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Our Federal Constitution

A Student's Guide to the United States Constitution

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In 1786, at Annapolis, Maryland, a meeting was held to discuss commerce problems. Five states attended. During the discussions, a future meeting was proposed. The hope was expressed that all states would participate. This future meeting, or convention, would be held in Philadelphia for the purpose of correcting faults in the Articles of Confederation. As we will learn, the outcome was much larger. They created the *Constitution of the United States*.

The Delegates

The convention began its work in May of 1787 and finished in September of the same year. More than 70 men had been chosen as *delegates* by the various states, but only 55 attended in Philadelphia. A delegate is a person sent to a meeting or conference to represent the interests of the state. The average attendance each day was approximately 30 members. Rhode Island, distrustful of a powerful federal government, was the only one of the 13 original states to refuse to send delegates to the Constitutional Convention.

The men who attended the convention were of remarkable ability. From Virginia came George Washington, Edmond Randolph, and James Madison. New York sent Alexander Hamilton. Pennsylvania sent Benjamin Franklin, Gouverneur Morris, and James Wilson. From New Jersey were William Livingston and William Peterson. Other key delegates were: Elbridge Gerry and Rufus King, Massachusetts; Oliver Ellsworth and Roger Sherman, Connecticut; John Dickinson, Delaware; and John Rutledge and Charles C. Pickney from South Carolina.

The delegates were men of wealth and prestige. Many of them had served in the Revolutionary War and the First and Second Continental Congresses. Many had served in their state governments. Eight had been signers of the Declaration of Independence. Two would become presidents of the United States, and one would become vice president. Eighteen would become senators, and eight would become representatives.

The average age of the men attending the convention was 42, yet many were in their 30s. Ben Franklin was the oldest at 81. Not all of the leaders of the colonies consented to attend, however. Patrick Henry “smelt a rat” and would not attend. Later, he would become a bitter foe of the Constitution, accepting it only after the addition of the Bill of Rights. Samuel Adams and John Hancock also refused to attend, and Thomas Jefferson and Thomas Paine were in Europe.



Independence Hall is the location where both the Declaration and Constitution were debated and adopted.

The Convention at Work

The delegates met in Philadelphia in Independence Hall. Dirt had been spread on the cobblestone street outside the hall, so noise from passing carriages would not disturb the meeting. George Washington was selected as president of the convention. Although the official

purpose of the convention was to improve the Articles of Confederation, a decision was quickly reached to replace the Articles with a new constitution. The delegates agreed on an early resolution:

“Resolved...that a national government ought to be established consisting of a Supreme, Legislative, Judiciary, and Executive.”

The delegates often disagreed on proposals. However, they all agreed that the new government had to be strong enough to rule the entire nation. Lessons learned under the Articles were put into practice, and this new and improved constitution would:

1. make the Constitution the highest authority in the land;
2. provide for an effective central government;
3. protect the rights of the people by setting limits on governmental authority.

The third objective was the most difficult — creating a constitution that would achieve a balance between liberty and authority.

Slavery and the Constitution

How could a country like the United States, so interested in freedom, not outlaw slavery in 1781? Many northern states had outlawed slavery. But the delegates at the Constitutional Convention knew southern states would never accept the Constitution if it interfered with slavery. So to create the new government, the delegates did not outlaw slavery. Instead, they left the problem for another day and another war. Unfortunately, even with the other freedoms guaranteed by the Bill of Rights, slavery was not outlawed, but slavery’s days were numbered.

Who was missing from the Convention?

Who was missing from the Constitutional Convention? No women, blacks, Indians or whites of modest or poor means attended the Constitutional Convention. This was not surprising since most of the above groups could not even vote at that time.

QUESTIONS

TRUE OR FALSE? Write a **T** or **F** in the space provided.

- ___ 1. The Constitutional Convention was held in Philadelphia in 1787.
- ___ 2. The Annapolis Convention did not aid in the process of getting a new constitution written.
- ___ 3. There were 13 delegates to the convention.
- ___ 4. George Washington was the president of the Constitutional Convention.
- ___ 5. The official purpose of the Constitutional Convention was to write the Bill of Rights.
- ___ 6. The convention at Annapolis came before the Constitutional Convention.
- ___ 7. The building where the convention met is called Independence Hall.
- ___ 8. The average age of the men attending the convention was 65.

Listed below is a sampling of the events that led to America's independence and the adoption of a new constitution. You will find the years and the significant events that happened during that time.

1763 - 1765
Protests Against
British Rule



England decides on a program of taxation and control of the colonies. The American colonists begin organized protests against British rule. Patriotic groups such as the *Sons of Liberty* are formed. Laws such as the *Quartering Act*, *Stamp Act*, and *Sugar Act* anger the colonists, who are forced to pay unjust taxes and provide supplies to British troops.

1770 - 1773
Uprisings in
Boston



Colonists reduce their boycott of British goods when they withdraw all of the *Townshend Act*, except the tax on tea. *Boston Massacre* (March 5, 1770) occurs when an angry crowd of citizens surrounds a group of soldiers, causing them to open fire. With the American colonists and merchants still angry over British tax policies, an uprising called the *Boston Tea Party* occurs (December 16, 1773).

1774
First Continental
Congress



In response to the Boston Tea Party, the Parliament passes several acts to punish Massachusetts. Twelve of the 13 colonies name delegates to *The First Continental Congress*. On September 5th, they convene at *Carpenters Hall* in Philadelphia to deal with Britain's actions.

1775
The American
Revolution



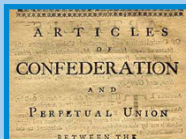
When the Americans learn the British plan to seize their guns and ammunition, *Paul Revere* is sent to alert the countryside and gather the *Minutemen*. An unidentified shot triggers the Battle at Lexington. This starts the *American Revolution* and also leads to another famous battle, *Bunker Hill*. In May, the *Second Continental Congress* meets in Philadelphia.

1776
The Declaration
of Independence



On July 4th, The Second Continental Congress adopts the *Declaration of Independence* (written by *Thomas Jefferson* and committee). The Declaration was debated by 56 courageous men and signed at *Independence Hall*. A few days later, church bells are rung across Philadelphia to call people to the first public reading of the Declaration.

1777 - 1781
The Articles of
Confederation



After considerable debate and alteration, the *Articles of Confederation* were adopted by the Continental Congress on November 15, 1777. However, the document was not fully ratified by the states until March 1, 1781. This document served as the United States' first constitution. In October of 1781, British forces surrender at Yorktown.

1787 - 1788
The Constitution
is Ratified



On May 14th, 1787, *The Constitutional Convention* met in Philadelphia. Here the delegates reviewed and approved the *Constitution*. In 1788, nine states ratified the Constitution, and it is put into effect (the remaining four states will ratify by 1790). America prepares to operate under this new document.

1789
Our New
Government



On March 4th, the new federal government is inaugurated in New York. In April, the first House of Representatives is organized. *George Washington* is elected the first president on April 6th. He is inaugurated on April 30th. On September 25th, the first ten amendments (*Bill of Rights*) are adopted by Congress.

QUESTIONS

PUT THE EVENTS IN ORDER. For each question group, write the numbers **1, 2, or 3**, to indicate which event happened first, second, and third.

Group 1. Boston Massacre _____, Adopted Declaration of Independence _____, Washington becomes president _____

Group 2. Articles of Confederation _____, Boston Tea Party _____, Constitution ratified by nine states _____

Group 3. England sets taxation policy for colonies _____, Constitutional Convention _____, Battle of Bunker Hill _____

Group 4. Paul Revere alerts colonists _____, Stamp Act is law _____, First House of Representatives organized _____

Group 5. Bill of Rights adopted _____, First Continental Congress _____, Declaration is read to the public _____

Group 6. Second Continental Congress meets _____, Sons of Liberty forms _____, American Revolution ends _____

Perhaps the most prolonged debate at the Constitutional Convention concerned the method of selecting the president. An early suggestion was to give this power to Congress. But that would have destroyed the idea of the separation of powers. How could we have three branches of government, each checking the other if the legislative branch (the Congress) picked the head of the executive branch (the president)?

The writers of the Constitution also weren't ready to give the selection of the president to the people or the "common man." So they wrote a compromise into Article 2, Section 1 of the Constitution. The compromise set up a system of electors to select the president. These electors came to be known as the *Electoral College*, but the Constitution itself does not mention the term "Electoral College."

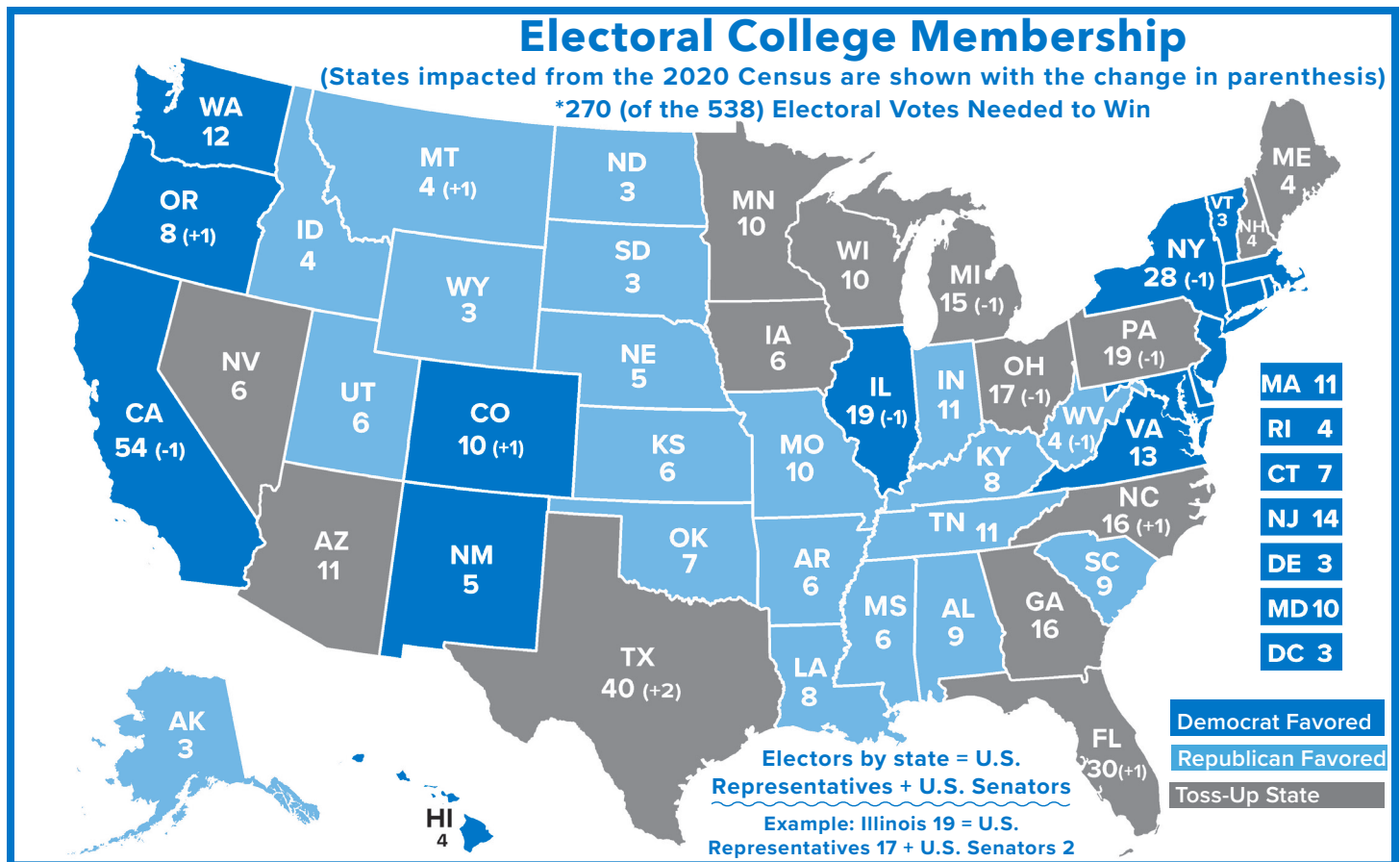
This unique election method was modified by the 12th and 23rd Amendments. Before 1961, the voters in Washington, D.C., didn't get to vote for the president at all. This was not considered fair in the capital of our country. The 23rd Amendment was added in 1961, giving three electoral votes for Washington, D.C. That made a total of 538 electors (electoral votes for each state equals the number of representatives plus two for the senators). A majority of 270 or more would be necessary to select the president. The map below shows the distribution of the electoral votes based on changes from the 2020 census. These changes will be reflected in the 2024 presidential election.

To summarize, if a candidate gets the most popular (people) votes in the state, the "electors" will then cast their votes the same way. All the electoral votes for the state (except for Maine and Nebraska) will go to the winner of the state. The writers of the Constitution also thought that the Electoral College gave states with a small population more equal weight in the presidential election.

One of the problems political scientists see in the Electoral College is that it allows a person to be elected president who has not won the popular vote in the country. In our growing beliefs in the power and rights of democracy in our nation, that could be a problem. Because all the electoral votes of a state go to the candidate who wins the election in that state, whether the candidate wins by a single vote or a million votes, it is possible to be elected president without having the most votes.

That has not happened very often, but it did occur in 2000 when George W. Bush became president and again recently in the 2016 election. Donald Trump became president even though Hillary Clinton won a majority of the popular votes. And, because this has happened so recently, Americans are debating the Electoral College's pros and cons. Since a change in the electoral vote would require a constitutional amendment, the change will not come quickly. Supporters of the current system say that it has served the nation well and forces candidates to gain broad geographic support rather than concentrating only on large metropolitan areas.

continued



Every 10 years, the census records everyone living in this country. The United States Constitution requires the census. Article 1, Section 2 mandates that the government conduct a population count once every ten years. The 2020 Census is now official, marking the 24th time that the country has counted its population since 1790. The count was conducted by the U.S. Census Bureau, a nonpartisan government agency.

Total U.S. Population - 331,449,281

According to the Census Bureau results, the total population of the United States is now 331,449,281 -- up 7.4% or 22,703,743 more people since the last census in 2010. This has reset the balance of power for the next decade in the House of Representatives and the Electoral College, where each state's share of votes is tied to its census numbers.

This is the second-smallest decade-long growth rate since the first Census was taken in 1790—only slightly higher than the 7.3% growth rate from the 1930s in the aftermath of the Great Depression. The first-ever census in 1790 recorded a population of just over 3.9 million.

Among all 50 states, 37 grew more slowly in the 2010s than in the previous decade, and three states lost population—the largest number of such states since the 1980s. The states that gained the most people in the last 10 years were Texas, Washington, Oregon, Idaho, Nevada, Utah, Colorado, Arizona, North Dakota, Georgia, Florida, and South Carolina. Florida is now the third most populous state.

Despite the nation's slowing growth, projections by the Census Bureau and the United Nations show it is expected to continue growing at least through the middle of the century, approaching 400 million people by 2060. By comparison, Japan and many European countries have begun to shrink, including Germany, Poland, Portugal, and Russia. China's population is expected to peak before 2030.

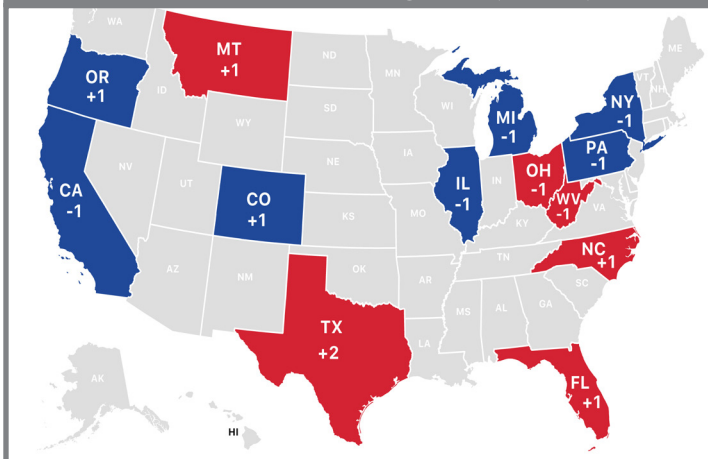
House Changes from the 2020 Census

The 2020 US Census will result in the House of Representatives being *reapportioned*. Apportionment determines which states gain or lose congressional districts based on their total population. Losing one seat each are the states of California, New York, Illinois, Michigan, Ohio, Pennsylvania, and West Virginia, while Texas gained two seats due to rapid population growth. Also gaining one seat, each are Florida, Montana, North Carolina, Colorado, and Oregon. It's the fifth consecutive decade that Michigan has lost a U.S. House seat.

Each seat in the House represents around 761,000 people, with the reapportioned Congress to convene in January 2023 as the 118th Congress. New York missed out on retaining its congressional seat by just 89 people.

Those changes appear likely to shift more power to Republicans, but the exact implications are far from clear. For instance, rapid change in Texas, where Democrats have made some inroads in recent years, makes that state less reliably Republican.

Changes in the U.S. House of Representatives for the 118th Congress (2023)



Electoral College

You will remember that the number of electoral votes per state equals the number of U.S. House of Representatives members plus the two U.S. Senators. Will large, Republican-leaning states that gained electoral votes, like Texas and Florida, become more important than they already are? While will the big Democratic states like — New York and California — become somewhat less so? Of the states Biden won in 2020, California, New York, Illinois, Michigan, and Pennsylvania will each lose a vote, while Oregon and Colorado will both gain one. Of the states Trump won in 2020, only West Virginia and Ohio lost an Electoral College vote. But Florida, North Carolina, and Montana each gained one. And Texas picked up two.

QUESTIONS

TRUE OR FALSE? Write a **T** or **F** in the space provided.

- ___ 1. A census is taken every 25 years.
- ___ 2. Midwestern states continue lose population.
- ___ 3. The population of the United States is expected to decrease by the next census.
- ___ 4. Population changes effect the number of U.S. Senators each state receives.
- ___ 5. The changes to the U.S. House will be effective with the 118th Congress in 2023.

IDENTIFY THE STATE. Choose the correct state and two-letter abbreviation that matches the statement.

States: CA, FL, MI, NY, OR, TX

- ___ 1. Gained two seats in the U.S. House
- ___ 2. Missed retaining a congressional seat by 89 people
- ___ 3. First time losing a seat in Congress
- ___ 4. Is now the 3rd-largest state
- ___ 5. Midwest state that lost a seat for the fifth straight census
- ___ 6. West coast state that gained a house seat

25. What is the responsibility of the executive branch? (30-31) _____
26. Who are the two most prominent officials in the executive branch? (30) _____
27. What are the qualifications to be president and vice president? (30) _____
28. How long is the president's term? (30) _____ How many terms may he/she serve? _____
29. Explain a "pocket veto." (22) _____
30. What military powers does the president have? (31) _____
31. On a separate piece of paper list the Cabinet positions and briefly explain their duties. (32-33)
32. Which house of Congress must approve presidential appointments? (19,31) _____
33. Which house of Congress must approve treaties? (19) _____
34. Who may call a special session of Congress? (18,31) _____
35. What happens if a president is unable to serve because of illness? (16,30) _____
36. What is the Electoral College? (34) _____
37. On what date does the president take office? (30) _____
38. What are the five areas of presidential duties? (31) _____

Judicial Branch

39. Name the three highest federal courts. (41) _____
40. How many Supreme Court judges are there? (41) _____
41. How are federal judges selected? (16,41) _____
42. How long do federal judges serve? (41) _____
43. Explain what judicial review is and how it affects the Constitution. (43) _____
44. Which court would rule on the constitutionality of state and federal laws? (41) _____
45. What is the title of the chief official of the Supreme Court? (41) _____
46. Describe the two ways an amendment to the Constitution can be proposed. (47) _____
47. Describe the two ways an amendment may be ratified. (47) _____
48. List the important checks and balances that have been built into our government. (45-46) _____

Vocabulary

Define the following terms.

49. ratify _____
50. amend _____
51. lobby _____
52. treaty _____
53. veto _____
54. federalism _____
55. compromise _____

domestic policy – government's decisions about issues within the nation.

double jeopardy – the putting of an accused person on trial a second time after that person has been found innocent in the first trial (prohibited by the Constitution).

elastic clause – a statement in the Constitution giving Congress the power to do what is “necessary and proper” for carrying out its other powers.

Electoral College – the group of politicians (several from each state) who are authorized by the Constitution to cast official ballots for president and vice president.

embargo – agreement prohibiting (not allowing) trade.

excise tax – a tax on the sale of specific items, such as gasoline.

executive branch – the part of the U.S. government headed by the president and responsible for enforcing federal laws.

executive power – the ability of an official or group of officials to enforce and carry out the laws.

export – to ship (commodities) to other countries or places for sale, exchange, etc.

ex post facto law – a law that would punish acts committed in the past, though they had been legal at the time (prohibited by the Constitution).

expressed powers – powers actually mentioned or expressed in the Constitution (also called enumerated powers).

extradition – the process by which a criminal is returned to the state where the crime was committed.

federal government – the United States government.

federalism – a political system that gives significant powers to both national and state governments.

felony – a serious crime usually punished by a jail sentence.

filibuster – a tactic of making long speeches on the Senate floor as a means of defeating a bill.

fiscal policy – the government's taxing and spending policies.

fiscal year – the U.S. federal government's fiscal year is the 12-month period beginning on October 1st and ending on September 30th.

foreign policy – one government's goals and methods in dealing with foreign governments.

full faith and credit clause – a clause in the U.S. Constitution which says that every state must recognize and respect the laws and judgments of other states.

general assembly – the name of a state legislature comprising of the state House of Representatives and the state Senate.

general election – an election usually held at regular intervals in which candidates are elected in all or most constituencies of a nation or state.

gerrymandering – drawing the boundaries of a voting district so that the political party in power has an advantage over rival parties.

government – a system for managing a community or nation and the leaders or lawmakers who control that system.

grand jury – a group of citizens who decide where there is enough evidence to indict (accuse) a person of a crime.

grievance – a cause of complaint.

habeas corpus – an arrested person's right to appear before a judge. If the judge finds no legal reason to detain the person, he or she must be released.

home rule – the privilege granted to some communities to decide how their local governments will be organized.

immigration – the movement of people of foreign birth from their own country to an adopted country.

impeachment – to accuse an official of wrong doing. This step precedes trial and removal from office.

implied powers – powers that are not actually expressed but believed to be a power of the Congress.

inauguration – a ceremony for beginning the term of office of a president, a vice president, or some other official.

income tax – a tax collected on wages, salaries, tips, and other forms of personal earnings.

incorporate – to form legally a business or community that has received a special charter from the state.

indict – to formally accuse a person suspected of committing a crime.

initiative – a procedure by which voters may propose a law without going through the legislature.

interest group – people with a common political goal who try to persuade government to pass laws implementing their ideas.

interstate commerce – trade or business transactions carried out across state lines.

judicial branch – the part of government made up of courts, with its function to interpret laws in specific cases.

judicial power – the ability of judges to decide court cases based upon the interpretation of the laws and the Constitution.

judicial review – the power of a federal court, especially the Supreme Court, to determine whether the acts of Congress and the president are allowed by the Constitution.

judiciary – the court system.

jurisdiction – a court's authority to decide certain kinds of cases and not others.

justice – the ideal of settling disputes and determining responsibility for crime in a fair manner.

left – a reference to people who have liberal ideas.

legislative branch – the part of government that has responsibility for making the laws.

legislative power – the ability of certain officials to make laws for a city, a state, or a nation.

legislator – a member of a lawmaking body.

legislature – a group of elected officials who make the laws.

liberal – someone who thinks government should take an active role in promoting social and economic progress. Also, someone who favors rapid change.

liberty – the right to make free choices and to express opinions without fear of being arrested and punished.

libel – any spoken or written statement which defames a person or exposes him or her to public contempt or ridicule.

lobbies – organized efforts by interest groups to influence the opinion and votes of lawmakers.

lobbyist – a person hired by an interest group to speak to legislators about bills that concern the group.

logrolling – an informal agreement between lawmakers that they will vote for the bill that each is most interested in.

lower house – the chamber in a two-house legislature that has more members than the other.

majority – part of a group that is more than half the total.

majority leader – someone chosen by members of the majority party to lead their lawmaking efforts. The majority party is the one holding the most seats in the legislature.

mayor-and-council form – a plan of city government in which the executive is an elected mayor and the legislature is an elected body of councilors or aldermen/women.