

UNIT 2

The American Founding

1763–1789

45-50-minute classes | 15-19 classes

UNIT PREVIEW**Structure**

| | | | | |
|-------------------|---|---------------------------------|-------------|-------|
| LESSON 1 | 1763–1776 | Self-Government or Tyranny | 4-5 classes | p. 7 |
| LESSON 2 | 1776 | The Declaration of Independence | 2-3 classes | p. 14 |
| LESSON 3 | 1776–1783 | The War of Independence | 3-4 classes | p. 23 |
| LESSON 4 | 1783–1789 | The United States Constitution | 4-5 classes | p. 29 |
| APPENDIX A | Study Guide, Test, and Writing Assignment | | | p. 41 |
| APPENDIX B | Primary Sources | | | p. 59 |

Why Teach the American Founding

The beginning is the most important part of any endeavor, for a small change at the beginning will result in a very different end. How much truer this is of the most expansive of human endeavors: founding and sustaining a free country. The United States of America has achieved the greatest degree of freedom and prosperity for the greatest proportion of any country's population in the history of humankind. How is it that the common American's pursuit of happiness has resulted in such exceptional outcomes over time? This phenomenon compels mindful young Americans to seek to understand how their nation has achieved such results. And America's youth could find no greater source of understanding than the history of their country's founding, starting with their forefathers' ideas, words, and deeds.

Enduring Ideas from This Unit

1. The United States is unprecedented in establishing its existence not on grounds of racial origin nor family privilege but on ideas asserted to be true of all people at all times: namely, on the equal human dignity of each person.
2. America was founded on the view that government should be controlled by the people themselves and limited to the purpose of protecting each person's natural rights and fostering the common good.
3. Regular, ordinary Americans of everyday means sacrificed their security and very lives to defend these truths about human beings and civic life against a tyranny of the most powerful nation of its day.
4. The United States Constitution's chief quality is that it allows the people to govern themselves with respect for the dignity of each person while both channeling and restraining the natural ambition of human beings to gain power and recognition.
5. The Constitution is a carefully wrought and considered document, and its original intent and structure should be honored both for the sake of our forebears, to whom we and the world owe our freedom and prosperity, and because the events of the last two hundred years have proven the Constitution's remarkable achievements time and time again.

What Teachers Should Consider

The United States of America is unprecedented in many ways in the course of human history, but most significantly in the opportunity all its citizens have to pursue unmatched conditions of freedom, security, and prosperity. The country owes its unprecedented success to an unprecedented founding, a beginning forged and canonized in the Declaration of Independence, the War of Independence, and the U.S. Constitution.

And yet, never have so many Americans known so little about this founding. As for love of country, one cannot love (or even consider loving) what one does not know.

The teaching of the American founding is perhaps the most necessary series of lessons a teacher can share with his or her students if those students intend to enjoy the benefits of living in America for the duration of their lives.

With this in mind, a teacher ought to take special care to learn the history and ideas of the American founding. Ambiguity in the teacher's own understanding, or assumptions derived from anywhere but careful scholarship and a deep reading of America's founding documents, will leave him or her unprepared to help students understand this history accurately.

The teacher might best open the unit with lessons aimed at understanding why the colonists declared independence in the first place. It was not to avoid paying taxes or about wanting to preserve slavery. (These are misconceptions at best, distortions at worst.) It was to choose—between liberty under self-government and servitude under tyranny. Class may proceed at a brisk pace through the years 1763–1776, touching on the many acts of the British and respective colonial responses to those acts. Spend time on the conflicts and battles; students should chart the gradual shift in public sentiment toward independence.

The Declaration of Independence itself deserves careful study. Such lessons may begin with stories of the writing of the Declaration. Students should read the whole document, and teachers can foster extensive conversations about what it says, what it means, and why it says it. The majority of the conversation should dwell on the first, second, and final paragraphs of the Declaration. Understanding what is meant by those words is pivotal to understanding American history, what makes America an exceptional nation, and the responsibilities every American citizen has. The list of grievances should be discussed in light of the previous history that led to the Declaration.

The American War of Independence should be taught so as to fill the moral imaginations of students with images of the heroic characters and actions of its American participants. Strategy, battles, and the general arc of the war should be taught in detail, punctuated with accounts of the key moments and figures who contributed to America's ultimate victory. The ideas for which the War of Independence was fought are matched in the American memory only by the stories of those who fought for them.

When teaching the aftermath of the War of Independence up to the Constitutional Convention, teachers should make clear that America's foray into governing itself entirely independent of Great Britain initially trended toward abject failure. The Articles of Confederation ordered public affairs in a reactionary rather than prudent manner. Students should understand that the Constitutional Convention, in many respects, saved the country from another sort of tyranny: majority tyranny.

Finally, the Constitutional Convention and the Constitution itself should be studied in tandem and in detail. A major aid in doing so is to read selections of the *Federalist Papers*. Students should consider carefully both the structure of the Constitution and the Framers' intentions in so constructing it. Students should understand that nothing in the Constitution was haphazardly decided. Given the unprecedented long-term success of the Constitution, students should appreciate that any changes to the Constitution warrant careful and complete understanding of why the Framers crafted it the way they did, as explained in their own words.

How Teachers Can Learn More

TEXTS

The Creation of the American Republic, Gordon Wood

We Still Hold These Truths, Matthew Spalding

The Political Theory of the American Founding, Thomas West

The Constitutional Convention, James Madison

African Founders, David Hackett Fischer

No Property in Man, Sean Wilentz

The American Heritage: A Reader, ed. Hillsdale College History Faculty

The U.S. Constitution: A Reader, ed. Hillsdale College Politics Faculty (ConstitutionReader.com)

ONLINE COURSES | Online.Hillsdale.edu

The Great American Story

Introduction to the Constitution

Civil Rights in American History

Constitution 101

The Federalist Papers

Lesson Planning Resources

TEACHER RESOURCES

The Glorious Cause, Robert Middlekauff

A Teacher's Guide to Land of Hope, Wilfred McClay and John McBride

A Student Workbook for Land of Hope, Wilfred McClay and John McBride

A Short History of the American Revolution, James Stokesbury

STUDENT RESOURCES

Land of Hope, Wilfred McClay

PRIMARY SOURCES

An Inquiry into the Rights of the British Colonies, Richard Bland

Letter to Lord Kaimes, Benjamin Franklin

Virginia Resolves of 1769, Virginia House of Burgesses

A History of the Dispute with America, No. VII, John Adams

“Give Me Liberty or Give Me Death!,” Patrick Henry

Speech on Conciliation with the Colonies, Edmund Burke

Common Sense, Thomas Paine

Olive Branch Petition

Declaration of Independence, First Draft

Declaration of Independence

Orders of July 2, George Washington

Resignation Speech, George Washington

“Liberty and Peace,” Phillis Wheatley

The Northwest Ordinance of 1787, Article III

The Articles of Confederation

The United States Constitution

The Federalist, Nos. 9, 10, 51

The Bill of Rights

LESSON PLANS, ASSIGNMENTS, AND FORMATIVE QUIZ

Lesson 1 — Self-Government or Tyranny

1763–1776

4-5 classes

LESSON OBJECTIVE

Students learn how new British exertions of authority over the colonists led to the Declaration of Independence.

TEACHER PREPARATION

Create a note outline based on the following:

Student Texts

Land of Hope

Pages 42–48

Primary Sources

See below.

Teacher Texts

The Glorious Cause

Pages 7–226

A Teacher's Guide to Land of Hope

Pages 29–43

A Student Workbook for Land of Hope

Pages 20–22

Online.Hillsdale.edu

The Great American Story

Lecture 3

STUDENT PREPARATION

Assignment 1: Students read *Land of Hope*, pages 42–48, and either complete the reading questions handout in *A Student Workbook for Land of Hope* (pages 20–28) or prepare for a reading quiz (provided below).

Assignment 2: Students read and annotate excerpts from Paine's *Common Sense* and answer guiding reading questions (provided in appendix).

CORE CONTENT IN THIS LESSON

Geography & Places

Boston

Lexington and Concord

Philadelphia

Lake Champlain

Independence Hall

Fort Ticonderoga

Persons

King George III

John Hancock

Charles Townshend

Lord North

George Washington

Crispus Attucks

Paul Revere
 Samuel Adams
 Thomas Gage
 Benjamin Franklin
 Patrick Henry

John Adams
 Abigail Adams
 Ethan Allen
 Thomas Paine
 Thomas Jefferson

Terms and Topics

salutary neglect
 self-government
 representation
 consent
 French and Indian War
 Proclamation of 1763
 writs of assistance
 Sugar Act
 Stamp Act
 Sons of Liberty
 mob
 tar and feather
 Declaratory Act
 Townshend Acts
 nonimportation agreements

Boston Massacre
 Committees of Correspondence
 Gaspee Affair
 Boston Tea Party
 Intolerable Acts
 Quartering of Soldiers
 First Continental Congress
 Minutemen
 Battles of Lexington & Concord
 Siege of Fort Ticonderoga
 Second Continental Congress
 Continental Army
 Battle of Bunker Hill
 Olive Branch Petition
 Liberation of Boston

Primary Sources

An Inquiry into the Rights of the British Colonies, Richard Bland
 Letter to Lord Kaimes, Benjamin Franklin
 Virginia Resolves of 1769, Virginia House of Burgesses
 A History of the Dispute with America, No. VII, John Adams
 “Give Me Liberty or Give Me Death!” Patrick Henry
 Speech on Conciliation with the Colonies, Edmund Burke
Common Sense, Thomas Paine
 Olive Branch Petition

To Know by Heart

“Appeal to Heaven”
 “Don’t Tread On Me”
 “Join or Die”
 “Give me liberty or give me death!”—Patrick Henry
 “The shot heard round the world.”
 “Don’t fire till you see the whites of their eyes!”—Israel Putnam, William Prescott, or legend

Timeline

| | |
|-----------|-----------------------|
| 1754–1763 | French and Indian War |
| 1763 | Proclamation Line |
| 1770 | Boston Massacre |

| | |
|--------------|---|
| 1773 | Boston Tea Party |
| 1774 | Intolerable Acts |
| 1775 | Lexington and Concord, Ticonderoga, Bunker Hill |
| July 4, 1776 | Declaration of Independence signed |

Images

Historical figures and events
Revolutionary-era flags
Nonimportation agreement example
Paul Revere's Engraving of Boston Harbor under occupation
Paul Revere's Engraving of the Boston Massacre
Independence Hall (exterior and interior)
Battle maps and battle scene depictions
Uniforms and arms of the Minutemen, the Continental Army soldiers, and the Redcoats
Medical equipment

STORIES FOR THE AMERICAN HEART

- Biographies and the roles of George Washington, Benjamin Franklin, John Adams, Samuel Adams, Patrick Henry, Thomas Paine, and Thomas Jefferson up through 1776
- Francis Fauquier's account of the mob and a stamp distributor
- Samuel Adams's poem, "The Divine Source of Liberty"
- Boston Massacre
- John Adams fair-mindedly representing the British soldiers after the Boston Massacre
- Boston Tea Party
- Patrick Henry's "Give me liberty or give me death!" speech
- Paul Revere's ride, especially Henry Wadsworth Longfellow's poem of that name
- Jonas Clark's and William Emerson's accounts of minutemen at the Battles of Lexington and Concord
- Ethan Allen, Henry Knox, and the Green Mountain Boys capturing the guns from Fort Ticonderoga
- Letters of John and Abigail Adams
- John Adams's nomination of George Washington to command the Continental Army
- Battle of Bunker Hill
- Liberation of Boston
- John Adams's nomination of Thomas Jefferson to draft the Declaration of Independence

QUESTIONS FOR THE AMERICAN MIND

- Why had the colonies been left mostly to their own devices? Why was this "neglect" "salutary"?
- How had the French and Indian War contributed to the American sense of self and greater unity among the colonists?
- How did the British situation following the French and Indian War lead the British to exert more authority over the colonists?
- In what ways did the British begin to exert control over the colonists without their consent?

- What did the Proclamation Act of 1763 attempt to do? What change did it reveal in the relationship between Parliament and the colonists? How did the colonists respond?
- What was the British Constitution? To what extent did it extend to America? To what extent were colonial charters part of the British Constitution? To what extent were Americans justified in claiming the rights of Englishmen?
- How did inhabitants of England view Parliament's supremacy differently from the Americans? Which group had a more traditional/authentic understanding of the British Constitution? What are the reasons for the divergence in opinion?
- What did the Stamp Act do? Why did this act in particular undermine the principle of self-government and consent? How did the colonists respond?
- What is self-government? In what ways was the colonists' freedom to govern themselves threatened and curtailed by the British between 1763 and 1776?
- What is the relationship between this question of representative self-government and liberty? What is its relationship to tyranny?
- In what ways did the colonies cooperate with one another in their resistance to writs of assistance, the Stamp Act, and the Townshend Duties?
- What were the two oftentimes competing approaches the colonists took to addressing Parliament's actions?
- Why was legislative petition a failure in Massachusetts? Why did Bostonians resort to public protests and riots? How did John Adams and Samuel Adams differ in their views on legitimate forms of protest?
- How did the Boston Massacre change public opinion among the colonists? How did John Adams successfully preserve the rule of law?
- Why did Parliament pass the Intolerable Acts? What did the acts do (five actions)?
- How did the Continental Congress respond to the Coercive (Intolerable) Acts?
- Which offers of reconciliation did the colonists make to Parliament?
- Was war inevitable? Was independence?
- Why did Thomas Paine argue in *Common Sense* that the debate had changed regarding the relationship between the colonists and British? Why did he argue for war as the path toward independence?
- In what ways did Thomas Paine's *Common Sense* influence public opinion?
- What actions by the British in the spring of 1776 prompted Richard Henry Lee of Virginia to introduce a motion for independence?
- To what extent was the American Revolution not made but prevented? To what extent was it revolutionary?
- What crucial strategic military decisions did local British officials make at the outset of the Revolutionary War?
- Questions from the U.S. Civics Test:
 - Question 77: Name one reason why the Americans declared independence from Britain.
 - Question 85: Benjamin Franklin is famous for many things. Name one.
 - Question 86: George Washington is famous for many things. Name one.

KEYS TO THE LESSON

For more than 150 years, the British colonists of North America rarely quarreled with their countrymen on the other side of the Atlantic. Then in 1763, the British began to claim new control over the colonists. What followed were thirteen years of increased tension and sometimes violent clashes leading to outright war in 1775 and, in 1776, the declaring of independence by the colonists and the formation of a new country separate from British power. This decade and a half gave birth to the nation each American citizen calls home. It is imperative that American students know the people, actions, and stories that led to the founding of their country. The chief aim of teaching these fourteen years, therefore, is to help students to understand the actions by both Great Britain and the colonists that compelled the Americans to such a separation and to found a new, unprecedented kind of country.

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

- Have students consider the issues the British in North America faced following the French and Indian War (in Europe, the Seven Years' War), namely, the risk of further conflict (and associated costs) with Native Americans as colonists moved westward, and the massive debt that Great Britain had accumulated in the late war.
- Show how Great Britain's attempted solutions to these problems (prohibiting colonial expansion and the sudden enforcement of lax tax laws) marked the first shift in the relationship between Great Britain and the colonists and heralded the end of the period of "salutary neglect," during which American colonists had grown accustomed to practicing self-government.
- Help students see the pattern that this initial shift would grow into: attempts by the British (Parliament and, to a certain extent, King George III) to exert more control, alternating with American resistance to what they argued were infringements on their rights as Englishmen.
- Teach about each of the British acts: what they were, why they were passed, how the colonists resisted, and what happened next as a consequence.
- Read aloud with students in class portions of the Virginia Resolves to gain insights into the leading colonists' understanding of the situation at the time and to presage the same ideas later developed into the Declaration of Independence.
- Consider at length that self-government, or representative self-government, was at the heart of the issue. Emphasize that this was not merely a nice-sounding phrase. Instead, the colonists gradually came to recognize the following as a question of liberty or tyranny: whether they were self-governed through their elected representatives or were dictated to and controlled by a distant government in which they had no consent. Make clear that this was the question: not merely whether the colonists would have representation in Parliament (it was impractical) nor whether they had to pay taxes, but whether or not people must be controlled by the will of others in government without their free consent. Reading portions of Richard Bland's *An Inquiry into the Rights of the British Colonies*, Benjamin Franklin's letter to Lord Kaimes, and John Adams's *A History of the Dispute with America*, No. VII may best help students grasp these realities.
- Explain how the Americans organized themselves to engage with and resist the British, a capacity born of decades of practice in self-government and a trait of American citizens for subsequent

generations. In due course, the Boston Massacre impressed on public opinion the British position's semblance to tyranny.

- Emphasize for students how there were often two competing approaches to responding to British actions: one that attempted deliberation and petition, and another that resorted to destruction of property and even tarring and feathering. In the end, the former approach prevailed, resorting to arms only as necessary to defend their assertion of rights, self-government, and liberty.
- Highlight that it was the Boston Tea Party, however, that brought issues to a head, prompting the British to respond to various actions in Massachusetts with the Intolerable Acts. Help students to consider that in five separate, odious ways, these acts show how preventing a people from governing themselves in even something as simple as a tax on paper and tea can lead to tyranny if not effectively recognized and resisted.
- Spend time illustrating how it was really across 1774–75, in response to the execution of the Intolerable Acts, that specific Founding Fathers marshaled their talents and ideas, eventually leading to declaring independence and forming a new nation by summer 1776.
- Teach in some detail the open armed conflicts at Lexington and Concord, Fort Ticonderoga, and Bunker Hill. Students should learn how these battles bolstered the patriot cause and transformed public opinion in these final two years of British rule.
- Have students read as a preparatory homework assignment excerpts from Thomas Paine's *Common Sense*. In class, have a seminar conversation on the text. Target questions at helping students to see how and why Paine's pamphlet proved decisive in shifting public opinion at the start of 1776. Questions on pages 42–43 of *A Teacher's Guide to Land of Hope* may be helpful.
- Finally, emphasize how the news in the spring of 1776—that the British had hired German mercenary soldiers to deploy against British-Americans, and were now selectively encouraging slave rebellions in the colonies, while the Continental Congress recommended that the colonies begin forming their own governments—were key factors in moving a majority of the state delegates at the Second Continental Congress to commission a committee to draft a potential declaration of independence.

STRENGTHENING UNDERSTANDING: POST-LESSON ASSIGNMENTS

Assignment 1: Explain what was at the heart of the Americans' resistance to what they argued to be Great Britain's infringement of the rights and liberty of British-Americans. Draw connections between specific British actions to which the Americans objected and the fundamental reason(s) for their objections (1–2 paragraphs).

Assignment 2: Retell the story between 1773 and 1776 of how the Boston Tea Party and the subsequent Intolerable Acts led to declaring independence (3–4 paragraphs).

Name_____

Date_____

Reading Quiz

The American Founding | Lesson 1
Land of Hope, Pages 42–48

DIRECTIONS: Answer each question.

1. What did “writs of assistance” allow the British authorities to do to anyone they suspected of smuggling?
2. What did the British Parliament begin to levy on the colonists without their consent?
3. What did Parliament declare about its power over the colonists in the Declaratory Act?
4. Name one of the two towns in which the first battles of the Revolutionary War were fought.
5. Thomas Paine swiftly moved public opinion in favor of independence with his pamphlet entitled _____.

Lesson 2 — The Declaration of Independence

1776

2–3 classes

LESSON OBJECTIVE

Students learn about the movement in favor of independence and about the drafting and signing of the Declaration of Independence. They also read the Declaration of Independence and engage in a seminar conversation about its contents and ideas.

TEACHER PREPARATION

Create a note outline based on the following:

Student Texts

Land of Hope

Pages 48–51

Primary Sources

See below.

Teacher Texts

The Glorious Cause

Pages 227–255

A Teacher's Guide to Land of Hope

Pages 36–37, 44–55

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The Great American Story

Lecture 3

Introduction to the Constitution

Lectures 1, 2, 3

Constitution 101

Lecture 2

Civil Rights in American History

Lectures 1, 2, 3

STUDENT PREPARATION

Assignment 1: Students read *Land of Hope*, pages 48–51, and prepare for a reading quiz (provided below).

Assignment 2: Students read and annotate the Declaration of Independence and answer guiding reading questions (provided in appendix).

CORE CONTENT IN THIS LESSON

Geography & Places

Philadelphia

Independence Hall

Persons

Benjamin Franklin

Thomas Jefferson

John Adams

Terms and Topics

| | |
|---------------------|-------------------------|
| Laws of Nature | pursuit of happiness |
| and of Nature's God | consent of the governed |
| self-evident | list of grievances |
| equality | slavery |
| natural rights | self-government |
| unalienable | representation |
| liberty | Liberty Bell |
| license | |

Primary Sources

Declaration of Independence, First Draft
Declaration of Independence

To Know by Heart

First two paragraphs of the Declaration of Independence

Final paragraph of the Declaration of Independence

“All honor to Jefferson—to the man who, in the concrete pressure of a struggle for national independence by a single people, had the coolness, forecast, and capacity to introduce into a merely revolutionary document, an abstract truth, applicable to all men and all times, and so to embalm it there, that to-day, and in all coming days, it shall be a rebuke and a stumbling-block to the very harbingers of re-appearing tyranny and oppression.”—Abraham Lincoln, Letter to Henry Pierce

Timeline

| | |
|--------------|--|
| July 2, 1776 | Second Continental Congress votes for independence |
| July 4, 1776 | Declaration of Independence signed |

Images

Thomas Jefferson, Benjamin Franklin, and John Adams
Independence Hall (exterior and interior)
Photos or facsimiles of original Declaration of Independence
National Archives Building and Rotunda
Jefferson Memorial
Statue of Thomas Jefferson (Hillsdale College campus)

STORIES FOR THE AMERICAN HEART

- Benjamin Rush's account of signing the Declaration of Independence
- The first public reading of the Declaration of Independence at the State House Yard, the tolling of the Liberty Bell, and the removal of the royal coat of arms

QUESTIONS FOR THE AMERICAN MIND

- What were the various audiences that the Declaration of Independence sought to address?
- In its opening lines, what does the Declaration claim to do, and what does it want its audience to do in response?
- What are “the Laws of Nature and of Nature’s God”?
- What is a “self-evident” truth?
- What does it mean that “all men are created equal”?
- What is a right?
- According to the Declaration of Independence, from where do rights come?
- What does it mean to say that men are “endowed by their creator” with the rights?
- What does “unalienable” mean?
- What do the words “certain” and “among” imply about the Declaration’s list of rights?
- What is liberty according to the Founders? How is it distinct from license?
- Why did Jefferson use “the pursuit of happiness” instead of “property”?
- What is the purpose of government?
- From where does government derive its just powers?
- What are the people free—and even duty-bound—to do if the government fails in or violates its fundamental purpose?
- Ought it to be an easy or regular affair for people to overthrow and replace their government? If not, under what circumstances may they do so?
- To whom do the colonists appeal to judge the justness of their claims and conduct?
- In what ways did the Second Continental Congress alter Thomas Jefferson’s first draft of the Declaration of Independence? What were the reasons for these various changes?
- Why did Thomas Jefferson’s first draft of the Declaration of Independence include condemnations of King George for perpetuating the Atlantic slave trade?
- Why did many northern delegates, who were opposed to slavery and wanted it abolished, believe that compromising with southern delegates by omitting the issue of slavery from the Declaration’s list of grievances would be more likely to lead to the abolition of slavery than splitting with the southern colonies over the issue in 1776?
- How do the words of the Declaration of Independence mark America’s founding as different from the founding of other countries? Might we say that America’s founding was exceptional?
- America’s existence and purpose, as outlined in the Declaration, rests on the 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 11: The words “Life, Liberty, and the pursuit of Happiness” are in what founding document?
 - Question 75: What group of people was taken and sold as slaves?
 - 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 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

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.

Referring questions of our common life to the Declaration of Independence does not mean that Americans should be forced or manipulated to believe the ideas of the Declaration to be true. But this unit asks students at least to consider *whether* the Declaration's claims are true. Indeed, Thomas Jefferson and the delegates at the Second Continental Congress addressed the Declaration of Independence not only to Americans in 1776 but also to the critical judgment of American students in the 21st Century, for, as they stated, "a decent respect to the *opinions of mankind* requires that they should declare the causes which impel them to the separation" [emphasis added]. The lasting claim of the Declaration is that there are certain *truths* about *all men* having *unalienable* rights. As a historical matter, as well, students should think seriously about how the American founding—and the continuation of the American experiment—has succeeded or failed against its stated objectives.

Students should take it upon themselves to study and consider seriously the Declaration of Independence as the foundation and even the heart of their country's existence. While a more extensive study of the Declaration should occur in a separate government class, including consideration of the thinkers who influenced the Founders, the historical treatment of the American Revolution deserves several class periods of conversation on the text of the Declaration.

Teachers might best plan and teach the Declaration of Independence with emphasis on the following approaches:

- Help students to see that the Founders intended to speak to them, to posit truths for their consideration and ultimate judgment. "[A] decent respect to the opinions of mankind" means that the Declaration was not merely intended as an argument about the unique situation of the colonists in 1776; the Founders submitted their claims to the judgment of all people in all times

because they were asserting truths about all people in all times. This especially includes future Americans and, in this case, American students.

- Lead students through a complete reading of the Declaration of Independence in the course of a seminar conversation. Pause frequently to ask students questions on the various parts of the text, especially the first two paragraphs. Questions on pages 47–52 of *A Teacher's Guide to Land of Hope* may be helpful.
- Help students to consider that the Founders are making assertions of 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 abides by 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.”
- Ask students what the Declaration means by “all men are created equal.” For one thing, “men” means human being not males as opposed to females. Based on the totality of their writings available, the principal authors of the Declaration 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 impossible—and the Second Continental Congress could scarcely have missed this point. This meaning of equality did not suggest equality in talent, property, or other accidentals to one’s humanity, qualities that are unique to a particular person and circumstance.
- Note that the mere articulation that all men are created equal was revolutionary. Compared to the degree and universality of equality we take for granted today, such a statement and contemporary limits on the principle in practice leave the Founders open to much potential criticism. For example, in general, women, men without land, and African Americans were not able to vote. But the mere fact that most men *were able* to vote was a significant departure from what was normal in the rest of the world. And even though civil equality was not universal, the statement about inherent and equal dignity of all people was unheard of at the time. Many Founders believed (and the centuries since have proven them correct) that this founding principle would allow for ever greater realizations of equality through history. In brief, were it not for the Founders’ assertion of human equality, albeit imperfectly put into practice, the kind of equality we are used to today likely would never have arisen, or certainly not from American shores.
- Ask students what the Declaration states to be the purpose of government. Students should understand the Declaration’s argument that government is created to secure the natural rights of each person.
- Ask students about the source of a government’s power. The Declaration explains that government power comes from the free consent of the people. Students should also consider the Declaration’s argument that people do not receive their rights from government, nor do they surrender their fundamental rights to it. Instead, the rights to “life, liberty, and the pursuit of

happiness” are natural—they are inherent in being human—and government is delegated power by the sovereign people to secure their rights and pursue the common good. Rather than surrendering their rights to government, people create government to protect their rights. The Declaration describes these rights as “unalienable,” meaning that they cannot be relinquished or taken away, though they may be forfeited when a person violates the rights of another person, (e.g., the penalty for taking someone else’s life or liberty might be to lose your own life or liberty).

- Help students to understand what is meant by self-government: legitimate government exists to secure rights and derives its “just powers from the consent of the governed,” that is, from the citizen body. The fundamental purpose of government is clear and its powers are limited. As a result, and by design, the people have the liberty to govern themselves in most aspects of their daily lives.
- 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.
- 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.
- 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 of the American Founders, especially those from northern colonies, strongly opposed slavery but nevertheless accepted a temporary compromise on the issue, believing that an independent and united country would provide the best prospect for actually abolishing slavery. Without unity between northern and southern colonies, either the colonists would have lost the war, in which case slavery would simply be continued by Great Britain, or the southern colonies would have formed their own separate country, in which case the North would have no power over the South to abolish slavery. The key for the American Founders, especially those who opposed slavery, would be to continue efforts against slavery as a united country—united around the principles of the Declaration of Independence.
 - The idea that a country can be founded on a principle—rather than merely on claims of territory, tribe, or military power—is uniquely American. America’s founding principle that “all men are created equal and that they are endowed by their Creator with certain unalienable rights” was unprecedented. Almost all recognized that the statement of the principles, despite a compromise that allowed for the pre-existing institution’s continuing existence, undermined the legitimacy of slavery.
 - 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.
 - 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.

- 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.
- 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.

STRENGTHENING UNDERSTANDING: POST-LESSON ASSIGNMENTS

Assignment 1: Explain the meaning of key lines, phrases, and ideas in the first two paragraphs of the Declaration of Independence (2–3 paragraphs).

Assignment 2: Recite by heart the first two paragraphs and the final paragraph of the Declaration of Independence.

Assignment 3: Choose three specific grievances and explain how they are connected both to the events between 1763 and 1776 and to the principles asserted in the first two paragraphs of the Declaration of Independence (1–2 paragraphs).

Name_____

Date_____

Reading Quiz

The American Founding | Lesson 2
Land of Hope, Pages 48–51

DIRECTIONS: Answer each question.

1. Who was the principal author of the Declaration of Independence?
2. Included within the universal assertions of the Declaration of Independence was a long list of _____ outlining the ways in which the British crown had acted tyrannically toward their own people.
3. According to Captain Levi Preston, the common soldier fought the Revolutionary War because the British would not allow the colonists to do what?

Name_____

Date_____

Unit 2 — Formative Quiz

Covering Lessons 1–2
10–15 minutes

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

1. How did the British situation following the French and Indian War lead the British to exert more authority over the colonists?
2. What did the Stamp Act do? Why did this act in particular undermine the principle of self-government and consent? How did the colonists respond?
3. Which essential roles did Benjamin Franklin and George Washington each play leading up to 1776?
4. Why did Parliament pass the Intolerable Acts? What did they do (5 actions)?
5. How did the colonists organize themselves to engage with and resist the new British infringements on their rights?
6. Which events in 1774–76 especially led the colonists finally to declare their independence?
7. Who were the various audiences that the Declaration of Independence sought to address?

Lesson 3 — The War of Independence

1776–1783

3–4 classes

LESSON OBJECTIVE

Students learn about the major figures, common soldiers, strategy, and specific battles of the American War of Independence.

TEACHER PREPARATION

Create a note outline based on the following:

Student Text

Land of Hope

Pages 52–58

Primary Sources

See below.

Teacher Texts

The Glorious Cause

Pages 256–602

A Short History of the American Revolution

As helpful

A Teacher's Guide to Land of Hope

Pages 63–68

A Student Workbook for Land of Hope

Pages 34–38

Online.Hillsdale.edu

The Great American Story

Lecture 4

STUDENT PREPARATION

Assignment 1: Students read *Land of Hope*, pages 52–58, and either complete the reading questions handout in the *A Student Workbook for Land of Hope* (pages 34–38) or prepare for a reading quiz (provided below).

CORE CONTENT IN THIS LESSON

Geography & Places

Quebec

Fort West Point

Delaware River

Valley Forge

Hudson River Valley

Yorktown

Saratoga

Persons

George Washington

Ethan Allen

Phillis Wheatley

Henry Knox

John Adams

John Paul Jones

Abigail Adams

Daniel Morgan

Horatio Gates
George Rogers Clark
William Howe
Marquis de Lafayette
Tadeusz Kościuszko
Baron von Steuben

Nathanael Greene
Benedict Arnold
John Burgoyne
Charles Cornwallis
Alexander Hamilton

Terms and Topics

Patriot/Revolutionary
Tory/Loyalist
Articles of Confederation
Continental Army
privateer
Brown Bess Musket
volley
Battle of New York
mercenary
Hessians
Crossing of the Delaware
Battle of Trenton

Betsy Ross Flag
Yankee Doodle
Battle of Saratoga
guerrilla warfare
French Treaty of Alliance
Battle of Monmouth
Battle of Cowpens
Battle of Yorktown
Newburgh Conspiracy
American Cincinnatus
“E Pluribus Unum”
Treaty of Paris

Primary Sources

Orders of July 2, George Washington
Resignation Speech, George Washington
“Liberty and Peace,” Phillis Wheatley

To Know by Heart

“These are the times that try men’s souls.”—Thomas Paine, *The Crisis*

Timeline

| | |
|------------------|---|
| 1776 (1775)–1783 | War of Independence |
| July 4, 1776 | Declaration of Independence signed |
| 1776 (Fall) | Battle of New York |
| Christmas, 1776 | Battle of Trenton |
| 1777 | Battle of Saratoga |
| 1777–78 | Winter Quarters at Valley Forge |
| 1781 (Fall) | Battle of Yorktown; Cornwallis Surrenders |
| 1783 | Treaty of Paris |
| June 14 | Flag Day |

Images

Historical figures
Landscape pictures of geographic places featured in this lesson
Images and uniforms of British and American officers and soldiers
Depictions of figures at various scenes and moments and in battle

Washington Crossing the Delaware painting
Betsy Ross Flag and other flags
Maps: overall strategies, specific battles
Relevant forts
Medical equipment
Reenactment photos
Washington Monument
Statue of George Washington (Hillsdale College campus)
Picture of the original Articles of Confederation

STORIES FOR THE AMERICAN HEART

- The fates of the signers of the Declaration of Independence
- George Washington's letter to Burwell Bassett, June 1775
- Joseph Hodgkins's letters as a Continental Army soldier, February 1776
- Stories from the memoir of Joseph Plumb Martin (*Private Yankee Doodle*)
- David Bushnell's submarine attack
- Maryland 400 and the Battle of Brooklyn
- Retreat from Manhattan
- George Washington's Crossing of the Delaware
- Abigail Adams's letter to John Adams, March 1777
- John Adams's letter to Abigail Adams, September 1777
- James Mitchell Varnum's letter to Nathanael Greene
- The American farmers joining the Battle of Saratoga
- John Laurens's letters to his father, Henry Laurens, January and February 1778
- George Washington encouraging his men at Valley Forge
- The naval campaigns of John Paul Jones
- Stories of Margaret Corbin, Molly Pitcher, Abigail Adams, and Martha Washington during the war
- Alexander Hamilton's letter to John Jay, March 1779
- George Washington's letter to Henry Laurens, March 1779
- Alexander Hamilton's letter to John Laurens, October 1780
- Benedict Arnold's letter to Lord Germain, October 1780
- George Washington on horseback at the Battle of Monmouth
- The playing of the "World Turned Upside Down" after Yorktown (possibly legend)
- George Washington's letter to Philip Schuyler, January 1781
- George Washington's letter to Joseph Jones, March 1783
- George Washington's dismissal of the Newburgh Conspiracy
- George III's comments on Washington resigning his command (possibly legend)
- George Washington resigning his commission to Congress

QUESTIONS FOR THE AMERICAN MIND

- How was power structured under the Articles of Confederation? Why did the framers of this first constitution structure it in this way?

- What were the advantages and disadvantages that the Americans and British each faced at the outset of the war?
- What was the style of warfare in the War of Independence, including battlefield strategy, weapons, ammunition, medical care, etc.?
- What were the overall strategies that each side pursued in the course of the war?
- What were the major contributions and moments in George Washington's generalship during the war?
- How did each of the following battles begin, what happened in them, and what was their significance: New York, Trenton, Saratoga, and Yorktown?
- Why was the situation so dire in winter 1776?
- In what ways did the British plan for 1777 work, and in what ways did it fail?
- Why was the Battle of Saratoga so significant? What did the Americans gain from their newfound ally?
- What happened at Valley Forge over the winter of 1777–78?
- What important contribution did Baron von Steuben make to the Continental Army?
- What happened when the British under Lord Cornwallis moved into the South?
- What were the most significant moments in the War of Independence?
- What factors, figures, moments, etc., led the Americans to victory?
- What were the terms of the Treaty of Paris?
- Why were soldiers on the verge of mutiny in 1783? How did George Washington resolve the crisis?
- What qualities does Phillis Wheatley attribute to Freedom in "Liberty and Peace"? What will the personified Freedom bring to America? What is freedom?
- Questions from the U.S. Civics Test:
 - Question 76: What war did the Americans fight to win independence from Britain?
 - Question 80: The American Revolution had many important events. Name one.
 - Question 86: George Washington is famous for many things. Name one.
 - Question 89: Alexander Hamilton is famous for many things. Name one.
 - Question 121: Why does the flag have 13 stripes?
 - Question 122: Why does the flag have 50 stars?
 - Question 124: The Nation's first motto was "E Pluribus Unum." What does that mean?

KEYS TO THE LESSON

The American Revolution was truly a "David and Goliath" clash: a fledgling strand of remote colonies loosely cooperating as one through a continental, mostly citizen army, fought and won independence from the greatest military power in the world. Students should appreciate this about the war of their forefathers. They should also know key stories of the heroic actions of the leaders and the many common folk in that struggle, understand the strategies employed in general and in specific battles, and consider the key moments and factors that led the Americans to victory.

Teachers might best plan and teach the War of Independence with emphasis on the following approaches:

- Discuss how the new states organized themselves in the Articles of Confederation. Students do not need to know the inner workings of this first constitution, as they will learn more about it in

the next lesson. Students should understand, however, the general contours of power and how it operated. They should also understand the ways in which many of its weaknesses were intentional, weaknesses that would manifest themselves as serious problems at various points during the war.

- Ask students to identify and compare the various advantages and disadvantages of each side at the outset of the war and how these shifted over the years. Having students take simple notes as a “T-Chart” can be effective for this part of the lesson.
- Introduce students to the contemporary style of warfare by using images, maps, and artifacts. This approach will provide a foundation for their subsequent study of battles, help them to understand what happens in battle, and allow them to appreciate the bravery of soldiers fighting on both sides.
- Help students to empathize with the common Continental Army soldier and perceive the risk facing all the colonists, especially the leaders. Conditions were truly awful at many points in the war. The prospect of imminent defeat and the dire consequences for all involved weighed heavily upon the colonists throughout the war. The leaders—the men we now consider the American Founders—would most certainly have been shot or hanged if they were captured or the war was lost. In spite of the risks, they risked everything and sacrificed much for the cause of freedom and self-government. Students should appreciate the great debt we owe them.
- Explain each side’s strategy at various stages of the war and the tactics and battle plans employed in specific battles.
- Teach major battles in detail. Students should understand how the battles came to be, the key stories, factors, and moments from the battles themselves, and the significance of their various outcomes on subsequent events. Employ battle maps often. *A Short History of the American Revolution* is a great aid for teaching these battles; students may enjoy reading select accounts of these battles from this work, too.
- As with any conflict, draw attention to the key contributions of both leaders and common soldiers in the war. George Washington should be especially considered, not so much in his battle tactics as in his overall strategy for the war and his stirring leadership of his soldiers. Read aloud Washington’s resignation speech, presenting it as vividly as possible and helping students appreciate the significance of Washington’s character and example.
- Explain how the principles of the Declaration of Independence were already effecting change among the Americans even prior to the resolution of the war. By the end of the war, every northern state except for New York and New Jersey had explicitly outlawed slavery, and some New England colonies had allowed African Americans to vote. Students should also learn of the outsized contributions of African American soldiers in the war, with five thousand serving in the Continental Army over the course of the war and, by some accounts, African Americans composing nearly a quarter of the American forces at Yorktown.
- Read aloud Phyllis Wheatley’s “Liberty and Peace.” Consider Wheatley’s perspective on the revolution, bearing in mind her status as a former slave.

STRENGTHENING UNDERSTANDING: POST-LESSON ASSIGNMENTS

Assignment 1: Explain the reasons why the Americans won the War of Independence (1–2 paragraphs).

Assignment 2: Retell the history of the War of Independence (4–5 paragraphs).

Name_____

Date_____

Reading Quiz

The American Founding | Lesson 3
Land of Hope, Pages 52–58

DIRECTIONS: Answer each question.

1. Which side had the overall advantage at the beginning and for much of the War of Independence?
2. Which figure proved indispensable to the American cause?
3. What did the Americans do on Christmas night 1776?
4. The Battle of Saratoga was of great significance in the war because it proved that the Americans could fight in a battle and be victorious. What country decided to ally with the Americans, largely as a result of the Battle of Saratoga?
5. What was the last major battle of the war, in which the Americans defeated the British General Charles Cornwallis?

Lesson 4 — The United States Constitution

1783–1789

4–5 classes

LESSON OBJECTIVE

Students learn about the drafting of the Constitution, the debates within the Constitutional Convention and its ratification by the states, the political thought undergirding the Constitution, and the basic structure and powers of the federal government.

TEACHER PREPARATION

Create a note outline based on the following:

Student Texts

Land of Hope

Pages 58–78

Primary Sources

See below.

Teacher Texts

Unto a Good Land, Volume 1

Pages 189–220

A Teacher's Guide to Land of Hope

Pages 56–89

A Student Workbook for Land of Hope

Pages 34–38, 45–46

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The Great American Story

Lectures 4 and 5

Constitution 101

Lectures 1, 2, 3, 4, 5, 6

Civil Rights in American History

Lectures 1, 2, 3

The Federalist Papers

Lectures 1, 2, 3, 4, 5

STUDENT PREPARATION

Assignment 1: Students read *Land of Hope*, pages 58–78, and either complete the reading questions handout in *A Student Workbook for Land of Hope* (pages 34–38) or prepare for a reading quiz (provided below).

Assignment 2: Students read and annotate *Federalist* Nos. 9, 10, and 51 and the Constitution, and answer guiding reading questions (provided in appendix).

CORE CONTENT IN THIS LESSON

Geography & Places

Northwest Territory

Philadelphia

Independence Hall

New York City

Persons

Montesquieu
James Madison
Gouverneur Morris
James Wilson
George Washington
Benjamin Franklin

Alexander Hamilton
John Jay
Publius
Brutus
George Mason
Benjamin Banneker

Terms and Topics

Articles of Confederation
Land Ordinance of 1785
township
debt cancellation laws
Shays' Rebellion
Northwest Ordinance
Constitutional Convention
Father of the Constitution
Constitution
Laws of Nature and of Nature's
God
natural rights
equality
consent of the governed
self-government
faction
majority tyranny
ambition
representation
republicanism
refine and enlarge
extended sphere
federalism
limited government
enumerated powers
separation of powers
checks and balances
Virginia Plan
New Jersey Plan
Great Compromise
Three-Fifths Clause
legislative power
Congress
bicameralism

House of Representatives
Senate
budget
impeachment
executive powers
Electoral College
cabinet
Commander-in-Chief
veto power
judicial powers
coequality of branches
criminal case
civil case
appellate courts
Marbury v. Madison
judicial review
Article IV, Section 2
amendment
The Federalist
Anti-Federalists
Article I, Section 9
ratifying conventions
Bill of Rights
freedom of religion
free exercise
establishment clause
freedom of speech
freedom of the press
right to assembly
right to keep and bear arms
due process
inauguration

Primary Sources

The Northwest Ordinance of 1787, Article III
 The Articles of Confederation
 The United States Constitution
The Federalist, Nos. 9, 10, 51
 The Bill of Rights

To Know by Heart

“Religion, morality, and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.”—Northwest Ordinance of 1787, Article 3

Preamble to the U.S. Constitution

“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.”—Presidential Oath of Office

“A republic, if you can keep it.”—Benjamin Franklin

“If men were angels, no government would be necessary.”—*Federalist* 10

First Amendment

Second Amendment

Tenth Amendment

Timeline

| | |
|--------------------|--|
| 1781 | Articles of Confederation take effect |
| 1786 | Shays’ Rebellion |
| 1787 (May–Sept.) | Constitutional Convention |
| 1787 (July) | Congress passes the Northwest Ordinance |
| September 17, 1787 | Constitutional Convention concludes (Constitution Day) |
| 1788 | New Hampshire ratifies the Constitution (ninth state) |
| 1789 | Constitution takes effect; George Washington elected president |

Images

Paintings of historical figures and events
 Depictions of scenes from the Constitutional Convention
 Photographs of Independence hall (exterior and interior)
 Photos or facsimiles of the original Articles of Confederation, Northwest Ordinance, Constitution, *The Federalist Papers*, and Bill of Rights
The Signing of the American Constitution painting, Samuel Knecht

Statue of James Madison (Hillsdale College campus)
National Archives Building and the Rotunda for the Charters of Freedom
Paintings by Barry Faulkner in the Rotunda for the Charters of Freedom

STORIES FOR THE AMERICAN HEART

- How the Great Compromise was proposed
- Delegates meeting in City Tavern in Philadelphia to discuss the Constitution-in-making “after hours”
- Benjamin Franklin’s story about the sun on George Washington’s chair being a sunrise for the country
- Benjamin Franklin’s reply to a woman’s question about what the Constitutional Convention had created: “A republic, if you can keep it,” and what this means
- The correspondence between Thomas Jefferson and Benjamin Banneker

QUESTIONS FOR THE AMERICAN MIND

- What did the Land Ordinance of 1785 do, especially with respect to public vs. private ownership of land and public education?
- What did the Northwest Ordinance of 1787 do, especially with respect to the future of western lands, public education, and preventing the expansion of slavery?
- What were the specific problems of the Articles of Confederation? What issues did they permit to arise and fester?
- What event especially impressed on the Founders, particularly James Madison and George Washington, the need to revisit the Articles of Confederation?
- Who was the intellectual leader among the many very talented men at the Philadelphia convention, known as the “Father of the Constitution”?
- What is the relationship between the Declaration of Independence and the Constitution?
- In what sense is the Constitution a modern, liberal, Enlightenment document? In what sense is it a document that is grounded in an ancient and medieval European past?
- What was *The Federalist*, what was its purpose, and why do we still read it?
- What did *The Federalist* argue about each of the following:
 - human nature
 - ambition
 - faction
 - majority tyranny
 - republicanism
 - morality
- What were the major disagreements at the Constitutional Convention?
- Why was there reluctance to create a strong executive? Why did the Framers do so anyway?
- What was the great issue regarding representation? How was it resolved?
- What are the various ways that the Constitution addresses the issue of faction, as outlined in *Federalist* 10?
- What is federalism? Why is it important?
- What is separation of powers? Why is it a principle for the arrangement of government power, and how does the Constitution achieve this?

- What are the offices and main powers of each branch of government?
- What are checks and balances? How can each branch check the power of the others?
- How was the government organized to counteract the ambitions of powerful men?
- Contrast the character of the House of Representatives to that of the Senate, explaining the purpose for these differences and how their features (method of selection, qualifications, term lengths, percentage of each house up for election at a given time, etc.) contribute to their respective purposes.
- How does a bill become a law?
- What is the Electoral College, how did it originally work, and what is its purpose?
- How did the Constitution balance freedom (majority rule) and justice (preserving minority rights)?
- How did the Founders understand the tension between slavery and the principle of equality in the Declaration of Independence?
- 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?
- 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?
- Why does the Constitution make it so hard for it to be amended?
- What has been the most common way for proposing and ratifying amendments to the Constitution?
- What were the different views toward the Constitution during the ratification debate?
- What do each of the following amendments in the Bill of Rights guarantee and why: 1st, 2nd, 4th, 5th, 9th, and 10th?
- From where do the rights outlined in the Bill of Rights originate? Are they granted by the Bill of Rights?
- What is due process? Why is it such an important legal guarantor of freedom?
- To whom are elected officials and the Constitution itself ultimately subject?
- 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 6: What does the Bill of Rights protect?
 - 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 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

“[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. It is, as Abraham Lincoln would later express it, the “frame of silver” meant to adorn and, most importantly, to protect the “apple of gold” that is the Declaration of Independence and the truths it asserts. The Constitution is the vehicle for the American experiment in self-government.

Study of the Constitution and of the history of its creation 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 a constitution cannot achieve these ends, then force and violence are the only alternatives left to mankind.

Students need not study all of the political philosophy that undergirded the Constitutional Convention and the Constitution itself, nor need they understand all the details of the function of government; they will study these facets to the Constitution extensively in a separate American Government and Politics course. They should, however, understand the main principles and structure of the Constitution and the government it established, and know the stories from the Constitutional Convention and the ratification debates. Selections from *The Federalist* as well as the Bill of Rights will be helpful to accomplish these purposes.

Teachers might best plan and teach the Constitution with emphasis on the following approaches. While the length of this advice is larger than advice for other lessons, it is owing to the ease with which so many features of the Constitution can be taught incorrectly, with significant consequences. Therefore, this advice includes many corrections to common misconceptions that can be quickly addressed in class. As mentioned, the vast majority of the political philosophy and mechanics of the Constitution are reserved for a separate civics course.

- Consider the two major legislative achievements 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, private land ownership, and preventing the spread of slavery, as evident in these laws. Questions on pages 78–79 of *A Teacher’s Guide to Land of Hope* may be helpful.
- Revisit the structure of the Articles of Confederation and the issues that emerged under such a structure during the War of Independence. Read illustrative sections of the Articles, and consider them against the issues that dominated the 1780s: namely, the debt cancellation laws by states (a

clear example of majority tyranny), varieties of currencies, interstate trade barriers, separate agreements between states and foreign powers, the inability to enforce the Treaty of Paris against the British with respect to western territories, and Shays' Rebellion.

- Lead students through the process of the Constitutional Convention. Help them see that the Convention was arranged to ensure that all the states were able to speak and be represented. Through stories of the various debates and compromises, explain the difficulty of establishing a government that would satisfy all parties.
- Describe the environment and people of the Constitutional Convention, as well as the history and tone of the ratification debate that followed.
- Require students to read, annotate, and answer guided questions for *Federalist* 9, 10, and 51, then discuss these in class. These key documents should afford a review of the principles of the Declaration of Independence and the problems of the Articles of Confederation and also illustrate 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. For *Federalist* 10, questions on pages 97–98 of *A Teacher's Guide to Land of Hope* may be helpful.
- Read, annotate, and discuss the Constitution with particular attention to the Preamble, the structure of government that the Constitution establishes, and the reasons for this structure. Questions on pages 56–62 of *A Teacher's Guide to Land of Hope* may be helpful.
- 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.
- Explain the importance of the principles of separation of powers and federalism, and why these ideas are central to the Constitution's safeguards against the corrupting tendency of power.
- Consider how the Constitution repeatedly structures federal institutions to refine and enlarge the will of the people.
- Explain how the House of Representatives is meant to be a more dynamic and immediate expression of the people's will, while the Senate is meant to be more deliberative and circumspect.
- Emphasize that 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.
- 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.
- 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.

- Distinguish the focus of the federal government compared to the state governments.
- Teach the structure, makeup, and powers of each branch of government and explain why the Founders made them so. Students should understand how each branch works, how they work together, and how the branches check and balance one another.
- Clarify how the Electoral College works and why the Founders chose this process for electing the president. One of the original reasons was to provide a way for the people's representatives, the electors, to prevent a tyrannical or fraudulent choice, but most states abandoned this purpose when they enacted laws binding electors to the state's popular vote. Another reason was to ensure that presidential candidates would pay attention to the interests of those to whom it was harder or less politically efficient to travel geographically. This has 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 equal representation among states in the Senate, the Electoral College has discouraged a majority tyranny of urban interests.
- Take the time to consider, read, and discuss the ways in which slavery was addressed in the Constitution, including the extents to which the Constitution both left slavery in place and also placed new national limits on it. 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. This of course does not excuse the fact that many of these founders still held African Americans in slavery during their lifetimes.
- 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.”
- 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 while still being able to pass judgment on specific actions.
- 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 is 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.
- 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 both permitted and yet 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.
- 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 states to ratify the Constitution (provided that a Bill of Rights was included).
- Read aloud with students the Bill of Rights. Pause frequently to ask students questions on various parts of the text. Questions on pages 79–84 of *A Teacher's Guide to Land of Hope* may be helpful.
- Help students understand why each of the rights found in the Bill of Rights corresponds to the preservation of life, liberty, and the pursuit of happiness, and how these rights answer some of the grievances in the Declaration of Independence as well as the problems under the Articles of Confederation. Especially consider the 1st, 2nd, 5th, and 10th Amendments.
- Explain that the Founders did not believe the Bill of Rights encompassed all the rights of men in society, nor that these rights came from government. Some of the rights enumerated in the Bill of Rights are natural rights. Many are derivative civil rights through which the constitutional process abides by and secures underlying natural rights. Between the Bill of Rights, the limited purposes of government, and the enumerated powers, emphasize for students how America has a *limited* government.
- Finally, tell about the first elections, meetings of the Electoral College, and George Washington's inauguration in 1789. If students have already studied the French Revolution, remind them that just a few short months later the French Revolution would commence, leading to a far different outcome than the American Revolution and Constitution.

STRENGTHENING UNDERSTANDING: POST-LESSON ASSIGNMENTS

Assignment 1: Explain how the Constitution distributes power among the three branches of government (1–2 paragraphs).

Assignment 2: The Framers designed the Constitution based on certain principles. Explain which two principles you believe are the most important and why (1–2 paragraphs).

Assignment 3: Explain what *The Federalist* argued concerning each of the following: human nature, ambition, faction, majority tyranny, republicanism, and morality (2–3 paragraphs).

Assignment 4: Complete the Bill of Rights handout (*A Student Workbook for Land of Hope*, pages 45–46).

Name_____

Date_____

Reading Quiz

The American Founding | Lesson 4
Land of Hope, Pages 58–78

DIRECTIONS: Answer each question.

1. What was the name of the first constitution and government under which the United States attempted to govern itself?
2. In which city did the Constitutional Convention convene?
3. Who was known as “the Father of the Constitution”?
4. Which practice and institution proved to be a source of great division among the delegates to the Constitutional Convention?
5. What was the name of the collection of newspaper essays written under the pseudonym Publius that explained and argued for the ratification of the Constitution?

APPENDIX A

Study Guide

Test

Writing Assignment

Study Guide — The American Founding Test

Unit 2

Test on _____

TIMELINE

When given chronological dates, match events from a list to the years or dates that they happened.

| | |
|--------------------|--|
| 1754–1763 | French & Indian War |
| 1763 | Proclamation Line |
| 1770 | Boston Massacre |
| 1773 | Boston Tea Party |
| 1774 | Intolerable Acts |
| (1775) 1776–1783 | War of Independence |
| 1775 | Battles of Lexington and Concord and of Bunker Hill |
| July 4, 1776 | Declaration of Independence signed |
| 1776 (Fall) | Battle of New York |
| 1776 (Christmas) | Battle of Trenton |
| 1777 | Battle of Saratoga |
| 1777–78 | Winter Quarters at Valley Forge |
| 1781 | Battle of Yorktown; Cornwallis Surrenders |
| 1783 | Treaty of Paris |
| September 17, 1787 | Constitutional Convention concludes (Constitution Day) |
| 1789 | Constitution takes effect; George Washington elected president |

GEOGRAPHY AND PLACES

Identify each on a map and/or tell where it is and explain its significance.

| | | |
|-----------------------|---------------------|---------------------|
| Boston | Ticonderoga | Valley Forge |
| Philadelphia | Quebec | Yorktown |
| Independence Hall | Delaware River | Northwest Territory |
| Lexington and Concord | Hudson River Valley | New York City |

PERSONS

Identify each, provide biographical details, and explain what he or she thought or did in specific periods or events.

| | | |
|-------------------|-------------------|------------------|
| George III | Samuel Adams | Ethan Allen |
| Charles Townshend | Thomas Gage | Thomas Paine |
| George Washington | Benjamin Franklin | Thomas Jefferson |
| John Hancock | Patrick Henry | Phillis Wheatley |
| Crispus Attucks | John Adams | Henry Knox |
| Paul Revere | Abigail Adams | Horatio Gates |

George Rogers Clark
William Howe
Marquis de Lafayette
Tadeusz Kościuszko
Baron von Steuben
Nathanael Greene

Benedict Arnold
John Burgoyne
Charles Cornwallis
Alexander Hamilton
Montesquieu
Gouverneur Morris

James Wilson
James Madison
John Jay
Publius
Brutus
Benjamin Banneker

TERMS AND TOPICS

Identify each and explain its significance to the period of history studied.

salutary neglect
self-government
representation
consent
Parliament
writs of assistance
Proclamation of 1763
Sugar Act
Stamp Act
Sons of Liberty
tar and feather
Quartering of Soldiers
Declaratory Act
Townshend Acts
Nonimportation Agreements
Boston Massacre
Committees of Correspondence
Boston Tea Party
Intolerable Acts
First Continental Congress
Minutemen
Second Continental Congress
Continental Army
Olive Branch Petition
Liberation of Boston
Laws of Nature and of Nature's God
self-evident
natural rights
equality
unalienable
liberty
license
pursuit of happiness

consent of the governed
list of grievances
slavery
Liberty Bell
Patriot/Revolutionary
Tory/Loyalist
Articles of Confederation
Continental Army
privateer
Brown Bess Musket
mercenary
Hessians
Crossing of the Delaware
Betsy Ross Flag
Yankee Doodle
guerrilla warfare
French Treaty of Alliance
Newburgh Conspiracy
American Cincinnatus
Treaty of Paris
Land Ordinance of 1785
township
debt cancellation laws
Northwest Ordinance
Constitutional Convention
Father of the Constitution
Constitution
faction
majority tyranny
ambition
republicanism
extended sphere
federalism
limited government
enumerated powers

separation of powers
checks and balances
Virginia Plan
New Jersey Plan
Great Compromise
Three-Fifths Clause
legislative power
Congress
bicameralism
House of Representatives
Senate
impeachment
executive powers
Electoral College
Commander-in-Chief
judicial powers
coequality of branches
appellate courts
Marbury v. Madison
judicial review
Article IV, Section 2
amendment
Federalists
The Federalist
Anti-Federalists
Article I, Section 9
ratifying conventions
Bill of Rights
free exercise
establishment clause
freedom of speech
freedom of the press
right to assembly
right to keep and bear arms
due process

MAJOR CONFLICTS

Explain how each battle began, narrate what happened in it and how, and explain the significance of the battle's outcome.

French and Indian War
Lexington & Concord
Fort Ticonderoga
Bunker Hill

New York
Trenton
Saratoga
Monmouth

Cowpens
Yorktown
Shays' Rebellion

PRIMARY SOURCES

Based on annotations and notes from seminar conversations, be able to answer questions on each primary source. While you will not necessarily be asked why each primary source was created, what it did or argued, and what its effects were, being able to answer these kinds of questions will make you well-prepared.

Virginia Resolves of 1769, Virginia House of Burgesses
Speech on Conciliation with the Colonies, Edmund Burke
Common Sense, Thomas Paine
Declaration of Independence, First Draft, Thomas Jefferson
Declaration of Independence
Resignation Speech, George Washington
The Northwest Ordinance of 1787, Article III
The Articles of Confederation
The United States Constitution
The Federalist, Nos. 9, 10, 51
The Bill of Rights

TO KNOW BY HEART

Be prepared to fill in missing words and/or identify the speaker and context.

“Give me liberty or give me death!”—Patrick Henry

First two paragraphs of the Declaration of Independence

“And for the support of this Declaration, with a firm reliance on the protection of divine Providence, we mutually pledge to each other our Lives, our Fortunes and our sacred Honor.”—Final sentence of the Declaration of Independence

“Religion, morality, and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.”—Northwest Ordinance, Article 3

Preamble to the U.S. Constitution

“If men were angels, no government would be necessary.” —*Federalist* 10

First Amendment

Second Amendment

Tenth Amendment

STORIES FOR THE AMERICAN HEART

In your own words, retell each episode in narrative form. Consider your audience to be middle school students.

- Biographies and the roles of George Washington, Benjamin Franklin, John Adams, Samuel Adams, Patrick Henry, Thomas Paine, Thomas Jefferson, Alexander Hamilton, and James Madison between 1763 and 1789
- Minutemen at the Battles of Lexington and Concord
- Washington’s Crossing of the Delaware
- The American farmers joining the Battle of Saratoga
- Washington encouraging his men at Valley Forge
- Stories of Margaret Corbin, Molly Pitcher, Abigail Adams, and Martha Washington during the war
- Washington’s dismissal of the Newburgh Conspiracy
- Benjamin Franklin’s reply to a woman’s question about what the Constitutional Convention had created: “A republic, if you can keep it,” and what this means
- The correspondence between Thomas Jefferson and Benjamin Banneker

QUESTIONS FOR THE AMERICAN MIND

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

Lesson 1 | Self Government or Tyranny

- ☐ Why had the colonies been mostly left to their own devices? Why was this “neglect” “salutary”?
- ☐ How did the British situation following the French and Indian War lead the British to exert more authority over the colonists?
- ☐ In what ways did the British begin to exert control over the colonists without their consent?
- ☐ What did the Stamp Act do? Why did this act in particular undermine the principle of self-government and consent? How did the colonists respond?
- ☐ What is self-government? In what ways was the colonists’ freedom to govern themselves threatened and curtailed by the British between 1763 and 1776?
- ☐ What is the relationship between this question of representative self-government and that of liberty and tyranny?
- ☐ What were the two oftentimes competing approaches the colonists took to addressing Parliament’s actions?
- ☐ How did the Boston Massacre change public opinion among the colonists?

- ☐ Why did Parliament pass the Intolerable Acts? What did they do (five actions)?
- ☐ Was war inevitable? Was independence?
- ☐ In what ways did Thomas Paine’s *Common Sense* influence public opinion?
- ☐ What actions by the British in the spring of 1776 prompted Richard Henry Lee of Virginia to introduce a motion for independence?

Lesson 2 | The Declaration of Independence

- ☐ In its opening lines, what is the Declaration claiming to be doing, and what does it want its audience to do in response?
- ☐ What are “the Laws of Nature and of Nature’s God”?
- ☐ What is a “self-evident” truth?
- ☐ What does it mean that “all men are created equal”?
- ☐ What is a *right*?
- ☐ According to the Declaration of Independence, from where do natural rights come?
- ☐ What does “unalienable” mean?
- ☐ What does the word “certain” imply about these rights?
- ☐ What does the word “among” imply about these rights?
- ☐ What is liberty according to the Founders? How is it distinct from license?
- ☐ Why did Jefferson use “the pursuit of happiness” instead of “property”?
- ☐ What is the purpose of government?
- ☐ From where does a government derive its just powers?
- ☐ What are the people free—and even duty-bound—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?
- ☐ Why did northern delegates, who were opposed to slavery and wanted it abolished, believe that compromising with southern delegates by omitting the issue of slavery from the Declaration’s list of grievances would be more likely to lead to the abolition of slavery than splitting with the southern colonies over the issue in 1776?
- ☐ 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 War of Independence

- ☐ What were the advantages and disadvantages that the Americans and British each faced at the outset of the war?
- ☐ What were the overall strategies that each side pursued in the course of the war?
- ☐ What were the major contributions and moments in George Washington’s generalship during the war?
- ☐ Why was the Battle of Saratoga so significant? What did the Americans gain from their newfound ally?
- ☐ What important contribution did Baron von Steuben make to the Continental Army?
- ☐ What factors, figures, moments, etc., led the Americans to victory?

- ☐ Why were soldiers on the verge of mutiny in 1783? How did George Washington resolve the crisis?

Lesson 4 | The U.S. Constitution

- ☐ What did the Northwest Ordinance of 1787 do, especially with respect to the future of western lands, public education, and preventing the expansion of slavery?
- ☐ What were the specific problems of the Articles of Confederation? What issues did they permit to arise and fester?
- ☐ What is the relationship between the Declaration of Independence and the Constitution?
- ☐ What did *The Federalist* argue about each of the following:
 - human nature
 - ambition
 - faction
 - majority tyranny
 - republicanism
 - morality
- ☐ What were the major disagreements at the Constitutional Convention?
- ☐ What was the great issue regarding representation? How was it resolved?
- ☐ What are the various ways that the Constitution addresses the issue of faction, as outlined in *Federalist* 10?
- ☐ What is federalism? Why is it important?
- ☐ What is separation of powers, why is it a principle for the arrangement of government power, and how does the Constitution achieve this?
- ☐ Contrast the character of the House of Representatives to that of the Senate, explaining the purpose for these differences and how their features (method of selection, qualifications, term lengths, percentage of each house up for election at a given time, etc.) contribute to their respective purposes.
- ☐ What is the Electoral College, how did it originally work, and what is its purpose?
- ☐ How did the Constitution balance freedom (majority rule) and justice (preserving minority rights)?
- ☐ 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?
- ☐ 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?
- ☐ 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?
- ☐ To whom are elected officials and the Constitution itself ultimately subject?

Name _____

Date _____

Test — The American Founding

Unit 2

TIMELINE*Write the letter of each event next to the date or years it took place.*

1754–63 _____
 1763 _____
 1770 _____
 1773 _____
 1774 _____
 (1775) 1776–83 _____
 1775 _____
 July 4, 1776 _____
 1776 (Fall) _____
 1776 (Christmas) _____
 1777 _____
 1777–78 _____
 1781 _____
 1783 _____
 Sept. 17, 1787 _____
 1789 _____

- A. Battle of New York
- B. Battle of Saratoga
- C. Battle of Trenton
- D. Battle of Yorktown; Cornwallis Surrenders
- E. Battles of Lexington and Concord and of Bunker Hill
- F. Boston Massacre
- G. Boston Tea Party
- H. Constitutional Convention concludes (Constitution Day)
- I. Constitution takes effect; George Washington elected president
- J. Declaration of Independence signed
- K. French & Indian War
- L. Intolerable Acts
- M. Proclamation Line
- N. Treaty of Paris
- O. War of Independence
- P. Winter Quarters at Valley Forge

GEOGRAPHY AND PLACES

1. Draw a line indicating the border that the Proclamation of 1763 attempted to establish.
2. Label with dots the locations of Lexington and Concord, Fort Ticonderoga, Philadelphia, New York, Trenton, Saratoga, Valley Forge, and Yorktown.

Map courtesy of *A Student Workbook for Land of Hope*.

PERSONS, TERMS, AND TOPICS

Fill in the blank.

3. Following the French and Indian War, American colonists were expecting unbridled opportunities to expand westward. To prevent conflict with Native Americans, however, the British Parliament passed the _____, which prohibited settlement west of the Appalachian Mountains and signified a subtle but marked shift in British policy away from “salutary neglect.”
4. Parliament’s first act to raise more money for the defense of the colonies, but especially to help pay off Britain’s debt from the French and Indian War, was the _____ on products such as molasses, which actually lowered the customs duty but, to the ire of the colonists, enforced the collection thereof, indicating another shift away from “salutary neglect.”
5. In response to the Stamp Act, a group of merchants, smugglers, and ordinary craftsmen formed the Sons of Liberty, led by _____. Their actions were more characteristic of a mob and represented one of two simultaneous approaches to addressing British violations of rights.
6. Perhaps the most influential of colonial leaders was _____, whose age and fame from his enterprises as a printer, inventor, scientist, writer, deist, pioneer in electricity, and author of *Poor Richard’s Almanac* lent not only superb intellect and experience to the revolutionary mind but also respectability.
7. While the Boston Massacre shifted colonial opinion against the British, _____’s devotion to justice led him to defend the British soldiers against charges of murder. As a result of his principled defense of even his would-be enemies, he gained a respected role in colonial leadership and would emerge as one of the most vocal leaders of the colonial cause.
8. The occupation of Boston following the Boston Tea Party aroused sympathy from other colonies and led the secret assemblies of each colony, called _____, to meet in the fall of 1774 in Philadelphia in order to form a plan of united, peaceful resistance to Britain. This body of colonial leaders is known by history as the First Continental Congress.
9. In May of 1775, generals Ethan Allen and Benedict Arnold launched a surprise attack on _____ on Lake Champlain in upstate New York. The siege was successful without a shot, and it captured cannons which almost a year later would be floated down the lake, carted across muddy spring roads, and erected in the middle of the night to liberate Boston.
10. In the early summer of 1775, colonial leaders meeting in Philadelphia agreed to adopt the New England militia outside of Boston and join to it the militia of other colonies to form the _____.
11. Public opinion was still by no means in favor of independence as 1776 began, but such sentiments rapidly began to change with the publication and wide dissemination of *Common Sense* by _____, who articulated clearly the situation of the colonists and made strong appeals to a more courageous approach to securing justice and freedom via independence.

12. With the Congress's Olive Branch Petition having been rejected, in June of 1776, Richard Henry Lee of Virginia moved that the congress vote "[t]hat these United Colonies are, and of right ought to be, free and independent States." "In case the Congress agreed thereto," a committee was formed to draft a statement of independence. The primary author of the Declaration of Independence was the young, talented aristocrat from Virginia named _____.
13. The general apathy of the average Englishman toward the war in North America urged Great Britain to hire a number of Hessian _____, or soldiers for hire, from the German kingdoms. Using such soldiers against their supposed fellow countrymen convinced many undecided Americans to abandon the British and to support the Patriots' cause.
14. While the British fought almost exclusively with the European tactic of firing a volley from one line of soldiers across a field toward another line, followed by bayonet combat, the American forces combined this style with what would nowadays be called _____, or fighting from cover or by surprise attack.
15. The first battle after the Declaration of Independence was signed was a disaster for Washington's army. His poor defense of this harbor city led to his army's quick routing and months-long retreat to Pennsylvania. Thus did the Battle of _____ bode ill for the American war effort.
16. As a result of a shocking English surrender in upstate New York, the United States was able to secure the alliance with the Netherlands and, most importantly, the _____ Treaty of Alliance.
17. The American War of Independence, which had informally begun at the battles of Lexington and Concord, was drawn out into its sixth year by 1781. After a successful victory at the Battle of Cowpens, South Carolina, led by the Marquis de Lafayette and _____, the Americans forced General Cornwallis to retreat north to Virginia, where he made camp twenty-five miles from Jamestown with the Chesapeake Bay at his back.
18. Citing numerous weaknesses in the existing national government, in 1787 Congress called for a _____ made up of members appointed by each state to suggest improvements to the existing government. Instead, during the summer months, these fifty-five delegates in Philadelphia crafted an entirely new government as set forth in the document known as the United States Constitution.
19. Known as the Father of the Constitution, _____ came to Philadelphia in 1787 with many ideas for the Constitution and kept detailed notes of the Convention. One significant area of compromise was over the issue of representation, where his Virginia Plan was combined with the New Jersey Plan to propose a bicameral legislature with two different forms of representation.
20. To convince the people of America to encourage their states' ratifying conventions toward approving the new plan of government, three men writing under the pseudonym Publius, after the ancient Roman republican statesman, wrote a series of eighty-five newspaper articles defending and explaining the new plan. Collectively, these papers are known as *The* _____.

21. Washington's ablest assistant was Colonel _____, an orphan who became a successful lawyer and pamphlet writer before the Revolution and whose leadership in the artillery regiment earned him a promotion to Washington's staff. He left Washington's headquarters to lead a successful and crucial capture of Redoubt No. 10, which hastened an American–French victory in the final battle of the war, and he was a chief proponent of the new Constitution eight years later.
22. The ratification debates ultimately resulted in a compromise between the Federalists and Anti-Federalists, in which a _____ was agreed to be included as amendments to the Constitution. While heavily debated at the time, the insistence by Anti-Federalists to state explicitly fundamental freedoms that the government may not violate has proven to be one of their greatest contributions to the American experiment in self-government.

MAJOR CONFLICTS

Explain how each battle began, narrate what happened in it and how, and explain the significance of the battle's outcome.

23. Trenton

24. Saratoga

25. Yorktown

KNOWN BY HEART

Fill in missing words and identify the source.

26. “We hold these _____ to be _____, that all men are _____, that they are endowed by their Creator with certain _____, that among these are _____, _____ and the pursuit of _____.—That to _____ these rights, _____ are instituted among Men, deriving their just powers from the _____,—That whenever any Form of Government becomes _____ of these ends, it is the Right of the People to alter or to _____ 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.”

Source: _____

27. “_____, _____, and _____, being necessary to good _____ and the _____ of mankind, _____ and the means of education shall forever be encouraged.”

Source: _____

28. “We the _____ of the United States, in Order to form a _____, establish _____, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the _____ to ourselves and our Posterity, do ordain and establish this _____ for the United States of America.”

Source: _____

29. “Congress shall make no law respecting an establishment of _____ or prohibiting the free exercise thereof; or abridging the freedom of _____, or of the _____; or the right of the people peaceably to _____, and to petition the Government for a redress of grievances.”

Source: _____

30. “A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and _____, shall not be infringed.”

Source: _____

31. “...nor shall [any person] be compelled in any criminal case to be- a witness against himself, nor be deprived of life, liberty, or property, without _____....”

Source: _____

STORIES FOR THE AMERICAN HEART

In your own words, retell each episode in narrative form. Consider your audience to be middle school students.

32. Tell the biography of George Washington, from his childhood through the Constitutional Convention.

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.

33. What is self-government? In what ways was the colonists' freedom to govern themselves threatened and curtailed by the British between 1763 and 1776?
34. Why did Parliament pass the Intolerable Acts? What did they do (five actions)?
35. What actions by the British in the spring of 1776 prompted Richard Henry Lee of Virginia to introduce a motion for independence?
36. In its opening lines, what is the Declaration claiming to be doing, and what does it want its audience to do in response?
37. What is a "self-evident" truth?
38. What does it mean that "all men are created equal"?
39. According to the Declaration of Independence, from where do natural rights come? What does "unalienable" mean?
40. Why did Jefferson use "the pursuit of happiness" instead of "property"?
41. What is the purpose of government? From whence comes a government's power?

42. Why did northern delegates to both the Second Continental Congress and the Constitutional Convention who were opposed to slavery and wanted it abolished believe that compromising with southern delegates by limiting but not outlawing slavery was the only way slavery could ever be abolished in the South?
43. What were the overall strategies that each side pursued in the course of the War of Independence?
44. What factors, figures, moments, etc., led the Americans to victory?
45. What did the Northwest Ordinance of 1787 do, especially with respect to the future of western lands, public education, and preventing the expansion of slavery?
46. What is the relationship between the Declaration of Independence and the Constitution?
47. What is separation of powers, why is it a principle for the arrangement of government power, and how does the Constitution achieve this?
48. What are the three clauses related to slavery in the Constitution? Explain each.
49. Why does the Constitution make it so hard for it to be amended?
50. To whom are elected officials and the Constitution itself ultimately subject?

Writing Assignment — The American Founding

Unit 2

Due on _____

DIRECTIONS

Citing events and primary sources in your argument, write a 500–800-word essay answering this question:

Based on the documents, thoughts, words, and deeds that founded the United States, what is America, what is its purpose, and how do its people and institutions attempt to fulfill its purpose?

APPENDIX B

Primary Sources

Richard Bland

Benjamin Franklin

The Virginia House of Burgesses

John Adams

Patrick Henry

Edmund Burke

Thomas Paine

The Second Continental Congress

George Washington

Phyllis Wheatley

The United States Congress

The American People

James Madison

Alexander Hamilton

RICHARD BLAND, MEMBER OF THE VIRGINIA HOUSE OF BURGESSES

An Inquiry into the rights of the British colonies

PAMPHLET EXCERPTS

1766

Williamsburg, Virginia

BACKGROUND

Virginian Richard Bland wrote this pamphlet in the earliest years of the growing conflict between the British Parliament and the British colonists in North America.

GUIDING QUESTIONS

1. Upon what principles is the British Constitution founded, according to Bland?
2. Why is the British Constitution imperfect according to Bland?
3. To what do the colonists have recourse when they are deprived of their civil rights?

Richard Bland, *An inquiry into the rights of the British colonies, intended as an answer to The regulations lately made concerning the colonies, and the taxes imposed upon them considered. : In a letter addressed to the author of that pamphlet* (Williamsburg, VA: Alexander Purdie, & Co., 1766).

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The Question is whether the Colonies are represented in the British Parliament or not? You affirm it to be indubitable Fact that they are represented, and from thence you infer a Right in the Parliament to impose Taxes of every Kind upon them. You do not insist upon the Power, but upon the Right of Parliament to impose Taxes upon the Colonies. This is
5 certainly a very proper Distinction, as Right and Power have very different Meanings, and convey very different Ideas: For had you told us that the Parliament of Great Britain have Power, by the Fleets and Armies of the Kingdom, to impose Taxes and to raise Contributions upon the Colonies, I should not have to presumed to dispute the Point with you; but as you insist upon the Right only, I must beg Leave to differ from you in Opinion,
10 and shall give my Reasons for it....

I cannot comprehend how Men who are excluded from voting at the Election of Members of Parliament can be represented in that Assembly, or how those who are elected do not sit in the House as Representatives of their Constituents. These Assertions appear to me not only paradoxical, but contrary to the fundamental Principles of the English Constitution.

15 To illustrate this important Disquisition, I conceive we must recur to the civil Constitution of England, and from thence deduce and ascertain the Rights and Privileges of the People at the first Establishment of the Government, and discover the Alterations that have been made in them from Time to Time; and it is from the Laws of the Kingdom, founded upon the Principles of the Law of Nature, that we are to show the Obligation every Member of
20 the State is under to pay Obedience to its Institutions. From these Principles I shall endeavor to prove that the Inhabitants of Britain, who have no Vote in the Election of Members of Parliament, are not represented in that Assembly, and yet that they owe Obedience to the Laws of Parliament; which, as to them, are constitutional, and not arbitrary. As to the Colonies, I shall consider them afterwards.

25 Now it is a Fact, as certain as History can make it, that the present civil Constitution of England derives its Original from those Saxons who, coming over to the Assistance of the Britons in the Time of their King Vortiger made themselves Masters of the Kingdom, and es-

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tablished a Form of Government in it similar to that they had been accustomed to live under in their native Country as similar, at least, as the Difference of their Situation and Circumstances would permit. This Government, like that from whence they came, was founded upon Principles of the most perfect Liberty: The conquered Lands were divided
5 among the Individuals in Proportion to the Rank they held in the Nation, and every Freeman, that is, every Freeholder, was a member of their Wittinagemot, or Parliament. The other Part of the Nation, or the Non-Proprietors of Land, were of little Estimation. They, as in Germany, were either Slaves, mere Hewers of Wood and Drawers of Water, or Freedmen; who, being of foreign Extraction, had been manumitted by their Masters, and were
10 excluded from the high Privilege of having a Share in the Administration of the Commonwealth, unless they became Proprietors of Land (which they might obtain by Purchase or Donation) and in that Case they has a Right to sit with the Freemen, in the Parliament or sovereign Legislature of the State.

How long this Right of being personally present in the Parliament continued, or when the
15 Custom of sending Representatives to this great Council of the Nation, was first introduced, cannot be determined with Precision; but let the Custom of Representation be introduced when it will, it is certain that every Freeman, or, which was the same Thing in the Eye of the Constitution, every Freeholder, had a right to vote at the Election of Members of Parliament, and therefore might be said, with great Propriety, to be present in that Assembly, either in his own Person or by Representation. This Right of Election in the Freeholders is evident from the Statute 1st Hen. 5. Ch. 1st, which limits the Right of Election to
20 those Freeholders only who are resident in the Counties the Day of the Date of the Writ of Election; but yet every resident Freeholder indiscriminately, let his Freehold be ever so small, had a Right to vote at the Election of Knights for his County so that they were actually
25 represented. And this Right of Election continued until it was taken away by the Statute 8th Hen. 6 Ch. 7. Shillings by the year at the least.

Now this statute was deprivative of the Right of those Freeholders who came within the Description of it; but of what did it deprive them, if they were represented notwithstanding their Right of Election was taken from them? The mere Act of voting was nothing, of no

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Value, if they were represented as constitutionally without it as with it: But when by the fundamental Principles of the Constitution they were to be considered as Members of the Legislature, and as such had a right to be present in Person, or to send their Procurators or Attornies, and by them to give their Suffrage in the supreme Council of the Nation, this
5 Statute deprived them of an essential Right; a Right without which by the ancient Constitution of the State, all other Liberties were but a Species of Bondage.

As these Freeholders then were deprived of their Rights to substitute Delegates to Parliament, they could not be represented, but were placed in the same Condition with the Non-Proprietors of Land, who were excluded by the original Constitution from having any Share
10 in the Legislature, but who, notwithstanding such Exclusion, are bound to pay Obedience to the Laws of Parliament, even if they should consist of nine Tenths of the People of Britain; but then the Obligation of these Laws does not arise from their being virtually represented in Parliament, but from a quite different Reason....

From hence it is evident that the Obligation of the Laws of Parliament upon the People
15 of Britain who have no Right to be Electors does not arise from their being virtually represented, but from a quite different Principle; a Principle of the Law of Nature, true, certain, and universal, applicable to every Sort of Government, and not contrary to the common Understandings of Mankind.

If what you say is real Fact, that the nine Tenths of the People of Britain are deprived of the
20 high Privilege of being Electors, it shows a great Defect in the present Constitution, which has departed so much from its original Purity; but never can prove that those People are even virtually represented in Parliament. And here give me Leave to observe that it would be a Work worthy of the best patriotick Spirits in the Nation to effectuate an Alteration in this putrid Part of the Constitution; and, by restoring it to its pristine Perfection, prevent
25 any "Order or Rank of the Subjects from imposing upon or binding the rest without their Consent." But, I fear, the Gangrene has taken too deep Hold to be eradicated in these Days of Venality.

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But if those People of Britain who are excluded from being Electors are not represented in Parliament, the Conclusion is much stronger against the People of the Colonies being represented; who are considered by the British Government itself, in every Instance of Parliamentary Legislation, as a distinct People....

- 5 As then we can receive no Light from the Laws of the Kingdom, or from ancient History, to direct us in our Inquiry, we must have Recourse to the Law of Nature, and those Rights of Mankind which flow from it.

- I have observed before that when Subjects are deprived of their civil Rights, or are dissatisfied with the Place they hold in the Community, they have a natural Right to quit the Society of which they are Members, and to retire into another Country. Now when Men exercise this Right, and withdraw themselves from their Country, they recover their natural Freedom and Independence: The Jurisdiction and Sovereignty of the State they have quitted ceases; and if they unite, and by common Consent take Possession of a New Country, and form themselves into a political Society, they become a sovereign State, independent of the State from which they have separated. If then the Subjects of England have a natural Right to relinquish their Country, and by retiring from it, and associating together, to form a new political Society and independent State, they must have a Right, by Compact with Sovereign of the Nation, to remove into a new Country, and to form a civil Establishment upon the Terms of the Compact. In such a Case, the Terms of the Compact must be obligatory and binding upon the Parties; they must be the Magna Charta, the fundamental Principles of Government, to this new Society; and every Infringement of them must be wrong, and may be opposed. It will be necessary then to examine whether any such Compact was entered into between the Sovereign and those English Subjects who established themselves in America.
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20

BENJAMIN FRANKLIN

To Lord Kaims

LETTER

February 25, 1767
London, Great Britain

BACKGROUND

While in Great Britain, the famous American colonist Benjamin Franklin addressed this letter to his friend, Lord Kaims.

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I Received your Favour of Jan. 19. You have kindly reliev'd me from the Pain I had long been under. You are Goodness itself.

I ought long since to have answered yours of Decr. 25. 1765. I never receiv'd a Letter that contain'd Sentiments more suitable to my own. It found me under much Agitation of Mind
5 on the very important Subject it treated. It fortified me greatly in the Judgment I was inclined to form (tho' contrary to the general Vogue) on the then delicate and critical Situation of Affairs between Britain and her Colonies; and on that weighty Point their Union: You guess'd aright in supposing I could not be a Mute in that Play. I was extreamly busy, attending Members of both Houses, informing, explaining, consulting, disputing, in a continual Hurry from Morning to Night till the Affair was happily ended. During the Course
10 of it, being called before the House of Commons, I spoke my Mind pretty plainly. Inclos'd I send you the imperfect Account that was taken of that Examination; you will there see how intirely we agree, except in a Point of Fact of which you could not but be mis-inform'd, the Papers at that time being full of mistaken Assertions, that the Colonies had been the
15 Cause of the War, and had ungratefully refus'd to bear any part of the Expence of it. I send

Benjamin Franklin, "From Benjamin Franklin to Lord Kames, 25 February 1767," Founders Online, National Archives, <https://founders.archives.gov/documents/Franklin/01-14-02-0032>. [Original source: *The Papers of Benjamin Franklin*, vol. 14, January 1 through December 31, 1767, ed. Leonard W. Labaree. New Haven and London: Yale University Press, 1970, pp. 62–71.]

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it you now, because I apprehend some late Incidents are likely to revive the Contest between the two Countries. I fear it will be a mischievous one. It becomes a Matter of great Importance that clear Ideas should be formed on solid Principles, both in Britain and America, of the true political Relation between them, and the mutual Duties belonging to that Relation. Till this is done, they will be often jarring. I know none whose Knowledge, Sagacity and Impartiality, qualify them so thoroughly for such a Service, as yours do you. I wish therefore you would consider it. You may thereby be the happy Instrument of great Good to the Nation, and of preventing much Mischief and Bloodshed. I am fully persuaded with you, that a consolidating Union, by a fair and equal Representation of all the Parts of this Empire in Parliament, is the only firm Basis on which its political Grandeur and Stability can be founded. Ireland once wish'd it, but now rejects it. The Time has been when the Colonies might have been pleas'd with it; they are now indifferent about it; and, if 'tis much longer delay'd, they too will refuse it. But the Pride of this People cannot bear the Thoughts of it. Every Man in England seems to consider himself as a Piece of a Sovereign over America; seems to jostle himself into the Throne with the King, and talks of OUR Subjects in the Colonies. The Parliament cannot well and wisely make Laws suited to the Colonies, without being properly and truly informed of their Circumstances, Abilities, Temper, &c. This it cannot be without Representatives from thence. And yet it is fond of this Power, and averse to the only Means of duly acquiring the necessary Knowledge for exercising it, which is desiring to be omnipotent without being omniscient.

I have mentioned that the Contest is like to be revived. It is on this Occasion. In the same Session with the Stamp Act, an Act was pass'd to regulate the Quartering of Soldiers in America. When the Bill was first brought in, it contain'd a Clause empowering the Officers to quarter their Soldiers in private Houses; this we warmly oppos'd, and got it omitted. The Bill pass'd however, with a Clause that empty Houses, Barns, &c. should be hired for them; and that the respective Provinces where they were, should pay the Expence, and furnish Firing, Bedding, Drink, and some other Articles, to the Soldiers, gratis. There is no way for

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any Province to do this, but by the Assembly's making a Law to raise the Money. Pensilvania Assembly has made such a Law. New York Assembly has refus'd to do it. And now all the Talk here is to send a Force to compel them.

5 The Reasons given by the Assembly to the Governor for their Refusal, are, That they understand the Act to mean the furnishing such things to Soldiers only while on their March thro' the Country, and not to great Bodies of Soldiers, to be fixt as at present in the Province, the Burthen in the latter Case being greater than the Inhabitants can bear: That it would put it in the Power of the Captain General to oppress the Province at pleasure, &c. But there is suppos'd to be another Reason at bottom, which they intimate, tho' they do not
10 plainly express it; to wit, that it is of the nature of an internal Tax laid on them by Parliament, which has no Right so to do. Their Refusal is here called Rebellion, and Punishment is thought of.

Now waiving that Point of Right, and supposing the Legislatures in America subordinate to the Legislature of Great Britain, one might conceive, I think, a Power in the superior
15 Legislature to forbid the inferior Legislature's making particular Laws; but to enjoin it to make a particular Law, contrary to its own Judgment, seems improper, an Assembly or Parliament not being an executive Officer of Government, whose Duty it is, in Law-making, to obey Orders; but a deliberative Body, who are to consider what comes before them, its Propriety, Practicability, or Possibility, and to determine accordingly. The very Nature
20 of a Parliament seems to be destroy'd, by supposing it may be bound and compell'd by a Law of a superior Parliament to make a Law contrary to its own Judgment.

Indeed the Act of Parliament in question has not, as in other Acts, when a Duty is enjoined, directed a Penalty on Neglect or Refusal, and a Mode of Recovering that Penalty. It seems therefore to the People in America as a mere Requisition, which they are at Liberty to comply with or not as it may suit or not suit the different Circumstances of different Colonies.
25 Pensilvania has therefore voluntarily comply'd. New York, as I said before, has refus'd. The Ministry that made the Act, and all their Adherents, call out for Vengeance. The present Ministry are perplext, and the Measures they will finally take on the Occasion are unknown.

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But sure I am, that, if Force is us'd, great Mischief will ensue, the Affections of the People of America to this Country will be alienated, your Commerce will be diminished, and a total Separation of Interests be the final Consequence.

It is a common but mistaken Notion here, that the Colonies were planted at the Expence of Parliament, and that therefore the Parliament has a Right to tax them, &c. The Truth is, they were planted at the Expence of private Adventurers, who went over there to settle with Leave of the King given by Charter. On receiving this Leave and these Charters, the Adventurers voluntarily engag'd to remain the King's Subjects, though in a foreign Country, a Country which had not been conquer'd by either King or Parliament, but was possess'd by a free People. When our Planters arriv'd, they purchas'd the Lands of the Natives without putting King or Parliament to any Expence. Parliament had no hand in their Settlement, was never so much as consulted about their Constitution, and took no kind of Notice of them till many Years after they were established; never attempted to meddle with the Government of them, till that Period when it destroy'd the Constitution of all Parts of the Empire, and usurp'd a Power over Scotland, Ireland, Lords and King. I except only the two modern Colonies, or rather Attempts to make Colonies, (for they succeed but poorly, and as yet hardly deserve the Name of Colonies) I mean Georgia and Nova Scotia, which have been hitherto little better than Parliamentary Jobbs. Thus all the Colonies acknowledge the King as their Sovereign: His Governors there represent his Person. Laws are made by their Assemblies or little Parliaments, with the Governor's Assent, subject still to the King's Pleasure to confirm or annul them. Suits arising in the Colonies, and Differences between Colony and Colony, are not brought before your Lords of Parliament, as those within the Realm, but determined by the King in Council. In this View they seem so many separate little States, subject to the same Prince. The Sovereignty of the King is therefore easily understood. But nothing is more common here than to talk of the Sovereignty of Parliament, and the Sovereignty of this Nation over the Colonies; a kind of Sovereignty the Idea of which is not so clear, nor does it clearly appear on what Foundations it is established. On the other hand it seems necessary for the common Good of the Empire, that a Power be

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lodg'd somewhere to regulate its general Commerce; this, as Things are at present circumstanc'd, can be plac'd no where so properly as in the Parliament of Great Britain; and therefore tho' that Power has in some Instances been executed with great Partiality to Britain and Prejudice to the Colonies, they have nevertheless always submitted to it. Customhouses
5 are established in all of them by Virtue of Laws made here, and the Duties constantly paid, except by a few Smugglers, such as are here and in all Countries; but internal Taxes laid on them by Parliament are and ever will be objected to, for the Reasons that you will see in the mentioned Examination.

Upon the whole, I have lived so great a Part of my Life in Britain, and have formed so many
10 Friendships in it, that I love it and wish its Prosperity, and therefore wish to see that Union on which alone I think it can be secur'd and establish'd. As to America, the Advantages of such an Union to her are not so apparent. She may suffer at present under the arbitrary Power of this Country; she may suffer for a while in a Separation from it; but these are temporary Evils that she will outgrow. Scotland and Ireland are differently circumstanc'd.
15 Confin'd by the Sea, they can scarcely increase in Numbers, Wealth and Strength so as to overbalance England. But America, an immense Territory, favour'd by Nature with all Advantages of Climate, Soil, great navigable Rivers and Lakes, &c. must become a great Country, populous and mighty; and will in a less time than is generally conceiv'd be able to shake off any Shackles that may be impos'd on her, and perhaps place them on the Imposers. In
20 the mean time, every Act of Oppression will sour their Tempers, lessen greatly if not annihilate the Profits of your Commerce with them, and hasten their final Revolt: For the Seeds of Liberty are universally sown there, and nothing can eradicate them. And yet there remains among that People so much Respect, Veneration and Affection for Britain, that, if cultivated prudently, with kind Usage and Tenderness for their Privileges, they might be
25 easily govern'd still for Ages, without Force or any considerable Expence. But I do not see here a sufficient Quantity of the Wisdom that is necessary to produce such a Conduct, and I lament the Want of it.

I borrow'd at Millar's the new Edition of your Principles of Equity, and have read with great Pleasure the preliminary Discourse. I have never before met with any thing so satisfactory

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on the Subject. While Reading it, I made a few Remarks as I went along: They are not of much Importance, but I send you the Paper.

I know the Lady you mention, having, when in England before, met with her once or twice at Lord Bath's. I remember I then entertain'd the same Opinion of her that you express. On
5 the Strength of your kind Recommendation, I purpose soon to wait on her.

This is unexpectedly grown a long Letter. The Visit to Scotland, and the Art of Virtue, we will talk of hereafter. It is now time to say, that I am, with increasing Esteem and Affection,
My dear Friend, Yours ever

10 B Franklin

VIRGINIA HOUSE OF BURGESSES

Resolves

LEGISLATIVE RESOLUTION

May 16, 1765

The Capitol | Williamsburg, Virginia

BACKGROUND

The Virginia House of Burgesses passed this resolution in response to the British Parliament's Stamp Act of 1765.

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Resolved, That it is the Opinion of this Committee, that the sole Right of imposing Taxes on the Inhabitants of this his Majesty's Colony and Dominion of Virginia, is now, and ever hath been, legally and constitutionally vested in the House of Burgesses, lawfully convened according to the ancient and establish Practice, with the Consent of the Council, and of his Majesty, the King of Great-Britain, or his Governor, for the Time being.

Resolved, That it is the Opinion of this Committee, that it is the undoubted Privilege of the Inhabitants of this Colony, to petition their Sovereign for Redress of Grievances; and that it is lawful and expedient to procure the Concurrence of his Majesty's other Colonies, in dutiful Addresses, praying the royal Interposition in Favour of the Violated Rights of America.

Resolved, That it is the Opinion of this Committee, that all Trials for Treason, Misprison of Treason, or for any Felony or Crime whatsoever, committed and done in this his Majesty's said Colony and Dominion, by any Person or Persons, residing in this Colony, suspected of any Crime whatsoever, committed therein, and sending such Person, or Persons,

John Pendleton Kennedy, *Journals of the House of Burgesses of Virginia, 1766-1769* (Richmond, VA., 1906).

to Places beyond the Sea, to be tried, is highly derogatory of the Rights of British subjects; as thereby the inestimable Privilege of being tried by a Jury from the Vicinage, as well as the Liberty of summoning and producing Witnesses on such Trial, will be taken away from the Party accused.

- 5 Resolved, That it is the Opinion of this Committee, that an humble, dutiful, and loyal Address, be presented to his Majesty, to assure him of our inviolable Attachment to his sacred Person and Government; and to beseech his royal Interposition, as the Father of all his people, however remote from the Seat of his Empire, to quiet the Minds of his loyal Subjects of this Colony, and to avert from them, those Dangers and Miseries which will ensue, from
- 10 the seizing and carrying beyond Sea, any Person residing in America, suspected of any Crime whatsoever, to be tried in any other Manner, than by the ancient and long established Course of Proceeding.

NOVANGLUS (JOHN ADAMS)

A History of the Dispute with America, From Its Origin in 1754 to the Present Time, No. VII

ARTICLE EXCERPTS

1774

Boston Gazette | Boston, Massachusetts

BACKGROUND

John Adams wrote this as part of a series of articles in 1774 under the pseudonym *Novanglus* in response to articles by Daniel Leonard, who himself was writing under the pseudonym *Massachusettensis* and who was critical of the patriots' position against Great Britain over the past several years.

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To the Inhabitants of the Colony of Massachusetts-Bay

My Friends,

Our rhetorical magician, in his paper of January the 9th continues to wheedle. "You want nothing but to know the true state of facts, to rectify whatever is amiss." He becomes an advocate for the poor of Boston! Is for making great allowance for the whigs. "The whigs are too valuable a part of the community to lose. He would not draw down the vengeance of Great Britain. He shall become an advocate for the leading whigs," &C. It is in vain for us to enquire after the sincerity or consistency of all this. It is agreeable to the precept of Horace:

10 *Irritat, mulcet falsis terroribus implet, ut magus.*

John Adams, *The Works of John Adams, Second President of the United States: with a Life of the Author, Notes and Illustrations, by his Grandson Charles Francis Adams*, Vol. 4 (Boston: Little, Brown and Co., 1856), 71-85, https://oll.libertyfund.org/title/adams-the-works-of-john-adams-vol-4#lf1431-04_head_005.

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And that is all he desires.

After a long discourse, which has nothing in it but what has been answered already, he comes to a great subject indeed, the British constitution; and undertakes to prove that “the authority of parliament extends to the colonies.”...

- 5 The question is not therefore, whether the authority of parliament extends to the colonies in any case; for it is admitted by the whigs that it does in that of commerce: But whether it extends in all cases....

- 10 If the English parliament were to govern us, where did they get the right, without our consent to take the Scottish parliament, into a participation of the government over us? When this was done, was the American share of the democracy of the constitution consulted? If not, were not the Americans deprived of the benefit of the democratical part of the constitution?...

- 15 If a new constitution was to be formed for the whole British dominions, and a supream legislature coextensive with it, upon the general principles of the English constitution, an equal mixture of monarchy, aristocracy and democracy, let us see what would be necessary. England have six millions of people we will say: America has three. England has five hundred members in the house of commons we will say: America must have two hundred and fifty. Is it possible she should maintain them there, or could they at such a distance know the state, the sense or exigences of their constituents? Ireland too must be incorporated, and send another hundred or two of members. The territory in the East-Indies and West India islands must send members. And after all this, every navigation act, every act of trade must be repealed. America and the East and West Indies and Africa too, must have equal liberty to trade with all the world, that the favoured inhabitants of Great-Britain have now. Will the ministry thank Massachusettensis for becoming an advocate for such an union and incorporation of all the dominions of the king of Great-Britain? Yet without such an union, a legislature which shall be sovereign and supream in all cases whatsoever, and co-extensive with the empire, can never be established upon the general principles of the English constitution, which Massachusettensis lays down, viz. an equal mixture of monarchy,
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- 25

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aristocracy and democracy. Nay further, in order to comply with this principle, this new government, this mighty Colossus which is to bestride the narrow world, must have an house of lords consisting of Irish, East and West Indian, African, American, as well as English and Scottish noblemen; for the nobility ought to be scattered about all the dominions, as well as the representatives of the commons. If in twenty years more America should have 5 six millions of inhabitants, as there is a boundless territory to fill up, she must have five hundred representatives. Upon these principles, if in forty years, she should have twelve millions, a thousand; and if the inhabitants of the three kingdoms remain as they are, being already full of inhabitants, what will become of your supream legislative? It will be trans- 10 lated, crown and all, to America. This is a sublime system for America. It will flatter those ideas of independency, which the tories impute to them, if they have any such, more than any other plan of independency, that I have ever heard projected....

Is it not astonishing then, that any British minister should ever have considered this subject so little as to believe it possible for him to new model all our governments, to tax us by an 15 authority that never taxed us before, and subdue us to an implicit obedience to a legislature, that millions of us scarcely ever tho't any thing about.

I have said that the practice of free governments alone can be quoted with propriety, to shew the sense of nations. But the sense and practice of nations is not enough. Their practice must be reasonable, just and right, or it will not govern Americans.

20 Absolute monarchies, whatever their practice may be, are nothing to us. For as Harrington observes, "Absolute monarchy, as that of the Turks, neither plants its people at home nor abroad, otherwise than as tenants for life or at will; wherefore its national and provincial government is all one."

I deny therefore that the practice of free nations, or the opinions of the best writers upon 25 the law of nations, will warrant the position of Massachusettensis, that when a nation takes possession of a distant territory, that becomes a part of the state equally with its ancient possessions. The practice of free nations, and the opinions of the best writers, are in general on the contrary.

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I agree, that “two supreme and independent authorities cannot exist in the same state,” any more than two supream beings in one universe. And therefore I contend, that our provincial legislatures are the only supream authorities in our colonies. Parliament, notwithstanding this, may be allowed an authority supreme and sovereign over the ocean, which may be
5 limited by the banks of the ocean, or the bounds of our charters; our charters give us no authority over the high seas. Parliament has our consent to assume a jurisdiction over them. And here is a line fairly drawn between the rights of Britain and the rights of the colonies, viz. the banks of the ocean, or low water mark. The line of division between common law and civil, or maritime law. If this is not sufficient—if parliament are at a loss for any prin-
10 ciple of natural, civil, maritime, moral or common law, on which to ground any authority over the high seas, the Atlantic especially, let the colonies be treated like reasonable creatures, and they will discover great ingenuity and modesty: The acts of trade and navigation might be confirmed by provincial laws, and carried into execution by our own courts and juries, and in this case illicit trade would be cut up by the roots forever. I knew the smug-
15 gling tories in New-York and Boston would cry out against this, because it would not only destroy their profitable game of smuggling, but their whole place and pension system. But the whigs, that is a vast majority of the whole continent, would not regard the smuggling tories. In one word, if public principles and motives and arguments, were alone to determine this dispute between the two countries, it might be settled forever, in a few hours; but
20 the everlasting clamours of prejudice, passion and private interest, drown every consideration of that sort, and are precipitating us into a civil war.

“If then we are a part of the British empire, we must be subject to the supreme power of the state, which is vested in the estates in parliament.”

Here again we are to be conjured out of our senses by the magic in the words “British empire,”—and “supreme power of the state.” But however it may sound, I say we are not a
25 part of the British empire. Because the British government is not an empire. The governments of France, Spain, &c. are not empires, but monarchies, supposed to be governed by fixed fundamental laws, tho' not really. The British government, is still less intituled to the style of an empire: it is a limitted monarchy. If Aristotle, Livy, and Harrington, knew what

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a republic was, the British constitution is much more like a republic than an empire. They define a republic to be a government of laws, and not of men. If this definition is just, the British constitution is nothing more nor less than a republic, in which the king is first magistrate. This office being hereditary, and being possessed of such ample and splendid prerogatives, is no objection to the government's being a republic, as long as it is bound by fixed laws, which the people have a voice in making, and a right to defend. An empire is a despotism, and an emperor a despot, bound by no law or limitation, but his own will: it is a stretch of tyranny beyond absolute monarchy. For altho' the will of an absolute monarch is law, yet his edicts must be registered by parliaments. Even this formality is not necessary in an empire. There the maxim is *quod principi placuit legis, habet vigorem*, even without having that will and pleasure recorded. There are but three empires now in Europe, the German, or Holy Roman, the Russian and the Ottoman.

There is another sense indeed in which the word empire is used, in which it may be applied to the government of Geneva, or any other republic, as well as to monarchy, or despotism. In this sense it is synonymous with government, rule or dominion. In this sense, we are within the dominion, rule or government of the king of Great-Britain.

The question should be, whether we are a part of the kingdom of Great-Britain: this is the only language, known in English laws. We are not then a part of the British kingdom, realm or state; and therefore the supreme power of the kingdom, realm or state, is not upon these principles, the supreme power over us. That "supreme power over America is vested in the estates in parliament," is an affront to us; for there is not an acre of American land represented there—there are no American estates in parliament.

To say that we "must be" subject, seems to betray a consciousness that we are not by any law or upon any principles, but those of meer power; and an opinion that we ought to be, or that it is necessary that we should be. But if this should be admitted, for argument sake only, what is the consequence? The consequences that may fairly be drawn are these. That Britain has been imprudent enough to let Colonies be planted, untill they are become numerous and important, without ever having wisdom enough to concert a plan for their

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government, consistent with her own welfare. That now it is necessary to make them submit to the authority of parliament: and because there is no principle of law or justice, or reason, by which she can effect it: therefore she will resort to war and conquest—to the maxim *delenda est Carthago*. These are the consequences, according to this writer's ideas.

- 5 We think the consequences are, that she has after 150 years, discovered a defect in her government, which ought to be supply'd by some just and reasonable means: that is, by the consent of the Colonies; for metaphysicians and politicians may dispute forever, but they will never find any other moral principle or foundation of rule or obedience, than the consent of governors and governed. She has found out that the great machine will not go any
- 10 longer without a new wheel. She will make this herself. We think she is making it of such materials and workmanship as will tear the whole machine to pieces. We are willing, if she can convince us of the necessity of such a wheel, to assist with artists and materials, in making it, so that it may answer the end: But she says, we shall have no share in it; and if we will not let her patch it up as she pleases, her Massachusettensis's and other advocates
- 15 tell us, she will tear it to pieces herself, by cutting our throats. To this kind of reasoning we can only answer, that we will not stand still to be butchered. We will defend our lives as long as providence shall enable us.

“It is beyond doubt, that it was the sense both of the Parent Country, and our Ancestors, that they were to remain subject to parliament.”

- 20 This has been often asserted, and as often contradicted, and fully confuted. The confutation, may not, however, have come to every eye which has read this News-Paper.

The public acts of kings and ministers of state, in that age, when our ancestors emigrated, which were not complained of, remonstrated and protested against by the commons, are look'd upon as sufficient proof of the “sense” of the parent country.

- 25 The charter to the treasurer and company of Virginia, 23 March 1609, grants ample powers of government, legislative, executive and judicial, and then contains an express covenant “to and with the said treasurer and company, their successors, factors and assigns, that they, and every of them, shall be free from all taxes and impositions forever, upon any goods or

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merchandizes, at any time or times hereafter, either upon importation thither, or exportation from thence, into our realm of England, or into any other of our realms or dominions.”

I agree with this writer that the authority of a supreme legislature, includes the right of taxation. Is not this quotation then an irresistible proof, that it was not the sense of king
5 James or his ministers, or of the ancestors of the Virginians, that they were “to remain subject to parliament as a supreme legislature.”

After this, James issued a proclamation, recalling this patent, but this was never regarded—then Charles issued another proclamation, which produced a remonstrance from Virginia, which was answered by a letter from the lords of the privy council, 22d July 1634, containing the royal assurance that “all their estates, trade, freedom, and privileges should be en-
10 joyed by them, in as extensive a manner, as they enjoyed them before those proclamations.”

Here is another evidence of the sense of the king and his ministers.

Afterwards parliament sent a squadron of ships to Virginia—the colony rose in open resistance, untill the parliamentary commissioners granted them conditions, that they should
15 enjoy the privileges of Englishmen; that their assembly should transact the affairs of the colony; that they should have a free trade to all places and nations, as the people of England; and 4thly, that “Virginia shall be free from all taxes, customs, and impositions whatever, and none shall be imposed on them without consent of their general assembly; and that neither forts nor castles be erected, or garrisons maintained without their consent.”

20 One would think this was evidence enough of the sense both of the parent country, and our ancestors.

After the acts of navigation were passed, Virginia sent agents to England, and a remonstrance against those acts. Charles, in answer, sent a declaration under the privy seal, 19 April 1676, affirming, “that taxes ought not to be laid upon the inhabitants and proprietors
25 of the colony, but by the common consent of the general assembly; except such impositions as the parliament should lay on the commodities imported into England from the colony.” And he ordered a charter, under the great seal, to secure this right to the Virginians.

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What becomes of the “sense” of the parent country, and our ancestors? For the ancestors of the Virginians, are our ancestors, when we speak of ourselves as Americans....

Afterwards in 1677, The General Court passed a law, which shews the sense of our ancestors in a very strong light. It is in these words. “This court being informed, by letters received this day from our messengers, of his Majesty's expectation that the acts of Trade and Navigation be exactly and punctually observed by this his Majesty's colony, his pleasure therein not having before now [been] signified unto us, either by express from his Majesty, or any of his ministers of state; It is therefore hereby ordered, and by the authority of this court enacted, that henceforth, all masters of ships, ketches, or other vessels, of greater or lesser burthen, arriving in, or sailing from any of the ports in this jurisdiction, do, without coven, or fraud, yield faithful and constant obedience unto, and observation of, all the said acts of navigation and trade, on penalty of suffering such forfeitures, loss and damage as in the said acts are particularly expressed. And the governor and council, and all officers, commissioned and authorized by them, are hereby ordered and required to see to the strict observation of the said acts.” As soon as they had passed this law, they wrote a letter to their agent, in which they acknowledge they had not conformed to the acts of trade; and they say, they “apprehended them to be an invasion of the rights, liberties and properties of the subjects of his Majesty in the colony, they not being represented in parliament, and according to the usual sayings of the learned in the law, the laws of England were bounded within the four seas, and did not reach America. However, as his Majesty had signified his pleasure, that these acts should be observed in the Massachusetts, they had made provision by a law of the colony, that they should be strictly attended from time to time, although it greatly discouraged trade, and was a great damage to his Majesty's plantation.”

Thus it appears, that the ancient Massachusettians and Virginians, had precisely the same sense of the authority of parliament, viz. that it had none at all: and the same sense of the necessity, that by the voluntary act of the colonies, their free chearful consent, it should be allowed the power of regulating trade: and this is precisely the idea of the late Congress at Philadelphia, expressed in the fourth proposition in their Bill of Rights.

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But this was the sense of the parent country too, at that time; for K. Charles II. in a letter to the Massachusetts, after this law had been laid before him, has these words, “We are informed that you have lately made some good provision for observing the acts of trade and navigation, which is well pleasing unto us.” Had he, or his ministers an idea that parliament
5 was the sovereign legislative over the Colony? If he had, would he not have censured this law as an insult to that legislature?

I sincerely hope, we shall see no more such round affirmations, that it was the sense of the parent country and our ancestors, that they were to remain subject to parliament.

So far from thinking themselves subject to parliament, that during the Interregnum, it was
10 their desire and design to have been a free commonwealth, an independent Republic; and after the restoration, it was with the utmost reluctance, that in the course of 16 or 17 years, they were bro't to take the oaths of allegiance: and for some time after this, they insisted upon taking an oath of fidelity to the Country, before that of allegiance to the King.

That “it is evident from the Charter itself,” that they were to remain subject to parliament,
15 is very unaccountable, when there is not one word in either Charter concerning parliament.

That the authority of parliament has been exercised almost ever since the settlement of the country, is a mistake; for there is no instance, untill the first Navigation Act, which was in 1660, more than 40 years after the first settlement. This act was never executed or regarded, until 17 years afterwards, and then it was not executed as an act of parliament, but as a law
20 of the colony, to which the king agreed....

We have by our own express consent contracted to observe the navigation act, and by our implied consent, by long usage and uninterrupted acquiescence, have submitted to the other acts of trade, however grievous some of them may be. This may be compared to a treaty of commerce, by which those distinct states are cemented together, in perpetual
25 league and amity. And if any further ratifications of this pact or treaty are necessary, the colonies would readily enter into them, provided their other liberties were inviolate....

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The only proposition, in all this writer's long string of pretended absurdities, which he says follow from the position, that we are distinct states, is this,—That “as the king must govern each state by its parliament, those several parliaments would pursue the particular interest of its own state and however well disposed the king might be to pursue a line of interest

5 that was common to all, the checks and controul that he would meet with, would render it impossible.” Every argument ought to be allowed its full weight: and therefore candor obliges me to acknowledge, that here lies all the difficulty that there is in this whole controversy. There has been, from first to last, on both sides of the Atlantic, an idea, an apprehension that it was necessary, there should be some superintending power, to draw together

10 all the wills, and unite all the strength of the subjects in all the dominions, in case of war, and in the case of trade. The necessity of this, in case of trade, has been so apparent, that as has often been said, we have consented that parliament should exercise such a power. In case of war, it has by some been thought necessary. But in fact and experience, it has not been found so. What tho' the proprietary colonies, on account of disputes with the propri-

15 etors, did not come in so early to the assistance of the general cause in the last war, as they ought, and perhaps one of them not at all! The inconveniences of this were small, in comparison of the absolute ruin to the liberties of all which must follow the submission to parliament, in all cases, which would be giving up all the popular limitations upon the government. These inconveniences fell chiefly upon New England. She was necessitated to greater

20 exertions. But she had rather suffer these again and again, than others infinitely greater. However this subject has now been so long in contemplation, that it is fully understood now, in all the colonies: so that there is no danger, in case of another war, of any colonies failing of its duty.

But admitting the proposition in its full force, that it is absolutely necessary there should

25 be a supreme power, coextensive with all the dominions, will it follow that parliament as now constituted has a right to assume this supream jurisdiction? By no means.

A union of the colonies might be projected, and an American legislature: or if America has 3,000,000 people, and the whole dominions twelve, she ought to send a quarter part of all

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the members to the house of commons, and instead of holding parliaments always at Westminster, the haughty members for Great-Britain, must humble themselves, one session in four, to cross the Atlantic, and hold the parliament in America.

5 There is no avoiding all inconveniences, in human affairs: The greatest possible or conceivable, would arise from ceding to parliament all power over us, without a representation in it: the next greatest, would accrue from any plan that can be devised for a representation there. The least of all [would] arise from going on as we begun, and fared well for 150 years, by letting parliament regulate trade, and our own assemblies all other matters.

10 As to “the prerogatives not being defined or limited,” it is as much so in the Colonies as in Great Britain, and as well understood, and as cheerfully submitted to in the former as the latter....

But perhaps it will be said, that we are to enjoy the British constitution in our supreme legislature, the Parliament, not in our provincial legislatures.

15 To this I answer, if parliament is to be our supreme legislature, we shall be under a compleat oligarchy or aristocracy, not the British Constitution, which this writer himself defines a mixture of monarchy, aristocracy and democracy. For King, lords and commons, will constitute one great oligarchy, as they will stand related to America, as much as the Decimvirs did in Rome. With this difference for the worse, that our rulers are to be three thousand miles off. The definition of an oligarchy, is a government by a number of grandees, over
20 whom the people have no controul. The states of Holland were once chosen by the people frequently. Then chosen for life. Now they are not chosen by the people at all. When a member dies, his place is filled up not by the people he is to represent, but by the states. Is not this depriving the Hollanders of a free constitution, and subjecting them to an aristocracy, or oligarchy? Will not the government of America be like it? Will not representatives
25 be chosen for them by others, whom they never saw nor heard of? If our provincial constitutions are in any respect imperfect and want alteration, they have capacity enough to discern it, and power enough to effect it, without the interposition of parliament. There never

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was an American constitution attempted by parliament, before the Quebec Bill and Massachusetts Bill. These are such samples of what they may and probably will be, that few Americans are in love with them. However, America will never allow that parliament has any authority to alter their constitution at all. She is wholly penetrated with a sense of the necessity of resisting it, at all hazards. And she would resist it, if the constitution of the Massachusetts had been altered as much for the better, as it is for the worse. The question we insist on most, is not whether the alteration is for the better or not, but whether parliament has any right to make any alteration at all. And it is the universal sense of America, that it has none.

10 We are told that “the provincial constitutions have no principle of stability within themselves”. This is so great a mistake, that there is not more order or stability in any government upon the globe, than there ever has been in that of Connecticut. The same may be said of the Massachusetts and Pennsylvania, and indeed of the others, very nearly. “That these constitutions in turbulent times would become wholly monarchical or wholly republican.” They must be such times as would have a similar effect upon the constitution at home. But in order to avoid the danger of this, what is to be done. Not give us an English constitution, it seems, but make sure of us at once, by giving us constitutions wholly monarchical, annihilating our houses of representatives first, by taking from them the support of government, &c. and then making the councils and judges wholly dependent on the crown.

That a representation in parliament is impracticable we all agree: but the consequence is, that we must have a representation in our supreme legislatures here. This was the consequence that was drawn by kings, ministers, our ancestors, and the whole nation, more than a century ago, when the colonies were first settled, and continued to be the general sense untill the last peace, and it must be the general sense again soon, or Great-Britain will lose her colonies.

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“This is apparently the meaning of that celebrated passage in governor Hutchinsons letter, that rung through the continent, viz. (There must be an abridgment of what is called English liberties.)” But all the art and subtlety of Massachusettensis will never vindicate or excuse that expression. According to this writer, it should have been “there is an abridgment
5 of English liberties and it can't be otherwise.” But every candid reader must see that the letter writer had more than that in his view and in his wishes. In the same letter, a little before, he says, “what marks of resentment the parliament will shew, whether they will be upon the province in general or particular persons, is extremely uncertain; but that they will be placed somewhere is most certain, and I add, because I think it ought to be so.” Is it
10 possible to read this without thinking of the port bill, the charter bill, and the resolves for sending persons to England by the statute of H. 8, to be tried! But this is not all. “This is most certainly a crisis,” says he. &c. “If no measure shall have been taken to secure this dependence (i.e. the dependence which a colony ought to have upon the parent state) it is all over with us.” “The friends of government will be utterly disheartned, and the friends of
15 anarchy will be afraid of nothing, be it ever so extravagant.” But this is not all. “I never think of the measures necessary for the peace and good order of the colonies without pain.” “There must be an abridgment of what are called English liberties.” What could he mean? Any thing less than depriving us of trial by jury? Perhaps he wanted an act of parliament to try persons here for treason by a court of admiralty. Perhaps an act that the province should
20 be governed by a governor and a mandamus council, without an house of representatives. But to put it out of all doubt that his meaning was much worse than Massachusettensis endeavours to make it, he explains himself in a subsequent part of the letter. “I wish,” says he, “the good of the colony, when I wish to see some further restraint of liberty.” Here it is rendered certain, that he is pleading for a further restraint of liberty, not explaining the
25 restraint, he apprehended the constitution had already laid us under.

My indignation at this letter, has sometimes been softened by compassion. It carries on the face of it, evident marks of madness. It was written in such a transport of passions, ambition, and revenge chiefly, that his reason was manifestly overpowered. The vessel was tost

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in such a hurricane, that she could not feel her helm. Indeed he seems to have had a confused consciousness of this himself. "Pardon me this excursion," says he, "it really proceeds from the state of mind, into which our perplexed affairs often throws me."

5 "It is our highest interest to continue a part of the British empire, and equally our duty to remain subject to the authority of parliament," says Massachusettensis.

We are a part of the British dominions, that is of the king of Great-Britain, and it is our interest and duty to continue so. It is equally our interest and duty to continue subject to the authority of parliament, in the regulation of our trade, as long as she shall leave us to govern our internal policy, and to give and grant our own money, and no longer.

10 This letter concludes with an agreeable flight of fancy. The time may not be so far off, however, as this writer imagines, when the colonies may have the balance of numbers and wealth in her favour. But when that shall happen, if we should attempt to rule her by an American parliament, without an adequate representation in it, she will infallibly resist us by her arms.

15

NOVANGLUS

PATRICK HENRY, DELEGATE TO THE SECOND VIRGINIA CONVENTION

On the Resolution for a State of Defense

SPEECH

March 23, 1775

St. John's Episcopal Church | Richmond, Virginia

Give Me Liberty or Give Me Death

BACKGROUND

Just weeks before the battles of Lexington and Concord in Massachusetts, Patrick Henry delivered this speech in support of raising a company of cavalry or infantry in every Virginian county.

GUIDING QUESTIONS

1. Why does Patrick Henry think reconciliation with Great Britain is impossible?
2. What are the only alternatives to war with Great Britain?

Patrick Henry, "Speech on a Resolution to Put Virginia into a State of Defense," in *American Patriotism*, ed. Sellim Peabody (New York: American Book Exchange, 1880), 108-10.

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Mr. President:

No man thinks more highly than I do of the patriotism, as well as abilities, of the very worthy gentlemen who have just addressed the House. But different men often see the same subject in different lights; and, therefore, I hope it will not be thought disrespectful to those gentlemen if, entertaining as I do opinions of a character very opposite to theirs, I shall speak forth my sentiments freely and without reserve. This is no time for ceremony.

The question before the House is one of awful moment to this country. For my own part, I consider it as nothing less than a question of freedom or slavery; and in proportion to the magnitude of the subject ought to be the freedom of the debate. It is only in this way that we can hope to arrive at truth, and fulfill the great responsibility which we hold to God and our country. Should I keep back my opinions at such a time, through fear of giving offense, I should consider myself as guilty of treason towards my country, and of an act of disloyalty toward the Majesty of Heaven, which I revere above all earthly kings.

Mr. President, it is natural to man to indulge in the illusions of hope. We are apt to shut our eyes against a painful truth, and listen to the song of that siren till she transforms us into beasts. Is this the part of wise men, engaged in a great and arduous struggle for liberty? Are we disposed to be of the number of those who, having eyes, see not, and, having ears, hear not, the things which so nearly concern their temporal salvation? For my part, whatever anguish of spirit it may cost, I am willing to know the whole truth; to know the worst, and to provide for it.

I have but one lamp by which my feet are guided, and that is the lamp of experience. I know of no way of judging of the future but by the past. And judging by the past, I wish to know what there has been in the conduct of the British ministry for the last ten years to justify those hopes with which gentlemen have been pleased to solace themselves and the House. Is it that insidious smile with which our petition has been lately received? Trust it not, sir; it will prove a snare to your feet. Suffer not yourselves to be betrayed with a kiss.

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Ask yourselves how this gracious reception of our petition comports with those warlike preparations which cover our waters and darken our land. Are fleets and armies necessary to a work of love and reconciliation? Have we shown ourselves so unwilling to be reconciled that force must be called in to win back our love? Let us not deceive ourselves, sir. These
5 are the implements of war and subjugation; the last arguments to which kings resort.

I ask gentlemen, sir, what means this martial array, if its purpose be not to force us to submission? Can gentlemen assign any other possible motive for it? Has Great Britain any enemy, in this quarter of the world, to call for all this accumulation of navies and armies? No, sir, she has none. They are meant for us: they can be meant for no other. They are sent
10 over to bind and rivet upon us those chains which the British ministry have been so long forging.

And what have we to oppose to them? Shall we try argument? Sir, we have been trying that for the last ten years. Have we anything new to offer upon the subject? Nothing. We have held the subject up in every light of which it is capable; but it has been all in vain. Shall we
15 resort to entreaty and humble supplication? What terms shall we find which have not been already exhausted? Let us not, I beseech you, sir, deceive ourselves longer.

Sir, we have done everything that could be done to avert the storm which is now coming on. We have petitioned; we have remonstrated; we have supplicated; we have prostrated ourselves before the throne, and have implored its interposition to arrest the tyrannical
20 hands of the ministry and Parliament. Our petitions have been slighted; our remonstrances have produced additional violence and insult; our supplications have been disregarded; and we have been spurned, with contempt, from the foot of the throne!

In vain, after these things, may we indulge the fond hope of peace and reconciliation. There is no longer any room for hope. If we wish to be free—if we mean to preserve inviolate
25 those inestimable privileges for which we have been so long contending—if we mean not basely to abandon the noble struggle in which we have been so long engaged, and which we have pledged ourselves never to abandon until the glorious object of our contest shall

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be obtained—we must fight! I repeat it, sir, we must fight! An appeal to arms and to the God of hosts is all that is left us!

They tell us, sir, that we are weak; unable to cope with so formidable an adversary. But when shall we be stronger? Will it be the next week, or the next year? Will it be when we
5 are totally disarmed, and when a British guard shall be stationed in every house? Shall we gather strength by irresolution and inaction? Shall we acquire the means of effectual resistance by lying supinely on our backs and hugging the delusive phantom of hope, until our enemies shall have bound us hand and foot?

Sir, we are not weak if we make a proper use of those means which the God of nature hath
10 placed in our power. Three millions of people, armed in the holy cause of liberty, and in such a country as that which we possess, are invincible by any force which our enemy can send against us.

Besides, sir, we shall not fight our battles alone. There is a just God who presides over the destinies of nations, and who will raise up friends to fight our battles for us. The battle, sir,
15 is not to the strong alone; it is to the vigilant, the active, the brave. Besides, sir, we have no election. If we were base enough to desire it, it is now too late to retire from the contest. There is no retreat but in submission and slavery! Our chains are forged! Their clanking may be heard on the plains of Boston! The war is inevitable—and let it come! I repeat it, sir, let it come.

It is in vain, sir, to extenuate the matter. Gentlemen may cry, peace, peace—but there is no
20 peace. The war is actually begun! The next gale that sweeps from the north will bring to our ears the clash of resounding arms! Our brethren are already in the field! Why stand we here idle? What is it that gentlemen wish? What would they have? Is life so dear, or peace so sweet, as to be purchased at the price of chains and slavery?

25 Forbid it, Almighty God! I know not what course others may take; but as for me, give me liberty or give me death!

EDMUND BURKE, MEMBER OF THE BRITISH PARLIAMENT FOR BRISTOL

On Conciliation with the Colonies

SPEECH EXCERPTS

March 22, 1775

The House of Commons | London, Great Britain

BACKGROUND

Edmund Burke offered these insights and policies to his fellow members of Parliament to attempt reconciliation with the colonists before open hostilities commenced.

GUIDING QUESTIONS

1. What is the predominate feature of the Americans' character?
2. What form of government did the colonies enjoy?
3. What does Burke identify as the causes of American "disobedience"?
4. What course of action does Burke recommend Parliament take?

Edmund Burke, "Speech on Conciliation with the Colonies," in *The Works of the Right Honourable Edmund Burke*, Vol. 1 (London: Henry G. Bohn, 1854), 464-71.

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In this character of the Americans, a love of freedom is the predominating feature which marks and distinguishes the whole: and as an ardent is always a jealous affection, your colonies become suspicious, restive, and untractable, whenever they see the least attempt to wrest from them by force, or shuffle from them by chicane, what they think the only advantage worth living for. This fierce spirit of liberty is stronger in the English colonies probably than in any other people of the earth; and this from a great variety of powerful causes; which, to understand the true temper of their minds, and the direction which this spirit takes, it will not be amiss to lay open somewhat more largely.

First, the people of the colonies are descendants of Englishmen. England, Sir, is a nation, which still I hope respects, and formerly adored, her freedom. The colonists emigrated from you when this part of your character was most predominant; and they took this bias and direction the moment they parted from your hands. They are therefore not only devoted to liberty, but to liberty according to English ideas, and on English principles. Abstract liberty, like other mere abstractions, is not to be found. Liberty inheres in some sensible object; and every nation has formed to itself some favourite point, which by way of eminence becomes the criterion of their happiness. It happened, you know, Sir, that the great contests for freedom in this country were from the earliest times chiefly upon the question of taxing. Most of the contests in the ancient commonwealths turned primarily on the right of election of magistrates; or on the balance among the several orders of the state. The question of money was not with them so immediate. But in England it was otherwise. On this point of taxes the ablest pens, and most eloquent tongues, have been exercised; the greatest spirits have acted and suffered. In order to give the fullest satisfaction concerning the importance of this point, it was not only necessary for those who in argument defended the excellence of the English constitution, to insist on this privilege of granting money as a dry point of fact, and to prove, that the right had been acknowledged in ancient parchments, and blind usages, to reside in a certain body called a House of Commons. They went much farther; they attempted to prove, and they succeeded, that in theory it ought to be so, from the particular nature of a House of Commons, as an immediate representative of the people; whether the old records had delivered this oracle or not. They

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took infinite pains to inculcate, as a fundamental principle, that in all monarchies the people must in effect themselves, mediately or immediately, possess the power of granting their own money, or no shadow of liberty could subsist. The colonies draw from you, as with their life-blood, these ideas and principles. Their love of liberty, as with you, fixed and attached on this specific point of taxing. Liberty might be safe, or might be endangered, in
5 twenty other particulars, without their being much pleased or alarmed. Here they felt its pulse; and as they found that beat, they thought themselves sick or sound. I do not say whether they were right or wrong in applying your general arguments to their own case. It is not easy indeed to make a monopoly of theorems and corollaries. The fact is, that they
10 did thus apply those general arguments; and your mode of governing them, whether through lenity or indolence, through wisdom or mistake, confirmed them in the imagination, that they, as well as you, had an interest in these common principles.

They were further confirmed in this pleasing error by the form of their provincial legislative assemblies. Their governments are popular in a high degree; some are merely popular; in
15 all, the popular representative is the most weighty; and this share of the people in their ordinary government never fails to inspire them with lofty sentiments, and with a strong aversion from whatever tends to deprive them of their chief importance.

If anything were wanting to this necessary operation of the form of government, religion would have given it a complete effect. Religion, always a principle of energy, in this new
20 people is no way worn out or impaired; and their mode of professing it is also one main cause of this free spirit. The people are Protestants; and of that kind which is the most adverse to all implicit submission of mind and opinion. This is a persuasion not only favourable to liberty, but built upon it. I do not think, Sir, that the reason of this averseness in the dissenting churches, from all that looks like absolute government, is so much to be
25 sought in their religious tenets, as in their history. Every one knows that the Roman Catholic religion is at least coeval with most of the governments where it prevails; that it has generally gone hand in hand with them, and received great favour and every kind of support from authority. The Church of England too was formed from her cradle under the nursing care of regular government. But the dissenting interests have sprung up in direct

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- opposition to all the ordinary powers of the world; and could justify that opposition only on a strong claim to natural liberty. Their very existence depended on the powerful and unremitted assertion of that claim. All Protestantism, even the most cold and passive, is a sort of dissent. But the religion most prevalent in our northern colonies is a refinement on the principle of resistance; it is the dissidence of dissent, and the Protestantism of the Protestant religion. This religion, under a variety of denominations agreeing in nothing but in the communion of the spirit of liberty, is predominant in most of the northern provinces; where the Church of England, notwithstanding its legal rights, is in reality no more than a sort of private sect, not composing most probably the tenth of the people. The colonists left England when this spirit was high, and in the emigrants was the highest of all; and even that stream of foreigners, which has been constantly flowing into these colonies, has, for the greatest part, been composed of dissenters from the establishments of their several countries, and have brought with them a temper and character far from alien to that of the people with whom they mixed.
- Sir, I can perceive by their manner, that some gentlemen object to the latitude of this description; because in the southern colonies the Church of England forms a large body, and has a regular establishment. It is certainly true. There is, however, a circumstance attending these colonies, which, in my opinion, fully counterbalances this difference, and makes the spirit of liberty still more high and haughty than in those to the northward. It is, that in Virginia and the Carolinas they have a vast multitude of slaves. Where this is the case in any part of the world, those who are free, are by far the most proud and jealous of their freedom. Freedom is to them not only an enjoyment, but a kind of rank and privilege. Not seeing there, that freedom, as in countries where it is a common blessing, and as broad and general as the air, may be united with much abject toil, with great misery, with all the exterior of servitude, liberty looks, amongst them, like something that is more noble and liberal. I do not mean, Sir, to commend the superior morality of this sentiment, which has at least as much pride as virtue in it; but I cannot alter the nature of man. The fact is so; and these people of the southern colonies are much more strongly, and with a higher and more stub-

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born spirit, attached to liberty, than those to the northward. Such were all the ancient commonwealths; such were our Gothic ancestors; such in our days were the Poles; and such will be all masters of slaves, who are not slaves themselves. In such a people, the haughtiness of domination combines with the spirit of freedom, fortifies it, and renders it invincible.

- 5 Permit me, Sir, to add another circumstance in our colonies, which contributes no mean part towards the growth and effect of this untractable spirit. I mean their education. In no country perhaps in the world is the law so general a study. The profession itself is numerous and powerful; and in most provinces it takes the lead. The greater number of the deputies sent to the congress were lawyers. But all who read, and most do read, endeavour to obtain
- 10 some smattering in that science. I have been told by an eminent bookseller, that in no branch of his business, after tracts of popular devotion, were so many books as those on the law exported to the plantations. The colonists have now fallen into the way of printing them for their own use. I hear that they have sold nearly as many of Blackstone's Commentaries in America as in England. General Gage marks out this disposition very particularly
- 15 in a letter on your table. He states, that all the people in his government are lawyers, or smatterers in law; and that in Boston they have been enabled, by successful chicane, wholly to evade many parts of one of your capital penal constitutions. The smartness of debate will say, that this knowledge ought to teach them more clearly the rights of legislature, their obligations to obedience, and the penalties of rebellion. All this is mighty well. But my hon-
- 20 ourable and learned friend on the floor, who condescends to mark what I say for animadversion, will disdain that ground. He has heard, as well as I, that when great honours and great emoluments do not win over this knowledge to the service of the state, it is a formidable adversary to government. If the spirit be not tamed and broken by these happy methods, it is stubborn and litigious. Abeunt studia in mores. This study renders men acute,
- 25 inquisitive, dexterous, prompt in attack, ready in defence, full of resources. In other countries, the people, more simple, and of a less mercurial cast, judge of an ill principle in government only by an actual grievance; here they anticipate the evil, and judge of the pressure of the grievance by the badness of the principle. They augur misgovernment at a distance; and snuff the approach of tyranny in every tainted breeze.

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The last cause of this disobedient spirit in the colonies is hardly less powerful than the rest, as it is not merely moral, but laid deep in the natural constitution of things. Three thousand miles of ocean lie between you and them. No contrivance can prevent the effect of this distance in weakening government. Seas roll, and months pass, between the order and the execution; and the want of a speedy explanation of a single point is enough to defeat a whole system. You have, indeed, winged ministers of vengeance, who carry your bolts in their pounces to the remotest verge of the sea. But there a power steps in, that limits the arrogance of raging passions and furious elements, and says, "So far shalt thou go, and no farther." Who are you, that should fret and rage, and bite the chains of nature?--Nothing worse happens to you than does to all nations who have extensive empire; and it happens in all the forms into which empire can be thrown. In large bodies, the circulation of power must be less vigorous at the extremities. Nature has said it. The Turk cannot govern Egypt, and Arabia, and Curdistan, as he governs Thrace; nor has he the same dominion in Crimea and Algiers, which he has at Brusa and Smyrna. Despotism itself is obliged to truck and huckster. The Sultan gets such obedience as he can. He governs with a loose rein, that he may govern at all; and the whole of the force and vigour of his authority in his centre is derived from a prudent relaxation in all his borders. Spain, in her provinces, is, perhaps, not so well obeyed as you are in yours. She complies too; she submits; she watches times. This is the immutable condition, the eternal law, of extensive and detached empire.

Then, Sir, from these six capital sources; of descent; of form of government; of religion in the northern provinces; of manners in the southern; of education; of the remoteness of situation from the first mover of government; from all these causes a fierce spirit of liberty has grown up. It has grown with the growth of the people in your colonies, and increased with the increase of their wealth; a spirit, that unhappily meeting with an exercise of power in England, which, however lawful, is not reconcilable to any ideas of liberty, much less with theirs, has kindled this flame that is ready to consume us.

I do not mean to commend either the spirit in this excess, or the moral causes which produce it. Perhaps a more smooth and accommodating spirit of freedom in them would be more acceptable to us. Perhaps ideas of liberty might be desired, more reconcilable with an

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arbitrary and boundless authority. Perhaps we might wish the colonists to be persuaded, that their liberty is more secure when held in trust for them by us (as their guardians during a perpetual minority) than with any part of it in their own hands. The question is, not whether their spirit deserves praise or blame, but--what, in the name of God, shall we do with it? You have before you the object, such as it is, with all its glories, with all its imperfections on its head. You see the magnitude; the importance; the temper; the habits; the disorders. By all these considerations we are strongly urged to determine something concerning it. We are called upon to fix some rule and line for our future conduct, which may give a little stability to our politics, and prevent the return of such unhappy deliberations as the present. Every such return will bring the matter before us in a still more untractable form. For, what astonishing and incredible things have we not seen already! What monsters have not been generated from this unnatural contention! Whilst every principle of authority and resistance has been pushed, upon both sides, as far as it would go, there is nothing so solid and certain, either in reasoning or in practice, that has not been shaken. Until very lately, all authority in America seemed to be nothing but an emanation from yours. Even the popular part of the colony constitution derived all its activity, and its first vital movement, from the pleasure of the crown. We thought, Sir, that the utmost which the discontented colonists could do, was to disturb authority; we never dreamt they could of themselves supply it; knowing in general what an operose business it is to establish a government absolutely new. But having, for our purposes in this contention, resolved, that none but an obedient assembly should sit; the humours of the people there, finding all passage through the legal channel stopped, with great violence broke out another way. Some provinces have tried their experiment, as we have tried ours; and theirs has succeeded. They have formed a government sufficient for its purposes, without the bustle of a revolution, or the troublesome formality of an election. Evident necessity, and tacit consent, have done the business in an instant. So well they have done it, that Lord Dunmore (the account is among the fragments on your table) tells you, that the new institution is infinitely better obeyed than the ancient government ever was in its most fortunate periods. Obedience is what makes government, and not the names by which it is called; not the name of governor, as formerly, or committee, as at present. This new government has originated directly from the people;

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and was not transmitted through any of the ordinary artificial media of a positive constitution. It was not a manufacture ready formed, and transmitted to them in that condition from England. The evil arising from hence is this; that the colonists having once found the possibility of enjoying the advantages of order in the midst of a struggle for liberty, such
5 struggles will not henceforward seem so terrible to the settled and sober part of mankind as they had appeared before the trial.

Pursuing the same plan of punishing by the denial of the exercise of government to still greater lengths, we wholly abrogated the ancient government of Massachusetts. We were confident that the first feeling, if not the very prospect of anarchy, would instantly enforce
10 a complete submission. The experiment was tried. A new, strange, unexpected face of things appeared. Anarchy is found tolerable. A vast province has now subsisted, and subsisted in a considerable degree of health and vigour, for near a twelvemonth, without governor, without public council, without judges, without executive magistrates. How long it will continue in this state, or what may arise out of this unheard-of situation, how can the
15 wisest of us conjecture? Our late experience has taught us that many of those fundamental principles, formerly believed infallible, are either not of the importance they were imagined to be; or that we have not at all adverted to some other far more important and far more powerful principles, which entirely overrule those we had considered as omnipotent. I am much against any further experiments, which tend to put to the proof any more of these
20 allowed opinions, which contribute so much to the public tranquillity. In effect, we suffer as much at home by this loosening of all ties, and this concussion of all established opinions, as we do abroad. For, in order to prove that the Americans have no right to their liberties, we are every day endeavouring to subvert the maxims which preserve the whole spirit of our own. To prove that the Americans ought not to be free, we are obliged to depreciate
25 the value of freedom itself; and we never seem to gain a paltry advantage over them in debate, without attacking some of those principles, or deriding some of those feelings, for which our ancestors have shed their blood.

THOMAS PAINE

Common Sense

PAMPHLET EXCERPT

January 10, 1776
Philadelphia, Pennsylvania

BACKGROUND

After outright conflict the previous year at Lexington and Concord and Bunker Hill, and with Boston occupied by the British army and navy, Thomas Paine wrote this pamphlet on the relationship between the British and the American colonists.

GUIDING QUESTIONS

1. Why does Paine criticize the protection that Great Britain provided the American colonies?
2. How does the colonies' connection to Great Britain negatively impact the colonists economically?
3. What practical difficulties with the governance of Great Britain does Paine point to in advocating for independent government?
4. How does Paine believe the Americans should organize themselves?

Thomas Paine, *The Writings of Thomas Paine*, Vol. 1, ed. Moncure Daniel Conway (New York: G.P. Putnam's Sons, 1894).

Introduction

PERHAPS the sentiments contained in the following pages are not yet sufficiently fashionable to procure them general favor. A long habit of not thinking a thing wrong gives it a superficial appearance of being right, and raises at first a formidable outcry in defense of custom. But tumult soon subsides. Time makes more converts than reason.

As a long and violent abuse of power is generally the means of calling the right of it in question (and in matters too which might never have been thought of, had not the sufferers been aggravated into the inquiry), and as the King of England hath undertaken in his own Right to support the Parliament in what he calls Theirs, and as the good people of this country are grievously oppressed by the combination, they have an undoubted privilege to inquire into the pretensions of both, and equally to reject the usurpation of either. . . .

The cause of America is in a great measure the cause of all mankind. Many circumstances hath and will arise which are not local, but universal, and through which the principles of all Lovers of Mankind are affected, and in the event of which their Affections are interested.

The laying a Country desolate with Fire and Sword, declaring War against the natural rights of all Mankind, and extirpating the Defenders thereof from the Face of the Earth, is the Concern of every Man to whom Nature hath given the Power of feeling; of which Class, regardless of Party Censure, is the AUTHOR.

Thoughts on the Present State of American Affairs.

In the following pages I offer nothing more than simple facts, plain arguments, and common sense: and have no other preliminaries to settle with the reader, than that he will divest himself of prejudice and prepossession, and suffer his reason and his feelings to determine for themselves: that he will put on, or rather that he will not put off, the true character of a man, and generously enlarge his views beyond the present day.

...Now is the seed-time of Continental union, faith and honour. The least fracture now will be like a name engraved with the point of a pin on the tender rind of a young oak; the wound would enlarge with the tree, and posterity read it in full grown characters.

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By referring the matter from argument to arms, a new æra for politics is struck—a new method of thinking hath arisen. All plans, proposals, &c. prior to the nineteenth of April, *i.e.* to the commencement of hostilities, are like the almanacks of the last year; which tho' proper then, are superceded and useless now...

- 5 I have heard it asserted by some, that as America has flourished under her former connection with Great-Britain, the same connection is necessary towards her future happiness, and will always have the same effect. Nothing can be more fallacious than this kind of argument. We may as well assert that because a child has thrived upon milk, that it is never to have meat, or that the first twenty years of our lives is to become a precedent for the next
10 twenty. But even this is admitting more than is true; for I answer roundly, that America would have flourished as much, and probably much more, had no European power taken any notice of her. The commerce by which she hath enriched herself are the necessities of life, and will always have a market while eating is the custom of Europe.

- But she has protected us, say some. That she hath engrossed us is true, and defended the
15 Continent at our expense as well as her own, is admitted; and she would have defended Turkey from the same motive, *viz.* for the sake of trade and dominion.

- Alas! we have been long led away by ancient prejudices and made large sacrifices to superstition. We have boasted the protection of Great Britain, without considering, that her motive was *interest* not *attachment*; and that she did not protect us from *our enemies* on *our account*; but from *her enemies* on *her own account*, from those who had no quarrel with us
20 on any *other account*, and who will always be our enemies on the *same account*. Let Britain waive her pretensions to the Continent, or the Continent throw off the dependance, and we should be at peace with France and Spain, were they at war with Britain. The miseries of Hanover last war ought to warn us against connections.

- 25 But Britain is the parent country, say some. Then the more shame upon her conduct. Even brutes do not devour their young, nor savages make war upon their families...This new World hath been the asylum for the persecuted lovers of civil and religious liberty from *every part* of Europe. Hither have they fled, not from the tender embraces of the

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mother, but from the cruelty of the monster; and it is so far true of England, that the same tyranny which drove the first emigrants from home, pursues their descendants still.

But, admitting that we were all of English descent, what does it amount to? Nothing. Britain, being now an open enemy, extinguishes every other name and title: and to say that
5 reconciliation is our duty, is truly farcical...

I challenge the warmest advocate for reconciliation to show a single advantage that this continent can reap by being connected with Great Britain. I repeat the challenge; not a single advantage is derived. Our corn will fetch its price in any market in Europe, and our imported goods must be paid for buy them where we will...

10 Europe is too thickly planted with Kingdoms to be long at peace, and whenever a war breaks out between England and any foreign power, the trade of America goes to ruin, *because of her connection with Britain*. The next war may not turn out like the last, and should it not, the advocates for reconciliation now will be wishing for separation then, because neutrality in that case would be a safer convoy than a man of war. Every thing that is right
15 or reasonable pleads for separation. The blood of the slain, the weeping voice of nature cries, 'TIS TIME TO PART. Even the distance at which the Almighty hath placed England and America is a strong and natural proof that the authority of the one over the other, was never the design of Heaven...

It is the good fortune of many to live distant from the scene of present sorrow; the evil is
20 not sufficiently brought to their doors to make them feel the precariousness with which all American property is possessed. But let our imaginations transport us a few moments to Boston; that seat of wretchedness will teach us wisdom, and instruct us for ever to renounce a power in whom we can have no trust. The inhabitants of that unfortunate city who but a few months ago were in ease and affluence, have now no other alternative than to stay and
25 starve, or turn out to beg. Endangered by the fire of their friends if they continue within the city, and plundered by the soldiery if they leave it, in their present situation they are prisoners without the hope of redemption, and in a general attack for their relief they would be exposed to the fury of both armies...

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‘Tis repugnant to reason, to the universal order of things, to all examples from former ages, to suppose that this Continent can long remain subject to any external power. The most sanguine in Britain doth not think so. The utmost stretch of human wisdom cannot, at this time, compass a plan, short of separation, which can promise the continent even a year’s security. Reconciliation is *now* a fallacious dream. Nature hath deserted the connection, and art cannot supply her place. For, as Milton wisely expresses, “never can true reconciliation grow where wounds of deadly hate have pierced so deep.”

Every quiet method for peace hath been ineffectual. Our prayers have been rejected with disdain; and hath tended to convince us that nothing flatters vanity or confirms obstinacy in Kings more than repeated petitioning—and nothing hath contributed more than that very measure to make the Kings of Europe absolute. Witness Denmark and Sweden. Wherefore, since nothing but blows will do, for God’s sake let us come to a final separation, and not leave the next generation to be cutting throats under the violated unmeaning names of parent and child.

As to government matters, ‘tis not in the power of Britain to do this continent justice: the business of it will soon be too weighty and intricate to be managed with any tolerable degree of convenience, by a power so distant from us, and so very ignorant of us; for if they cannot conquer us, they cannot govern us. To be always running three or four thousand miles with a tale or a petition, waiting four or five months for an answer, which, when obtained, requires five or six more to explain it in, will in a few years be looked upon as folly and childishness. There was a time when it was proper, and there is a proper time for it to cease.

Small islands not capable of protecting themselves are the proper objects for government to take under their care; but there is something absurd, in supposing a Continent to be perpetually governed by an island. In no instance hath nature made the satellite larger than its primary planet; and as England and America, with respect to each other, reverse the common order of nature, it is evident that they belong to different systems. England to Europe: America to itself.

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I am not induced by motives of pride, party, or resentment to espouse the doctrine of separation and independence; I am clearly, positively, and conscientiously persuaded that it is the true interest of this Continent to be so; that every thing short of *that* is mere patchwork, that it can afford no lasting felicity,—that it is leaving the sword to our children, and shrinking back at a time when a little more, a little further, would have rendered this Continent the glory of the earth...

...No man was a warmer wisher for a reconciliation than myself, before the fatal nineteenth of April, 1775, but the moment the event of that day was made known, I rejected the hardened, sullen-tempered Pharaoh of England for ever; and disdain the wretch, that with the pretended title of FATHER OF HIS PEOPLE can unfeelingly hear of their slaughter, and composedly sleep with their blood upon his soul.

But admitting that matters were now made up, what would be the event? I answer, the ruin of the Continent. And that for several reasons.

First. The powers of governing still remaining in the hands of the King, he will have a negative over the whole legislation of this Continent. And as he hath shown himself such an inveterate enemy to liberty, and discovered such a thirst for arbitrary power, is he, or is he not, a proper person to say to these colonies, *You shall make no laws but what I please!*? And is there any inhabitant of America so ignorant as not to know, that according to what is called the *present constitution*, this Continent can make no laws but what the king gives leave to; and is there any man so unwise as not to see, that (considering what has happened) he will suffer no law to be made here but such as suits *his* purpose? We may be as effectually enslaved by the want of laws in America, as by submitting to laws made for us in England...

Secondly. That as even the best terms which we can expect to obtain can amount to no more than a temporary expedient, or a kind of government by guardianship, which can last no longer than till the Colonies come of age, so the general face and state of things in the interim will be unsettled and unpromising. Emigrants of property will not choose to come to a country whose form of government hangs but by a thread, and who is every day tottering

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on the brink of commotion and disturbance; and numbers of the present inhabitants would lay hold of the interval to dispose of their effects, and quit the Continent.

But the most powerful of all arguments is, that nothing but independance, *i. e.* a Continental form of government, can keep the peace of the Continent and preserve it inviolate from civil wars. I dread the event of a reconciliation with Britain now, as it is more than probable that it will be followed by a revolt some where or other, the consequences of which may be far more fatal than all the malice of Britain.

...Besides, the general temper of the Colonies, towards a British government will be like that of a youth who is nearly out of his time; they will care very little about her: And a government which cannot preserve the peace is no government at all, and in that case we pay our money for nothing; and pray what is it that Britain can do, whose power will be wholly on paper, should a civil tumult break out the very day after reconciliation?...

If there is any true cause of fear respecting independance, it is because no plan is yet laid down. Men do not see their way out. Wherefore, as an opening into that business I offer the following hints; at the same time modestly affirming, that I have no other opinion of them myself, than that they may be the means of giving rise to something better. Could the straggling thoughts of individuals be collected, they would frequently form materials for wise and able men to improve into useful matter.

Let the assemblies be annual, with a president only. The representation more equal, their business wholly domestic, and subject to the authority of a Continental Congress.

Let each Colony be divided into six, eight, or ten, convenient districts, each district to send a proper number of Delegates to Congress, so that each Colony send at least thirty. The whole number in Congress will be at least 390. Each congress to sit and to choose a President by the following method. When the Delegates are met, let a Colony be taken from the whole thirteen Colonies by lot, after which let the Congress choose (by ballot) a president from out of the Delegates of that Province. In the next Congress, let a Colony be taken by

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lot from twelve only, omitting that Colony from which the president was taken in the former Congress, and so proceeding on till the whole thirteen shall have had their proper rotation. And in order that nothing may pass into a law but what is satisfactorily just, not less than three fifths of the Congress to be called a majority. He that will promote discord, under
5 a government so equally formed as this, would have joined Lucifer in his revolt.

But as there is a peculiar delicacy from whom, or in what manner, this business must first arise, and as it seems most agreeable and consistent that it should come from some intermediate body between the governed and the governors, that is, between the Congress and the People, let a Continental Conference be held in the following manner, and for the following purpose,
10

A Committee of twenty six members of congress, *viz.* Two for each Colony. Two Members from each House of Assembly, or Provincial Convention; and five Representatives of the people at large, to be chosen in the capital city or town of each Province, for, and in behalf of the whole Province, by as many qualified voters as shall think proper to attend from all
15 parts of the Province for that purpose; or, if more convenient, the Representatives may be chosen in two or three of the most populous parts thereof. In this conference, thus assembled, will be united the two grand principles of business, *knowledge* and *power*. The Members of Congress, Assemblies, or Conventions, by having had experience in national concerns, will be able and useful counsellors, and the whole, being impowered by the people,
20 will have a truly legal authority.

The conferring members being met, let their business be to frame a Continental Charter, or Charter of the United Colonies; (answering to what is called the Magna Charta of England) fixing the number and manner of choosing Members of Congress, Members of Assembly, with their date of sitting; and drawing the line of business and jurisdiction between
25 them: Always remembering, that our strength is Continental, not Provincial. Securing freedom and property to all men, and above all things, the free exercise of religion, according to the dictates of conscience; with such other matter as it is necessary for a charter to contain. Immediately after which, the said conference to dissolve, and the bodies which shall

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be chosen conformable to the said charter, to be the Legislators and Governors of this Continent for the time being: Whose peace and happiness, may GOD preserve. AMEN...

5 A government of our own is our natural right: and when a man seriously reflects on the precariousness of human affairs, he will become convinced, that it is infinitely wiser and safer, to form a constitution of our own in a cool deliberate manner, while we have it in our power, than to trust such an interesting event to time and chance ...

10 O! ye that love mankind! Ye that dare oppose not only the tyranny but the tyrant, stand forth! Every spot of the old world is overrun with oppression. Freedom hath been hunted round the Globe. Asia and Africa have long expelled her. Europe regards her like a stranger, and England hath given her warning to depart. O! receive the fugitive, and prepare in time an asylum for mankind.

SECOND CONTINENTAL CONGRESS

Petition to George III, King of Britain

LETTER

July 8, 1775

Pennsylvania State House | Philadelphia, Pennsylvania

Olive Branch Petition

BACKGROUND

Following the battles of Lexington and Concord in the spring and just after the Battle of Bunker Hill, the Second Continental Congress sent this petition to George III to redress colonial grievances without any further bloodshed.

GUIDING QUESTIONS

1. What are the colonists' complaints?
2. From whom do the colonies seek redress?

“Petition to George III, King of Great Britain, 1775,” Manuscripts and Archives Division, The New York Public Library, New York Public Library Digital Collections, <https://digitalcollections.nypl.org/items/ab785280-8a11-0132-a455-58d385a7bbd0>.

To the King's Most Excellent Majesty.

Most Gracious Sovereign: We, your Majesty's faithful subjects of the Colonies of New-Hampshire, Massachusetts-Bay, Rhode-Island and Providence Plantations, Connecticut,
5 New-York, New-Jersey, Pennsylvania, the Counties of Newcastle, Kent, and Sussex, on Delaware, Maryland, Virginia, North Carolina, and South Carolina, in behalf of ourselves and the inhabitants of these Colonies, who have deputed us to represent them in General Congress, entreat your Majesty's gracious attention to this our humble petition.

10 The union between our Mother Country and these Colonies, and the energy of mild and just Government, produced benefits so remarkably important, and afforded such an assurance of their permanency and increase, that the wonder and envy of other nations were excited, while they beheld Great Britain rising to a power the most extraordinary the world had ever known.

15 Her rivals, observing that there was no probability of this happy connexion being broken by civil dissensions, and apprehending its future effects if left any longer undisturbed, resolved to prevent her receiving such continual and formidable accessions of wealth and strength, by checking the growth of those settlements from which they were to be derived.

20 In the prosecution of this attempt, events so unfavourable to the design took place, that every friend to the interest of Great Britain and these Colonies, entertained pleasing and reasonable expectations of seeing an additional force and exertion immediately given to the operations of the union hitherto experienced, by an enlargement of the dominions of the Crown, and the removal of ancient and warlike enemies to a greater distance.

25 At the conclusion, therefore, of the late war, the most glorious and advantageous that ever had been carried on by British arms, your loyal Colonists having contributed to its success by such repeated and strenuous exertions as frequently procured them the distinguished approbation of your Majesty, of the late King, and of Parliament, doubted not but that they should be permitted, with the rest of the Empire, to share in the blessings of peace, and the emoluments of victory and conquest.

While these recent and honourable acknowledgments of their merits remained on record in the Journals and acts of that august Legislature, the Parliament, undefaced by the imputation or even the suspicion of any offence, they were alarmed by a new system of statutes and regulations adopted for the administration of the Colonies, that filled their minds with the most painful fears and jealousies; and, to their inexpressible astonishment, perceived the danger of a foreign quarrel quickly succeeded by domestick danger, in their judgment of a more dreadful kind.

Nor were these anxieties alleviated by any tendency in this system to promote the welfare of their Mother Country. For though its effects were more immediately felt by them, yet its influence appeared to be injurious to the commerce and prosperity of Great Britain.

We shall decline the ungrateful task of describing the irksome variety of artifices practised by many of your Majesty's Ministers, the delusive pretences, fruitless terrours, and unavailing severities, that have, from time to time, been dealt out by them, in their attempts to execute this impolitick plan, or of tracing through a series of years past the progress of the unhappy differences between Great Britain and these Colonies, that have flowed from this fatal source.

Your Majesty's Ministers, persevering in their measures, and proceeding to open hostilities for enforcing them, have compelled us to arm in our own defence, and have engaged us in a controversy so peculiarly abhorrent to the affections of your still faithful Colonists, that when we consider whom we must oppose in this contest, and if it continues, what may be the consequences, our own particular misfortunes are accounted by us only as parts of our distress. Knowing to what violent resentments and incurable animosities civil discords are apt to exasperate and inflame the contending parties, we think ourselves required by indispensable obligations to Almighty God, to your Majesty, to our fellow-subjects, and to ourselves, immediately to use all the means in our power, not incompatible with our safety, for stopping the further effusion of blood, and for averting the impending calamities that threaten the British Empire.

Thus called upon to address your Majesty on affairs of such moment to America, and probably to all your Dominions, we are earnestly desirous of performing this office with the utmost deference for your Majesty; and we therefore pray, that your Majesty's royal magnanimity and benevolence may make the most favourable constructions of our expressions

5 on so uncommon an occasion. Could we represent in their full force the sentiments that agitate the minds of us your dutiful subjects, we are persuaded your Majesty would ascribe any seeming deviation from reverence in our language, and even in our conduct, not to any reprehensible intention, but to the impossibility of reconciling the usual appearances of respect with a just attention to our own preservation against those artful and cruel enemies

10 who abuse your royal confidence and authority, for the purpose of effecting our destruction.

Attached to your Majesty's person, family, and Government, with all devotion that principle and affection can inspire; connected with Great Britain by the strongest ties that can unite societies, and deploring every event that tends in any degree to weaken them, we

15 solemnly assure your Majesty, that we not only most ardently desire the former harmony between her and these Colonies may be restored, but that a concord may be established between them upon so firm a basis as to perpetuate its blessings, uninterrupted by any future dissensions, to succeeding generations in both countries, and to transmit your Majesty's name to posterity, adorned with that signal and lasting glory that has attended the

20 memory of those illustrious personages, whose virtues and abilities have extricated states from dangerous convulsions, and, by securing happiness to others, have erected the most noble and durable monuments to their own fame.

We beg leave further to assure your Majesty, that notwithstanding the sufferings of your loyal Colonists during the course of this present controversy, our breasts retain too tender

25 a regard for the kingdom from which we derive our origin, to request such a reconciliation as might, in any manner, be inconsistent with her dignity or her welfare. These, related as we are to her, honour and duty, as well as inclination, induce us to support and advance; and the apprehensions that now oppress our hearts with unspeakable grief, being once removed, your Majesty will find your faithful subjects on this Continent ready and willing at

all times, as they have ever been, with their lives and fortunes, to assert and maintain the rights and interests of your Majesty, and of our Mother Country.

We therefore beseech your Majesty, that your royal authority and influence may be graciously interposed to procure us relief from our afflicting fears and jealousies, occasioned
5 by the system before-mentioned, and to settle peace through every part of our Dominions, with all humility submitting to your Majesty's wise consideration, whether it may not be expedient, for facilitating those important purposes, that your Majesty be pleased to direct some mode, by which the united applications of your faithful Colonists to the Throne, in pursuance of their common counsels, may be improved into a happy and permanent rec-
10 onciliation; and that, in the mean time, measures may be taken for preventing the further destruction of the lives of your Majesty's subjects; and that such statutes as more immediately distress any of your Majesty's Colonies, may be repealed.

For such arrangements as your Majesty's wisdom can form for collecting the united sense of your American people, we are convinced your Majesty would receive such satisfactory
15 proofs of the disposition of the Colonists towards their Sovereign and Parent State, that the wished for opportunity would soon be restored to them, of evincing the sincerity of their professions, by every testimony of devotion becoming the most dutiful subjects, and the most affectionate Colonists.

That your Majesty may enjoy a long and prosperous reign, and that your descendants may
20 govern your Dominions with honour to themselves and happiness to their subjects, is our sincere prayer.

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.

ANNOTATIONS

NOTES & QUESTIONS

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 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 of Abuses & Usurpations ~~begin 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 History 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.~~

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 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.

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» juris-

5 diction over ~~these our states~~ «us». We have reminded them of the Circumstances of our 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 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?

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, unless suspended in their operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

- 5 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.

- 10 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.

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

- 20 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.

- 25 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.

- 30 He has obstructed the Administration of Justice, by refusing his Assent to Laws for establishing Judiciary powers.

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

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

5 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.

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

For Quartering large bodies of armed troops among us:

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:

20 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 offenses:

25 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:

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

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

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

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

10 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.

15 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.

20 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.

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

Nor have We been wanting in attentions to our British brethren. We have warned them from time to time of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured

them by the ties of our common kindred to disavow these usurpations, which, would inevitably interrupt our connections and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity, which denounces our Separation, and hold them, as we hold the rest of mankind, Enemies in War,
 5 in Peace Friends.

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

Georgia

20 Button Gwinnett, Lyman Hall, George Walton

North Carolina

William Hooper, Joseph Hewes, John Penn

25 South Carolina

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

Maryland

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

30

ANNOTATIONS

NOTES & QUESTIONS

Virginia

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

5 Pennsylvania

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

Delaware

10 Caesar Rodney, George Read, Thomas McKean

New York

William Floyd, Philip Livingston, Francis Lewis, Lewis Morris

15 New Jersey

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

New Hampshire

Josiah Bartlett, William Whipple, Matthew Thornton

20

Massachusetts

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

Rhode Island

25 Stephen Hopkins, William Ellery

Connecticut

Roger Sherman, Samuel Huntington, William Williams, Oliver Wolcott

GENERAL GEORGE WASHINGTON, COMMANDER-IN-CHIEF OF THE CONTINENTAL ARMY**General Orders**

MILITARY DISPATCH

July 2, 1776
Head Quarters | New York

BACKGROUND

George Washington issued these daily orders to his forces from New York.

ANNOTATIONS**NOTES & QUESTIONS**

Parole Armstrong.

Countersign Lee.

Genl Mifflin is to repair to the post near Kingsbridge and use his utmost endeavours to forward the works there—General Scott in the mean time to perform the duty required of General Mifflin in the orders of the 29th of June.

- 5 No Sentries are to stop or molest the Country people coming to Market or going from it but to be very vigilant in preventing Soldiers leaving the army.

- Col. Cortlandt of the New-Jersey Brigade is to send over five-hundred of the Militia under his command to reinforce General Greene's Brigade; these troops are to be distinguished from the old Militia in future by being called New-Levies—The Quarter Master General to furnish them with Tents: The detachment from General Spencers Brigade to return when these get over. The Militia not under the immediate Command of General Heard are to be under that of Genl Mercer until the arrival of their own General Officer.
- 10

The time is now near at hand which must probably determine, whether Americans are to

George Washington, "General Orders, 2 July 1776," Founders Online, National Archives, <https://founders.archives.gov/documents/Washington/03-05-02-0117>. [Original source: The Papers of George Washington, Revolutionary War Series, vol. 5, 16 June 1776–12 August 1776, ed. Philander D. Chase. Charlottesville: University Press of Virginia, 1993, pp. 179–182.]

ANNOTATIONS

NOTES & QUESTIONS

be, Freeman, or Slaves; whether they are to have any property they can call their own; whether their Houses, and Farms, are to be pillaged and destroyed, and they consigned to a State of Wretchedness from which no human efforts will probably deliver them. The fate of unborn Millions will now depend, under God, on the Courage and Conduct of this
5 army—Our cruel and unrelenting Enemy leaves us no choice but a brave resistance, or the most abject submission; this is all we can expect—We have therefore to resolve to conquer or die: Our own Country's Honor, all call upon us for a vigorous and manly exertion, and if we now shamefully fail, we shall become infamous to the whole world—Let us therefore rely upon the goodness of the Cause, and the aid of the supreme Being, in whose hands
10 Victory is, to animate and encourage us to great and noble Actions—The Eyes of all our Countrymen are now upon us, and we shall have their blessings, and praises, if happily we are the instruments of saving them from the Tyranny meditated against them. Let us therefore animate and encourage each other, and shew the whole world, that a Freeman contending for Liberty on his own ground is superior to any slavish mercenary on earth.

15 The General recommends to the officers great coolness in time of action, and to the soldiers a strict attention and obedience, with a becoming firmness and spirit.

Any officer, or soldier, or any particular Corps, distinguishing themselves by any acts of bravery, and courage, will assuredly meet with notice and rewards; and on the other hand, those who behave ill, will as certainly be exposed and punished—The General being re-
20 solved, as well for the Honor and Safety of the Country, as Army, to shew no favour to such as refuse, or neglect their duty at so important a crisis.

The General expressly orders that no officer, or soldier, on any pretence whatever, without leave in writing, from the commanding officer of the regiment, do leave the parade, so as to be out of drum-call, in case of an alarm, which may be hourly expected—The Regiments
25 are immediately to be under Arms on their respective parades, and should any be absent they will be severely punished—The whole Army to be at their Alarm posts completely equipped to morrow, a little before day.

ANNOTATIONS

NOTES & QUESTIONS

Ensign Charles Miller, Capt. Wrist's Company, and Colonel Wyllys's Regiment, charged with "absenting himself from his Guard" tried by a General Court Martial and acquitted—
The General approves the sentence, and orders him to be dismissed from his arrest.

5 As there is a probability of Rain, the General strongly recommends to the officers, to pay particular attention, to their men's arms and ammunition, that neither may be damaged.

Lieut. Col. Clark who was ordered to sit on General Court Martial in the orders of yesterday being absent on command, Lieut. Col. Tyler is to sit in Court.

10 Evening Orders. 'Tis the General's desire that the men lay upon their Arms in their tents and quarters, ready to turn out at a moments warning, as there is the greatest likelihood of it.

GENERAL GEORGE WASHINGTON, COMMANDER-IN-CHIEF OF THE CONTINENTAL ARMY
Address to Congress

SPEECH

December 23, 1783

Old Senate Chamber of the Maryland State House | Annapolis, Maryland

BACKGROUND

George Washington delivered this message to Congress to resign his commission as Commander-in-Chief of the Continental Army.

ANNOTATIONS**NOTES & QUESTIONS**

The great events on which my resignation depended having at length taken place; I have now the honor of offering my sincere Congratulations to Congress and of presenting myself before them to surrender into their hands the trust committed to me, and to claim the indulgence of retiring from the Service of my Country.

- 5 Happy in the confirmation of our Independence and Sovereignty, and pleased with the opportunity afforded the United States of becoming a respectable Nation, I resign with satisfaction the Appointment I accepted with diffidence. A diffidence in my abilities to accomplish so arduous a task, which however was superseded by a confidence in the rectitude of our Cause, the support of the Supreme Power of the Union, and the patronage of Heaven.
- 10 The Successful termination of the War has verified the most sanguine expectations, and my gratitude for the interposition of Providence, and the assistance I have received from my Countrymen, encreases with every review of the momentous Contest.

While I repeat my obligations to the Army in general, I should do injustice to my own feelings not to acknowledge in this place the peculiar Services and distinguished merits of

George Washington, "Address to Congress on Resigning his Commission," *The Writings of George Washington*, Vol. 27, ed. John C. Fitzpatrick (Washington, D.C.: United States Government Printing Office, 1931), 284-85.

ANNOTATIONS

NOTES & QUESTIONS

the Gentlemen who have been attached to my person during the War. It was impossible the choice of confidential Officers to compose my family should have been more fortunate. Permit me Sir, to recommend in particular those, who have continued in Service to the present moment, as worthy of the favorable notice and patronage of Congress.

- 5 I consider it an indispensable duty to close this last solemn act of my Official life, by commending the Interests of our dearest Country to the protection of Almighty God, and those who have the superintendence of them, to his holy keeping.

Having now finished the work assigned me, I retire from the great theatre of Action; and bidding an Affectionate farewell to this August body under whose orders I have so long
10 acted, I here offer my Commission, and take my leave of all the employments of public life.

PHYLLIS WHEATLEY

“Liberty and Peace”

POEM

1784

Boston, Massachusetts

BACKGROUND

Phyllis Wheatley composed this poem after the signing of the Treaty of Paris officially ending the War of Independence.

ANNOTATIONS

NOTES & QUESTIONS

- LO! Freedom comes. Th' prescient Muse foretold,
- 5 All Eyes th' accomplish'd Prophecy behold:
Her Port describ'd, "She moves divinely fair,
"Olive and Laurel bind her golden Hair."
She, the bright Progeny of Heaven, descends,
And every Grace her sovereign Step attends;
- 10 For now kind Heaven, indulgent to our Prayer,
In smiling Peace resolves the Din of War.
Fix'd in Columbia her illustrious Line,
And bids in thee her future Councils shine.
To every Realm her Portals open'd wide,
- 15 Receives from each the full commercial Tide.
Each Art and Science now with rising Charms
Th' expanding Heart with Emulation warms.
E'en great Britannia sees with dread Surprise,
And from the dazzling Splendor turns her Eyes!
- 20 Britain, whose Navies swept th' Atlantic o'er,

Phyllis Wheatley, *Liberty and Peace* (Boston: Warden and Russell, 1784).

ANNOTATIONS

NOTES & QUESTIONS

- And Thunder sent to every distant Shore;
E'en thou, in Manners cruel as thou art,
The Sword resign'd, resume the friendly Part!
For Galia's Power espous'd Columbia's Cause,
5 And new-born Rome shall give Britannia Law,
Nor unremember'd in the grateful Strain,
Shall princely Louis' friendly Deeds remain;
The generous Prince th' impending Vengeance eye's,
Sees the fierce Wrong, and to the rescue flies.
10 Perish that Thirst of boundless Power, that drew
On Albion's Head the Curse to Tyrants due.
But thou appeas'd submit to Heaven's decree,
That bids this Realm of Freedom rival thee!
Now sheathe the Sword that bade the Brave attone
15 With guiltless Blood for Madness not their own.
Sent from th' Enjoyment of their native Shore
Ill-fated – never to behold her more!
From every Kingdom on Europa's Coast
Throng'd various Troops, their Glory, Strength and Boast.
20 With heart-felt pity fair Hibernia saw
Columbia menac'd by the Tyrant's Law:
On hostile Fields fraternal Arms engage,
And mutual Deaths, all dealt with mutual Rage:
The Muse's Ear hears mother Earth deplore
25 Her ample Surface smok with kindred Gore:
The hostile Field destroys the social Ties,
And every-lasting Slumber seals their Eyes.
Columbia mourns, the haughty Foes deride,
Her Treasures plunder'd, and her Towns destroy'd:
30 Witness how Charlestown's curling Smoaks arise,

ANNOTATIONS

NOTES & QUESTIONS

- In sable Columns to the clouded Skies!
The ample Dome, high-wrought with curious Toil,
In one sad Hour the savage Troops despoil.
Descending Peace and Power of War confounds;
- 5 From every Tongue celestial Peace resounds:
As for the East th' illustrious King of Day,
With rising Radiance drives the Shades away,
So Freedom comes array'd with Charms divine,
And in her Train Commerce and Plenty shine.
- 10 Britannia owns her Independent Reign,
Hibernia, Scotia, and the Realms of Spain;
And great Germania's ample Coast admires
The generous Spirit that Columbia fires.
Auspicious Heaven shall fill with fav'ring Gales,
- 15 Where e'er Columbia spreads her swelling Sails:
To every Realm shall Peace her Charms display,
And Heavenly Freedom spread her golden Ray.

THE END

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.

ANNOTATIONS

NOTES & QUESTIONS

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 DELEGATES OF THE UNITED STATES OF AMERICA IN CONGRESS

Articles of Confederation

LAW

March 1, 1781
United States of America

BACKGROUND

After forming their own country with the Declaration of Independence, the Congress created the Articles of Confederation during the Revolutionary War as the first national government for the United States.

ANNOTATIONS**NOTES & QUESTIONS**

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

Whereas the Delegates of the United States of America in Congress assembled did on the fifteenth day of November in the Year of our Lord One Thousand Seven Hundred and

5 Seventy-Seven, and in the Second Year of the Independence of America agree to certain articles of Confederation and perpetual Union between the States of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia in the words following, viz.

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

"Articles of Confederation," in *The U.S. Constitution: A Reader* (Hillsdale, MI: Hillsdale College Press, 2012), 163-71.

Article I

The stile of this confederacy shall be "The United States of America."

Article II

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

Article III

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

Article IV

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

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

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

Article V

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

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

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

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

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

Article VI

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

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

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

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

No State shall engage in any war without the consent of the United States in Congress assembled, unless such State be actually invaded by enemies, or shall have received certain advice of a resolution being formed by some nation of Indians to invade such State, and the

danger is so imminent as not to admit of a delay, till the United States in Congress assembled can be consulted: nor shall any State grant commissions to any ships or vessels of war, nor letters of marque or reprisal, except it be after a declaration of war by the United States in Congress assembled, and then only against the kingdom or state and the subjects thereof, against which war has been so declared, and under such regulations as shall be established by the United States in Congress assembled, unless such State be infested by pirates, in which case vessels of war may be fitted out for that occasion, and kept so long as the danger shall continue or until the United States in Congress assembled shall determine otherwise.

Article VII

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

Article VIII

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

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

Article IX

The United States in Congress assembled, shall have the sole and exclusive right and power of determining on peace and war, except in the cases mentioned in the sixth article—of sending and receiving ambassadors—entering into treaties and alliances, provided that no

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

The United States in Congress assembled shall also be the last resort on appeal in all disputes and differences now subsisting or that hereafter may arise between two or more States concerning boundary, jurisdiction or any other cause whatever; which authority shall always be exercised in the manner following. Whenever the legislative or executive authority or lawful agent of any State in controversy with another shall present a petition to Congress, stating the matter in question and praying for a hearing, notice thereof shall be given by order of Congress to the legislative or executive authority of the other State in controversy, and a day assigned for the appearance of the parties by their lawful agents, who shall then be directed to appoint by joint consent, commissioners or judges to constitute a court for hearing and determining the matter in question: but if they cannot agree, Congress shall name three persons out of each of the United States, and from the list of such persons each party shall alternately strike out one, the petitioners beginning, until the number shall be reduced to thirteen; and from that number not less than seven, nor more than nine names as Congress shall direct, shall in the presence of Congress be drawn out by lot, and the persons whose names shall be so drawn or any five of them, shall be commissioners or judges, to hear and finally determine the controversy, so always as a major part of the judges who shall hear the cause shall agree in the determination: and if either party shall neglect to attend at the day appointed, without showing reasons, which Congress shall judge sufficient, or being present shall refuse to strike, the Congress shall proceed to nominate three persons out of each State, and the Secretary of Congress shall strike in behalf of such party

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

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

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

service of the United States—making rules for the government and regulation of the said land and naval forces, and directing their operations.

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

- The United States in Congress assembled shall never engage in a war, nor grant letters of marque and reprisal in time of peace, nor enter into any treaties or alliances, nor coin money, nor regulate the value thereof, nor ascertain the sums and expenses necessary for the defense and welfare of the United States, or any of them, nor emit bills, nor borrow
- 5 money on the credit of the United States, nor appropriate money, nor agree upon the number of vessels of war, to be built or purchased, or the number of land or sea forces to be raised, nor appoint a commander in chief of the army or navy, unless nine States assent to the same; nor shall a question on any other point, except for adjourning from day to day be determined, unless by the votes of a majority of the United States in Congress assembled.
- 10 The Congress of the United States shall have power to adjourn to any time within the year, and to any place within the United States, so that no period of adjournment be for a longer duration than the space of six months, and shall publish the journal of their proceedings monthly, except such parts thereof relating to treaties, alliances or military operations, as in their judgment require secrecy; and the yeas and nays of the delegates of each State on
- 15 any question shall be entered on the journal, when it is desired by any delegate; and the delegates of a State, or any of them, at his or their request shall be furnished with a transcript of the said journal, except such parts as are above excepted, to lay before the legislatures of the several States.

Article X

- 20 The committee of the States, or any nine of them, shall be authorized to execute, in the recess of Congress, such of the powers of Congress as the United States in Congress assembled, by the consent of nine States, shall from time to time think expedient to vest them with; provided that no power be delegated to the said committee, for the exercise of which, by the articles of confederation, the voice of nine states in the Congress of the United States
- 25 assembled is requisite.

Article XI

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

5 **Article XII**

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

10**Article XIII**

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

15

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

20
25

said confederation are submitted to them. And that the Articles thereof shall be inviolably observed by the States we respectively represent, and that the Union shall be perpetual.

In witness whereof we have hereunto set our hands in Congress. Done at Philadelphia in the State of Pennsylvania the ninth day of July, in the year of our Lord, one thousand seven hundred and seventy-eight, and in the third year of the independence of America.

On the part and behalf of the State of New Hampshire:

Josiah Bartlett, John Wentworth, Jr.

On the part and behalf of the State of Massachusetts Bay:

John Hancock, Samuel Adams, Elbridge Gerry, Francis Dana, James Lovell, Samuel Holten

On the part and behalf of the State of Rhode Island and Providence Plantations:

William Ellery, Henry Marchant, John Collins

On the part and behalf of the State of Connecticut:

Roger Sherman, Samuel Huntington, Oliver Wolcott, Titus Hosmer, Andrew Adams

On the part and behalf of the State of New York:

James Duane, Francis Lewis, William Duer, Gouverneur Morris

ANNOTATIONS

NOTES & QUESTIONS

On the part and behalf of the State of New Jersey:

John Witherspoon, Nathaniel Scudder

On the part and behalf of the State of Pennsylvania:

5 Robert Morris, Daniel Roberdeau, Jonathan Bayard Smith, William Clingan, Joseph Reed

On the part and behalf of the State of Delaware:

Thomas McKean, John Dickinson, Nicholas Van Dyke

10 On the part and behalf of the State of Maryland:

John Hanson, Daniel Carroll

On the part and behalf of the State of Virginia:

Richard Henry Lee, John Banister, Thomas Adams, John Harvie, Francis Lightfoot Lee

15

On the part and behalf of the State of North Carolina:

John Penn, Cornelius Harnett, John Williams

ANNOTATIONS

NOTES & QUESTIONS

On the part and behalf of the State of South Carolina:

Henry Laurens, William Henry Drayton, John Matthews, Richard Hutson, Thomas Heyward, Jr.

5 On the part and behalf of the State of Georgia:

John Walton, Edward Telfair, Edward Langworthy

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 second Year by the People of the several States, and the Electors in each State shall have the

10 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
5 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
25 shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall

likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten days
 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;

To provide for the Punishment of counterfeiting the Securities and current Coin of the
 25 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 notwithstanding.
20

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

NOTES & QUESTIONS

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 FitzSimmons, 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

5 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 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

15 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 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.

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
 20 of two-thirds of the whole number of Senators, and a majority of the whole number 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

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 such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

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.

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.

25

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.

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.

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 (ALEXANDER HAMILTON)

Federalist No. 9

ESSAY

November 21, 1787

The Independent Journal | New York City, New York

BACKGROUND

Publius (Alexander Hamilton) argues for the proposed Constitution by explaining the new understandings in political philosophy that informed its creation.

GUIDING QUESTIONS

1. What was the problem with disunited republics of the past?
2. What are the five key elements of the advanced understanding of politics?
3. How does Publius respond to Anti-Federalist arguments claiming that Montesquieu rejected large republics?
4. According to Publius, does Montesquieu support a federal government intervening in the affairs of the states?

"Federalist 9," in *The U.S. Constitution: A Reader*, ed. Hillsdale College Politics Faculty (Hillsdale, MI: Hillsdale College Press, 2012), 215-19.

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The Union as a Safeguard Against Domestic Faction and Insurrection

A firm Union will be of the utmost moment to the peace and liberty of the States, as a barrier against domestic faction and insurrection. It is impossible to read the history of the petty republics of Greece and Italy without feeling sensations of horror and disgust at the distractions with which they were continually agitated, and at the rapid succession of revolutions by which they were kept in a state of perpetual vibration between the extremes of tyranny and anarchy. If they exhibit occasional calms, these only serve as short-lived contrast to the furious storms that are to succeed. If now and then intervals of felicity open to view, we behold them with a mixture of regret, arising from the reflection that the pleasing scenes before us are soon to be overwhelmed by the tempestuous waves of sedition and party rage. If momentary rays of glory break forth from the gloom, while they dazzle us with a transient and fleeting brilliancy, they at the same time admonish us to lament that the vices of government should pervert the direction and tarnish the lustre of those bright talents and exalted endowments for which the favored soils that produced them have been so justly celebrated.

From the disorders that disfigure the annals of those republics the advocates of despotism have drawn arguments, not only against the forms of republican government, but against the very principles of civil liberty. They have decried all free government as inconsistent with the order of society, and have indulged themselves in malicious exultation over its friends and partisans. Happily for mankind, stupendous fabrics reared on the basis of liberty, which have flourished for ages, have, in a few glorious instances, refuted their gloomy sophisms. And, I trust, America will be the broad and solid foundation of other edifices, not less magnificent, which will be equally permanent monuments of their errors.

But it is not to be denied that the portraits they have sketched of republican government were too just copies of the originals from which they were taken. If it had been found impracticable to have devised models of a more perfect structure, the enlightened friends to liberty would have been obliged to abandon the cause of that species of government as

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indefensible. The science of politics, however, like most other sciences, has received great improvement. The efficacy of various principles is now well understood, which were either not known at all, or imperfectly known to the ancients. The regular distribution of power into distinct departments; the introduction of legislative balances and checks; the institution of courts composed of judges holding their offices during good behavior; the representation of the people in the legislature by deputies of their own election: these are wholly new discoveries, or have made their principal progress towards perfection in modern times. They are means, and powerful means, by which the excellences of republican government may be retained and its imperfections lessened or avoided. To this catalogue of circumstances that tend to the amelioration of popular systems of civil government, I shall venture, however novel it may appear to some, to add one more, on a principle which has been made the foundation of an objection to the new Constitution; I mean the ENLARGEMENT of the ORBIT within which such systems are to revolve, either in respect to the dimensions of a single State or to the consolidation of several smaller States into one great Confederacy. The latter is that which immediately concerns the object under consideration. It will, however, be of use to examine the principle in its application to a single State, which shall be attended to in another place.

The utility of a Confederacy, as well to suppress faction and to guard the internal tranquility of States, as to increase their external force and security, is in reality not a new idea. It has been practiced upon in different countries and ages, and has received the sanction of the most approved writers on the subject of politics. The opponents of the PLAN proposed have, with great assiduity, cited and circulated the observations of Montesquieu on the necessity of a contracted territory for a republican government. But they seem not to have been apprised of the sentiments of that great man expressed in another part of his work, nor to have adverted to the consequences of the principle to which they subscribe with such ready acquiescence.

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When Montesquieu recommends a small extent for republics, the standards he had in view were of dimensions far short of the limits of almost every one of these States. Neither Virginia, Massachusetts, Pennsylvania, New York, North Carolina, nor Georgia can by any means be compared with the models from which he reasoned and to which the terms of his description apply. If we therefore take his ideas on this point as the criterion of truth, we shall be driven to the alternative either of taking refuge at once in the arms of monarchy, or of splitting ourselves into an infinity of little, jealous, clashing, tumultuous commonwealths, the wretched nurseries of unceasing discord, and the miserable objects of universal pity or contempt. Some of the writers who have come forward on the other side of the question seem to have been aware of the dilemma; and have even been bold enough to hint at the division of the larger States as a desirable thing. Such an infatuated policy, such a desperate expedient, might, by the multiplication of petty offices, answer the views of men who possess not qualifications to extend their influence beyond the narrow circles of personal intrigue, but it could never promote the greatness or happiness of the people of America.

Referring the examination of the principle itself to another place, as has been already mentioned, it will be sufficient to remark here that, in the sense of the author who has been most emphatically quoted upon the occasion, it would only dictate a reduction of the SIZE of the more considerable MEMBERS of the Union, but would not militate against their being all comprehended in one confederate government. And this is the true question, in the discussion of which we are at present interested.

So far are the suggestions of Montesquieu from standing in opposition to a general Union of the States, that he explicitly treats of a CONFEDERATE REPUBLIC as the expedient for extending the sphere of popular government, and reconciling the advantages of monarchy with those of republicanism.

"It is very probable," (says he) "that mankind would have been obliged at length to live constantly under the government of a SINGLE PERSON, had they not contrived a kind of

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constitution that has all the internal advantages of a republican, together with the external force of a monarchical government. I mean a CONFEDERATE REPUBLIC.

5 "This form of government is a convention by which several smaller *states* agree to become members of a larger *one*, which they intend to form. It is a kind of assemblage of societies that constitute a new one, capable of increasing, by means of new associations, till they arrive to such a degree of power as to be able to provide for the security of the united body.

10 "A republic of this kind, able to withstand an external force, may support itself without any internal corruptions. The form of this society prevents all manner of inconveniences.

15 "If a single member should attempt to usurp the supreme authority, he could not be supposed to have an equal authority and credit in all the confederate states. Were he to have too great influence over one, this would alarm the rest. Were he to subdue a part, that which would still remain free might oppose him with forces independent of those which he had usurped and overpower him before he could be settled in his usurpation.

20 "Should a popular insurrection happen in one of the confederate states the others are able to quell it. Should abuses creep into one part, they are reformed by those that remain sound. The state may be destroyed on one side, and not on the other; the confederacy may be dissolved, and the confederates preserve their sovereignty.

25 "As this government is composed of small republics, it enjoys the internal happiness of each; and with respect to its external situation, it is possessed, by means of the association, of all the advantages of large monarchies."

30 I have thought it proper to quote at length these interesting passages, because they contain a luminous abridgment of the principal arguments in favor of the Union, and must effectually remove the false impressions which a misapplication of other parts of the work was calculated to make. They have, at the same time, an intimate connection with the more

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immediate design of this paper; which is, to illustrate the tendency of the Union to repress domestic faction and insurrection.

A distinction, more subtle than accurate, has been raised between a *confederacy* and a *consolidation* of the States. The essential characteristic of the first is said to be, the restriction of its authority to the members in their collective capacities, without reaching to the individuals of whom they are composed. It is contended that the national council ought to have no concern with any object of internal administration. An exact equality of suffrage between the members has also been insisted upon as a leading feature of a confederate government. These positions are, in the main, arbitrary; they are supported neither by principle nor precedent. It has indeed happened, that governments of this kind have generally operated in the manner which the distinction taken notice of, supposes to be inherent in their nature; but there have been in most of them extensive exceptions to the practice, which serve to prove, as far as example will go, that there is no absolute rule on the subject. And it will be clearly shown in the course of this investigation that as far as the principle contended for has prevailed, it has been the cause of incurable disorder and imbecility in the government.

The definition of a *confederate republic* seems simply to be "an assemblage of societies," or an association of two or more states into one state. The extent, modifications, and objects of the federal authority are mere matters of discretion. So long as the separate organization of the members be not abolished; so long as it exists, by a constitutional necessity, for local purposes; though it should be in perfect subordination to the general authority of the union, it would still be, in fact and in theory, an association of states, or a confederacy. The proposed Constitution, so far from implying an abolition of the State governments, makes them constituent parts of the national sovereignty, by allowing them a direct representation in the Senate, and leaves in their possession certain exclusive and very important portions of sovereign power. This fully corresponds, in every rational import of the terms, with the idea of a federal government.

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In the Lycian confederacy, which consisted of twenty-three CITIES or republics, the largest were entitled to *three* votes in the COMMON COUNCIL, those of the middle class to *two*, and the smallest to *one*. The COMMON COUNCIL had the appointment of all the judges and magistrates of the respective CITIES. This was certainly the most, delicate species of interference in their internal administration; for if there be any thing that seems exclusively appropriated to the local jurisdictions, it is the appointment of their own officers. Yet Montesquieu, speaking of this association, says: "Were I to give a model of an excellent Confederate Republic, it would be that of Lycia." Thus we perceive that the distinctions insisted upon were not within the contemplation of this enlightened civilian; and we shall be led to conclude, that they are the novel refinements of an erroneous theory.

PUBLIUS (JAMES MADISON)

Federalist No. 10

ESSAY

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. Can the problem of faction be solved by removing the causes of faction?
4. Is it practicable to make all people of one mind? How are opinions and passions related to the problem of faction?
5. What is the first task of government?
6. Since the causes of faction cannot be removed, what must be controlled?
7. How is minority faction solved?
8. What is the solution for majority faction?
9. What is the role of elected representatives in solving the problem of faction?
10. How does a large republic address the problem of majority faction?
11. 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 The friend of popular governments never finds himself so much alarmed for their character and fate as when he contemplates their propensity to this dangerous vice. He will not fail, therefore, to set a due value on any plan which, without violating the principles to which he is attached, provides a proper cure for it. The instability, injustice, and confusion introduced into the public councils have, in truth, been the mortal diseases under which popular
- 10 governments have everywhere perished, as they continue to be the favorite and fruitful topics from which the adversaries to liberty derive their most specious declamations. The valuable improvements made by the American constitutions on the popular models, both ancient and modern, cannot certainly be too much admired; but it would be an unwarrantable partiality to contend that they have as effectually obviated the danger on this side, as
- 15 was wished and expected. Complaints are everywhere heard from our most considerate and virtuous citizens, equally the friends of public and private faith and of public and personal liberty, that our governments are too unstable, that the public good is disregarded in the conflicts of rival parties, and that measures are too often decided, not according to the rules of justice and the rights of the minor party, but by the superior force of an interested
- 20 and overbearing majority. However anxiously we may wish that these complaints had no foundation, the evidence of known facts will not permit us to deny that they are in some degree true. It will be found, indeed, on a candid review of our situation, that some of the distresses under which we labor have been erroneously charged on the operation of our governments; but it will be found, at the same time, that other causes will not alone account
- 25 for many of our heaviest misfortunes; and, particularly, for that prevailing and increasing distrust of public engagements and alarm for private rights which are echoed from one end of the continent to the other. These must be chiefly, if not wholly, effects of the unsteadiness and injustice with which a factious spirit has tainted our public administration.

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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.

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There are two methods of curing the mischiefs of faction: the one, by removing its causes; the other, by controlling its effects.

10 There are again two methods of removing the causes of faction: the one, by destroying the liberty which is essential to its existence; the other, by giving to every citizen the same opinions, the same passions, and the same interests.

15 It could never be more truly said than of the first remedy that it was worse than the disease. Liberty is to faction what air is to fire, an aliment without which it instantly expires. But it could not be a less folly to abolish liberty, which is essential to political life, because it nourishes faction than it would be to wish the annihilation of air, which is essential to animal life, because it imparts to fire its destructive agency.

20 The second expedient is as impracticable as the first would be unwise. As long as the reason of man continues fallible, and he is at liberty to exercise it, different opinions will be formed. As long as the connection subsists between his reason and his self-love, his opinions and his passions will have a reciprocal influence on each other; and the former will be objects to which the latter will attach themselves. The diversity in the faculties of men, from which the rights of property originate, is not less an insuperable obstacle to a uniformity of interests. The protection of these faculties is the first object of government. From the protection of different and unequal faculties of acquiring property, the possession of different degrees and kinds of property immediately results; and from the influence of these on the sentiments and views of the respective proprietors ensues a division of the society into different interests and parties.

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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
5 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 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
10 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 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
15 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 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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No man is allowed to be a judge in his own cause because his interest would certainly bias his judgment, and, not improbably, corrupt his integrity. With equal, nay with greater reason, a body of men are unfit to be both judges and parties at the same time; yet what are
25 many of the most important acts of legislation but so many judicial determinations, not indeed concerning the rights of single persons, but concerning the rights of large bodies of citizens? And what are the different classes of legislators but advocates and parties to the causes which they determine? Is a law proposed concerning private debts? It is a question to which the creditors are parties on one side and the debtors on the other. Justice ought to
30 hold the balance between them. Yet the parties are, and must be, themselves the judges;

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and the most numerous party, or in other words, the most powerful faction must be expected to prevail. Shall domestic manufactures be encouraged, and in what degree, by restrictions on foreign manufactures? are questions which would be differently decided by the landed and the manufacturing classes, and probably by neither with a sole regard to justice and the public good. The apportionment of taxes on the various descriptions of property is an act which seems to require the most exact impartiality; yet there is, perhaps, no legislative act in which greater opportunity and temptation are given to a predominant party to trample on the rules of justice. Every shilling with which they overburden the inferior number is a shilling saved to their own pockets.

It is in vain to say that enlightened statesmen will be able to adjust these clashing interests and render them all subservient to the public good. Enlightened statesmen will not always be at the helm. Nor, in many cases, can such an adjustment be made at all without taking into view indirect and remote considerations, which will rarely prevail over the immediate interest which one party may find in disregarding the rights of another or the good of the whole.

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*.

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 spirit and the form of popular government, is then the great object to which our inquiries

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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.

- 5 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
10 religious motives can be relied on as an adequate control. They are not found to be such on 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
15 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 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
20 democracies have ever been spectacles of turbulence and contention; have ever been found 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
25 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
30 the nature of the cure and the efficacy which it must derive from the Union.

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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.

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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.

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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 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

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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.

- 5 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
10 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
15 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,
20 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 own strength and to act in unison with each other. Besides other impediments, it may be
25 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.

- Hence, it clearly appears that the same advantage which a republic has over a democracy
30 in controlling the effects of faction is enjoyed by a large over a small republic—is enjoyed

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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 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 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 dispersed 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.

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? Why or why not?
3. What additional methods help the government to control itself?
4. How is the executive branch strengthened?
5. How is the power surrendered by the people divided to protect from government encroachment?
6. How does the argument against majority tyranny here relate to the argument made in Federalist 10?
7. 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
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
10 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,
20 and judiciary magistracies should be drawn from the same fountain of authority, the people, 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.

25 In the constitution of the judiciary department in particular, it might be inexpedient to 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.

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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 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 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.

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This policy of supplying, by opposite and rival interests, the defect of better motives, might 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.

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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

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inconveniency is to divide the legislature into different branches; and to render them, by 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. It may even be necessary to guard against dangerous encroachments by still further precautions. As the weight of the legislative authority requires that it should be thus divided, the weakness of the executive may require, on the other hand, that it should be fortified. An absolute negative on the legislature appears, at first view, to be the natural defense with which the executive magistrate should be armed. But perhaps it would be neither altogether safe nor alone sufficient. On ordinary occasions it might not be exerted with the requisite firmness, and on extraordinary occasions it might be perfidiously abused. May not this defect of an absolute negative be supplied by some qualified connection between this weaker department and the weaker branch of the stronger department, by which the latter may be led to support the constitutional rights of the former, without being too much detached from the rights of its own department?

If the principles on which these observations are founded be just, as I persuade myself they are, and they be applied as a criterion to the several State constitutions, and to the federal Constitution it will be found that if the latter does not perfectly correspond with them, the former are infinitely less able to bear such a test.

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 governments, 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.

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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 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
5 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 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
10 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 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,
15 that the rights of individuals, or of the minority, will be in little danger from interested combinations of the majority. In a free government the security for civil rights must be the same as that for religious rights. It consists in the one case in the multiplicity of interests, and in the other in the multiplicity of sects. The degree of security in both cases will depend on the number of interests and sects; and this may be presumed to depend on the extent of
20 country and number of people comprehended under the same government. This view of the subject must particularly recommend a proper federal system to all the sincere and considerate friends of republican government, since it shows that in exact proportion as the territory of the Union may be formed into more circumscribed Confederacies, or States oppressive combinations of a majority will be facilitated: the best security, under the re-
25 publican forms, for the rights of every class of citizens, will be diminished: and consequently the stability and independence of some member of the government, the only other security, must be proportionately increased. 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
30 unite and oppress the weaker, anarchy may as truly be said to reign as in a state of nature,

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where the weaker individual is not secured 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
5 motive, to wish for a government which will protect all parties, the weaker as well as the more powerful. It can be little doubted that if the State of Rhode Island was separated from the Confederacy and left to itself, the insecurity of rights under the popular form of government within such narrow limits would be displayed by such reiterated oppressions of factious majorities that some power altogether independent of the people would soon be
10 called for by the voice of the very factions whose misrule had proved the necessity of it. In the extended republic of 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,
15 also, to provide for the security of the former, by introducing into the government a will not dependent on the 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
20 of the *federal principle*.

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.

ANNOTATIONS**NOTES & QUESTIONS****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.