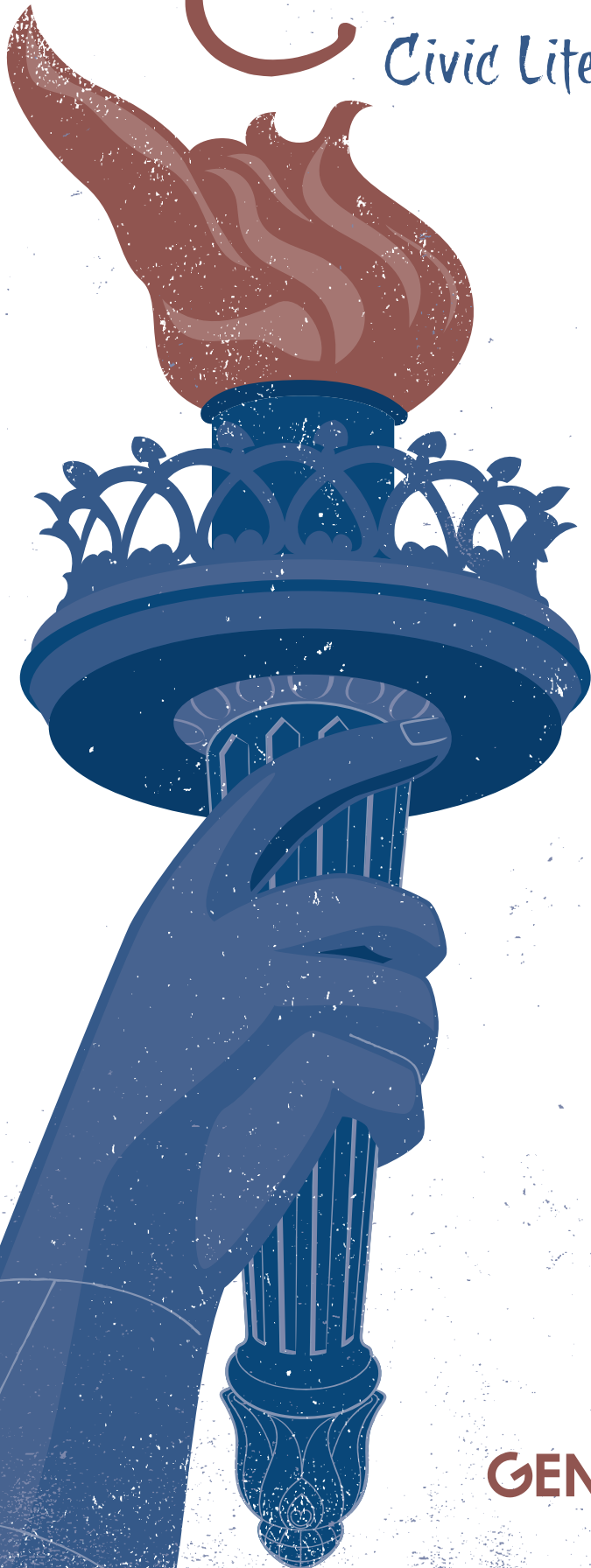


iCitizen

Civic Literacy for Young Americans



HSLDA'S
GENERATION  **JOSHUA**

Chapter 1: America's Foundations

When the United States broke away from Great Britain and formed its own government, our country was unique among nations. This chapter will introduce you to the purpose of government and the most common types of governmental structures, giving you a basis for understanding how and why the Founders of America crafted our government the way they did. Then the intentionality behind our governing documents should become astonishingly clear.

Section 1.1: An Introduction to Government

For the purposes of this course, we define **government** as an institution or political body that has the power to make and enforce laws over a certain group of people, territory, or collection of property. It places certain limits on people's actions for the sake of everyone's well-being, rewarding those who do good and punishing those who do wrong.

(Note: When you see a bold term in this textbook—like **government** in the previous paragraph—the word can be found in the glossary after the last chapter.)

Why Do People Need Government?

Before we can examine the specifics of how government works, we must first understand government's purpose. Think back to when you were younger and wanted to do something your parents would not allow you to do. Did you ever wonder why you couldn't just do as you pleased? Why couldn't you be your own boss?

These questions—although they may sound silly to you now—get at the heart of why we need a government in the first place.

People need government because we are sinful. Jeremiah 17:9 says, "The heart is deceitful above all things, and desperately sick; who can understand it?" Romans 3:23 states, "For all have sinned and fall short of the glory of God." Romans 3:10–12, 18 observes, "None is righteous, no, not one; no one understands; no one seeks for God. All have turned aside; together they have become worthless; no one does good, not even one . . . There is no fear of God before their eyes."

Because man is born with a sin nature (a result of the fall described in Genesis 3), he tends toward sinful actions, thoughts, and attitudes. Without limits or rules, each person chooses to act in his or her self-interest, at the expense or to the harm of others.

God has not left us to our own devices, however. He has placed a conscience within the heart of every person to provide internal boundaries, guiding a person in knowing what is right and wrong. He also established authority structures (or institutions) to provide each of us with external boundaries. Government is one of those institutions, and it is the civil authority for a **society**. A society is an organized group of individuals living within particular geographic boundaries.

Typically, governments are established for three main reasons: (1) order, (2) protection, and (3) the promotion of happiness, peace, and prosperity. When governments function properly, they ensure that those who do wrong are punished and those who do right are protected. A government becomes unhealthy and unjust if these objectives are unbalanced, overemphasizing only one of the goals to the detriment of the other two, or if the objectives are applied only to certain segments of society. A just government keeps these objectives appropriately balanced, and serves to protect and benefit all of its people rather than just one group.

Regardless of how a government treats its citizens, the Bible gives Christians instructions as to how they should live under their governing authority, as God has set up government to ultimately benefit people by protecting what is good and punishing what is bad. Paul writes in Romans 13:1–7:

Let every person be subject to the governing authorities. For there is no authority except from God, and those that exist have been instituted by God. Therefore whoever resists the authorities resists what God has appointed, and those who resist will incur judgment. For rulers are not a terror to good conduct, but to bad. Would you have no fear of the one who is in authority? Then do what is good, and you will receive his approval, for he is God's servant for your good. But if you do wrong, be afraid, for he does not bear the sword in vain. For he is the servant of God, an avenger who carries out God's wrath on the wrongdoer. Therefore one must be in subjection, not only to avoid God's wrath but also for the sake of conscience. For because of this you also pay taxes, for the authorities are ministers of God, attending to this very thing. Pay to all what is owed to them: taxes

to whom taxes are owed, revenue to whom revenue is owed, respect to whom respect is owed, honor to whom honor is owed.

First Peter 2:13–17 echoes these themes of living with respect and obedience toward the government:

Be subject for the Lord's sake to every human institution, whether it be to the emperor as supreme, or to governors as sent by him to punish those who do evil and to praise those who do good. For this is the will of God, that by doing good you should put to silence the ignorance of foolish people. Live as people who are free, not using your freedom as a cover-up for evil, but living as servants of God. Honor everyone. Love the brotherhood. Fear God. Honor the emperor.

Finally, we should not fear the outcome of living under rulers who do not follow the ways of God, because "The king's heart is a stream of water in the hand of the LORD; He turns it wherever He will" (Proverbs 21:1). With God, ultimate justice unites with ultimate love so that "for those who love God all things work together for good" (Romans 8:28).

Theories of Government

In *The Federalist Papers*, no. 51, James Madison wisely observed, "If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary." Unfortunately, men are *not* angels, which is why government is necessary. No man is perfect, and therefore no government will ever be perfect, because it is made up of flawed humans.

Through the centuries, many different types of government have been developed to maintain the order and prosperity of a nation. These governments usually fall into three categories of governmental theory.

A person's theory of government does not usually fit neatly into one category, but may be influenced by multiple factors. What you believe about government—why it exists and what areas of life it should or should not be involved in—is important because it informs your understanding of how government should be structured and what forms of governmental power are legitimate. Here are descriptions of the three most common theories of governance:

Theories of Government

Order and Tradition—An ancient and long-standing view of why we need government is that it promotes order so that people can live happily without fear. Traditionalists argue that government is necessary for establishing laws, punishing evil, promoting virtue, respecting tradition, and ending the chaos that would result from anarchy. Those who hold this theory usually see the power of government stemming from a higher power, such as God or a king, and believe that men have a duty to obey that authority.

Natural Rights—The governments of America and many European countries are founded at least in part on the idea of **natural rights**—meaning that people are born with certain inherent rights, and the purpose of government is to protect these rights. People who hold this theory disagree about why people have these rights in the first place. There is also disagreement about what may be considered a natural right (privacy? life? property? healthcare? education? etc.).

Social Contract—The **social contract** theory, made influential by philosophers John Locke, Jean-Jacques Rousseau, and Thomas Hobbes, holds that people originally lived in a state of freedom in which each man was responsible for himself. Man created government in order to provide for needs that he could not fulfill himself (for example, an individual needs protection from enemies, but cannot wage war against a group of invaders all by himself). In exchange for the order and protection that government provides, people agree to obey the government's authority.

Structures of Government

In government, theory and practice differ widely. Just as there are many theories of why we need government, there are different ideas about how government should be structured. This is how you can have governments formed on a similar premise that function very differently—it's because the two governments have different structures.

The study of different structures of government is known as **comparative politics**. Comparative politics contrasts government systems using statistics and case studies in order to arrive at conclusions about government. Many well-known political theorists have written on this subject, such as Aristotle (*The Politics*), Charles Montesquieu (*The Spirit of the Laws*), and Alexis de Tocqueville (*Democracy in America*).

In his *Politics*, Aristotle described six types of government—three good and three bad. Montesquieu tried to simplify classifications of government by breaking them down into three groups, and he used the theory of separation of powers to describe how the French government was then administered. A century after Montesquieu, Tocqueville took an in-depth look at how democracy worked in America and compared it to other government systems.

Governments Classified

Many elements of modern political theory come directly from Montesquieu. In addition to his theory of separation of powers, Montesquieu separated government into three branches of administrative power (executive, judicial, and legislative). He was one of the first political thinkers to classify government structures into republics (based on virtue), monarchies (based on honor), and despotisms (based on fear). Naturally, governments appear in different combinations of these forms. In the next few sections, you will be introduced to the unique form of the American government, a constitutional republic.

We've listed five classic forms of government here.

Classifications of Government

Theocracy—A theocracy is a government under the direct rule of God, one example being the ancient Israelites. They had a theocracy style of government during the time period after the exodus from Egypt through the crowning of their first king, Saul.

Autocracy—One of oldest and most common forms of government, autocracy is a system in which all the political power belongs to one person. Most autocrats either inherit their position or seize power through a military takeover. Common forms of autocracy would be a monarchy or a dictatorship, in which a king or emperor possesses all authority to rule and passes on his title and power to his heir.

Democracy—Coined by the Greeks and meaning "government by the many," a democracy is a government in which the people hold the power to govern. In a pure democracy, the people govern themselves by direct vote. An example of democracy would be France in the late 1700s during the revolution, when the citizens voted on all issues themselves and each held certain powers. The Greeks of ancient Athens attempted a form of democracy as well. Most modern democracies are not pure in form.

Instead, they are representative democracies or hybrids between a democracy and a republic.

Republic—Much like a democracy, in a republic, those who hold the right to vote possess sovereign power. Instead of all citizens governing directly by voting on every issue, however, the citizens elect representatives who are responsible for carrying out the administration of the government according to the law.

Totalitarian regime—In a totalitarian regime, the state holds ultimate power over everything. Citizens have little or no freedom of choice since the government controls every aspect of their lives (economic, social, religious, etc.). Communism and fascism are both forms of totalitarian government.

Review 1.1

1. What is the definition of *government*? Why do people need government?
2. Which of the three theories of government do you ascribe to, and why?
3. What is comparative politics? Name three political thinkers who studied comparative politics.
4. How did Montesquieu classify governments in his *Spirit of the Laws*?
5. Name the five classifications of government structures.
6. What similarities and differences do you see among these classifications of government?

Section 1.2: Principles of American Government

America is a *democratic constitutional republic*. In a pure democracy, the government protects the will of the majority. This means that if the majority votes for a bad policy—for example, taking away the rights of the minority—then there is nothing the minority can do to protect itself. The desires of the people push the government in one direction or the other, often at the expense of the individual or minority.

In America's constitutional republic, on the other hand, the individual's God-given natural rights are protected, whether that individual is part of the majority or not. The Constitution, together with a representative government structure, puts limits on the majority's actions so that it cannot descend into mob rule.

So What's a Republic?

The citizens of a republic exercise power through representatives. This is called in **indirect governance**, as opposed to a democracy's **direct governance**.

Since most citizens have families to take care of and jobs to work, they don't have time to spend months planning and deciding how our country should be run. Instead, citizens in a republic elect a person to go in their place, acting as a representative of their cultural and political views in the government's decision-making process.

This is a key principle of republican-style government. Elected representatives are intended to provide a layer of protection against the passions of the majority. Passion itself is not necessarily bad—but good governance requires passion tempered by wisdom.

America would not be a great country without people who were passionate enough about freedom to leave their homeland and sail to a new land. However, unchecked passions alone will very quickly result in disorder and strife and can eventually lead to a dictatorship—the exact opposite of freedom. America's Founders understood this very well. This is why they set up our government as a representative republic.

There are four basic principles that underlie America's government and help protect it against the encroachment of tyranny: **self-government**, **separation of powers**, **rule of law**, and **checks and balances**.

Self-Government

The powers of a republican government are intended to be limited, providing the people with as much freedom as possible. The government is of the people, by the people, and for the people. If the people make wise decisions and are able to govern themselves, then the government will not need to pass more laws or take more control. If, however, the people prove to be lazy, selfish, and unable to control themselves, then the government will take more authority and control more aspects of the citizens' lives. For example, some people like to drive on the road in a way that endangers the safety of others. Since they do not exercise self-control (self-governance), the government enforces speed limits.

There is not sufficient virtue among men for self-government.

James Madison

The Federalist Papers, no. 55

In a government like ours, where people have a tremendous amount of freedom, citizens must use their liberty wisely and not abuse their freedom to put others in danger. Recognizing that Christianity encourages self-government—in part by promoting responsibility, unselfishness, and self-control—Dr. Benjamin Rush (one of the few Founders who both signed the Declaration of Independence and fought for the ratification of the Constitution) said in a letter to Thomas Jefferson, “I have always considered Christianity as the strong ground of republicanism.”

Nevertheless, Dr. Rush agreed that some government is still necessary. For him, self-government did not mean *no* government.

Separation of Powers

How does one grant political authority to an institution and yet prevent it from trying to grasp more power? The answer, the Founders decided, was separation of powers.

As James Madison said in *The Federalist Papers*, no. 47:

[T]he preservation of liberty requires that the three great departments of power should be separate and distinct . . . The accumulation of all powers, legislative, executive and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny.

In practice, this is the system outlined by our Constitution. The Founders divided our government into three separate branches exercising unique powers: the legislative, executive, and judicial branches.

Congress is the **legislative branch**. It is the lawmaking part of government. In addition, it has the power to impeach misbehaving executive officials (including the president).

The president and the president’s agencies form the **executive branch**. Together they execute (enforce) the laws Congress makes.

The Supreme Court directs the **judicial branch**. This branch establishes a system of lower courts to hear cases throughout the U.S.; it can also hear certain types of cases itself. The Supreme Court has the power of judicial review, which means it can overturn executive action or congressional laws that it deems unconstitutional.

Each branch has enough power to perform its duties, but not so much power that it can run roughshod over the other two branches. For example, the president (the executive branch) nominates Supreme Court justices (the judicial branch), but the justices cannot take office unless they are approved by the Senate (the legislative branch).

Rule of Law

A key principle that guides the American system of government is the rule of law. This means that the law applies equally to all people, no matter who they are. It is commonly referred to as *lex rex* (the law is king).

Rule of law means that both the government and the people must submit to the law, or else they must face the consequences that are spelled out in the law. This was an unusual concept at the time of the U.S.'s founding. Many governments at that time did not practice the rule of law. Instead, they were ruled by a person or people who were above the laws that they made and were exempt from following them—the leader *was* the law. This opposing view is often referred to as *rex lex* (the king is law).

The Founders chose to follow the rule of law. They believed that when a country is governed by the rule of law, it operates more justly and fairly. Its leaders are held to the same laws as the people, and will be removed from office if they behave corruptly. Rule of law protects the freedoms of the people against the potential tyranny of the government.

Checks and Balances

"Ambition must be made to counteract ambition," wrote James Madison in *The Federalist Papers*, no. 51. He wrote this to explain why the system of checks and balances, as set up in the not-yet-ratified Constitution, was necessary.

The idea of checks and balances is fundamental to the way the U.S. government works. In this system, each branch of our government is held in check by the powers of the other branches.

This prevents any one branch from taking over too much responsibility or power. In this way, the branches of government are held accountable to each other, and ultimately to the people.

The way checks and balances work is seen in three concepts: judicial review, bicameralism, and the veto.

Judicial review is the process by which the judicial branch evaluates the constitutionality of a law. The Supreme Court can strike down a law passed by Congress if it determines that the law violates the Constitution. This places a check on the power of the legislative branch, preventing Congress from passing unconstitutional laws.

Bicameralism means “two houses.” Our Congress is bicameral because it is made up of a House of Representatives and a Senate. Our Founders set up the House of Representatives to be a larger legislative body, directly elected by the people and thus more rowdy and passionate. The Senate, on the other hand, was designed to be a smaller, slower, more deliberative body, elected by the entire state electorate. Generally speaking, the House is more “democratic” and the Senate is more “republican.” Both houses are lawmaking bodies, and both must pass the same version of a law in order for it to go to the president to be signed or vetoed. But due to the difference in the nature of each house, there can be tension between the interests of the people being represented in the House and the interests of the states in the Senate. Although this tension can slow down the lawmaking process, it ensures that deliberation balances passion as the two bodies reach a compromise. We’ll explore the structure and duties of each of these houses in chapter 3.

The final concept is the veto. Our Founders gave the president the power to veto (reject) any bill passed by Congress. If the president vetoes a bill, Congress can override the veto and pass the bill into law by a two-thirds majority vote. In practice, a veto is rarely overridden—fewer than 10% of presidential vetoes have been overridden in American history.

We will take a closer look at the veto power in chapter 4.

Review 1.2

1. Is America a democracy or a republic? Explain.
2. How does a republic differ from a democracy and what is the key difference?
3. What keeps passion in check in a republic? Why is this necessary?

4. What four concepts are the foundation of our government system? Define each one. Do they work together or overlap in any ways?
5. What are the three branches of American government?
6. James Madison said: "Ambition must be made to counteract ambition." What does this mean?

Section 1.3: The Declaration of Independence

In the next three sections, we'll look at the three major documents of our government's founding: the Declaration of Independence, the Articles of Confederation, and the Constitution. While there are several other important letters and papers from the same time period that shed light on the American Experiment, we will limit the scope of our study here to those three documents.

A Little History

From the 1607 founding of Jamestown, the first permanent English settlement in the New World, to the mid-1750s, British subjects living in the American colonies were largely loyal to their motherland. All the colonies had appointed royal governors—representatives of the king of England—except for Rhode Island and Connecticut, which elected their own governors. There was some trade between the colonies, but huge differences existed among the colonies in terms of population, economic class, and industry, especially between the northern and southern colonies. At times, the fact that they were ruled by a common king seemed to be the only thing that held them together.

The French were frequently at war with England and maintained control of what is now Canada, just to the north of the British colonies. Along the western frontier of the British colonies, French trappers allied with Indian tribes and attacked British wilderness forts. The conflict escalated until, between 1754 and 1763, England and France fought an open war with each other on their colonial borderlines. This was called the French and Indian War because of the alliances the French made with various Indian tribes to help them fight against the British. It was part of a larger worldwide conflict called the Seven Years' War.

When the conflict ended, England and the colonies viewed the outcome very differently. Many colonists felt that Parliament (the English legislative body) had not responded sufficiently or quickly enough with troops. In England, Parliament was squeezed financially by the expenses of the Seven Years' War (of which the French and Indian War was only one part). Since English

troops had defended the colonists against the French, Parliament felt that the colonies should shoulder some of their war debt. This was thought reasonable by most people in England.

The Intolerable Acts

Starting in 1764, Parliament passed a number of acts that raised the colonists' taxes, clamped down on their ability to trade with the rest of the world, and tightened England's control over the day-to-day activities of the average colonist. These acts included the Sugar Act (1764), the Quartering Act (1765), the Stamp Act (1765), the Townshend Acts (1767), and the Tea Act (1773).

By 1773, a few colonists concluded that speaking out against these acts was not enough. They decided to respond to the recent Tea Act by staging what we now call the Boston Tea Party, in which colonists dumped three ships' worth of tea into Boston Harbor to protest the tax on tea.

Parliament was not amused. In 1774, it passed a series of punitive acts in order to bring the colonies back into submission. Called the "Intolerable Acts" by the colonies, these new laws skyrocketed tensions between America and England. Each act further eroded the relationship of trust, affection, and loyalty with the crown, since colonists expected the king to defend them against Parliament's harsh acts.

Colonial leaders began to question whether they should remain under the authority of a parliament in which they had no representation and a king who did not seem to be effectively protecting their interests. Multiple diplomatic attempts to resolve or lessen the increasing burdens laid by Parliament proved to be ineffective.

The Continental Congress Requests a Declaration

In the fall of 1774, 12 of the 13 colonies sent representatives to a convention in Philadelphia to discuss what to do. This was the First Continental Congress. The hope of those attending the congress is reflected in the opening prayer given by Reverend Jacob Duché:

... Be Thou present, O God of wisdom, and direct the councils of this honorable assembly; enable them to settle things on the best and surest foundation. That the scene of blood may be speedily closed; that order, harmony and peace may be effectually restored, and truth and justice, religion and piety, prevail and flourish amongst the people. ...

A second congress was convened in May 1775 in response to the battles at Lexington and Concord a month earlier, which had resulted in the death of nearly 50 colonists. Although different in many ways, the colonies were starting to band together against a common enemy.

The Second Continental Congress established a colonial army, headed by General George Washington. The timing proved impeccable, as the British launched a successful attack on Boston near Bunker Hill in June 1775. In August 1775, King George III of England declared the colonies to be in a state of rebellion and ordered official action to suppress the rebellion. Despite this, many colonists still did not want to break away from England and still hoped for some resolution. By 1776, however, the Continental Congress deemed it necessary to formally break away.

In June 1776, the congress appointed five men to draft a document that would declare the colonies' independence from England: John Adams, Benjamin Franklin, Thomas Jefferson, Robert Livingston, and Roger Sherman. The committee submitted a document to be approved at the end of June. After some revisions, the Continental Congress voted for independence and adopted the Declaration of Independence on July 4, 1776. Fifty-six men representing all 13 colonies signed the document, including well-known Founders like Thomas Jefferson (the chief drafter), John Adams, John Witherspoon, and Benjamin Franklin.

On the next few pages, we've provided the full text of the Declaration of Independence.

Declaration of Independence

IN CONGRESS, July 4, 1776.

The Unanimous Declaration of the Thirteen United States of America

When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life,

Liberty and the pursuit of Happiness.—That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed,—That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shewn, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security.—Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter their former Systems of Government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world.

He has refused his Assent to Laws, the most wholesome and necessary for the public good.

He has forbidden his Governors to pass Laws of immediate and pressing importance, unless suspended in their operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other Laws for the accommodation of large districts of people, unless those people would relinquish the right of Representation in the Legislature, a right inestimable to them and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public Records, for the sole purpose of fatiguing them into compliance with his measures.

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

He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the Legislative powers, incapable of Annihilation, have returned to the People at large for their exercise; the State remaining in the mean time exposed to all the dangers of invasion from without, and convulsions within.

He has endeavoured to prevent the population of these States; for that purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their migrations hither, and raising the conditions of new Appropriations of Lands.

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

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

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

He has kept among us, in times of peace, Standing Armies without the Consent of our legislatures.

He has affected to render the Military independent of and superior to the Civil power.

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

For Quartering large bodies of armed troops among us:

For protecting them, by a mock Trial, from punishment for any Murders which they should commit on the Inhabitants of these States:

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

For imposing Taxes on us without our Consent:

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

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

For abolishing the free System of English Laws in a neighbouring Province, establishing therein an Arbitrary government, and enlarging its Boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these Colonies:

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

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

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

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

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

He has constrained our fellow Citizens taken Captive on the high Seas to bear Arms against their Country, to become the executioners of their friends and Brethren, or to fall themselves by their Hands.

He has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers, the merciless Indian Savages, whose known rule of warfare, is an undistinguished destruction of all ages, sexes and conditions.

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

Nor have We been wanting in attentions to our British brethren. We have warned them from time to time of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which would inevitably interrupt our connections and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity, which denounces our Separation, and hold them, as we hold the rest of mankind, Enemies in War, in Peace Friends.

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



Review 1.3

1. What event triggered the rise in tensions between America and England?
2. What were the Intolerable Acts and why were they passed?
3. Why and when were the continental congresses convened? What did they do?
4. Who were the five men selected to draft the Declaration of Independence?
5. List from the Declaration five grievances that the colonists had against the king.
6. What kind of attitudes to you see portrayed in the Declaration? Do you think the authors still wanted to mend relations with England?

Section 1.4: The Articles of Confederation

As the war raged on between the colonies and England, it became clear that the newly formed colonial alliance needed some sort of governing document to address relations between individual colonies. This was especially true since certain colonies were more interested in going their own way once independence from England was achieved. Most colonies were afraid that if a centralized government was established over them, it would become as tyrannical as England had been.

One week after the Declaration of Independence was signed, a version of the Articles of Confederation, America's first governing document, was presented to the Continental Congress for review. It took a year of debate before the Articles were adopted in November 1777—and even then, each colony had to **ratify** (officially approve) them by signing or voting for them. The last colony to ratify was Maryland in 1781, which let the Articles take effect.

The Articles, which officially named our country “the United States of America,” served as the new country's guiding law for eight years. America was at war with England for much of that time, which left little time for nation building.

Power to the States

The Articles of Confederation did tie the individual states together—but only loosely. Except for the few powers specifically granted to Congress, all political authority rested with the state governments. This reflected the common mindset at the time: people felt that their governing authority was their particular state, rather than the national government. Most citizens of this new union of states considered themselves Virginians or New Yorkers first.

Because of these state peculiarities and loyalties, the Articles gave the Confederated Congress too little power to govern effectively. There was no judiciary, and there was only a very vague reference to an “office of the president” which was formed out of a “Committee of the States” without any real power. Each state was allowed between two and seven members in Congress but had one vote total. All congressional acts required 9 out of 13 votes in order to pass, and Congress's realm of authority was restricted to declaring war, raising revenue and men to field an army, handling Indian and foreign affairs, coining money, and handling disputes between states.

As an interesting side note, the Articles stated that if Canada agreed to the terms of the document, it could join the confederation automatically, but no other states could join unless approved by nine votes in Congress.

The Confederation Congress did oversee a couple of significant acts, including the Treaty of Paris (1783) and the Land Ordinance of 1785, which opened up the Midwest to the possibility of expansion. But weaknesses in the Articles continued to plague Congress, and it became clear that a different document was needed in order for America to survive.

Weaknesses

The war with England ended with the signing of the Treaty of Paris on September 3, 1783. John Adams, Benjamin Franklin, and John Jay were the American diplomats who signed the treaty along with their British counterparts. But the Confederation Congress had to ratify the treaty before it became official, and gathering the minimum of nine states required to be present for a vote proved exceedingly difficult. The treaty was finally ratified by Congress in January 1784.

With the business of war complete, Congress focused on trying to pay off war debts it owed to the allies who had helped the country gain independence. Sadly, this attempt failed, as all of the revenue proposals brought to the table were repeatedly ignored or rejected by the states. The financial situation deteriorated so quickly that in 1786, the exasperated Board of Treasury announced that the union was close to bankruptcy and dissolution unless the states complied with the revenue proposals.

The inability to execute its duties effectively—especially in such important areas as foreign affairs and the paying of debts contracted to run even a very modest government—showed Congress that the Articles needed to be revised. Much to the chagrin of some states (and the relief of others), a Constitutional Convention was called in 1787 to amend the Articles of Confederation to address the expanding needs of the growing nation. What the country got instead was a brand-new constitution.

Review 1.4

1. When were the Articles of Confederation adopted by the Continental Congress and when did they actually take effect?
2. What was the purpose of the Articles? What did they provide for?
3. What are some of the powers the Confederation Congress had?
4. What was the Treaty of Paris and what weakness in the Articles did it show?

5. Why did Congress have trouble paying off war debt?

Section 1.5: The Constitution

A **constitution** is the collection of core rules and principles that guide the behavior of a nation or other organization. But the actual power and effectiveness of a constitution comes from the people it governs. If a people and their government do not respect the rule of law or the principles that guide their constitution, then it is doubtful that their constitution will hold strong.

Thankfully, the men who crafted America's constitution were wise and they largely reflected the sentiments of the people whom they represented at the Constitutional Convention. But you might be surprised to know that the same differences in political principles that we experience today were present at the 1787 convention.

Does it surprise you to hear that the Founding Fathers had different ideas about government? The fact is that the Founders had *many* significant differences of opinion.

And their disagreements were just as heated and divisive as those we see conservatives and liberals having today.

The Constitution didn't gloss over these disagreements. Instead, the Founders tried to provide a way for the nation to work through its disagreements. The resulting document was explicit and precise on the fundamentals of how the country should run, but vague on other issues (such as slavery). It left it to the country to make changes as time went on.

Constitutional Convention

By 1787, Congress realized that the Articles of Confederation needed serious repairs. The concentration of powers in one body (no separation of powers), the lack of executive power to enforce laws or carry out duties, and the inability to collect taxes had brought the young country to its knees. The economic situation of the United States was so terrible that many poor farmers were being jailed and their land confiscated to pay state taxes.

In May 1787, 55 delegates from all the states (except for Rhode Island, which abstained as it feared the larger states would take over) met at Independence Hall in Philadelphia. They debated for three long, hot, humid summer months before agreeing upon the final draft of the Constitution and sending it to each state to ratify.

The convention brought together some familiar faces as well as new ones. Some very famous Americans were missing altogether. John Adams and Thomas Jefferson were both overseas attending to foreign affairs. Patrick Henry, famous for his "Give me liberty or give me death!" battle cry, was also absent. As a strong supporter of states' rights, Henry felt that the Articles were good enough and refused to attend, saying he "smelt a rat." By "rat" he meant his fellow Virginian and advocate for a stable federal government, James Madison. Madison was a new face to the scene. A young delegate to the Virginia state legislature, Madison wanted to propose a plan that would not only fix the Articles but would actually overhaul the whole document and replace it with a newer, better-designed constitution.

Also in attendance were George Washington (the chairman of the convention), Benjamin Franklin, James Wilson, Robert Morris, John Dickinson, Alexander Hamilton, and George Mason. All of these men understood political theory. And while they varied widely in their beliefs on such key issues as state sovereignty and slavery, they all agreed that something needed to change if their new country wanted to keep existing.

Differences of Thought

Factions of all kinds appeared at the convention and during the ratification process. Northern delegates disagreed with southern delegates on what to do about slavery. Large states like Virginia and Pennsylvania disagreed with smaller states like New Hampshire and Connecticut over representation. Out of these differences came opposing plans for the new constitution.

Two main camps of thought emerged in the convention debates: the **Federalists** and the **Antifederalists**. Most attendees broadly fell into one group or the other, although few were as radical or unyielding in their beliefs as the absent Antifederalist, Patrick Henry.

The Federalists were instrumental in pushing for a new constitution, since they wanted a strong central government that could truly unify the different states. Prominent Federalists at the convention included James Madison, George Washington, and Benjamin Franklin.

Antifederalists clung to many of the ideals represented in the Articles of Confederation. They feared that the rights of states and individuals would not be properly protected in a new Federalist document. Instead, they wanted to simply tweak the weak areas of the original Articles. George Mason of Virginia, George Clinton of New York, and Luther Martin of Maryland were among the Antifederalist delegates present. Interestingly, the two camps didn't divide

along state lines. The most vocal advocates in each camp (Madison and Henry) both came from Virginia.

James Madison was the primary author of the Virginia Plan, which laid out a strong national government with a bicameral legislature elected according to population. This meant that the number of representatives that each state could elect would be based on the size of the state's population. The plan was supported by the large states, which were more populous and would therefore have more representation under it.

In contrast, the New Jersey Plan, presented by William Paterson, proposed more or less a revision of the Articles of Confederation that still focused on individual state sovereignty. Paterson's plan laid out a unicameral (one-house) legislature in which each state had one vote, regardless of size. Small states naturally favored this plan. Both plans called for congressional regulation of commerce and an executive appointed by the legislature.

The degree of discord during the convention was highlighted by Benjamin Franklin's call for prayer. In an effort to bring about unity, Franklin, the oldest delegate at the convention, proposed that the convention pray before beginning its daily business:

The small progress we have made after 4 or five weeks close attendance & continual reasonings with each other—our different sentiments on almost every question, several of the last producing as many noes as ays, is methinks a melancholy proof of the imperfection of the Human Under-standing. We indeed seem to feel our own want of political wisdom, since we have been running about in search of it. We have gone back to ancient history for models of government, and examined the different forms of those Republics which having been formed with the seeds of their own dissolution now no longer exist. And we have viewed Modern States all round Europe, but find none of their Constitutions suitable to our circumstances. . . .

. . . [T]he longer I live, the more convincing proofs I see of this truth—that God governs in the affairs of men. And if a sparrow cannot fall to the ground without his notice, is it probable that an empire can rise without his aid? We have been assured, Sir, in the sacred writings that “except the Lord build they labor in vain” . . . I also believe that without [H]is concurring aid we shall succeed in this political building no better than the Builders of Babel: We shall be divided by our little partial local interests; our projects will be confounded, and we ourselves shall become a reproach and a bye word down to

future age. And what is worse, mankind may hereafter from this unfortunate instance, despair of establishing Governments by Human Wisdom, and leave it to chance, war, and conquest.

I therefore beg leave to move—that henceforth prayers imploring the assistance of Heaven, and its blessings on our deliberations, be held in this Assembly every morning before we proceed to business, and that one or more of the Clergy of this City be requested to officiate in that service. (1)

But even this resulted in further debate! Delegates argued about whether or not to adopt Franklin’s motion, whether the adoption of daily prayers would alert the public to the convention’s inability to compromise, and whether they even had the funds to pay for a minister to pray over them every morning. Eventually the meeting adjourned for the day without voting on the matter.

Compromise: The Key to Success

This strong disagreement was finally solved with some careful compromises. The first major compromise was over whether or not to count slaves for purposes of representation—a hotly debated issue between the northern and southern states. Northern states generally opposed slavery and did not want slaves counted as part of the southern states’ populations for purposes of congressional representation. Southern states saw the continuation of slavery as vital to their economic security. They argued that slaves should be counted as part of their population, which would increase the number of representatives each state could have in Congress. To resolve the disagreement, both sides agreed to a compromise that provided that three-fifths of “all other persons” (i.e. slaves) would be counted. Hence the deal was termed the Three-Fifths Compromise.

This led to a second breakthrough in the general debate between the large and small states about representation. The Connecticut Compromise (sometimes called the Great Compromise) combined elements of the Virginia and New Jersey plans in an effort to satisfy all parties. The compromise created a bicameral legislature, featuring a lower house based on state population (the House of Representatives) and an upper house with equal representation for each state (the Senate).

The Great Compromise was the watershed moment of the Constitutional Convention. It finally allowed the convention to break through its gridlock and appoint a committee to draft the

Constitution itself. While the final result contained the fingerprints of Madison (it borrowed heavily from his Virginia Plan), he was not on the committee. Instead, the committee consisted of people less familiar to us: Nathaniel Gorham, John Rutledge, Edmund Randolph, James Wilson, and Oliver Ellsworth.

The first draft of the new Constitution was presented to the general assembly on August 6, 1787. After some additional bickering over slavery that nearly undid all the progress made at the convention, a final compromise was made that allowed the South to continue the importation of slaves for another 20 years. The Constitution was approved on September 16 and was sent to the state legislatures to be ratified.

The convention's inability to effectively resolve the issue of slavery forced the dispute to be dealt with by a later generation. The just society the Founders envisioned would remain unjust as long as slavery continued. This is perhaps the greatest failure of the convention, and reminds us that, as great as our Founders were, they were not perfect.

While allowing slavery allowed the country to forge ahead as one nation, it also meant that the problem festered until war broke out. During the nearly 75 years between the convention and the Civil War, hundreds of thousands of humans continued to suffer as slaves. And once war did come, over 600,000 men died in the conflict.

In his second inaugural address, President Abraham Lincoln stated that the war was God's retribution for not resolving the problem of slavery sooner:

Yet, if God wills that [the war] continue, until all the wealth piled by the bond-men's two hundred and fifty years of unrequited toil shall be sunk, and until every drop of blood drawn with the lash, shall be paid by another drawn by the sword, as was said three thousand years ago, so still it must be said "the judgments of the Lord, are true and righteous altogether."

Although the Civil War could be viewed as evidence of the failure of the Constitution, the durability of our country in the 150 years since the Civil War also demonstrates the resilience of the document.

The Federalists and Antifederalists

Once copies of the Constitution had been sent to each state, two factions went head-to-head on whether or not the states should ratify the new document. The Antifederalists led a newspaper **campaign** decrying the Constitution as another form of tyranny. Their efforts were not united, as they were driven by separate state interests and their arguments tended to be more localized. Some of the more famous letters were authored by someone who called himself “Cato.” In his fifth letter, published in *The New York Journal* on November 22, 1787, Cato warned that the “new government was vague and inexplicit, that the great powers of the President, connected with his duration in office would lead to oppression and ruin.”

In response to the attacks levied by the Antifederalists, three staunch Federalists—James Madison, Alexander Hamilton, and John Jay—wrote a series of 85 essays that were also printed in newspapers. These famous essays are known today as *The Federalist Papers*.

Nine states had to ratify the Constitution for it to take effect. Some states, like Delaware and Pennsylvania, quickly and overwhelmingly ratified the new Constitution. Others, like Virginia and New York, dragged out their debates and barely passed it with a **simple majority** of the vote. Rhode Island, which had sat out of the Constitutional Convention, was the last to ratify, in May 1790, by a slim majority of two votes.

A Constitutional Government

The ratified version of the Constitution consisted of a **preamble** and seven articles, which outlined the powers of the federal government. The first three articles laid out the three branches of government (which we’ll cover in chapters 3–5). The remaining four articles detailed the relationship between the states and the federal government; described how the Constitution could be amended; established the Constitution, federal laws, and treaties as the supreme law of the country; and set the requirements for ratification.

Within a year of being ratified by the final state, the Constitution was amended with 10 more articles, collectively called the **Bill of Rights**. These amendments spell out the rights of individual citizens to protect them against federal or state laws that might encroach upon them. These 10 articles, plus the 17 other amendments that have been added over the years, are the subject of our next chapter.

The Constitution of the United States

Preamble

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, 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 American Experiment

The brilliance of the Constitution and its system of governance is how practical it is. It is not merely a string of theories about how a government *should* run. The Founders understood the natural tendency of man to be selfish, greedy, power hungry, and at times extremely evil. They also knew that these very men might be the life and heartbeat inside the structure of government they set up. Thus, the key feature of the Constitution is its attempt to give the federal authority enough strength to protect liberty, but not enough to restrict liberty. This is the great tension—felt by the Founders even hundreds of years ago—between liberty and security, an issue that still dominates the political arena today.

America was an experiment at its inception in 1776, and it is still an experiment today. How close can we get to a free society and keep it? How can we enjoy our freedoms, but stay secure? How can we prevent tyranny of the majority or minority? Despite the errors, failings, and abuses committed by our people, representatives, leaders, and judges, this national experiment has been remarkably successful. Cultural norms have changed, but the core of our country itself remains vibrant and still functions (with some adjustments) the way it did over 200 years ago. That's a remarkable achievement.

Review 1.5

1. What is a constitution?
2. What was the Constitutional Convention? Who attended? Where was it?
3. What weaknesses did the Constitutional Convention set out to fix?
4. Who were the Federalists and the Antifederalists? What did they believe?
5. Who presented the Virginia Plan? What were its features?
6. Who presented the New Jersey Plan? What were its features?

7. Explain the two main constitutional compromises at the convention.
8. What was the result of the convention's decision to not fully address the problem of slavery?
9. What is the tension that both threatens and strengthens the Constitution?

Chapter 1 Essay

Choose one topic from the list below and write a one-page research essay. Use at least two sources from the library or internet. See the syllabus for details.

- Research the governmental structure of another country. Compare and contrast it with the system the Constitution sets up for America.
- Research one of the following men and write about his contributions to our founding documents: Roger Sherman, John Rutledge, Robert Morris, or Edmund Randolph.
- Choose a Federalist essay. If you're not sure where to start, *The Federalist Papers*, nos. 6, 10, 14, 39, 51, 58, and 84, are some of the most popular. Then, choose an Antifederalist essay. Morton Borden's compilation (*The Antifederalist Papers*, Michigan State University Press, 1965) numbers them according to the corresponding Federalist essay (e.g., *Antifederalist* no. 10 argues against *Federalist* no. 10). After reading each, imagine you were living in the late 1780s. Do you think you would be a Federalist or an Antifederalist? Draw from the essays you read as you state your reasons why you'd be one or the other.

Works Cited

- (1) James Madison's notes at the Constitutional Convention in Philadelphia on June 28, 1787, as published in: Max Farrand, ed., *The Records of the Federal Convention of 1787*, vol. 1 (New Haven, CT: Yale University Press, 1911), memory.loc.gov/ammem/amlaw/lwfr.html.

Supplemental Resources

The Federalist Papers Course (generationjoshua.org): Free online high school course composed of selected readings from *The Federalist Papers*.

Constitutional Convention Course (generationjoshua.org): Free online high school course providing a detailed look at the convention. Includes script for a mock convention.

Founding Documents Course (generationjoshua.org): Free online high school course delving into the main documents of America. Who wrote them? Why?

A Student's Guide to American Political Thought by George W. Carey (2004): Published by the Intercollegiate Studies Institute (ISI), a conservative intellectual group.

A Student's Guide to Political Philosophy by Harvey Mansfield (2001): Also from ISI Books.

Drive Thru History America: Foundations of Character (2006): DVD. Colorful, fast-paced, information-packed trip across the American colonies, with comedic host Dave Stotts looking at the lives of eight very different individuals who impacted our country's quest for independence.

John Adams (2008): Miniseries. Episodes 1 and 2 are specifically relevant. Well-scripted portrayal of the American Revolution and creation of some of our founding documents through the acute perspective of John Adams, Founding Father and second president of the United States. Produced by HBO, based on *John Adams* by David McCullough. Not rated.

WARNING: Contains some intense scenes including period-appropriate medical procedures and a tarring and feathering incident. Parental discretion advised.

The Federalist Papers (thomas.loc.gov/home/histdox/fedpapers.html): Entire text of the essays online for free at the Library of Congress.

The Antifederalist Papers (constitution.org/afp/afp.htm): Collection and history of the writings online for free.

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