

People who Made a Difference: Examining the Founders' Influence on the Creation of the U.S. Constitution

Created by: Danielle Fernandez
For TAH Seminar, *A More Perfect Union*
September 24, 2009

Summary:

The following lesson is designed to help students recognize the importance of individuals who have made a difference in history, using James Madison, John Adams and George Washington as case studies. In learning about these figures, students will develop the essential skills required to successfully read and analyze primary documents while at the same time helping them to grasp the fundamental principles at the foundation of our Constitution and the discussion and debate of the Founders regarding such core values.

Learning Objectives:

During this unit students will:

- ◆ examine in depth a number of primary sources from James Madison, John Adams and George Washington relating to the creation of the Constitution.
- ◆ answer questions and participate in discussion concerning the documents.

By the end of this lesson, students will be able to:

- ◆ explain the importance a specific individual's influence on the our nation's Constitution and its subsequent development.

Alignment with Mass. State Frameworks:

U.S. History I Learning Standards:

- (1) USI.7 Explain the roles of various founders at the Constitutional Convention. Describe the major debates that occurred at the Convention and the "Great Compromise" that was reached.
- (2) USI.14 Explain the characteristics of American democracy, including the concepts of popular sovereignty and constitutional government, which includes representative institutions, federalism, separation of powers, shared powers, checks and balances, and individual rights.
- (3) *Seminal Primary Documents to Consider:* the Massachusetts Constitution (1780)

(4) USI.8 Describe the debate over the ratification of the Constitution between Federalists and Anti-Federalists and explain the key ideas contained in the Federalist Papers on federalism, factions, checks and balances, and the importance of an independent judiciary.

(5) *Seminal Primary Documents to Read*: Federalist Paper number 10

(6) *Seminal Primary Documents to Consider*: Federalist Papers numbers 1, 9, 39, 51, and 78

Historical Context:

The period of American history from 1783-1789 was a time of tremendous importance.

Historian John Fiske in his seminal work, *The Critical Period* (1888), went so far as to make the claim that the time was “pre-eminently the turning-point in the development of political society in the western hemisphere.” The period was indeed critical in that it presented the ultimate challenge to our young nation. Could the citizens of the United States stay true to the ideologies they fought so bravely for during the Revolutionary War and realistically translate those ideas into an effectual government?

Many contemporary American leaders feared the answer to that question might regrettably be “no”. During the Critical Period, the young nation was faced with serious problems. There was an internal power struggle among the state governments and the newly formed central government, with the states resisting the relinquishment of some of their power to the union. Under the loosely constructed Articles of Confederation, the central government couldn't function properly, as a result of lack of cooperation among the member states. This issue manifested itself in other pressing problems. The economy was suffering due to a combination of factors: huge national and state debts left from the Revolution, excessive use of credit to purchase consumer goods after the war, lack of strong currency and runaway inflation.

In addition, an understanding by foreign powers of the limited power of the federal government meant that foreign policy challenges were rife. The British caused problems by refusing to make a commercial treaty or repeal its ancient Navigation Laws and by remaining active along the far reaches of the American frontier. Spain closed the Mississippi River at the mouth in 1784, France demanded repayment of money loaned during the war and restricted U.S. trade with its profitable West Indies and other ports and in the Mediterranean, America's commerce was being ravaged by pirates from Algiers, Tunis, Tripoli, and Morocco. As if these problems weren't enough, issues among individual states were heating up. Several states quarreled over boundaries, creating a number of minor battles. Some states were placing tariffs on goods from other states, while others were printing depreciated paper currency.

Shays' Rebellion, an uprising in western Massachusetts, served as a barometer of the significance of the problems facing the nation. In 1786, many impoverished backcountry farmers faced losing farms through mortgage foreclosures and tax delinquencies. Led by Captain Daniel Shays, organized farmers to march on several cities, debtors demanded cheap paper money, lighter taxes, and suspension of mortgage foreclosures. The uprising caused many among the propertied class feared that the Revolution had created a "mobocracy", and many prominent citizens cried out for a stronger central government.

Our nation's leaders responded to this challenge by meeting to discuss changing the structure of government to better serve the interests of its citizens. This convention, held in Philadelphia in 1776, resulted in our enduring American Constitution, the document that according to Fiske determined "...a century ago that the continent of North America should be

dominated by a single powerful and pacific federal nation instead of being parceled out among forty or fifty small communities, wasting their strength and lowering their moral tone by perpetual warfare, like the states of ancient Greece, or by perpetual preparation for warfare, like the nations of modern Europe.”

That this Constitution came to be is to a large extent the result of the extraordinary figures of the day. This lesson examines some of the individuals who influenced our Constitution and shaped its subsequent development

Rationale: This lesson plan is designed to take 3-5 days, depending on teacher preference and individual needs. In terms of context, the lesson would best take place after a comprehensive discussion of the Critical Period and Constitutional Convention.

Procedure:

Day One: James Madison

- (1) For homework the night before, students will have read the section on the Federalist Papers and the debates about the ratification of the Constitution.
- (2) Teacher will distribute **Handout 1, “Excerpts from *The Federalist*”**. Class will read and discuss intro.
- (3) Teacher should break class into mixed ability groups of 3-4 students. Students will discuss excerpts and answer questions as a team.
- (4) Students will re-group and teacher will facilitate a class discussion of the handout and questions centered around the essential question, “to what extent does the individual (Madison) influence the course of history?”
- (5) For homework, teacher will assign **Reading #1, “John Adams and the Massachusetts Constitution”**(due on Day 2), and **Reading #2, “George Washington: The Presidency”** (due Day 3).

Day Two: John Adams

- (1) Teacher will open class with a discussion of the reading response questions at the end of the previous night’s homework, **Reading #1, “John Adams and the Massachusetts Constitution”**.
- (2) Teacher will distribute **Handout #2, “Thoughts on Government”**. Teacher will lead a guided reading of the document, pausing at intervals for explanation and discussion. Along the way, teacher should continually ask the students, “what ideas of John Adams are evident in the construction of our Constitution?”
- (3) Teacher should assign students to reflect in writing on the following prompt:
“Although John Adams was not present at the Constitutional Convention, his influence on the document that resulted was certainly significant. Refute or defend this statement using concrete evidence.”
- (4) As a class, discuss student responses.

Day Three: George Washington

- (1) Teacher will open class with a discussion of the reading response questions at the end of the previous night’s homework, **Reading #2, “George Washington: The Presidency”**, listing precedents on the board.

- (2) Teacher will distribute **Handout #3, "You Cannot Refuse"**. In mixed ability groups, students will read the letter and answer the following questions:
- (a) What fears does Lafayette have about the proposed Constitution?
 - (b) What factors does he think can assuage his fears?
 - (c) Why is it important for Lafayette that Washington accept the office of president?
 - (d) What insight into Washington's character does this letter give?
- (3) Teacher will regroup students for class discussion of the questions. Teacher should pose the question, "To what extent did the individual(Washington) shape history?"

Assessment/Rubric:

To assess students' comprehension of this lesson, teachers can assign an essay in response to the following question:

In a 3-5 page paper, respond to the following prompt:

Choose one individual we've studied, either Madison, Adams or Washington. Using evidence from both primary and secondary sources, discuss to what extent that particular individual shaped our nation's Constitution and its subsequent development. Would our nation's history have been the same had it not been for the individual's contributions? Why or why not?

Annotated Bibliography & Further Resources:

The following resources offer background information for teachers preparing to teach this lesson as well as many other relevant lesson plans and activities for extension of the lesson

BOOKS

Fiske, John. *The Critical Period in American History*. Cambridge, The Riverside Press, 1889.

Kaminski, John P. and McCaughan, Jill Adair. *A Good and Great Man: Washington in the Eyes of his Contemporaries*. Madison: Madison House Publishers, Inc., 1989.

Brookhiser, Richard. *Founding Father: Rediscovering George Washington*. New York: Simon & Schuster Inc., 1996

WEBSITES

Creating the United States <http://myloc.gov/Exhibitions/creatingtheus/Pages/default.aspx>

This site offers primary documents related to the creation of the Declaration of Independence, U.S. Constitution, and Bill of Rights. Students can learn about the beliefs on which the American republic was founded, the forging of the federal government, the formation of political parties, the election of 1800, views of slavery, and more. Connect particular phrases and ideas in the Declaration, Constitution, and Bill of Rights with texts that preceded them.

The Federalist Papers <http://thomas.loc.gov/home/histdox/fedpapers.html>

This site offers the 85 essays urging New Yorkers to ratify the proposed Constitution. First published in New York City newspapers (1787-1788), the essays explained how the new government would work and why it was right for the U.S.

Continental Congress and Constitutional Convention Broadside

<http://memory.loc.gov/ammem/collections/continental/>

This site provides 274 documents related to Congress (1774 to 1788) and the drafting and ratification of the Constitution. Items include the journals of Congress, resolutions, proclamations committee reports, treaties, and early printed versions of the Constitution and the Declaration of Independence. Among the topics: the armed forces, foreign relations, Indians, land settlement, laws, money, and pirates.

Interactive Constitution <http://ratify.constitutioncenter.org/constitution/>

This site lets you search the Constitution and find relevant passages and explanations. Discover how the Constitution relates to more than 300 topics, from civil rights to school prayer, including Supreme Court decisions.

Centuries of Citizenship: A Constitutional Timeline

<http://www.constitutioncenter.org/timeline/>

This site is an interactive timeline of events marking more than 200 years of our constitutional history. These events tell the evolving story of our Constitution and the role it continues to play in our lives. See headlines, hear debates, and explore maps and graphs.

We the People... The Citizen and the Constitution

http://www.civiced.org/index.php?page=wtp_introduction

This site helps elementary and secondary school students understand the history and principles of our constitutional government. The program focuses on the U.S. Constitution and Bill of Rights and fosters civic competence and responsibility. Upon completion of program, classes are encouraged to participate in simulated congressional hearings that allow students to demonstrate their knowledge of the Constitution and the Bill of Rights.

The Avalon Project: The U.S. Constitution--A Documentary Record

http://avalon.law.yale.edu/subject_menus/constpap.asp

On this site, Yale Law School offers documents on The Roots of the Constitution, Revolution and Independence, Credentials of the Members of the Federal Convention, The Constitutional Convention, and Ratification and Formation of the Government.

Madison's Treasures <http://www.loc.gov/exhibits/madison/>

This site presents the most significant documents from our fourth President, James Madison. Most relate to two events in which Madison played a key role: the drafting and ratification of the Constitution (1787-8) and the introduction in the First Federal Congress of the amendments (1789) that became the Bill of Rights.

James Madison Papers http://memory.loc.gov/ammem/collections/madison_papers/index.html

includes 12,000 letters, notes, legislation, and other documents from the man considered the Father of the Constitution. These documents (1723-1836), including an autobiography, help illuminate Madison's pivotal role in the Constitutional Convention as well as his nine years in the House of Representatives, his tenure as Secretary of State, and his two terms as our fourth President. Essays discuss Madison's life and his role at the Constitutional Convention.

The Thomas Jefferson Digital Archive <http://etext.lib.virginia.edu/jefferson/>

Though not present at the Constitutional Convention, Jefferson followed the proceedings closely. The Thomas Jefferson Digital Archive provides more than 1,700 texts written by or to Thomas Jefferson. The site also includes a biography of Jefferson and The Jeffersonian Cyclopedia, which organizes more than 9,000 quotes according to theme and other categories.

The Adams Family Papers <http://www.masshist.org/digitaladams/aea/index.html>

John Adams, like Thomas Jefferson, was not present at the Convention but followed the proceedings closely. This electronic archive presents images of manuscripts and digital transcriptions from the Adams Family Papers, including correspondence, John's diary and his autobiography.

Alexander Hamilton on the Web <http://www.isidore-of-seville.com/hamilton/>

On this site you will find biographies, Hamilton's writing - including the complete Federalist Papers, images of Hamilton, reviews and excerpts from some of the recent books about Hamilton, essays on the Hamilton/Burr duel, and more.

HANDOUT #1

Excerpts from *The Federalist*

In an effort to defend the proposed Constitution and provide citizens and members of state ratifying conventions with a deeper understanding of the document, John Jay, Alexander Hamilton and James Madison composed the Federalist Papers, a series of 85 articles advocating the ratification of the United States Constitution.

The authors of The Federalist wanted both to influence the vote in favor of ratification and to shape future interpretations of the Constitution, and they were successful. To this day the Federalist remains a primary source for interpretation of the U.S. Constitution, as the essays outline a lucid and compelling version of the philosophy and motivation of the proposed system of government.

Below are excerpts from the writings of James Madison, often referred to as the "Father of the Constitution" for his role in its drafting and ratification. Read the excerpts and answer the questions that follow.

"The great security against a gradual concentration of the several powers in the same department consists in giving to those who administer each department the necessary constitutional means and personal motives to resist encroachment of the others." - **Federalist Papers, No. 10, November 23, 1787**

"Democracies have ever been spectacles of turbulence and contention; have ever been found incompatible with personal security or the rights of property; and have, in general, been as short in their lives as they have been violent in their deaths." - **Federalist Papers, No. 10, November 23, 1787**

"A pure democracy... [is] a society consisting of a small number of citizens, who assemble and administer the government in person..." - **Federalist Papers, No. 10, November 23, 1787**

"The two great points of difference between a democracy and a republic are: first, the delegation of the government, in the latter, to a small number of citizens elected by the rest; secondly, the greater number of citizens, and greater sphere of country, over which the latter may be extended." - **Federalist Papers, No. 10, November 23, 1787**

"AMONG the numerous advantages promised by a well constructed Union, none deserves to be more accurately developed than its tendency to break and control the violence of faction." -
Federalist Papers, No. 10, November 23, 1787

"In the first place, it is to be remembered, that the general government is not to be charged with the whole power of making and administering laws: its jurisdiction is limited to certain enumerated objects, which concern all the members of the republic, but which are not to be attained by the separate provisions of any." - **Federalist Papers, No. 14, November 30, 1787**

"America united with a handful of troops, or without a single soldier, exhibits a more forbidding posture to foreign ambition than America disunited, with a hundred thousand veterans ready for combat." - **Federalist Papers, No. 14, November 30, 1787**

"Stability in government is essential to national character and to the advantages annexed to it, as well as to that repose and confidence in the minds of the people, which are among the chief blessings of civil society." - **Federalist Papers, No. 37, January 11, 1788**

"Energy in government is essential to that security against external and internal danger and to that prompt and salutary execution of the laws which enter into the very definition of good government. Stability in government is essential to national character and to the advantages annexed to it, as well as to that repose and confidence in the minds of the people, which are among the chief blessings of civil society." - **Federalist Papers, No. 37, January 11, 1788**

"We may define a republic to be... a government which derives all its powers directly or indirectly from the great body of the people, and is administered by persons holding their offices during pleasure, for a limited period, or during good behavior." - **Federalist Papers, No. 39, January, 1788**

"The proposed Constitution... is... neither a national nor a federal Constitution, but a composition of both. In its foundation it is federal, not national; in the sources from which the ordinary powers of the government are drawn, it is partly federal and partly national; in the operation of these powers, it is national, not federal; in the extent of them, again, it is federal, not national; and, finally, in the authoritative mode of introducing amendments, it is neither wholly federal nor wholly national." - **Federalist Papers, No. 39, January, 1788**

"Each State, in ratifying the Constitution, is considered as a sovereign body, independent of all others, and only to be bound by its own voluntary act. In this relation, then, the new Constitution will, if established, be a FEDERAL, and not a NATIONAL constitution." -
Federalist Papers, No. 39, January, 1788

"If we resort for a criterion to the different principles on which different forms of government are established, we may define a republic to be, or at least may bestow that name on, a government which derives all its powers directly or indirectly from the great body of the people, and is administered by persons holding their offices during pleasure for a limited period, or during good behavior." - **Federalist Papers, No. 39, January, 1788**

"How could a readiness for war in time of peace be safely prohibited, unless we could prohibit, in like manner, the preparations and establishments of every hostile nation?" - **Federalist Papers, No. 41, January, 1788**

"No axiom is more clearly established in law, or in reason, than that wherever the end is required, the means are authorized; wherever a general power to do a thing is given, every particular power necessary for doing it is included." - **Federalist Papers, No. 44, January 22, 1788**

"What is to be the consequence, in case the Congress shall misconstrue this part [the necessary and proper clause] of the Constitution and exercise powers not warranted by its true meaning, I answer the same as if they should misconstrue or enlarge any other power vested in them... the success of the usurpation will depend on the executive and judiciary departments, which are to expound and give effect to the legislative acts; and in a last resort a remedy must be obtained from the people, who can by the elections of more faithful representatives, annul the acts of the usurpers." - **Federalist Papers, No. 44, January 25, 1788**

"The powers delegated by the proposed Constitution to the federal government are few and defined. Those which are to remain in the State governments are numerous and indefinite." - **Federalist Papers, No. 45, January 26, 1788**

"The operations of the federal government will be most extensive and important in times of war and danger; those of the State governments, in times of peace and security." - **Federalist Papers, No. 45, January 26, 1788**

A representative of the United States must be of the age of twenty-five years; must have been seven years a citizen of the United States; must, at the time of his election, be an inhabitant of the State he is to represent; and, during the time of his service, must be in no office under the United States. Under these reasonable limitations, the door of this part of the federal government is open to merit of every description, whether native or adoptive, whether young

or old, and without regard to poverty or wealth, or to any particular profession of religious faith." - **Federalist Papers, No. 52, February 8, 1788**

This power over the purse may, in fact, be regarded as the most complete and effectual weapon with which any constitution can arm the immediate representatives of the people, for obtaining a redress of every grievance, and for carrying into effect every just and salutary measure." - **Federalist Papers, No. 58, 1788**

Questions:

1. How did Madison address the concerns of those who opposed the new Constitution? To answer this question, complete the following chart:

Concerns:	How Madison addressed these concerns:

2. In what ways did Madison’s writings contribute to future interpretations of the Constitution?
3. Do you think the Constitution would have been ratified if not for the work of Madison? Why or why not?
4. Do you think the Constitution would be similarly interpreted today if not for the contributions of Madison? Why or why not?

5. Madison is often referred to as the "Father of the Constitution" for his role in its drafting and ratification. However, he protested the title as being "a credit to which I have no claim... The Constitution was not, like the fabled Goddess of Wisdom, the offspring of a single brain. It ought to be regarded as the work of many heads and many hands". What do you think?

HANDOUT #2

Thoughts on Government

John Adams

Apr. 1776 Papers 4:86-93

Source: <http://www.constitution.org/jadams/thoughts.htm>

MY DEAR SIR, — If I was equal to the task of forming a plan for the government of a colony, I should be flattered with your request, and very happy to comply with it; because, as the divine science of politics is the science of social happiness, and the blessings of society depend entirely on the constitutions of government, which are generally institutions that last for many generations, there can be no employment more agreeable to a benevolent mind than a research after the best...

A man must be indifferent to the sneers of modern English men, to mention in their company the names of Sidney, Harrington, Locke, Milton, Nedham, Neville, Burnet, and Hoadly. No small fortitude is necessary to confess that one has read them. The wretched condition of this country, however, for ten or fifteen years past, has frequently reminded me of their principles and reasonings. They will convince any candid mind, that there is no good government but what is republican. That the only valuable part of the British constitution is so; because the very definition of a republic is "an empire of laws, and not of men." That, as a republic is the best of governments, so that particular arrangement of the powers of society, or, in other words, that form of government which is best contrived to secure an impartial and exact execution of the laws, is the best of republics.

Of republics there is an inexhaustible variety, because the possible combinations of the powers of society are capable of innumerable variations.

As good government is an empire of laws, how shall your laws be made? In a large society, inhabiting an extensive country, it is impossible that the whole should assemble to make laws. The first necessary step, then, is to depute power from the many to a few of the most wise and good. But by what rules shall you choose your representatives? Agree upon the number and qualifications of persons who shall have the benefit of choosing, or annex this privilege to the inhabitants of a certain extent of ground.

The principal difficulty lies, and the greatest care should be employed, in constituting this representative assembly. It should be in miniature an exact portrait of the people at large. It should think, feel, reason, and act like them. That it may be the interest of this assembly to do strict justice at all times, it should be an equal representation, or, in other words, equal interests among the people should have equal interests in it. Great care should be taken to effect this, and to prevent unfair, partial, and corrupt elections. Such regulations, however, may be better made in times of greater tranquillity than the present; and they will spring up themselves naturally, when all the powers of government come to be in the hands of the people's friends. At present, it will be safest to proceed in all established modes, to which the people have been familiarized by habit.

A representation of the people in one assembly being obtained, a question arises, whether all the powers of government, legislative, executive, and judicial, shall be left in this body? I think a people cannot be long free, nor ever happy, whose government is in one assembly. My reasons for this opinion are as follow:--

1. A single assembly is liable to all the vices, follies, and frailties of an individual; subject to fits of humor, starts of passion, flights of enthusiasm, partialities, or prejudice, and consequently productive of hasty results and absurd judgments. And all these errors ought to be corrected and defects supplied by some controlling power.

3. A single assembly is apt to grow ambitious, and after a time will not hesitate to vote itself perpetual. This was one fault of the Long Parliament; but more remarkably of Holland, whose assembly first voted themselves from annual to septennial, then for life, and after a course of years, that all vacancies happening by death or otherwise, should be filled by themselves, without any application to constituents at all.

4. A representative assembly, although extremely well qualified, and absolutely necessary, as a branch of the legislative, is unfit to exercise the executive power, for want of two essential properties, secrecy and despatch.

5. A representative assembly is still less qualified for the judicial power, because it is too numerous, too slow, and too little skilled in the laws.

6. Because a single assembly, possessed of all the powers of government, would make arbitrary laws for their own interest, execute all laws arbitrarily for their own interest, and adjudge all controversies in their own favor.

But shall the whole power of legislation rest in one assembly? Most of the foregoing reasons apply equally to prove that the legislative power ought to be more complex; to which we may add, that if the legislative power is wholly in one assembly, and the executive in another, or in a single person, these two powers will oppose and encroach upon each other, until the contest shall end in war, and the whole power, legislative and executive, be usurped by the strongest.

The judicial power, in such case, could not mediate, or hold the balance between the two contending powers, because the legislative would undermine it. And this shows the necessity, too, of giving the executive power a negative upon the legislative, otherwise this will be continually encroaching upon that.

To avoid these dangers, let a distinct assembly be constituted, as a mediator between the two extreme branches of the legislature, that which represents the people, and that which is vested with the executive power.

Let the representative assembly then elect by ballot, from among themselves or their constituents, or both, a distinct assembly, which, for the sake of perspicuity, we will call a council. It may consist of any number you please, say twenty or thirty, and should have a free and independent exercise of its judgment, and consequently a negative voice in the legislature.

These two bodies, thus constituted, and made integral parts of the legislature, let them unite, and by joint ballot choose a governor, who, after being stripped of most of those badges of domination, called prerogatives, should have a free and independent exercise of his judgment, and be made also an integral part of the legislature. This, I know, is liable to objections; and, if you please, you may make him only president of the council, as in Connecticut. But as the governor is to be invested with the executive power, with consent of council, I think he ought to have a negative upon the legislative. If he is annually elective, as he ought to be, he will always have so much reverence and affection for the people, their representatives and counsellors, that, although you give him an independent exercise of his judgment, he will seldom use it in opposition to the two houses, except in cases the public utility of which would be conspicuous; and some such cases would happen.

...A rotation of all offices, as well as of representatives and counsellors, has many advocates, and is contended for with many plausible arguments. It would be attended, no doubt, with many advantages; and if the society has a sufficient number of suitable characters to supply the great number of vacancies which would be made by such a rotation, I can see no objection to it. These persons may be allowed to serve for three years, and then be excluded three years, or for any longer or shorter term.

Any seven or nine of the legislative council may be made a quorum, for doing business as a privy council, to advise the governor in the exercise of the executive branch of power, and in all acts of state.

The governor should have the command of the militia and of all your armies. The power of pardons should be with the governor and council.

Judges, justices, and all other officers, civil and military, should be nominated and appointed by the governor, with the advice and consent of council, unless you choose to have a government more popular; if you do, all officers, civil and military, may be chosen by joint ballot of both houses; or, in order to preserve the independence and importance of each house, by ballot of one house, concurred in by the other. Sheriffs should be chosen by the freeholders of counties; so should registers of deeds and clerks of counties.

All officers should have commissions, under the hand of the governor and seal of the colony.

The dignity and stability of government in all its branches, the morals of the people, and every blessing of society depend so much upon an upright and skillful administration of justice, that the judicial power ought to be distinct from both the legislative and executive, and independent upon both, that so it may be a check upon both, as both should be checks upon that. The judges, therefore, should be always men of learning and experience in the laws, of exemplary morals, great patience, calmness, coolness, and attention. Their minds should not be distracted with jarring interests; they should not be dependent upon any man, or body of men. To these ends, they should hold estates for life in their offices; or, in other words, their commissions should be during good behavior, and their salaries ascertained and established by law. For misbehavior, the grand inquest of the colony, the house of representatives, should impeach them before the governor and council, where they should have time and opportunity to make their defence; but, if convicted, should be removed from their offices, and subjected to such other punishment as shall be thought proper.

A militia law, requiring all men, or with very few exceptions besides cases of conscience, to be provided with arms and ammunition, to be trained at certain seasons; and requiring counties, towns, or other small districts, to be provided with public stocks of ammunition and entrenching utensils, and with some settled plans for transporting provisions after the militia, when marched to defend their country against sudden invasions; and requiring certain districts to be provided with field-pieces, companies of matrosses, and perhaps some regiments of light-horse, is always a wise institution, and, in the present circumstances of our country, indispensable.

Laws for the liberal education of youth, especially of the lower class of people, are so extremely wise and useful, that, to a humane and generous mind, no expense for this purpose would be thought extravagant.

HANDOUT #3

Reprinted from: Kaminski, John P. and McCaughan, Jill Adair. *A Good and Great Man: Washington in the Eyes of his Contemporaries*. Madison: Madison House Publishers, Inc., 1989.

“You Cannot Refuse”

**MARQUIS DE LAFAYETTE TO GEORGE WASHINGTON
PARIS, 1 JANUARY 1778**

...It is Needless for me to tell you that I Read the NEW Proposed Constitution With an Unspeakable Eagerness and Attention—I Have Admired it, and find that it is a Bold, Large and Solid frame for the Confederation—the Electioneering Principles With Respect to the Two Houses of Congress are Most Happily Calculated—I am only Afraid of two things—1er the Want of a Declaration of Rights 2ly the Great Powers and Possible Continuance of the President, Who May one day or the other become a State Holder—Should my observations be well founded, I Still am Easy on two Accounts—The first that a Bill of Rights may be made if Wished for by the People Before the Accept the Constitution—My other Comfort is that you Cannot Refuse being Elected President—and that if you think the Public Vessel Can Stir Without Such Powers, You will be able to lessen them, or Propose Measures Respecting the Permanence, which Cannot Fail to Insure a Greater Perfection in the Constitution, and a New Crop of Glory to Yourself—but in the Name of America, and of Mankind itself, and your own Fame, I Beseech you Dear General, Not to Deny your Acceptance of the Office of President for the first Years, --You only Can Settle that Political Machine, and I foresee it Will furnish and admirable Chapter in your History...

READING #1

John Adams and the Massachusetts Constitution

Source: <http://www.mass.gov/courts/sic/iohn-adams-b.html#1>

Introduction: Why Study the Massachusetts Constitution

The 1780 Constitution of the Commonwealth of Massachusetts, drafted by John Adams, is the world's oldest functioning written constitution. It served as a model for the United States Constitution, which was written in 1787 and became effective in 1789. (The Bill of Rights to the United States Constitution were approved in 1789 and became effective in 1791). In turn, the United States Constitution has, particularly in years since World War II, served as a model for the constitutions of many nations, including Germany, Japan, India and South Africa. The United States Constitution has also influenced international agreements and charters, including the Universal Declaration of Human Rights.

In 1915, the President of the American Historical Association stated, "If I were called upon to select a single fact or enterprise which more nearly than any other single thing embraced the significance of the American Revolution . . . I should choose the formation of the Massachusetts Constitution of 1780. . . ."

Massachusetts Invents the Constitutional Convention

In 1777, the Massachusetts legislature announced that the next legislature would draft a new constitution which it would then submit to the voters for approval. (At this time, John Adams was serving as a diplomat to France; Congress had appointed him to solidify this crucial alliance.)

In reaching its decision, the Massachusetts legislature failed to heed Adams's recommendation that constitutions ought to be drafted and ratified by special conventions representing the consent of the people. During the fall of 1775, Adams had recommended that the people must "erect the whole Building with their own hands upon the broadest foundation. That this could be done only by conventions of representatives chosen by the People. . . ."

The legislature's proposed constitution was submitted to, and rejected by, the voters in 1778. Theophilus Parsons, a young lawyer who would later become Chief Justice of the Massachusetts Supreme Judicial Court, led the opposition. In a pamphlet entitled *The Essex Result*, Parsons, in words demonstrating the influence of John Adams, criticized the proposed constitution for not having been drafted by a body separate from the legislature, for lacking a declaration of rights (and for explicitly condoning slavery), and for failing to provide for the separation of powers among the executive, a bicameral legislature, and the judiciary.

In 1779, the Massachusetts legislature issued a call to the towns for every male inhabitant to elect representatives to form a Convention for the sole purpose of framing a new Constitution, which would then require ratification by two-thirds of the same electorate. Massachusetts thereby invented the concept of convening a convention of the people, separate and apart from the legislature, for the sole purpose of creating a constitution. Massachusetts thus created and clarified the distinction between ordinary legislation and the fundamental law contained in a constitution,

which may be created and changed only by "the people."

John Adams Drafts the Massachusetts Constitution

In August 1779, one week after he had returned from France to his home in Braintree, that town selected Adams as a delegate to the state constitutional convention, scheduled to meet on September 1.

The 312 delegates selected John Adams, Samuel Adams, and James Bowdoin to serve on the drafting committee, and "the other two picked [John] Adams to draw up the state's constitution. He had become, as he later said, a sub-sub committee of one." In drafting the Massachusetts Constitution, Adams drew upon his vast knowledge of history and political philosophy, the colonies' experiences under British colonial rule, and his own ideas as articulated in *Thoughts on Government*. Adams completed his draft by October 30, 1779. He left Massachusetts in November 1779 to return to Europe as minister plenipotentiary.

Following approval by town meetings, the Constitution was ratified on June 15, 1780, and became effective on October 25, 1780.

The Massachusetts Constitution

The Massachusetts Constitution contains three parts: a Preamble, Part the First: A Declaration of the Rights of the Inhabitants of the Commonwealth of Massachusetts, and Part the Second: The Frame of Government.

a. The Preamble:

announces the purposes of government; that is, furnishing the members of the body politic "the power of enjoying, in safety and tranquility, their natural rights and the blessings of life; describes the "body politic" as a "social compact" whereby all agree to be governed by laws designed for the "common good;" provides that when government does not fulfill its obligations, "the people have a right to alter the government, and to take measures necessary for their safety, prosperity, and happiness."

b. The Declaration of Rights

The Declaration of Rights, which was in part derived from the Bill of Rights in several other state constitutions, sets forth many individual rights which would later be included in the federal Bill of Rights. John Adams considered individual rights so integral to the formation of government that the Massachusetts Declaration of Rights precedes the Frame of Government. (Contrast this with the United States Constitution which sets forth a frame of government, to which the Bill of Rights was added two years later, after prolonged debate.) The Declaration of Rights includes prohibitions against unreasonable searches and seizure, ex post facto laws, and the public taking of private property without just compensation. Protected rights include freedom of the press, the right to petition the government, right to

trial by jury, and freedom of worship.

The Declaration of Rights also established an independent judiciary. Adams knew that a free people and a stable government required judges "as free, impartial and independent as the lot of humanity will admit," who serve "as long as they behave themselves well" and whose salaries are "established by standing laws." Article XXIX brings to fruition arguments made by Adams in *Thoughts on Government* and in a series of argumentative essays written in 1773 between Adams and loyalist General William Brattle. In those essays, Adams contended that colonial judges, who served at the pleasure of the Crown, were "far from independent."

The Declaration of Rights concludes with an inspiring commitment to the creation of a balanced government of separate powers: a government of laws, not men: In the government of the commonwealth, the legislative department shall never exercise the executive and judicial powers, or either of them; the executive shall never exercise the legislative and judicial powers, or either of them; the judicial shall never exercise the legislative and executive powers, or either of them; to the end that it may be a government of laws, and not of men. (Article XXX)

c. The Frame of Government

The Frame of Government establishes a government of separate powers comprised of three branches: an executive, a bicameral legislature, and an independent judiciary. The structural framework adopted in Massachusetts is identical to that adopted in the United States Constitution.

Reading Response Prompts:

- a. What is important about the Massachusetts Constitution?
- b. Why do you think the Mass. Legislature chose Adams to draft their Constitution?
- c. To what extent do you think the Mass. Constitution influenced the framers at the national convention? What makes you think the way you do?

Reading Response Question for Reading #2, “George Washington: The Presidency”

While the legislative aspect of the new Constitution was tried and true, having been in place since early colonial days, the presidency which the document created was completely new and unchartered. While you read this chapter, make a detailed list of all of the ways in which the character of George Washington shaped the new office of president.

[Go to SSEC TAH Site](#)