

The Constitutional Convention Reading

During what historians often call the “critical period” after the American Revolution, many were concerned that the Articles of Confederation were inadequate for the states to grow commercially and economically. Not only that, but George Washington was especially worried that a disparate group of states would not nurture the uniquely American character he had fought for in the Revolution. In response to the recommendation of the Annapolis Convention, the Confederation Congress announced a meeting to revise the Articles of Confederation. This meeting would take place in Philadelphia during the summer of 1787.

But not everyone was convinced that the Articles needed revision — or even that the goals of the Convention were admirable. Patrick Henry from Virginia, for example, said that he “smelt a rat” and was not interested in attending. Later, Henry would go on to become a leading Anti-Federalist (or, opponent of the Constitution). The Anti-Federalists were suspicious of strong, centralized power. They feared the cost to liberty of a national government with vast new powers over all the states and the people.

These concerns notwithstanding, every state except Rhode Island sent delegates. Fifty-five men in all would participate in the Convention, including George Washington of Virginia, Alexander Hamilton of New York, and Benjamin Franklin of Pennsylvania. Although they were leading statesmen and are often associated with the Constitution today, Thomas Jefferson and John Adams were not at the Convention. They were serving in diplomatic posts in Europe at the time. They did, however, share their thoughts

and opinions on the Convention’s activities in correspondence.

James Madison of Virginia was the first to arrive at Independence Hall in Philadelphia in May, 1787. The 36-year old had already done a great deal of thinking about what he thought the new government should look like, and had a plan ready to present. He and many others were convinced that one needed change was the creation of an energetic and independent executive. Such an institution, which was missing from the Articles of Confederation, would be a check against legislative usurpation (Congress overstepping its powers) and bad laws, and give the United States a leader in its relationships with foreign nations.

The Convention delegates were a varied group, though, and almost no ideas were going to be acceptable to all right away. Many feared the tyranny of a king. It took them almost the entire summer to agree on Article II and the office of President as it exists now — an individual (rather than an executive council), elected through the Electoral College (rather than appointed by the legislature) for a four-year term. (Many years later, the Twenty-Second Amendment ratified in 1951 would limit the president to two four-year terms.)

In the end, the security that George Washington would be the nation’s first president eased the concerns of most delegates. Washington had proven his virtue many times over, and they knew he would shape with prudence the role for future generations.

Divisions emerged among the delegates regarding other issues as well. For example, there was

The Constitutional Convention Reading: Page 2

a rift between those from large states and small states. Should all states have equal representation in the national legislature, or should states be represented based on their population? The idea of equal representation was favored, not surprisingly, by small states. Delegates from large states objected that equal representation would allow a small minority of people to block laws the vast majority of people in the country wanted. But delegates from small states argued that proportional representation would give a few big states all the power and make the small states and their concerns practically irrelevant.

The “Great Compromise,” suggested by Roger Sherman of Connecticut, created a bi-cameral (two-chamber) legislature where the states would be represented equally in one chamber, and by population in the other. The states would have two Senators each, selected by state legislatures; the states would also send a number of Representatives to the House of Representatives based on their state’s population. This compromise preserved the federal character of Congress and added a national one: The states would be represented in the Senate, and the people of the United States of America would be represented in the House of Representatives.

(More than a century later, one key aspect of this compromise would be undone with the Seventeenth Amendment. That amendment changed the way Senators were selected, making them elected by the people in each state. State governments would no longer be represented in the national legislature at all.)

Another issue on which the Convention compromised was slavery. The Northwest Ordinance, passed by the Confederation

Congress, had banned slavery in the new territories. Southern delegates feared the new government would try to regulate slavery or ban it outright. The delegates eventually agreed that Congress would not be able to interfere with “the importation of...persons” until 1808. (Congress indeed banned the international slave trade in 1808.)

They also compromised on how slave-holding states would count enslaved persons for the purposes of taxation and representation. The Three-Fifths Compromise allowed Southern states to count three-fifths of their slave populations for purposes of taxation and representation. It did not, as is sometimes said, put into law that enslaved persons were three-fifths human.

Wishing to have one nation, anti-slavery states accepted a union with slave-holding states. The Three-Fifths Compromise gave the South increased political power in Congress, by allowing them to count three-fifths of their slave population towards representation. Proponents of slavery would have had even more political power, however, if those states had been able to count every enslaved person towards population.

Many fault the Convention for failing to abolish slavery right then and there. As a group, the Founders were conflicted about slavery. Many of them knew it was evil. The delegates put the creation of one nation ahead of the desire many had to do away with what they knew was a terrible and unjust violation of the very natural or inalienable rights the Revolution was fought to secure. It had already been done away with in some places, and they hoped that it would die out in future generations. They did not see a way to take further action against slavery in their lifetimes, though many freed their slaves

The Constitutional Convention Reading: Page 3

after their deaths. They put their hopes in later generations to do something about slavery.

The Constitutional Convention and the Constitution it produced were truly unique and monumental in history. Hamilton wrote in *Federalist No. 1* that never before in the history of the world had a nation been founded on reflection and choice, rather than force. His fellow *Federalist Papers* author James Madison wrote in *Federalist*

No. 37 about the uniqueness of the Constitution's history. In effect, one form of government had been abolished and replaced with another, and the rule of law prevailed. Not a single shot had been fired; not a single "enemy of the revolution" had been put to death; not a single life had been lost. The Founding of the United States of America was and remains to this day truly exceptional in human history.

Teaching Tips

Provide students with **Handout A: The U.S. Constitution of 1787**. This document is the version ratified in 1788. Then ask students to use **Handout B: Executive Comparison** to compare the U.S. Constitution to the Articles of Confederation with respect to the presidency and the executive power. Finally, have students compare the August 6 draft of the constitution to the Constitution in its final form at the end of the convention, with respect to the executive branch in **Handout C: Committee of Detail—Executive Power**.

Handout A: The U.S. Constitution of 1787

We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

The Legislative Branch

*Bicameral (two-house)
Congress*

Election of Representatives

Article I

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

Section 2. The House of Representatives shall be composed of members chosen every second year by the people of the several states, and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature.

No person shall be a Representative who shall not have attained to the age of twenty five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state in which he shall be chosen.

Representatives and direct taxes shall be apportioned among the several states which may be included within this union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other Persons. The actual Enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each state shall have at least one Representative; and until such enumeration shall be made, the state of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one,

Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the Representation from any state, the executive authority thereof shall issue writs of election to fill such vacancies.

The House of Representatives shall choose their speaker and other officers; and shall have the sole power of impeachment.

Election of Senators

Section 3. The Senate of the United States shall be composed of two Senators from each state, chosen by the legislature thereof, for six years; and each Senator shall have one vote.

Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and the third class at the expiration of the sixth year, so that one third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the legislature of any state, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States and who shall not, when elected, be an inhabitant of that state for which he shall be chosen.

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

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

The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no person shall be convicted without the concurrence of two thirds of the members present.

Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust or profit under the United States: but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment and punishment, according to law.

Elections and assembly of Congress

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.

Responsibilities of each house of Congress

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.

Protections for Congress

Section 6. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the

same; and for any speech or debate in either House, they shall not be questioned in any other place.

No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time: and no person holding any office under the United States, shall be a member of either House during his continuance in office.

The passage of bills

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

Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it, with his objections to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration two thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

Powers of Congress

Section 8. The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the

common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States;

To borrow money on the credit of the United States;

To regulate commerce with foreign nations, and among the several states, and with the Indian tribes;

To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;

To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;

To provide for the punishment of counterfeiting the securities and current coin of the United States;

To establish post offices and post roads;

To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries;

To constitute tribunals inferior to the Supreme Court;

To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations;

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;

To provide and maintain a navy;

To make rules for the government and regulation of the land and naval forces;

To provide for calling forth the militia to execute the laws of the union, suppress insurrections and repel invasions;

To provide for organizing, arming, and disciplining, the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the states respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress;

To exercise exclusive legislation in all cases whatsoever, over such District (not exceeding ten miles square) as may, by cession of particular states, and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings;—And

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

Powers denied to Congress

Section 9. The migration or importation of such persons as any of the states now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

No bill of attainder or ex post facto Law shall be passed.

No capitation, or other direct, tax shall be laid, unless in proportion to the census or enumeration herein before directed to be taken.

No tax or duty shall be laid on articles exported from any state.

No preference shall be given by any regulation of commerce or revenue to the ports of one state over those of another: nor shall vessels bound to, or from, one state, be obliged to enter, clear or pay duties in another.

No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of receipts and expenditures of all public money shall be published from time to time.

No title of nobility shall be granted by the United States: and no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present,

Powers denied to the states

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 anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility.

No state shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws: and the net produce of all duties and imposts, laid by any state on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

No state shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war in time of peace, enter into any agreement or compact with another state, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

The Executive Branch

*Rules for who can be
President; Election of the
President and Vice President*

Article II

Section 1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice President, chosen for the same term, be elected, as follows:

Each state shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

The electors shall meet in their respective states, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same state with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of the government of the United States,

directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately 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."

Powers of the President

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.

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law: but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

Communication with Congress and other responsibilities of the President

Section 3. He shall from time to time give to the Congress information of the state of the union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he

may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

Removal from office

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.

The Judicial Branch

Composition of the Judicial Branch

Article III

Section 1. The judicial power of the United States, shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behaviour, and shall, at stated times, receive for their services, a compensation, which shall not be diminished during their continuance in office.

Jurisdiction (reach) of the Judicial Branch

Section 2. The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority;—to all cases affecting ambassadors, other public ministers and consuls;—to all cases of admiralty and maritime jurisdiction;—to controversies to which the United States shall be a party;—to controversies between two or more states;—between a state and citizens of another state;— between citizens of different states;—between citizens of the same state claiming lands under grants of different states, and between a state, or the citizens thereof, and foreign states, citizens or subjects.

In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the state where the said crimes shall have been committed; but when not

Definition of treason

committed within any state, the trial shall be at such place or places as the Congress may by law have directed.

Section 3. Treason against the United States, shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture except during the life of the person attainted.

Relationship among states

States accept laws and contracts of other states

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.

The rights and responsibilities of U.S. citizenship are the same in all states

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.

Admission of new states

Section 3. New states may be admitted by the Congress into this union; but no new states 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.

Protection of state governments

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.

Constitutional amendments

Article V

The Congress, whenever two thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three fourths of the several states, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no state, without its consent, shall be deprived of its equal suffrage in the Senate.

**Supremacy of the Constitution;
No religious tests for federal office**

Article VI

All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

The Senators and Representatives before mentioned, and the members of the several state legislatures, and all executive

and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

Ratification of the Constitution

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.

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,

Signatures

G. Washington-
Presidt. and deputy
from Virginia

New Hampshire:
John Langdon,
Nicholas Gilman

Massachusetts:
Nathaniel Gorham,
Rufus King

Connecticut:
Wm: Saml. Johnson,
Roger Sherman

New York:
Alexander Hamilton

New Jersey:
Wil: Livingston,
David Brearly, Wm.
Paterson, Jona:
Dayton

Pennsylvania:
B. Franklin, Thomas
Mifflin, Robt. Morris,
Geo. Clymer, Thos.
FitzSimons, Jared
Ingersoll, James

Wilson, Gouv Morris

Delaware:
Geo: Read, Gunning
Bedford jun, John
Dickinson, Richard
Bassett, Jaco: Broom

Maryland:
James McHenry, Dan
of St Thos. Jenifer,
Danl Carroll

Virginia:
John Blair-,
James Madison Jr.

North Carolina:
Wm. Blount, Richd.
Dobbs Spaight, Hu
Williamson

South Carolina:
J. Rutledge, Charles
Cotesworth Pinckney,
Charles Pinckney,
Pierce Butler

Georgia:
William Few, Abr
Baldwin

Handout B: Executive Comparison

Background: *Under the Articles of Confederation submitted to the states for ratification in 1777, there was no executive branch. The only reference to the office of president is a brief description in Article IX, the same article that lists the powers of Congress. This individual, a member of Congress, would preside over meetings of Congress and chair the Committee of the States (consisting of one delegate from each state) that met when Congress was in recess. He would perform some other administrative functions, but there were no clear guidelines or authorization — suggesting that these functions were expected to be very limited in their scope.*

Article IX. **The United States in Congress assembled shall have authority ... to appoint one of their members to preside, provided that no person be allowed to serve in the office of president more than one year in any term of three years.**

Critical Thinking Questions

1. Given Americans' recent colonial experience (1763 – 1776), why do you think this document did not provide for a strong chief executive?
2. Compare the brief description above to Article II of the U.S. Constitution of 1787 and note several important differences in the approach to the executive.
3. What experiences in the decade prior to 1787 may account for a different approach to the executive position?

Handout C: Committee of Detail—Executive Power

Background: *Though the Philadelphia Convention was scheduled to begin on May 14, 1787, only a small number of delegates had arrived by that date. James Madison worked during the succeeding days to draft what came to be called the Virginia Plan, consisting of 15 resolutions and calling for a bicameral legislature. By Friday, May 25, twenty-nine delegates representing 9 states had assembled. The delegates unanimously elected General Washington President of the Convention. By May 29, forty delegates were present, and the convention began its work in earnest, with the Virginia Plan largely forming the agenda. On June 23, the convention named a Committee of Detail to draw up a draft text showing the agreements that had been reached up until that time, and then the convention adjourned until August 6. When the Committee of Detail presented its report to the convention on August 6, it formed the first draft of the U.S. Constitution. The sections below show the proposals regarding the executive power.*

August 6, Committee of Detail Report – Proposals for Executive

Sect. 1. The Executive Power of the United States shall be vested in a single person. His stile shall be, “The President of the United States of America;” and his title shall be, “His Excellency.” He shall be elected by ballot by the Legislature. He shall hold his office during the term of seven years; but shall not be elected a second time.

Sect. 2. He shall, from time to time, give information to the Legislature, of the state of the Union: he may recommend to their consideration

such measures as he shall judge necessary, and expedient: he may convene them on extraordinary occasions. In case of disagreement between the two Houses, with regard to the time of adjournment, he may adjourn them to such time as he thinks proper: he shall take care that the laws of the United States be duly and faithfully executed: he shall commission all the officers of the United States; and shall appoint officers in all cases not otherwise provided for by this Constitution. He shall receive Ambassadors, and may correspond with the supreme Executives of the several States. He shall have power to grant reprieves and pardons; but his pardon shall not be pleadable in bar of an impeachment. He shall be commander in chief of the Army and Navy of the United States, and of the Militia of the several States. He shall, at stated times, receive for his services, a compensation, which shall neither be increased nor diminished during his continuance in office. Before he shall enter on the duties of his department, he shall take the following oath or affirmation, “I – solemnly swear, (or affirm) that I will faithfully execute the office of President of the United States of America.” He shall be removed from his office on impeachment by the House of Representatives, and conviction in the supreme Court, of treason, bribery, or corruption. In case of his removal as aforesaid, death, resignation, or disability to discharge the powers and duties of his office, the President of the Senate shall exercise those powers and duties, until another President of the United States be chosen, or until the disability of the President be removed.

Handout C: Page 2

Directions: Use the table below to show differences in the description of the presidency in the August 6 report and that in Article II of the U.S. Constitution. If the two documents are essentially the same, just write “same” or “similar” in both cells.

	August 6 Committee of Detail Report	Article II, U.S. Constitution
1. Single or plural executive		
2. Term of office		
3. Method of election		
4. Re-election		
5. State of the Union report		
6. Responsibility to faithfully execute the law		
7. Appointment of officials		
8. Receiving ambassadors		
9. Power to grant reprieves and pardons		
10. Removal by impeachment		

Handouts B–C Answer Keys

Handout B: Executive Comparison Answer Key

1. Recent colonial experience had led members of the Second Continental Congress to be suspicious of the abuses of power committed by the king of Great Britain, a strong executive.
2. Article II of the Constitution creates a strong executive, who is not a member of the Congress, and who holds office for four years. The president is not chosen by the Congress but by the voters through a unique body that has come to be called the Electoral College. Section 2 of Article II details the powers of the president, making this individual the commander in chief of the military and the leader of foreign policy, among other responsibilities.
3. The challenges experienced due to a weak central government caused leading Americans to see the need for a strong but limited chief executive.

Handout C: Committee of Detail—Executive Power Answer Key

	August 6 Committee of Detail Report	Article II, U.S. Constitution
1. Single or plural executive	Single	Single
2. Term of office	7 years	4 years
3. Method of election	By legislature	By electors chosen by voters
4. Reelection	No	Yes
5. State of the Union report	Same	Same
6. Responsibility to faithfully execute the law	Same	Same
7. Appointment of officials	Similar	Similar
8. Receiving ambassadors	Same	Same
9. Power to grant reprieves and pardons	Same	Same
10. Removal by impeachment	Similar	Similar

Teaching Tips

Using **Handout D: Meeting the Framers—A Reunion Social in 1840**, have students conduct a simulated reunion as it might have appeared if the Framers had been able to meet in 1840. Each student will impersonate a Framers and develop a business card to illustrate his life's contributions.

Handout D: Meeting the Framers—A Reunion Social in 1840

Directions:

1. Using such resources as the following websites, select a Framers to research.

<http://billofrightsinstitute.org/resources/educator-resources/founders>

http://www.archives.gov/exhibits/charters/constitution_founding_fathers_overview.html

<http://teachingamericanhistory.org/convention/delegates/bigpicture/>

2. Each student will develop a “business card” (using a 3x5 inch card) to represent the character and main achievements of his/her Framers. Cards will be exchanged by Framers attending a “reunion” held in 1840. (Note: James Madison was the last of both Framers and the Founding Fathers; he died at age 85 at Montpelier in 1836. “Framers” are men who actually attended the Philadelphia Convention of 1787. The more general term, “Founder,” is used to refer to men and women of influence at the time of the Founding of the United States of America.)
3. Turn in your copy-ready black and white cards at least 24 – 48 hours before the date of your scheduled reunion, to enable spot-checking and corrective feedback in the event of serious error. Once cards are satisfactory, your teacher will make sufficient copies of each card for everyone in the class.
4. On the scheduled date of the Reunion Social, (suggested date: September 17), each student will impersonate his/her Framers, exchange business cards, and mingle so that students will remember the character, achievements, and personalities of the Philadelphia Convention delegates. Conversations should reveal connections and relationships among the personalities. (Note: this lesson is especially memorable if it involves refreshments—students might volunteer to bring snacks that represent their Framers in some way.)

Handout D: Page 2

Suggestions/Expectations for Business Card Information

Name	Historical Significance
Address (Students may exercise creative license if necessary here)	Contributions during Constitutional Convention Most noteworthy characteristics/interesting facts
Occupation	Contributions after the Convention
Significant affiliations or titles	Quotes
Contributions during Revolutionary Era	

Requirements

Appearance

- Neat, accurate, free from error
- Size: 3x5 inches
- Typed

Content

- Documentation on the back (standard bibliography references, along with student's standard heading)
- Information above and beyond textbook references; demonstration of serious research
- Creative, original presentation (may include graphics, slogans, etc.)
- Overall effect enhances long-term learning

Ratings

- 5: Exemplary
- 4: Effective
- 3: Adequate
- 2: Minimal
- 1: Unsatisfactory

Teaching Tips

Discuss the main compromises reached in the Constitutional Convention including the Great Compromise, the Three-Fifths Compromise, the Commerce Compromise, the Slave Trade Compromise, and the election of the president. Have students research and summarize these compromises using <http://teachingamericanhistory.org/convention/themes> on **Handout E: Bundle of Compromises**.

Handout E: Bundle of Compromises

Directions: The Constitution has often been called a “bundle of compromises.” To what extent and in what ways is this description accurate? On several important points it was necessary for the 1787 convention delegates to compromise in order to maintain the union of the states.

Using such resources as <http://teachingamericanhistory.org/convention/themes>, and others as appropriate, summarize at least the following compromises in your response.

- Great Compromise
- Three-Fifths Compromise
- Commerce Compromise
- Slave Trade Compromise
- Election of the President

Handout E: Bundle of Compromises Answer Key

Great Compromise

Combined elements from the Virginia Plan and the New Jersey Plan to create a bicameral legislature in which the Senate would have equal representation for each state, and membership in the House of Representatives would be based on population.

Three-Fifths Compromise

Delegates from southern slave-holding states wanted to count their slaves in determining population for representation, but delegates from northern states felt slaves should not be counted toward representation. This compromise provided that every five slaves would be counted as three individuals in determining a state's population for determining the number of representatives the state would have. It did *not* mean that each slave was legally considered three-fifths of a person. It had nothing to do with any individual's right to vote. The right of slaves to vote was never recognized, and even free African-Americans were denied suffrage not only in the South but almost everywhere in the North.

Commerce Compromise

Northern delegates wanted the national government to be able to impose tariffs on goods in order to protect emerging American industry from foreign competition. Southern delegates, whose economy was very dependent on foreign trade, expected that high tariffs would harm foreign trade. This compromise determined that the national government would be able to tax only imports from foreign countries but not exports.

Slave Trade Compromise

Opponents of slavery wanted to end the foreign slave trade. Delegates from southern states did not want the national government to interfere with slavery, and believed the questions related to slavery and the slave trade should be decided at the state level. This compromise left the foreign slave trade undisturbed for 20 years; Congress would then have the power to ban the importation of slaves.

Election of the President

The method of electing the president was one of the topics on which the delegates continued to debate throughout the convention. Some people supported popular election of the president, but others believed the electorate was likely to be too poorly informed to make a good choice. They considered having the Congress elect the president, but that would make the president dependent on Congress and would invalidate the separation of powers. They decided to invent the Electoral College, in which the citizens vote for electors who then vote for the president.

Teaching Tips

Using **Handout F: Excerpts from *Federalist No. 39***, have students analyze the “partly national, partly federal” nature of the Union. Then work as a large group to have students discuss Madison’s understanding of federalism.

Handout F: James Madison and Federalism—Excerpts from *Federalist No. 39*

Directions: Using three highlighter pens, read the following passages from *Federalist No. 39* and discuss the questions below. Numbers in brackets show paragraph numbers from the complete essay, and all italics are Madison's. Underlining is added to point out vocabulary words.

- Where Madison uses the term, “national,” think “We the People,” and highlight those aspects blue.
- Where he uses the term “federal,” think, “We the States,” and highlight those aspects yellow.
- Where he says we have both federal and national influences, highlight in green.

1. Ratification of the Constitution [10]

“[R]atification is to be given by the people, not as individuals composing one entire nation, but as composing the distinct and independent States to which they respectively belong...The act, therefore, establishing the constitution, will not be a *national*, but a *federal* act.”

2. The House of Representatives [12]

“[The House of Representatives] will derive its powers from the people of America; and the people will be represented in the same proportion, and on the same principle, as they are in the legislature of a particular state. So far the government is *national*, not *federal*.”

3. The Senate [12]

“[The Senate] will derive its powers from the states, as political and co-equal societies; and these will be represented on the principle of equality in the Senate, as they now are in the existing Congress. So far the government is *federal*, not *national*.”

4. Government Power [14]

“The idea of a national government involves in it, not only an authority over the individual citizens, but an indefinite supremacy over all persons and things, so far as they are objects of lawful government...[T]he proposed government cannot be deemed a *national* one; since its jurisdiction extends to certain enumerated objects only, and leaves to the several States a residuary and inviolable sovereignty over all other objects...”

5. Amending the Constitution [15]

“[On] the authority by which amendments are to be made, we find it neither wholly *national* nor wholly *federal*. Were it wholly *national*, the supreme and ultimate authority would reside in the *majority* of the people of the Union...Were it wholly *federal* on the other hand, the concurrence of each State in the Union would be essential to every alteration that would be binding on all... In requiring more than a majority, and particularly in computing the proportion by *States*, not by *citizens*, it departs from the *national* and advances towards the *federal* character; in rendering the concurrence of less than the whole number of States sufficient, it loses again the *federal* and partakes of the *national* character...”

6. Summary [16]

“The proposed Constitution ... [is] neither a national nor a federal Constitution, but a composition of both. In its foundation it is federal, not national; in the sources from which the ordinary powers of the government are drawn, it is partly federal and partly national; in the operation of these powers, it is national, not federal; in the extent of them, again it is federal, not national; and, finally, in the authoritative mode of introducing amendments, it is neither wholly federal nor wholly national.”

Comprehension Questions

1. According to Madison, did the Constitution provide for a nation of people or a nation of states—or both? Explain.
2. To what extent was Alexander Hamilton on target in this statement: “This balance between the National and State governments ought to be dwelt on with peculiar attention, as it is of the utmost importance. It forms a double security to the people...Indeed, they will both be prevented from overpassing their constitutional limits by a certain rivalry, which will ever subsist between them.”

Handout F: James Madison and Federalism—Excerpts from *Federalist No. 39* Answer Key

1. According to Madison, the Constitution provided for a nation that is both a nation of people and a nation of states.

Yellow: Its foundation is federal.

Green: The sources of its powers are partly federal and partly national.

Blue: In its operation it is national.

Yellow: In the extent of its powers it is federal.

Green: In the amendment process it is both federal and national.

2. Accept reasoned answers.

Teaching Tips

Have students review the table with the names and states of some leading Framers and Founders who held slaves at some point in their lives in **Handout G: Slavery and the Founders**. In **Handout H: Emancipation in the Early Republic**, have students review the information in the table on the pages that show the state-by-state limitations of slavery. They should then complete the map to identify those states that abolished slavery outright, those that implemented gradual emancipation laws, and those that abolished slavery through the ratification of the Thirteenth Amendment to the Constitution.

Students should then analyze and summarize the arguments for and against slavery using **Handout I: Founders Quotes on Slavery**.

To help students understand the discussions about slavery and the slave trade during the Constitutional Convention, have them participate in a readers' theater. The students will read directly from the text of Madison's Notes on the Convention. They will then have to adapt the script from third to first person before the performance. **Handout J: Readers' Theater – Convention Debate on Slave Trade** provides the list of participants and the text from Madison's Notes that the students can adapt.

Finally, in **Handout L: Mason's Objections to the Constitution**, have students analyze Virginian George Mason's problems with the Constitution, which led to him not signing the document. Students will complete a graphic organizer to analyze the constitutional principles represented in Mason's objections to the Constitution, and predict how Mason might evaluate the Constitution if he could do so today.

Handout G: Slavery and the Founders

Background: *Slavery was legal in every state at the beginning of the American Revolution, but its impact on the economy of northern states was minimal. Founders in the North were, therefore, more likely to write publicly about the injustices of slavery and the inconsistency between republican ideals and the practice of enslaving human beings. However, even the slave-holding Founders were well aware of those injustices and inconsistencies. Virginians Jefferson, Washington, Madison, and Mason, all of whom wrote powerfully and carried out courageous actions on behalf of human liberty, and all of whom criticized slavery, were slave-holders.*

Directions: Use this table as a reference when studying the Founders.

Slaveholders* Among Some Prominent Founders

Name	State	Attended Philadelphia Convention?
Richard Bassett	Delaware	Yes
John Dickinson	Delaware	Yes
George Read	Delaware	Yes
<i>Button Gwinnett</i>	<i>Georgia</i>	<i>No</i>
<i>Charles Carroll</i>	<i>Maryland</i>	<i>No</i>
Daniel Carroll	Maryland	Yes
<i>Samuel Chase</i>	<i>Maryland</i>	<i>No</i>
Daniel of St. Thomas Jenifer	Maryland	Yes
Luther Martin	Maryland	Yes
John F. Mercer	Maryland	Yes
<i>John Hancock</i>	<i>Massachusetts</i>	<i>No</i>
<i>John Jay</i>	<i>New York</i>	<i>No</i>

Handout G: Page 2

Name	State	Attended Philadelphia Convention?
William Blount	North Carolina	Yes
William Davie	North Carolina	Yes
Alexander Martin	North Carolina	Yes
Richard Dobbs Spaight	North Carolina	Yes
Benjamin Franklin	Pennsylvania	Yes
<i>Benjamin Rush</i>	<i>Pennsylvania</i>	<i>No</i>
Pierce Butler	South Carolina	Yes
Charles Pinckney	South Carolina	Yes
Charles Cotesworth Pinckney	South Carolina	Yes
<i>Edward Rutledge</i>	<i>South Carolina</i>	<i>No</i>
John Rutledge	South Carolina	Yes
John Blair	Virginia	Yes
<i>Patrick Henry</i>	<i>Virginia</i>	<i>No</i>
<i>Thomas Jefferson</i>	<i>Virginia</i>	<i>No</i>
<i>Richard Henry Lee</i>	<i>Virginia</i>	<i>No</i>
James Madison	Virginia	Yes
George Mason	Virginia	Yes
Edmund Randolph	Virginia	Yes
George Washington	Virginia	Yes
George Wythe	Virginia	Yes

***All of those listed in the table owned slaves at some point in their lives**

Handout H: Map—Emancipation in the Early Republic

Directions: Use the table provided to complete the map.

In each state or territory, write the date of a law providing for gradual emancipation in that state. Next, use map pencils or markers to color code the map.

Yellow: abolished slavery outright

Green: gradual emancipation

Blue: abolished slavery with the 13th Amendment in 1865



Map courtesy Golbez, Wikimedia Commons.

Handout H: Page 2

Directions: Slavery was legal in all 13 colonies at the time of the Declaration of Independence in 1776. Use the table below to complete the map provided in order to show steps toward abolition of slavery. Prepare to discuss your observations and comparisons as your teacher directs.

Notes: For further reading, consult Douglas Harper, <http://slavenorth.com>

Year of a law providing for emancipation	State	Year when the last remaining slaves either died or won their freedom	Notes
1777	Republic of Vermont	1777	Vermont Republic's 1777 constitution abolished slavery outright. Vermont became the 14th state admitted to the Union in 1791.
1780	Pennsylvania	1840s or 1850s	According to Pennsylvania's gradual emancipation law of 1780, all children born in Pennsylvania were free persons. Children born to slaves were required to work for their mothers' master until age 28. Enslaved individuals living in Pennsylvania before 1780 remained enslaved for life.
1783	Massachusetts (including Maine)	1783	A 1783 judicial decision outlawed slavery, based on the Massachusetts 1780 constitution.
1783	New Hampshire	1857	New Hampshire's 1783 constitution, stating "all men are born equal and independent" was widely understood as a rejection of slavery. A law in 1857 stating, "No person because of descent, should be disqualified from becoming a citizen" prohibited slavery.
1784	Connecticut	1848	A law in 1784 provided that any child of slaves born after March 1 would become free at age 25; a 1797 law reduced that age to 21. Another law in 1848 abolished slavery.
1784	Rhode Island	1840s	All children of slaves born after March 1 were considered "apprentices." Girls would become free at age 18, boys at age 21. The 1784 law did not infringe on the right of Rhode Island ship-owners to participate in the slave trade.

Handout H: Page 3

Year of a law providing for emancipation	State	Year when the last remaining slaves either died or won their freedom	Notes
1787	Northwest Territory	1787	Article 6 of the Northwest Ordinance provided: "There shall be neither slavery nor involuntary servitude in the said territory, otherwise than in the punishment of crimes whereof the party shall have been duly convicted: Provided, always, That any person escaping into the same, from whom labor or service is lawfully claimed in any one of the original States, such fugitive may be lawfully reclaimed and conveyed to the person claiming his or her labor or service as aforesaid."
1799	New York	1827	A law in 1799 provided that all children of slaves born after July 4 would be free—girls at age 25 and boys at age 28, but until then they remained property of the mother's master. Enslaved individuals living in New York before 1799 remained enslaved for life.
1804	New Jersey	1846	A law in 1804 provided that all children of slaves born after July 4 would be free—girls at age 21 and boys at age 25, but until then they remained property of the mother's master. Enslaved individuals living in New Jersey before 1804 remained enslaved for life. An 1846 law abolished slavery permanently.
1863	West Virginia	1865	West Virginia joined the Union in 1863 as a slave state, but under the Willey Amendment, all children born to slaves after July 4, 1863, would be free. Slaves under age ten would be freed at the age of twenty-one and those between ten and twenty-one years of age would gain their freedom at the age of twenty-five. The amendment did not end the ownership of slaves entirely in West Virginia, but in February 1865, Governor Arthur I. Boreman signed an act officially freeing all slaves.
1865	Delaware		13th Amendment to the U.S. Constitution: "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."
1865	Georgia		13th Amendment
1865	Maryland		13th Amendment

Handout H: Page 4

Year of a law providing for emancipation	State	Year when the last remaining slaves either died or won their freedom	Notes
1865	North Carolina	13th Amendment	
1865	South Carolina	13th Amendment	
1865	Virginia	13th Amendment	

Handout I: Founders' Quotes on Slavery

Directions: As you read, note the arguments for and against slavery.

1. "He [the King] has waged cruel war against human nature itself, violating its most sacred rights of life and liberty in the persons of a distant people who never offended him, captivating and carrying them into slavery in another hemisphere, or to incur miserable death in their transportation hither. This piratical warfare, the opprobrium of infidel powers, is the warfare of the CHRISTIAN king of Great Britain. Determined to keep open a market where MEN should be bought and sold, he has prostituted his negative for suppressing every legislative attempt to prohibit or restrain this execrable commerce..." – Thomas Jefferson, original draft of the Declaration of Independence, 1776
2. "There is not a man living who wishes more sincerely than I do, to see a plan adopted for the abolition of it." – George Washington, 1786
3. "It is to be wished that slavery may be abolished. The honour of the States, as well as justice and humanity, in my opinion, loudly call upon them to emancipate these unhappy people. To contend for our own liberty, and to deny that blessing to others, involves an inconsistency not to be excused." – John Jay, 1786
4. Article the Sixth. There shall be neither Slavery nor involuntary Servitude in the said territory otherwise than in the punishment of crimes, whereof the party shall have been duly convicted; Provided always, That any person escaping into the same, from whom labor or service is lawfully claimed in any one of the original States, such fugitive may be lawfully reclaimed and conveyed to the person claiming his or her labor or service as aforesaid. – Northwest Ordinance, 1787
5. "We have seen the mere distinction of color made in the most enlightened period of time, a ground of the most oppressive dominion ever exercised by man over man." – James Madison, Constitutional Convention, June 6, 1787
6. "He [Gouverneur Morris] never would concur in upholding domestic slavery. It was a nefarious institution. It was the curse of heaven on the States where it prevailed. . . Upon what principle is it that the slaves shall be computed in representation? Are they men? Then make them Citizens and let them vote. Are they property? Why is no other property included? . . . The admission of slaves into the Representation when fairly explained comes to this: that the inhabitant of Georgia and S.C. who goes to the Coast of Africa, and in defiance of the most sacred laws of humanity tears away his fellow creatures from their dearest connections and damns them to the most cruel bondages, shall have more votes in a Govt. instituted for the protection of the rights of mankind, than the Citizen of Pa. or N. Jersey who views with a laudable horror, so nefarious a practice." – Gouverneur Morris

Handout I: Page 2

“Curse of Heaven” speech, Madison’s Notes of Debates in the Federal Convention, August 8, 1787

7. “Every master of slaves is born a petty tyrant. They bring the judgment of Heaven on a country. As nations cannot be rewarded or punished in the next world, they must be in this. By an inevitable chain of causes and effects, Providence punishes national sins by national calamities.” – George Mason, Aug. 21, 1787
8. John Dickinson moved to make the slavery clauses more explicit by changing “persons” to “slaves.” Several delegates objected to this. Madison records his own objection: “Mr. Madison thought it wrong to admit in the Constitution the idea that there could be property in men.” – Madison’s Notes of Debates in the Federal Convention, August 25, 1787
9. “The omitting the Word [slave] will be regarded as an Endeavor to conceal a principle of which we are ashamed.” – John Dickinson, draft of notes for a speech at the Constitutional Convention, August 25, 1787
10. “While there remained one acre of swamp land uncleared of South Carolina, I would raise my voice against restricting the importation of Negroes. I am . . . thoroughly convinced . . .

that the nature of our climate, and the flat, swampy situation of our country, obliges us to cultivate our lands with negroes, and that without them South Carolina would soon be a desert waste.” – Charles Cotesworth Pinckney, South Carolina Ratifying convention, 1788

11. “Slavery is such an atrocious debasement of human nature, that its very extirpation, if not performed with solicitous care, may sometimes open a source of serious evils.” – Benjamin Franklin, “An Address to the Public from the Pennsylvania Society”, 1789
12. “[W]hatever be their [Negroes’] degree of talent it is no measure of their rights. Because Sir Isaac Newton was superior to others in understanding, he was not therefore lord of the person or property of others.” – Thomas Jefferson, “Letter to Henri Gregoire”, 1809
13. “Every measure of prudence, therefore, ought to be assumed for the eventual total extirpation of slavery from the United States...I have, through my whole life, held the practice of slavery in...abhorrence.” – John Adams, 1819
14. “They [Africans] certainly must have been created with less intellectual power than the whites, and were most probably intended to serve them, and be the instruments of their cultivation.” – Charles Pinckney, 1821

What arguments for and against slavery do you see in these quotes? Be prepared to discuss your evaluation of these arguments.

Arguments For Slavery

Arguments Against Slavery

Handout J: Readers’ Theater – Convention Debate on the Slave Trade

Background: *Was the Constitution a pro-slavery document, or did its Framers intend to set slavery on the road to extinction? An examination of the Convention debate that took place on August 21-22, 1787, regarding the international slave trade, will help shed light on the question. This Readers’ Theater is adapted from Madison’s Notes from those dates and will bring the debate to life. Before the performance, students will need to adapt the script into first person. As they read, students should look for what themes emerge.*

Participants in order of their appearance

- | | |
|---|----------------------------|
| 1. Narrator | 11. Elbridge Gerry [MA] |
| 2. Luther Martin [MD] | 12. John Dickinson [DE] |
| 3. John Rutledge [SC] | 13. Hugh Williamson [NC] |
| 4. Oliver Ellsworth [CT] | 14. Rufus King [MA] |
| 5. Charles Pinckney [SC] | 15. John Langdon [NH] |
| 6. Roger Sherman [CT] | 16. Gouverneur Morris [PA] |
| 7. George Mason [VA] | 17. Pierce Butler [SC] |
| 8. General Charles Cotesworth Pinckney [SC] | 18. George Read [DE] |
| 9. Abraham Baldwin [GA] | 19. Edmund Randolph [VA] |
| 10. James Wilson [PA] | |

Participants by state

CT—Ellsworth, Sherman

DE—Dickinson, Read

GA—Baldwin

MA—Gerry, King

MD—Martin

NC—Williamson

NH—Langdon

PA—Wilson, G. Morris

SC—Rutledge, C. Pinckney, CC Pinckney, Butler

VA—Mason, Randolph

Handout J: Page 2

In the debate, when participants refer to “the clause,” the bold text below is the clause to which they are referring.

Tuesday, August 21

Narrator: Was the Constitution a pro-slavery document, or did its Framers intend to set slavery on the road to extinction? An examination of the Convention debate that took place on August 21-22, 1787, regarding the international slave trade, will help shed light on the question. This Readers’ Theater is adapted from Madison’s Notes from those dates and will bring the debate to life.

IN CONVENTION

Mr. Luther Martin [MD] proposed to vary Article 7, Section 4, which provides that the national government would not interfere with the international slave trade by the states. “No tax or duty shall be laid by the Legislature on articles exported from any State; nor on the migration or importation of such persons as the several States shall think proper to admit; nor shall such migration or importation be prohibited.” Martin proposed to allow a prohibition or at least a tax on the importation of slaves. In the first place, as five slaves are to be counted as 3 free men in the apportionment of representatives; such a clause would leave an encouragement to this traffic. In the second place, slaves weakened one part of the Union which the other parts were bound to protect: the privilege of importing them was therefore unreasonable. And, in the third place, it was inconsistent with the principles of the revolution and dishonorable to the American character to have such a feature in the Constitution.

Mr. John Rutledge [SC] did not see how the

importation of slaves could be encouraged by this section. He was not apprehensive of insurrections and would readily exempt the other states from the obligation to protect the Southern against them. Religion and humanity had nothing to do with this question. Interest alone is the governing principle with nations. The true question at present is whether the southern states shall or shall not be parties to the Union. If the northern states consult their interest, they will not oppose the increase of slaves which will increase the commodities of which they will become the carriers.

Mr. Oliver Ellsworth [CT] was for leaving the clause as it stands. Let every state import what it pleases. The morality or wisdom of slavery are considerations belonging to the states themselves. What enriches a part enriches the whole, and the states are the best judges of their particular interest. The old confederation had not meddled with this point, and he did not see any greater necessity for bringing it within the policy of the new one.

Mr. Charles Pinckney [SC] South Carolina can never receive the plan if it prohibits the slave trade. In every proposed extension of the powers of the Congress, that state has expressly and watchfully excepted that of meddling with the importation of Negroes. If the states be all left at liberty on this subject, South Carolina may perhaps by degrees do of herself what is wished, as Virginia and Maryland have already done.

[Adjourned]

Wednesday, August 22

IN CONVENTION

Mr. Roger Sherman [CT] was for leaving the clause as it stands. He disapproved of the slave trade; yet as the States were now possessed of the right to import slaves, as the public good did not require it to be taken from them, and as it was expedient to have as few objections as possible to the proposed scheme of Government, he thought it best to leave the matter as we find it. He observed that the abolition of Slavery seemed to be going on in the U. S. and that the good sense of the several states would probably by degrees complete it. He urged on the Convention the necessity of dispatching its business.

Col. George Mason [VA] This infernal traffic [the international slave trade] originated in the avarice of British merchants. The British government constantly checked the attempts of Virginia to put a stop to it. The present question concerns not the importing states alone but the whole Union. The evil of having slaves was experienced during the late war. Had slaves been treated as they might have been by the enemy, they would have proved dangerous instruments in their hands. But their folly dealt by the slaves, as it did by the Tories. He mentioned the dangerous insurrections of the slaves in Greece and Sicily; and the instructions given by Cromwell to the Commissioners sent to Virginia, to arm the servants and slaves, in case other means of obtaining its submission should fail. Maryland and Virginia he said had already prohibited the importation of slaves expressly. North Carolina had done the same in substance. All this would be in vain if South Carolina and Georgia be at liberty to import. The western people are already calling out for slaves for their new lands, and will fill that country with slaves if they can be got through South Carolina and Georgia. Slavery discourages

arts and manufactures. The poor despise labor when performed by slaves. They prevent the immigration of whites, who really enrich and strengthen a country. They produce the most pernicious effect on manners. Every master of slaves is born a petty tyrant. They bring the judgment of heaven on a country. As nations can not be rewarded or punished in the next world they must be in this. By an inevitable chain of causes and effects providence punishes national sins, by national calamities. He lamented that some of our eastern brethren had from a lust of gain embarked in this nefarious traffic. As to the states being in possession of the right to import, this was the case with many other rights, now to be properly given up. He held it essential in every point of view that the general government should have power to prevent the increase of slavery.

Mr. Oliver Ellsworth [CT] As he had never owned a slave could not judge of the effects of slavery on character. He said, however, that if it was to be considered in a moral light we ought to go farther and free those already in the country. As slaves also multiply so fast in Virginia and Maryland that it is cheaper to raise than import them, while in the sickly rice swamps foreign supplies are necessary, if we go no farther than is urged, we shall be unjust towards South Carolina and Georgia. Let us not intermeddle. As population increases, poor laborers will be so plenty as to render slaves useless. Slavery in time will not be a speck in our country. Provision is already made in Connecticut for abolishing it. And the abolition has already taken place in Massachusetts. As to the danger of insurrections from foreign influence, that will become a motive to kind treatment of the slaves.

Mr. Charles Pinckney [SC] If slavery be wrong, it is justified by the example of all the world. He

Handout J: Page 4

cited the case of Greece, Rome, and other ancient states; the sanction given by France, England, Holland and other modern states. In all ages one half of mankind have been slaves. If the southern states were let alone they will probably of themselves stop importations. He would himself as a citizen of South Carolina vote for it. An attempt to take away the right as proposed will produce serious objections to the Constitution which he wished to see adopted.

General Charles Cotesworth Pinckney

[SC] declared it to be his firm opinion that if himself and all his colleagues were to sign the Constitution and use their personal influence, it would be of no avail towards obtaining the assent of their Constituents. South Carolina and Georgia cannot do without slaves. As to Virginia she will gain by stopping the importations. Her slaves will rise in value, and she has more than she wants. It would be unequal to require South Carolina and Georgia to confederate on such unequal terms. He said the Royal assent before the Revolution had never been refused to South Carolina as to Virginia. He contended that the importation of slaves would be for the interest of the whole Union. The more slaves, the more produce to employ the carrying trade. The more consumption also, and the more of this, the more of revenue for the common treasury. He admitted it to be reasonable that slaves should be dutied [taxed] like other imports, but should consider a rejection of the clause as an exclusion of South Carolina from the Union.

Mr. Abraham Baldwin [GA] had conceived national objects alone to be before the Convention, not such as like the present were of a local nature. Georgia was decided on this point. That state has always hitherto supposed a general government to be the pursuit of the central states who wished to have a vortex for everything; that her distance would preclude

her from equal advantage; and that she could not prudently purchase it by yielding national powers. From this it might be understood in what light she would view an attempt to abridge one of her favorite prerogatives. If left to herself, she may probably put a stop to the evil. As one ground for this conjecture, he took notice of the sect of ——— which he said was a respectable class of people, who carried their ethics beyond the mere equality of men, extending their humanity to the claims of the whole animal creation.

Mr. James Wilson [PA] observed that if South Carolina and Georgia were themselves disposed to get rid of the importation of slaves in a short time as had been suggested, they would never refuse to unite because the importation might be prohibited. As the section now stands all articles imported are to be taxed. Slaves alone are exempt. This is in fact a bounty on that article.

Mr. Elbridge Gerry [MA] thought we had nothing to do with the conduct of the states as to slaves, but ought to be careful not to give any sanction to it.

Mr. John Dickinson [DE] considered it as inadmissible on every principle of honor and safety that the importation of slaves should be authorized to the states by the Constitution. The true question was whether the national happiness would be promoted or impeded by the importation, and this question ought to be left to the national government, not to the States particularly interested. If England and France permit slavery, slaves are, at the same time, excluded from both those Kingdoms. Greece and Rome were made unhappy by their slaves. He could not believe that the southern states would refuse to confederate on the account apprehended; especially as the power was not likely to be immediately exercised by the general government.

Handout J: Page 5

Mr. Hugh Williamson [NC] stated the law of North Carolina on the subject, to wit that it did not directly prohibit the importation of slaves. It imposed a duty of £5 on each slave imported from Africa; £10 on each from elsewhere; and £50 on each from a state licensing manumission. He thought the southern states could not be members of the Union if the clause should be rejected, and that it was wrong to force anything down, not absolutely necessary, and which any state must disagree to.

Mr. Rufus King [MA] thought the subject should be considered in a political light only. If two states will not agree to the Constitution as stated on one side, he could affirm with equal belief on the other, that great and equal opposition would be experienced from the other states. He remarked on the exemption of slaves from duty while every other import was subjected to it, as an inequality that could not fail to strike the commercial sagacity of the northern and middle states.

Mr. John Langdon [NH] was strenuous for giving the power to the general government. He could not with a good conscience leave it with the states who could then go on with the traffic, without being restrained by the opinions here given that they will themselves cease to import slaves.

General Charles Cotesworth Pinckney [SC] thought himself bound to declare candidly that he did not think South Carolina would stop her importations of slaves in any short time, but only stop them occasionally as she now does. He moved to commit the clause that slaves might be made liable to an equal tax with other imports which he thought right and which would remove one difficulty that had been started.

Mr. John Rutledge [SC] If the Convention thinks that North Carolina, South Carolina, and Georgia

will ever agree to the plan, unless their right to import slaves be untouched, the expectation is vain. The people of those states will never be such fools as to give up so important an interest. He was strenuous against striking out the Section, and seconded the motion of General Pinckney for a commitment.

Mr. Gouverneur Morris [PA] wished the whole subject to be committed [referring the clause to a committee to work out a compromise solution] including the clauses relating to taxes on exports and to a navigation act. These things may form a bargain among the northern and southern States.

Mr. Pierce Butler [SC] declared that he never would agree to the power of taxing exports.

Mr. Roger Sherman [CT] said it was better to let the southern states import slaves than to part with them, if they made that a sine qua non. He was opposed to a tax on slaves imported as making the matter worse, because it implied they were property. He acknowledged that if the power of prohibiting the importation should be given to the general government that it would be exercised. He thought it would be its duty to exercise the power.

Mr. George Read [DE] was for the commitment provided the clause concerning taxes on exports should also be committed.

Mr. Roger Sherman [CT] observed that that clause had been agreed to and therefore could not be committed.

Mr. Edmund Randolph [VA] was for committing in order that some middle ground might, if possible, be found. He could never agree to the clause as it stands. He would sooner risk the Constitution. He dwelt on the dilemma to which the Convention was exposed. By agreeing to the clause, it would revolt the Quakers, the Methodists, and many others in the states having

Handout J: Page 6

no slaves. On the other hand, two states might be lost to the Union. Let us then, he said, try the chance of a commitment.

Narrator: The state delegations voted (7 – 3) to commit Article 7, Sections 4, 5, and 6 to a committee chaired by William Livingston. The voting breakdown was **Aye:** CT, NJ, MD,VA, NC, SC, GA; **No:** NH, PA, DE; **Absent:** MA .

The committee appointed consisted of Livingston, Baldwin, Clymer, Dickinson, Johnson, King, Langdon, Madison, Luther Martin, C.C. Pinckney, and Williamson. Note that Charles Pinckney and Rutledge were not appointed to the committee.

Questions for Discussion

1. List some of the themes that emerge from this debate:
2. Read the passages from the U.S. Constitution listed below and then discuss this question: Was the Constitution a pro-slavery document, or did its Framers intend to set slavery on the road to extinction? Explain your reasoning.
 - Article 1, Section 2, Clause 3
 - Article 1, Section 9, Clauses 1 and 5, 6
 - Article 4, Section 3
 - Article 5

Handout K: Mason’s Objections to the Constitution

Directions: Analyze Mason’s objections to the Constitution, determine what principle of government he believed the Constitution may have violated, and review the Constitution as it stands today to fill in the table below.

Background: *In the closing days of the 1787 Philadelphia Convention, George Mason determined that he would not sign the Constitution. He wrote his “Objections to this Constitution of Government” on his copy of the September 12 draft Constitution. He also shared his concerns with several people, and his objections were published in the Virginia Journal on November 22.*

1. There is no Declaration of Rights, and the laws of the general government being paramount to the laws and constitution of the several States, the Declarations of Rights in the separate States are no security. Nor are the people secured even in the enjoyment of the benefit of the common law.
2. In the House of Representatives there is not the substance but the shadow only of representation; which can never produce proper information in the legislature, or inspire confidence in the people; the laws will therefore be generally made by men little concerned in, and unacquainted with their effects and consequences.
3. The Senate have the power of altering all money bills, and of originating appropriations of money, and the salaries of the officers of their own appointment, in conjunction with the president of the United States, although they are not the representatives of the people or amenable to them. These with their other great powers, viz.: their power in the appointment of ambassadors and all public officers, in making treaties, and in trying all impeachments, their influence upon and connection with the supreme Executive from these causes, their duration of office and their being a constantly existing body, almost continually sitting, joined with their being one complete branch of the legislature, will destroy any balance in the government, and enable them to accomplish what usurpations they please upon the rights and liberties of the people.
4. The Judiciary of the United States is so constructed and extended, as to absorb and destroy the judiciaries of the several States; thereby rendering law as tedious, intricate and expensive, and justice as unattainable, by a great part of the community, as in England, and enabling the rich to oppress and ruin the poor.
5. The President of the United States has no Constitutional Council, a thing unknown in any safe and regular government. He will therefore be unsupported by proper information and advice, and will generally be directed by minions and favorites; or he will become a tool to the Senate--or a Council of State will grow out of the principal officers of the great departments; the worst and most dangerous of all ingredients for such a Council in a free country; From this fatal

Handout K: Page 2

defect has arisen the improper power of the Senate in the appointment of public officers, and the alarming dependence and connection between that branch of the legislature and the supreme Executive. Hence also spurring that unnecessary officer the Vice-President, who for want of other employment is made president of the Senate, thereby dangerously blending the executive and legislative powers, besides always giving to some one of the States an unnecessary and unjust pre-eminence over the others.

6. The President of the United States has the unrestrained power of granting pardons for treason, which may be sometimes exercised to screen from punishment those whom he had secretly instigated to commit the crime, and thereby prevent a discovery of his own guilt.
7. By declaring all treaties supreme laws of the land, the Executive and the Senate have, in many cases, an exclusive power of legislation; which might have been avoided by proper distinctions with respect to treaties, and requiring the assent of the House of Representatives, where it could be done with safety.
8. By requiring only a majority to make all commercial and navigation laws, the five Southern States, whose produce and circumstances are totally different from that of the eight Northern and Eastern States, may be ruined, for such rigid and premature regulations may be made as will enable the merchants of the Northern and Eastern States not only to demand an exorbitant freight, but to monopolize the purchase of the commodities at their own price, for many years, to the great injury of the landed interest, and impoverishment of the people; and the danger is the greater as the gain on one side will be in proportion to the loss on the other. Whereas requiring two-thirds of the members present in both Houses would have produced mutual moderation, promoted the general interest, and removed an insuperable objection to the adoption of this government.
9. Under their own construction of the general clause, at the end of the enumerated powers, the Congress may grant monopolies in trade and commerce, constitute new crimes, inflict unusual and severe punishments, and extend their powers as far as they shall think proper; so that the State legislatures have no security for the powers now presumed to remain to them, or the people for their rights. There is no declaration of any kind, for preserving the liberty of the press, or the trial by jury in civil causes; nor against the danger of standing armies in time of peace.
10. The State legislatures are restrained from laying export duties on their own produce. Both the general legislature and the State legislature are expressly prohibited making ex post facto laws; though there never was nor can be a legislature but must and will make such laws, when necessity and the public safety require them; which will hereafter be a breach of all the constitutions in the Union, and afford precedents for other innovations.
11. This government will set out a moderate aristocracy: it is at present impossible to foresee whether it will, in its operation, produce a monarchy, or a corrupt, tyrannical aristocracy; it will most probably vibrate some years between the two, and then terminate in the one or the other. The general legislature is restrained from prohibiting the further importation of slaves for twenty odd years; though such importations render the United States weaker, more vulnerable, and less capable of defense

Handout K: Page 3

Directions: Fill in the Constitutional principle that Mason may have had in mind. In the “Constitutional Reference” column, fill in how you think Mason would respond to the Constitution in its amended form today. Constitutional principles may include: natural rights; separation of powers; checks and balances; limited government; republicanism/representative government; federalism; justice; consent of the governed

Mason’s Objection	A. Constitutional Principle	B. Constitutional Reference
1. No Bill of Rights.		
2. In the House of Representatives there is only the shadow of representation; laws may be made by people who do not have the proper information or the confidence of the people.		
3. Senate not elected directly by the people and not answerable to them; Senate has too much power and there is no effective check on them.		
4. National courts could destroy the state courts; rich people could use the federal courts to oppress and ruin the poor.		
5. No council of advisors for the president; the president could be overly influenced by the Senate.		
6. The president has unlimited power to pardon for crimes, including treason.		
7. All treaties are the supreme law of the land, and are created by the president with advice and consent of the Senate. The House of Representatives, the only branch directly answerable to the people, is not part of the treaty-making process.		

Handout K: Page 4

Mason's Objection	A. Constitutional Principle	B. Constitutional Reference
<p>8. Since commercial and navigation laws can be made by Congress based on only a majority vote, rather than a 2/3 vote, Congress may create monopolies or make laws that favor the industrialization of the North and disadvantage the South.</p>		
<p>9. Because of the necessary and proper clause, there is no adequate limitation on Congress's powers. The powers of state legislatures and the liberties of the people could be in danger. There is no protection of liberty of the press or trial by jury in civil cases; nor is there protection against standing armies in peacetime.</p>		
<p>10. States cannot levy export taxes on their own exports.</p>		
<p>11. The Constitution sets up an aristocracy; it will be 20 more years before Congress can stop the foreign slave trade.</p>		

Handouts H-K Answer Keys

Handout H: Emancipation in the Early Republic

Student maps should reflect the following dates and colors.

Year of a law providing for gradual emancipation	State	Color
1777	Republic of Vermont	Yellow
1780	Pennsylvania	Green
1783	Massachusetts (including Maine)	Yellow
1783	New Hampshire	Green
1784	Connecticut	Green
1784	Rhode Island	Green
1787	Northwest Territory	Yellow
1799	New York	Green
1804	New Jersey	Green
1863	West Virginia	Green
1865	Delaware	Blue
1865	Georgia	Blue
1865	Maryland	Blue
1865	North Carolina	Blue
1865	South Carolina	Blue
1865	Virginia	Blue

Handouts H-K Answer Keys: Page 2

Handout I: Founders Quotes on Slavery Answer Key

Arguments against slavery

Violation of human nature; cruelty; evil commerce

Violation of liberty; justice, humanity

Slavery outlawed in Northwest Territory

Oppressive; “mere distinction of color”

Nefarious; curse of heaven; violation of sacred laws of humanity; cruelty

Master of slaves is a petty tyrant; judgment of heaven against national sin

Wrong to maintain property in men

Shameful

Arguments for slavery

Fugitive Slave Clause

Need to clear swamp land of South Carolina

Negroes are more suited to cultivation of swampy land than are whites

Africans have less intellectual power

Africans were intended to serve whites and cultivate their land.

Handout J: Readers’ Theater – Convention Debate on Slave Trade Answer Key

1. Themes may include:

- Slave trade is evil and immoral, but so is slavery itself.
- The slave trade, as well as slavery itself, have already been banned in some states.
- The expectation on the part of most participants seems to be that both the slave trade and the institution of slavery will eventually come to an end.
- Delegates from North Carolina, South Carolina, and Georgia, while indicating that they will probably outlaw the international slave trade at some point, threaten to withdraw from the Union if the general government interferes with it.

2. Accept reasoned answers.

Handouts H–K Answer Keys: Page 3

Handout K: Mason’s Objections to the Constitution Answer Key

Mason’s Objection	A. Constitutional Principle	B. Constitutional Reference
1. No Bill of Rights.	Natural rights.	Changed by Amendments 1 - 10. Mason would probably approve.
2. In the House of Representatives there is only the shadow of representation; laws may be made by people who do not have the proper information or the confidence of the people.	Republicanism/representative government; Consent of the governed.	Unchanged.
3. Senate not elected directly by the people and not answerable to them; Senate has too much power and there is no effective check on them.	Republicanism/representative government; Checks and balances.	Partially changed by 17th Amendment. Mason would approve of popular election of Senators; he might still think the Senate is too powerful.
4. National courts could destroy the state courts; rich people could use the federal courts to oppress and ruin the poor.	Justice; Federalism.	Unchanged.
5. No council of advisors for the president; the president could be overly influenced by the Senate.	Separation of powers; Checks and balances.	President has a Cabinet and a number of advisors, based not on formal amendment, but on custom. Mason might approve of the development of the Cabinet. However, he might be skeptical of the quality of advice the president can receive from the Cabinet.
6. The president has unlimited power to pardon for crimes, including treason.	Limited government.	Unchanged.
7. All treaties are the supreme law of the land, and are created by the president with advice and consent of the Senate. The House of Representatives, the only branch directly answerable to the people, is not part of the treaty-making process.	Separation of powers; Checks and balances; Republicanism/representative government.	Unchanged.

Handouts H–K Answer Keys: Page 4

Mason's Objection	A. Constitutional Principle	B. Constitutional Reference
<p>8. Since commercial and navigation laws can be made by Congress based on only a majority vote, rather than a 2/3 vote, Congress may create monopolies or make laws that favor the industrialization of the North and disadvantage the South.</p>	<p>Limited government.</p>	<p>Unchanged.</p>
<p>9. Because of the necessary and proper clause, there is no adequate limitation on Congress's powers. The powers of state legislatures and the liberties of the people could be in danger. There is no protection of liberty of the press or trial by jury in civil cases; nor is there protection against standing armies in peacetime.</p>	<p>Limited government; Natural rights.</p>	<p>The necessary and proper clause, the commerce clause, and others, have been used to significantly expand the power and role of the federal government, and we have a full-time standing army. However, freedom of the press (1st Amendment) and trial by jury in civil cases (7th Amendment) have been added to the Constitution. Mason would probably still say the powers of the states and many liberties of the people are in danger.</p>
<p>10. States cannot levy export taxes on their own exports.</p>	<p>Federalism.</p>	<p>Unchanged.</p>
<p>11. The Constitution sets up an aristocracy; it will be 20 more years before Congress can stop the foreign slave trade.</p>	<p>Republicanism/ representative government.</p>	<p>The president and Congress did act to stop the foreign slave trade in 1808. Slavery itself was banned by the 13th Amendment. Mason would approve of the elimination of the foreign slave trade. He would likely approve of the end of slavery itself. He might think the prediction of an aristocracy has been proven true 1.) because most members of Congress can be re-elected as many times as they want; and 2.) because of other concentrations of power.</p>