

ESSENTIAL QUESTION

- How do governments change?

**THE
STORY
BEGINS...**

*Benjamin Franklin speaks to the
Constitutional Convention.*

LESSON 3

**A New Plan of
Government**

On September 17, 1787, as the delegates prepared to vote on the newly drafted Constitution, Benjamin Franklin stood to speak:

“I confess that there are several parts of this constitution which I do not at present approve, but I am not sure I shall never approve them. . . . In these sentiments, Sir, I agree to this Constitution with all its faults, if they are such; because I think a general Government necessary for us. . . . I doubt too whether any other Convention we can obtain, may be able to make a better Constitution. For when you assemble a number of men to have the advantage of their joint wisdom, you inevitably assemble with those men, all their prejudices, their passions, their errors of opinion, their local interests, and their selfish views. . . . It therefore astonished me, Sir, to find this system, approaching so near to perfection as it does; . . . I hope therefore that for our own sakes as a part of the people, and for the sake of posterity, we shall act heartily and unanimously in recommending this Constitution . . . and turn our future thoughts & endeavors to the means of having it well administered.”

—Benjamin Franklin, speech presented to the Constitutional Convention, 1787



PHOTO: Bettmann/Getty Images; TEXT: Madison, James. *Debates in the Several States Conventions on the Adoption of the Federal Constitution*. 1788. Madison: Thomas Jefferson University Library, 1801.

Branch	Example
Executive	
Legislative	
Judicial	

ANALYZING KEY IDEAS AND DETAILS

Read closely to identify the powers of each branch of the federal government. List those powers in a chart like this one and explain how those powers interact.

THE CONSTITUTION'S SOURCES

GUIDING QUESTION *From where did the Framers of the Constitution borrow their ideas about government?*

Although an American document, the Constitution has roots in other civilizations. The delegates who wrote the document studied the history of political thought in an effort to avoid the mistakes of the past. Many ideas found in the Constitution came from European political institutions and writers.

The Framers who shaped the document were familiar with the parliamentary system of Britain. Many had taken part in their colonial or state assemblies. They valued the individual rights guaranteed by the British judicial system. Although the Americans broke away from British rule, they respected many British **traditions**, or cultural beliefs and practices.

EUROPEAN INFLUENCES

The English Magna Carta (1215) placed limits on the power of the monarch. Parliament, England's lawmaking body, became a force that the king or queen had to depend on to pay for wars and the royal government. Like Parliament, colonial assemblies controlled their colonies' funds. The assemblies had some control over colonial governors.

The English Bill of Rights of 1689 was another model for Americans. In fact, many people in the United States felt the Constitution also needed a bill of rights. The Framers believed in the ideas about the nature of people and government put forth by European writers of the Enlightenment. The Enlightenment was a movement of the 1700s that promoted knowledge, reason, and science as a means of improving society. James Madison and other Framers of the Constitution were familiar with the work of John Locke and Baron de Montesquieu (mahn-tuhs-KYOO), two philosophers of the Enlightenment.

The English philosopher Locke wrote that all people are entitled to certain natural rights. He stated that these natural rights include the rights to life, liberty, and property.

ANALYZING CRAFT AND STRUCTURE

1. ANALYZING TEXT

PRESENTATION How is the content in this section organized? Why did the writer present the information in this way?

2. ANALYZING POINT

OF VIEW The text points out that the Constitution was meant to be "the supreme law of the land." Why do you think the Framers decided on this structure for the new country?



John Locke influenced many of the Framers of the Constitution. His views on natural rights are reflected in the Constitution.

In his *Two Treatises of Government* (1690), he wrote that government is based on an agreement, or contract, between the people and the ruler. Americans interpreted natural rights to mean the rights of Britons defined in the Magna Carta and the English Bill of Rights. The Framers viewed the Constitution as a contract between the American people and their government. The contract protected people's natural rights by limiting government power.

The French writer Montesquieu declared in *The Spirit of Laws* (1748) that the powers of government should be separated and balanced against each other. This separation would prevent any one person or group from gaining too much power. The Framers of the Constitution carefully spelled out and divided the powers of government.

FEDERALISM

The Constitution created a federal system of government that divided powers between the national, or federal, government and the states. In the Articles of Confederation, the states held most powers. Under the Constitution, the states gave up some powers to the federal government and kept others. **Federalism** (FE-duh-ruh-luh-zuhm), or sharing power between the federal and state governments, is one of the key features of the United States government. The idea that the federal government and the state governments would each maintain some specific powers at their own level is sometimes referred to as dual sovereignty.

Under the Constitution, the federal government gained wide-ranging powers to tax, regulate trade, control the currency, raise an army, and declare war. It could also pass laws that were "necessary and proper" for carrying out its responsibilities. This power would allow Congress to make laws as needed to deal with new situations.

The Constitution left some important powers to the states. The states kept the power to control trade inside their borders. They also could set up local governments and schools and establish marriage and divorce laws.

The Constitution also called for the sharing of some powers between the federal and state governments. Both federal and state governments would have the power to tax and to establish criminal justice.

While states had powers and shared others with the federal government, the Constitution and the laws of Congress were to be “the supreme law of the land.” No state could make laws or take actions that went against the Constitution. Federal courts would settle disputes between the federal government and the states on the basis of the Constitution.

✓ CHECKING FOR UNDERSTANDING

1. **EXPLAINING** What is federalism?
2. **INTERPRETING CHARTS** Based on the information shown in the chart on federal and state powers, which five powers are shared between the federal and state governments?

GOVERNMENT STRUCTURE

GUIDING QUESTION *How does the Constitution limit the power of the government?*

The Framers of the Constitution used Montesquieu’s idea of a division of powers. They divided the federal government into three branches—legislative, executive, and judicial. The first three articles, or parts, of the Constitution describe each branch’s powers and responsibilities. They detail the methods for electing or selecting key members of each branch.

GOVERNMENT BRANCHES

Article I of the Constitution declares Congress to be the **legislative** (LEH•juhs•lay•tiv) **branch**, or lawmaking branch, of the government. Congress is made up of the House of Representatives and the Senate. The powers of Congress include establishing taxes, coining money, and regulating trade.

UNDERSTANDING CRAFT AND STRUCTURE

1. **ANALYZING STRUCTURE** How does the text in this section organize and present information?
2. **DETERMINING MEANING** In the context of this text, the word *execute* means “to carry out fully,” “to put completely into effect,” or “to do or perform what is required.” Does knowing the meaning of *execute* help you to better understand the purpose of the executive branch of government?

FEDERAL AND STATE POWERS		
National Government	National and State Governments	State Governments
Coin money	Establish courts	Regulate trade within a state
Maintain army and navy	Enforce laws	Protect public welfare and safety
Declare war	Collect taxes	Conduct elections
Regulate trade between states and with foreign nations	Borrow money	Establish local governments
Carry out all expressed powers	Provide for general welfare	

The Constitution gives exclusive powers to the state and federal governments, and it also calls for some powers to be shared.

1. **INTEGRATING VISUAL INFORMATION** What is an example of a power shared by the federal and state governments?
2. **DRAWING CONCLUSIONS** Why do you think both the national and state governments have the power to collect taxes?

Congress, shown here listening to the president deliver the State of the Union speech, consists of both the House of Representatives and the Senate. Congress currently has 100 senators and 435 representatives.



CITIZENSHIP, PROCESS, RULES, AND LAWS

THE ELECTORAL COLLEGE

Those who support the use of the Electoral College today argue that this traditional means of determining presidential elections helps maintain the influence of small states and less-populated areas. Others argue that the Electoral College is out of date and the results of the national popular vote should determine the presidential election. In two modern elections (2000 and 2016), the candidates who received the majority of the popular vote lost the elections because they received fewer votes in the Electoral College.

Article II of the Constitution sets up the **executive branch**, to carry out the nation's laws and policies. At the head of this branch are the president and vice president. A special group called the **Electoral** (ee-lehk-TAWR-uhl) **College** elects the president and vice president. Voters in each state choose the electors who make up the Electoral College.

Article III deals with the **judicial** (joo-DIH-shuhl) **branch**, or court system. The nation's judicial power **resides** in "one supreme Court" and any lower federal courts Congress creates. The Supreme Court and other federal courts hear cases involving a number of special topics, such as the Constitution, federal laws, and disputes between states.

CHECKS AND BALANCES

The Constitution contains a system of **checks and balances**. This means each branch of government has ways to check, or limit, the power of the other branches. With this system, no single branch can gain too much power in the government. You will learn more about this system in another chapter.

CHECKING FOR UNDERSTANDING

- IDENTIFYING** Where would one find detailed descriptions of each branch's powers and responsibilities?
- EXPLAINING IDEAS** What kinds of cases are heard by the Supreme Court and other federal courts?

DEBATE AND ADOPTION

GUIDING QUESTION *How was the Constitution ratified?*

Before the Constitution could go into effect, nine states had to ratify, or approve, it. Americans debated the arguments for and against the Constitution in newspapers, at meetings, and in everyday conversations.

Brooks/Korn LLC/Corbis Historical/Getty Images

TEXT/William James 1885. The Debate in the Second State Convention on the Adoption of the Federal Constitution as Recommended by the Grand Convention at Philadelphia in 1787, Volume 1. Haver, George. Opposition of the Hon. George Mason, One of the Delegates from Virginia to the Late Continental Congress, to the Proposed Federal Constitution. Annapolis: A. S. Barnes for M. S. Spight & Sons, 18. Digitized by eGangotri. Retrieved from <http://www.earlyamericansociety.org>

TEXT: Madison, James. "Bill: The Decision of the Second State Convention on the Adoption of the Federal Constitution as Recommended by the General Convention of Philadelphia in 1787." Volume 1, Papers, George Washington of the War, George Mason. One of the delegates from Virginia to the first Continental Congress, to the Provisional National Congress, and to the Provisional Federal Congress. Reprinted in *The Papers of James Madison*, ed. George Planchard, 5: 418.

FEDERALISTS AND ANTI-FEDERALISTS

People who supported the new Constitution were called Federalists. They took this name to stress that the Constitution would create a system of federalism, a government in which power is divided between the national government and the states. Among them were George Washington and Benjamin Franklin. James Madison, Alexander Hamilton, and John Jay wrote a series of essays explaining and defending the Constitution. Called the Federalist Papers, these essays were later published in newspapers and sent to delegates at state conventions. They made a powerful argument in favor of ratification.

Those who opposed the Constitution were called Anti-Federalists. They wrote their own essays, which later came to be known as the Anti-Federalist Papers. Anti-Federalists argued that a strong national government would take away liberties Americans had fought for in the American Revolution. They warned that the government would ignore the will of the states and favor the wealthy few over the common people. Anti-Federalists favored local government that was controlled more closely by the people.

A BILL OF RIGHTS

The strongest criticism of the Constitution may have been that it lacked a bill of rights to protect individual freedoms. Several state conventions announced that they would not ratify it unless a bill of rights was included. George Mason expressed the problem:

“There is not a declaration of rights, and the laws of the general government being paramount to the laws and constitutions of the several States, the declarations of rights in the separate States are no security.”

—from “*Objections to This Constitution of Government*,” September 1787

MAKING CONNECTIONS TO TODAY

THE BILL OF RIGHTS

Various groups have drafted their own specialized versions of the Bill of Rights. For instance, in 2010 New Jersey lawmakers drafted an “Anti-Bullying Bill of Rights.” This legislation was designed to protect students from bullying and cyberbullying. The bill calls for anti-bullying training for teachers and gives school administrators tools for responding to bullying.

DRAWING CONCLUSIONS Why do you think lawmakers today refer to the Bill of Rights when proposing and promoting legislation?

ANALYZING KEY IDEAS AND DETAILS

- 1. CONTRASTING** Read the text describing the Federalists and Anti-Federalists. Then write a list of words and phrases from the text that explain or highlight the major differences between the two.
- 2. ANALYZING IDEAS** The section on the Bill of Rights states, “The strongest criticism of the Constitution may have been that it lacked a bill of rights to protect individual freedoms.” What does this mean? Rewrite the sentence using your own words. You may need to use the glossary to help you to better understand the meaning of the vocabulary word *paramount*.

ANALYZING PRIMARY SOURCES

- 1. CITING TEXT EVIDENCE** Which words in Mason’s statement refer to the new Constitution? How do you know?
- 2. DETERMINING MEANING** Using context clues from the excerpt, what do you think the word *paramount* means?

BIOGRAPHY

GEORGE MASON (1725–1792)

George Mason was a Virginian landowner and statesman. Mason was elected to the Virginia House of Burgesses in 1759. In 1776 Mason participated in the creation of a constitution for Virginia and was instrumental in drafting Virginia's Declaration of Rights. His contributions, including his strong belief in individual liberties, influenced Thomas Jefferson's work on the Declaration of Independence. Also, Mason strongly opposed slavery and favored manumission in Virginia.

Mason was a member of the Constitutional Convention in Philadelphia in 1786. As an Anti-Federalist, he favored local control over a strong national government. He supported Virginia's refusal to ratify the U.S. Constitution until a bill of rights amendment was added to the document in 1791. Mason died the next year in October 1792.

EXPLAINING EFFECTS Why are George Mason's beliefs and work important to our government and our liberties today?



G. Mason

RATIFYING THE CONSTITUTION

On December 7, 1787, Delaware became the first state to approve the Constitution. By June 21, 1788, the ninth state—New Hampshire—ratified it. In theory, this made the Constitution law. However, without the support of the largest states—New York and Virginia—the new government could not succeed.

In Virginia, Patrick Henry claimed the Constitution did not place enough limits on government power. Still, Virginia did ratify the document after promises that there would be a bill of rights **amendment** (uh-MEHND-muhnt)—something added to a document. This promise was met in 1791. In July 1788, New York ratified the Constitution, followed by North Carolina in November 1789 and Rhode Island in May 1790.

DETERMINING MEANING

Read the definition of the vocabulary term **amendment**. Do you recognize any part of this word? You might know that *mend* means “to fix, repair, or correct.” To *amend* means “to change and improve.” Are the meanings of these two words reflected in the meaning of *amendment*?

The pillars in this cartoon represent the ratifying vote by each state convention.

DRAWING CONCLUSIONS Why is the ninth pillar significant?



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Today, the original Constitution of the United States is on display at the National Archives Building.

After ratification came the celebrations. Boston, New York, and Philadelphia held big parades accompanied by cannon salutes and ringing church bells. Smaller celebrations took place in hundreds of American towns. The task of creating the Constitution had ended. Now it was time for the nation to elect leaders and begin the work of government.

CHECKING FOR UNDERSTANDING

- 1. IDENTIFYING ARGUMENTS** What was the name given to those who opposed the Constitution, and what were their main arguments against a strong national government?
- 2. ASKING QUESTIONS** Write a question that a Federalist or an Anti-Federalist may have asked someone on the opposing side about their views on the ratification of the Constitution.

LESSON 3 REVIEW AND ACTIVITIES

Time and Place

- 1. EXPLAINING** Why was it important that the largest states ratify the Constitution?

Building History-Social Science Analysis Skills

- 2. SUMMARIZING** Summarize John Locke's ideas and views that influenced the Framers of the United States Constitution.
- 3. EXPLAINING** Why does the Constitution divide power among branches of government?
- 4. EXPLAINING** Why did Virginia finally ratify the Constitution?

Writing About History

- 5. ARGUMENTATIVE WRITING** Take the role of James Madison. Write an essay for the Federalist Papers, urging states to ratify the Constitution. Use details about the Constitution to support your argument.

Collaborating

- 6. INTERPRETING INFORMATION** Working with a partner, create flashcards for each of the highlighted terms in this lesson. Then take turns using your flashcards to quiz each other. You may choose to have one partner read the term and the other partner say the correct definition, or have one partner read the definition and the other partner identify the corresponding term.



Include this lesson's information in your Foldable®.