



The
Constitution
and the
Bill of Rights

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Timeline

1763 * ***French & Indian War ends***- England gained Canada and the French holdings east of the Mississippi.

1763 * ***Proclamation of 1763***- Prohibited English settlements west of the Appalachians.

1764 * ***The Sugar Act***

1764 * ***The Currency Act***

1765 * ***The Stamp Act***

1765 * ***The Quartering Act***

Timeline (continued)

1765 * Patrick Henry presents seven **Virginia Resolutions**

1765 * The **Sons of Liberty** formed

1765 * The **Stamp Act Congress**- sent petition to King

1765 * Colonists refuse to use stamps.

1765 * New York mob burns Governor in effigy.

1765 * **Stamp Act** repealed, **Declaratory Act** passes

Timeline (continued)

1765 * 200 Boston merchants **boycott** British goods.

1766 * **Violence** breaks out between New Yorkers and British soldiers

1766 * New York **legislature suspended** by crown

1767 * **Townshend Revue Acts**

1768 * Samuel Adams writes **circular letter** opposing taxation

TIMELINE (continued)

1768 * British **warship** sails into Boston harbor with two military regiments

1769 * **Virginia Resolve** oppose taxation without representation

1769 * Royal governor dissolves **House of Burgesses**

1770 * **Violence erupts** between Sons of Liberty and 40 British soldiers

1773 * Virginia House of Burgesses appoints an eleven member **Committee of Correspondence**

Timeline (continued)

1773 * **Tea Act.** Committee of colonists forces British Tea agents to resign

1773 * **Boston Tea Party**

1774 * **Coercive Acts/Intolerable Acts**

1774 * **Boston Port Bill** shuts down Boston Harbor until England is repaid for tea

1774 * Colonists **boycott** British imports

Timeline (continued)

1774 * Massachusetts Regulating Acts and Government Act ends self rule by colonists. Administrative of Justice Act

1774 * New version of Quartering Act

1774 * First Continental Congress

1774 * Declaration and Resolves oppose Coercive Act, Quebec Act

1775 * Parliament declares Massachusetts to be in a state of rebellion

1775 * Patrick Henry gives speech

1775 * New England Restraining Act

TIMELINE (continued)

- 1775 Paul Revere's Ride. Battle of Lexington and Concord
- 1775 Second Continental Congress Meets in Philadelphia
- 1775 Congress makes George Washington Commander in chief of Continental Army
- 1775 Battle of Bunker Hill
- 1775 Battle of Quebec
- 1776 Thomas Paine writes *Common Sense*
- 1776 Richard Lee offers resolution for independence

Background

- The Declaration of Independence was signed in July 1776.
- Revolutionary War was over in 1781.
- Treaty of Paris signed 1783.



ARTICLES OF CONFEDERATION



- The working Constitution
- Written mid 1776 by Continental Congress
- Sent to states to ratify in early 1777
- Ratification completed in early 1781

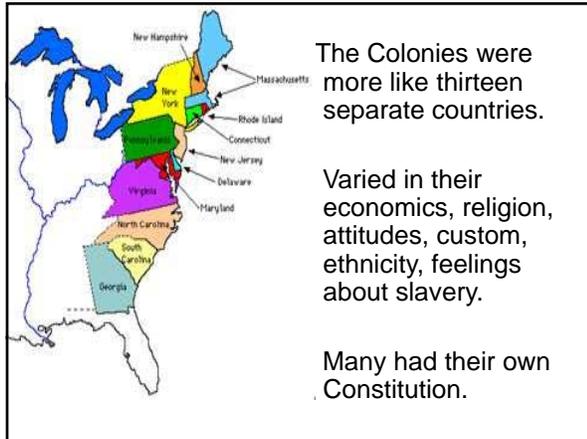
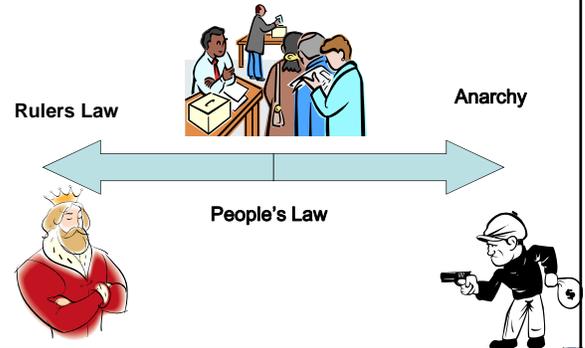
The Articles of Confederation had many defects. Flaws were very apparent during the Revolutionary War.



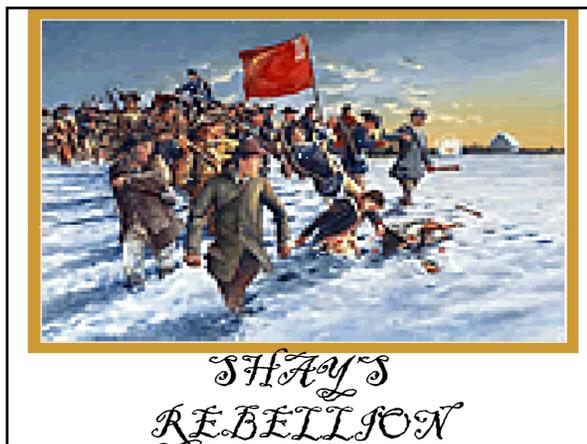
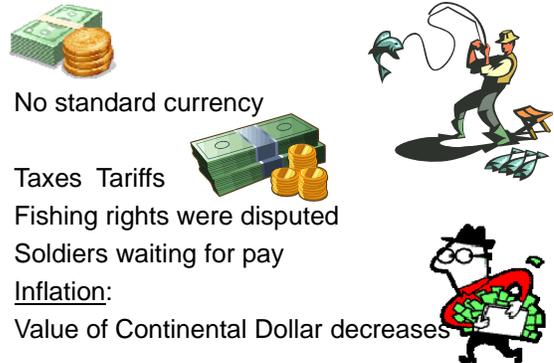
PROBLEMS:

- No executive to speak with one voice for all of the states in time of emergency.
- No jurisdiction to handle federal cases.
- No provision for enforcement of decrees of the Congress, (except by sending army to declare war on offending state).

TOO CLOSE TO ANARCHY!!



Other Problems in the Colonies



The Convention in Philadelphia

- They came to amend the Articles of Confederation
- 11 years after Declaration of Independence, May 1787
- 75 delegates were chosen from 13 states.
- 55 delegates came

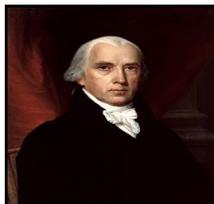
George Washington “The Indispensable Man”

- Other delegates were convinced that the Convention would not be successful without him.
- Reluctantly came out of retirement.



KEY PLAYERS

James Madison –
Father of the Constitution



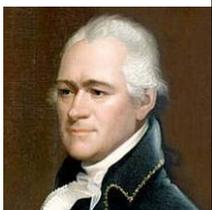
Gouverneur Morris-
Wrote much of the
Bill of Rights



Edmund Randolph, Governor of Virginia
Introduced the Virginia Plan

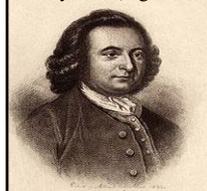


Alexander Hamilton, New York- Wrote 51 of
85
Federalist Papers



George Mason-Wrote the
Virginia Bill of Rights

Ben Franklin,
Pennsylvania, age 82



Used the model of Ancient Israelites and Ancient Anglo-Saxons



Writings:

Aristotle, Cicero, Plato,
Polybius, John Locke,
Adam Smith, Hooker,
de Montesquieu

Constitutions of the States



Ancient English Documents:

Charter of Liberties 1100

Magna Carta 1215

Petition of Rights 1628

English Bill of Rights 1689

First time a King agreed that
he was not above the law.



The Constitution is a timeless document because it is based on principles.



The principles in the document are as relevant today as they were in 1787.

The Founders believed that our rights came from God, not government, therefore

Government does not have the authority to deprive us of our rights

“Government, in my humble opinion, should be formed to secure and to enlarge the exercise of natural rights of it’s members...”

James Wilson

How are all ‘men’ equal?

- We are equal in our rights
- We are equal in the eyes of God
- We are equal under the law
- **This does not imply equal outcomes**



The Purpose of Government

*To Protect us from enemies

*To Protect our Rights



Many discussions/debates:

- Sixty (60) votes were taken on question of how to elect the President.
- How to choose legislators, terms, duties
- What about future states?
- Three branches – how to balance power?



Many Differences

- Large vs Small State
- Slave vs Free State
- Strong National Government vs Strong State Government
- Maritime, Agricultural, Industrial
- Exporters vs Importers



Major Compromises:

Slavery Issue:

Southern states needed a generation to phase out slavery

No more importation of slaves after 1808.

If slavery was abolished, the Southern States would not sign.

Three fifths compromise, for representation & taxation



2. Representation :

Solution:

- **One house; based on population**
- **One house: equal representation-two senators from each state**

3. Agreement about Interstate Commerce Capitol is moved farther south

JUDICIAL BRANCH

CASES INVOLVING:

- Ambassadors and other Public Ministers and Consuls
- Admiralty and Maritime jurisdiction
- Controversies in which US is a party
- Controversies between two or more States
- Between Citizens of different States
- Between Citizens of the same State claiming lands under grants of different States
- Between a State or the Citizens thereof, and foreign States, Citizen or Subjects
- Appellate jurisdiction



LEGISLATIVE BRANCH

- Power to lay and collect taxes, duties, imposts, excises (must be uniform among all the states)
- Pay the debts
- Provide for the common defense and *general welfare*
- Borrow money
- *Regulate commerce* with foreign nations, among the several states and with the Indian tribes
- Establish uniform rules of Naturalization
- Establish uniform laws on the subject of Bankruptcies



- Coin money and regulate the value thereof
- Fix standards of weights and measures
- Provide for punishment of counterfeiting the securities and current coin
- Establish post offices and post roads
- Copyrights and Patents
- Constitute tribunals inferior to the SCOTUS

- Define and punish piracies and felonies on high seas and offenses against law of nations
- Declare war, grant letters of marque and reprisal. Make rules concerning captures on land and water
- Raise and support armies
- Provide and maintain army
- Make rules for the government and regulation of the land and naval forces

- Provide for calling forth Militia
- Organizing arming and disciplining militia
- Exercise legislative authority over DC, forts, magazines, arsenals, dock yards, etc
- Make laws for carrying into execution the foregoing powers

EXECUTIVE BRANCH

- Commander in Chief of Army and Navy
- Make Treaties (approval of 2/3 Senate)
- Appoint Ambassadors, Public Ministers and Consuls
- Appoint Judges of the Supreme Court
- Commission all the Officers of the United States
- Receive Ambassadors and other Public Ministers



**LIMITED
FEDERAL
GOVERNMENT**

SEPARATION OF POWERS

JUDICIAL

EXECUTIVE

LEGISLATIVE

**SYSTEM OF
CHECKS AND BALANCES
BETWEEN BRANCHES**

**LEGISLATIVE
JUDICIAL
EXECUTIVE**

SEPARATION OF POWERS

FEDERAL

STATE

LOCAL

LIMITED POWERS

WERE CEDED TO

THE FEDERAL GOVERNMENT

BY THE

SOVEREIGN STATES

- Three delegates refused to sign because there was no Bill of Rights:

George Mason of Virginia

Governor Edmond Randolph of Virginia

Elbridge Gerry of Massachusetts

- Others felt the Constitution already addressed the rights.

“A Republic, if you can keep it.”



“The jaws of power are always open to devour, and her arm is always stretched out, if possible, to destroy the freedom of thinking, speaking and writing

John Adams

“When people find they can vote themselves money, that will herald the end of the Republic.”

Ben Franklin

“If a nation expects to be ignorant and free, in a state of civilization, it expects what never was and never will be.”

Thomas Jefferson

“The government can never be in danger of degenerating into a monarchy, and oligarchy, an aristocracy, or any other despotic or oppressive form so long as there shall remain any virtue in the body of the people.”

George Washington

“If it be asked, What is the most sacred duty and the greatest source of security in a Republic? The answer would be, An inviolable respect for the Constitution and Laws— the first growing out of the last... A sacred respect for the constitutional law is the vital principle, the sustaining of a free government.”

Alexander Hamilton

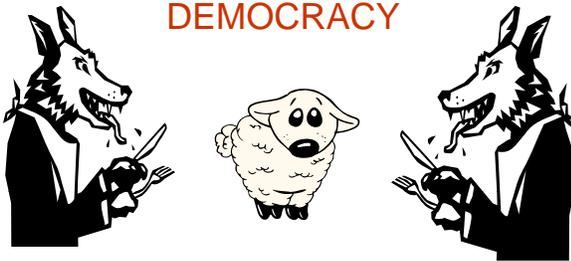
The Founders Believed:

- To keep our republic required constant vigilance
- It required a moral and educated populace

What is the difference between a Democracy and a Republic?



DEMOCRACY



"Democracy is two wolves and a lamb voting on what to have for lunch." Benjamin Franklin

"Remember, Democracy never lasts long. It soon wastes, exhausts, and murders itself. There never was a democracy yet that did not commit suicide."

John Adams

Ratification of the Constitution

- 1787 DE, NJ, PA
 - 1/1788 GA, CN 2/1788 MA
 - 4/1788 MD 5/1788 SC
 - 6/1788 NH, VA 7/1788 NY
 - 11/1789 NC
- Rhode Island did not ratify until after George Washington became President in 1789.

AMENDMENT 1

- * Freedom of Religion
- * Freedom of Speech
- * Freedom to Assemble
- * Freedom of Press
- * Freedom to Petition



Amendment 2

Freedom to keep and **bear arms**



Amendment 3

A soldier cannot require one to accommodate him in their home.

This was a common practice in the colonies. The British soldiers commandeered citizens' homes.



Amendment 4

- The government cannot enter a home and search for an item, nor can they seize any item without a warrant.
- The warrant must be very specific.
- There must be probable cause determined by a judge.



Amendment 5

- A **Grand Jury** will decide if one should be indicted.
- No **double jeopardy**.
- Cannot be forced to **testify against self**.
- Cannot be deprived of property, life or liberty without **due process**.
- Property cannot be taken for public use without **just compensation**.

Amendment 6

- Right to a **speedy and public trial**
- Right to be **informed** of all charges
- Right to an **impartial jury**
- Right to trial in **locale** where crime was committed
- Right to **confront witnesses** against him
- Right to **obtain witnesses** in his favor
- Right to **assistance of counsel**

Amendment 7

- Right to a **trial by jury** in civil cases ('common law')
- 90% of jury trials in world are in U.S.



Amendment 8

- Excessive bail shall not be required.
- Excessive fines shall not be imposed.
- Cruel and unusual punishment shall not be inflicted.



Amendment 9

- The government shall not consider the rights listed in the Constitution as the only rights of an individual.
- Unenumerated rights are an endowment from the Creator and are thus part of the "State of Nature" domain between God and man.
- Inalienable rights
- Our rights are given to us by God. The government should protect our rights.

Amendment 10

- The powers of the three branches of the federal government are clearly spelled out in the Constitution. All other powers belong to the States or to the people.
- State sovereignty



Amendment 11

- 1798
- Gave states the right not to be sued by citizens of another state in federal courts



AMENDMENT 12

1804

- Vote for President and Vice President now done on a separate ballot.
- Prior to this the one with most votes became President, the second most votes became Vice President.
- In order to be eligible for Vice President, one must meet all the qualifications for President.

Amendment 13

1865

- Abolished slavery and all types of Involuntary servitude.
- Freedom had already been given to African Americans who had served in Union Army.
- Also included white slaves and felons sold to colonists to serve their sentence.
- Did not outlaw involuntary servitude as punishment for crimes.

Amendment 13

- Emancipation Proclamation only freed slaves in the seceding states with exceptions:
TN, MD, DE, KY, MO, parts of LA and VA
- The validity of the proclamation under the war powers of the President was seriously questioned.

Amendment 14 1868

- All persons, including former slaves entitled to all rights of citizenship.
- Representation will hereby be determined by actual number of persons(slaves were no longer counted as 3/5 for purposes of representation).

Amendment 15 1870

- Vote was no longer denied on account of race, color, or previous condition of servitude.



Amendment 16 1913

- Congress may pass an income tax
- Until this time taxes were levied on states by population, a dollar amount per person.
- Income tax is based on an individuals income.



Amendment 17 1913

- Direct election of Senators
- If a Senate seat becomes vacant, the Governor of that State shall issue writs of election to fill such vacancy.
- The legislature of that state may empower the governor to make a temporary appointment until the people fill the vacancy by an election.

Amendment 18 1919

- Prohibited the manufacture, sale, transportation of intoxicating liquors.



Amendment 19

- 1920
- Gave women the right to vote
- 1st female Congresswoman from Montana 1916



Amendment 20 1933

- Changed the inauguration day from March 4 to January 20.



Amendment 21

- Repealed prohibition



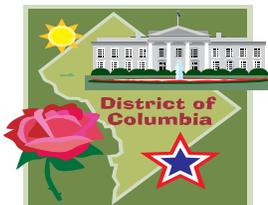
Amendment 22 1951

- Term limits for President.
- 2 terms



Amendment 23 1961

- District of Columbia was provided with electors.



Amendment 24 1964

- Persons may no longer be required to pay a poll tax.



Amendment 25 1967

- In case of death, removal or resignation of the President, the Vice President shall become President.
- When there is a vacancy in the office of Vice President, the President shall nominate a Vice President, who shall take office upon confirmation by a majority of both Houses of Congress.

Amendment 26

- 1971
- No amendment adopted more quickly-
- Proposed in March, ratified in July
- “Old enough to fight, old enough to vote”
- Original Anglo-Saxon criteria



Amendment 27

- 1992
- A salary increase voted in today will not take effect until after next general election.
- James Madison proposed this when Bill of Rights were written but this one did not get ratified.
- “The provision for Congress to set its own salary was indecent.” James Madison