

## CONSTITUTION FACTS & SHORT STORIES

### Bill of Rights

- The Magna Carta of 1215 was the basic tenet for liberty in England.
- John Locke said in 1690 that a government can only rule by consent of the people.
- A “Bill of Rights” is a list of basic human rights guaranteed by law.
- The United States one was written at the first meeting of Congress in 1789 and ratified in 1791.
- George Mason is credited with being the "Father of the Bill of Rights."
- Virginia’s Declaration of Rights was used as a basis for this part of the Constitution.
- The first 10 amendments to the Constitution are called the Bill of Rights.
- James Madison brought 13 amendments to the first Congress to be approved.
- Today there are a total of 27 amendments.
- There have been close to 10,000 amendments proposed.

### Short Quiz on the Constitution

1. How often does the word “democracy” appear?
2. Which state is misspelled?
3. What foreign language is used? What term is used for ethnic minorities?
4. Where does the word “sex” appear? How many signers were born in Ireland?
5. Which two amendments cancel each other out?
6. How many words are in the original Constitution?
7. Where can you see the Constitution today?
8. How many states had to ratify the Constitution before it became the law of the land?
9. What is the only day you can see all 5 pages of the Constitution at one time?
10. What did the Constitution say about slavery?

Answers: 1.) it doesn’t 2.) Pennsylvania (They left out an "N") 3.) Latin, “others” 4.) 19th amendment about women’s suffrage, four 5.) 18th & 21st – Prohibition and Repeal 6.) About 4,543 (without the amendments) 7.) At the National Archives 8.) Nine 9.) On Constitution Day, September 17th 10.) Nothing

### The Electoral College

The Electoral College is made up of 538 electors – 435 representing the number of members in the House of Representatives, 100 representing number of Senators, and 3 for the District of Columbia. A candidate for President must receive 270 electoral votes to win. The 12th amendment provides for the House to elect the President and the Senate the Vice-President in case of a tie in the Electoral College. Each state delegation gets one vote.

Each state's electors are chosen in several different ways but they all vote on the 1st Monday after the 2nd Wednesday in December. Usually the Secretary of State reads a Certificate of Ascertainment naming who was chosen to vote with each elector answering to a roll call. They then select a chairman and maybe even a vice-chairman and secretary. Tellers are appointed and each elector writes down their vote for President on a blank card. They next repeat the process for Vice-President. Some states may have a different procedure for casting votes. After votes are counted the electors complete the Certificate of Vote and each sign 5 different copies so that there will be multiple originals in case one gets lost. A copy is sent by certified mail to the President of the Senate where they are collected, alphabetized, and put into two mahogany boxes. A joint meeting of Congress is held in the House on the 6th day of January at 1:00 and presided over by the President of the Senate. The Speaker of the House is also on the dais. The votes from each box are opened, counted, and read. At this time, the formal announcement of the election of the President and Vice-President is made.

## **The Preamble**

The Preamble is the opening statement of the Constitution. It is a concise proclamation of the values at work in the complete document. It is thought the Preamble to the Constitution was written by Gouverneur Morris, (1752-1816) of Delaware. We do not know with certainty if any one man proposed the words of the Preamble, or if it was devised and revised by a whole committee. This statement gives American citizens, not the government, the power of rule.

## **Gouverneur Morris**

Gouverneur Morris was a tall man and had two mishaps that left him with a withered right arm and a wooden left leg. In college he scalded his arm in a lab experiment which caused him to leave college for a year. Many years later he was in a carriage accident that necessitated having his leg amputated. At the Constitutional Convention he made 173 speeches, more than any other delegate. He was one of the five members of the Committee of Style who took the 23 articles passed by the convention and combined them into 7 articles that were concise and flowed nicely when read. He wrote the 55-word Preamble to explain the purpose of the laws set down in the Constitution.

“In Order to Form a More Perfect Union” tells us why the Constitution was written. In “Establish Justice” we are guaranteed that we will all be treated fairly, “Insure Domestic Tranquility” promises that we can live together in peace. “Provide for the Common Defense” says that the citizens of the United States will be protected from any and all enemies. “Promote the General Welfare” states that everything will be done for the common good of the country and its citizens, and “Secure the Blessings of Liberty” simply means that we are a free people. This guarantee of freedom is the cornerstone of democracy.

## **James Madison**

James Madison is called the “Father of the Constitution” mainly because he came to the Constitutional Convention so well prepared and because he took copious notes each night after the day’s session. Princeton educated Madison read hundreds of books about governments and documents like the Magna Carta. Many of these were given to him by Thomas Jefferson. At age 36, he was one of the youngest delegates while Benjamin Franklin, at age 81, was the oldest. James Madison had a high, reedy voice, and was not noted as a particularly good speaker, nonetheless, he made 150 speeches at the Convention. He was the originator of the Virginia Plan which favored the larger states as well as a strong central government and though his plan was not accepted, many of its components were found in the final Constitution. Alexander Hamilton, John Jay, and Madison wrote eighty-five essays called the “Federalists Papers” to gain support for the Constitution. He married out-going, vivacious Dolley Payne Todd, a twenty-six-year-old widow who was born in North Carolina, but grew up in Virginia. He was forty-three at the time of their marriage. James Madison served as Secretary of State under Thomas Jefferson and was our fourth President.

## **The Articles of Confederation**

After the Declaration of Independence made us a new nation, some new type of government had to be set up. What resulted was a loose friendship among the states called “The Articles of Confederation.” Much of this was actually written in York, Pennsylvania, and you can see the original displayed there today. It is easy to understand that the states felt like they were more important than the nation as a whole, and this attitude is reflected in the articles. They didn’t even capitalize The United States, but used lower case letters when writing about them. The following is a summary list of the weaknesses found in this first government of ours:

- There was no chief executive or even a permanent national capital
  - There were no federal courts.
  - There was no national currency.
  - Each state printed its own money and decided its value.
  - There was a one house Congress that had very little, if any, authority.
  - Congress could ask for taxes, but had no way to actually collect them.
  - They couldn't even afford to pay for the small, three hundred man army and couldn't defend the country in case of war.
  - Congress had to depend on State Militias when disturbances like Shay's Rebellion had to be put down.
  - The best lawmakers stayed in the State Legislatures and many of the Congressmen failed to attend on a regular basis.
  - Congressmen received no pay except what was doled out to them by their own states.
  - There were no trade regulations.
  - All thirteen states had to approve any amendment to the "Articles of Confederation."
- By 1787 things had gotten so bad, that the important men of the day decided that something had to be done. After getting George Washington to promise he would be a delegate, an invitation was sent to the thirteen states to a Convention to be held in Philadelphia to amend "The Articles of Confederation." Rhode Island was the only state that did not send a delegation.

### **Happy Thanksgiving**

A proclamation by George Washington and a congressional resolution established the first national Thanksgiving Day on November 26, 1789. President Washington wanted this first nationally proclaimed Thanksgiving Day to give "thanks" for the new Constitution.

### **Rules of the Convention**

- A quorum of seven states was needed before the Convention could convene.
- George Washington was elected President of the Convention and would open the proceeding each morning at ten o'clock.
- The Convention worked as a Committee of the Whole with Nathaniel Gorham taking over as Chairman after George Washington had called the session to order.
- Every member rising to speak had to first address the President and all in attendance could not talk or read pamphlets while another was speaking.
- No one could speak more than twice on the same question without permission. They could not speak the second time until everyone else had a chance to speak.
- When ready to adjourn all had to stand until the President had passed.
- Another rule was that of secrecy. The delegates decided they didn't want the newspapers of the day or the general population to know what they were doing. This way they could all speak their minds and give true opinions. They had to keep the shutters closed in order to accomplish this and the hall was always sweltering. Sentries were placed at the State House doors and no one was allowed to copy the day's journal without permission.
- Richard Dobbs Spaight of North Carolina suggested that the delegates be allowed to change their minds on a vote previously made which was also adopted.
- It was also decided that how an individual delegate voted on a question would not be recorded. Madison, however, often wrote a particular vote by a person's name in his notes.
- Each state had one vote in the Constitutional Convention regardless of how many delegates they had. The majority in the delegation ruled and if there was a tie in the delegation, the vote wouldn't count.

- The Committee of the Whole would be turned back over to George Washington who adjourned the session at 4:00 each afternoon.

### **How the Constitution Is Amended**

There are two ways to propose an amendment to the Constitution. According to the Constitution two-thirds of the state legislatures could call for a Constitutional Convention in order to propose amendments. This hasn't ever been done. The other way, and the one that is always used, is for a bill to pass both houses and then be ratified by three-fourths of the state legislatures.

The President of the United States has no veto power over an amendment bill. In modern times a seven year time limit is usually placed on the bill by Congress. The Constitution does provide that a convention rather than the legislatures could be called to ratify the amendment, but this has only been used once and that was for the 21st amendment. A simple majority is the only requirement for ratification in the state legislatures.

There are 27 amendments to the Constitution and four amendments still on the books in state legislatures. These four are:

1. 1789 Apportionment of U.S. Representatives
2. 1810 Prohibition of Titles of Nobility
3. 1861 Preservation of Slavery (made irrelevant by the 13th amendment)
4. 1924 Congressional Power to Regulate Child Labor

The time limit for the Equal Rights Amendment and the District of Columbia Statehood Equivalency Amendment has expired.

### **Trivia about Some of the Signers**

- James Wilson of Delaware made the second most speeches – 168. (Gouverneur Morris made the most at 173.)
- Gunning Bedford of Delaware was the largest man at the Convention.
- Delegate John Dickinson of Delaware had been Governor of Delaware and Pennsylvania at the same time for a short period of time.
- George Read of Delaware signed the Constitution twice, once for himself and once for his friend John Dickinson who had to leave the convention early due to exhaustion.
- Robert Morris of Pennsylvania spent a million dollars of his own money to finance the battle of Yorktown. He ended up in “Prune Street” debtor’s prison for 3 ½ years when he couldn’t pay the taxes on his vast land holdings.
- William Patterson of New Jersey wanted the Senators to be elected by the people, but the Constitution stipulated that they were to be selected by the State Legislatures. He is known as “The Father of the United States Senate.” He introduced the “New Jersey Plan,” which favored the small states. As a young lawyer he used to stay up half the night after a long day of work composing love letters to Cornelia Bell. They later married.
- David Brearley suggested that they redo all state boundaries making the thirteen states equal in size.
- Jonathan Dayton of New Jersey, at twenty-six years old, was the youngest delegate.
- Roger Sherman from Connecticut was known as “Mr. Compromise.” He supported the Connecticut Compromise which initially settled the big states – little states arguments over representation.
- Daniel Carroll of Maryland and Thomas Fitzsimons of Pennsylvania were the only two Catholic delegates at the Convention. Daniel Carroll helped write the first amendment and the tenth amendment.
- John Rutledge of South Carolina named his tenth child “States” Rutledge. He helped pass the idea of the supremacy of federal laws over state laws in matters affecting the nation as a whole.
- Pierce Butler of South Carolina was on the committee that created the Electoral College. Many think it was his original idea.

• Charles Pinckney of South Carolina was another young delegate at 29, but his age didn't keep him from speaking up. He made over 100 speeches and presented a Pinckney Plan to other delegates which included a single national leader called a President and a two House Congress.

Source *The Founders – the 39 stories behind the U.S. Constitution*

### **Bill of Rights Day**

In 1941, 150 years after the first 10 amendments were ratified, President Franklin Roosevelt declared December 15th, "Bill of Rights Day." It took from September 25, 1789 until December 15, 1791 for the Bill of Rights to finally be a part of the United States Constitution

When writing the Constitution Federalists thought that a Bill of Rights was unnecessary, while the Anti-Federalists, fearing a strong central government, refused to ratify the Constitution unless a Bill of Rights was written. North Carolina ratified the Constitution only after the newly inaugurated president, George Washington, assured them that the Congress would immediately set about creating one.

On September 25, 1789, the First Federal Congress of the United States proposed to the State Legislatures twelve amendments to the Constitution. The first two, concerning the number of constituents for each Representative and the compensation of Congressmen, were not ratified. Articles three through twelve, known as the Bill of Rights, became the first ten amendments to the U.S. Constitution and contained guarantees of essential rights and liberties omitted in the crafting of the original document.

### **Do You Know Your Amendments?**

1st – Freedom of Speech, Religion, Assembly, Press

2nd – Right to Bear Arms

3rd – Quartering of Soldiers

4th – Search and Seizure

5th – Habeas Corpus

6th – Speedy Trial

7th – Trial by Jury

8th – Cruel and Unusual Punishment

9th – All individual rights may not be listed

10th – Powers not given to government belong to the states or individuals

11th – Original Jurisdiction of the Supreme Court

12th – Electoral College

13th – Abolished Slavery

14th – Established Citizenship

15th – Gave all Males the Vote

16th – Established Federal Income Tax

17th – Popular Vote for Senators

18th – Prohibition

19th – Gave Women the Vote

20th – Terms for Legislators and Presidential Succession

21st – Ended Prohibition

22nd – Presidential Term Limits

23rd – Electoral Votes for District of Columbia

24th – Abolished Poll Taxes

25th – Clarification of Presidential Succession

26th – Lowered Voting Age to 18

27th – Legislators may not give themselves raises during an Election Year