Study Guide for Truman Civics Exam

English Principles of Government. The English (and Europeans in general) before the 1800s had two basic principles about government: first, that the legislature represented independent property holders, not all the people; and second, that people were not created equal and that God ordained a political and social hierarchy that must not be altered. Legislatures represented independent property holders. The English believed that only those who owned a certain amount of land should be able to vote for members of the governmental body that could impose taxes – which were inevitably on land, as income taxes are a recent invention. Inequality was considered to be natural and necessary by most eighteenth-century Europeans. These principles were part of government and society in colonial British America, although a much higher percentage of men could vote in the colonies because property holding was much more widespread in North America. Property requirements for voting and office holding remained part of most state constitutions until the 1820s.

Government in the British colonies. By 1765, most of the British colonies in North America had been operating under written constitutions for more than a century; generally these were charters of incorporation issued by the Crown and Parliament, which created a system of government within each colony and spelled out certain powers and limitations. By the 1700s, the different colonies developed different traditions of governance, ranging from southern colonies where large landowners dominated at the county and provincial levels, to the New England colonies with regular town meetings in which most adult men voted on important matters (essentially direct democracy). They also voted on representatives to the colony's assembly (the republican form of governance). When Parliament began to exert more control over the disorderly British Empire after 1760, those colonial charters became even more cherished as defenses against arbitrary and possibly tyrannical government.

State constitutions. States began writing new constitutions immediately after the Continental Congress issued the Declaration of Independence in July 1776. All thirteen states adopted a constitution before the national government ratified its first constitution, the Articles of Confederation, in 1781. Each created a framework of government for the state that eliminated all references to Parliament and the king, and identified powers given or denied to each branch of government. Nearly every state established a legislature with two houses, a judiciary, and an executive; the one exception was Pennsylvania, which sought to create a more democratic government with a single chamber legislature, elected annually, and a weak executive committee rather than a governor. Most spelled out certain rights guaranteed to citizens of the state, required property ownership to vote and hold office, mandated that elected officials take Christian (sometimes Protestant) oaths of office –- but gave no official recognition to any particular denomination.

Revolutionary American Ideas. Americans during the Revolutionary period drew on various sources that helped them understand their situation, and justified or shaped their responses including their new governments. One source was Greek and Roman

literature on history and politics, including Homer, Aristotle, and Cicero, written when new trends were feared, corruption and decline were apparent, and a golden, purer past was worshipped. Another source was the Enlightenment, especially works by English and Scottish political philosophers, who argued that the universe was ruled by natural laws that humans could understand and use. This included John Locke's famous dictum that government was a "social contract" to ensure that each person retained their "inalienable right to life, liberty, and property" (later paraphrased as "life, liberty, and the pursuit of happiness" in the Declaration of Independence), which could be altered if the government began to endanger those "natural" rights. Religion also played a significant role, particularly the continued Anglo-American sense of a special destiny, persistent anti-Catholicism, and a growing belief that dissenting denominations should be tolerated. Finally, as the imperial conflict intensified, many Americans embraced the writings of English radicals from the 1720s that condemned Parliament's growing power as "corruption" and demanded reforms including no property requirements for voting, political representation based on population instead of property, full freedom of the press, and an end to government control over religion.

These traditions and ideas generated a cluster of concepts, assumptions, and tensions that shaped American governance. American leaders generally distrusted direct democracy (people voting directly on all laws) and preferred republican forms of government in which property owners would elect the "better sort" with extensive knowledge and experience. The colonists' imperial experience included struggles to shape a workable relationship with Parliament and the Crown in London, and so a major concern during the Revolution and the early Republic became shaping (and reshaping) a federal system in which the state and national governments could effectively share republican power. Finally, new ideas of liberal democracy embraced by Americans embraced both majority rule and respect for the human rights of minorities, and religious freedom became a founding value.

Articles of Confederation. With independence achieved, American political leaders were determined not to create an overly strong national government in their federal system that might repeat the corrupting abuses of Crown and Parliament. The Articles of Confederation, written in 1777 and ratified in 1781, constituted the first constitution of the United States. The Articles explicitly affirmed the sovereignty of the individual states and created a weak central government that depended on the consensus of the states; it featured a single legislative body (Congress) with every state possessing an equal vote, and no chief executive. States were given full power over commerce, which led some like Rhode Island to lay tariffs on imports from neighboring states as well as other countries, and made wealthy Europeans reluctant to invest in the new country because they feared states would change policies and laws to favor local debtors.

Congress did enact two very significant laws under the Articles. First, the Ordinance of 1785 created the nation's system of surveying and selling its lands, which remained in effect with the Louisiana Purchase (1803) and the huge region taken from Mexico in 1846. Second, the Northwest Ordinance of 1787 set out a clear path to statehood for the Northwest territories (an area that included the future states of Ohio, Indiana, Illinois,

and Michigan) which would make each of those states equal to all the existing states, and was extended to all subsequent territory obtained by the United States (with the exception of Puerto Rico and a few other places outside continental North America).

Constitution of 1787. The concerns of American nationalists (like James Madison, Alexander Hamilton, and John Adams) about the weakness of the Articles of Confederation gained traction in 1786. England and Spain continued to take actions that seemed to flout the Paris peace agreement and threaten the new country; the national government was unable to levy sufficient taxes to pay its debt; and that winter Shay's Rebellion, an agrarian uprising of indebted farmers erupted in western Massachusetts and ricocheted around New England. Congress decided to call for a convention in Philadelphia in the summer of 1787 to draft amendments to the Articles that would strengthen the power of the national government.

James Madison, a Virginian who had served in the state legislature and Congress, developed a plan for an entirely new constitution that he shared with other Virginians chosen to attend the Philadelphia convention. Classical history taught that republics needed to be small and homogenous to survive, but Madison believed that the United States could prosper as an "extended republic" *because* of its diverse people, climates, and customs, and proposed a much larger and stronger national government that would dominate the states. When the delegates from twelve states gathered (Rhode Island refused to attend), Madison proposed his "Virginia Plan," setting the terms for the debates that followed. The new national government would have three branches—legislative, executive, and judicial—with the power to not only impose taxes and manage trade but act on any issues of national concern. Congress would have two houses, in which every state would be represented according to its population size or tax base, would have veto power over state laws, and would elect the President. All of the delegates were nationalists who believed that the Articles were ineffective, but those from smaller states worried that this new government would wield too much power and would be dominated by the more populous, wealthier states. William Patterson of New Jersey proposed an alternative, generally called the New Jersey Plan, which would have maintained the structure set out by the Articles, particularly a unicameral Congress with one vote given to each state. The two plans were debated, and the convention voted to use the Virginia Plan as its starting point.

The longest, most contentious debates concerned representation in the new Congress, since it would affect many other matters including taxation and even slavery. Since 1774, each state had held a single vote in Congress, and states with smaller populations wanted to keep that system. Also, many at the convention wanted the new government to place into office people from the upper classes, who could focus on national interests and believed that most voters were dangerously ignorant and concerned only about their communities; some argued that all members of Congress should be appointed by the state legislatures. Ultimately, Roger Sherman of Connecticut suggested a compromise: a bicameral Congress, with representation in the lower house decided by each state's population, and an upper house in which each

state would have one vote. The “Connecticut (or Great) Compromise” was slightly reshaped, as each state got two senators.

All of these and more aspects of Congress, discussed below, are laid out in Article I of the Constitution. We strongly urge you at this point to find a copy of the Constitution so that you can read the pieces of it that we discuss below.

Slavery was also a contentious topic in the convention. While the enslavement of African Americans was legal and common in every state, it had become increasingly controversial during the Revolutionary Period, and was one of the most significant markers of the differences between northern and southern states as it was far more deeply entrenched in southern economies, societies, and cultures. With regards to representation in the House of Representatives, some southern states wanted slaves to count the same as a free person, while some northern delegates wanted to leave out slaves from the count altogether, believing that counting slaves would give the South too much power; after heated debates, the convention agreed to the Three-Fifths Compromise that would count those enslaved as 3/5s of a free person for representation and tax purposes. The convention also agreed to measures that would bar Congress from prohibiting “The Migration or Importation of such Persons” allowed by any states (i.e., enslaved Africans) until 1808 (Article I, Section 9), require every state to return people “held to Service or Labour in one State, under the Laws thereof, escaping into another” (Article IV, Section 2), and authorize the national army to intervene “against domestic violence” (i.e., slave uprisings) when requested by a state (Article IV, Section 4). As the language in these measures illustrate, slavery was so controversial that the convention worked very hard to keep the *word* out of the Constitution.

In the end, the convention carefully shaped the new constitution to include a series of “checks and balances,” allowing each branch to oversee, influence, and even veto the actions of the other branches, which reflected Anglo-American fears of excessive power and French Enlightenment ideals of republican government. Its final product was a federal system that located political sovereignty in “We the People” (the opening paragraph) rather than the states while distributing power between the state governments and the national government, giving clear advantage to the latter many areas of authority.

Article I The Legislature

Article I is the legislative article, opening with the line that “all legislative power shall be vested in a Congress of the United States.” This article outlines, albeit in a general way, the structure of the Congress, outlines the requirements to be Representatives and Senators and, most importantly, grants certain powers to the Congress—and by extension—to the national government.

The House of Representatives has 435 members, although this number is not specified in the Constitution. Congress can pass a law that either increases or decreases the size of the House; however the number of Representatives has remained more or less stable since The Permanent Apportionment Act of 1913. Again, each state receives a number of seats in the House relative to its population vis-à-vis the other states. This is why the constitution requires that a national census be taken every ten years. States that increase their populations relative to the rest of the nation have seats added to their delegation. States that stagnate or lose population have seats taken away from their delegation. Also after each census, states must go through a process of reapportionment in which the district lines within their states must be redrawn to represent population shifts within the states—as would be the case, for example, if the large segments of a state moved from rural areas to large urban centers. This decennial reapportionment by states has also led to a common practice called gerrymandering, in which districts are drawn to favor one political party or demographic group.

The constitution provides that the House be presided over by an officer known as The Speaker of the House of Representatives. While there is no requirement that the Speaker be a member of the House, by custom the Speaker is always a member and the leader of the party that holds the majority in the chamber. The Presidential Succession Act of 1947 makes the Speaker of the House second in line to the presidency, after the Vice-President, should the President resign, be removed or die in office. The constitution provides that members are elected for 2 year terms. These short terms mean that Representatives must strive to be in constant contact and sensitive to the views of their constituents since the next election is always just around the corner. To be elected to the House, a person must be at least 25 years old and have been a U.S. citizen for 7 years and at the time of their election inhabit the state that they represent.

As per the Connecticut Compromise, representation in the Senate is based on statehood—every state regardless of its wealth or population size gets 2 Senators. This creates disparities in the equality of representation, since a state like California with tens of millions of people gets the same number of Senators as states with under a million people, like Wyoming. Senators are elected to 6 year terms, and they must be 30 years old and have been a U.S. citizen for 9 years at the time of their election, in addition to being a resident of that state at the time of their election. This means that Senators are not as subject to political pressures during 4 years of their terms, although they have the incentive to shift into more of a political focus in the 2 years before their election. The constitution also provides that the terms of Senators be staggered; in other words 1/3 of the Senate is up for election every 2 years. Since 2/3 of the Senate is not campaigning every 2 years, this gives more stability to the Senate as a whole

Originally, the constitution sought to separate the Senate even further from short term politics by providing that Senators would be appointed by their state legislatures and not

by a vote of the people. In 1913, however, the 17th amendment provided for the direct, popular election of Senators.

The constitution provides that the Vice-President of the United States serve as the President, or presiding officer, of the Senate. However, the Vice-President is not assigned to any committees and is only allowed to vote in case of a tie (and rarely shows up in the chamber unless there is a chance of a tie vote on an important piece of legislation). That means that in practical terms the Senate is formally presided over by the *President Pro Tempore*—although the *President Pro Tempore* will usually rotate the honor of formally presiding over a Senate session to junior senators. Since 1890, the most senior senator of the majority party in the Senate has been elected as Pro Tempore. The Presidential Succession Act of 1947 makes *the President Pro Tempore* third in line to the presidency, behind the Vice-President and the Speaker of the House.

The constitution seeks to create checks and balances by establishing a separation of powers, so that no single institution of government can become too powerful. If one branch of government becomes too powerful or threatens peoples' rights, the other two can act to help bring it back under control. Under this system, while Congress can pass legislation, the President may veto it. Congress can override a presidential veto by a two-thirds vote of both houses of Congress. Under their power of judicial review, the courts may review legislation to determine whether it violates the constitution and strike it down. (A special type of veto—a pocket veto—occurs when a President neither signs nor vetoes a bill within 10 days when Congress is adjourned, meaning that the bill dies). Congress further checks the power of the executive branch through oversight, in which the legislature oversees the implementation of laws by bureaucrats and agencies. Administrative officials are often called before congressional committees to explain their actions. Congress's control over appropriations also exercises an important control over the executive branch.

The bicameral structure of Congress is an important part of the checks and balances that the founders sought to create in the constitution. Article I of the constitution places many important powers in the Congress—such as the power to tax, to coin money, to regulate commerce, to establish a system of weights and measures, to borrow money and others. In order for Congress to enact legislation, a bill must be passed in identical form by both houses. Since there are almost always differences in the versions of a bill passed by the House and the Senate, compromise is required or a bill will die. Either one house must accept the version of a bill passed by the other house, or a conference committee is formed by the members who worked on the bills in the two chambers to iron out the differences. (Each house must then approve the compromise reached in the conference committee). The Senate, in contrast to the House, has a tradition of freer, more unlimited debate, and this also adds to checks and balances by making it easier to kill legislation in that chamber. This at times leads to a practice known as a filibuster, in which a Senator or group of senators talk so that a bill can never come up for a vote. To shut off the filibuster requires that cloture be invoked, which means that a supermajority of 60 senators must agree to shut off debate—no easy thing to do.

The constitution also gives some different functions to the two houses. Under the constitution, all tax bills must originate in the House of Representatives. The House also has, by a simple majority vote, the power to impeach the president, other executive officials and federal judges for "high crimes and misdemeanors." The Senate has the power to confirm presidential appointments to executive positions—like the Cabinet and regulatory agencies—and also must confirm appointments to all levels of the federal judiciary. The Senate also has the prerogative to ratify treaties by a two-thirds majority vote. Also, after the House has impeached an executive official or a judge, the Senate conducts the trial and may remove the person from office by a two-thirds majority vote.

Article II the Executive

The executive branch includes not only the president, vice president, and the president's cabinet, but also a wide array of civilian and military employees that serve under them. In the 20th century, the executive branch has grown enormously in size and influence, in some respects overshadowing Congress.

The Constitutional convention fiercely debated the size and strength of the executive branch, and finally opted for a single president chosen for a four-year term, not by Congress or by the people directly but by a special "Electoral College" whose character is described in Section 1 and altered by the 12th Amendment. Each state chooses the electors, with their number set by that state's total number of Representatives plus two (for the senators). The Constitution does not specify how, in each state, the popular vote is to be translated into the electoral vote; the tradition is "winner take all" within each state, but there is a movement to adopt proportional electoral votes, so the "loser(s)" within a state would still get some electoral votes based on their proportion of the total popular vote. Later, the 23rd amendment gave residents of the District of Columbia the right to vote in presidential elections, giving the District a number of electors equal to that of the smallest state. This currently means that there are 538 electors in the Electoral College, with a candidate having to win 270 votes to win the presidency.

Initially there was no limit on the number of terms that a president could serve, but (after Franklin Roosevelt was elected for a fourth time) the 22nd Amendment limited the president to two terms. The Constitution requires the President to be at least 35 years old, born in the United States (the only national office with this requirement), and reside in the U.S. for at least 14 years. Section 1 also mandates that the president, if removed from office or unable to serve in it, will be succeeded by the Vice-President.

In Sections 2 and 3, specific powers are conferred on the president, among the most important of which are the powers to:

Be commander-in-chief of the armed forces of the nation. This establishes the principle of civilian control of the military and means that the president shares with Congress the war powers of the national government. Since the end of World War II and especially during and since the Cold War, Congress's powers in this area have receded while those of the president have expanded.

Appoint members of his cabinet, who head the various departments of the executive branch. As noted, since the 1930s the executive branch has grown in size and in the scope of its influence, to extend beyond the cabinet departments into a wide assortment of regulatory agencies and bureaus.

Negotiate treaties with foreign states. This power is shared with Congress by virtue of the Senate having to ratify such treaties with a two-thirds majority before they become the law of the land.

Report to Congress periodically on "the State of the Union" and propose measures to Congress. In the early 20th century, presidents started delivering the State of the Union Address in person to a joint session of Congress. They have also become much more proactive in advancing their legislative agendas in the halls of Congress.

"Take care that the Laws be faithfully executed." This clause is the basis of much of the president's power and articulates the core duty of the office.

Other aspects of the executive office are described or implied in Article I, primarily because they involve Congress. Section 7 gives the president the responsibility to review within ten days any legislation passed by Congress, and the power to veto (reject) any of those bills, including exercising a "pocket veto" by not acting on any bill passed within ten days of the end of a Congressional session. The same section gives Congress the ability to override the president's explicit veto (but not pocket veto) and make a bill law by a two-thirds vote in each House. Section 9 authorizes the national government "in Cases of Rebellion or Invasion" to suspend "the privilege of the writ of Habeas Corpus" (a longstanding English rule that a person imprisoned has the right to immediately have a hearing before a court regarding the reason for that imprisonment); that measure was taken only once, by President Abraham Lincoln during the Civil War, and is therefore generally considered an executive function under Presidential authority.

Finally, Article II Section 2 holds that the "The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors." That process involves, first, the House passing articles of impeachment (Article I, Section 2), and then the Senate, meeting as a court, to remove the impeached officer by 2/3rds vote. (Article I, Section 3). Removal carries with it disqualification from any future federal office and the forfeiture of pensions and other future rewards.

Article III The Judiciary

Article III of the constitution creates the judicial branch of government. This article is very general. It primarily establishes the Supreme Court as the nation's highest court and leaves the creation of courts below that to the later discretion of Congress. The article also defines treason as only levying war against the U.S. or giving aid and comfort to the nation's enemies. To make it more difficult to convict people falsely of treason, Article III requires that the testimony of two people is required for conviction and that penalties cannot be imposed on the person's family or future family

The Supreme Court consists of 9 justices who are appointed by the President, confirmed by the Senate by a majority vote, and who hold their offices for life "during good behavior." The constitution does not specify how many justices must sit on the Court, and Congress does have the power to increase or to decrease the number of justices who sit on the Court. However, the number has remained constant at 9 since 1869.

The Supreme Court is created in Article III with both original and appellate jurisdiction. Original jurisdiction means that a court is the first one to hear a case and that it decides the facts of a case. Article III defines the Supreme Court's original jurisdiction as consisting of "all cases affecting ambassadors, other public ministers and consuls," and in cases to which a state is a party. However, the Supreme Court hears only a very small number of cases every year under its original jurisdiction, and it will only consider a select few cases that it considers to be very important. In these cases the Supreme Court will usually assign them to a "special master", who is usually a retired lawyer or judge, to review the facts. The Supreme Court will usually follow the special master's recommendations.

Therefore, the vast majority of cases heard by the Supreme Court arise under its appellate jurisdiction, meaning that some other court—usually a lower federal court or a state court like a state supreme court—has heard and decided the case beforehand. The Supreme Court has the discretion to decide which cases it will hear, and will not consider a case unless it involves a substantial federal or constitutional question that affects the government or society. Around 8000 cases are appealed to the Supreme Court every year under its appellate jurisdiction, and only about 75 are accepted for full argument and decision by the justices---meaning that 99% of cases brought before the Court are rejected. In deciding to hear a case on appeals, the Supreme Court follows "The Rule of 4," meaning that 4 of the nine justices must agree to put it on the docket. After agreeing to hear a case the Supreme Court issues a writ of certiorari, which brings up the records of the case from the lower courts for the justices to review. In a few cases the justices may issue a *per curiam* decision—which are brief, unsigned decisions of the Court. These reflect unanimous decisions of the justices which they do not feel merit full argument or written opinions, so the written opinion of the Court in these cases are very short.

When the Supreme Court hears oral arguments, each side in the case is usually only allowed 30 minutes to argue its position. Outside groups who feel that they will be affected by the outcome of the case are allowed to file *amicus curiae*—or "friend of the

court”-- briefs, in which they present legal arguments that they would like the justices to consider.

A Supreme Court decision is decided by a majority vote of the Justices—so they can range from a 9-0 unanimous decision to a split 5-4 vote. After the vote, the Chief Justice may choose to write the majority opinion or assign it to another justice in the majority. If the Chief Justice is in the minority vote, then that role is assumed by the most senior justice in the majority. The justices may spend several months drafting their written opinions and circulating them among themselves for revision and comment.

A Supreme Court decision may consist of several types of written opinions. The majority opinion outlines the constitutional and legal reasoning behind the majority’s vote. A strongly written opinion backed by a large majority serves as a strong precedent for future cases and for lower courts to follow. Decisions may also be accompanied by a dissenting opinion, in which the justices in the minority give the constitutional and legal reasons for their votes. While dissenting opinions do not serve as legal precedent for future cases, throughout American history dissenting opinions have served to spark debate and to stimulate future changes in the law. Some decisions will include concurring opinions, in which one of more justices vote with the majority or minority side, but for different constitutional or legal reasons. The result is that Supreme Court opinions can become very complicated, and may include written opinions that dissent in part and concur in part.

Again, under Article III Congress has the power to create courts below the Supreme Court, and Congress began this process in 1789 with the passage of The Judiciary Act. These courts are referred to as the constitutional courts, because they were created under Congress’s Article III powers.

At the lowest rung of the federal court system are the Federal District Courts. These are courts with original jurisdiction—meaning that they are the first courts to hear a case and that they decide the facts of the case. The judges here will review petitions and motions, preside over trials and issue injunctions like court orders. The country is divided into 94 federal court districts, so that the larger more populous states have more federal court districts. Missouri, for example, has two federal court districts—the Missouri Eastern District is headquartered in St. Louis and the Missouri Western District is in Kansas City. There are about 680 federal district judges nationwide, and each federal district court will have several judges appointed to it and they will preside individually over cases. Each of these judges is appointed by the President, confirmed by the Senate and they hold their jobs for life. These courts are typically referred to as the “workhorses” of the federal judicial system, dealing with over 250,000 cases a year.

At the next level are The United States Courts of Appeals. As the name suggests, these are courts with appellate jurisdiction, which means that they review whether the law and the constitution were applied properly in the federal district court or administrative agency which first heard the case. Since the Supreme Court hears very few cases, the U.S. Appellate Courts are very powerful—serving in most cases as the

last avenue of appeal. The rulings that they make serve as the precedent for the large portions of the country over which they preside. The country is divided into thirteen federal appellate districts, with each appellate court having jurisdiction over the multiple district courts in that area. For example, Missouri is in the 8th Federal Appellate Circuit along with North Dakota, South Dakota, Nebraska, Minnesota, Iowa, and Arkansas. The court for our appellate district is headquartered in St. Louis. There are approximately 180 judges who serve on these courts, with multiple judges assigned to each appellate circuit. Typically, these courts will preside over a case with the judges sitting in groups of 3—with the outcome of the case based on a majority vote of the judges. In very important cases, the judges on an appellate court may hear a case *en banc*—meaning that all of the judges in a particular circuit sit to hear and to rule on that case. These are also very busy courts, handling 7,000-8,000 appeals a year. All of the judges on these courts are appointed by the President, confirmed by the Senate and hold their jobs for life.

The courts are a crucial component of the checks and balances in our system. Courts primarily perform their checks on the executive and legislative branches through their power of judicial review—as established by the case of *Marbury v Madison* in 1803. Judicial review is the power of the courts to review laws and the actions of the executive branch to determine if they are allowable under the constitution. Considerable debate exists over how extensively the courts should use this power. Judicial activists believe that the constitution is a "living document" which must be interpreted in the context of modern needs and against the evolving standards of society. Judges should play an active role in fighting injustices and in advancing the rights of people in a nation. Those believing in judicial restraint believe that courts should not strike down laws or executive actions unless they violate clear standards established in the constitution or previous court decisions. Whereas all courts tend to be guided by *stare decisis*—which involves a court using past court decisions as precedent to guide current cases—those advocating for judicial restraint believe in adhering closely to existing constitutional interpretation. Primary importance in making law should belong to democratically elected institutions like Congress to make laws rather than to nonelected judges.

Ratification

The Constitution's Article VII required "conventions" of nine (of 13) states to ratify (endorse) that document before it took effect among all those states. Requiring ratification by special conventions rather than the existing legislatures had both practical and theoretical advantages for those supporting the new Constitution. In practical terms, since the new national government would clearly reduce state powers, those already in the state legislatures would be more likely to vote against it. In theoretical terms, separate ratification conventions would emphasize that the new national government rested on the people (popular sovereignty) rather than the states.

Those who supported the Constitution began with little public support, as most Americans believed that the convention was going to propose only amendments to the

Articles, and the Constitution's clear increase in national power and a strong executive seemed a massive change. But the supporters had the advantages of a national network of experienced politicians and Revolutionary heroes (George Washington, Benjamin Franklin, John Adams, and Alexander Hamilton) and a clear goal. Opponents of the Constitution, on the other hand, were unorganized, and while they generally agreed that the proposed government would be dangerously powerful and distant from the people, they could not agree on how to solve generally acknowledged problems in the Articles. The supporters were also astute politically; they pushed to quickly elect and hold the ratifying conventions before their opponents could organize, and took the name "Federalists" as a way of reassuring waverers that the new government would be a stronger federation rather than a coup d'état by a group of national elites.

The conventions in the larger and more prestigious states played prominent roles in the bitter ratification battles. Massachusetts came first: the proposed Constitution was opposed by some of the most prominent men in state, including Samuel Adams, Elbridge Gerry, James Warren, and possibly Governor John Hancock, who presided over the convention but remained silent as the debate raged. As the time grew near for a vote, however, Hancock gave a speech strongly supporting ratification (causing some to wonder whether Federalists had promised him a position in the new national government), and after Samuel Adams supported Hancock's position (for the first time in years), the convention approved the Constitution by 19 votes, 187-168 – with the caveat that the new government needed to quickly add a bill of rights, like those that already existed in most of the state constitutions. Virginia ratified next, with far more support, and also called for a national bill of rights.

The truly critical convention came in New York, where rural farmers opposed the Constitution as elitist and potentially corrupt, while powerful merchants in New York City desperately wanted a stronger national government that could better support international trade and end interstate tariffs. New York Federalist leaders Alexander Hamilton and John Jay pushed for ratification in two ways: first, by threatening that New York City would secede (and take its revenue and trade) if the state rejected the Constitution; and second, by authoring (with James Madison) a series of op-eds in New York newspapers that argued, in theoretical and practical terms, for all of the specific elements of the Constitution. Those op-eds, all signed simply "Publius" (following the eighteenth-century norm of using pseudonyms for political pieces), were reprinted in many newspapers across the country, and became known as the *Federalist Papers*. Today the *Federalist Papers* are considered the best insight into the intentions of the men who wrote and argued for the Constitution, and one of the most important treatises on Anglo-American political theory during the critical second half of the eighteenth century. At the time, they were apparently very persuasive, as New York did ratify the Constitution—while echoing the demands in Massachusetts and Virginia to add a bill of rights.

By the time the last two of thirteen states ratified the Constitution, North Carolina in late 1789 and Rhode Island in May 1790, the new national government had already assembled in New York City.

Amendments

You will need to read the text of each amendment. The discussion below is to help you understand their historical context and significance.

The first ten amendments, widely known as the Bill of Rights, were modeled after similar elements already present in most of the state constitutions. They were created and adopted in response to calls from many of the ratification conventions, and more generally to placate Americans fearful of the expansion of federal powers unless, first, specific guarantees protected the people from potential abuse of power, and secondly, states were shielded from undue interference by the new powerful national government. James Madison, author of the Virginia Plan and many of the *Federalist Papers*, was elected to the first Congress of the new national government and drafted 19 amendments. His fellow Congressmen passed 12 of the proposals, and by December 15, 1791, 10 had been ratified by enough states to become part of the Constitution.

Amendments 13 through 15 are known as the Reconstruction amendments. As the Civil War drew to a close, President Lincoln and his Congressional allies sought to cement the Emancipation Proclamation in the Constitution so that it could not be reversed and slavery reimposed, so they passed and sufficient states ratified the 13th Amendment. After Lincoln was assassinated, and the new president Andrew Johnson encouraged former Confederate states to enact "Black Codes" that denied freedmen civil and political rights, Congress passed the 14th amendment to compel states to respect the equal citizenship rights of the freedmen, to be enforced by federal courts, proffered a carrot and a stick to get Southern states to give political rights to freedmen, and declared illegitimate the Confederate debt.

The due process clause of the 14th amendment has served as the basis for some of the Supreme Court's most impactful decisions. Perhaps the most important case based on the due process clause is the 1925 decision in *Gitlow v New York,* in which the Court created the doctrine of selective incorporation. It is through the 14th amendment due process clause that the Court has applied the most important guarantees found in the Bill of Rights to state and local governments as well as the to the national government.

Finally, the 15th Amendment dropped the carrot-and-stick approach and simply mandates that all freedmen be allowed to vote.

Amendments 16 through 19 are generally known as the Progressive amendments. They were part of the progressive reform movement that swept across the nation during the first two decades of the 20th century. While not all progressives supported every proposal for reform, they did share common concerns. They were responding to (1) the perceived social and political problems generated by the new corporate industrialism and its social byproducts, (2) the growth of monopolies and trusts, (3) various urban problems as cities grew without plans or order, (4) the tidal wave of immigrants from eastern and southern Europe, and (5) the widening of class divisions. Some reformers stressed regulation of businesses or "trust busting"; some focused on humanitarian

issues of social justice; some sought to reduce class conflict in part by taxing the income of the wealthy; and some sought cultural and social reforms by boosting women's rights, prohibiting alcohol, and restricting immigration.

Please reference a copy of the Constitution's amendments, and have a knowledge of all 27 of them.

The test could also cover key court cases that are based on the document. Please review the decisions of the cases in the following link:

https://www.constitutionfacts.com/content/supremecourt/files/supremecourt_landmarkcases.pdf