

ABOUT AMERICA

The Constitution of the United States of America *with Explanatory Notes*



ABOUT AMERICA: THE CONSTITUTION OF THE UNITED STATES OF AMERICA with Explanatory Notes adapted from THE WORLD BOOK ENCYCLOPEDIA (c) 2004 World Book, Inc. By permission of the publisher. www.worldbook.com



The Constitution of the United States, the brainchild of some of America's greatest leaders following the colonies' War for Independence, has protected Americans' rights and liberties since it went into effect on June 21, 1788. The document also has served as an inspiration to patriots everywhere who wish to establish "a wise and just Government," the goal delegate George Mason set for the framers gathered at the Constitutional Convention in 1787.

For readers interested in the study of this historic document and its relevance to contemporary democratic government, this publication offers the complete, authoritative text of the Constitution, the Bill of Rights, and the other amendments ratified since the first 10. It includes an essay on the historical developments that led to the convening of the Constitutional Convention, the disputes and compromises among the delegates, and the ratification and amendment process. Finally, it also provides explanatory notes for the text of the Constitution and its 27 amendments.

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“ *One country,
one constitution,
one destiny.* ”

U.S. Senator Daniel Webster
March 15, 1837

T

HE CONSTITUTION OF THE UNITED STATES sets forth the nation's fundamental laws. It establishes the form of the national government and defines the rights and liberties of the American people. It also lists the aims of the national government and the methods of achieving them. Previously, the nation's leaders had established an alliance among the states under the Articles of Confederation. But the Congress created by the Articles lacked the authority to make the states work together to solve national problems.



Benjamin Franklin's 1754 drawing of a severed snake calls for unity among the colonies who, with the British, confronted France in the French and Indian War.

After the states won independence in the Revolutionary War (1775-1783), they faced all the problems of peacetime government. The states had to enforce law and order, collect taxes, pay a large public debt, and regulate trade among themselves. They also had to deal with Indian tribes and negotiate with other governments. Leading statesmen, such as George Washington and Alexander Hamilton, began to discuss the need to create a strong national government under a new constitution.

Hamilton helped bring about a constitutional convention that met in Philadelphia, Pennsylvania, in 1787 to revise the Articles of Confederation. But a majority of the delegates at the convention decided instead to write a new plan of government — the Constitution of the United States. The Constitution established not merely a league of states, but a government that exercised its authority directly over all citizens. The Constitution defines the powers delegated to the national government. In addition, it protects the powers reserved to the states and the rights of every individual.



A later call for unity appears in this July 1776 illustration of 13 hands — symbolizing the colonies' declaration of independence from Britain.

The Supreme Law of the Land

The Constitution consists of a preamble, seven articles, and 27 amendments. It sets up a *federal system* by dividing powers between the national and state governments. It also establishes a balanced national government by separating powers among three independent branches — the executive, the legislative, and the judicial. The executive branch, the President, enforces national laws; the legislative branch, the Congress, makes national laws; and the judicial branch, the Supreme Court and other federal courts, applies and interprets laws when deciding legal disputes in federal courts.



John Marshall served briefly as U.S. Secretary of State before being appointed the nation's fourth Chief Justice of the Supreme Court. As Chief Justice for 34 years, Marshall established the principle of judicial review.

Federal powers listed in the Constitution include the right to collect taxes, declare war, and regulate interstate and foreign trade. In addition to these *delegated*, or *expressed powers* (those listed in the Constitution), the national government has *implied powers* (those reasonably implied by the delegated powers.) The implied powers enable the government to respond to the changing needs of the nation. For example, Congress had no specific delegated power to print paper money. But such a power is implied in the delegated powers of borrowing and coining money.

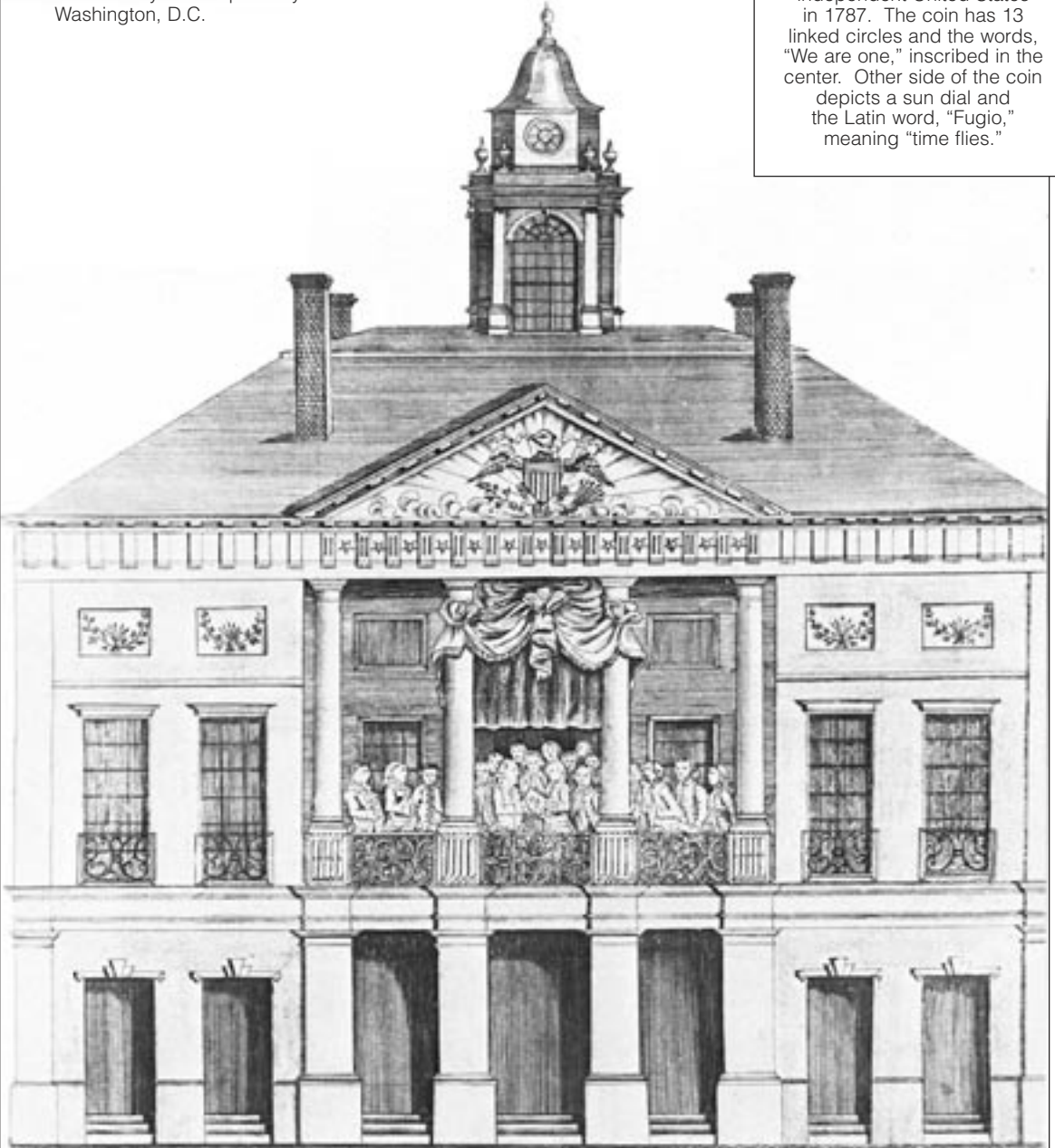
In some cases, the national and state governments have *concurrent powers* — that is, both levels of government may act. The national government laws are supreme in case of a conflict. Powers that the Constitution does not give to the national government or forbid to the states, *reserved powers*, belong to the people or to the states. State powers include the right to legislate on divorce, marriage, and public schools. Powers reserved for the people include the right to own property and to be tried by a jury.

The Supreme Court has the final authority to interpret the Constitution. It can set aside any law — federal, state, or local — that a majority of the justices believes conflicts with any part of the Constitution.

Engraving depicts Federal Hall in New York City, where George Washington, the nation's first President, was inaugurated on the balcony in April 1789. The new Congress conducted its business at Federal Hall before moving temporarily to Philadelphia, Pennsylvania, and then in 1800 to the newly built capital city of Washington, D.C.



The first national coins were issued by the newly independent United States in 1787. The coin has 13 linked circles and the words, "We are one," inscribed in the center. Other side of the coin depicts a sun dial and the Latin word, "Fugio," meaning "time flies."



The Need for the Constitution

The government established by the Articles of Confederation was not strong enough to govern the new nation. For example, it lacked an executive branch and a system of national courts. It could not regulate trade between the states or tax the states or their citizens. It was little more than an assembly of the representatives of 13 independent states.

In 1783, after the Revolutionary War, the nation entered a period of unstable commercial and political conditions. Alexander Hamilton and his supporters would have had little success in their campaign for a new constitution if conditions had been better. Some historians perhaps have painted the troubles of the new republic in much too gloomy colors. But little doubt remains that the situation became steadily worse after 1783. Each state acted almost like an independent country. Each ran its own affairs exactly as it saw fit, with little concern for the needs of the republic. The states circulated a dozen different currencies, most of which had little value. Neighboring states taxed each

other's imports. Great Britain refused to reopen the channels of trade that the colonies had depended on for their economic well-being. The state legislatures refused to pay the debts they had assumed during the Revolutionary War. Many states passed laws that enabled debtors to escape paying their obligations.

Worst of all, some people began to think once again of taking up arms in order to solve their problems. In western Massachusetts in 1786, hundreds of farmers under Captain Daniel Shays rebelled against the state government. State troops finally put down Shays's Rebellion. George Washington and other leaders wondered whether the colonies had rebelled against Great Britain in vain. They felt it was time to end these troubles and bring peace and order by forming a new national government. This new government would have to be strong enough to gain obedience at home and respect abroad.

Representatives from five states met in Annapolis, Maryland, in 1786. They proposed that the states appoint commissioners to meet in Philadelphia and consider revising the Articles of Confederation. Congress agreed to the proposal and suggested that each state select delegates to a constitutional convention.



Daniel Shays, left, and Job Shattuck, shown in this engraving from *Bickerstaff's Boston Almanack* for 1787, led debt-ridden farmers against the Massachusetts state government. The rebellion dramatized the need for stronger central government.

The Constitutional Convention

The Convention was supposed to open on May 14, 1787. But few of the 55 delegates had arrived in Philadelphia by that date. Finally, on May 25, the Convention formally opened in Independence Hall. Twelve states had responded to the call for the Convention. Rhode Island had refused to send delegates because it did not want the national government to interfere with Rhode Island's affairs.

Of the 55 delegates, 39 signed the United States Constitution on September 17, 1787. One of the signers was John Dickinson of Delaware, who left the Convention but asked another delegate, George Read, to sign for him. William Jackson, the Convention sec-

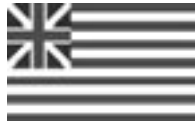
retary, witnessed the signatures. The delegates included some of the most experienced and patriotic men in the new republic. George Washington served as president of the Convention. Benjamin Franklin, at the age of 81, attended as a Representative of Pennsylvania. The brilliant Alexander Hamilton represented New York. James Madison of Virginia received the title of "Father of the Constitution" with his speeches, negotiations, and attempts at compromise. Madison told the delegates they were considering a plan that would "decide forever the fate of republican government." He kept a record of the delegates' debates and decisions.

Other men who had much to do with writing the Constitution included John Dickinson, Gouverneur Morris, Edmund Randolph, Roger Sherman, James Wilson, and George Wythe. Morris was probably the most influential delegate after Madison and Washington. He was given the task of putting all the Convention's resolutions and decisions into polished form. Morris actually "wrote" the Constitution. An original copy of the document is preserved in the National Archives building in Washington, D.C.

Several important figures of the time did not attend the Convention. John Adams and Thomas Jefferson were absent abroad on other government duties. Samuel Adams and John Jay failed to be appointed delegates from their states. Patrick Henry refused to serve after his appointment because he opposed granting any more power to the national government. Three leading members of the convention — Elbridge Gerry, George Mason, and Edmund Randolph — refused to sign the Constitution because they disagreed with parts of it.



James Madison, who later became the nation's fourth President, played a pivotal role at the Constitutional Convention, where he was dubbed the "Father of the Constitution."



The "Grand Union Flag," which first appeared on January 2, 1776, at Cambridge, Massachusetts. There, militia troops had gathered under the command of General George Washington to form the Continental Army.



Above, wood engraving of the General Assembly held in 1619 in Jamestown, Virginia, shows representatives, or "burgesses," meeting with the governor and his council. The assembly formed the New World's first colonial legislature.

Left, illustration from the Massachusetts treasury note of 1775 links the cause of American independence to English Magna Carta of 1215.



THE BACKGROUND OF THE CONSTITUTION. The delegates to the Constitutional Convention relied greatly on past experience as they worked to create a new government. They recalled many important events in the development of constitutional government. These

included the granting of Magna Carta, an English constitutional document, in 1215, and the meeting of the Jamestown Representative Assembly in 1619. Some of the colonies also served as examples of constitutional forms of government. Colonial governments had weaknesses but had progressed beyond other governments of their time in achieving liberty under law.

About the time of the Revolutionary War, several American states established constitutional governments. In 1777, John Jay of New York had helped

write a constitution for his state. John Adams of Massachusetts had helped write the Massachusetts Constitution of 1780. Delegates to the Constitutional Convention in Philadelphia used many ideas and words from the constitutions of these and other states.

The delegates also drew on their own experiences. For example, Benjamin Franklin had proposed a plan at the Albany Congress of 1754 to unify the colonies under a central government. Washington

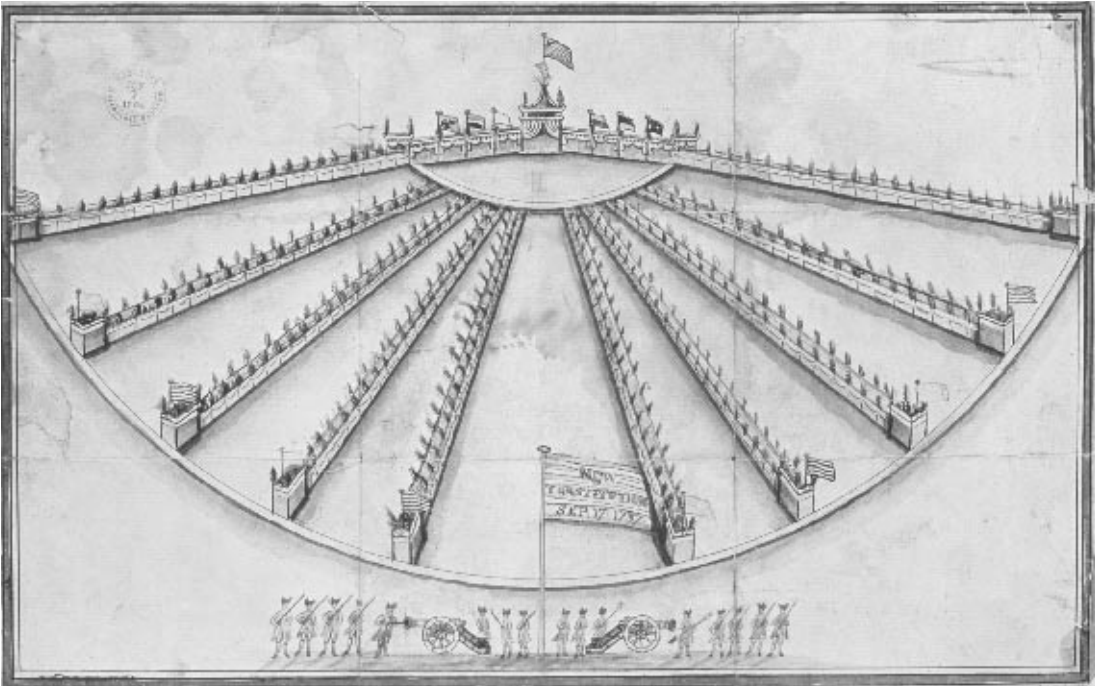
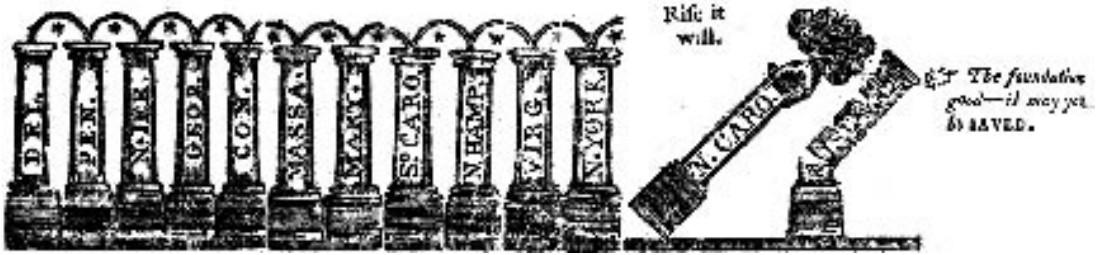


Benjamin Franklin, representing the state of Pennsylvania at the Constitutional Convention, was instrumental in forging the so-called Great Compromise, setting up a two-house congress.

remembered his own problems during the war when, as Commander-in-Chief, he had to work with the weak Confederation government. Almost every delegate to the Convention had served as a soldier or administrator of the government. The delegates often disagreed on details but were united in wanting the new government to be strong enough to rule the nation, but no so strong as to threaten the liberties of the states and of the people.

THE COMPROMISES. The task of creating a new government was not easily accomplished. Disputes among the delegates nearly ended the Convention on several occasions. For example, delegates from the large and more populous states disagreed with those from the small states about representation in the national legislature. The larger states favored the *Virginia Plan*, under which population would determine the number of representatives a state could send to the legislature. The smaller states supported the *New Jersey Plan*, which proposed that all the states would have an equal number of representatives. The Connecticut delegates suggested a compromise that settled the problem. Their plan provided for equal representation in the Senate, along with representation in proportion to population in the House of Representatives. This proposal became known as the *Connecticut Compromise* or the *Great Compromise*.

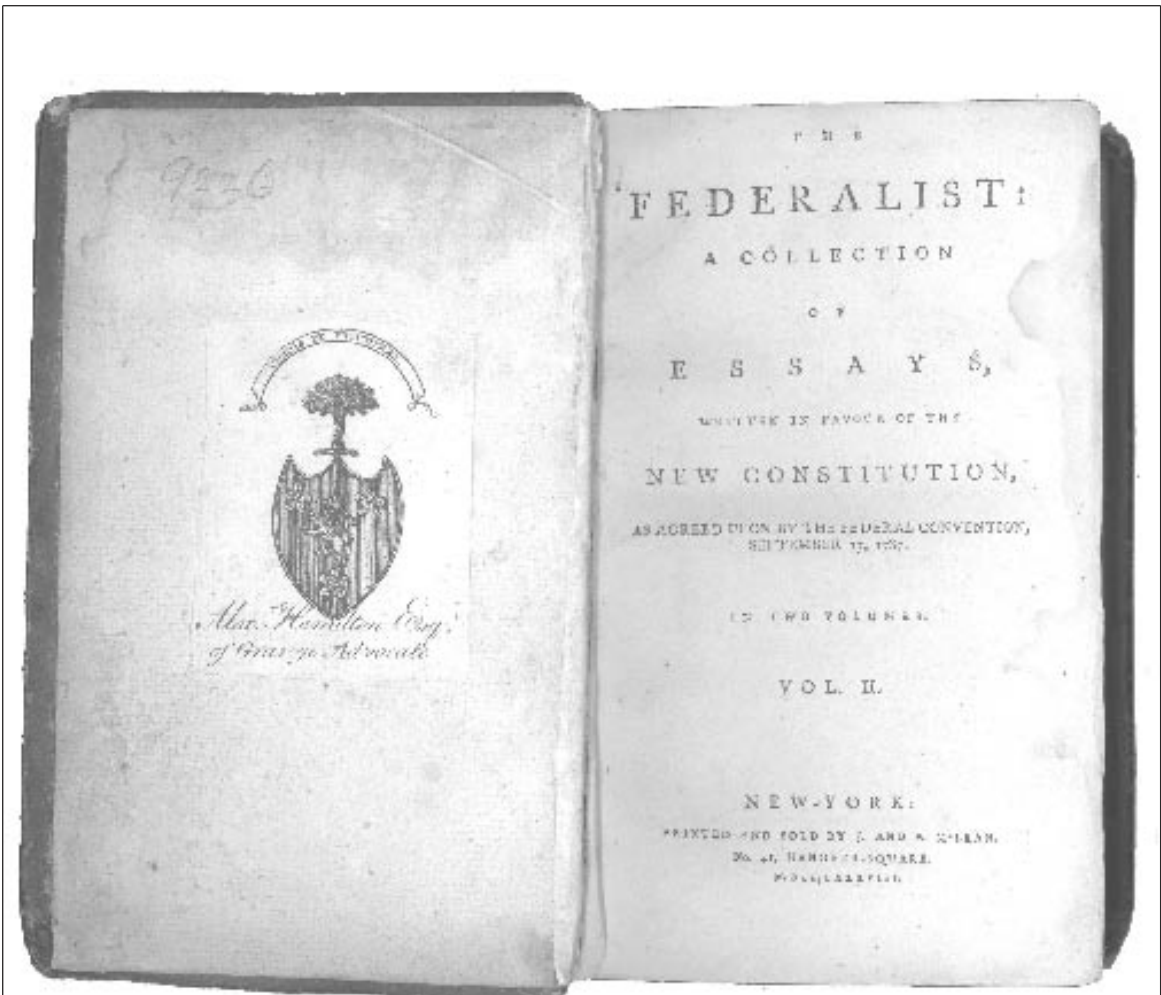
Compromises also settled conflicts over the issue of slavery. The delegates from the Northern states wanted Congress to have the power to forbid the foreign slave trade and eventually to abolish slavery. Most Southern delegates did not wish Congress to have this power. A compromise decided that



Top, campaigning for the Constitution: In 1788, *The Massachusetts Centinel* featured pillars representing the states' progress toward ratification of the Constitution. Here, North Carolina and Rhode Island — the two leaning pillars — have not yet ratified. Above, drawing depicts the celebration at the Federal Banquet Pavilion in New York City for those who marched in support of the new Constitution.

Congress would not be allowed to regulate the foreign slave trade until 1808. Another compromise involved the question of how to count slaves in determining the number of congressmen a state could have. Slaves were not considered citizens, and so the Convention agreed that only three-fifths of them could be counted.

The delegates agreed that each state should hold a special convention to discuss and vote on the Constitution. They also decided that as soon as nine states had *ratified* (approved) the Constitution, the Constitution would take effect and they could begin to organize their new government.



The *Federalist* essays, published in 1788, represent one of America's most important contributions to constitutional theory.



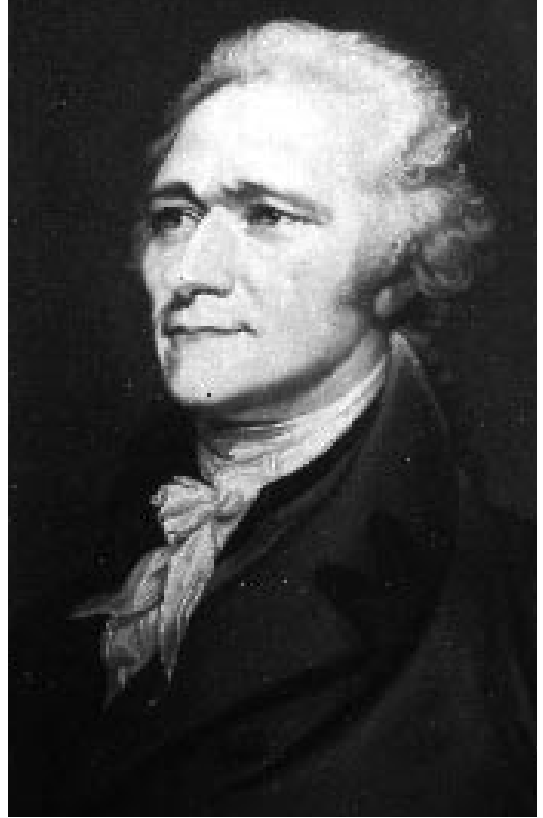
This drawing appeared in the 1788 edition of *Bickerstaff's Boston Almanack*. It shows elder statesmen George Washington and Benjamin Franklin driving the "Federal Chariot," pulled by the 13 states, and heading toward ratification of the Constitution.

Ratifying the Constitution

Less than three months after the Constitution was signed, Delaware became the first state to ratify it, on December 7, 1787. New Hampshire was the ninth state, putting the Constitution into effect on June 21, 1788. But the Founding Fathers could not be sure that the Constitution would be generally accepted until the important states of New York and Virginia had ratified it. Powerful organized opposition to the Constitution had developed in these two states and in others. Such men as Elbridge Gerry, Patrick Henry, Richard Henry Lee, and George Mason spoke out against ratification.

Critics objected that a bill of rights had not been included, that the President had too much independence, and that the Senate was too aristocratic. They also thought Congress had too many powers and the national government had too much authority. Friends of the Constitution rallied support for ratification. They became known as *Federalists*. Their opponents were called *Antifederalists*. The two groups promoted their causes in newspapers, in pamphlets, and in debates in the ratifying conventions. The groups developed into the first American political parties.

Virginia ratified the Constitution on June 25, 1788, and New York did so on July 26. Early in January 1789, all the ratifying states except New York (which failed to appoint electors by the deadline) selected presidential electors in their legislatures or by a direct vote of the people. On February 4, the electors named George



Alexander Hamilton, who later became the first Secretary of the Treasury, wrote 51 of the 85 essays in *The Federalist*, which defended the newly drafted Constitution and called for its ratification.

Washington as the first President of the United States. The first Congress under the Constitution met in New York City on March 4. Washington was inaugurated on April 30. But North Carolina and Rhode Island refused to approve the Constitution and take part in the new government until Congress agreed to add a bill of rights.

The Bill of Rights

The Federalists might never have obtained ratification in several important states if they had not promised to add a bill of rights to the Constitution. Most state constitutions adopted during the Revolution had included a clear declaration of the rights of all people. Most Americans believed that no constitution could be considered complete without such a declaration. George Mason of Virginia was responsible for the first and most famous American bill of rights, the Virginia Declaration of Rights of 1776. He and Patrick Henry might have prevented ratification of the Constitution in Virginia if the Federalists had not agreed to their

demands for amendments.

James Madison led the new Congress in proposing amendments. He suggested 15 amendments, and the Congress accepted 12 of them to be submitted for ratification by the state legislatures under the amending process outlined in the Fifth Article of the Constitution. By December 15, 1791, the necessary legislatures in three-fourths of the states had approved 10 of the 12 amendments. These 10 amendments are known as the *Bill of Rights*. One of the two rejected amendments dealt with the size of the House of Representatives. It would have changed representation from no more than one representative for every 30,000 persons to no more than one for every 50,000 persons. The other rejected amendment provided that Congress could not change the salaries of its members until after an election of representatives had been held. It was ratified 202 years later and it became the 27th Amendment.

The Antifederalists accepted defeat when the Constitution was adopted, and then they set about to win power under its rules. Their actions set a style for American politics that has never changed. Americans sometimes feel dissatisfied with the policies and practices of those who govern. But few Americans have condemned the constitutional system or have felt that a second Constitutional Convention might establish a better one.



George Mason, author of the Virginia Declaration of Rights, refused to sign the Constitution because it contained no Bill of Rights guaranteeing the basic liberties of each citizen.

The Development of the Constitution

James Madison declared, "In framing a system which we wish to last for ages, we should not lose sight of the changes which ages will produce." The Constitution was designed to serve the interests of the people — rich and poor, Northerners and Southerners, farmers, workers, and business people. Through the years, the Constitution has been interpreted to meet the changing needs of the United States.

Delegates to the Constitutional Convention believed strongly in the rule of the majority, but they wanted to protect minorities against any unjustness by the majority. They achieved this goal by separating and balancing the powers of the national government. Other basic constitutional aims included respect for the rights of individuals and states, rule by the people, separation of church and state, and supremacy of the national government.

The Constitution has been amended 27 times, including the Bill of Rights.



Detail of the 1792 plan for the city of Washington, D.C., which was designed to serve as the capital of the United States.

Amendments may be proposed by two-thirds of each house of Congress or by a national convention called by Congress at the request of the legislatures in two-thirds of the states. An amendment becomes part of the Constitution after being ratified either by the legislatures of three-fourths of the states or by conventions in three-fourths of the states. Congress decides which form of ratification should be used and how much time the states have to consider each amendment. In many cases, Congress has chosen a seven-year period for such consideration.

The delegates to the Constitutional Convention knew they could not write laws for every possible situation. Therefore, they gave Congress the right to pass all laws that are "necessary and proper" to carry out powers granted by the Constitution to the President, Congress, and federal courts. Congress has passed laws to establish such administrative organizations as the Federal Aviation Administration and the Postal Service. Congress also has passed laws to regulate interstate commerce, thereby controlling many aspects of the U.S. economy.

COURT DECISIONS. Federal and state judges apply the Constitution in many court cases. The Supreme Court has the final authority in interpreting the meaning of the Constitution in any specific case. The court has the power of *judicial review* — that is, it can declare a law unconstitutional. The Supreme Court has this power largely because of the decision of Chief Justice John Marshall in the case of *Marbury v. Madison* in 1803. Since that time, the court has ruled that more than 125 federal laws and hundreds of state laws were unconstitutional.

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