUBLIUS (JAMES MADISON)

Federalist No. 10

ESSAY EXCERPTS

November 22, 1787

Daily Advertiser | New York City, New York

BACKGROUND

Publius (James Madison) argues for the proposed Constitution by explaining the risks of factions and majority tyranny and how the Constitution addresses them.

GUIDING QUESTIONS

1. How does Madison define faction?
2. How is faction part of human nature?
3. How is minority faction solved?
4. What is the solution for majority faction?
5. What is the role of elected representatives in solving the problem of faction?
6. How does a large republic address the problem of majority faction?
7. What are the concerns of a republic being too large or too small?

"Federalist 10," in *The U.S. Constitution: A Reader*, ed. Hillsdale College Politics Faculty (Hillsdale, MI: Hillsdale College Press, 2012), 231-37.

The Union as a Safeguard Against Domestic Faction and Insurrection

Among the numerous advantages promised by a well-constructed Union, none deserves to be more accurately developed than its tendency to break and control the violence of faction....

- 5 By a faction I understand a number of citizens, whether amounting to a majority or minority of the whole, who are united and actuated by some common impulse of passion, or of interest, adverse to the rights of other citizens, or to the permanent and aggregate interests of the community....

10 The latent causes of faction are thus sown in the nature of man; and we see them everywhere brought into different degrees of activity, according to the different circumstances of civil society. A zeal for different opinions concerning religion, concerning government, and many other points, as well as speculation as of practice; an attachment to different leaders ambitiously contending for preeminence and power; or to persons of other descriptions whose fortunes have been interesting to the human passions, have, in turn, divided
15 mankind into parties, inflamed them with mutual animosity, and rendered them much more disposed to vex and oppress each other than to cooperate for their common good. So strong is this propensity of mankind to fall into mutual animosities that where no substantial occasion presents itself the most frivolous and fanciful distinctions have been sufficient to kindle their unfriendly passions and excite their most violent conflicts. But the most
20 common and durable source of factions has been the various and unequal distribution of property. Those who hold and those who are without property have ever formed distinct interests in society. Those who are creditors, and those who are debtors, fall under a like discrimination. A landed interest, a manufacturing interest, a mercantile interest, a moneyed interest, with many lesser interests, grow up of necessity in civilized nations, and divide
25 them into different classes, actuated by different sentiments and views. The regulation of these various and interfering interests forms the principal task of modern legislation and involves the spirit of party and faction in the necessary and ordinary operations of government....

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The inference to which we are brought is that the *causes* of faction cannot be removed and that relief is only to be sought in the means of controlling its *effects*.

5 If a faction consists of less than a majority, relief is supplied by the republican principle, which enables the majority to defeat its sinister views by regular vote. It may clog the administration, it may convulse the society; but it will be unable to execute and mask its violence under the forms of the Constitution. When a majority is included in a faction, the form of popular government, on the other hand, enables it to sacrifice to its ruling passion or interest both the public good and the rights of other citizens. To secure the public good and private rights against the danger of such a faction, and at the same time to preserve the
10 spirit and the form of popular government, is then the great object to which our inquiries are directed. Let me add that it is the great desideratum by which alone this form of government can be rescued from the opprobrium under which it has so long labored and be recommended to the esteem and adoption of mankind.

15 By what means is this object attainable? Evidently by one of two only. Either the existence of the same passion or interest in a majority at the same time must be prevented, or the majority, having such coexistent passion or interest, must be rendered, by their number and local situation, unable to concert and carry into effect schemes of oppression. If the impulse and the opportunity be suffered to coincide, we well know that neither moral nor religious motives can be relied on as an adequate control. They are not found to be such on
20 the injustice and violence of individuals, and lose their efficacy in proportion to the number combined together, that is, in proportion as their efficacy becomes needful.

From this view of the subject it may be concluded that a pure democracy, by which I mean a society consisting of a small number of citizens, who assemble and administer the government in person, can admit of no cure for the mischiefs of faction. A common passion
25 or interest will, in almost every case, be felt by a majority of the whole; a communication and concert result from the form of government itself; and there is nothing to check the inducements to sacrifice the weaker party or an obnoxious individual. Hence it is that such democracies have ever been spectacles of turbulence and contention; have ever been found

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incompatible with personal security or the rights of property; and have in general been as short in their lives as they have been violent in their deaths. Theoretic politicians, who have patronized this species of government, have erroneously supposed that by reducing mankind to a perfect equality in their political rights, they would at the same time be perfectly equalized and assimilated in their possessions, their opinions, and their passions.

A republic, by which I mean a government in which the scheme of representation takes place, opens a different prospect and promises the cure for which we are seeking. Let us examine the points in which it varies from pure democracy, and we shall comprehend both the nature of the cure and the efficacy which it must derive from the Union.

10 The two great points of difference between a democracy and a republic are: first, the delegation of the government, in the latter, to a small number of citizens elected by the rest; secondly, the greater number of citizens and greater sphere of country over which the latter may be extended.

The effect of the first difference is, on the one hand, to refine and enlarge the public views by passing them through the medium of a chosen body of citizens, whose wisdom may best discern the true interest of their country and whose patriotism and love of justice will be least likely to sacrifice it to temporary or partial considerations. Under such a regulation it may well happen that the public voice, pronounced by the representatives of the people, will be more consonant to the public good than if pronounced by the people themselves, convened for the purpose. On the other hand, the effect may be inverted. Men of factious tempers, of local prejudices, or of sinister designs, may, by intrigue, by corruption, or by other means, first obtain the suffrages, and then betray the interests of the people. The question resulting is, whether small or extensive republics are most favorable to the election of proper guardians of the public weal; and it is clearly decided in favor of the latter by two obvious considerations.

In the first place it is to be remarked that however small the republic may be the representatives must be raised to a certain number in order to guard against the cabals of a few; and that however large it may be they must be limited to a certain number in order to guard

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against the confusion of a multitude. Hence, the number of representatives in the two cases not being in proportion to that of the two constituents, and being proportionally greatest in the small republic, it follows that if the proportion of fit characters be not less in the large than in the small republic, the former will present a greater option, and consequently a greater probability of a fit choice.

In the next place, as each representative will be chosen by a greater number of citizens in the large than in the small republic, it will be more difficult for unworthy candidates to practise with success the vicious arts by which elections are too often carried; and the suffrages of the people being more free, will be more likely to center on men who possess the most attractive merit and the most diffusive and established characters.

It must be confessed that in this, as in most other cases, there is a mean, on both sides of which inconveniences will be found to lie. By enlarging too much the number of electors, you render the representative too little acquainted with all their local circumstances and lesser interests; as by reducing it too much, you render him unduly attached to these, and too little fit to comprehend and pursue great and national objects. The federal Constitution forms a happy combination in this respect; the great and aggregate interests being referred to the national, the local and particular to the State legislatures.

The other point of difference is the greater number of citizens and extent of territory which may be brought within the compass of republican than of democratic government; and it is this circumstance principally which renders factious combinations less to be dreaded in the former than in the latter. The smaller the society, the fewer probably will be the distinct parties and interests composing it; the fewer the distinct parties and interests, the more frequently will a majority be found of the same party; and the smaller the number of individuals composing a majority, and the smaller the compass within which they are placed, the more easily will they concert and execute their plans of oppression. Extend the sphere and you take in a greater variety of parties and interests; you make it less probable that a majority of the whole will have a common motive to invade the rights of other citizens; or if such a common motive exists, it will be more difficult for all who feel it to discover their

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own strength and to act in unison with each other. Besides other impediments, it may be remarked that, where there is a consciousness of unjust or dishonorable purposes, communication is always checked by distrust in proportion to the number whose concurrence is necessary.

- 5 Hence, it clearly appears that the same advantage which a republic has over a democracy in controlling the effects of faction is enjoyed by a large over a small republic—is enjoyed by the Union over the States composing it. Does this advantage consist in the substitution of representatives whose enlightened views and virtuous sentiments render them superior to local prejudices and to schemes of injustice? It will not be denied that the representation
- 10 of the Union will be most likely to possess these requisite endowments. Does it consist in the greater security afforded by a greater variety of parties, against the event of any one party being able to outnumber and oppress the rest? In an equal degree, does the increased variety of parties comprised within the Union increase this security? Does it, in fine, consist in the greater obstacles opposed to the concert and accomplishment of the secret wishes of
- 15 an unjust and interested majority? Here again the extent of the Union gives it the most palpable advantage.

- The influence of factious leaders may kindle a flame within their particular States but will be unable to spread a general conflagration through the other States. A religious sect may degenerate into a political faction in a part of the Confederacy; but the variety of sects dis-
- 20 persed over the entire face of it must secure the national councils against any danger from that source. A rage for paper money, for an abolition of debts, for an equal division of property, or for any other improper or wicked project, will be less apt to pervade the whole body of the Union than a particular member of it, in the same proportion as such a malady is more likely to taint a particular county or district than an entire State.

- 25 In the extent and proper structure of the Union, therefore, we behold a republican remedy for the diseases most incident to republican government. And according to the degree of pleasure and pride we feel in being republicans ought to be our zeal in cherishing the spirit and supporting the character of federalists.

PUBLIUS (JAMES MADISON)
Federalist No. 51

ESSAY

February 8, 1788

The New-York Packet | New York City, New York

BACKGROUND

Publius (James Madison) argues for the proposed Constitution by explaining the risks of a concentration of power and how the Constitution addresses them.

GUIDING QUESTIONS

1. What does it mean for each branch of government to have a will of its own?
2. Is the separation of powers absolute, or should the powers overlap?
3. What additional methods help the government to control itself?
4. How is the power surrendered by the people divided to protect from government encroachment?
5. What is the end of government and civil society according to Publius in Federalist 51?

"Federalist 51," in *The U.S. Constitution: A Reader*, ed. Hillsdale College Politics Faculty (Hillsdale, MI: Hillsdale College Press, 2012), 287-91.

The Structure of the Government Must Furnish the Proper Checks and Balances Between the Different Departments

To what expedient, then, shall we finally resort, for maintaining in practice the necessary
5 partition of power among the several departments, as laid down in the Constitution? The
only answer that can be given is, that as all these exterior provisions are found to be inadequate, the defect must be supplied, by so contriving the interior structure of the government as that its several constituent parts may, by their mutual relations, be the means of
10 keeping each other in their proper places. Without presuming to undertake a full development of this important idea, I will hazard a few general observations, which may perhaps place it in a clearer light, and enable us to form a more correct judgment of the principles and structure of the government planned by the convention.

In order to lay a due foundation for that separate and distinct exercise of the different powers of government, which to a certain extent is admitted on all hands to be essential to the
15 preservation of liberty, it is evident that each department should have a will of its own; and consequently should be so constituted that the members of each should have as little agency as possible in the appointment of the members of the others. Were this principle rigorously adhered to, it would require that all the appointments for the supreme executive, legislative, and judiciary magistracies should be drawn from the same fountain of authority, the people,
20 through channels having no communication whatever with one another. Perhaps such a plan of constructing the several departments would be less difficult in practice than it may in contemplation appear. Some difficulties, however, and some additional expense would attend the execution of it. Some deviations, therefore, from the principle must be admitted. In the constitution of the judiciary department in particular, it might be inexpedient to
25 insist rigorously on the principle: first, because peculiar qualifications being essential in the members, the primary consideration ought to be to select that mode of choice which best secures these qualifications; secondly, because the permanent tenure by which the appointments are held in that department, must soon destroy all sense of dependence on the authority conferring them.

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It is equally evident, that the members of each department should be as little dependent as possible on those of the others, for the emoluments annexed to their offices. Were the executive magistrate, or the judges, not independent of the legislature in this particular, their independence in every other would be merely nominal.

5 But the 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. The provision for defense must in this, as in all other cases, be made commensurate to the danger of attack. Ambition must be made to counteract ambition. The interest of the man must be
10 connected with the constitutional rights of the place. It may be a reflection on human nature, that such devices should be necessary to control the abuses of government. But what is government itself, but the greatest of all reflections on human nature? If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to
15 be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself. A dependence on the people is, no doubt, the primary control on the government; but experience has taught mankind the necessity of auxiliary precautions.

This policy of supplying, by opposite and rival interests, the defect of better motives, might
20 be traced through the whole system of human affairs, private as well as public. We see it particularly displayed in all the subordinate distributions of power, where the constant aim is to divide and arrange the several offices in such a manner as that each may be a check on the other that the private interest of every individual may be a sentinel over the public rights. These inventions of prudence cannot be less requisite in the distribution of the supreme powers of the State.
25

But it is not possible to give to each department an equal power of self-defense. In republican government, the legislative authority necessarily predominates. The remedy for this inconveniency is to divide the legislature into different branches; and to render them, by

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different modes of election and different principles of action, as little connected with each other as the nature of their common functions and their common dependence on the society will admit....

5 There are, moreover, two considerations particularly applicable to the federal system of America, which place that system in a very interesting point of view.

First. In a single republic, all the power surrendered by the people is submitted to the administration of a single government; and the usurpations are guarded against by a division of the government into distinct and separate departments. In the compound republic of America, the power surrendered by the people is first divided between two distinct govern-
10 ments, and then the portion allotted to each subdivided among distinct and separate departments. Hence a double security arises to the rights of the people. The different governments will control each other, at the same time that each will be controlled by itself.

Second. It is of great importance in a republic not only to guard the society against the oppression of its rulers, but to guard one part of the society against the injustice of the other
15 part. Different interests necessarily exist in different classes of citizens. If a majority be united by a common interest, the rights of the minority will be insecure. There are but two methods of providing against this evil: the one by creating a will in the community independent of the majority that is, of the society itself; the other, by comprehending in the society so many separate descriptions of citizens as will render an unjust combination of a
20 majority of the whole very improbable, if not impracticable. The first method prevails in all governments possessing an hereditary or self-appointed authority. This, at best, is but a precarious security; because a power independent of the society may as well espouse the unjust views of the major, as the rightful interests of the minor party, and may possibly be turned against both parties. The second method will be exemplified in the federal republic
25 of the United States. Whilst all authority in it will be derived from and dependent on the society, the society itself will be broken into so many parts, interests, and classes of citizens, that the rights of individuals, or of the minority, will be in little danger from interested combinations of the majority....

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Justice is the end of government. It is the end of civil society. It ever has been and ever will be pursued until it be obtained, or until liberty be lost in the pursuit. In a society under the forms of which the stronger faction can readily unite and oppress the weaker, anarchy may as truly be said to reign as in a state of nature, where the weaker individual is not secured
5 against the violence of the stronger; and as, in the latter state, even the stronger individuals are prompted, by the uncertainty of their condition, to submit to a government which may protect the weak as well as themselves; so, in the former state, will the more powerful factions or parties be gradually induced, by a like motive, to wish for a government which will protect all parties, the weaker as well as the more powerful.... In the extended republic of
10 the United States, and among the great variety of interests, parties, and sects which it embraces, a coalition of a majority of the whole society could seldom take place on any other principles than those of justice and the general good; whilst there being thus less danger to a minor from the will of a major party, there must be less pretext, also, to provide for the security of the former, by introducing into the government a will not dependent on the
15 latter, or, in other words, a will independent of the society itself. It is no less certain than it is important, notwithstanding the contrary opinions which have been entertained, that the larger the society, provided it lie within a practical sphere, the more duly capable it will be of self-government. And happily for the *republican cause*, the practicable sphere may be carried to a very great extent, by a judicious modification and mixture of the *federal prin-*
20 *ciple*.

FIRST CONGRESS

Proposed Amendments to the Constitution

JOIN RESOLUTION EXCERPT

September 25, 1789

Federal Hall | City of New-York, New York

Bill of Rights

BACKGROUND

As part of a compromise to secure the ratification of the Constitution, Federalists introduced in the first Congress a Bill of Rights as twelve amendments to the new Constitution. Below are the ten amendments that were ultimately ratified.

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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.

5 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

10 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.

"The Constitution of the United States of America," in *The U.S. Constitution: A Reader* (Hillsdale, MI: Hillsdale College Press, 2012), 58-60.

Amendment IV

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

Amendment V

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

Amendment VI

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

Amendment VII

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

Amendment VIII

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

Amendment IX

- 5 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.

UNIT 3

Politics and Policy

40-50-minute classes | 13-18 classes

UNIT PREVIEW

Structure

LESSON 1	Parties, Elections, and Campaigns	3-4 classes	p. 5
LESSON 2	Civic Participation	3-4 classes	p. 8
LESSON 3	Placeholder: State and Local Government	1-2 classes	p. 13
LESSON 4	Domestic Policy	2-3 classes	p. 15
LESSON 5	National Security and Foreign Policy	2-3 classes	p. 17
APPENDIX	Study Guide, Test, and Writing Assignment		p. 21

Why Teach Politics and Policy

It is important for students to recognize that the political thought and governance they studied about the founding is not merely an abstraction. Instead, representative self-government plays out in real life with many individuals and private associations together influencing and reflecting the views of citizens and lawmakers. The political process and arena in the United States are the unofficial parts to American representative democracy. Students should understand American politics and how it operates to know the ways in which their civic participation may be effective and effected. Moreover, students should be aware of the various public policy areas that officeholders seek to address and around which much of politics revolves.

What Teachers Should Consider

The Founders' principal fears in practical politics—faction and demagogues—were well founded, and their attempts to mitigate these threats were some of the most innovative parts to the constitutional order they arranged. Nevertheless, partisanship arose even with the ratification of the Constitution. The growth of political parties, the dominance of the election cycle, and the plethora of interest groups and civic associations have become hallmarks of American self-government. While the Founders may have sought to avoid this arrangement more than was possible, party politics are cemented in place in the United States. Moreover, general civic participation, as Alexis de Tocqueville noted, has provided for a degree of stability and practice in self-government that has been salutary. Students should appreciate the roles of these various forms of civic participation and how they function. Students should come to understand their own role in the political process, the important privilege that Americans have to participate in the political process, and the various associations, groups, parties, and media with which they may engage. And they should understand broadly the main arenas of domestic and foreign policy, including what each is concerned with, who makes such policy, and how it is made. The goal of this unit is to help students make sense of how representatives are chosen, how policy decisions are shaped, how public opinion is formed, and the civic responsibilities and opportunities afforded to students when they become adult citizens.

How Teachers Can Learn More

TEXTS

American Government and Politics, Joseph Bessette and John Pitney Chapters 4, 7–11, 16–18

ONLINE COURSES | [Online.Hillsdale.edu](https://online.hillsdale.edu)

Introduction to the Constitution

Constitution 101

Constitution 201

The U.S. Supreme Court

LESSON PLANS, ASSIGNMENTS, AND FORMATIVE QUIZ

Lesson 1 — Parties, Elections, and Campaigns

3-4 classes

LESSON OBJECTIVE

Students learn how American citizens govern themselves through the constitutional framework for elections, the Electoral College, the election process, political parties, and campaigns.

ONLINE COURSES FOR TEACHERS | Online.Hillsdale.edu

Introduction to the Constitution

Lecture 10

TEXTS FOR TEACHERS

Teachers may craft their lessons to include some of the material in chapters 9–10 of *American Government and Politics*. Certain narrow selections from these chapters may be read aloud together in class based on grade level ability.

TERMS AND TOPICS

political party
Electoral College
popular vote
winner-take-all
ballot
split ticket
divided government
platform
referendum

recall
initiative
general election
primary/primary election
incumbent
PAC
campaign advertisements

QUESTIONS FOR THE AMERICAN MIND

- Why was the election of 1800 so important?
- What are the roles of parties?
- How has party power moved from local parties to national parties? Is this good or bad?
- What happens during an election cycle?
- How do candidates campaign?
- How do candidates finance their campaigns?
- Where do citizens vote? What do they have to do before and during voting?
- What was the purpose of the Electoral College? How does it work?
- Why do incumbents usually win elections even when people are unsatisfied with the institution?

- Questions from the U.S. Civics Test:
 - Question 1: What is the form of government of the United States?
 - Question 4: The U.S. Constitution starts with the words “We the People.” What does “We the People” mean?
 - Question 22: How long is a term for a U.S. Senator?
 - Question 25: How long is a term for a member of the House of Representatives?
 - Question 32: Who elects U.S. senators?
 - Question 34: Who elects members of the House of Representatives?
 - Question 36: The President of the United States is elected for how many years?
 - Question 64: Who can vote in federal elections, run for federal office, and serve on a jury in the United States?
 - Question 69: What are two examples of civic participation in the United States?
 - Question 70: What is one way Americans can serve their country?
 - Question 119: What is the capital of the United States?

KEYS TO THE LESSON

If there is one practice that is the most famous gesture of American life, it is the holding of elections. Indeed, the foundational governing principle of America—that of representative self-government—is expressed and achieved through elections. Freely voting for our neighbors to represent our views in making and enforcing laws—and to have confidence that the process for doing so is fair and just—is the bedrock of American representative democracy, the great achievement of the founding and the envy of oppressed peoples throughout the world and down through the ages. Students should appreciate these facts and also understand how this process of choosing representatives works: both how it was originally intended to work and how it has changed over the centuries to the political process of today.

Teachers might best plan and teach Parties, Elections, and Campaigns with emphasis on the following approaches:

- Explain to students how the American Founders structured the election process. Note the great deference in matters of elections that the Founders gave to state legislatures in particular. The reason they lodged this power for establishing election procedures in state legislatures is so that a separate elected body responsive to the people of a certain area would be accountable to the people for how the elections are conducted in that area. The key was, as much as possible, to make sure that those who establish election procedure were accountable to the people of a whole state, thus dispersing the potential for election fraud and corruption. This is the same reason why redrawing congressional districts is also left up to the state legislatures.
- Explain the one major nationally directed election, that of the president. Explain what the Electoral College is, how it works, and why. Chief goals for the Founders in establishing the Electoral College for choosing the president were twofold. First, by dividing the electorate into geographic groups by state, the Electoral College forces presidential candidates to recognize and incorporate the interests of more rural and remote citizens instead of only the interests of citizens who live in high-density areas, where it is easiest and most efficient to campaign. This arrangement has arguably prevented the division of American citizens into a ruling class of cities and a colony class of rural dwellers, whose interests and needs are ignored. Second, the Electoral College was meant to allow its electors to deny someone the presidency should the electors

determine that the candidate was a demagogue or might act tyrannically. Students should understand that many state legislatures have both allotted the state's electoral vote to the winner of the state's popular vote and have required that electors be faithful to that outcome, thus undermining the second purpose of the Electoral College. The first goal, however, remains in place, except in those states that have required their state electors to follow the national popular vote.

- Walk students through the election cycle, including the various stages of elections, where candidates come from, how candidates campaign, and the roles that various groups and media play in influencing elections.
- Emphasize how it is the parties that determine the vast majority of what happens in the election process and who ends up on a ballot. Students should recognize that one of the most influential roles ordinary citizens can have in the official election process is being involved in the leadership of political parties, beginning at the local level. In fact, it was the focus on the local party that was the traditional place to practice self-government in the United States. Politicians first gained power in their local communities, where they had to develop a good reputation before becoming part of the national system. This meant they were personally tied to their local communities and the issues therein. This enabled local issues to be considered by national politicians as well. Students should understand that while this tradition may still be the most congruent with the intentions of the Founders and with much of American history, in recent decades national parties often dictate the direction of a party based on national priorities, rather than local parties and the issues they seek to address.
- Consider the relationship between elected officials and their constituents. Not only do relatively few Americans know who their representatives are or who governs them, the representative himself or herself has increasingly been separated from his or her constituency in terms of geography—and especially by lifestyle and economic status. Have students consider what effect this has on self-government.
- Have students consider why so many people do not know who governs them. Help them to understand that politicians used to be part of the community and not separate from it. Ask them what this separation does to politicians, to politics, and to the people governed by such representatives.

STRENGTHENING UNDERSTANDING: POST-LESSON ASSIGNMENT

Assignment: Considering the election cycle and what is involved in campaigning, what does an American citizen need to do in order to be elected to public office? (1 paragraph)

Lesson 2 — Civic Participation

3-4 classes

LESSON OBJECTIVE

Students learn about American citizenship and the roles that public opinion, civic associations, interest groups, First Amendment rights, and the media play in Americans exercising their civic responsibilities.

ONLINE COURSES FOR TEACHERS | Online.Hillsdale.edu

The U.S. Supreme Court

Lecture 5

TEXTS FOR TEACHERS

Teachers may craft their lessons to include some of the material in chapters 4, 7, 8, and 11 of *American Government and Politics*. Certain narrow selections from these chapters may be read aloud together in class based on grade level ability.

TERMS AND TOPICS

citizen	interest group
citizenship	civic association
birthright citizenship	families
naturalization	philanthropy
assimilation	churches
melting pot	unions
public opinion	think tank
suffrage	grassroots
liberal	lobbyist
conservative	First Amendment
independent	news
libertarian	media
populist	radio
voter registration	spin
social media	narrative

QUESTIONS FOR THE AMERICAN MIND

- What is citizenship? How does one become a citizen?
- What are the rights, privileges, and responsibilities of citizenship?
- Why is it important that only citizens vote and run for office?
- What is the political spectrum? How is it a helpful tool but sometimes unhelpful?
- How do citizens learn about or become influenced by public opinion?
- How has new technology (social media) impacted how public opinion is spread and understood?
- What are direct and indirect means of political participation?

- Should everyone choose to exercise their right to vote? Why or why not?
- How do interest groups ensure that individuals' voices are heard?
- How do interest groups act against the wills of individuals?
- Why are most interest groups and think tanks headquartered in Washington, DC? What does this say about power in America? What does this mean about local associations?
- What are the benefits and drawbacks to allowing professional lobbying?
- What forms of civic associations have been more traditional in American history? On what levels of government did they tend to focus?
- Why is freedom of speech for individuals necessary for freedom and justice?
- What is the purpose of freedom of the press? Does media accomplish this?
- What is the relationship between reporting and creating news?
- Why does local journalism matter?
- Questions from the U.S. Civics Test:
 - Question 1: What is the form of government of the United States?
 - Question 4: The U.S. Constitution starts with the words "We the People." What does "We the People" mean?
 - Question 63: There are four amendments to the U.S. Constitution about who can vote. Describe one of them.
 - Question 64: Who can vote in federal elections, run for federal office, and serve on a jury in the United States?
 - Question 65: What are three rights of everyone living in the United States?
 - Question 68: How can people become United States citizens?
 - Question 69: What are two examples of civic participation in the United States?
 - Question 70: What is one way Americans can serve their country?
 - Question 97: What amendment gives citizenship to all persons born in the United States?
 - Question 98: When did all men get the right to vote?
 - Question 102: When did all women get the right to vote?

KEYS TO THE LESSON

In human history, citizenship and right to vote is extraordinarily, almost miraculously, rare. It is yet another of the many privileges and benefits that Americans have and that are so easily taken for granted. This right to vote and the holding of elections lies at the heart of representative self-government, as it is this action and this process through which the people give consent to the laws under which they conduct all their other actions. Students should understand what citizenship is and what their rights and responsibilities as citizens are. Students should also recognize, however, how their views when they someday go to vote are often influenced by the prevailing opinion shared in the community. This public opinion is, in turn, influenced by political party leadership, corporations, marketing, interest groups, the media, and social media. Students should be aware of the various entities that are involved in the political process and how they attempt to influence citizens. Beyond voting and running for office, students should recognize the other ways in which citizens may and should seek to fulfill their responsibilities as free citizens, including being well-informed, making their views heard at government meetings, abiding by the law, and respecting and assisting others.

Teachers might best plan and teach Civic Participation with emphasis on the following approaches:

- Discuss with students what a citizen is and the meaning, rights, and responsibilities of citizenship. Include conversations on birthright citizenship and the naturalization process, the various responsibilities held by citizens such as respecting the rule of law, voting, volunteering, staying well-informed, and exhibited personal virtue and a responsible use of time, talents, and resources.
- Students should gain a clear perspective on voting in human history. In brief, this privilege has been exceptionally rare and, therefore, the American citizen's right to vote is a remarkable achievement. And nearly all of the groundbreaking moments in this achievement occurred in American history.
- Consider with students the power of public opinion and its foundations in a moral outlook and education. Students should understand how public opinion is formed and influenced and how, in turn, it influences the opinions of individual citizens. Public opinion is something that dominates in a democratic society because everyone is equally powerful in a democratic republic through their votes. People tend, therefore, to consider the majority opinion to be correct, meaning that many political fights occur in the court of public opinion more than in the legislative process. The side that can command public opinion can shape the nation politically.
- Make special note of how generations of educational practices, particularly at the collegiate level, as well as the emergence of powerful new forces such as activist interest groups, corporate marketing, and social media have greatly influenced public opinion over the past several decades.
- Share with students the variety of ways in which citizens can and in many cases should participate in the civic life of the country and their local community. At the very least, citizens have a responsibility to respect the rights of others, conduct their own personal lives with virtue, and take minimal steps to be informed on issues and on their representatives by seeking out the truth and thinking for themselves.
- Help students see the robust tradition of local civic participation America used to have and the great decline in civic participation in the United States, partly owing to the centralization of politics and lawmaking at the national level, the power of interest groups, activist groups, and bureaucracy in lawmaking, and the various new kinds of entertainment and technology that occupy citizens' time and attention.
- Note for students how private associations have always existed in America and that America was known for the vibrancy of such associations, a phenomenon recognized by Alexis de Tocqueville. Associations are innately factious, because they define beliefs and prescribe limits to participation. In early America, associations allowed individuals to come together to make their voices heard against the majority. In this way, they protected individual rights.
- Consider the role that philanthropic individuals, organizations, and religious institutions have played in American representative democracy. These associations have shaped not only the moral character and conduct of their members but also major reform movements in America, such as abolition, anti-poverty, temperance, and civil rights.
- Clarify for students that the modern interest groups that lobby in Washington, DC, are significantly different from the private and local associations that existed in early America. Many interest groups generally do not represent private individuals but reflect the interests of the comparably wealthy and powerful—and even those who have become wealthy and powerful in the name of representing the weak and the downtrodden.

- Help students understand the central role journalism and writing played in the American Revolution and founding. Consider all the documents that students have read that were published and promoted through newspapers or print.
- Have students consider also the reason behind the First Amendment. Freedom of speech and of the press are a vital check against the government. They provide a means for criticizing the government and for informing the public about government actions. Furthermore, freedom of speech is connected to freedom of conscience. The destruction of speech will inevitably lead to the destruction of ideas, which is possible only by destroying the creators and possessors of those ideas: people themselves.
- Consider how the media is also able to abuse the respect traditionally afforded to them by the people to engage in biased reporting under the cover of objectivity, oftentimes to the benefit of those who are most powerful in society.
- Emphasize that intentional efforts by individuals to research, critique, and discern true reporting when making informed political decisions is essential to a free people and to being a responsible citizen.
- Consider also with students the rise of social media and its influence on public opinion. Important questions have been raised in recent years over the power that social media has held in shaping public opinion by channeling or restricting access to the sharing of certain ideas.

STRENGTHENING UNDERSTANDING: POST-LESSON ASSIGNMENT

Assignment: How can American citizens participate in politics and government and what groups or factors should they keep in mind while fulfilling their responsibilities as citizens? (1-2 paragraphs)

Lesson 3 — Placeholder: State and Local Government

1-2 classes

Note: This lesson affords a school the space to teach about the specific details of their own state and local governments. Teachers may pull in content related to their state and community while still addressing the broad points outlined below.

LESSON OBJECTIVE

Students learn about the state and local governments in which they are represented, as well as some of the principles and history undergirding these governing institutions in the United States.

ONLINE COURSES FOR TEACHERS | Online.Hillsdale.edu

Constitution 101

Lecture 4

The Federalist Papers

Lecture 4

TERMS AND TOPICS

federalism

township

local government

city

state government

school board

county

domestic policy

QUESTIONS FOR THE AMERICAN MIND

- What value did the Founders place on state and local governments?
- How did the Framers of the Constitution seek to empower state and local governments?
- What benefits has federalism afforded the American experiment in self-government?
- What are the structure and primary roles of offices in the state government?
- What are the structure and primary roles of offices in the local government?
- What is the relationship among federal, state, and local governments?
- Which domestic policy areas are most commonly addressed by state governments?
- Which domestic policy areas are most commonly addressed by local governments?
- Questions from the U.S. Civics Test:
 - Question 61: Who is the governor of your state now?
 - Question 62: What is the capital of your state?

KEYS TO THE LESSON

Students should understand how their state and local governments are structured, along with the roles that each has. Students should also consider these governments in light of the Founders' views.

Beyond teaching about their specific state and local governments, teachers might best plan and teach with emphasis on the following approaches:

- Emphasize with students how, historically, states and local governments had far more power than they do today. The Founders placed great importance on the roles and powers of state and local governments as being one of the fundamental checks on the authority of the federal government.
- Note how the policies enacted in state and local governments often directly affect and shape the daily lives of citizens more than the policies of the federal government.
- Explain to students some of the benefits of federalism and of state and local governments. Besides forming another kind of separation of powers, state and local governments allow for experimentation with certain policies on small scales prior to adopting a policy for the entire country. Federal lawmakers can then learn from these experiments. They can avoid those that were poor or adapt or improve those that worked without inflicting experimental damage on the entire country. These state governments can also sue the federal government in court and, perhaps most importantly, state and local governments allow citizens to “vote with their feet” by moving from one place with policies they dislike to another place with policies they believe are good. This requires another level of responsiveness to the people and affords sanctuaries for freedom when one state becomes more tyrannical for a time.
- Point out to students that it is the state and especially the local governments where citizens have the greatest opportunity to be involved officially in government and where they are most likely to bring about policy changes. The local level in particular becomes both an outlet for civic participation as well as an arena for future state and federal statesmen to gain experience and practice in the art of statesmanship. These levels of government, due to the smaller and more personal constituency, are also the most likely to be the most representative of a citizenry's interests and opinions.

STRENGTHENING UNDERSTANDING: POST-LESSON ASSIGNMENT

Assignment: Outline the kinds of government under which you live and how these kinds of government affect the daily lives of you and your neighbors (1–2 paragraphs)

Lesson 4 — Domestic Policy

2-3 classes

LESSON OBJECTIVE

Students learn about social and economic policy within the United States—including the various fields of social and economic policy, the branches of government, bureaucratic agencies, and interests involved in such policy decisions—and a broad overview of the types of contested issues in these fields that have emerged in the country’s history to the present day.

ONLINE COURSES FOR TEACHERS | Online.Hillsdale.edu

Constitution 201

Lecture 8

The U.S. Supreme Court

Lecture 4

TEXTS FOR TEACHERS

Teachers may craft their lessons to include some of the material in chapters 16-17 of *American Government and Politics*. Certain narrow selections from these chapters may be read aloud together in class based on grade level ability.

TERMS AND TOPICS

free market capitalism

inflation

socialism

progressive taxation

communism

income tax

welfare

Internal Revenue Service

Social Security

tariff

Medicare/Medicaid

protectionism

charter school

Justice Department

redistribution

Federal Bureau of Investigation

Gross Domestic Product (GDP)

unemployment

QUESTIONS FOR THE AMERICAN MIND

- What are the various kinds of social and economic policies?
- What were the views of the Founders in these areas?
- How had the federal government become more involved in domestic policy?
- As the federal government has become more involved in domestic policy, what has happened to the roles and importance of religious institutions, charities, and the family in addressing domestic issues and caring for their neighbors?
- How have welfare programs changed the way people view the government?
- What accounts for the complexity of the United States tax system?
- How are government programs funded?

- Questions from the U.S. Civics Test:
 - Question 20: Name one power of the U.S. Congress.
 - Question 41: Name one power of the president.
 - Question 48: What are two Cabinet-level positions?
 - Question 58: Name one power that is only for the federal government.
 - Question 59: Name one power that is only for the states.
 - Question 71: Why is it important to pay federal taxes?

KEYS TO THE LESSON

Students should receive a survey of the kinds of domestic policy areas in which government is involved. This would include especially economic and welfare policy, but also cultural matters and various kinds of legal, election, immigration, education, and family policy. *American Government and Politics* can provide a good guide to these fields for teachers. Students should understand of what each consists, how policy is determined, and some of the government officials and interest groups involved in such decisions.

Teachers might best plan and teach Domestic Policy with emphasis on the following approaches:

- Outline for students the various domestic policy areas. Students should be able to identify each and the kinds of actions that fall within each field, gaining a “lay of the land.” Middle school is not, however, the place to delve into current policy debates or to ask students to form judgments on contemporary issues.
- Proceed to trace in history the growth in kinds of policy fields and the basic arguments that emerged within those areas. Students should appreciate that the Founders recognized and had carefully informed views on many of the same policy areas that are dealt with today. Their thoughts regarding policy for the poor, immigration, and trade are worth careful consideration.
- While there are certain functions of the federal government that deal with domestic policy (most notably maintaining the rule of law, regulating interstate commerce, coining money and setting weights and measures), note for students the great expansion in the size of the federal government, and in particular, its role in domestic policy. The Founders had structured the federal government to be principally concerned with national security and foreign policy, those fields which only an energetic and united federal government could address.
- The vast majority of policies that most directly affect the daily lives of citizens were to be made by state and local governments. This was purposeful, as such lower governments could be more knowledgeable and responsive to their constituents and the needs and interests associated with life in a certain geographic area, much more so than a centralized and distant central government could be. The locus of power in domestic policy has since shifted away from states and localities and toward Washington, DC, and its bureaucracies.

STRENGTHENING UNDERSTANDING: POST-LESSON ASSIGNMENT

Assignment: Choose one area of domestic policy and outline what it addresses and how decisions are made within that field (1 paragraph).

Lesson 5 — National Security and Foreign Policy

2-3 classes

LESSON OBJECTIVE

Students learn about the foreign policy of the United States, including the branches of the armed forces, bureaucratic agencies, and interests involved in such policy decisions, and gain a broad overview of the types of contested issues related to national security that have emerged in the country's history to the present day.

ONLINE COURSES FOR TEACHERS | Online.Hillsdale.edu

The Presidency and the Constitution

Lecture 6

TEXTS FOR TEACHERS

Teachers may craft their lessons to include some of the material in chapter 18 of *American Government and Politics*. Certain narrow selections from this chapter may be read aloud together in class based on grade level ability.

TERMS AND TOPICS

national security	U.S. Border Patrol
foreign policy	State Department
border	Central Intelligence Agency
citizen-controlled military	preemption
U.S. Army	isolationism
U.S. Navy	unilateralism
U.S. Marine Corps	multilateralism
U.S. Air Force	intelligence
U.S. Coast Guard	sanctions
U.S. Space Force	nongovernmental organizations

QUESTIONS FOR THE AMERICAN MIND

- What is the primary purpose of the federal government? Why is this the case?
- What is foreign policy? How is it related to national security?
- How is foreign policy determined in the United States?
- How is foreign policy carried out in the United States?
- Who makes treaties? Who declares war? Who conducts war? Why are these powers separated in this manner?
- What is the difference between unilateralism and multilateralism? When did the shift to multilateralism occur, and what domestic policies accompanied it?
- Questions from the U.S. Civics Test:
 - Question 20: Name one power of the U.S. Congress.
 - Question 41: Name one power of the president.

- Question 48: What are two Cabinet-level positions?
- Question 58: Name one power that is only for the federal government.
- Question 67: Name two promises that new citizens make in the Oath of Allegiance.
- Question 70: What is one way Americans can serve their country?
- Question 72: It is important for all men ages 18 through 25 to register for the Selective Service. Name one reason why.

KEYS TO THE LESSON

Students should understand the importance of the country’s foreign policy and its fundamental connection to America’s national security. The core purpose of the federal government (as with any national government) as laid out in the United States Constitution is to provide for the common defense. All other functions—lawmaking itself, and the establishment of justice—will fall if the nation is not defended. As such, the federal government has been historically and is still primarily oriented toward national security and national self-defense. Students should be made familiar with what government actions are involved in foreign policy and national security, how the executive branch and the military are arranged toward this end, and what other entities and groups are involved in determining foreign policy.

Teachers might best plan and teach National Security and Foreign Policy with emphasis on the following approaches:

- Outline with students which areas of government action fall under the titles of national security, which fall under foreign policy, and how the two categories are related.
- Review with students how the Constitution designed the federal government and the executive in particular to address issues of national security above all its other roles.
- Emphasize with students how the American armed forces are citizen-controlled, which means military authority is responsible to political authority under the constitutional rule of law. Spend some time outlining the roles of each branch of the armed forces.
- Consider this statement from George Washington’s Farewell Address: “The great rule of conduct for us, in regard to foreign Nations[,] is in extending our commercial relations to have with them as little *political* connection as possible.” Political alliances or conflicts with other nations were only to be out of necessity. As in the Declaration of Independence, other nations assume their own “separate and equal station” as well, and their independence should be respected. In general, the United States should not interfere in the internal governance of other nations unless necessary for self-defense regarding the nation’s security.
- Discuss with students how George Washington’s overall objective in foreign policy was to defend the institutions of American constitutional government at home and develop the United States to “that degree of strength and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.” That is, the purpose of American foreign policy is to protect and defend American constitutional self-government. America’s principles are universal (“all men are created equal”) but America is a particular nation, which means that while the United States models and advocates for American principles its first obligation is to the defense and perpetuation of this country.
- Consider with students how foreign policy is informed by principle but is largely an exercise in prudential decision-making in particular circumstances.

STRENGTHENING UNDERSTANDING: POST-LESSON ASSIGNMENT

Assignment: Outline what national security and foreign policy address and how decisions are made within these fields (1 paragraph).

APPENDIX

Study Guide

Test

Writing Assignment

Study Guide — Politics and Policy Test

Unit 3

Test on _____

TERMS AND TOPICS

Explain each of the following and the context in which it was discussed during this unit's lessons.

political party	independent	free market capitalism
Electoral College	social media	welfare
popular vote	interest group	Gross Domestic Product (GDP)
winner-take-all	civic association	unemployment
ballot	philanthropy	inflation
split ticket	churches	progressive taxation
divided government	unions	income tax
primary/primary election	think tank	tariff
incumbent	grassroots	protectionism
PAC	lobbyist	national security
citizenship	First Amendment	foreign policy
naturalization	media	border
assimilation	narrative	citizen-controlled military
public opinion	county	sanctions
suffrage	township	
liberal	city	
conservative	domestic policy	

QUESTIONS FOR THE AMERICAN MIND

Based on notes from lessons and seminar conversations, answer each of the following.

Lesson 1 | Parties, Elections, and Campaigns

- What are the roles of parties?
- How has party power moved from local parties to national parties? Is this good or bad?
- What happens during an election cycle?
- How do candidates campaign?
- How do candidates finance their campaigns?
- Where do citizens vote? What do they have to do before and during voting?
- What was the purpose of the Electoral College? How does it work?

Lesson 2 | Civic Participation

- What is citizenship? How does one become a citizen?
- What are the rights, privileges, and responsibilities of citizenship?
- How do citizens learn about or become influenced by public opinion?

- How has new technology (social media) impacted how public opinion is spread and understood?
- How do interest groups ensure that individuals' voices are heard?
- How do interest groups act against the wills of individuals?
- Why are most interest groups and think tanks headquartered in Washington, DC? What does this say about power in America? What does this mean about local associations?
- What are the benefits and drawbacks to allowing professional lobbying?
- What forms of civic associations have been more traditional in American history? On what levels of government did they tend to focus?
- Why is freedom of speech for individuals necessary for freedom and justice?
- What is the purpose of freedom of the press? Does media accomplish this?

Lesson 3 | State and Local Government

- How did the Framers of the Constitution seek to empower state and local governments?
- What benefits has federalism afforded the American experiment in self-government?
- What are the structure and primary roles of offices in the state government?
- What are the structure and primary roles of offices in the local government?
- What is the relationship among federal, state, and local governments?
- Which domestic policy areas are most commonly addressed by state governments?
- Which domestic policy areas are most commonly addressed by local governments?

Lesson 4 | Domestic Policy

- What are the various kinds of social and economic policies?
- What were the views of the Founders in these areas?
- As the federal government has become more involved in domestic policy, what has happened to the roles and importance of religious institutions, charities, and the family in addressing domestic issues and caring for their neighbors?
- How have welfare programs changed the way people view the government?
- How are government programs funded?

Lesson 5 | National Security and Foreign Policy

- What is the primary purpose of the federal government? Why is this the case?
- What is foreign policy? How is it related to national security?
- How is foreign policy determined in the United States?
- How is foreign policy carried out in the United States?
- Who makes treaties? Who declares war? Who conducts war? Why are these powers separated in this manner?

QUESTIONS FOR THE AMERICAN MIND

Answer each of the following. Complete sentences are not necessary, but correct spelling and writing should be employed, and responses must fully answer each question.

9. What happens during an election cycle?

10. How do candidates campaign?

11. What was the purpose of the Electoral College? How does it work?

12. What are the rights, privileges, and responsibilities of citizenship?

13. How do citizens learn about or become influenced by public opinion?

14. What forms of civic associations have been more traditional in American history? On what levels of government did they tend to focus?

Writing Assignment — Politics and Policy

Unit 3

Due on _____

DIRECTIONS

Citing primary sources and conversations from class in your argument, write a 4–5 paragraph essay answering the question:

How can citizens exercise their civic responsibilities and participate in the political process? What should they keep in mind in doing so?

UNIT 4

Challenging and Defending America’s Principles

40-50-minute classes | 19-23 classes

UNIT PREVIEW

Structure

LESSON 1	The Exception to the Rule	4-5 classes	p. 7
LESSON 2	Abolitionism vs. Slavery	5-6 classes	p. 14
LESSON 3	Progressive Government	3-4 classes	p. 20
LESSON 4	Civil Rights vs. Discriminatory Laws	5-6 classes	p. 26
APPENDIX A	Study Guide, Test, Writing Assignment		p. 31
APPENDIX B	Primary Sources		p. 43

Why Teach Challenging and Defending America’s Principles

The United States was the first country in history founded on a commitment to equality: that “all men are created equal.” Since 1776, Americans’ efforts to live and govern by this principle have resulted in the greatest degrees of freedom, prosperity, and security for the most people in human history, both for American citizens and for the peoples of the world. It is unprecedented. It is what makes America exceptional, as in, the exception. But it is also true that America has not always lived up to the great truth on which she was founded. Student should understand the various domestic challenges to America’s

principles that have arisen through its history, beginning with slavery. This unit explores those challenges and also highlights the individuals and movements that came to the defense of America's principles, pushing the country to live up to its high ideals as expressed at its founding. This is one of the dramas of American civics, and one worth considering carefully with students.

What Teachers Should Consider

The political norms and way of life which Americans today enjoy are no accident. In many respects, they may trace their origins to Declaration of Independence, the Constitution, and the ideas and actions of the American founding. What is today commonplace and taken for granted were, in 1776 and 1787, by far the exceptions—and sometimes unprecedented exception—to the normal course of politics and human life. Teacher and students alike must first acknowledge these facts and attempt to understand just how rare the American founding was.

But then teachers should appreciate the various challenges to the exceptional institutions and principles that bequeathed the kind of life Americans enjoy today. Challenges during the Revolution itself and through the fraught history of slavery in America were the main ways in which American ideals were first undermined, sometimes by the very people who had asserted them. Thus while the American founding was at the vanguard of asserting and securing the equal natural rights of all people—setting the nation on the path to establishing such equality in law—the institution of slavery became the foremost stumbling block toward achieving the fundamental human equality the Declaration of Independence had proclaimed. Indeed, the stumbling block was only overcome through a bloody civil war fought in large part over the argument of whether “all men are created equal.”

Additional challenges to the principle of equality and limited self-government would manifest themselves after the Civil War and in the century that followed. Reconstruction was only partially and temporarily successful while ongoing discrimination lasted into the latter half of the 20th century. After World War II, the Civil Rights Movement answered the challenges of segregation and intimidation and helped fulfill America's founding principle of equality before the law.

All throughout their history, Americans have repeatedly arisen to meet challenges in many ways, and especially by appealing to the principles of the American founding. Students should be aware of these, think about them, and consider their implications for their own lives as they approach the full responsibilities of an American citizen.

How Teachers Can Learn More

TEXTS

The U.S. Constitution: A Reader, ed. Hillsdale College Politics Faculty Chapters 7, 9, 10, 11
African Founders, David Hackett Fischer
No Property in Man, Sean Wilentz
The State, Woodrow Wilson

ONLINE COURSES | Online.Hillsdale.edu*Introduction to the Constitution**Constitution 101**Constitution 201**Civil Rights in American History**The U.S. Supreme Court*

Primary Sources Studied in This Unit

This unit has a larger number of primary sources than previous units. The texts, however, are each rather brief and are targeted to be illustrative of the main ideas at hand. As with other units, assigning them to students is at the discretion of the teacher, being mindful of grade level ability and pacing.

Letter to the Hebrew Congregation, George Washington
 The Virginia Statute for Religious Freedom
 Letter to the Danbury Baptist Association, Thomas Jefferson
 "Property," James Madison
 The Examination Number No. 7, Alexander Hamilton
 Statements on slavery, George Washington, John Adams, Benjamin Franklin, Alexander Hamilton, James Madison
 Notes on the State of Virginia, Query XVIII, "Manners," Thomas Jefferson
 The Declaration of Independence, Draft
 The U.S. Constitution
 The Northwest Ordinance, Article III
 "The Constitution of the United States: Is It Pro-Slavery or Anti-Slavery?," Frederick Douglass
 Speech on the reception of abolition petitions, John C. Calhoun
 Speech on the Oregon Bill, John C. Calhoun
 Speech at Peoria, Abraham Lincoln
 Lincoln's Response in the Seventh Lincoln-Douglas Debate, Abraham Lincoln
 First inaugural address, Abraham Lincoln
 The Emancipation Proclamation, Abraham Lincoln
 Gettysburg Address, Abraham Lincoln
 Second inaugural address, Abraham Lincoln
 13th Amendment to the Constitution
 "What Is Progress?" Woodrow Wilson
 War Message to Congress, Woodrow Wilson
 "The Study of Administration," Woodrow Wilson
 Annual Message to Congress, 1944, Franklin Delano Roosevelt
 "The Inspiration of the Declaration," Calvin Coolidge
 Seneca Falls "Declaration of Sentiments and Resolutions," Elizabeth Cady Stanton
 14th Amendment to the Constitution
 15th Amendment to the Constitution
 "I Have a Dream," Martin Luther King Jr.

LESSON PLANS, ASSIGNMENTS, AND FORMATIVE QUIZ

Lesson 1 — The Exception to the Rule

4-5 classes

LESSON OBJECTIVE

Students learn about the ways in which the American founding was a momentous change in favor of equality and freedom in the history of the world and set the status of slavery on the path to extinction.

ONLINE COURSES FOR TEACHERS | Online.Hillsdale.edu

Introduction to the Constitution

Lecture 3

Constitution 101

Lecture 6

Civil Rights in American History

Lectures 1 and 2

PRIMARY SOURCES

The following primary sources are potential readings for students. Teachers should use their discretion based on grade level ability in deciding which texts to share with students. The texts may be assigned for homework, read together in class, or simply read aloud by the teacher. Some texts include guiding reading questions to assist students in the event that the text is assigned for homework. Students should annotate the texts either in preparation for or during a seminar conversation. Teachers should not feel it necessary to assign all of the texts, especially in light of grade level considerations.

Letter to the Hebrew Congregation, George Washington

The Virginia Statute for Religious Freedom

Letter to the Danbury Baptist Association, Thomas Jefferson

“Property,” James Madison

The Examination Number No. 7, Alexander Hamilton

Statements on slavery, George Washington, John Adams, Benjamin Franklin, Alexander

Hamilton, James Madison

Notes on the State of Virginia, Query XVIII, “Manners,” Thomas Jefferson

The Declaration of Independence, Draft

The U.S. Constitution

The Northwest Ordinance, Article III

“The Constitution of the United States: Is It Pro-Slavery or Anti-Slavery?,” Frederick Douglass

TERMS AND TOPICS

religious tolerance

equality

property rights

slavery

rule of law

abolition

consent of the governed

morality

voting

majority tyranny

suffrage

objective truth

immigration

Northwest Ordinance

QUESTIONS FOR THE AMERICAN MIND

- What was unique about America regarding religion?
- What was unique about America regarding private property?
- What was unique about America regarding immigration?
- What was unique about America regarding who makes law and who is subject to law?
- What was unique about America regarding voting?
- Which two practices began at Jamestown in 1619?
- Why did Thomas Jefferson's first draft of the Declaration of Independence include condemnations of King George for perpetuating the Atlantic slave trade? Why was this section removed?
- What was the nature of the Founders' compromise with slavery at the time of the founding for the sake of the union? Would it have been possible to abolish slavery in the southern colonies without union?
- What efforts did some founders make to abolish slavery?
- What are the three clauses related to slavery in the Constitution? Explain each.
- How was the Three-Fifth Compromise a partial victory for slaveholders and a partial victory for abolitionists?
- How did Frederick Douglass's views on the founding with respect to slavery change during his work for abolition?
- Why did the Founders expect that slavery would eventually die out?
- What were the unforeseen consequences of the cotton gin, invented in 1793, four years after the adoption of the Constitution?
- Questions from the U.S. Civics Test:
 - Question 63: There are four amendments to the U.S. Constitution about who can vote. Describe one of them.
 - Question 65: What are three rights of everyone living in the United States?
 - Question 68: How can people become United States citizens?
 - Question 75: What group of people was taken and sold as slaves?
 - Question 78: Who wrote the Declaration of Independence?
 - Question 92: Name the U.S. war between the North and the South.
 - Question 94: Abraham Lincoln is famous for many things. Name one.
 - Question 95: What did the Emancipation Proclamation do?
 - Question 96: What U.S. war ended slavery?

KEYS TO THE LESSON

We come to take quite a lot for granted about government and civil society. What is less clear to today's Americans is how the American founding, its views on civil society, and some of its practices were very much the exception to the rule at the time and in human history. In fact, many of our settled opinions today on justice had their beginnings as commonplace assumptions with the start of the American experiment in self-government.

Teachers might best plan and teach The Exception to the Rule with emphasis on the following approaches:

- Consider the many ways that the American colonists were in fact the “exception to the rule” in the world, both at the time and in history, particularly in the areas of self-government, religious tolerance, private property rights among commoners, immigration, and suffrage.
- Begin this unit by reviewing the principles advanced in the first two paragraphs of the Declaration of Independence. Review also how the Constitution seeks to achieve freedom, equality, and justice by establishing a system of limited self-government. Most of this unit should involve references back to these founding principles throughout American history, beginning with their efficacy during the founding generation itself. Students should understand the principles of the Declaration of Independence and self-government as the ways in which America was and remains most unique in human history. They form the bedrock on which rest all of America's exceptions compared to the normal affairs of mankind.
- Note the degree of religious toleration present in the colonies and at the founding. Religious faith strongly defined colonial culture, largely because so many came to America to escape the religious persecutions of the old world. From the pilgrims and the Puritans to Roman Catholics and Jews, a wide variety of denominations are found throughout colonial settlements. This diversity fostered religious liberty and toleration at the same time that it strengthened a common morality rooted in religious faith and practice, which was widespread and imbued colonial society. Read with students George Washington's letter to the Hebrew congregation at Newport, the Virginia Statute for Religious Freedom, and Thomas Jefferson's letter to the Danbury Baptists for insights into the unprecedented religious toleration present at the founding.
- Remind students that the United States was founded as a country of commoners, which was by far the exception in human history. The colonists who settled in British North America came from many nations (chiefly but not exclusively those of Europe) for many different reasons, but one thing they did not bring with them were the legal class distinctions that defined the aristocratic and monarchical nations they left behind. These individuals (except for their British governors) were largely common people who immigrated to America seeking their freedom and betterment. Prohibiting titles of nobility and class distinctions in the Constitution itself worked in tandem with the recognized importance and protection of the ability of all Americans to acquire and hold private property to better their stations in life. The rule of law, moreover, ensured that all were subject to the same law and that the law was the product of the consent of the governed. James Madison's “Property” essay outlines the kinds of property human beings have and how its protection relates to the dignity and freedom of human beings.
- Read aloud with students in class Alexander Hamilton's Examination No. 7 on the need for a citizenry that holds certain principles and habits of conduct conducive to respecting the rights of fellow citizens. In a nation as diverse as the United States and that is not bound by blood, understanding of, adherence to, and practice in these principles of self-government become all the more important. Immigration policy for Hamilton, therefore, sought to encourage as much immigration as was justly possible and good for Americans while still achieving these prerequisites to maintaining free government. In brief, an immigrant had to understand and be willing and able to practice the responsibilities of self-government, especially respect for the rule of law.
- Make sure students have a clear perspective on voting in human history. In brief, this privilege has been exceptionally rare and, therefore, the American citizen's right to vote is a remarkable achievement. The American colonies, for instance, were one of the few places in history up to that time where most ordinary male citizens of European descent were permitted to

vote. The rule in history has been that one person made the law (monarchy) or a few did so (oligarchy). That most male citizens, even though still restricted to those of European descent, were allowed to vote in the American colonies is therefore a consequential development in world history, a significant step toward universal suffrage.

- Explain to students how women, African Americans, and men who did not own property were generally, though not always, prohibited from voting. Yet even at the founding, every state north of Pennsylvania allowed free African Americans to vote. Students should appreciate the historic gains the American people made securing the right to vote for the abovementioned peoples while also recognizing that their original curtailment was more the rule than the exception in human history, not a phenomenon unique to America. What was unique to America was the right to vote at all and then the relatively rapid rate at which the right to vote was expanded.
- Explain that originally, voting was a privilege of citizenship and not a natural right. It was also a serious duty. It was meant to be carried out by people who had significant interest in protecting America, who actively informed themselves on the issues independent of what they were simply told, and who would be called to give their lives up for their country if it were threatened. Put another way, they had a high personal stake in what the country did regarding various policies, including going to war.
- Consider the year 1619 at Jamestown as an insight into colonial America:
 - On one hand, it was in 1619 that the first Africans, having been taken from a Portuguese slave ship en route to Mexico by an English privateer, landed at Jamestown.
 - On the other hand, it was also in 1619 at Jamestown that the Virginia House of Burgesses first convened, marking the beginning of representative self-government in the colonies. This self-government would flourish for over a hundred and fifty years as the British colonists of North America largely governed themselves and developed the thought, practice, and habits of a self-governing people (a phenomenon that Edmund Burke described as “salutary neglect”).
- Familiarize students with the views of the leading Founders on slavery, including by reading their own words and Thomas Jefferson’s Query XVIII in his *Notes on the State of Virginia*. Northern Founders—most of whom were strongly opposed to slavery—and even some southern Founders who believed slavery immoral were politically unable to end slavery. For instance, Gouverneur Morris repeatedly railed against slaveholders in the Constitutional Convention and Thomas Jefferson, who owned slaves himself, included a condemnation of the slave trade and referred to slaves as “men” in the draft of the Declaration of Independence, a section the slaveholding interest demanded be removed. Most anti-slavery Founders continued nevertheless in the belief that the only way that they could have any influence in order to end slavery in the southern states was through union. Without unity, the Americans would very likely have lost the Revolutionary War (giving up their independence and freedom to continued British rule that would perpetuate slavery anyways) or the southern colonies would have formed their own country, in which case those who opposed slavery would have no power to abolish slavery where it existed in the South. During the Civil War, Frederick Douglass made similar arguments for preserving the Union against fellow abolitionists who wanted to let the South secede with slavery intact.
- Consider with students the sectional nature of views on slavery during the founding. The majority of northerners and northern Founders (e.g., John Adams, Benjamin Franklin, Benjamin Rush, Gouverneur Morris, and John Jay) spoke and wrote extensively on the immorality of slavery and its need to be abolished. Some northern Founders, such as John Jay, Alexander Hamilton, and Benjamin Franklin, founded or served in abolitionist societies.

- Consider also that even among the southern Founders who supported slavery or held slaves, several leading Founders expressed regret and fear of divine retribution for slavery in America, such as Thomas Jefferson, James Madison, and George Washington. Some freed their slaves as well, such as George Washington, who by the end of his life freed the slaves in his family estate. And many, like Thomas Jefferson, nevertheless maintained that slaves were men in full possession of the natural rights of all men. Making these observations does not diminish the inhumaneness of slavery or dismiss the wrong of racism by certain colonists or other individual Americans living in other generations.
- Ask students how to judge the Founders who owned slaves and yet supported the Declaration of Independence and Constitution. Students should consider their public and private lives as well as their words and deeds. Taken altogether, students should recognize the difficulty in assigning an absolute moral judgment that a person is entirely bad or entirely good.
- Have students also consider the distinction between judging character absolutely versus judging individual actions. When they do, students will encounter figures who did both much that was good and also some that was bad, and that this contradiction runs through the heart of every person.
- Be careful with the phrase “consider the times,” as this phrase can easily give the impression that truth and morality (good and evil) are merely relative to one’s viewpoint or historical time period. Instead, help students understand that “to consider the times” in which the American colonists and Founders lived is not to excuse moral injustices or to justify relativism. We should consider the circumstances at the time and weigh them against principles that transcend time. It’s not whitewashing or rewriting history. It is recognizing the reality of history and honestly assessing how figures at the time acted within their circumstances in light of the truth.
- Provide students with a copy of the first draft of the Declaration of Independence that tracks the edits made by the Second Continental Congress. Ask students why specific changes were made. Spend time especially with the sections that addressed slavery and were removed. While these changes were insisted upon by the slaveholding interest, have students consider what it meant that Jefferson, Adams, and Franklin attempted to include such a condemnation in the first place.
- When discussing compromises between the principled claims of the Declaration and the brutal matter of slavery, be mindful of the following:
 - Slavery was one of the few matters of disagreement among the colonial revolutionaries in their otherwise generally united challenge to England. Those who opposed slavery as well as those who favored it agreed about the growing threat of British tyranny.
 - Many northern Founders and even some slaveholding Founders recognized the hypocrisy of claiming the principle of equality in spite of the continuing institution of slavery. Nevertheless, some southern Founders did not believe this phrase to be true for slaves and therefore did not believe it was hypocritical.
 - Slavery and the subsequent inequality and violations of the rights of the descendants of slaves, as well as of women and certain immigrants, are glaring ways in which the country has fallen short of its founding idea.
- Take the time to consider, read, and discuss the ways in which slavery was addressed in the Constitution. Helpful in this endeavor is reading Frederick Douglass’ “The Constitution of the United States. Is It Pro-Slavery or Anti-Slavery?” as a guide. While the Constitution did not abolish slavery, it did place new significant, national limits on it. Indeed, at the time it was adopted, the Constitution marked one of the most significant moves to restrict slavery in the world. As Frederick Douglass and Abraham Lincoln would later acknowledge, the Declaration’s

principle of equality and the Constitution's arrangements gave the Founders the belief that they had placed slavery on the path to eventual extinction.

- Clarify for students the arguments of northerners and southerners concerning the Three-Fifths Clause. The clause was not about the humanity of slaves; it was strictly about how much representation slave-owning states would receive in Congress and the Electoral College. The great hypocrisy of the slaveholders was that while they refused to call a slave a human being, they insisted that each slave be counted as a whole person for purposes of representation. In fact, it was the anti-slavery Founders who did not want slaves counted at all in the Constitution for the purposes of representation. The fact that slaves were only counted as three-fifths for the purposes of representation was a disappointment for southern states, as they had demanded they be counted as a whole person. It was a partial victory for northern opponents to slavery, as it would give the slaveholding states less influence in lawmaking than they wished. Additionally, students should understand that in the mind of those opposed to slavery, this compromise was the only politically viable route if they were to secure southern support for the Constitution, without which the country would become disunited, with the South able to perpetuate slavery indefinitely as their own country without northern abolitionists. Students need not agree with the tenets of the compromise, but they must understand it as the founders themselves understood it.
- Remind students that the slave trade was not formally limited in the states (the Continental Congress had temporarily banned the practice in 1774) until the passage of the Constitution, which allowed for it to be outlawed nationwide in 1808 (which it was) and for Congress to discourage it by imposing tariffs on the slave trade in the meantime. Students should understand that without the compromise that allowed this twenty-year delay, the power to abolish the slave trade would not have been granted by the slaveholding interest in the first place.
- Consider with students the significance of the Constitution not using the word "slave" and instead using "person." Refusing to use the word "slave" avoided giving legal legitimacy to slavery. Even Article IV, Section 2, Clause 3 emphasizes that slavery was legal based on certain state, not federal, laws. The use of the word "person" forced even slaveholders to recognize the humanity of the slave: that he or she was in fact a human person, not property. There would be no federally-recognized "property in man."
- Point out for students that clauses that were not about slavery but which slaveholding interests could use to their benefit were not therefore deliberately pro-slavery clauses. Such a logical fallacy would implicate as morally evil anything hijacked for use in committing a wrong act, for example, a road used by bank robbers in their getaway would be "pro-robbery."
- Have students consider the status of slavery over the initial decades of the country's history. At the founding, slavery was either openly condemned by northerners or defended (but seldom celebrated) by southerners. Its toleration at the time of the founding was for the sake of a unity that even many abolitionists believed was the only eventual path toward abolition. Based on the evidence at the time, many leading Founders believed slavery was naturally destined for extinction, that public opinion had steadily grown toward seeing slavery for the moral evil that it was, and that the principles of the Declaration of Independence and Revolution helped shape this public opinion and would also be the vehicle for eventual equality. The Founders also believed the Constitution restricted slavery, created a path to restricting it further (by holding the union together), and kept slavery on the path it was already travelling: to extinction. The Declaration of Independence founded the country on principles of equality that could and would be used to demand the end of slavery. The Northwest Ordinance had prohibited the expansion of slavery. The Constitution refused to give legal standing to the institution, and many states had abolished

slavery outright. Even Founders who held slaves believed the profitability of slavery was gradually but decisively waning and that slavery would die out on its own in a short period of time.

- Note for students the history-changing invention of Eli Whitney's cotton gin in 1793, four years after the adoption of the Constitution. The cotton gin would greatly increase the profitability of slavery in the cotton-growing states of the South and thereby create a significant (and regional) interest in perpetuating the institution of slavery. The new economics of slavery that would grow out of the cotton gin and the vast cotton industry questioned the assumption and changed the projection of the founding generation concerning the viability and eventual demise of slavery.
- Consider with students how America is unprecedented in the history of the world because it was founded on the principle that "all men are created equal and that they are endowed by their Creator with certain unalienable rights." Consider the view of many Founders—as well as abolitionists Abraham Lincoln and Frederick Douglass, and the meaning of the "promissory note" of Martin Luther King Jr.—that America is founded on this principle of the inherent equality of every human being based on humanity and natural rights; and that consequently, the role of the American nation and her citizens, as well as her history, has been one of trying to establish this principle in practice through a self-governing people. Almost all of the Founders recognized at the very least that the statement of the principle of equality, despite a compromise that allowed for the pre-existing institution's continuing existence, undermined the legitimacy of slavery.
- To recap what the Founders did for the cause of freedom and equality, complete the lesson by considering the Land Ordinance of 1785 and the Northwest Ordinance of 1787. These two exceptional documents capture much of what the founding accomplished to advance the principles of America, doing so in concrete and effective law, namely, promoting private land ownership, the free exercise of religion, and public education while prohibiting the expansion of slavery.

STRENGTHENING UNDERSTANDING: POST-LESSON ASSIGNMENT

Assignment: In which ways was the American founding an exception to the rule, meaning, how were its achievements regarding self-government, religious tolerance, property ownership, voting, and restricting slavery uncommon compared to the rest of the world at the time? (1-2 paragraphs)

Lesson 2 — Abolitionism vs. Slavery

5-6 classes

LESSON OBJECTIVE

Students learn about the ways in which the status of slavery changed in the decades following the Founding and the efforts of abolitionists, Abraham Lincoln, and the Civil War to end slavery by appealing to America's founding principles.

ONLINE COURSES FOR TEACHERS | Online.Hillsdale.edu

Introduction to the Constitution

Lecture 3

Constitution 101

Lectures 6 and 7

Civil Rights in American History

Lectures 2 and 3

PRIMARY SOURCES

The following primary sources are potential readings for students. Teachers should use their discretion based on grade level ability in deciding which texts to share with students. The texts may be assigned for homework, read together in class, or simply read aloud by the teacher. Some texts include guiding reading questions to assist students in the event that the text is assigned for homework. Students should annotate the texts either in preparation for or during a seminar conversation. Teachers should not feel it necessary to assign all of the texts, especially in light of grade level considerations.

Speech on the reception of abolition petitions, John C. Calhoun

Speech on the Oregon Bill, John C. Calhoun

Speech at Peoria, Abraham Lincoln

Lincoln's Response in the Seventh Lincoln-Douglas Debate, Abraham Lincoln

First inaugural address, Abraham Lincoln

The Emancipation Proclamation, Abraham Lincoln

Gettysburg Address, Abraham Lincoln

Second inaugural address, Abraham Lincoln

13th Amendment to the Constitution

TERMS AND TOPICS

equality

slavery

abolition

cotton gin

Missouri Compromise

positive good

sectionalism

Compromise of 1850

statesmanship

morality

Kansas-Nebraska Act

Dred Scott v. Sandford

"a house divided"

popular sovereignty

majority tyranny

objective truth

moral relativism

"don't care"

prudence
justice
Union
secession

states' rights
war powers
Emancipation Proclamation
13th Amendment

QUESTIONS FOR THE AMERICAN MIND

- What were the unforeseen consequences of the cotton gin, invented in 1793, four years after the adoption of the Constitution?
- What was the argument in the defense of slavery as a “positive good” that emerged among slavery apologists in the decades after the founding?
- How did the idea of slavery as a “positive good” challenge the Constitution’s stance on slavery and the path on which the founding generation had set slavery?
- How did John C. Calhoun reject the Founders on equality, natural rights, and the social contract?
- What did the Kansas-Nebraska Act and *Dred Scott v. Sandford* do, both in law and as a threat to public opinion on slavery at the time?
- How did Abraham Lincoln try to halt the expansion of slavery and win the moral battle against it?
- How did Abraham Lincoln and Stephen Douglas disagree on the limits of democracy and the danger of majority tyranny?
- What were Abraham Lincoln’s arguments against moral neutrality or relativism (“don’t care”) on the question of slavery?
- How was slavery the true cause of the Civil War?
- What were the arguments for and against Southern secession?
- What were the arguments for and against the Union fighting to keep the South from seceding?
- In what ways did Abraham Lincoln manifest the ideal qualities of a statesman and the virtue of prudence?
- How did Abraham Lincoln manage to accomplish his competing goals to maintain the union, preserve the Constitution and the rule of law, and end slavery?
- What did the Emancipation Proclamation do? How was Abraham Lincoln able to justify, issue, and enforce it successfully?
- How does Abraham Lincoln’s Gettysburg Address assert that freedom and self-government require devotion—and even a willingness to sacrifice for—the country and its principles of justice?
- As presented in his second inaugural address, how did Abraham Lincoln view the Civil War as a tragedy?
- Questions from the U.S. Civics Test:
 - Question 94: Abraham Lincoln is famous for many things. Name one.
 - Question 95: What did the Emancipation Proclamation do?

KEYS TO THE LESSON

Slavery was one of the most significant institutions and practices that ran contrary to the principles of the Declaration of Independence. Understanding the events that followed the founding generation is a key part to understanding American civics. On one hand, there were those who further entrenched slavery and on the other those who gave rise to a movement and series of events that would eventually abolish slavery.

Teachers might best plan and teach Abolitionism vs. Slavery with emphasis on the following approaches:

- Review from the previous lesson the status of slavery over the initial decades of the country's history, including the extent that advances were made towards equality during the founding and the history-changing invention of Eli Whitney's cotton gin in 1793, four years after the adoption of the Constitution.
- Explain to students how during the early 1800s the growth in population in the North would eventually allow northern states to restrict slavery further and perhaps even abolish it via a constitutional amendment. Southern slaveholders recognized that they had to expand the number of slave states if they were to prohibit such actions by northerners. The challenge, however, was that they needed northern states to acquiesce to such expansion. To do so, they appealed first to the argument that slavery was a positive good, as captured in the writings of John C. Calhoun. Students should read Calhoun's two speeches in order to examine his arguments and to understand how Calhoun explicitly rejected the American founding as captured in the Declaration of Independence and the Constitution. Students should work through and identify the serious faults in Calhoun's arguments, particularly in light of the previous lesson.
- Read with students parts of Lincoln's speech in Peoria in response to the Kansas-Nebraska Act. Students should understand that Lincoln saw slavery to be, above all, a moral question, and one that every American ought to take seriously as such. Lincoln also believed that moral relativism over the question of slavery, as conveyed in the idea of popular sovereignty, was antithetical to the ideas of the Declaration of Independence, and that slavery was simply a form of majority tyranny, the very danger latent in democracy that the Founders had warned against. Finally, Lincoln condemned the Kansas-Nebraska Act as achieving a complete reversal of the stance the Constitution, the Northwest Ordinance, and the founding generation had toward slavery: that it should be contained until it was abolished and by no means allowed to spread.
- Have students consider Abraham Lincoln's arguments on how Roger Taney's majority opinion in *Dred Scott v. Sandford* effectively ruled that slaves are not humans but property, and that the Constitution protects their enslavement just as it does any other property. Lincoln points out that Taney's ruling rejected the Founders' view on slavery and would lead, in tandem with Stephen Douglas's popular sovereignty, to the spread of slavery throughout the country. By extension, this reasoning would also allow for any form of majority tyranny. Put another way, Taney's argument in *Dred Scott*, the idea of "might makes right," is the same argument that animated despotic regimes like Communist Russia, Fascist Italy, or Nazi Germany.
- Help students think through Lincoln's understanding of the morality of slavery and its relationship to the founding ideas of America: that all men are created equal, have unalienable rights, and that legitimate government is based on the consent of the governed. Students should see that, although central to the Civil War, the practical question regarding the expansion of slavery ultimately turned on the moral status of slavery.
- Consider the apparently benign stance that Stephen Douglas takes in his position of popular sovereignty—that he does not care about what a group of people does regarding slavery so long as the majority opinion decides it. Students should be asked why this is problematic. Then read with students Abraham Lincoln's response to Douglas in their seventh debate in which Lincoln shows the moral hollowness of Douglas' argument.

- Have students consider the arguments by the South and by Abraham Lincoln regarding the idea of “states’ rights” and the constitutionality of secession, particularly by reading and discussing Abraham Lincoln’s first inaugural address. Students should understand that there is no such thing as a “state right,” since rights belong only to persons. States (as governments) possess powers (not rights), as outlined in their state and in the federal Constitution, which the states are to use to protect the rights and the common good of their citizens (including from encroachment by the federal government). Lincoln’s first inaugural address presents the case for how secession is unconstitutional and how he, having taken an oath in his office as president, can and must preserve the Constitution and Union.
- Explain that Abraham Lincoln’s first goal in fighting the Civil War was to preserve the Union. It is important that students understand Lincoln’s reasoning. He was against slavery and wanted it abolished, but his constitutional obligation was to preserve the Union. If he acted otherwise, he would violate the Constitution and the rule of law, becoming no better than the seceding states and forfeiting his moral authority as the defender of the rule of law. Students should also know that while Lincoln did not believe he could abolish slavery alone or that abolishing slavery was the purpose for fighting the war, he nonetheless believed, like many of the Founders, that the only way to abolish slavery would be if the Union were preserved.
- Read aloud in class the Emancipation Proclamation and teach students the technicalities Abraham Lincoln navigated in thinking of it, drawing it up, and the timing of its promulgation. He had to retain the border states, abide by the Constitution, achieve victory, and earn the support of public opinion in order for slaves to be effectively freed—and he did it all. Students should understand that Lincoln’s justification for freeing the slaves involved exercising his executive powers as commander-in-chief of the armed forces during an armed rebellion. This is why Lincoln only had the authority to apply the Emancipation Proclamation to those states in actual rebellion, why it could not be applied to slave-holding border states not in rebellion, and why he knew that after the war, an amendment to the Constitution would be necessary to bring emancipation to all the states and make it permanent.
- Have students read and hold a seminar conversation on the Gettysburg Address. It is a magnificent work of oratory, but it also gets at the heart of the American founding and the ideas that maintain the United States. It also shows the importance of defending and advancing those ideas, both in the Civil War and in our own day, as is incumbent on every American citizen.
- Read and have a seminar conversation about Abraham Lincoln’s second inaugural address. Lincoln addresses many topics within the speech, both reflecting on the war and outlining a plan for after the war. In some respects, this speech is “part two” of what Lincoln began to assert in the Gettysburg Address. One of the main ideas Lincoln suggests, however, is that the Civil War was a punishment for the whole nation. This punishment was not necessarily for the mere existence of slavery but because, unlike the founding generation, the nation had in the time since the founding not continued to work for the abolition of the evil of slavery. While no country will ever be perfect, a people should work to make sure its laws do not promote the perpetuation of a practice that violates the equal natural rights of its fellow citizens.
- While a further study of Reconstruction and civil rights will occur in Lesson 4, be sure to teach about the 13th Amendment outlawing slavery that Republicans introduced during the Civil War and the states ratified in 1865.

STRENGTHENING UNDERSTANDING: POST-LESSON ASSIGNMENT

Assignment: Why did Abraham Lincoln and other abolitionists like Frederick Douglass believe the American founding condemned slavery? How did Lincoln and abolitionists overcome new challenges in support of slavery and against the founding in order eventually to abolish slavery? (1–2 paragraphs)

Unit 4 — Formative Quiz

Covering Lessons 1-2
10-15 minutes

DIRECTIONS: Answer each question in at least one complete sentence.

1. What was unique about America regarding private property?
2. What was unique about America regarding who makes law and who is subject to law?
3. How did Frederick Douglass's views on the founding with respect to slavery change during his work for abolition?
4. How did John C. Calhoun reject the Founders on equality, natural rights, and the social contract?
5. What did the Emancipation Proclamation do? How was Abraham Lincoln able to justify, issue, and enforce it successfully?

Lesson 3 —Progressive Government

3-4 classes

LESSON OBJECTIVE

Students learn how the Progressive movement sought to bring about progress and improvement and in the process offered a critique of some founding principles and America's constitutional order.

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Introduction to the Constitution

Lecture 12

Constitution 101

Lectures 8 and 9

Constitution 201

Lectures 1, 2, 3, 4, 6, 10

PRIMARY SOURCES

The following primary sources are potential readings for students. Teachers should use their discretion based on grade level ability in deciding which texts to share with students. The texts may be assigned for homework, read together in class, or simply read aloud by the teacher. Some texts include guiding reading questions to assist students in the event that the text is assigned for homework. Students should annotate the texts either in preparation for or during a seminar conversation. Teachers should not feel it necessary to assign all of the texts, especially in light of grade level considerations.

“What Is Progress?” Woodrow Wilson

War Message to Congress, Woodrow Wilson

“The Study of Administration,” Woodrow Wilson

Annual Message to Congress, 1944, Franklin Delano Roosevelt

“The Inspiration of the Declaration,” Calvin Coolidge

TERMS AND TOPICS

Progressivism

16th Amendment

relativism

17th Amendment

special interests

18th Amendment

monopolies

The New Deal

direct democracy

Second Bill of Rights

living Constitution

Great Society

politics

welfare

administration

libertarianism

expertise

neoconservatism

bureaucracy

Reaganism

delegation

populism

QUESTIONS FOR THE AMERICAN MIND

- How did Progressives explain their argument that human nature, truth, and politics were inevitably evolving and improving over the course of history?
- How and why did the Progressives critique the Declaration of Independence, natural rights, and social contract theory?
- What were the Progressives' conceptions of freedom, equality, and the role of government?
- Why did Progressives think about the power of special interests, monopolies, and the wealthy in politics?
- What social reforms did Progressives pursue to deal with problems of urbanization and industrialization?
- What were Progressives' goals in foreign policy? Why did they hold these views?
- In what ways did Progressives critique the Constitution as being too slow, mechanical, and at odds with itself?
- What were Progressives' early arguments for a "living Constitution"?
- Why did the Progressives critique the separation of powers and checks and balances?
- Why did Progressives believe that many of the Founders' worries over the dangers of tyranny, and majority tyranny, were outdated, and thus that limits and checks on the government's power were outdated?
- In what ways did Progressives promote direct democracy?
- What was government by expertise, and why did the Progressives think it was a good idea?
- How does the administrative bureaucracy often claim the formerly separated legislative, executive, and judicial branches all for itself?
- How has Congress delegated its legislative power to the administrative state?
- How did Progressives reimagine the presidency?
- Why did Franklin Roosevelt argue that rights are to be granted by the government according to the social conditions of the historical moment?
- How does this view of rights and their origin conform with or differ from the Founders' understanding of rights?
- What was Franklin Roosevelt's Second Bill of Rights? How did these rights differ from the Founders' original Bill of Rights?
- What were the main ideas of Lyndon Johnson's Great Society?
- What is welfare?
- For all of the following: what were their origins, how did they attempt to answer Progressivism, how are they distinct from one another, and how might the Founders respond to them?
 - libertarianism
 - neoconservatism
 - Reaganism
 - populism
- Questions from the U.S. Civics Test:
 - Question 5: How are changes made to the U.S. Constitution?
 - Question 32: Who elects U.S. senators?
 - Question 63: There are four amendments to the U.S. Constitution about who can vote. Describe one of them.

- Question 71: Why is it important to pay federal taxes?

KEYS TO THE LESSON

The industrialization and urbanization that followed the Civil War in America brought a dramatic transformation to American life, business, and politics. New ideas about the role of government in light of many of these changes were imported from German philosophers and models of government. This movement known as Progressivism asserted that the economic changes since the American founding necessitated new functions by government. Moreover, the Progressive belief that human knowledge and morality had progressed since the founding generation meant that government could take on new purposes and powers as well.

Teachers might best plan and teach Progressive Government with emphasis on the following approaches:

- Lead students through considerations of how the Progressives judged the Founders to have been too focused on the individual and the value of private property ownership. As a nation without titles of nobility and class distinctions, the founders understood the great importance of the ability of all Americans to acquire and hold private property. But that was by no means the sole or primary objective of the American founding. The Progressives, however, argued that the founding (and the Constitution in particular) was designed solely to protect private property. The great changes in industry and the accumulation of capital had since then made the founding problematic by allowing too much power to become concentrated in the hands of wealthy industrialists and large businesses. Read with students Woodrow Wilson's "What is Progress?" with these points in mind and make reference to this work throughout the lesson.
- Help students understand that the presence of large corporations may not have been an issue in and of itself so long as individuals were still free to seek their own material prosperity. The reason it was an issue for the Progressives was due to their second critique of the Founders, one that was more theoretical concerning the idea of rights. The Progressives rejected the Founders' insistence that rights were natural, that they were part of what made one human, and that they existed only at the individual level. Instead, they maintained that rights were conditioned on social circumstances and belong to groups of people, usually organized by class. The problem with the Founders' system of equal natural rights was that the equal protection of those rights now favored the wealthy and powerful. Progressives believed government should redefine rights according to class and group, and that government should not protect rights equally when it came to the wealthy and other "special interests." Indeed, since rights were not based on natural personhood, they were derived instead from some other source as determined by government. This means that the possession of rights is controlled by government: they can be given but also taken away by government. Rejecting the Founders' understanding of equal and unalienable rights grounded in human nature, the Progressive's argued for changing rights that were controlled by government.
- Review with students the American Founders' understanding of human nature. They understood human nature to be fixed and unchanging, good but also flawed and tending toward corrupting power. In response to human nature, government must guard against the opposite dangers of lawlessness and tyranny, accounting for the realities of human nature and rejecting the possibility of utopia. The Constitution, therefore, did not deny, demonize, or elevate human

nature, but rather tried to channel the powers of human beings into constructive institutions while mitigating man's baser tendencies. In brief, the Constitution was constructed on an understanding of fixed human nature born of the Founders' knowledge of history, their own experience, and their prudence.

- Share with students that while both the Founders and Progressives believed in a moral foundation to politics, Progressives critiqued the above-mentioned view of human nature and government as too pessimistic and too simplistic. Progressives instead generally believed history to be evolving and automatically moving forward. That is, when looking on the technological gains, improvements in the standard of living, and the general pace of scientific discovery, Progressives believed that human beings, even human nature itself, would also improve and would be more likely to do what is right and good automatically. At the societal level, therefore, government ought to bring about that improvement and even aim to perfect human nature. Progressives disagreed with the Founders' argument that government's primary purpose was to secure unchanging rights and maintain a framework for self-government. Instead, they held that the purpose of government was to keep up with evolving rights and constant social change, what they called "progress."
- Clarify with students that studying the philosophical, institutional, and political break that the Progressives made with the Founders does not mean that Progressives were wrong to highlight issues such as child labor, workplace and consumer safety, conservation, and monopolies, as the Founders also did. These are serious problems that ought to have been and should continue to be addressed. But students should consider the arguments surrounding the appropriate response, namely, whether it is the role of government to address these issues, or if private individuals, charities, businesses, consumers, churches, civic associations, and state and local governments are the proper entities to answer these problems, especially in light of students' understanding of both the American founding and Progressivism.
- Make sure students appreciate the shift in the purpose and operation of government under such a view: government is no longer the defender of certain fundamental rights but otherwise limited to the basic functions (lawmaking, executing law, and adjudicating law) and core responsibilities (such as maintaining courts of law and the nation's security) of government. Rather, government is to be *the* active force for change in America, bringing about personal fulfillment of individuals and progress for society. Moreover, these ends were not limited to merely domestic policies but were attainable also on the world stage in foreign affairs. Woodrow Wilson's "War Message to Congress" articulates the spirit of Progressivism in foreign policy.
- The Progressives argued that the technical and time-consuming work of actually carrying out the broad, general ideas of the law—detailing how it is to be done, implementing the laws, and making sure they are enforced to achieve their objectives—is not the work of Congress or even the President but requires a new body of experts and bureaucrats to do the real work of governing (administration) outside of and not subject to politics. Congress would *delegate* some of its lawmaking power to these bureaucrats, most of whom would exist under the executive branch and so could also execute the "laws" or regulations they make (in this example, the clean air and water experts would make the specific details of the law). The president can delegate his power to enforce it. They often also are given judicial powers, and have their own courts to adjudicate claims against their own laws and regulations. This shift of legislative, executive, and judicial powers away from the branches in which these powers had been separately vested by the people through the Constitution, and its accumulation under various departments and agencies, amounts to the second great shift in the Progressive worldview: government needed to be

rearranged through the creation of the administrative state to circumvent the processes of the Constitution and bring about “progress.”

- Ask students about the importance of this shift away from government by representatives of the people to government by bureaucratic expertise, including whether or not it stands against the principle of representative self-government on which the Founders established the United States. Other words to characterize this view is “government by bureaucracy” or “the administrative state.”
- Emphasize how the advent of the administrative state changed the Founders’ careful insistence that powers be separated and dispersed through the separation of powers, checks and balances, and federalism, not to mention government by elected representatives. All three types of government power (legislative, executive, and judicial) are instead consolidated into bureaucratic agencies that are, moreover, highly autonomous from the people. And all of this is in the name of efficiency: trusting in improved human nature and scientific expertise to achieve higher aims via government than the founding generation ever thought possible.
- Help students to understand the various changes the Progressives made to the functioning of the government. Include in this treatment the 16th, 17th, and 18th amendments, the initiative, the referendum, the recall, etc.
- Clarify for students that the chief long-term consequence of the New Deal was the expansion and formalization of the administrative state, its bureaucratic agencies and employees, and its extensive role in American life. Students should understand that Roosevelt justified such an aggressive political shift as a response to the Great Depression. By greatly expanding and centrally organizing many new aspects of government, the New Deal cemented the idea of government as expert administration. As Roosevelt said in his “Commonwealth Club Address,” the day of “enlightened administration” had arrived.
- Emphasize that Roosevelt saw the power of government not merely as a guarantor of the freedom to exercise natural rights but as actually guaranteeing economic conditions and assuring new economic rights. New entitlement programs guaranteed certain benefits to groups or segments of the population, and implied that individuals have a right to such government entitlements just as or even more important than their natural rights. Roosevelt argued (in his “Second Bill of Rights” speech) that the old rights guaranteed in the Constitution were inadequate and that America required a new economic bill of rights to guarantee employment, housing, medical care, social security, education, and even recreation. These ideas would inform future political debates over several decades.
- Note for students the effect that the New Deal had on federalism and the separation of powers. While the courts at first attempted to uphold limits on the powers of the federal government (by rejecting, for instance, attempts to delegate power to the bureaucracy), by the end of the New Deal the Supreme Court had abandoned attempts to restrict such limits, granting Congress vast authority to legislate about anything that pertained to economic activity. And in expanding its delegations of power to the bureaucracy, Congress in turn expanded the federal government’s power to regulate those activities.
- Present Lyndon Johnson’s Great Society as the third phase of Progressivism. The Great Society argued that government was not merely meant to preserve rights (as the Founders asserted), or even to achieve economic equality and fulfillment (as in early Progressivism and the New Deal). Taking Progressivism a step further, the Great Society sought to use government to achieve a kind of human fulfillment for groups of people. It sought to bring government action to areas previously not the realm of the *federal* government, such as public education.

- Conclude the lesson by surveying with students general constitutionalist interests, in the wake of the several progressive movements, to return the country to what they considered a proper respect and appreciation for the accomplishments of the American founding, its grounding in the principles of the Declaration of Independence, and its establishment of the rule of law and the forms of constitutional government. For these groups which may loosely be called the “conservative movement,” in particular was an emphasis on abiding by the Constitution as a ruling expression of the consent of the governed. This brought prominence to the appointment of judges and how they should be guided by the original meaning of the Constitution rather than reading the Constitution as a “living” document that evolves with time.
- Read with students Calvin Coolidge’s “The Inspiration of the Declaration” speech on the one hundred and fiftieth anniversary of the signing of the Declaration of Independence, and consider his description of the moral and intellectual grounding of the Declaration, in particular his statement that “If all men are created equal, that is final. If they are endowed with inalienable rights, that is final. If governments derive their just powers from the consent of the governed, that is final. No advance, no progress can be made beyond these propositions.”
- Explain to students that the general tension within conservatism tend to concern the degree to which government is used to secure, encourage, or achieve constitutional principles, economic liberty, and the common good.
- Help students understand the following general constitutionalist approaches over the last several decades. Consider with students the extent to which each constitutionalist movement claimed to adhere to all or specific parts of the American founding, particularly through appeals to the Declaration of Independence and an originalist reading of the Constitution.
 - Libertarianism views government in the most limited sense: to securing the rule of law and economic contracts while permitting most other activities, regardless of their morality, so long as they do not immediately harm another.
 - William F. Buckley was critical of the New Deal and especially its socialist tendencies, and was also an advocate of churches, private associations, and the family.
 - Neoconservatism emerged as critics of the welfare state and the liberalization of social policy and advocates of a strong American foreign policy.
 - The New Right were especially concerned about social issues arising out of government policies (particularly as driven by the Supreme Court).
 - Ronald Reagan attempted to combine free-market economic concerns, the new concerns about matters of moral conduct, and concerns about America’s national security (especially in the midst of the Cold War). This new consensus sought to decrease the size of government (especially the federal government and its role in America’s economy) and reestablish Constitutional limits (especially to revive federalism) while asserting American principles and national strength on the world stage.
 - In recent years, some constitutionalist views have begun to emphasize what they consider to be more secure borders, economic nationalism, a moral outlook reflective of the founding generation, and an American-centric foreign policy.

STRENGTHENING UNDERSTANDING: POST-LESSON ASSIGNMENT

Assignment: What are the ways in which Progressives disagreed with the Founders? How might the Founders have replied? (1–2 paragraphs)

Lesson 4 — Civil Rights vs. Discriminatory Laws

5-6 classes

LESSON OBJECTIVE

Students learn about the various ways in which discriminatory laws were an affront to the principles of the Declaration of Independence and about the many successful efforts to change such laws.

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Civil Rights in American History
The U.S. Supreme Court

Lectures 4, 5, 7, 8, 9
 Lecture 8

PRIMARY SOURCES

The following primary sources are potential readings for students. Teachers should use their discretion based on grade level ability in deciding which texts to share with students. The texts may be assigned for homework, read together in class, or simply read aloud by the teacher. Some texts include guiding reading questions to assist students in the event that the text is assigned for homework. Students should annotate the texts either in preparation for or during a seminar conversation. Teachers should not feel it necessary to assign all of the texts, especially in light of grade level considerations.

Seneca Falls “Declaration of Sentiments and Resolutions,” Elizabeth Cady Stanton
 13th Amendment to the Constitution
 14th Amendment to the Constitution
 15th Amendment to the Constitution
 “I Have a Dream,” Martin Luther King Jr.

TERMS AND TOPICS

19th Amendment
Worcester v. Georgia
 Dawes Act
 Indian Citizenship Act
 nativism
 Chinese Exclusion Act
 melting pot
 Civil Rights Act of 1866
 13th Amendment
 14th Amendment

15th Amendment
 black codes
 Jim Crow
 segregation
 “separate but equal”
 discrimination
 civil rights
 civil rights movement
 “promissory note”
 color-blind
 Civil Rights Act of 1964

QUESTIONS FOR THE AMERICAN MIND

- How has suffrage been expanded since the founding?
- To what did Elizabeth Cady Stanton appeal in the Seneca Falls Declaration?
- Compare Andrew Johnson's Reconstruction actions and those of the Radical Republicans.
- Regarding the 13th, 14th, and 15th Amendments, what did each do?
- In which ways did former confederate states attempt to curtail the rights of freedmen during Reconstruction? How did they respond to the actions of Republicans in the north?
- What kinds of gains did African Americans attain during Reconstruction after slavery was explicitly abolished via the 13th Amendment?
- What were the immediate consequences, especially for African Americans living in the South, of the end to Reconstruction in 1877?
- What forms of discrimination were present during much of the twentieth century?
- What did *Plessy v. Ferguson* rule? To what did Justice Harlan appeal in his dissent?
- What did *Brown v. Board of Education* rule?
- How did Martin Luther King Jr. justify the civil rights movement with the Declaration of Independence and the principles of the American founding?
- What did King mean by the "promissory note"?
- In what ways and by what means did the civil rights movement seek to change laws?
- In what ways and by what means did the civil rights movement seek to change the private consciences of individuals?
- In considering the Founding and the two centuries that have passed since, how have the successes of the United States in equality, security, freedom, and prosperity compared to the successes or failures of other nations in these areas? To what extent do those countries' founding principles and governing institutions resemble or differ from America's?
- Questions from the U.S. Civics Test:
 - Question 63: There are four amendments to the U.S. Constitution about who can vote. Describe one of them.
 - Question 65: What are three rights of everyone living in the United States?
 - Question 97: What amendment gives citizenship to all persons born in the United States?
 - Question 98: When did all men get the right to vote?
 - Question 99: Name one leader of the women's rights movement in the 1800s.
 - Question 102: When did all women get the right to vote?
 - Question 112: What did the civil rights movement do?
 - Question 113: Martin Luther King Jr. Is famous for many things. Name one.

KEYS TO THE LESSON

The story of Native American and African American civil rights has been one of failure, sacrifice, and eventual triumph in American history. Reconstruction was a period in which Congress attempted to secure civil rights for African Americans in accordance with the principles on which America was founded. The fact that the division over civil rights was largely though not exclusively along geographic lines and that it came in the wake of a bitter war meant for less than ideal circumstances for achieving long-term successes. Nonetheless, slavery was explicitly abolished by the Constitution and civil rights were enacted and guaranteed, albeit only by military force. The gains witnessed for African Americans were impressive in

many respects, but racial ideologies and resentments left over from the Civil War made for a fraught effort to achieve civil rights and heal the country. It would take almost a century for the modern civil rights movement to achieve in law what the Declaration of Independence and Abraham Lincoln outlined for America, a movement led especially by Martin Luther King, Jr.

Teachers might best plan and teach Civil Rights vs. Discriminatory Laws with emphasis on the following approaches:

- Consider with students distinctions between discrimination on the part of an individual person and laws which are discriminatory. While this unit makes the personal moral appeal to each person to respect the inherent, equal human dignity of each person, its focus is on laws that were explicitly discriminatory. That is, the letter of the law favored one individual over another simply based on the shade of their skin or biological sex.
- Read with students Elizabeth Cady Stanton's 1848 Seneca Falls "Declaration of Sentiments and Resolutions." Note Stanton's appeal to the principles of the Declaration to argue for women's suffrage. The 19th Amendment secured the right to vote for women in 1920, though many states had secured women's voting rights decades earlier.
- Trace with students the history of Native Americans and U.S. citizenship. Consider the numerous instances in which Native Americans were denied their rights and the great gains they have witnessed in having those rights secured through American history, including the various laws to make Native Americans citizens and the ways in which Native Americans retain their own status as nations. Pages 106-108 of *American Government and Politics* offers a strong overview of this history.
- Have students consider the effect of Abraham Lincoln's assassination on Reconstruction and the future of America, especially as regards civil rights for African Americans. Lincoln's focus was healing the nation while simultaneously providing for the effective and long-term establishment of equal rights for African Americans.
- The transformation of a society away from decades of slavery was no small task. Reconstruction was tragically undermined and strained by the conflicts between congressional Republicans (who strongly opposed slavery), President Andrew Johnson (a pro-Union Democrat with little sympathy for former slaves), and lawmakers in the Southern states (who mostly wished to restrict the rights of the new freedmen), all of whom operated out of distrust following a painful and bloody Civil War.
- Have students read the three amendments to the Constitution related to the abolition of slavery and citizenship of freedmen. It is important to note the major and meaningful efforts northern Republicans made to guarantee the rights of African Americans.
- Teach students about both the important gains and protections Republicans won for African Americans during Reconstruction as well as the ways in which these were undermined by actions in the former Confederate states and Andrew Johnson himself. Students should gain an appreciation for the remarkable speed and degrees to which former slaves were incorporated into the civil body early in Reconstruction, including the thousands of African Americans who would hold office at the local, state, and even federal level. But they should also understand the ways that Johnson resisted equal treatment of African Americans and in doing so encouraged and allowed certain policies, like "black codes" passed by state legislatures, and movements, such as what would become the Ku Klux Klan, in the former Confederacy. In fact, many of the reversals of reconstruction began during the presidential reconstruction of Johnson, who was decidedly

against secession but by no means opposed to slavery. Congress repeatedly had to override his vetoes and enact Constitutional amendments to prevent his defense of inequalities.

- Have students learn about the ways in which many civil rights achievements were thwarted or undone both during and after Reconstruction. For instance, spend time discussing how as Southerners of European descent were refranchised, African American officials were voted out of office and how “black codes” would eventually become Jim Crow laws. Discuss how “black codes” limited freedmen’s civil rights and imposed economic restrictions, including making being unemployed illegal, prohibiting landownership, requiring long-term labor contracts, prohibiting assemblies of freedmen only, prohibiting teaching freedmen to read or write, segregating public facilities, prohibiting freedmen from serving on juries, and carrying out corporal punishments for violators, among other restrictions and injustices. Note also the use of poll taxes and literacy tests to prohibit African Americans from voting.
- Cover how northern Republicans passed and President Ulysses S. Grant signed into law the Ku Klux Klan Acts to prohibit intimidation of freedmen exercising their civil rights. Grant also empowered the president to use the armed forces against those who tried to deny freedmen equal protection under the laws. Nonetheless, such measures were usually sloppily or half-heartedly enforced.
- At the same time, note the improvements during Reconstruction in building hospitals, creating a public school system, securing civil rights in principle, and fostering community within the freedmen community, especially in marital and family stability and through vibrant churches.
- Explain that Reconstruction effectively ended with the Compromise of 1877 that settled the disputed election of 1876. With southern Democrats back in Congress, they would allow Republican Rutherford B. Hayes to be declared president in exchange for withdrawing federal troops in former confederate states. Point out that in the backdrop was both continuing Southern resistance to civil rights and a gradual waning of Northern zeal for (and political interest in) reform within the South after twelve years.
- Ask students to consider the tragic nature of Reconstruction: a time of so much hoped for and achieved in applying the principle of equal natural rights was repeatedly undermined and mismanaged, then suddenly ended for political expediency, enabling new forms of injustice in certain areas of the country, after a war to end injustice had consumed the lives of hundreds of thousands of Americans.
- Nevertheless, make sure students do not lose sight of the momentous achievements in liberty, equality, and self-government fulfilled because of the Civil War. Students should appreciate the very significant achievements of Lincoln and the Civil War while looking forward to future generations of Americans who would seek to live up to the fundamental principles of America in their own times.
- In general, canvass with students various government actions related to voter participation, such as the 15th, 19th, and 26th Amendments, Jim Crow, and poll taxes. Students should consider how each of these changes affects voting and the practice of representative self-government.
- Explain to students how the Supreme Court argued in *Plessy v. Ferguson* that segregation based on race, so long as circumstances were the same, would be considered “equal.” Students should think about Justice Harlan’s dissent, however, which appealed to the understanding of equality as found in the Declaration in order to condemn the ruling.

- Help students to understand the significance of *Brown v. Board of Education*, especially once it was gradually enforced in the years following the decision. The court arrived at a judgment that aligned with the founding understanding of equality, even though it did not cite the founding principles but instead social science. Consider whether or not basing the decision on social science instead of the founding principles left open the possibility for government discrimination in different forms going forward.
- Consider with students the goals and means of the civil rights movement in the terms in which Martin Luther King Jr. set them. He argued that the civil rights movement was meant to redeem the “promissory note” of the Declaration of Independence and Reconstruction Amendments that founded America on an idea: that since all men are created equal, justice demands that the rule of law be applied equally to all citizens. The civil rights movement, in King’s view, thus carried on the legacy of the founders, Frederick Douglass, and Abraham Lincoln. The two primary sources from King outline this view, its ties to the natural law, and its appeals to the Christian roots of such a political philosophy.
- Spend time outlining what was meant by equality during the civil rights movement, both politically and philosophically. On the civil or political side, the civil rights movement’s appeal to equality in the Declaration of Independence demanded the equal application of the rule of law and the end to laws that established and enforced segregation and discrimination. The rights of all citizens were to be protected equally instead of protecting the rights of only some and not others based on the color of their skin. This was the great achievement of the Civil Rights Act of 1964. On the philosophical or moral side, Martin Luther King, Jr. also as a pastor called for a transformation in the heart of each American. For in addition to reforms in law, a color-blind society requires that each person would decide to view all people as equals in their humanity and rights.
- Clarify with students how the civil rights movement largely focused on the government’s resolve and ability, based on the principle of equality, to enforce equal treatment as opposed to the creation of equity, that is, to enforcing an equality of results and outcomes.
- Have students discuss and compare all of these achievements in light of America’s founding principles and history. Students should be asked to compare what America has achieved, ever since her founding, to the record of mankind up to and since the Declaration of Independence and Constitution. They should see clearly the many flaws in American history, but they should also see how it has been America’s principles and Americans sacrificing for them that have carried the day. Compared to the history of the world and to other nations, these achievements should strike students as exceptional. They should be asked to ponder what has made them possible and what might be risked if we forget, or worse yet, disavow the principles and people responsible for such degrees of equality, freedom, security, and prosperity. Students need not arrive at any one view, but they should at least entertain these kinds of questions.

STRENGTHENING UNDERSTANDING: POST-LESSON ASSIGNMENT

Assignment: Choose one of the main challenges to America’s founding principles studied in this lesson. Explain how it related to the principles of America (2-3 paragraphs).

APPENDIX A

Study Guide

Test

Writing Assignment

Study Guide — Challenging and Defending America's Principles Test

Unit 4

Test on _____

TERMS AND TOPICS

Explain each of the following and the context in which it was discussed during this unit's lessons.

religious tolerance	“don't care”	libertarianism
property rights	secession	Reaganism
rule of law	states' rights	19th Amendment
consent of the governed	Emancipation Proclamation	Dawes Act
suffrage	Progressivism	Indian Citizenship Act
immigration	special interests	13th Amendment
equality	direct democracy	14th Amendment
slavery	living Constitution	15th Amendment
abolition	politics	black codes
morality	administration	Jim Crow
majority tyranny	expertise	segregation
sectionalism	bureaucracy	“separate but equal”
statesmanship	delegation	discrimination
Kansas-Nebraska Act	16th Amendment	civil rights movement
<i>Dred Scott v. Sandford</i>	17th Amendment	“promissory note”
“a house divided”	The New Deal	color-blind
popular sovereignty	Second Bill of Rights	Civil Rights Act of 1964
moral relativism	Great Society	
	welfare	

PRIMARY SOURCES

Explain the main arguments in each of the following sources and their significance to our understanding of challenges to and defenses of America's principles.

Statements on slavery, George Washington, John Adams, Benjamin Franklin, Alexander Hamilton, James Madison
 “The Constitution of the United States: Is It Pro-Slavery or Anti-Slavery?,” Frederick Douglass
 The Emancipation Proclamation, Abraham Lincoln
 Gettysburg Address, Abraham Lincoln
 13th Amendment to the Constitution
 “What Is Progress?” Woodrow Wilson
 Seneca Falls “Declaration of Sentiments and Resolutions,” Elizabeth Cady Stanton
 14th Amendment to the Constitution
 15th Amendment to the Constitution
 “I Have a Dream,” Martin Luther King Jr.

QUESTIONS FOR THE AMERICAN MIND

Based on notes from lessons and seminar conversations, answer each of the following.

Lesson 1 | The Founding: The Exception to the Rule

- What was unique about America regarding religion?
- What was unique about America regarding private property?
- What was unique about America regarding immigration?
- What was unique about America regarding who makes law and who is subject to law?
- What was unique about America regarding voting?
- What was the nature of the Founders' compromise with slavery at the time of the founding for the sake of the union? Would it have been possible to abolish slavery in the southern colonies without union?
- Why did many in the founding generation expect that slavery would eventually die out so long as it was not allowed to expand?
- What efforts did some founders make to abolish slavery?
- How was the Three-Fifth Compromise a partial victory for slaveholders and a partial victory for abolitionists?
- How did Frederick Douglass's views on the founding with respect to slavery change during his work for abolition?

Lesson 2 | Abolitionism vs. Slavery

- What were the unforeseen consequences of the cotton gin, invented in 1793, four years after the adoption of the Constitution?
- How did the idea of slavery as a "positive good" challenge the Constitution's stance on slavery and the path on which the founding generation had set slavery?
- How did John C. Calhoun reject the Founders on equality, natural rights, and the social contract?
- What did the Kansas-Nebraska Act and *Dred Scott v. Sandford* do, both in law and as a threat to public opinion on slavery at the time?
- How did Abraham Lincoln try to halt the expansion of slavery and win the moral battle against it?
- What were Abraham Lincoln's arguments against moral neutrality or relativism ("don't care") on the question of slavery?
- What were the arguments for and against the Union fighting to keep the South from seceding?
- In what ways did Abraham Lincoln manifest the ideal qualities of a statesman and the virtue of prudence?
- How did Abraham Lincoln manage to accomplish his competing goals to maintain the union, preserve the Constitution and the rule of law, and end slavery?
- What did the Emancipation Proclamation do? How was Abraham Lincoln able to justify, issue, and enforce it successfully?
- How does Abraham Lincoln's Gettysburg Address assert that freedom and self-government require devotion—and even a willingness to sacrifice for—the country and its principles of justice?
- As presented in his second inaugural address, how did Abraham Lincoln view the Civil War as a tragedy?

Lesson 3 | Progressive Government

- How did Progressives explain their argument that human nature, truth, and politics were inevitably evolving and improving over the course of history?
- What were the Progressives' conceptions of freedom, equality, and the role of government?
- Why did Progressives think about the power of special interests, monopolies, and the wealthy in politics?
- What were Progressives' goals in foreign policy? Why did they hold these views?
- In what ways did Progressives critique the Constitution as being too slow, mechanical, and at odds with itself?
- What were Progressives' arguments for a "living Constitution"?
- Why did the Progressives critique the separation of powers and checks and balances?
- Why did Progressives believe that many of the Founders' worries over the dangers of tyranny, and majority tyranny, were outdated, and thus that limits and checks on the government's power were outdated?
- What was government by expertise, and why did the Progressives think it was a good idea?
- How does the administrative bureaucracy often claim the formerly separated legislative, executive, and judicial branches all for itself?
- How has Congress delegated its legislative power to the administrative state?
- How did Progressives reimagine the presidency?
- Why did Franklin Roosevelt argue that rights are to be granted by the government according to the social conditions of the historical moment?
- How does this view of rights and their origin differ from the Founders' understanding of rights?
- What were the main ideas of Lyndon Johnson's Great Society?
- How did Reaganism attempt to answer Progressivism?

Lesson 4 | Civil Rights vs. Discriminatory Laws

- How has suffrage been expanded since the founding?
- To what did Elizabeth Cady Stanton appeal in the Seneca Falls Declaration?
- Regarding the 13th, 14th, and 15th Amendments, what did each do?
- What kinds of gains did African Americans attain during Reconstruction after slavery was explicitly abolished via the 13th Amendment?
- What forms of discrimination were present during much of the twentieth century?
- What did *Plessy v. Ferguson* rule? To what did Justice Harlan appeal in his dissent?
- What did *Brown v. Board of Education* rule?
- How did Martin Luther King Jr. justify the civil rights movement with the Declaration of Independence and the principles of the American founding?
- What did King mean by the "promissory note"?
- In what ways did the civil rights movement seek to change laws?
- In what ways did the civil rights movement seek to change the private consciences of individuals?

PRIMARY SOURCES

Explain the main arguments in each of the following sources and their significance to our understanding of the challenges to and defenses of America's principles.

9. "The Constitution of the United States: Is It Pro-Slavery or Anti-Slavery?," Frederick Douglass

10. "I Have a Dream," Martin Luther King Jr.

QUESTIONS FOR THE AMERICAN MIND

Answer each of the following. Complete sentences are not necessary, but correct spelling and writing should be employed, and responses must fully answer each question.

11. What was the nature of the Founders' compromise with slavery at the time of the founding for the sake of the union? Would it have been possible to abolish slavery in the southern colonies without union?

12. What efforts did some founders make to abolish slavery?

13. How did Abraham Lincoln try to halt the expansion of slavery and win the moral battle against it?
14. How did Abraham Lincoln manage to accomplish his competing goals to maintain the union, preserve the Constitution and the rule of law, and end slavery?
15. What were the Progressives' conceptions of freedom, equality, and the role of government?
16. Why did Progressives believe that many of the Founders' worries over the dangers of tyranny, and majority tyranny, were outdated, and thus that limits and checks on the government's power were outdated?
17. How does the administrative bureaucracy often claim the formerly separated legislative, executive, and judicial branches all for itself?
18. What forms of discrimination were present during much of the twentieth century?
19. How did Martin Luther King Jr. justify the civil rights movement with the Declaration of Independence and the principles of the American founding?
20. In what ways and by what means did the civil rights movement seek to change the private consciences of individuals?

Writing Assignment — Challenging and Defending America's Principles

Unit 4

Due on _____

DIRECTIONS

Citing primary sources and conversations from class in your argument, write a 4–5 paragraph essay answering the question:

How have America's principles been challenged throughout its history and how have Americans appealed to the American founding in order to defend these principles against such challenges?

APPENDIX B

Primary Sources

George Washington

The Virginia General Assembly

Thomas Jefferson

James Madison

Alexander Hamilton

John Adams

Benjamin Franklin

The American People

The United States Congress

Frederick Douglass

John C. Calhoun

Abraham Lincoln

Woodrow Wilson

Franklin Delano Roosevelt

Calvin Coolidge

Elizabeth Cady Stanton

Martin Luther King Jr.

PRESIDENT GEORGE WASHINGTON

To the Hebrew Congregation in Newport

LETTER

August 18, 1790
Newport, Rhode Island

BACKGROUND

In his response to a congratulatory note sent by the congregation on the occasion of his election, George Washington expresses his gratitude and discusses religious liberty.

GUIDING QUESTIONS

1. What has "toleration" been replaced with? What is the distinction Washington makes?
2. What natural rights does Washington refer to, and how are they to be protected?

George Washington, "To the Hebrew Congregation in Newport, Rhode Island," 18 August 1790, in *The Papers of George Washington, 1748-1799*, "Presidential Series," Vol. 6, ed. W. W. Abbott et al. (Charlottesville, VA: University of Virginia Press, 1996), 284-85.

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Gentlemen:

While I receive, with much satisfaction, your Address replete with expressions of esteem; I rejoice in the opportunity of assuring you, that I shall always retain grateful remembrance of the cordial welcome I experienced in my visit to Newport, from all classes of Citizens.

5 The reflection on the days of difficulty and danger which are past is rendered the more sweet, from a consciousness that they are succeeded by days of uncommon prosperity and security. If we have wisdom to make the best use of the advantages with which we are now favored, we cannot fail, under the just administration of a good Government, to become a great and happy people.

10 The Citizens of the United States of America have a right to applaud themselves for having given to mankind examples of an enlarged and liberal policy: a policy worthy of imitation. All possess alike liberty of conscience and immunities of citizenship. It is now no more that toleration is spoken of, as if it was by the indulgence of one class of people, that another enjoyed the exercise of their inherent natural rights. For happily the Government of the
15 United States, which gives to bigotry no sanction, to persecution no assistance requires only that they who live under its protection should demean themselves as good citizens, in giving it on all occasions their effectual support.

It would be inconsistent with the frankness of my character not to avow that I am pleased with your favorable opinion of my Administration and fervent wishes for my felicity. May
20 the Children of the Stock of Abraham, who dwell in this land, continue to merit and enjoy the good will of the other Inhabitants; while every one shall sit in safety under his own vine and figtree, and there shall be none to make him afraid. May the father of all mercies scatter light and not darkness in our paths, and make us all in our several vocations useful here, and in his own due time and way everlastingly happy.

THOMAS JEFFERSON

Statute for Religious Freedom

DRAFT BILL

1777
Virginia

BACKGROUND

This 1777 draft bill was the blueprint for one eventually passed in Virginia in 1786, and was one of three actions for which Thomas Jefferson wanted credited mentioned on his tombstone, in addition to being author of the Declaration of Independence and founder of the University of Virginia.

GUIDING QUESTIONS

1. What has Almighty God given man with respect to his mind?
2. What does this statute say are the problems with compelled contributions of money to religion?
3. What particular right of man does this statute protect?

Thomas Jefferson, "A Bill for Establishing Religious Freedom," in *The Papers of Thomas Jefferson*, Vol. 2, ed. Julian P. Boyd (Princeton, NJ: Princeton University Press, 1950), 545-47.

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I. *Well aware that the opinions and belief of men depend not on their own will but follow involuntarily the evidence proposed to their minds; that Almighty God hath created the mind free; and manifested his supreme will that free it shall remain by making it altogether insusceptible of restraint; that all attempts to influence it by temporal punishments, or burdens, or by civil incapacitations, tend only to beget habits of hypocrisy and meanness, and are a departure from the plan of the holy author of our religion, who being lord both of body and mind, yet chose not to propagate it by coercions on either, as was in his Almighty power to do but to extend it by its influence on reason alone; that the impious presumption of legislators and rulers, civil as well as ecclesiastical, who, being themselves but fallible and uninspired men, have assumed dominion over the faith of others, setting up their own opinions and modes of thinking as the only true and infallible, and as such endeavoring to impose them on others, hath established and maintained false religions over the greatest part of the world and through all time: That to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves and abhors, is sinful and tyrannical; that even the forcing him to support this or that teacher of his own religious persuasion, is depriving him of the comfortable liberty of giving his contributions to the particular pastor whose morals he would make his pattern, and whose powers he feels most persuasive to righteousness and is withdrawing from the ministry those temporary rewards, which proceeding from an approbation of their personal conduct, are an additional incitement to earnest and unremitting labors for the instruction of mankind; that our civil rights have no dependence on our religious opinions, any more than our opinions in physics or geometry; that therefore the proscribing any citizen as unworthy the public confidence by laying upon him an incapacity of being called to offices of trust and emolument, unless he profess or renounce this or that religious opinion, is depriving him injuriously of those privileges and advantages to which, in common with his fellow citizens, he has a natural right; that it tends also to corrupt the principles of that religion it is meant to encourage, by bribing, with a monopoly of worldly honors and emoluments, those who will externally profess and conform to it; that though indeed these are criminal who do not withstand such temptation, yet neither are those innocent who lay the bait in their way that the opinions of men are not the object of civil government, nor under its jurisdiction; that to suffer*

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the civil magistrate to intrude his powers into the field of opinion and to restrain the profession or propagation of principles on supposition of their ill tendency is a dangerous fallacy, which at once destroys all religious liberty, because he being of course judge of that tendency will make his opinions the rule of judgement, and approve or condemn the sentiments of others only as they shall square with or differ from his own; that it is time enough for the rightful purposes of civil government for its officers to interfere when principles break out into overt acts against peace and good order; and finally, that truth is great and will prevail if left to herself; that she is the proper and sufficient antagonist to error, and has nothing to fear from the conflict unless by human interposition disarmed of her natural weapons, free argument and debate; errors ceasing to be dangerous when it is permitted freely to contradict them.

II. *We the General Assembly of Virginia do enact*, that no man shall be compelled to frequent or support any religious worship, place, or ministry whatsoever, nor shall be enforced, restrained, molested, or burdened in his body or goods, nor shall otherwise suffer, on account of his religious opinions or belief; but that all men shall be free to profess, and by argument to maintain, their opinions in matters of religion, and that the same shall in no wise diminish, enlarge, or affect their civil capacities.

And though we well know that this Assembly, elected by the people for the ordinary purposes of legislation only, have no power to restrain the acts of succeeding Assemblies, constituted with powers equal to our own, and that therefore to declare this act to be irrevocable would be of no effect in law; yet we are free to declare, and do declare, that the rights hereby asserted are of the natural rights of mankind, and that if any act shall be hereafter passed to repeal the present or to narrow its operation, such act will be an infringement of natural right.

PRESIDENT THOMAS JEFFERSON (DEMOCRATIC-REPUBLICAN)

To the Danbury Baptist Association

LETTER

January 1, 1802
Danbury, Connecticut

BACKGROUND

President Thomas Jefferson responds to the Danbury Baptist Association's request that as president, he aid them in overcoming laws inhibiting religious liberty in Connecticut.

GUIDING QUESTIONS

1. How does Jefferson interpret the First Amendment's Establishment and Free Exercise clauses?
2. Given the principle of federalism, what, as president, is Jefferson able to do for the Association?

Thomas Jefferson, "Replies to Public Addresses," 1 January 1802, in *The Writings of Thomas Jefferson*, Vol. 16, ed. A. A. Lipscomb and A. E. Bergh (Washington, D.C.: Thomas Jefferson Memorial Association, 1907), 281-82.

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Gentlemen:

The affectionate sentiments of esteem and approbation which you are so good as to express towards me, on behalf of the Danbury Baptist Association, give me the highest satisfaction. My duties dictate a faithful and zealous pursuit of the interests of my constituents, and in proportion as they are persuaded of my fidelity to those duties, the discharge of them be-
5 comes more and more pleasing. Believing with you that religion is a matter which lies solely between man and his God, that he owes account to none other for his faith or his worship, that the legislative powers of government reach actions only, and not opinions, I contem-
10 plate with sovereign reverence that act of the whole American people which declared that their legislature should "make no law respecting an establishment of religion, or prohibiting the free exercise thereof," thus building a wall of separation between Church and State. Adhering to this expression of the supreme will of the nation in behalf of the rights of con-
science, I shall see with sincere satisfaction the progress of those sentiments which tend to restore to man all his natural rights, convinced he has no natural right in opposition to his
15 social duties.

I reciprocate your kind prayers for the protection and blessing of the common Father and Creator of man, and tender you for yourselves and your religious association, assurances of my high respect and esteem.

REP. JAMES MADISON (VA)

“Property”

ESSAY

March 27, 1792

The National Gazette | Philadelphia, Pennsylvania

BACKGROUND

James Madison included this essay as part of a series of articles he wrote for *The National Gazette* in the early years of American government under the Constitution.

GUIDING QUESTIONS

1. What are the two senses of the word "property" according to Madison?
2. In what way can man's rights, opinions, and the use of his faculties be his property?
3. According to Madison, what must a government do to secure the various senses of property?

James Madison, “Property,” 27 March 1792, in *The Papers of James Madison*, Vol. 14, ed. William T. Hutchinson, et al. (Chicago: University of Chicago Press, 1983), 266–68.

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This term in its particular application means “that dominion which one man claims and exercises over the external things of the world, in exclusion of every other individual.”

In its larger and juster meaning, it embraces every thing to which a man may attach a value and have a right; and which leaves to every one else the like advantage.

- 5 In the former sense, a man’s land, or merchandise, or money is called his property.

In the latter sense, a man has a property in his opinions and the free communication of them.

He has a property of peculiar value in his religious opinions, and in the profession and practice dictated by them.

- 10 He has a property very dear to him in the safety and liberty of his person.

He has an equal property in the free use of his faculties and free choice of the objects on which to employ them.

In a word, as a man is said to have a right to his property, he may be equally said to have a property in his rights.

- 15 Where an excess of power prevails, property of no sort is duly respected. No man is safe in his opinions, his person, his faculties, or his possessions.

Where there is an excess of liberty, the effect is the same, though from an opposite cause.

- 20 Government is instituted to protect property of every sort; as well that which lies in the various rights of individuals, as that which the term particularly expresses. This being the end of government, that alone is a just government, which impartially secures to every man, whatever is his own.

According to this standard of merit, the praise of affording a just securing to property, should be sparingly bestowed on a government which, however scrupulously guarding the possessions of individuals, does not protect them in the enjoyment and communication of

their opinions, in which they have an equal, and in the estimation of some, a more valuable property.

5 More sparingly should this praise be allowed to a government, where a man’s religious rights are violated by penalties, or fettered by tests, or taxed by a hierarchy. Conscience is the most sacred of all property; other property depending in part on positive law, the exercise of that, being a natural and unalienable right. To guard a man’s house as his castle, to pay public and enforce private debts with the most exact faith, can give no title to invade a man’s conscience which is more sacred than his castle, or to withhold from it that debt of protection, for which the public faith is pledged, by the very nature and original conditions
10 of the social pact.

That is not a just government, nor is property secure under it, where the property which a man has in his personal safety and personal liberty, is violated by arbitrary seizures of one class of citizens for the service of the rest. A magistrate issuing his warrants to a press gang, would be in his proper functions in Turkey or Indostan, under appellations proverbial of
15 the most complete despotism.

That is not a just government, nor is property secure under it, where arbitrary restrictions, exemptions, and monopolies deny to part of its citizens that free use of their faculties, and free choice of their occupations, which not only constitute their property in the general sense of the word; but are the means of acquiring property strictly so called. What must be
20 the spirit of legislation where a manufacturer of linen cloth is forbidden to bury his own child in a linen shroud, in order to favor his neighbour who manufactures woolen cloth; where the manufacturer and wearer of woolen cloth are again forbidden the economical use of buttons of that material, in favor of the manufacturer of buttons of other materials!

A just security to property is not afforded by that government, under which unequal taxes
25 oppress one species of property and reward another species: where arbitrary taxes invade the domestic sanctuaries of the rich, and excessive taxes grind the faces of the poor; where the keenness and competitions of want are deemed an insufficient spur to labor, and taxes

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are again applied, by an unfeeling policy, as another spur; in violation of that sacred property, which Heaven, in decreeing man to earn his bread by the sweat of his brow, kindly reserved to him, in the small repose that could be spared from the supply of his necessities.

5 If there be a government then which prides itself in maintaining the inviolability of property; which provides that none shall be taken directly even for public use without indemnification to the owner, and yet directly violates the property which individuals have in their opinions, their religion, their persons, and their faculties; nay more, which indirectly violates their property, in their actual possessions, in the labor that acquires their daily subsistence, and in the hallowed remnant of time which ought to relieve their fatigues and
10 soothe their cares, the influence will have been anticipated, that such a government is not a pattern for the United States.

If the United States mean to obtain or deserve the full praise due to wise and just governments, they will equally respect the rights of property, and the property in rights: they will rival the government that most sacredly guards the former; and by repelling its example in
15 violating the latter, will make themselves a pattern to that and all other governments.

LUCIUS CRASSUS (ALEXANDER HAMILTON)

The Examination Number VII

ARTICLE

January 7, 1802

New-York Evening Post | New York City, New York

BACKGROUND

Alexander Hamilton wrote this article examining President Thomas Jefferson's message to Congress at the beginning of his presidency.

GUIDING QUESTIONS

1. According to Hamilton, what are the several principles that ought to govern immigration?

Alexander Hamilton, "The Examination Number VII," 7 January 1802, in *The Papers of Alexander Hamilton*, Vol. 25, July 1800–April 1802, ed. Harold C. Syrett (New York: Columbia University Press, 1977), 491–95.

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The next exceptionable feature in the Message, is the proposal to abolish all restriction on naturalization, arising from a previous residence. In this the President is not more at variance with the concurrent maxims of all commentators on popular governments, than he is with himself. The Notes on Virginia are in direct contradiction to the Message, and furnish us with strong reasons against the policy now recommended. The passage alluded to is here presented: Speaking of the *population* of America, Mr. Jefferson there says, "Here I will beg leave to propose a doubt. The present desire of America, is to produce rapid population, by as great *importations of foreigners* as possible. *But is this founded in good policy?*" "Are there no inconveniences to be thrown into the scale, against the advantage expected from a multiplication of numbers, by the *importation of foreigners*? It is for the happiness of those united in society, to harmonize as much as possible, in matters which they must of necessity transact together. Civil government being the sole object of forming societies, its administration must be conducted by common consent. Every species of government has its specific principles: Ours, perhaps, are more peculiar than those of any other in the universe. *It is a composition of the freest principles of the English Constitution*, with others, derived from natural right and reason. To these, nothing can be more opposed than the maxims of absolute monarchies. Yet from such, we are to expect the *greatest number of emigrants*. *They will bring with them the principles of the governments they leave, imbibed in their early youth; or if able to throw them off, it will be in exchange for an unbounded licentiousness, passing as is usual, from one extreme to another. It would be a miracle were they to stop precisely at the point of temperate liberty. Their principles with their language, they will transmit to their children.* In proportion to their numbers, *they will share with us in the legislation*. They will infuse into it their spirit, warp and bias its direction, and render it a *heterogeneous, incoherent, distracted mass*. I may appeal to experience, during the present contest, for a verification of these conjectures: but if they be not certain in event, are they not possible, are they not probable? *Is it not safer to wait with patience for the attainment of any degree of population desired or expected?* May not our government be more homogeneous, *more peaceable, more durable?* Suppose 20 millions of republican Americans, thrown all of a sudden into France, what would be the condition of that kingdom? If it would be more turbulent, less happy, less strong, we may believe that the addition of half a

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million of foreigners, to our present numbers, would produce a similar effect here.” Thus wrote Mr. Jefferson in 1781....

5 ...The impolicy of admitting foreigners to an immediate and unreserved participation in the right of suffrage, or in the sovereignty of a Republic, is as much a received axiom as any thing in the science of politics, and is verified by the experience of all ages. Among other instances, it is known, that hardly any thing contributed more to the downfall of Rome, than her precipitate communication of the privileges of citizenship to the inhabitants of Italy at large. And how terribly was Syracuse scourged by perpetual seditions, when, after the overthrow of the tyrants, a great number of foreigners were suddenly admitted to the rights of citizenship? Not only does ancient but modern, and even domestic history furnish 10 evidence of what may be expected from the dispositions of foreigners, when they get too early footing in a country. Who wields the sceptre of France, and has erected a Despotism on the ruins of a Republic? A foreigner. Who rules the councils of our own ill-fated, unhappy country? And who stimulates persecution on the heads of its citizens, for daring to maintain an opinion, and for exercising the rights of suffrage? *A foreigner!* Where is the virtuous pride that once distinguished Americans? Where the indignant spirit which in defence of principle, hazarded a revolution to attain that independence now *insidiously* attacked?

LUCIUS CRASSUS

Statements on Slavery

EXCERPTS FROM FIVE FOUNDERS

1786-1819

BACKGROUND

The following excerpts catalog views of five leading Founders on the slave trade and the institution of slavery in America during the first few decades of the country's existence.

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George Washington

Letter to Robert Morris, April 12, 1786

"...[T]here is not a man living who wishes more sincerely than I do, to see a plan adopted for the abolition of it...."

5

John Adams

Letter to Robert J. Evans, June 8, 1819

"...Every measure of prudence, therefore, ought to be assumed for the eventual total extirpation of slavery from the United States.... I have, through my whole life, held the practice of slavery in...abhorrence...."

10

George Washington, "To Robert Morris," 12 April 1786, in *The Papers of George Washington, 1748-1799*, "Confederation Series," Vol. 4, ed. W. W. Abbot, et al. (Charlottesville, VA: University of Virginia Press, 1992), 16; John Adams, "To Robert J. Evans," 8 June 1819, in *Selected Writings of John and John Quincy Adams*, ed. Adrienne Koch, et al. (New York: Knopf, 1946), 209-10; Benjamin Franklin, "An Address to the Public from the Pennsylvania Society for Promoting the Abolition of Slavery, and the Relief of Free Negroes Unlawfully Held in Bondage," 9 November 1789, in *The Works of Benjamin Franklin*, Vol. 12, ed. John Bigelow (New York: G. P. Putnam's Sons, 1904), 157-58; Alexander Hamilton, "Philo Camillus no. 2," August 1795, in *The Papers of Alexander Hamilton*, Vol. 19, ed. Harold C. Syrett (New York: Columbia University Press, 1973), 101-02; James Madison, "Speech at the Constitutional Convention," 6 June 1787, in *Records of the Federal Convention of 1787*, Vol. 1, ed. Max Farrand (New Haven, CT: Yale University Press, 1937), 135.

Benjamin Franklin

An Address to the Public from the Pennsylvania Society, November 9, 1789

"...Slavery is such an atrocious debasement of human nature, that its very extirpation, if not performed with solicitous care, may sometimes open a source of serious evils...."

5

Alexander Hamilton

Philo Camillus no. 2, August 1795

10 "...The laws of certain states which give an ownership in the service of negroes as personal property, constitute a similitude between them and other articles of personal property, and thereby subject them to the right of capture by war. But being men, by the laws of God and nature, they were capable of acquiring liberty—and when the captor in war, to whom by the capture the ownership was transferred, thought fit to give them liberty, the gift was not only valid, but irrevocable...."

15 **James Madison**

Speech at the Constitutional Convention, June 6, 1787

"...We have seen the mere distinction of color made in the most enlightened period of time, a ground of the most oppressive dominion ever exercised by man over man...."

ANONYMOUS (THOMAS JEFFERSON)

Query XVIII: Manners

CHAPTER FROM *NOTES ON THE STATE OF VIRGINIA*

May 1785
Paris, France

BACKGROUND

Thomas Jefferson responded to a series of questions posed by a French diplomat in his book *Notes on the State of Virginia*, here discussing slavery in America.

GUIDING QUESTIONS

1. How did the institution of slavery harm both the enslaved and their masters?
2. Why does Jefferson fear God's wrath?
3. What does Jefferson think of the prospects for an end to slavery?

Thomas Jefferson, "Query XVIII: Manners," from *Notes on the State of Virginia*, in *The Writings of Thomas Jefferson*, Vol. 2, ed. A.A. Lipscomb and A.E. Bergh (Washington, D.C.: Thomas Jefferson Memorial Association, 1907), 225–28.

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The particular customs and manners that may happen to be received in that state?

It is difficult to determine on the standard by which the manners of a nation may be tried, whether *catholic* or *particular*. It is more difficult for a native to bring to that standard the manners of his own nation, familiarized to him by habit. There must doubtless be an un-
5 happy influence on the manners of our people produced by the existence of slavery among us. The whole commerce between master and slave is a perpetual exercise of the most boisterous passions, the most unremitting despotism on the one part, and degrading submissions on the other. Our children see this, and learn to imitate it; for man is an imitative animal. This quality is the germ of all education in him. From his cradle to his grave he is
10 learning to do what he sees others do. If a parent could find no motive either in his philanthropy or his self-love, for restraining the intemperance of passion towards his slave, it should always be a sufficient one that his child is present. But generally it is not sufficient. The parent storms, the child looks on, catches the lineaments of wrath, puts on the same
15 airs in the circle of smaller slaves, gives a loose to the worst of passions, and thus nursed, educated, and daily exercised in tyranny, cannot but be stamped by it with odious peculiarities. The man must be a prodigy who can retain his manners and morals undepraved by such circumstances. And with what execration should the statesman be loaded, who, permitting one half the citizens thus to trample on the rights of the other, transforms those
20 into despots, and these into enemies, destroys the morals of the one part, and the *amor patriae* of the other. For if a slave can have a country in this world, it must be any other in preference to that in which he is born to live and labor for another; in which he must lock up the faculties of his nature, contribute as far as depends on his individual endeavors to the evanishment of the human race, or entail his own miserable condition on the endless generations proceeding from him. With the morals of the people, their industry also is destroyed. For in a warm climate, no man will labor for himself who can make another labor
25 for him. This is so true, that of the proprietors of slaves a very small proportion indeed are ever seen to labor. And can the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are of the gift of God? That they are not to be violated but with His wrath? Indeed I tremble for

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my country when I reflect that God is just; that his justice cannot sleep forever; that considering numbers, nature and natural means only, a revolution of the wheel of fortune, an exchange of situation is among possible events; that it may become probable by supernatural interference! The Almighty has no attribute which can take side with us in such a contest. But it is impossible to be temperate and to pursue this subject through the various considerations of policy, of morals, of history natural and civil. We must be contented to hope they will force their way into every one's mind. I think a change already perceptible, since the origin of the present revolution. The spirit of the master is abating, that of the slave rising from the dust, his condition mollifying, the way I hope preparing, under the auspices of heaven, for a total emancipation, and that this is disposed, in the order of events, to be with the consent of the masters, rather than by their extirpation.

DELEGATE THOMAS JEFFERSON (VA) OF THE SECOND CONTINENTAL CONGRESS

A Declaration

DRAFT STATEMENT

June 1776
Philadelphia, Pennsylvania

Draft of the Declaration of Independence

BACKGROUND

Thomas Jefferson drafted and the Committee of Five edited this initial version of what would become the Declaration of Independence. This draft includes the edits that the Second Continental Congress made.

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Key:

~~word~~ = language deleted by Congress from Jefferson's draft

«word» = language added by Congress to Jefferson's draft

A DECLARATION By the REPRESENTATIVES of the UNITED STATES of AMERICA,
in «GENERAL» CONGRESS ASSEMBLED

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
5 of the Earth the separate & 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 en-
dowed by their Creator with ~~inherent and~~ unalienable Rights, that among these are Life,

"The Declaration of Independence" and "Draft of the Declaration of Independence" in *The U.S. Constitution: A Reader* (Hillsdale, MI: Hillsdale College Press, 2012), 5-9, 397-98.

- Liberty, & 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 abolish it, & to institute new Government, laying it's Foundation on such
- 5 Principles, & organizing it's Powers in such Form, as to them shall seem most likely to effect their Safety & Happiness. Prudence indeed will dictate that Governments long established should not be changed for light & transient Causes; and accordingly all Experience hath shown 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
- 10 of Abuses & Usurpations ~~begun at a distinguished period and~~ 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, & to provide new Guards for their future Security. Such has been the patient Sufferance of these Colonies; & such is now the Necessity which constrains them to ~~expunge~~ «alter» their former Systems of Government. The His-
- 15 tory of the present King of Great-Britain is a History of ~~unremitting~~ «repeated» Injuries & Usurpations, ~~among which appears no solitary fact to contradict the uniform tenor of the rest but all have~~ «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 ~~for the truth of which we pledge a faith yet unsullied by falsehood.~~
- 20 He has refused his Assent to Laws, the most wholesome & necessary for the public Good.
- He has dissolved Representative Houses repeatedly, & ~~continually~~ 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
- 25 large for their exercise; the State remaining in the meantime exposed to all the Dangers of Invasion from without, & Convulsions within.

He has endeavored 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, & raising the Conditions of new Appropriations of Lands.

5 He has made ~~our~~ Judges dependent on his Will alone, for the Tenure of their Offices, & the Amount & payment of their Salaries.

He has erected a Multitude of new Offices ~~by a self assumed power~~ and sent hither Swarms of new Officers to harass our People and eat out their Substance.

He has kept among us in Times of Peace, Standing Armies, ~~and ships of war~~ without the consent of our Legislatures.

10 He has affected to render the Military independent of, & superior to the Civil power.

He has combined with others to subject us to a Jurisdiction foreign to our Constitution, & unacknowledged by our Laws; giving his Assent to their Acts of pretended Legislation:
For quartering large Bodies of Armed Troops among us:

15 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 Benefits of Trial by Jury:

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

20 For abolishing the free System of English Laws in a neighboring Province, establishing therein an arbitrary Government, and enlarging it's Boundaries, so as to render it at once an Example and fit Instrument for introducing the same absolute Rule into these ~~states~~ «Colonies»:

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

For suspending our own Legislatures, & declaring themselves invested with Power to legislate for us in all Cases whatsoever.

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He has abdicated Government here by ~~withdrawing his governors, and declaring us out of his allegiance & protection~~ «declaring us out of his Protection, and Waging war against us.» He has plundered our Seas, ravaged our Coasts, burnt our towns, & destroyed the Lives of our People.

- 5 He is, at this time Transporting large Armies of foreign Mercenaries to complete the works of Death, Desolation & Tyranny, already begun with circumstances of Cruelty and Perfidy «scarcely paralleled in the most barbarous Ages, & 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 & Brethren,
- 10 or to fall themselves by their Hands. He has «excited domestic Insurrections amongst us, & has» endeavored 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, & Conditions of existence. He has incited treasonable insurrections of our fellow citizens, with the allurements of forfeiture & confiscation of our property. He has waged cruel war
- 15 against human nature itself, violating it's most sacred rights of life and liberty in the persons of a distant people who never offended him, captivating & carrying them into slavery in another hemisphere, or to incur miserable death in their transportation thither. This piratical warfare, the opprobrium of INFIDEL powers, is the warfare of the CHRISTIAN king of Great Britain. Determined to keep open a market where MEN should be bought & sold,
- 20 he has prostituted his negative for suppressing every legislative attempt to prohibit or to restrain this execrable commerce. And that this assemblage of horrors might want no fact of distinguished die, he is now exciting those very people to rise in arms among us, and to purchase that liberty of which he has deprived them, by murdering the people on whom he also obtruded them: thus paying off former crimes committed against the LIBERTIES of
- 25 one people, with crimes which he urges them to commit against the LIVES of another. 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 who mean to be free. Future ages will scarcely believe that the hardiness of

~~one man adventured, within the short compass of twelve years only, to lay a foundation so broad & so undisguised for tyranny over a people fostered & fixed in principles of freedom.~~

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 a «an unwarrantable» jurisdiction over ~~these our states~~ «us». We have reminded them of the Circumstances of our
 5 Emigration & Settlement here, ~~no one of which could warrant so strange a pretension: that these were effected at the expense of our own blood & treasure, unassisted by the wealth or the strength of Great Britain: that in constituting indeed our several forms of government, we had adopted one common king, thereby laying a foundation for perpetual league & am-~~
 10 ~~ity with them: but that submission to their parliament was no part of our constitution, nor ever in idea, if history may be credited: and.~~ We have appealed to their native Justice and Magnanimity ~~as well as to~~ «, and we have conjured them by» the Ties of our common Kin-
 dred to disavow these Usurpations, which ~~were likely to~~«, would inevitably» interrupt our Connection and Correspondence. They too have been deaf to the Voice of Justice & of
 15 Consanguinity ~~, and when occasions have been given them, by the regular course of their laws, of removing from their councils the disturbers of our harmony, they have, by their free election, re-established them in power. At this very time too they are permitting their chief magistrate to send over not only soldiers of our common blood, but Scotch & foreign mercenaries to invade & destroy us. These facts have given the last stab to agonizing affec-~~
 20 ~~tion, and manly spirit bids us to renounce forever these unfeeling brethren. We must endeavor to forget our former love for them, and hold them as we hold the rest of mankind, enemies in war, in peace friends. We might have been a free and a great people together; but a communication of grandeur & of freedom it seems is below their dignity. Be it so, since they will have it. The road to happiness & to glory is open to us too. We will tread it~~
 25 ~~apart from them, and~~ «. We must therefore» acquiesce in the Necessity which denounces our eternal 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
 30 our Intentions,» do, in the name, & by the Authority of the good People of these states

~~reject and renounce all allegiance and subjection to the kings of Great Britain and all others who may hereafter claim by, through or under them; we utterly dissolve all political connection which may heretofore have subsided between us and the people or parliament of Great Britain: and finally we do assert and declare these colonies to be free and independent~~

5 ~~states;~~ «Colonies, solemnly Publish and Declare, That these United Colonies are, and are of Right 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;» & that as Free & Independent States, they have full Power to levy War, conclude Peace, contract Alliances, establish Commerce & to do all

10 other Acts & 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, & our sacred Honor.

THE U.S. CONGRESS OF THE CONFEDERATION

An Ordinance for the Government of the Territory of the United States Northwest of the River Ohio

LAW EXCERPT

July 13, 1787

Federal Hall | New York City, New York

BACKGROUND

Congress passed the Northwest Ordinance to provide the governing structure for all of the territories of the young United States, lands that would later become the states of Ohio, Indiana, Illinois, Michigan, and Wisconsin.

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Article III

Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged. The utmost good faith shall always be observed towards the Indians; their lands and property shall
5 never be taken from them without their consent; and in their property, rights, and liberty they never shall be invaded or disturbed unless in just and lawful wars authorized by Congress; but laws founded in justice and humanity shall, from time to time, be made, for preventing wrongs being done to them, and for preserving peace and friendship with them....

"The Northwest Ordinance," in *The U.S. Constitution: A Reader*, ed. Hillsdale College Politics Faculty (Hillsdale, MI: Hillsdale College Press, 2012), 121-27.

THE PEOPLE OF THE UNITED STATES OF AMERICA

The Constitution

LAW

March 4, 1789
United States of America

BACKGROUND

Delegates to the Constitutional Convention drafted and the states ratified this Constitution, forming the second national government for the United States of America.

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Preamble

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and
5 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
10 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,

"The Constitution of the United States of America," in *The U.S. Constitution: A Reader* (Hillsdale, MI: Hillsdale College Press, 2012), 47-66.

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
 5 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 enu-
 10 meration 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
 15 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 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.
 20 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
 25 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.

5 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.

10 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.

15 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.

20 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 choosing 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.

25 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 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.

10 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
15 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
20 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
25 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
 5 (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 pre-
 10 sented 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
 15 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
 20 Indian Tribes;

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

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

25 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;

5 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;

10 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;

15 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;

20 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

25 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.

- 5 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.

- 10 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.

- 15 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.

- 20 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.

- 25 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.

5 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

10 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:

15 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.

20 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, 25 then the House of Representatives shall immediately choose 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
5 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
10 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,
15 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,
20 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
25 Constitution of the United States."

Section 2. The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of

the executive Departments, upon any subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offenses against the United States, except in Cases of Impeachment.

5 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
10 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
15 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,
20 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

25 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

Behavior, and shall, at stated Times, receive for their Services a Compensation, which shall not be diminished during their Continuance in Office.

5 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,
10 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
15 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.

20 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
25 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 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 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
5 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
10 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 Con-
15 federation.

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 notwithstand-
20 ing.

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
25 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.

5 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.

10 George Washington—

President and deputy from Virginia

Delaware

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

15 **Maryland**

James McHenry, Daniel of St. Thomas Jenifer, Daniel Carroll

Virginia

John Blair, James Madison, Jr.

North Carolina

20 William Blount, Richard Dobbs Spaight, Hugh Williamson

South Carolina

John Rutledge, Charles Cotesworth Pinckney, Charles Pinckney, Pierce Butler

ANNOTATIONS

Georgia

William Few, Abraham Baldwin

New Hampshire

John Langdon, Nicholas Gilman

5 **Massachusetts**

Nathaniel Gorham, Rufus King

Connecticut

William Samuel Johnson, Roger Sherman

New York

10 Alexander Hamilton

New Jersey

William Livingston, David Brearley, William Paterson, Jonathan Dayton

Pennsylvania

15 Benjamin Franklin, Thomas Mifflin, Robert Morris, George Clymer, Thomas FitzSimons, Jared Ingersoll, James Wilson, Gouverneur Morris

Attest William Jackson Secretary

Amendments to the Constitution of the United States of America

Amendment I

Ratified December 15, 1791

5 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

Ratified December 15, 1791

10 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

Ratified December 15, 1791

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.

15 **Amendment IV**

Ratified December 15, 1791

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

Amendment V

Ratified December 15, 1791

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
5 forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

10 Amendment VI

Ratified December 15, 1791

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 na-
15 ture and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.

Amendment VII

Ratified December 15, 1791

20 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.

25

Amendment VIII

Ratified December 15, 1791

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

5 Amendment IX

Ratified December 15, 1791

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

Amendment X

10 Ratified December 15, 1791

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

Amendment XI

Ratified February 7, 1795

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

Amendment XII

Ratified June 15, 1804

20 The Electors shall meet in their respective states and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all per-

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

Amendment XIII

Ratified December 6, 1865

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

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

Amendment XIV

Ratified July 9, 1868

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

10 Section 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the 15 United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

20 Section 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have 25 engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

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

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

Amendment XV

10 Ratified February 3, 1870

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

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

15 **Amendment XVI**

Ratified February 3, 1913

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

20 **Amendment XVII**

Ratified April 8, 1913

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

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

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

Amendment XVIII

Ratified January 16, 1919

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

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

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

Amendment XIX

- 20 Ratified August 18, 1920

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

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

Amendment XX

Ratified January 23, 1933

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

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

Section 3. If, at the time fixed for the beginning of the term of the President, the President
10 elect shall have died, the Vice President elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President elect shall have failed to qualify, then the Vice President elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case wherein
15 act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice President shall have qualified.

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

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

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

Amendment XXI

Ratified December 5, 1933

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

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

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

Amendment XXII

Ratified February 27, 1951

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

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

25

Amendment XXIII

Ratified March 29, 1961

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

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

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

Amendment XXIV

Ratified January 23, 1964

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

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

Amendment XXV

- 20 Ratified February 10, 1967

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

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

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

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

Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive department or of such other body as Congress may by law provide, transmit within four days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within forty-eight hours for that purpose if not in session. If the Congress, within twenty-one days after receipt of the latter written declaration, or, if Congress is not in session, within twenty-one days after Congress is required to assemble, determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of his office, the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office.

25

Amendment XXVI

Ratified July 1, 1971

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

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

Amendment XXVII

Ratified May 7, 1992

No law varying the compensation for the services of the Senators and Representatives shall
10 take effect, until an election of Representatives shall have intervened.

FREDERICK DOUGLASS

The Constitution of the United States: Is It Pro-Slavery or Anti-Slavery

SPEECH

March 26, 1860

Scottish Anti-Slavery Society | Glasgow, Scotland

BACKGROUND

Former slave and abolitionist Frederick Douglass delivered this speech before the Scottish Anti-Slavery Society responding to the question of whether the U.S. Constitution supported or opposed slavery.

GUIDING QUESTIONS

1. In which ways does Douglass disagree with other abolitionists, such as William Lloyd Garrison?
2. What evidence does Douglass cite from the founding that has formed his understanding?
3. What is Douglass' main argument against dissolving the Union over the issue of slavery?

Frederick Douglass, *Selected Speeches and Writings*, ed. Philip S. Foner (Chicago: Lawrence Hill, 1999), 188-206.

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NOTES & QUESTIONS

I proceed to the discussion. And first a word about the question. Much will be gained at the outset if we fully and clearly understand the real question under discussion. Indeed, nothing is or can be understood. This are often confounded and treated as the same, for no better reason than that they resemble each other, even while they are in their nature and character totally distinct and even directly opposed to each other. This jumbling up things is a sort of dust-throwing which is often indulged in by small men who argue for victory rather than for truth.

Thus, for instance, the American Government and the American Constitution are spoken of in a manner which would naturally lead the hearer to believe that one is identical with the other; when the truth is, they are distinct in character as is a ship and a compass. The one may point right and the other steer wrong. A chart is one thing, the course of the vessel is another. The Constitution may be right, the Government is wrong. If the Government has been governed by mean, sordid, and wicked passions, it does not follow that the Constitution is mean, sordid, and wicked.

15 What, then, is the question?...

The real and exact question between myself and the class of persons represented by the speech at the City Hall may be fairly stated thus: — 1st, Does the United States Constitution guarantee to any class or description of people in that country the right to enslave, or hold as property, any other class or description of people in that country? 2nd, Is the dissolution of the union between the slave and free States required by fidelity to the slaves, or by the just demands of conscience? Or, in other words, is the refusal to exercise the elective franchise, and to hold office in America, the surest, wisest, and best way to abolish slavery in America?

To these questions the Garrisonians say Yes. They hold the Constitution to be a slaveholding instrument, and will not cast a vote or hold office, and denounce all who vote or hold office, no matter how faithfully such persons labour to promote the abolition of slavery. I, on the other hand, deny that the Constitution guarantees the right to hold property in man, and believe that the way to abolish slavery in America is to vote such men into power as

ANNOTATIONS

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will use their powers for the abolition of slavery. This is the issue plainly stated, and you shall judge between us.... It should also be borne in mind that the intentions of those who framed the Constitution, be they good or bad, for slavery or against slavery, are so respected so far, and so far only, as we find those intentions plainly stated in the Constitution. It would be the wildest of absurdities, and lead to endless confusion and mischiefs, if, instead of looking to the written paper itself, for its meaning, it were attempted to make us search it out, in the secret motives, and dishonest intentions, of some of the men who took part in writing it. It was what they said that was adopted by the people, not what they were ashamed or afraid to say, and really omitted to say....

10 I repeat, the paper itself, and only the paper itself, with its own plainly written purposes, is the Constitution. It must stand or fall, flourish or fade, on its own individual and self-declared character and objects. Again, where would be the advantage of a written Constitution, if, instead of seeking its meaning in its words, we had to seek them in the secret intentions of individuals who may have had something to do with writing the paper?...What then? Shall we condemn the righteous law because wicked men twist it to the support of wickedness? Is that the way to deal with good and evil? Shall we blot out all distinction between them, and hand over to slavery all that slavery may claim on the score of long practice?...

20 It so happens that no such words as "African slave trade," no such words as "slave insurrections," are anywhere used in that instrument.... Here then are several provisions of the Constitution to which reference has been made. I read them word for word just as they stand in the paper, called the United States Constitution, Art. I, sec. 2. "Representatives and direct taxes shall be apportioned among the several States which may be included in 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 years, and excluding Indians not taxed, three-fifths of all other persons; Art. I, sec. 9. The migration or importation of such persons as any of the States now existing shall think fit to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, 25 but a tax or duty may be imposed on such importation, not exceeding tend dollars for each

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person; Art. 4, sec. 2. 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 service or labour; but shall be delivered up on claim of the party to whom such service or labour may be due; Art. I, sec. 8. To provide for calling for the militia to execute the laws of the Union, suppress insurrections, and repel invasions.” Here then, are those provisions of the Constitution, which the most extravagant defenders of slavery can claim to guarantee a right of property in man. These are the provisions which have been pressed into the service of the human fleshmongers of America. Let us look at them just as they stand, one by one. Let us grant, for the sake of the argument, that the first of these provisions, referring to the basis of representation and taxation, does refer to slaves. We are not compelled to make that admission, for it might fairly apply to aliens — persons living in the country, but not naturalized. But giving the provisions the very worse construction, what does it amount to? I answer — It is a downright disability laid upon the slaveholding States; one which deprives those States of two-fifths of their natural basis of representation. A black man in a free State is worth just two-fifths more than a black man in a slave State, as a basis of political power under the Constitution. Therefore, instead of encouraging slavery, the Constitution encourages freedom by giving an increase of “two-fifths” of political power to free over slave States. So much for the three-fifths clause; taking it at its worst, it still leans to freedom, not slavery; for, be it remembered that the Constitution nowhere forbids a coloured man to vote. I come to the next, that which it is said guaranteed the continuance of the African slave trade for twenty years. I will also take that for just what my opponent alleges it to have been, although the Constitution does not warrant any such conclusion. But, to be liberal, let us suppose it did, and what follows? Why, this — that this part of the Constitution, so far as the slave trade is concerned, became a dead letter more than 50 years ago, and now binds no man’s conscience for the continuance of any slave trade whatsoever. Mr. Thompson is just 52 years too late in dissolving the Union on account of this clause. He might as well dissolve the British Government, because Queen Elizabeth granted to Sir John Hawkins to import Africans into the West Indies 300 years ago! But there is still more to be said about this abolition of the slave trade. Men, at that time, both in England and in America, looked upon the slave trade as the life of slavery.

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The abolition of the slave trade was supposed to be the certain death of slavery. Cut off the stream, and the pond will dry up, was the common notion at the time.

Wilberforce and Clarkson, clear-sighted as they were, took this view; and the American statesmen, in providing for the abolition of the slave trade, thought they were providing for the abolition of the slavery. This view is quite consistent with the history of the times. All regarded slavery as an expiring and doomed system, destined to speedily disappear from the country. But, again, it should be remembered that this very provision, if made to refer to the African slave trade at all, makes the Constitution anti-slavery rather than for slavery; for it says to the slave States, the price you will have to pay for coming into the American Union is, that the slave trade, which you would carry on indefinitely out of the Union, shall be put an end to in twenty years if you come into the Union. Secondly, if it does apply, it expired by its own limitation more than fifty years ago. Thirdly, it is anti-slavery, because it looked to the abolition of slavery rather than to its perpetuity. Fourthly, it showed that the intentions of the framers of the Constitution were good, not bad. I think this is quite enough for this point.

I go to the “slave insurrection” clause, though, in truth, there is no such clause. The one which is called so has nothing whatever to do with slaves or slaveholders any more than your laws for suppression of popular outbreaks has to do with making slaves of you and your children. It is only a law for suppression of riots or insurrections. But I will be generous here, as well as elsewhere, and grant that it applies to slave insurrections. Let us suppose that an anti-slavery man is President of the United States (and the day that shall see this the case is not distant) and this very power of suppressing slave insurrections would put an end to slavery. The right to put down an insurrection carries with it the right to determine the means by which it shall be put down. If it should turn out that slavery is a source of insurrection, that there is no security from insurrection while slavery lasts, why, the Constitution would be best obeyed by putting an end to slavery, and an anti-slavery Congress would do the very same thing. Thus, you see, the so-called slave-holding provisions of the American Constitution, which a little while ago looked so formidable, are, after all, no defence or guarantee for slavery whatever. But there is one other provision. This is called the “Fugitive

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Slave Provision.” It is called so by those who wish to make it subserve the interest of slavery in America, and the same by those who wish to uphold the views of a party in this country.... But it may be asked — if this clause does not apply to slaves, to whom does it apply?

I answer, that when adopted, it applies to a very large class of persons — namely, redemptioners — persons who had come to America from Holland, from Ireland, and other quarters of the globe — like the Coolies to the West Indies — and had, for a consideration duly paid, become bound to “serve and labour” for the parties to whom their service and labour was due. It applies to indentured apprentices and others who have become bound for a consideration, under contract duly made, to serve and labour, to such persons this provision applies, and only to such persons. The plain reading of this provision shows that it applies, and that it can only properly and legally apply, to persons “bound to service.” Its object plainly is, to secure the fulfillment of contracts for “service and labour.” It applies to indentured apprentices, and any other persons from whom service and labour may be due. The legal condition of the slave puts him beyond the operation of this provision. He is not described in it. He is a simple article of property. He does not owe and cannot owe service. He cannot even make a contract. It is impossible for him to do so. He can no more make such a contract than a horse or an ox can make one. This provision, then, only respects persons who owe service, and they only can owe service who can receive an equivalent and make a bargain. The slave cannot do that, and is therefore exempted from the operation of this fugitive provision.... Let us look at the objects for which the Constitution was framed and adopted, and see if slavery is one of them. Here are its own objects as set forth by itself: — “We, the people of these United States, in order to form a more perfect union, establish justice, ensure 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 of the United States of America.” The objects here set forth are six in number: union, defence, welfare, tranquility, justice, and liberty. These are all good objects, and slavery, so far from being among them, is a foe of them all. But it has been said that Negroes are not included within the benefits sought under this declaration. This is said by the slaveholders in America — it is said by the City Hall orator — but it is not said by

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the Constitution itself. Its language is “we the people;” not we the white people, not even we the citizens, not we the privileged class, not we the high, not we the low, but we the people; not we the horses, sheep, and swine, and wheel-barrows, but we the people, we the human inhabitants; and, if Negroes are people, they are included in the benefits for which the Constitution of America was ordained and established. But how dare any man who pretends to be a friend to the Negro thus gratuitously concede away what the Negro has a right to claim under the Constitution? Why should such friends invent new arguments to increase the hopelessness of his bondage? This, I undertake to say, as the conclusion of the whole matter, that the constitutionality of slavery can be made out only by disregarding the plain and common-sense reading of the Constitution itself; by discrediting and casting away as worthless the most beneficent rules of legal interpretation; by ruling the Negro outside of these beneficent rules; by claiming that the Constitution does not mean what it says, and that it says what it does not mean; by disregarding the written Constitution, and interpreting it in the light of a secret understanding. It is in this mean, contemptible, and underhand method that the American Constitution is pressed into the service of slavery....

My argument against the dissolution of the American Union is this: It would place the slave system more exclusively under the control of the slaveholding States, and withdraw it from the power in the Northern States which is opposed to slavery. Slavery is essentially barbarous in its character. It, above all things else, dreads the presence of an advanced civilization. It flourishes best where it meets no reproving frowns, and hears no condemning voices. While in the Union it will meet with both. Its hope of life, in the last resort, is to get out of the Union. I am, therefore, for drawing the bond of the Union more completely under the power of the Free States. What they most dread, that I most desire. I have much confidence in the instincts of the slaveholders. They see that the Constitution will afford slavery no protection when it shall cease to be administered by slaveholders. They see, moreover, that if there is once a will in the people of America to abolish slavery, this is no word, no syllable in the Constitution to forbid that result. They see that the Constitution has not saved slavery in Rhode Island, in Connecticut, in New York, or Pennsylvania; that the Free States have only added three to their original number. There were twelve Slave

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States at the beginning of the Government: there are fifteen now. The dissolution of the Union would not give the North a single advantage over slavery, but would take from it many. Within the Union we have a firm basis of opposition to slavery. It is opposed to all the great objects of the Constitution. The dissolution of the Union is not only an unwise but a cowardly measure — 15 millions running away from three hundred and fifty thousand slaveholders. Mr. Garrison and his friends tell us that while in the Union we are responsible for slavery. He and they sing out “No Union with slaveholders,” and refuse to vote. I admit our responsibility for slavery while in the Union but I deny that going out of the Union would free us from that responsibility. There now clearly is no freedom from responsibility for slavery to any American citizen short to the abolition of slavery. The American people have gone quite too far in this slaveholding business now to sum up their whole business of slavery by singing out the cant phrase, “No union with slaveholders.” To desert the family hearth may place the recreant husband out of the presence of his starving children, but this does not free him from responsibility. If a man were on board of a pirate ship, and in company with others had robbed and plundered, his whole duty would not be preformed simply by taking the longboat and singing out, “No union with pirates.” His duty would be to restore the stolen property. The American people in the Northern States have helped to enslave the black people. Their duty will not have been done till they give them back their plundered rights. Reference was made at the City Hall to my having once held other opinions, and very different opinions to those I have now expressed. An old speech of mine delivered fourteen years ago was read to show — I know not what. Perhaps it was to show that I am not infallible. If so, I have to say in defence, that I never pretended to be. Although I cannot accuse myself of being remarkably unstable, I do not pretend that I have never altered my opinion both in respect to men and things. Indeed, I have been very much modified both in feeling and opinion within the last fourteen years. When I escaped from slavery, and was introduced to the Garrisonians, I adopted very many of their opinions, and defended them just as long as I deemed them true. I was young, had read but little, and naturally took some things on trust. Subsequent experience and reading have led me to examine for myself. This had brought me to other conclusions. When I was a child, I thought and spoke as a child. But the question is not as to what were my opinions fourteen

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years ago, but what they are now. If I am right now, it really does not matter what I was fourteen years ago. My position now is one of reform, not of revolution. I would act for the abolition of slavery through the Government — not over its ruins. If slaveholders have ruled the American Government for the last fifty years, let the anti-slavery men rule the nation for the next fifty years. If the South has made the Constitution bend to the purposes of slavery, let the North now make that instrument bend to the cause of freedom and justice. If 350,000 slaveholders have, by devoting their energies to that single end, been able to make slavery the vital and animating spirit of the American Confederacy for the last 72 years, now let the freemen of the North, who have the power in their own hands, and who can make the American Government just what they think fit, resolve to blot out for ever the foul and haggard crime, which is the blight and mildew, the curse and the disgrace of the whole United States.

SEN. JOHN C. CALHOUN (D-SC)

On the Reception of Abolition Petitions

SPEECH EXCERPT

February 6, 1837
U.S. Senate | Washington, D.C.

BACKGROUND

John C. Calhoun delivered this speech in the U.S. Senate in response to petitions submitted by abolitionists demanding an end to slavery in the District of Columbia and the abolition of the slave trade across state lines.

GUIDING QUESTIONS

1. What does Calhoun argue to be the effect of enslavement in America on African Americans? Why?
2. In which ways does Calhoun take exception to northern criticism of the effects of slavery on European Americans?
3. What does Calhoun mean by a “positive good”? What evidence does he claim to support his assertion?
4. How does Calhoun argue that slaves are treated better than laborers in the north?

John C. Calhoun, *Union and Liberty: The Political Philosophy of John C. Calhoun*, ed. Ross M. Lence (Indianapolis: Liberty Fund, 1992), 472-76.

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...Abolition and Union cannot co-exist. As the friend of the Union I openly proclaim it, and the sooner it is known the better. The former may now be controlled, but in a short time it will be beyond the power of man to arrest the course of events. We of the South will not, cannot, surrender our institutions. To maintain the existing relations between the two

5 races, inhabiting that section of the Union, is indispensable to the peace and happiness of both. It cannot be subverted without drenching the country in blood, and extirpating one or the other of the races. Be it good or bad, it has grown up with our society and institutions, and is so interwoven with them, that to destroy it would be to destroy us as a people. But let me not be understood as admitting, even by implication, that the existing relations be-

10 tween the two races in slaveholding States is an evil—far otherwise; I hold it to be a good, as it has thus far proved itself to be to both, and will continue to prove so if not disturbed by the fell spirit of abolition. I appeal to facts. Never before has the black race of Central Africa, from the dawn of history to the present day, attained a condition so civilized and so improved, not only physically, but morally and intellectually. It came among us in a low,

15 degraded, and savage condition, and in the course of a few generations it has grown up under the fostering care of our institutions, reviled as they have been to its present comparatively civilized condition. This, with the rapid increase of numbers, is conclusive proof of the general happiness of the race, in spite of all the exaggerated tales to the contrary. In the mean time, the white or European race has not degenerated. It has kept pace with its

20 brethren in other sections of the Union where slavery does not exist.... But I take higher ground. I hold that in the present state of civilization, where two races of different origin, and distinguished by color, and other physical differences, as well as intellectual, are brought together, the relation now existing in the slaveholding States between the two, is, instead of an evil, a good—a positive good. I feel myself called upon to speak freely upon

25 the subject where the honor and interests of those I represent are involved. I hold then that there never has yet existed a wealthy and civilized society in which one portion of the community did not, in point of fact, live on the labor of the other. Broad and general as is this assertion, it is fully borne out by history. This is not the proper occasion, but if it were, it would not be difficult to trace the various devices by which the wealth of all civilized com-

30 munities has been so unequally divided, and to show by what means so small a share has

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been allotted to those by whose labor it was produced, and so large a share given to the non-producing classes. The devices are almost innumerable, from the brute force and gross superstition of ancient times, to the subtle and artful fiscal contrivances of modern. I might well challenge a comparison between them and the more direct, simple, and patriarchal mode by which the labor of the African race is, among us, commanded by the European. I may say with truth, that in few countries so much is left to the share of the laborer, and so little exacted from him, or where there is more kind attention paid to him in sickness or infirmities of age. Compare his condition with the tenants of the poor houses in the more civilized portions of Europe—look at the sick, and the old and infirm slave, on one hand, in the midst of his family and friends, under the kind superintending care of his master and mistress, and compare it with the forlorn and wretched condition of the pauper in the poor house....

SENATOR JOHN C. CALHOUN (D-SC)

On the Oregon Bill

SPEECH EXCERPTS

June 27, 1848

U.S. Senate | Washington, D.C.

BACKGROUND

Senator John C. Calhoun gave this speech in response to the Oregon Bill, which sought to organize the new territory along anti-slavery principles.

GUIDING QUESTIONS

1. How does Calhoun portray the conflict between the North and the South?
2. How does Calhoun use the Constitution to justify his argument?
3. What theoretical proposition is the cause of the Union's destruction, according to Calhoun?
4. According to Calhoun, what is the relationship between the government and individual liberty?

John C. Calhoun, "On the Oregon Bill," 27 June 1848, in *The Works of John C. Calhoun*, Vol. 4, Ed. Richard Kenner Cralle (New York: D. Appleton & Co., 1888), 503–12.

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...Now, let me say, Senators, if our Union and system of government are doomed to perish, and we to share the fate of so many great people who have gone before us, the historian, who, in some future day, may record the events ending in so calamitous a result, will devote his first chapter to the ordinance of 1787, lauded as it and its authors have been, as the first
5 of that series which led to it. His next chapter will be devoted to the Missouri compromise, and the next to the present agitation. Whether there will be another beyond, I know not. It will depend on what we may do.

If he should possess a philosophical turn of mind, and be disposed to look to more remote and recondite causes, he will trace it to a proposition which originated in a hypothetical
10 truism, but which, as now expressed and now understood, is the most false and dangerous of all political errors. The proposition to which I allude, has become an axiom in the minds of a vast many on both sides of the Atlantic, and is repeated daily from tongue to tongue, as an established and incontrovertible truth; it is,—that “all men are born free and equal.” I am not afraid to attack error, however deeply it may be entrenched, or however widely
15 extended, whenever it becomes my duty to do so, as I believe it to be on this subject and occasion.

Taking the proposition literally (it is in that sense it is understood), there is not a word of truth in it. It begins with “all men are born,” which is utterly untrue. Men are not born. Infants are born. They grow to be men. And concludes with asserting that they are born
20 “free and equal,” which is not less false. They are not born free. While infants they are incapable of freedom, being destitute alike of the capacity of thinking and acting, without which there can be no freedom. Besides, they are necessarily born subject to their parents, and remain so among all people, savage and civilized, until the development of their intellect and physical capacity enables them to take care of themselves. They grow to all the
25 freedom of which the condition in which they were born permits, by growing to be men. Nor is it less false that they are born “equal.” They are not so in any sense in which it can be regarded; and thus, as I have asserted, there is not a word of truth in the whole proposition, as expressed and generally understood.

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If we trace it back, we shall find the proposition differently expressed in the Declaration of Independence. That asserts that “all men are created equal.” The form of expression, though less dangerous, is not less erroneous. All men are not created. According to the Bible, only two—a man and a woman—ever were—and of these one was pronounced subordinate to the other. All others have come into the world by being born, and in no sense, as I have shown, either free or equal. But this form of expression being less striking and popular, has given way to the present, and under the authority of a document put forth on so great an occasion, and leading to such important consequences, has spread far and wide, and fixed itself deeply in the public mind. It was inserted in our Declaration of Independence without any necessity. It made no necessary part of our justification in separating from the parent country, and declaring ourselves independent. Breach of our chartered privileges, and lawless encroachment on our acknowledged and well-established rights by the parent country, were the real causes,—and of themselves sufficient, without resorting to any other, to justify the step. Nor had it any weight in constructing the governments which were substituted in the place of the colonial. They were formed of the old materials and on practical and well-established principles, borrowed for the most part from our own experience and that of the country from which we sprang.

If the proposition be traced still further back, it will be found to have been adopted from certain writers in government who had attained much celebrity in the early settlement of these States, and with whose writings all the prominent actors in our revolution were familiar. Among these, Locke and Sydney were prominent. But they expressed it very differently. According to their expression, “all men in the state of nature were free and equal.” From this the others were derived; and it was this to which I referred when I called it a hypothetical truism;—to understand why, will require some explanation.

Man, for the purpose of reasoning, may be regarded in three different states: in a state of individuality; that is, living by himself apart from the rest of his species. In the social; that is, living in society, associated with others of his species. And in the political; that is, living under government. We may reason as to what would be his rights and duties in either, without taking into consideration whether he could exist in it or not. It is certain, that in

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the first, the very supposition that he lived apart and separated from all others would make him free and equal. No one in such a state could have the right to command or control another. Every man would be his own master, and might do just as he pleased. But it is equally clear, that man cannot exist in such a state; that he is by nature social, and that society is necessary, not only to the proper development of all his faculties, moral and intellectual, but to the very existence of his race. Such being the case, the state is a purely hypothetical one; and when we say all men are free and equal in it, we announce a mere hypothetical truism; that is, a truism resting on a mere supposed stake that cannot exist, and of course one of little or no practical value.

10 But to call it a state of nature was a great misnomer, and has led to dangerous errors; for that cannot justly be called a state of nature which is so opposed to the constitution of man as to be inconsistent with the existence of his race and the development of the high faculties, mental and moral, with which he is endowed by his Creator....

We now begin to experience the danger of admitting so great an error to have a place in the declaration of our independence. For a long time it lay dormant; but in the process of time it began to germinate, and produce its poisonous fruits. It had strong hold on the mind of Mr. Jefferson, the author of that document, which caused him to take an utterly false view of the subordinate relation of the black to the white race in the South; and to hold, in consequence, that the latter, though utterly unqualified to possess liberty, were as fully entitled to both liberty and equality as the former; and that to deprive them of it was unjust and immoral. To this error, his proposition to exclude slavery from the territory northwest of the Ohio may be traced,—and to that of the ordinance of 1787,—and through it the deep and dangerous agitation which now threatens to engulf, and will certainly engulf, if not speedily settled, our political institutions, and involve the country in countless woes.

ABRAHAM LINCOLN

Speech at Peoria

SPEECH EXCERPT

October 16, 1854

Lawn of the Peoria County Courthouse | Peoria, Illinois

On the Kansas-Nebraska Act

BACKGROUND

Abraham Lincoln responded to the passage of the Kansas-Nebraska Act and its principal proponent, Stephen A. Douglas, with this address at Peoria.

GUIDING QUESTIONS

1. Is Lincoln in favor or against self-governance?
2. In what way can the right of self-governance be abused according to Lincoln?
3. What principles does Lincoln take to be more essential than the right to self-governance?
4. What are the results of the violation of the Missouri Compromise both in the north and in the south?
5. How does Lincoln think the founders viewed slavery?

Abraham Lincoln, "Speech at Peoria, Illinois" (1854) in *Collected Works of Abraham Lincoln*, Vol. 2, ed. Roy P. Basler (New Brunswick, N.J: Rutgers University Press, 1953) pp. 248–283.

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I trust I understand, and truly estimate the right of self-government. My faith in the proposition that each man should do precisely as he pleases with all which is exclusively his own, lies at the foundation of the sense of justice there is in me. I extend the principles to communities of men, as well as to individuals. I so extend it, because it is politically wise, as well
5 as naturally just; politically wise, in saving us from broils about matters which do not concern us. Here, or at Washington, I would not trouble myself with the oyster laws of Virginia, or the cranberry laws of Indiana.

The doctrine of self-government is right—absolutely and eternally right—but it has no just application, as here attempted. Or perhaps I should rather say that whether it has such just
10 application depends upon whether a negro is *not* or *is* a man. If he is *not* a man, why in that case, he who *is* a man may, as a matter of self-government, do just as he pleases with him. But if the negro is a man, is it not to that extent, a total destruction of self-government, to say that he too shall not govern *himself*? When the white man governs himself that is self-government; but when he governs himself, and also governs *another* man, that is more than
15 self-government—that is despotism. If the negro is a man, why then my ancient faith teaches me that “all men are created equal;” and that there can be no moral right in connection with one man’s making a slave of another....

What I do say is, that no man is good enough to govern another man, without that other’s consent. I say this is the leading principle—the sheet anchor of American republicanism.
20 Our Declaration of Independence says:

“We hold these truths to be self evident: that all men are created equal; that they are endowed by their Creator with certain inalienable 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.”
25

...I particularly object to the new position which the avowed principle of this Nebraska law gives to slavery in the body politic. I object to it because it assumes that there can be moral right in the enslaving of one man by another. I object to it as a dangerous dalliance

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for a few people—a sad evidence that, feeling prosperity we forget right—that liberty, as a principle, we have ceased to revere. I object to it because the fathers of the republic eschewed, and rejected it. The argument of “Necessity” was the only argument they ever admitted in favor of slavery; and so far, and so far only as it carried them, did they ever go.

5 They found the institution existing among us, which they could not help; and they cast blame upon the British King for having permitted its introduction. Before the constitution, they prohibited its introduction into the north-western Territory—the only country we owned, then free from it. At the framing and adoption of the constitution, they forbore to so much as mention the word “slave” or “slavery” in the whole instrument. In the provision
10 for the recovery of fugitives, the slave is spoken of as a “person held to service or labor.” In that prohibiting the abolition of the African slave trade for twenty years, that trade is spoken of as “The migration or importation of such persons as any of the States now existing, shall think proper to admit,” etc. These are the only provisions alluding to slavery. Thus, the thing is hid away, in the constitution, just as an afflicted man hides away a wen or a
15 cancer, which he dares not cut out at once, lest he bleed to death; with the promise, nevertheless, that the cutting may begin at the end of a given time. Less than this our fathers could not do; and now they would not do. Necessity drove them so far, and farther, they would not go. But this is not all. The earliest Congress, under the constitution, took the same view of slavery. They hedged and hemmed it in to the narrowest limits of necessity.

20 In 1794, they prohibited an out-going slave-trade—that is, the taking of slaves from the United States to sell.

In 1798, they prohibited the bringing of slaves from Africa, into the Mississippi Territory—this territory then comprising what are now the States of Mississippi and Alabama. This was ten years before they had the authority to do the same thing as to the States existing at
25 the adoption of the constitution.

In 1800 they prohibited American citizens from trading in slaves between foreign countries—as, for instance, from Africa to Brazil.

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In 1803 they passed a law in aid of one or two State laws, in restraint of the internal slave trade.

In 1807, in apparent hot haste, they passed the law, nearly a year in advance, to take effect the first day of 1808—the very first day the constitution would permit—prohibiting the
5 African slave trade by heavy pecuniary and corporal penalties.

In 1820, finding these provisions ineffectual, they declared the trade piracy, and annexed to it, the extreme penalty of death. While all this was passing in the general government, five or six of the original slave States had adopted systems of gradual emancipation; and by which the institution was rapidly becoming extinct within these limits.

10 Thus we see, the plain unmistakable spirit of that age, towards slavery, was hostility to the principle, and toleration, only by necessity....

Our republican robe is soiled, and trailed in the dust. Let us repurify it. Let us turn and wash it white, in the spirit, if not the blood, of the Revolution. Let us turn slavery from its claims of “moral right,” back upon its existing legal rights, and its arguments of “necessity.”

15 Let us return it to the position our fathers gave it; and there let it rest in peace. Let us re-adopt the Declaration of Independence, and with it, the practices, and policy, which harmonize with it. Let north and south—let all Americans—let all lovers of liberty everywhere—join in the great and good work. If we do this, we shall not only have saved the Union; but we shall have so saved it, as to make, and to keep it, forever worthy of the saving.

20 We shall have so saved it, that the succeeding millions of free happy people, the world over, shall rise up, and call us blessed, to the latest generations....

ABRAHAM LINCOLN (R)

Seventh Debate in the 1858 Election Campaign

DEBATE RESPONSE EXCERPTS

October 15, 1858

Outside Alton City Hall | Alton, Illinois

BACKGROUND

Incumbent senator from Illinois, Democrat Stephen Douglas, debated Abraham Lincoln, the Republican candidate, for the seventh and final time in the 1858 election campaign. The candidates were not directly running for U.S. Senate, as senators were still appointed by the state legislature at the time, but their arguments were meant to bolster votes for their respective parties in the state legislature, which would then appoint one of them as U.S. Senator. Lincoln offered this reply to Douglas's opening remarks.

GUIDING QUESTIONS

1. Why does Lincoln think that history is on his side with respect to the meaning of "equality" in the Declaration of Independence?
2. According to Lincoln, how should one interpret the language of the Constitution with regard to slavery? What is the view of the founders on slavery, according to Lincoln?
3. What is the primary dividing line between Republicans and Democrats at this time, according to Lincoln?
4. In Lincoln's view, why is the existence of the Union threatened?
5. On what grounds does Lincoln base the struggle between him and Douglas as the struggle between right and wrong?

Abraham Lincoln and Stephen Douglas, "Seventh and Last Debate with Stephen A. Douglas at Alton, Illinois," 15 October 1858, in *The Collected Works of Abraham Lincoln*, Vol. 3, ed. Roy P. Basler (New Brunswick, NJ: Rutgers University Press, 1953), 285-87, 296-97, 301-02, 304, 307-08, 312-16, 318-20, 322-23.

Abraham Lincoln's Reply to Senator Stephen Douglas

...Language is used not suggesting that slavery existed or that the black race were among us. And I understand the contemporaneous history of those times to be that covert language was used with a purpose, and that purpose was that in our Constitution, which it was
5 hoped and is still hoped will endure forever—when it should be read by intelligent and patriotic men, after the institution of slavery had passed from among us—there should be nothing on the face of the great charter of liberty suggesting that such a thing as negro slavery had ever existed among us. This is part of the evidence that the fathers of the Government expected and intended the institution of slavery to come to an end. They expected
10 and intended that it should be in the course of ultimate extinction. And when I say that I desire to see the further spread of it arrested I only say I desire to see that done which the fathers have first done. When I say I desire to see it placed where the public mind will rest in the belief that it is in the course of ultimate extinction, I only say I desire to see it placed where they placed it. It is not true that our fathers, as Judge Douglas assumes, made this
15 government part slave and part free. Understand the sense in which he puts it. He assumes that slavery is a rightful thing within itself,—was introduced by the framers of the Constitution. The exact truth is, that they found the institution existing among us, and they left it as they found it. But in making the government they left this institution with many clear marks of disapprobation upon it. They found slavery among them and they left it among
20 them because of the difficulty— the absolute impossibility of its immediate removal. And when Judge Douglas asks me why we cannot let it remain part slave and part free as the fathers of the government made, he asks a question based upon an assumption which is itself a falsehood; and I turn upon him and ask him the question, when the policy that the fathers of the government had adopted in relation to this element among us was the best
25 policy in the world—the only wise policy—the only policy that we can ever safely continue upon—that will ever give us peace unless this dangerous element masters us all and becomes a national institution—I turn upon him and ask him why he could not let it alone? I turn and ask him why he was driven to the necessity of introducing a *new policy* in regard to it? He has himself said he introduced a new policy. He said so in his speech on the 22nd
30 of March of the present year, 1858. I ask him why he could not let it remain where our

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fathers placed it? I ask too of Judge Douglas and his friends why we shall not again place this institution upon the basis on which the fathers left it? I ask you when he infers that I am in favor of setting the free and slave States at war, when the institution was placed in that attitude by those who made the constitution, *did they make any war?* If we had no war
5 out of it when thus placed, wherein is the ground of belief that we shall have war out of it if we return to that policy? Have we had any peace upon this matter springing from any other basis? I maintain that we have not. I have proposed nothing more than a return to the policy of the fathers....

The real issue in this controversy—the one pressing upon every mind—is the sentiment on
10 the part of one class that looks upon the institution of slavery *as a wrong*, and of another class that *does not* look upon it as a wrong. The sentiment that contemplates the institution of slavery in this country as a wrong is the sentiment of the Republican party. It is the sentiment around which all their actions—all their arguments circle—from which all their propositions radiate. They look upon it as being a moral, social and political wrong; and
15 while they contemplate it as such, they nevertheless have due regard for its actual existence among us, and the difficulties of getting rid of it in any satisfactory way and to all the constitutional obligations thrown about it. Yet having a due regard for these, they desire a policy in regard to it that looks to its not creating any more danger. They insist that it should as far as may be, *be treated* as a wrong, and one of the methods of treating it as a wrong is
20 to *make provision that it shall grow no larger*. They also desire a policy that looks to a peaceful end of slavery at sometime, as being wrong....

On the other hand, I have said there is a sentiment which treats it as *not* being wrong. That is the Democratic sentiment of this day.... The Democratic policy in regard to that institution will not tolerate the merest breath, the slightest hint, of the least degree of wrong about
25 it. Try it by some of Judge Douglas' arguments. He says he "don't care whether it is voted up or voted down" in the Territories. I do not care myself in dealing with that expression, whether it is intended to be expressive of his individual sentiments on the subject, or only of the national policy he desires to have established. It is alike valuable for my purpose. Any man can say that who does not see anything wrong in slavery, but no man can logically say

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it who does see a wrong in it; because no man can logically say he don't care whether a wrong is voted up or voted down. He may say he don't care whether an indifferent thing is voted up or down, but he must logically have a choice between a right thing and a wrong thing. He contends that whatever community wants slaves has a right to have them. So they
5 have if it is not a wrong. But if it is a wrong, he cannot say people have a right to do wrong. He says that upon the score of equality, slaves should be allowed to go in a new Territory, like other property. This is strictly logical if there is no difference between it and other property. If it and other property are equal, his argument is entirely logical. But if you insist that one is wrong and the other right, there is no use to institute a comparison between
10 right and wrong. You may turn over everything in the Democratic policy from beginning to end, whether in the shape it takes on the statute book, in the shape it takes in the Dred Scott decision, in the shape it takes in conversation or the shape it takes in short maxim-like arguments—it everywhere carefully excludes the idea that there is anything wrong in it.

15 That is the real issue. That is the issue that will continue in this country when these poor tongues of Judge Douglas and myself shall be silent. It is the eternal struggle between these two principles—right and wrong—throughout the world. They are the two principles that have stood face to face from the beginning of time; and will ever continue to struggle. The one is the common right of humanity and the other the divine right of kings. It is the same
20 principle in whatever shape it develops itself. It is the same spirit that says, "You work and toil and earn bread, and I'll eat it." No matter in what shape it comes, whether from the mouth of a king who seeks to bestride the people of his own nation and live by the fruit of their labor, or from one race of men as an apology for enslaving another race, it is the same tyrannical principle.

PRESIDENT ABRAHAM LINCOLN (R)
First Inaugural Address

SPEECH EXCERPTS

March 4, 1861
U.S. Capitol | Washington, D.C.

BACKGROUND

Abraham Lincoln delivered this speech at his inauguration amidst declarations of secession by southern states.

GUIDING QUESTIONS

1. How does Lincoln try to assuage the fears of Southerners?
2. Why does Lincoln believe that the Union is perpetual?
3. What is "the only substantial dispute," and what are its possible resolutions as Lincoln sees them?

Abraham Lincoln, "First Inaugural Address—Final Text," March 4, 1861, in *The Collected Works of Abraham Lincoln*, Vol. 4, ed. Roy P. Basler (New Brunswick, NJ: Rutgers University Press, 1953), 262–71.

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...I take the official oath today, with no mental reservations, and with no purpose to construe the Constitution or laws, by any hypercritical rules. And while I do not choose now to specify particular acts of Congress as proper to be enforced, I do suggest, that it will be much safer for all, both in official and private stations, to conform to, and abide by, all those
5 acts which stand unrepealed, than to violate any of them, trusting to find impunity in having them held to be unconstitutional.

It is seventy-two years since the first inauguration of a President under our national Constitution. During that period fifteen different and greatly distinguished citizens, have, in
10 succession, administered the executive branch of the government. They have conducted it through many perils; and, generally, with great success. Yet, with all this scope for precedent, I now enter upon the same task for the brief constitutional term of four years, under great and peculiar difficulty. A disruption of the Federal Union heretofore only menaced, is now formidably attempted.

15 I hold, that in contemplation of universal law, and of the Constitution, the Union of these States is perpetual. Perpetuity is implied, if not expressed, in the fundamental law of all national governments. It is safe to assert that no government proper, ever had a provision in its organic law for its own termination. Continue to execute all the express provisions of
20 our national Constitution, and the Union will endure forever—it being impossible to destroy it, except by some action not provided for in the instrument itself.

Again, if the United States be not a government proper, but an association of States in the nature of contract merely, can it, as a contract, be peaceably unmade, by less than all the
25 parties who made it? One party to a contract may violate it—break it, so to speak; but does it not require all to lawfully rescind it?

Descending from these general principles, we find the proposition that, in legal contemplation, the Union is perpetual, confirmed by the history of the Union itself. The Union is
30 much older than the Constitution. It was formed in fact, by the Articles of Association in

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1774. It was matured and continued by the Declaration of Independence in 1776. It was further matured and the faith of all the then thirteen States expressly plighted and engaged that it should be perpetual, by the Articles of Confederation in 1778. And finally, in 1787, one of the declared objects for ordaining and establishing the Constitution, was "*to form a more perfect union.*"

5

But if destruction of the Union, by one, or by a part only, of the States, be lawfully possible, the Union is less perfect than before the Constitution, having lost the vital element of perpetuity.

10

It follows from these views that no State, upon its own mere motion, can lawfully get out of the Union,—that *resolves* and *ordinances* to that effect are legally void; and that acts of violence, within any State or States, against the authority of the United States, are insurrectionary or revolutionary, according to circumstances.

15

I therefore consider that, in view of the Constitution and the laws, the Union is unbroken; and, to the extent of my ability, I shall take care, as the Constitution itself expressly enjoins upon me, that the laws of the Union be faithfully executed in all the States. Doing this I deem to be only a simple duty on my part; and I shall perform it, so far as practicable, unless my rightful masters, the American people, shall withhold the requisite means, or, in some authoritative manner, direct the contrary. I trust this will not be regarded as a menace, but only as the declared purpose of the Union that it *will* constitutionally defend, and maintain itself.

20

In doing this there needs to be no bloodshed or violence; and there shall be none, unless it be forced upon the national authority. The power confided to me, will be used to hold, occupy, and possess the property, and places belonging to the government, and to collect the duties and imposts; but beyond what may be necessary for these objects, there will be no invasion— no using of force against, or among the people anywhere....

30

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One section of our country believes slavery is *right*, and ought to be extended, while the other believes it is *wrong*, and ought not to be extended. This is the only substantial dispute. The fugitive slave clause of the Constitution, and the law for the suppression of the foreign slave trade, are each as well enforced, perhaps, as any law can ever be in a community where
5 the moral sense of the people imperfectly supports the law itself. The great body of the people abide by the dry legal obligation in both cases, and a few break over in each. This, I think, cannot be perfectly cured; and it would be worse in both cases *after* the separation of the sections, than before. The foreign slave trade, now imperfectly suppressed, would be ultimately revived without restriction, in one section; while fugitive slaves, now only partially
10 surrendered, would not be surrendered at all, by the other.

Physically speaking, we cannot separate. We cannot remove our respective sections from each other, nor build an impassable wall between them. A husband and wife may be divorced, and go out of the presence, and beyond the reach of each other; but the different
15 parts of our country cannot do this. They cannot but remain face to face; and intercourse, either amicable or hostile, must continue between them. Is it possible then to make that intercourse more advantageous, or more satisfactory, *after* separation than *before*? Can aliens make treaties easier than friends can make laws? Can treaties be more faithfully enforced between aliens, than laws can among friends? Suppose you go to war, you cannot
20 fight always; and when, after much loss on both sides, and no gain on either, you cease fighting, the identical old questions, as to terms of intercourse, are again upon you.

This country, with its institutions, belongs to the people who inhabit it. Whenever they shall grow weary of the existing government, they can exercise their *constitutional* right of
25 amending it, or their *revolutionary* right to dismember, or overthrow it. I can not be ignorant of the fact that many worthy, and patriotic citizens are desirous of having the national constitution amended. While I make no recommendation of amendments, I fully recognize the rightful authority of the people over the whole subject, to be exercised in either of the modes prescribed in the instrument itself; and I should, under existing circumstances, favor,
30 rather than oppose, a fair opportunity being afforded the people to act upon it....

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My countrymen, one and all, think calmly and *well*, upon this whole subject. Nothing valuable can be lost by taking time. If there be an object to *hurry* any of you, in hot haste, to a step which you would never take *deliberately*, that object will be frustrated by taking time; but no good object can be frustrated by it. Such of you as are now dissatisfied, still have the
5 old Constitution unimpaired, and, on the sensitive point, the laws of your own framing under it; while the new administration will have no immediate power, if it would, to change either. If it were admitted that you who are dissatisfied, hold the right side in the dispute, there still is no single good reason for precipitate action. Intelligence, patriotism, Christianity, and a firm reliance on Him, who has never yet forsaken this favored land, are still
10 competent to adjust, in the best way, all our present difficulty.

In *your* hands, my dissatisfied fellow countrymen, and not in *mine*, is the momentous issue of civil war. The government will not assail you. You can have no conflict, without being yourselves the aggressors. *You* have no oath registered in Heaven to destroy the govern-
15 ment, while *I* shall have the most solemn one to "preserve, protect and defend it."

I am loath to close. We are not enemies, but friends. We must not be enemies. Though passion may have strained, it must not break our bonds of affection. The mystic chords of memory, stretching from every battle-field, and patriot grave, to every living heart and
20 hearthstone, all over this broad land, will yet swell the chorus of the Union, when again touched, as surely they will be, by the better angels of our nature.

PRESIDENT ABRAHAM LINCOLN (R-IL)

A Proclamation

AN ORDER

January 1, 1863
Executive Mansion | Washington, D.C.

Emancipation Proclamation

BACKGROUND

On September 22, 1862 after the Union victory in the Battle of Antietam, Abraham Lincoln announced this order concerning property in slaves in the rebelling states, which took effect January 1, 1863.

GUIDING QUESTIONS

1. Whom did the proclamation free?
2. In which places did this order apply?
3. By what authority did Lincoln issue this order?
4. What military purpose did the order serve?
5. What did Lincoln implore of slaves freed by the order?

Abraham Lincoln, "Emancipation Proclamation," January 1, 1863, in *The Collected Works of Abraham Lincoln*, Vol. 6, ed. Roy P. Basler (New Brunswick, NJ: Rutgers University Press, 1953), 28–30.

The Emancipation Proclamation
Abraham Lincoln

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By the President of the United States of America: A Proclamation.

Whereas, on the twenty-second day of September, in the year of our Lord one thousand eight hundred and sixty-two, a proclamation was issued by the President of the United States, containing, among other things, the following, to wit:

"That on the first day of January, in the year of our Lord one thousand eight hundred and sixty-three, all persons held as slaves within any State or designated part of a State, the people whereof shall then be in rebellion against the United States, shall be then, thenceforward, and forever free; and the Executive Government of the United States, including the military and naval authority thereof, will recognize and maintain the freedom of such persons, and will do no act or acts to repress such persons, or any of them, in any efforts they may make for their actual freedom.

"That the Executive will, on the first day of January aforesaid, by proclamation, designate the States and parts of States, if any, in which the people thereof, respectively, shall then be in rebellion against the United States; and the fact that any State, or the people thereof, shall on that day be, in good faith, represented in the Congress of the United States by members chosen thereto at elections wherein a majority of the qualified voters of such State shall have participated, shall, in the absence of strong countervailing testimony, be deemed conclusive evidence that such State, and the people thereof, are not then in rebellion against the United States."

Now, therefore I, Abraham Lincoln, President of the United States, by virtue of the power in me vested as Commander-in-Chief, of the Army and Navy of the United States in time of actual armed rebellion against authority and government of the United States, and as a fit and necessary war measure for suppressing said rebellion, do, on this first day of January, in the year of our Lord one thousand eight hundred and sixty-three, and in accordance with my purpose so to do publicly proclaimed for the full period of one hundred days, from the day first above mentioned, order and designate as the States and parts of States wherein

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the people thereof respectively, are this day in rebellion against the United States, the following, to wit:

Arkansas, Texas, Louisiana, (except the Parishes of St. Bernard, Plaquemines, Jefferson, St. Johns, St. Charles, St. James, Ascension, Assumption, Terrebonne, Lafourche, St. Mary, St. Martin, and Orleans, including the City of New Orleans) Mississippi, Alabama, Florida, Georgia, South-Carolina, North-Carolina, and Virginia, (except the forty-eight counties designated as West Virginia, and also the counties of Berkley, Accomac, Northampton, Elizabeth-City, York, Princess Ann, and Norfolk, including the cities of Norfolk and Portsmouth); and which excepted parts are, for the present, left precisely as if this proclamation were not issued.

And by virtue of the power, and for the purpose aforesaid, I do order and declare that all persons held as slaves within said designated States, and parts of States, are, and henceforward shall be free; and that the Executive government of the United States, including the military and naval authorities thereof, will recognize and maintain the freedom of said persons.

And I hereby enjoin upon the people so declared to be free to abstain from all violence, unless in necessary self-defense; and I recommend to them that, in all cases when allowed, they labor faithfully for reasonable wages.

And I further declare and make known, that such persons of suitable condition, will be received into the armed service of the United States to garrison forts, positions, stations, and other places, and to man vessels of all sorts in said service.

And upon this act, sincerely believed to be an act of justice, warranted by the Constitution, upon military necessity, I invoke the considerate judgment of mankind, and the gracious favor of Almighty God.

30

The Emancipation Proclamation
Abraham Lincoln

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In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington, this first day of January, in the year of our Lord one thousand eight hundred and sixty-three, and of the Independence of the United States of America the eighty-seventh.

By the President:

10 Abraham Lincoln

William H. Seward, *Secretary of State*.

PRESIDENT ABRAHAM LINCOLN (R)

On the Consecration of the Soldiers' National Cemetery

SPEECH

November 19, 1863

Soldiers' National Cemetery | Gettysburg, Pennsylvania

Gettysburg Address

BACKGROUND

Abraham Lincoln delivered these remarks at the dedication of the Union cemetery for those soldiers killed in the Battle of Gettysburg in the summer of 1863.

GUIDING QUESTIONS

1. For Lincoln, what is the central idea of the American Founding?
2. For what cause did the soldiers buried in Gettysburg give their lives?
3. What were they fighting to defend?
4. To what cause does Lincoln wish for listeners to dedicate themselves?

Abraham Lincoln, "Gettysburg Address," November 19, 1863, in *The Collected Works of Abraham Lincoln*, Vol. 7, ed. Roy P. Basler (New Brunswick, NJ: Rutgers University Press, 1953), 23.

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Four score and seven years ago our fathers brought forth, on this continent, a new nation, conceived in Liberty, and dedicated to the proposition that all men are created equal.

Now we are engaged in a great civil war, testing whether that nation, or any nation so conceived, and so dedicated, can long endure. We are met on a great battle-field of that war.

5 We have come to dedicate a portion of that field, as a final resting-place for those who here gave their lives, that that nation might live. It is altogether fitting and proper that we should do this.

But, in a larger sense, we can not dedicate—we can not consecrate—we can not hallow—this ground. The brave men, living and dead, who struggled here, have consecrated it far
10 above our poor power to add or detract. The world will little note, nor long remember what we say here, but it can never forget what they did here. It is for us the living, rather, to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us—
15 that from these honored dead we take increased devotion to that cause for which they here gave the last full measure of devotion—that we here highly resolve that these dead shall not have died in vain—that this nation, under God, shall have a new birth of freedom—and that government of the people, by the people, for the people, shall not perish from the earth.

PRESIDENT ABRAHAM LINCOLN (R)
Second Inaugural Address

SPEECH

March 4, 1865
U.S. Capitol | Washington, D.C.

BACKGROUND

Having been reelected and with the end of the Civil War in sight, Abraham Lincoln delivered this speech at his inauguration to a second term as president.

GUIDING QUESTIONS

1. According to Lincoln, who caused the Civil War?
2. What role in the war does Lincoln ascribe to God?
3. How does Lincoln think the North should treat the South when the war ends?

Abraham Lincoln, "Second Inaugural Address," March 4, 1865, in *The Collected Works of Abraham Lincoln*, Vol. 8, ed. Roy P. Basler (New Brunswick, NJ: Rutgers University Press, 1953), 332–33.

Fellow Countrymen:

At this second appearing to take the oath of the presidential office, there is less occasion for an extended address than there was at the first. Then a statement, somewhat in detail, of a course to be pursued, seemed fitting and proper. Now, at the expiration of four years, during which public declarations have been constantly called forth on every point and phase of the great contest which still absorbs the attention, and engrosses the energies of the nation, little that is new could be presented. The progress of our arms, upon which all else chiefly depends, is as well known to the public as to myself; and it is, I trust, reasonably satisfactory and encouraging to all. With high hope for the future, no prediction in regard to it is ventured.

On the occasion corresponding to this four years ago, all thoughts were anxiously directed to an impending civil-war. All dreaded it—all sought to avert it. While the inaugural address was being delivered from this place, devoted altogether to *saving* the Union without war, insurgent agents were in the city seeking to *destroy* it without war—seeking to dissolve the Union, and divide effects, by negotiation. Both parties deprecated war; but one of them would *make* war rather than let the nation survive; and the other would *accept* war rather than let it perish. And the war came.

One eighth of the whole population were colored slaves, not distributed generally over the Union, but localized in the Southern part of it. These slaves constituted a peculiar and powerful interest. All knew that this interest was, somehow, the cause of the war. To strengthen, perpetuate, and extend this interest was the object for which the insurgents would rend the Union, even by war; while the government claimed no right to do more than to restrict the territorial enlargement of it. Neither party expected for the war, the magnitude, or the duration, which it has already attained. Neither anticipated that the *cause* of the conflict might cease with, or even before, the conflict itself should cease. Each looked for an easier triumph, and a result less fundamental and astounding. Both read the same Bible, and pray to the same God; and each invokes His aid against the other. It may seem strange that any men should dare to ask a just God's assistance in wringing their bread from the sweat of

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- other men's faces; but let us judge not that we be not judged. The prayers of both could not be answered; that of neither has been answered fully. The Almighty has His own purposes. "Woe unto the world because of offenses! for it must needs be that offenses come; but woe to that man by whom the offense cometh!" If we shall suppose that American Slavery is one
- 5 of those offenses which, in the providence of God, must needs come, but which, having continued through His appointed time, He now wills to remove, and that He gives to both North and South, this terrible war, as the woe due to those by whom the offense came, shall we discern therein any departure from those divine attributes which the believers in a Living God always ascribe to Him? Fondly do we hope—fervently do we pray—that this
- 10 mighty scourge of war may speedily pass away. Yet, if God wills that it continue, until all the wealth piled by the bond-man's two hundred and fifty years of unrequited toil shall be sunk, and until every drop of blood drawn with the lash, shall be paid by another drawn with the sword, as was said three thousand years ago, so still it must be said "the judgments of the Lord, are true and righteous altogether."
- 15 With malice toward none; with charity for all; with firmness in the right, as God gives us to see the right, let us strive on to finish the work we are in; to bind up the nation's wounds; to care for him who shall have borne the battle, and for his widow, and his orphan—to do all which may achieve and cherish a just, and a lasting peace, among ourselves, and with all nations.

U.S. CONGRESS AND STATES

Thirteenth Amendment to the Constitution

AMENDMENT

December 18, 1865
United States of America

BACKGROUND

The U.S. Congress passed and three-quarters of states ratified the Thirteen Amendment to the U.S. Constitution by December 6, 1865, and the amendment was acknowledged as effective by Secretary of State William Seward on December 18, 1865.

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

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

U.S. Const. amend. XIII.

GOVERNOR WOODROW WILSON (D-NJ)

What is Progress?

SPEECH

1912

BACKGROUND

Woodrow Wilson delivered versions of this speech on several occasions during his campaign for the presidency in 1912.

GUIDING QUESTIONS

1. What problems does America now face, according to Wilson?
2. What is the issue with the Founders' view of government and how they structured it?
3. How must government change, in Wilson's view?

Woodrow Wilson, "What is Progress?" in *The New Freedom* (New York: Doubleday, Page, and Company, 1913), 33-54.

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...The laws of this country have not kept up with the change of economic circumstances in this country; they have not kept up with the change of political circumstances; and therefore we are not even where we were when we started. We shall have to run, not until we are out of breath, but until we have caught up with our own conditions, before we shall be
5 where we were when we started; when we started this great experiment which has been the hope and the beacon of the world. And we should have to run twice as fast as any rational program I have seen in order to get anywhere else.

I am, therefore, forced to be a progressive, if for no other reason, because we have not kept up with our changes of conditions, either in the economic field or in the political field. We
10 have not kept up as well as other nations have. We have not kept our practices adjusted to the facts of the case, and until we do, and unless we do, the facts of the case will always have the better of the argument; because if you do not adjust your laws to the facts, so much the worse for the laws, not for the facts, because law trails along after the facts. Only that law is unsafe which runs ahead of the facts and beckons to it and makes it follow the will-o'-the-
15 wisps of imaginative projects.

Business is in a situation in America which it was never in before; it is in a situation to which we have not adjusted our laws. Our laws are still meant for business done by individuals; they have not been satisfactorily adjusted to business done by great combinations, and we have got to adjust them. I do not say we may or may not; I say we must; there is no
20 choice. If your laws do not fit your facts, the facts are not injured, the law is damaged; because the law, unless I have studied it amiss, is the expression of the facts in legal relationships. Laws have never altered the facts; laws have always necessarily expressed the facts; adjusted interests as they have arisen and have changed toward one another.

Politics in America is in a case which sadly requires attention. The system set up by our law
25 and our usage doesn't work,—or at least it can't be depended on; it is made to work only by a most unreasonable expenditure of labor and pains. The government, which was designed for the people, has got into the hands of bosses and their employers, the special interests. An invisible empire has been set up above the forms of democracy....

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But what is progress going to do with the past, and with the present? How is it going to treat them? With ignominy, or respect? Should it break with them altogether, or rise out of them, with its roots still deep in the older time? What attitude shall progressives take toward the existing order, toward those institutions of conservatism, the Constitution, the laws, and the courts?...

The makers of our Federal Constitution read Montesquieu with true scientific enthusiasm. They were scientists in their way,—the best way of their age,—those fathers of the nation. Jefferson wrote of "the laws of Nature,"—and then by way of afterthought,—"and of Nature's God." And they constructed a government as they would have constructed an or-
10 rery,—to display the laws of nature. Politics in their thought was a variety of mechanics. The Constitution was founded on the law of gravitation. The government was to exist and move by virtue of the efficacy of "checks and balances."

The trouble with the theory is that government is not a machine, but a living thing. It falls, not under the theory of the universe, but under the theory of organic life. It is accountable
15 to Darwin, not to Newton. It is modified by its environment, necessitated by its tasks, shaped to its functions by the sheer pressure of life. No living thing can have its organs offset against each other, as checks, and live. On the contrary, its life is dependent upon their quick cooperation, their ready response to the commands of instinct or intelligence, their amicable community of purpose. Government is not a body of blind forces; it is a
20 body of men, with highly differentiated functions, no doubt, in our modern day, of specialization, with a common task and purpose. Their cooperation is indispensable, their warfare fatal. There can be no successful government without the intimate, instinctive coordination of the organs of life and action. This is not theory, but fact, and displays its force as fact, whatever theories may be thrown across its track. Living political constitutions must be
25 Darwinian in structure and in practice. Society is a living organism and must obey the laws of life, not of mechanics; it must develop.

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All that progressives ask or desire is permission—in an era when "development," "evolution," is the scientific word—to interpret the Constitution according to the Darwinian principle; all they ask is recognition of the fact that a nation is a living thing and not a machine.

5 Some citizens of this country have never got beyond the Declaration of Independence, signed in Philadelphia, July 4th, 1776. Their bosoms swell against George III, but they have no consciousness of the war for freedom that is going on today.

10 The Declaration of Independence did not mention the questions of our day. It is of no consequence to us unless we can translate its general terms into examples of the present day and substitute them in some vital way for the examples it itself gives, so concrete, so intimately involved in the circumstances of the day in which it was conceived and written. It is an eminently practical document, meant for the use of practical men; not a thesis for philosophers, but a whip for tyrants; not a theory of government, but a program of action. Unless we can translate it into the questions of our own day, we are not worthy of it, we are not the sons of the sires who acted in response to its challenge.

15 What form does the contest between tyranny and freedom take today? What is the special form of tyranny we now fight? How does it endanger the rights of the people, and what do we mean to do in order to make our contest against it effectual? What are to be the items of our new declaration of independence?

20 By tyranny, as we now fight it, we mean control of the law, of legislation and adjudication, by organizations which do not represent the people, by means which are private and selfish. We mean, specifically, the conduct of our affairs and the shaping of our legislation in the interest of special bodies of capital and those who organize their use. We mean the alliance, for this purpose, of political machines with selfish business. We mean the exploitation of the people by legal and political means. We have seen many of our governments under
25 these influences cease to be representative governments, cease to be governments representative of the people, and become governments representative of special interests, controlled by machines, which in their turn are not controlled by the people....

PRESIDENT WOODROW WILSON (D)

War Message to Congress

SPEECH EXCERPTS

February 3, 1917
Congress | Washington, D.C.

BACKGROUND

President Woodrow Wilson delivered this address to Congress regarding the relationship between the United States and Germany.

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...There is one choice we cannot make, we are incapable of making: we will not choose the path of submission and suffer the most sacred rights of our Nation and our people to be ignored or violated. The wrongs against which we now array ourselves are no common wrongs; they cut to the very roots of human life.

- 5 With a profound sense of the solemn and even tragical character of the step I am taking and of the grave responsibilities which it involves, but in unhesitating obedience to what I deem my constitutional duty, I advise that the Congress declare the recent course of the Imperial German Government to be in fact nothing less than war against the government and people of the United States; that it formally accept the status of belligerent which has
- 10 thus been thrust upon it, and that it take immediate steps not only to put the country in a more thorough state of defense but also to exert all its power and employ all its resources to bring the Government of the German Empire to terms and end the war....

- We are accepting this challenge of hostile purpose because we know that in such a Govern-
ment, following such methods, we can never have a friend; and that in the presence of its
- 15 organized power, always lying in wait to accomplish we know not what purpose, there can

Woodrow Wilson, "Address of the President of the United States," *Senate Documents*, Vol. 10, 65th Congress, First Session (Washington, DC: Government Printing Office, 1917), 3-8.

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be no assured security for the democratic Governments of the world. We are now about to accept gauge of battle with this natural foe to liberty and shall, if necessary, spend the whole force of the nation to check and nullify its pretensions and its power. We are glad, now that we see the facts with no veil of false pretense about them to fight thus for the ultimate peace
5 of the world and for the liberation of its peoples, the German peoples included: for the rights of nations great and small and the privilege of men everywhere to choose their way of life and of obedience. The world must be made safe for democracy. Its peace must be planted upon the tested foundations of political liberty. We have no selfish ends to serve.

We desire no conquest, no dominion. We seek no indemnities for ourselves, no material
10 compensation for the sacrifices we shall freely make. We are but one of the champions of the rights of mankind. We shall be satisfied when those rights have been made as secure as the faith and the freedom of nations can make them. Just because we fight without rancor and without selfish object, seeking nothing for ourselves but what we shall wish to share with all free peoples, we shall, I feel confident, conduct our operations as belligerents with-
15 out passion and ourselves observe with proud punctilio the principles of right and of fair play we profess to be fighting for....

It is a distressing and oppressive duty, Gentlemen of the Congress, which I have performed in thus addressing you. There are, it may be many months of fiery trial and sacrifice ahead of us. It is a fearful thing to lead this great peaceful people into war, into the most terrible
20 and disastrous of all wars, civilization itself seeming to be in the balance.

But the right is more precious than peace, and we shall fight for the things which we have always carried nearest our hearts,—for democracy, for the right of those who submit to authority to have a voice in their own Governments, for the rights and liberties of small nations, for a universal dominion of right by such a concert of free peoples as shall bring
25 peace and safety to all nations and make the world itself at last free. To such a task we can dedicate our lives and our fortunes, every thing that we are and everything that we have, with the pride of those who know that the day has come when America is privileged to

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spend her blood and her might for the principles that gave her birth and happiness and the peace which she has treasured. God helping her, she can do no other.

WOODROW WILSON

“The Study of Administration”

ESSAY EXCERPTS

November 2, 1886

Political Science Quarterly

BACKGROUND

Bryn Mawr College political science professor Woodrow Wilson wrote this essay proposing independent regulatory agencies insulated from the political process.

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5 ...The field of administration is a field of business. It is removed from the hurry and strife of politics; it at most points stands apart even from the debatable ground of constitutional study. It is a part of political life only as the methods of the counting-house are a part of the life of society; only as machinery is part of the manufactured product. But it is, at the same time, raised very far above the dull level of mere technical detail by the fact that through its greater principles it is directly connected with the lasting maxims of political wisdom, the permanent truths of political progress.

10 The object of administrative study is to rescue executive methods from the confusion and costliness of empirical experiment and set them upon foundations laid deep in stable principle....

Public administration is detailed and systematic execution of public law. Every particular application of general law is an act of administration. The assessment and raising of taxes, for instance, the hanging of a criminal, the transportation and delivery of the mails, the equipment and recruiting of the army and navy, *etc.*, are all obviously acts of administra

Woodrow Wilson, "The Study of Administration," *Political Science Quarterly* 2 (July 1887): 197-222.

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tion; but the general laws which direct these things to be done are as obviously outside of and above administration. The broad plans of governmental action are not administrative; the detailed execution of such plans is administrative....

5 Just here we manifestly emerge upon the field of that still larger question,—the proper relations between public opinion and administration.

To whom is official trustworthiness to be disclosed, and by whom is it to be rewarded? Is the official to look to the public for his need of praise and his push of promotion, or only to his superior in office? Are the people to be called in to settle administrative discipline as they are called in to settle constitutional principles? These questions evidently find their
10 root in what is undoubtedly the fundamental problem of this whole study. That problem is: What part shall public opinion take in the conduct of administration?

The right answer seems to be, that public opinion shall play the part of authoritative critic....

The problem is to make public opinion efficient without suffering it to be meddlesome.
15 Directly exercised, in the oversight of the daily details and in the choice of the daily means of government, public criticism is of course a clumsy nuisance, a rustic handling delicate machinery. But as superintending the greater forces of formative policy alike in politics and administration, public criticism is altogether safe and beneficent, altogether indispensable. Let administrative study find the best means for giving public criticism this control and for
20 shutting it out from all other interference....

PRESIDENT FRANKLIN D. ROOSEVELT (D)

Message on the State of the Union

SPEECH

January 11, 1944
Congress | Washington, D.C.

BACKGROUND

President Franklin Roosevelt outlined his second or “economic Bill of Rights” while delivering his state of the union address to Congress looking forward to post-war policies.

GUIDING QUESTIONS

1. What does Roosevelt consider our “political rights”?
2. Why are those political rights no longer adequate, according to Roosevelt?
3. How would the government go about securing things such as a right to a decent living or recreation?
4. What or who in America does Roosevelt label as Fascistic?
5. Who is the source for all these rights?

Franklin Roosevelt, “Message on the State of the Union,” 11 January 1944, in *The Public Papers and Addresses of Franklin D. Roosevelt*, Vol. 13, ed. Samuel Irving Rosenman (New York: Harper, 1950), 40-42.

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It is our duty now to begin to lay the plans and determine the strategy for the winning of a lasting peace and the establishment of an American standard of living higher than ever before known. We cannot be content, no matter how high that general standard of living may be, if some fraction of our people—whether it be one-third or one-fifth or one-tenth—
5 is ill-fed, ill-clothed, ill-housed, and insecure.

This Republic had its beginning, and grew to its present strength, under the protection of certain inalienable political rights—among them the right of free speech, free press, free worship, trial by jury, freedom from unreasonable searches and seizures. They were our rights to life and liberty.

10 As our Nation has grown in size and stature, however—as our industrial economy expanded—these political rights proved inadequate to assure us equality in the pursuit of happiness.

We have come to a clear realization of the fact that true individual freedom cannot exist without economic security and independence. "Necessitous men are not free men." People
15 who are hungry and out of a job are the stuff of which dictatorships are made.

In our day these economic truths have become accepted as self-evident. We have accepted, so to speak, a second Bill of Rights under which a new basis of security and prosperity can be established for all—regardless of station, race, or creed.

Among these are:

20 The right to a useful and remunerative job in the industries or shops or farms or mines of the Nation;

The right to earn enough to provide adequate food and clothing and recreation;

The right of every farmer to raise and sell his products at a return which will give him and his family a decent living;

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The right of every businessman, large and small, to trade in an atmosphere of freedom from unfair competition and domination by monopolies at home or abroad;

The right of every family to a decent home;

The right to adequate medical care and the opportunity to achieve and enjoy good health;

- 5 The right to adequate protection from the economic fears of old age, sickness, accident, and unemployment;

The right to a good education.

10 All of these rights spell security. And after this war is won we must be prepared to move forward, in the implementation of these rights, to new goals of human happiness and well-being.

America's own rightful place in the world depends in large part upon how fully these and similar rights have been carried into practice for our citizens. For unless there is security here at home there cannot be lasting peace in the world.

15 One of the great American industrialists of our day—a man who has rendered yeoman service to his country in this crisis—recently emphasized the grave dangers of "rightist reaction" in this Nation. All clear-thinking businessmen share his concern. Indeed, if such reaction should develop—if history were to repeat itself and we were to return to the so-called "normalcy" of the 1920's—then it is certain that even though we shall have conquered our enemies on the battlefields abroad, we shall have yielded to the spirit of Fascism here
20 at home.

I ask the Congress to explore the means for implementing this economic bill of rights—for it is definitely the responsibility of the Congress so to do. Many of these problems are already before committees of the Congress in the form of proposed legislation. I shall from time to time communicate with the Congress with respect to these and further proposals.

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In the event that no adequate program of progress is evolved, I am certain that the Nation will be conscious of the fact.

Our fighting men abroad—and their families at home—expect such a program and have the right to insist upon it. It is to their demands that this Government should pay heed rather than the whining demands of selfish pressure groups who seek to feather their nests while young Americans are dying.

The foreign policy that we have been following—the policy that guided us at Moscow, Cairo, and Teheran—is based on the common sense principle which was best expressed by Benjamin Franklin on July 4, 1776: "We must all hang together, or assuredly we shall all hang separately."

I have often said that there are no two fronts for America in this war. There is only one front. There is one line of unity which extends from the hearts of the people at home to the men of our attacking forces in our farthest outposts. When we speak of our total effort, we speak of the factory and the field, and the mine as well as of the battleground—we speak of the soldier and the civilian, the citizen and his Government.

Each and every one of us has a solemn obligation under God to serve this Nation in its most critical hour—to keep this Nation great—to make this Nation greater in a better world.

PRESIDENT CALVIN COOLIDGE (R)

The Inspiration of the Declaration of Independence

SPEECH

July 5, 1926
Philadelphia, Pennsylvania

BACKGROUND

President Calvin Coolidge delivered this speech at Philadelphia to celebrate the one hundred and fiftieth anniversary of the signing of the Declaration of Independence and the founding of the United States.

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...There is something beyond the establishment of a new nation, great as that event would be, in the Declaration of Independence which has ever since caused it to be regarded as one of the great charters that not only was to liberate America but was everywhere to ennoble
5 humanity.

It was not because it was proposed to establish a new nation, but because it was proposed to establish a nation on new principles, that July 4, 1776, has come to be regarded as one of the greatest days in history. Great ideas do not burst upon the world unannounced. They are reached by a gradual development over a length of time usually proportionate to their
10 importance. This is especially true of the principles laid down in the Declaration of Independence. Three very definite propositions were set out in its preamble regarding the nature of mankind and therefore of government. These were the doctrine that all men are created equal, that they are endowed with certain inalienable rights, and that therefore the source of the just powers of government must be derived from the consent of the governed.

Calvin Coolidge, "The Inspiration of the Declaration," in *Foundations of the Republic: Speeches and Addresses* (New York: Scribner's Sons, 1926), 441-54.

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If no one is to be accounted as born into a superior station, if there is to be no ruling class, and if all possess rights which can neither be bartered away nor taken from them by any earthly power, it follows as a matter of course that the practical authority of the Government has to rest on the consent of the governed. While these principles were not altogether new in political action, and were very far from new in political speculation, they had never been assembled before and declared in such a combination. But remarkable as this may be, it is not the chief distinction of the Declaration of Independence. The importance of political speculation is not to be underestimated, as I shall presently disclose. Until the idea is developed and the plan made there can be no action.

10 It was the fact that our Declaration of Independence containing these immortal truths was the political action of a duly authorized and constituted representative public body in its sovereign capacity, supported by the force of general opinion and by the armies of Washington already in the field, which makes it the most important civil document in the world. It was not only the principles declared, but the fact that therewith a new nation was born
15 which was to be founded upon those principles and which from that time forth in its development has actually maintained those principles, that makes this pronouncement an incomparable event in the history of government. It was an assertion that a people had arisen determined to make every necessary sacrifice for the support of these truths and by their practical application bring the War of Independence to a successful conclusion and
20 adopt the Constitution of the United States with all that it has meant to civilization.

The idea that the people have a right to choose their own rulers was not new in political history. It was the foundation of every popular attempt to depose an undesirable king.... But we should search these charters in vain for an assertion of the doctrine of equality. This principle had not before appeared as an official political declaration of any nation. It was
25 profoundly revolutionary. It is one of the corner stones of American institutions....

Placing every man on a plane where he acknowledged no superiors, where no one possessed any right to rule over him, he must inevitably choose his own rulers through a system of self-government. This was their theory of democracy. In those days such doctrines would

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scarcely have been permitted to flourish and spread in any other country. This was the purpose which the fathers cherished. In order that they might have freedom to express these thoughts and opportunity to put them into action, whole congregations with their pastors had migrated to the colonies. These great truths were in the air that our people
5 breathed. Whatever else we may say of it, the Declaration of Independence was profoundly American.

If this apprehension of the facts be correct, and the documentary evidence would appear to verify it, then certain conclusions are bound to follow. A spring will cease to flow if its source be dried up; a tree will wither if its roots be destroyed. In its main features the Declaration of Independence is a great spiritual document. It is a declaration not of material
10 but of spiritual conceptions. Equality, liberty, popular sovereignty, the rights of man—these are not elements which we can see and touch. They are ideals. They have their source and their roots in the religious convictions. They belong to the unseen world. Unless the faith of the American people in these religious convictions is to endure, the principles of our
15 Declaration will perish. We can not continue to enjoy the result if we neglect and abandon the cause....

About the Declaration there is a finality that is exceedingly restful. It is often asserted that the world has made a great deal of progress since 1776, that we have had new thoughts and new experiences which have given us a great advance over the people of that day, and that
20 we may therefore very well discard their conclusions for something more modern. But that reasoning can not be applied to this great charter. If all men are created equal, that is final. If they are endowed with inalienable rights, that is final. If governments derive their just powers from the consent of the governed, that is final. No advance, no progress can be made beyond these propositions. If anyone wishes to deny their truth or their soundness,
25 the only direction in which he can proceed historically is not forward, but backward toward the time when there was no equality, no rights of the individual, no rule of the people. Those who wish to proceed in that direction can not lay claim to progress. They are reactionary. Their ideas are not more modern, but more ancient, than those of the Revolutionary fathers.

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In the development of its institutions America can fairly claim that it has remained true to the principles which were declared 150 years ago. In all the essentials we have achieved an equality which was never possessed by any other people. Even in the less important matter of material possessions we have secured a wider and wider distribution of wealth. The rights of the individual are held sacred and protected by constitutional guarantees, which even the Government itself is bound not to violate. If there is any one thing among us that is established beyond question, it is self-government—the right of the people to rule. If there is any failure in respect to any of these principles, it is because there is a failure on the part of individuals to observe them. We hold that the duly authorized expression of the will of the people has a divine sanction. But even in that we come back to the theory of John Wise that “Democracy is Christ’s government....” The ultimate sanction of law rests on the righteous authority of the Almighty.

On an occasion like this a great temptation exists to present evidence of the practical success of our form of democratic republic at home and the ever-broadening acceptance it is securing abroad. Although these things are well known, their frequent consideration is an encouragement and an inspiration. But it is not results and effects so much as sources and causes that I believe it is even more necessary constantly to contemplate. Ours is a government of the people. It represents their will. Its officers may sometimes go astray, but that is not a reason for criticizing the principles of our institutions. The real heart of the American Government depends upon the heart of the people. It is from that source that we must look for all genuine reform. It is to that cause that we must ascribe all our results....

No other theory is adequate to explain or comprehend the Declaration of Independence. It is the product of the spiritual insight of the people. We live in an age of science and of abounding accumulation of material things. These did not create our Declaration. Our Declaration created them. The things of the spirit come first. Unless we cling to that, all our material prosperity, overwhelming though it may appear, will turn to a barren scepter in our grasp. If we are to maintain the great heritage which has been bequeathed to us, we must be like-minded as the fathers who created it. We must not sink into a pagan materialism. We must cultivate the reverence which they had for the things that are holy. We

The Inspiration of the Declaration of Independence
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must follow the spiritual and moral leadership which they showed. We must keep replenished, that they may glow with a more compelling flame, the altar fires before which they worshipped.

WOMEN'S RIGHTS CONVENTION

Declarations of Sentiments and Resolutions

DECLARATION

July 19, 1848

Wesleyan Chapel | Seneca Falls, New York

BACKGROUND

Early suffragist leader Elizabeth Cady Stanton drafted this statement at the 1848 Women's Rights Convention at Seneca Falls.

GUIDING QUESTIONS

1. Who is the "he" referred to in the document?
2. What do the women demand from American society?

Elizabeth Cady Stanton, et al, eds. "Declaration of Sentiments," in *History of Women Suffrage*, Vol. 1 (Guttenberg Press, 2009), 70, <https://www.gutenberg.org/files/28020/28020-h/28020-h.htm>.

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When, in the course of human events, it becomes necessary for one portion of the family of man to assume among the people of the earth a position different from that which they have hitherto occupied, but one 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
5 causes that impel them to such a course.

We hold these truths to be self-evident: that all men and women are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness; that to secure these rights governments are instituted, deriving their just powers from the consent of the governed. Whenever any form of gov-
10 ernment becomes destructive of these ends, it is the right of those who suffer from it to refuse allegiance to it, and to insist upon the institution of a 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
15 accordingly all experience hath shown that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they were 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 duty to throw off such government, and to provide new guards for their future security. Such has been
20 the patient sufferance of the women under this government, and such is now the necessity which constrains them to demand the equal station to which they are entitled.

The history of mankind is a history of repeated injuries and usurpations on the part of man toward woman, having in direct object the establishment of an absolute tyranny over her. To prove this, let facts be submitted to a candid world.

25 He has never permitted her to exercise her inalienable right to the elective franchise.

He has compelled her to submit to laws, in the formation of which she had no voice.

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He has withheld from her rights which are given to the most ignorant and degraded men—both natives and foreigners.

Having deprived her of this first right of a citizen, the elective franchise, thereby leaving her without representation in the halls of legislation, he has oppressed her on all sides.

5 He has made her, if married, in the eye of the law, civilly dead.

He has taken from her all right in property, even to the wages she earns.

He has made her, morally, an irresponsible being, as she can commit many crimes with impunity, provided they be done in the presence of her husband. In the covenant of marriage, she is compelled to promise obedience to her husband, he becoming, to all intents and purposes, her master—the law giving him power to deprive her of her liberty, and to administer chastisement.

10

He has so framed the laws of divorce, as to what shall be the proper causes, and in case of separation, to whom the guardianship of the children shall be given, as to be wholly regardless of the happiness of women—the law, in all cases, going upon a false supposition of the supremacy of man, and giving all power into his hands.

15

After depriving her of all rights as a married woman, if single, and the owner of property, he has taxed her to support a government which recognizes her only when her property can be made profitable to it.

He has monopolized nearly all the profitable employments, and from those she is permitted to follow, she receives but a scanty remuneration. He closes against her all the avenues to wealth and distinction which he considers most honorable to himself. As a teacher of theology, medicine, or law, she is not known.

20

He has denied her the facilities for obtaining a thorough education, all colleges being closed against her.

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He allows her in Church, as well as State, but a subordinate position, claiming Apostolic authority for her exclusion from the ministry, and, with some exceptions, from any public participation in the affairs of the Church.

5 He has created a false public sentiment by giving to the world a different code of morals for men and women, by which moral delinquencies which exclude women from society, are not only tolerated, but deemed of little account in man.

He has usurped the prerogative of Jehovah himself, claiming it as his right to assign for her a sphere of action, when that belongs to her conscience and to her God.

10 He has endeavored, in every way that he could, to destroy her confidence in her own powers, to lessen her self-respect, and to make her willing to lead a dependent and abject life.

Now, in view of this entire disfranchisement of one-half the people of this country, their social and religious degradation—in view of the unjust laws above mentioned, and because women do feel themselves aggrieved, oppressed, and fraudulently deprived of their most sacred rights, we insist that they have immediate admission to all the rights and privileges
15 which belong to them as citizens of the United States.

In entering upon the great work before us, we anticipate no small amount of misconception, misrepresentation, and ridicule; but we shall use every instrumentality within our power to effect our object. We shall employ agents, circulate tracts, petition the State and National legislatures, and endeavor to enlist the pulpit and the press in our behalf. We hope
20 this Convention will be followed by a series of Conventions embracing every part of the country.

U.S. CONGRESS AND STATES

Fourteenth Amendment to the Constitution

AMENDMENT

July 28, 1868
United States of America

BACKGROUND

The U.S. Congress passed and three-quarters of states ratified the Fourteenth Amendment to the U.S. Constitution by July 21, 1868, and the amendment was acknowledged as effective by Secretary of State William Seward on July 28, 1868.

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

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

U.S. Const. amend. XIV.

such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

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

10

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

15

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

U.S. CONGRESS AND STATES

Fifteenth Amendment to the Constitution

AMENDMENT

March 30, 1870
United States of America

BACKGROUND

The U.S. Congress passed and three-quarters of states ratified the Fifteenth Amendment to the U.S. Constitution by February 3, 1870, and the amendment was acknowledged as effective by Secretary of State Hamilton Fish on March 30, 1870.

ANNOTATIONS

NOTES & QUESTIONS

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

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

U.S. Const. amend. XV.

MARTIN LUTHER KING, JR.

At the March on Washington

SPEECH

August 28, 1963

Lincoln Memorial | Washington, D.C.

I Have a Dream Speech

BACKGROUND

Martin Luther King, Jr., delivered this address at the March on Washington from the steps of the Lincoln Memorial.

GUIDING QUESTIONS

1. What historical documents does King refer to in his speech?
2. What is the “promissory note”?
3. What is King’s dream?
4. What is the significance of King's ending the speech quoting “My Country Tis of Thee”?

Martin Luther King, Jr., “I Have A Dream,” in *I Have A Dream: Writings and Speeches that Changed the World* (San Francisco: Harper, 1986).

ANNOTATIONS

NOTES & QUESTIONS

I am happy to join with you today in what will go down in history as the greatest demonstration for freedom in the history of our nation.

Five score years ago, a great American, in whose symbolic shadow we stand today, signed the Emancipation Proclamation. This momentous decree came as a great beacon light of hope to millions of Negro slaves who had been seared in the flames of withering injustice. It came as a joyous daybreak to end the long night of their captivity.

But one hundred years later, the Negro still is not free; one hundred years later, the life of the Negro is still sadly crippled by the manacles of segregation and the chains of discrimination; one hundred years later, the Negro lives on a lonely island of poverty in the midst of a vast ocean of material prosperity; one hundred years later, the Negro is still languished in the corners of American society and finds himself in exile in his own land.

So we've come here today to dramatize a shameful condition. In a sense we've come to our nation's capital to cash a check. When the architects of our republic wrote the magnificent words of the Constitution and the Declaration of Independence, they were signing a promissory note to which every American was to fall heir. This note was the promise that all men, yes, black men as well as white men, would be guaranteed the unalienable rights of life, liberty, and the pursuit of happiness.

It is obvious today that America has defaulted on this promissory note in so far as her citizens of color are concerned. Instead of honoring this sacred obligation, America has given the Negro people a bad check, a check which has come back marked "insufficient funds."

But we refuse to believe that the bank of justice is bankrupt. We refuse to believe that there are insufficient funds in the great vaults of opportunity of this nation. And so we have come to cash this check, a check that will give us upon demand the riches of freedom and the security of justice.

We have also come to this hallowed spot to remind America of the fierce urgency of now.

ANNOTATIONS

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This is no time to engage in the luxury of cooling off or to take the tranquilizing drug of gradualism.

Now is the time to make real the promises of democracy; now is the time to rise from the dark and desolate valley of segregation to the sunlit path of racial justice; now is the time to lift our nation from the quicksands of racial injustice to the solid rock of brotherhood; now is the time to make justice a reality for all of God's children.

It would be fatal for the nation to overlook the urgency of the moment.

This sweltering summer of the Negro's legitimate discontent will not pass until there is an invigorating autumn of freedom and equality. Nineteen sixty-three is not an end, but a beginning. And those who hope that the Negro needed to blow off steam and will now be content, will have a rude awakening if the nation returns to business as usual. There will be neither rest nor tranquility in America until the Negro is granted his citizenship rights. The whirlwinds of revolt will continue to shake the foundations of our nation until the bright day of justice emerges.

But there is something that I must say to my people, who stand on the worn threshold which leads into the palace of justice. In the process of gaining our rightful place, we must not be guilty of wrongful deeds. Let us not seek to satisfy our thirst for freedom by drinking from the cup of bitterness and hatred.

We must forever conduct our struggle on the high plane of dignity and discipline. We must not allow our creative protests to degenerate into physical violence. Again and again we must rise to the majestic heights of meeting physical force with soul force. The marvelous new militancy, which has engulfed the Negro community, must not lead us to a distrust of all white people. For many of our white brothers, as evidenced by their presence here today, have come to realize that their destiny is tied up with our destiny. And they have come to realize that their freedom is inextricably bound to our freedom.

We cannot walk alone. And as we walk, we must make the pledge that we shall always march ahead. We cannot turn back.

ANNOTATIONS

NOTES & QUESTIONS

There are those who are asking the devotees of Civil Rights, “When will you be satisfied?”

We can never be satisfied as long as the Negro is the victim of the unspeakable horrors of police brutality; we can never be satisfied as long as our bodies, heavy with the fatigue of travel, cannot gain lodging in the motels of the highways and the hotels of the cities; we cannot be satisfied as long as the Negro’s basic mobility is from a smaller ghetto to a larger one; we can never be satisfied as long as our children are stripped of their selfhood and robbed of their dignity by signs stating “For Whites Only”; we cannot be satisfied as long as the Negro in Mississippi cannot vote, and the Negro in New York believes he has nothing for which to vote.

10 No! no, we are not satisfied, and we will not be satisfied until “justice rolls down like waters and righteousness like a mighty stream.”

I am not unmindful that some of you have come here out of great trials and tribulations. Some of you have come fresh from narrow jail cells. Some of you have come from areas where your quest for freedom left you battered by the storms of persecution and staggered by the winds of police brutality.

You have been the veterans of creative suffering.

Continue to work with the faith that unearned suffering is redemptive.

Go back to Mississippi. Go back to Alabama. Go back to South Carolina. Go back to Georgia. Go back to Louisiana. Go back to the slums and ghettos of our Northern cities, knowing that somehow this situation can and will be changed. Let us not wallow in the valley of despair.

I say to you today, my friends, so even though we face the difficulties of today and tomorrow, I still have a dream.

It is a dream deeply rooted in the American dream.

ANNOTATIONS

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I have a dream that one day this nation will rise up and live out the true meaning of its creed, “We hold these truths to be self-evident, that all men are created equal.”

I have a dream that one day on the red hills of Georgia, sons of former slaves and the sons of former slaveowners will be able to sit down together at the table of brotherhood.

- 5 I have a dream that one day even the state of Mississippi, a state sweltering with the heat of injustice, sweltering with the heat of oppression, will be transformed into an oasis of freedom and justice.

I have a dream that my four little children will one day live in a nation where they will not be judged by the color of their skin but by the content of their character.

- 10 I have a dream today!

I have a dream that one day down in Alabama — with its vicious racists, with its Governor having his lips dripping with the words of interposition and nullification — one day right there in Alabama, little black boys and black girls will be able to join hands with little white boys and white girls as sisters and brothers.

- 15 I have a dream today!

I have a dream that one day every valley shall be exalted, and every hill and mountain shall be made low. The rough places will be plain and the crooked places will be made straight, “and the glory of the Lord shall be revealed, and all flesh shall see it together.”

- 20 This is our hope. This is the faith that I go back to the South with. With this faith we will be able to hew out of the mountain of despair a stone of hope.

With this faith we will be able to transform the jangling discords of our nation into a beautiful symphony of brother-hood. With this faith we will be able to work together, to pray together, to struggle together, to go to jail together, to stand up for freedom together, knowing that we will be free one day.

ANNOTATIONS

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And this will be the day.

This will be the day when all of God's children will be able to sing with new meaning, "My country 'tis of thee, sweet land of liberty, of thee I sing. Land where my father died, land of the pilgrim's pride, from every mountainside, let freedom ring." And if America is to be a
5 great nation, this must become true.

So let freedom ring from the prodigious hilltops of New Hampshire; let freedom ring from the mighty mountains of New York; let freedom ring from the heightening Alleghenies of Pennsylvania; let freedom ring from the snow-capped Rockies of Colorado; let freedom ring from the curvaceous slopes of California.

10 But not only that.

Let freedom ring from Stone Mountain of Georgia; let freedom ring from Lookout Mountain of Tennessee; let freedom ring from every hill and mole hill of Mississippi. "From every mountainside, let freedom ring."

And when this happens, and when we allow freedom to ring, when we let it ring from every
15 village and every hamlet, from every state and every city, we will be able to speed up that day when all of God's children, black men and white men, Jews and Gentiles, Protestants and Catholics, will be able to join hands and sing in the words of the old Negro spiritual:

"Free at last. Free at last. Thank God Almighty, we are free at last."

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