

**UNIT 2****The United States Constitution**

40-50-minute classes | 12-17 classes

**UNIT PREVIEW**

## Structure

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

**Why Teach the United States Constitution**

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

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

## What Teachers Should Consider

---

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

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

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

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

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

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

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

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

## How Teachers Can Learn More

---

### TEXTS

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

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

*Introduction to the Constitution*  
*Constitution 101*  
*The Federalist Papers*

## Primary Sources Studied in This Unit

---

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

## **LESSON PLANS, ASSIGNMENTS, AND FORMATIVE QUIZ**



## Lesson 1 — The Principles of the Constitution

---

3-4 classes

### LESSON OBJECTIVE

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

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

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

### PRIMARY SOURCES

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

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

### TERMS AND TOPICS

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

## QUESTIONS FOR THE AMERICAN MIND

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

## KEYS TO THE LESSON

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

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

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



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

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

### **STRENGTHENING UNDERSTANDING: POST-LESSON ASSIGNMENT**

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

## Lesson 2 — The Congress

---

2-3 classes

### LESSON OBJECTIVE

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

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

*The Federalist Papers*  
*Congress*

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

### PRIMARY SOURCES

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

The U.S. Constitution, Articles I and IV

### TERMS AND TOPICS

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

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

### QUESTIONS FOR THE AMERICAN MIND

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

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

## KEYS TO THE LESSON

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

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

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

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

### **STRENGTHENING UNDERSTANDING: POST-LESSON ASSIGNMENT**

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

## Lesson 3 — The Presidency

---

2-3 classes

### LESSON OBJECTIVE

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

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

*The Federalist Papers*

Lecture 7

*The Presidency and the Constitution*

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

### PRIMARY SOURCES

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

The U.S. Constitution, Article II

### TERMS AND TOPICS

executive power

bully pulpit

presidency

State of the Union address

Electoral College

foreign policy

term

vice president

veto power

War Powers Resolution

impeachment

pardoning power

cabinet

impeachment

Commander-in-Chief

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

presidential oath

### QUESTIONS FOR THE AMERICAN MIND

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



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

## KEYS TO THE LESSON

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

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

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

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

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

### **STRENGTHENING UNDERSTANDING: POST-LESSON ASSIGNMENT**

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

## Unit 3 — Formative Quiz

---

Covering Lessons 1-3  
10-15 minutes

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

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

## Lesson 4 — The Judiciary

---

1-2 classes

### LESSON OBJECTIVE

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

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

*The Federalist Papers*  
*The U.S. Supreme Court*

Lecture 8  
 Lecture 1

### PRIMARY SOURCES

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

The U.S. Constitution, Article III

### TERMS AND TOPICS

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

original jurisdiction  
 appellate jurisdiction  
*Marbury v. Madison*  
 judicial review

### QUESTIONS FOR THE AMERICAN MIND

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

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

## KEYS TO THE LESSON

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

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

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

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

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

### STRENGTHENING UNDERSTANDING: POST-LESSON ASSIGNMENT

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

## Lesson 5 — The Bill of Rights

---

2-3 classes

### LESSON OBJECTIVE

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

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

*The Federalist Papers*

Lecture 9

*Civil Rights in American History*

Lecture 2

### PRIMARY SOURCES

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

The U.S. Constitution, Articles V-VII

The Bill of Rights

### TERMS AND TOPICS

Bill of Rights

freedom of the press

freedom of religion

right to assembly

free exercise

right to bear arms

establishment clause

due process

freedom of speech

### QUESTIONS FOR THE AMERICAN MIND

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



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

## KEYS TO THE LESSON

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

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

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

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

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

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

### **STRENGTHENING UNDERSTANDING: POST-LESSON ASSIGNMENT**

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

## **APPENDIX A**

Study Guide

Test

Writing Assignment



## Study Guide — The United States Constitution Test

---

Unit 2

Test on \_\_\_\_\_

### TERMS AND TOPICS

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

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

### PRIMARY SOURCES

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

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

### QUESTIONS FOR THE AMERICAN MIND

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

#### Lesson 1 | The Principles of the Constitution

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

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

### Lesson 2 | The Congress

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

### Lesson 3 | The Presidency

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

### Lesson 4 | The Judiciary

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

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

### **Lesson 5 | The Bill of Rights**

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





Name \_\_\_\_\_

Date \_\_\_\_\_

## Test — The United States Constitution

---

Unit 2

### TERMS AND TOPICS

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

1. representative democracy

2. majority tyranny

3. federalism

4. enumerated powers

5. legislative power

6. executive power

7. judicial power

8. judicial review

## PRIMARY SOURCES

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

9. *Federalist 10*

10. *Federalist 51*

## QUESTIONS FOR THE AMERICAN MIND

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

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

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





## Writing Assignment — The United States Constitution

---

Unit 2

Due on \_\_\_\_\_

### **DIRECTIONS**

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

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



## **APPENDIX B**

### Primary Sources

The American People

James Madison





## THE PEOPLE OF THE UNITED STATES OF AMERICA

# The Constitution

LAW

March 4, 1789  
United States of America

---

### BACKGROUND

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

### ANNOTATIONS

### NOTES & QUESTIONS

#### Preamble

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

#### Article I

Section 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section 2. The House of Representatives shall be composed of Members chosen every sec-  
10 ond Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

No person shall be a Representative who shall not have attained to the Age of twenty five Years, and been seven Years a Citizen of the United States, and who shall not, when elected,

---

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

be an Inhabitant of that State in which he shall be chosen.

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

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

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

Section 3. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six Years; and each Senator shall have one Vote.  
 20 Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one third may be chosen every second Year; and if Vacancies happen by Resignation, or  
 25 otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.

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

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

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

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

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

20 Section 4. The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of choosing Senators.

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

25 Section 5. Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

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

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

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

10 Section 6. The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be  
15 questioned in any other Place.

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

Section 7. All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States; If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall  
25 have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall

likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten days  
 5 (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return in which Case it shall not be a Law.

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

Section 8. The Congress shall have Power To lay and collect Taxes, Duties, Imposts and  
 15 Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

To borrow Money on the credit of the United States;

To regulate Commerce with foreign Nations, and among the several States, and with the  
 20 Indian Tribes;

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

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

25 To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

To establish Post Offices and post Roads;

To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

To constitute Tribunals inferior to the supreme Court;

5 To define and punish Piracies and Felonies committed on the high Seas, and Offenses against the Law of Nations;

To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

10 To provide and maintain a Navy;

To make Rules for the Government and Regulation of the land and naval Forces;

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

15 To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

20 To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings;—And

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

Section 9. The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.

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

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

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

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

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

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

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

Section 10. No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

- 25 No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing its inspection Laws: and



the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Control of the Congress.

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

## Article II

10 Section 1. The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice-President chosen for the same Term, be elected as follows:

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

20 The Electors shall meet in their respective States, and vote by Ballot for two Persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be more than one who have such Majority, and have an equal Number of Votes, 25 then the House of Representatives shall immediately choose by Ballot one of them for President; and if no Person have a Majority, then from the five highest on the List the said House shall in like Manner choose the President. But in choosing the President, the Votes shall be taken by States, the Representation from each State having one Vote; a quorum for

this Purpose shall consist of a Member or Members from two thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall choose from them by Ballot the Vice President.

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

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

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

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

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

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

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

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

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

Section 3. He shall from time to time give to the Congress Information of the State of the  
15 Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed,  
20 and shall Commission all the Officers of the United States.

Section 4. The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

### Article III

25 Section 1. The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good

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

5 Section 2. The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction; —to Controversies to which the United States shall be a Party;—to Controversies between two or more States;—between a State and Citizens of another State;—between Citizens of different States;—between Citizens of the same State claiming Lands under Grants of different States, and between a State,  
10 or the Citizens thereof, and foreign States, Citizens or Subjects.

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

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

20 Section 3. Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

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

**Article IV**

Section 1. Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

Section 2. The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

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

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

Section 3. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

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

Section 4. The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.

**Article V**

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

**Article VI**

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

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

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

**Article VII**

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

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

10 George Washington—

President and deputy from Virginia

**Delaware**

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

15 **Maryland**

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

**Virginia**

John Blair, James Madison, Jr.

**North Carolina**

20 William Blount, Richard Dobbs Spaight, Hugh Williamson

**South Carolina**

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

**ANNOTATIONS**

**Georgia**

William Few, Abraham Baldwin

**New Hampshire**

John Langdon, Nicholas Gilman

5 **Massachusetts**

Nathaniel Gorham, Rufus King

**Connecticut**

William Samuel Johnson, Roger Sherman

**New York**

10 Alexander Hamilton

**New Jersey**

William Livingston, David Brearley, William Paterson, Jonathan Dayton

**Pennsylvania**

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

Attest William Jackson Secretary



**Amendments to the Constitution of the United States of America**

**Amendment I**

Ratified December 15, 1791

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

**Amendment II**

Ratified December 15, 1791

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

**Amendment III**

Ratified December 15, 1791

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

15 **Amendment IV**

Ratified December 15, 1791

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

**Amendment V**

Ratified December 15, 1791

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

**10 Amendment VI**

Ratified December 15, 1791

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

**Amendment VII**

Ratified December 15, 1791

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

25

**Amendment VIII**

Ratified December 15, 1791

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

**5 Amendment IX**

Ratified December 15, 1791

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

**Amendment X**

**10** Ratified December 15, 1791

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

**Amendment XI**

Ratified February 7, 1795

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

**Amendment XII**

Ratified June 15, 1804

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

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

### Amendment XIII

Ratified December 6, 1865

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

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

**Amendment XIV**

Ratified July 9, 1868

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

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

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

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

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

### Amendment XV

10 Ratified February 3, 1870

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

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

15 **Amendment XVI**

Ratified February 3, 1913

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

20 **Amendment XVII**

Ratified April 8, 1913

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

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

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

### **Amendment XVIII**

Ratified January 16, 1919

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

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

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

### **Amendment XIX**

- 20 Ratified August 18, 1920

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

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

**Amendment XX**

Ratified January 23, 1933

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

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

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

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

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

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



**Amendment XXI**

Ratified December 5, 1933

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

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

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

**Amendment XXII**

Ratified February 27, 1951

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

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

25

**Amendment XXIII**

Ratified March 29, 1961

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

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

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

**Amendment XXIV**

Ratified January 23, 1964

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

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

**Amendment XXV**

- 20 Ratified February 10, 1967

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

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

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

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

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

25

**Amendment XXVI**

Ratified July 1, 1971

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

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

**Amendment XXVII**

Ratified May 7, 1992

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

**PUBLIUS (JAMES MADISON)**

# Federalist No. 10

ESSAY EXCERPTS

November 22, 1787

*Daily Advertiser* | New York City, New York

---

## BACKGROUND

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

## GUIDING QUESTIONS

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

---

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

**The Union as a Safeguard Against Domestic Faction and Insurrection**

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

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

The latent causes of faction are thus sown in the nature of man; and we see them everywhere brought into different degrees of activity, according to the different circumstances of civil society. A zeal for different opinions concerning religion, concerning government, and many other points, as well as speculation as of practice; an attachment to different leaders ambitiously contending for preeminence and power; or to persons of other descriptions whose fortunes have been interesting to the human passions, have, in turn, divided  
10 mankind into parties, inflamed them with mutual animosity, and rendered them much more disposed to vex and oppress each other than to cooperate for their common good. So strong is this propensity of mankind to fall into mutual animosities that where no substantial occasion presents itself the most frivolous and fanciful distinctions have been sufficient  
15 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  
20 interests in society. Those who are creditors, and those who are debtors, fall under a like discrimination. A landed interest, a manufacturing interest, a mercantile interest, a moneyed interest, with many lesser interests, grow up of necessity in civilized nations, and divide them into different classes, actuated by different sentiments and views. The regulation  
25 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....

ANNOTATIONS

NOTES & QUESTIONS

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

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

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

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

**ANNOTATIONS**

**NOTES & QUESTIONS**

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

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

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

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

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



**ANNOTATIONS**

**NOTES & QUESTIONS**

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

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

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

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

**ANNOTATIONS**

**NOTES & QUESTIONS**

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

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

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

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

**PUBLIUS (JAMES MADISON)**  
**Federalist No. 51**

ESSAY

February 8, 1788

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

---

**BACKGROUND**

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

**GUIDING QUESTIONS**

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

---

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

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

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

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

**ANNOTATIONS**

**NOTES & QUESTIONS**

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

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

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

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

**ANNOTATIONS**

**NOTES & QUESTIONS**

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

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

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

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

ANNOTATIONS

NOTES & QUESTIONS

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

**FIRST CONGRESS**

# Proposed Amendments to the Constitution

JOIN RESOLUTION EXCERPT

September 25, 1789

Federal Hall | City of New-York, New York

---

Bill of Rights

## BACKGROUND

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

## 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.