

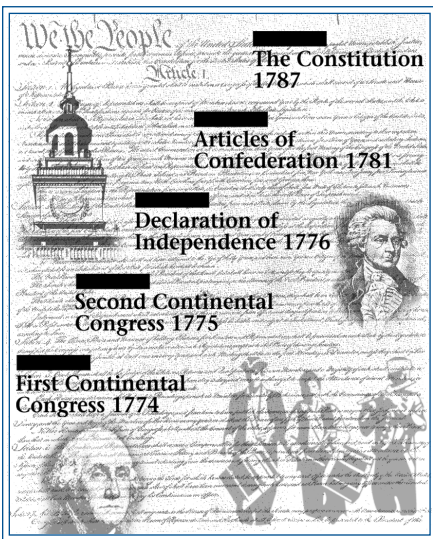


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## Ratification

The process of the Constitution for ratification provided for much widespread debate in the states. The Constitution would take effect once it had been ratified by nine of the thirteen state legislatures -- unanimity was not required. During the debate over the Constitution, two factions emerged: the Federalists, who supported adoption, and the Anti-Federalists, who opposed it.

James Madison, Alexander Hamilton, and John Jay set out an eloquent defense of the new Constitution in what came to be called the Federalist Papers. Published anonymously in the newspapers The Independent Journal and The New York Packet under the name Publius between October 1787 and August 1788, the 85 articles that comprise the Federalist Papers remain an invaluable resource for understanding some of the framers' intentions for the Constitution. The most famous of the articles are No. 10, which warns of the dangers of factions and advocates a large republic, and No. 51, which explains the structure of the Constitution, its checks and balances, and how it protects the rights of the people.



The states began ratification, with some debating more intensely than others. Delaware was the first state to ratify on December 7, 1787. After New Hampshire became the ninth state to ratify, on June 22, 1788, the Confederation Congress established March 9, 1789, as the date to begin operating under the Constitution. By this time, all the states except North Carolina and Rhode Island had ratified — the Ocean State was the last to ratify on May 29, 1790.

Hopefully, the one thing that will bring us all together is the Constitution. If you think Republicans and Democrats are divided today, you would be amazed by the friction that separated delegates to the Constitutional Convention of 1787. Some were intent on a central government with much broader and all-encompassing executive power. Others wanted more authority delegated to the states. Small and large states were at odds over how much representation each should have in the federal government. So they did what our nation's leaders much too infrequently do today: They got together and talked out the issues until they could come to a resolution.

There is a vast and growing gap between liberals and conservatives, Republicans and Democrats, defining American politics. What is adding to the divide?

- ***Dysfunction in Washington D.C.*** - We hear the toxic talk and lack of compromise by the legislative branch (Congress) and executive branch (president), heightening our political stress.
- ***Social Media*** - Many sites fuel ferocious political argument.
- ***News Media*** - Media outlets may reflect political biases in their coverage.
- ***Differing Views*** - Complex issues such as immigration and gun control are at the forefront of politics leading to heavy debate.
- ***Social Class*** - People's perspective is influenced by income, wealth, education, region, and occupation.

Healthy and civil debate led to the creation of the Constitution and our great country. It often appears that we cannot disagree without being disrespectful. Here are some tips for having a conversation while listening and understanding other points of view.

- ***Give people the benefit of the doubt*** - Open yourself up to another point of view, which allows you to engage productively.
- ***Ask questions*** - Questions help clarify a person's beliefs and avoids miscommunication. Ask questions that are genuinely empathetic and curious, and avoid stating your strong position on an issue.
- ***Listen carefully*** - Good listening avoids judgment, diversion, or interruption as much as possible. It will help if you remain aware that alternative viewpoints and conclusions are possible.
- ***Know when to end a heated discussion*** - Even the best-intentioned conversations sometimes get tempers to flare. In this case, move on or choose another less divisive topic like the weather.

Why does politics today feel like the opposite of "domestic tranquility?"

Here are a few important notes to review before studying and reading the United States Constitution. The original text of the Constitution is located on the left page (even) and a summary on the right page (odd).

**ORIGINAL TEXT**

You are reading the original text as it was inscribed by Jacob Shallus on parchment. The spelling, capitalization, and punctuation reflect the original.

**EXPLANATION**

The explanation pages give a summary and interpretation aligned with the corresponding original text. You will find details that are both interesting and historic.

This version of the Constitution provides the original text with commentary about the meaning of the original text and how it has changed since 1789). You will notice that alternate spellings or British common words were used, as they were more prevalent at the time in history. Examples include “chuse,” “chusing,” “defence,” “controul,” and “labour.”

Please note: *Italicized text (in purple)* indicates words and passages of the Constitution that were changed or affected by amendments.

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**Preamble**

*Explains the Goals of the Constitution*

The Preamble explains the purposes of the Constitution, and defines the powers of the new government as originating from the people of the United States. Its first three words – “We The People” – affirm that the government of the United States exists to serve its citizens.

The preamble sets the Constitution’s stage and communicates the framers’ intentions. While the preamble is an introduction to the highest law of the land; it is not the law, it does not define government powers or individual rights.

This 52-word paragraph was drafted by the Framers in six weeks during the hot Philadelphia summer of 1787. They found a way to agree on basic principles written into the preamble. The words that seem the most important are those capitalized: **U**nion, **J**ustice, **T**ranquility, **W**elfare, and **B**lessings of **L**iberty. While it was more common to capitalize nouns in 18th-century grammar, it is believed that the Founders wanted these words to be emphasized.

*continued on Page 15*

**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 attained.

## Article IV

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

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

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

*No Person held to Service or Labour 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 Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.*

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

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

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

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**Section 3.** This clause limits Congress' ability to define treason or to set its punishment as a means of preventing political "offenders" from being charged as traitors. At least two witnesses must testify in court that the defendant committed a treasonable act.

## **Article 4**

### *States and the Union*

**Section 1.** Each state must recognize the laws and records of other states and enforce rights in its courts that would be enforced in other state courts. The section is called the "Full Faith and Credit Clause."

**Section 2.** States must treat the citizens of other states equally, without discrimination.

The governor of a state where a fugitive is found must return the fugitive to the state demanding custody. This clause, applicable to fleeing slaves, is now obsolete.

**Section 3.** By acts of Congress, newly settled or newly acquired areas will be admitted as states on an equal status with those already in the Union. Congress has charge of the public lands within the states, which in the West constitutes an enormous amount of land. Congress also governs acquired territories today, including Puerto Rico, the Virgin Islands, Guam, and American Samoa.

**Section 4.** Under this provision, Congress has authorized presidents to send federal troops into a state to guarantee law and order.

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### ***Full Faith and Credit Clause***

Most of the original Constitution focuses on creating the federal government and defining its relationship to the states and the people. Article 4 addresses the states' relations with each other. Although the United States comprises 50 states, with particular state laws forming much of each one's government, there are situations where all states are bound to adhere to the same rules. One such situation is the adoption of the full faith and credit clause. This full faith and credit clause would limit various statutory matters if one state did not acknowledge the legality of another state's decisions. This clause ensures harmony among the states and gives people a scope of protection.

— *George Washington*, President and Deputy from Virginia



*James  
Madison*

**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

**New Hampshire** { John Langdon, Nicolas Gilman

**Massachusetts** { Nathaniel Gorham, Rufus King

**Connecticut** { Wm. Saml. Johnson, Roger Sherman



*Benjamin  
Franklin*

**New York** { Alexander Hamilton

**New Jersey** { Wil: Livingston, David Brearley, Wm. Paterson, Jona: Dayton

**Pennsylvania** { B Franklin, Thomas Mifflin, Robt. Morris, Geo. Clymer, Thos. FitzSimons, Jared Ingersoll, James Wilson, Gouv Morris  
Attest William Jackson Secretary



*George  
Washington*



*Alexander  
Hamilton*

### Signer Notes

Rhode Island did not send a delegation. William Jackson, secretary of the Constitutional Convention, also signed. New Hampshire, the state with the smallest delegation, and Pennsylvania, the largest delegation, shared the honor of having all their delegates sign this historic document. The Constitution was signed on September 17, 1787, in Independence Hall, Philadelphia.

Of the Constitution's 39 signers, 23 were veterans of the Revolutionary War. Jonathan Dayton was the youngest to sign the Constitution at age 26, while Benjamin Franklin, at 81, was the oldest. Connecticut's Roger Sherman also signed the Articles of Association, the Declaration of Independence, and the Articles of Confederation, making him the only person to have signed all four documents. Six other signatories' names are on the Declaration of Independence, while another four are on the Articles of Confederation.

**Amendment 8 (1791)**

*Excessive bail or fines and cruel punishment prohibited*

Neither bail nor punishment for a crime are to be unreasonably severe. The “cruel and unusual punishments” clause has been the basis for challenges to the death penalty.

**Amendment 9 (1791)**

*Rule of construction of Constitution*

Failure of the Constitution to mention a specific right does not mean that the government can abridge that right, but its protection has to be found elsewhere.

**Amendment 10 (1791)**

*Rights of States under Constitution*

The federal government is the recipient of constitutionally delegated powers. What is not delegated remains in the states or in the people.

----- Amendments Since the Bill of Rights -----

**Amendment 11 (1795/1798)**

*Judicial powers explained*

When the Supreme Court held in the 1793 case *Chisholm v. Georgia* that a state could be sued in federal court under Article III of the Constitution, this amendment was rapidly adopted by both houses of Congress. It provided that states could only be sued in state courts. Ratification was completed on February 7, 1795, when the Amendment gained approval of three-fourths of the States. Official announcement of ratification came on January 8, 1798.

***Marbury v. Madison Decision - 1803***

*“It is emphatically the province and duty of the Judicial Department to say what the law is... If two laws conflict with each other, the Courts must decide on the operation of each. So, if a law be in opposition to the Constitution... the Court must determine which of these conflicting rules governs the case. This is of the very essence of judicial duty.”*



Chief Justice  
John Marshall

**Amendment 12 (1804)**

*Manner of choosing President and Vice President*

After the disputed election of 1800, this amendment required separate designation of presidential and vice presidential candidates, each of whom must meet the same qualifications for eligibility as the president.

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**act** – a bill, or proposal for a law, passed by a majority of lawmakers.

**amendments** – changes in a bill, a law, or a constitution.

**appeal** – to request another trial before a higher court.

**appeals court** – a federal court that reviews the decision a lower (trial) court.

**appropriation** – money set aside for a specific use by an act of the legislature.

**article** – a segment of a written document. The Constitution is divided into articles dealing with different areas of government.

**assembly** – a public meeting or gathering; also the name commonly given to the larger house in the state legislature.

**attorney general** – the head of the executive department who is chiefly responsible for enforcing U.S. laws or state laws.

**bail** – the sum of money that an accused person may deposit with a court as a security to get out of jail while awaiting trial.

**bicameral legislature** – a lawmaking body with two houses.

**bill** – a proposal for a law to be considered by Congress or a state legislature.

**bill of attainder** – a law naming a person guilty of a crime without trial (such are not allowed by the U.S. Constitution).

**Bill of Rights** – the first ten amendments of the U.S. Constitution; their common purpose is to protect the American people from abuses of government power.

**budget** – a plan for spending money over a certain period of time.

**cabinet** – a group of department heads who meet regularly with the president or with a state's governor.

**caucus** – a meeting of party members to decide policy or nominate candidates.

**censorship** – a government's practice of stopping certain ideas from being published or expressed.

**census** – an official count of the U.S. population conducted every ten years.

**checks and balances** – a system by which each branch of government has the power to block or overrule the decisions of the other branches.

**chief executive** – the elected official who is chiefly responsible for enforcing the laws of a state (the governor) or a nation (the president).

**circuit court** – a court in the federal system that has the power to hear appeals from trial courts.

**citizen** – anyone who is officially counted as a member of a nation or state.

**civil rights** – rights which are considered to be unquestionable, deserved by all people under all circumstances.

**cloture** – a means of preventing a filibuster on a bill.

**commander-in-chief** – the supreme commander of a nation's armed forces; in the U.S. it is the president.

**commerce** – business transactions, trade, or the buying and selling of goods on a large scale.