

# THE SOURCE

## THE CONSTITUTION JANUARY 2012 ISSUE 44

The first Continental Congress convened on September 5, 1774 in Philadelphia. Delegates from every colony except Georgia attended. This Congress created the first Constitution of the United States, the Articles of Confederation. The Congress adopted the Articles of Confederation on November 15, 1777. Ratification by all 13 states didn't occur until March 1, 1781. The Articles lacked a strong federal government this led to the Constitutional Convention of 1787. When the Constitutional Convention began, delegates chose to replace rather than revise the Articles of Confederation. The delegates held their sessions in secret, no visitors or reporters were permitted. This convention had a great deal to do with evaluation, taxes, representation, procedures to elect a president and slavery. Arguments, debates and compromise dominated the sessions for the next four months. Many state delegates came up with their own plans on how a new government should work. Edmund Randolph Governor of Virginia began the debate with the Virginia Plan. In this plan, the government had three branches, each branch structured to check the other. The government had veto power of laws enacted by state legislators. For days the delegates discussed the Virginia Plan with the main conflict being the distinction between federal and national government. Delegates opposing the Virginia Plan rallied around a plan proposed by William Paterson, A New Jersey Delegate. The "New Jersey resolutions" called for only revisions of the articles to allow Congress the ability to raise revenue and regulate commerce. It provided that acts of Congress and ratified treaties be "the supreme law of the states." The New Jersey plan was debated briefly and brought to a vote where it was defeated. Alexander Hamilton proposed a plan that many believed went too far. Hamilton called the British Government "the best in the world." His plan resembled a monarch, with a president who served for life and had veto power over all laws. Members of the Senate served for as long as they maintained good behavior and the legislature had the power to pass "all laws whatsoever." After months of debate, a first draft of the Constitution was accepted on August 6, 1787. Even with a first draft debates continued with delegates exhausted and ready to return home, compromises came easily. After a final vote on the Constitution, it was sent to the states for ratification. Nine states were needed for ratification, Delaware was the first state to ratify the Constitution. New Hampshire became the ninth state on June 21, 1788, nine months after the process began. The Constitution was signed on September 17, 1787 establishing the government we know today. The United States Constitution is the world's oldest written Constitution.

**Connecting to Illinois:** Illinois' first Constitution was adopted in 1818 in Kaskaskia. This Constitution was written quickly so Illinois could obtain statehood. It soon became inadequate for a rapidly growing state, a new Constitution was needed. June 7, 1847, delegates assembled to change the Illinois State Constitution. They adjourned on August 31, 1847 with a Constitution ready to be submitted to voters. In 1848, a special election was held and the Constitution was ratified by a majority of almost four to one. This Constitution expanded the powers of the executive branch and broadened the state's ability to amend the Constitution. The judicial branch was formally organized recognizing the system of courts created by the General Assembly. The process of voting was changed from a voice vote to a ballot vote. Voting was restricted to white males over 21 who resided in Illinois for a minimum of one year. Not every Constitutional Convention produced a Constitution that would be ratified. In 1861, the convention tried to make corrections to the 1848 Constitution concerning elected state officer's salaries and General Assembly needing to spend more time on public laws than on private or special laws. Many of the delegates didn't seem pro-Union enough and the proposed Constitution became known as the "Copperhead Constitution." Voters rejected the proposed Constitution by a margin of 24,515. November 1868, Illinois voters called for another Constitutional Convention. The problems from the 1861 convention were addressed. This new Constitution was submitted in a special election to avoid any unintentional negative votes by those uninterested in voting on the Constitution. Few voters participated but the Constitution was approved by a vote of 134,277 to 35,443. To avoid another rejected Constitution, the 1870 Constitution was submitted in two parts to voters. The first part was the sections with unanimous approval by the delegates, the second was issues that were controversial, these were submitted separately. The issue of property tax assessment, rates and classifications prompted a call for another Constitutional Convention. Other issues included woman suffrage, citizen's initiative to amend the Constitution and elimination of cumulative voting for members of the Illinois House. A new Constitution was submitted to voters in December 1922, the proposal failed miserably with only 185,298 votes for and 921,398 against. The state of Illinois was operating on a Constitution that was almost 100 years old by the time the 1968 convention convened. The 1870 Constitution was outdated and didn't fit the needs of the 20th Century Illinois. In the new proposal, municipalities with populations over 25,000 were granted expanded power to self-govern. Revenue and finance articles authorized the state to impose an income tax. The Governor was granted broader powers and the Education Articles were re-written. The Constitution was ratified in 1970, this is the Constitution the State of Illinois uses today.

**Places to Go Primary Sources to See:** Illinois State Archives: <http://www.cyberdriveillinois.com/departments/archives/archives.html> The Illinois State Archives serves by law as the depository of public records of Illinois state and local governmental agencies which possess permanent administrative, legal, or historical research values. The archival records of state government are housed at the Margaret Cross Norton Building in Springfield. All three branches of state government are represented in 2,443 record series arranged under 191 different offices, departments, divisions, institutions, boards, the legislature, the supreme court, and several federal agencies whose records were transferred officially to the state of Illinois. The archives building contains more than 53,000 cubic feet of state governmental records.



The Illinois State Archives holds manuscript copies of all four Illinois Constitutions and the Constitutional Convention papers.

**Toeing the Mark:** Considered the highest law in the United States, the Constitution played an important role in the Civil War. Secession, slavery, state's rights and the Writ of Habeas Corpus were all held up to interpretation of the Constitution. When Abraham Lincoln was elected president, South Carolina seceded from the Union followed by 10 other states but was secession legal? This argument exists even today. The answer could depend on whether the United States is a sovereign nation or a group of sovereign states. Lincoln warned the South in his Inaugural Address, "In your hands my dissatisfied fellow countrymen, and not mine, is the momentous issue of civil war. The government will not assail you. You have no oath registered in Heaven to destroy the government, while I shall have the most solemn one to preserve, protect and defend it." These words show Lincoln's belief that secession was illegal. The southern states interpreted the Constitution as a contract between sovereign states and if a state was unhappy their people could vote to succeed. Slavery was an issue that evoked debates in the creation of the United States Constitution and beyond. The Constitution proposed by the delegates of the Constitutional Convention included provision to protect slavery. Without these provisions the southern states wouldn't support the Constitution and there would be no chance of ratifying the Constitution. The South's view was that the Constitution had nothing to do with the institution of slavery which they believed to be a property issue. December 18, 1865, the 13th Amendment to the Constitution abolishing slavery was ratified by the states and the amendment adopted. The question of who is to have more power the state or federal government is constantly debated. The job of the Constitutional Convention was to expand the powers of the Federal Government. Southerners felt this expansion of Federal Government took states rights away and could cripple their economy. The power to administer tariffs on imported goods could hurt the economy in the south who heavily relied on imported materials. They didn't want the Federal Government controlling their state. The compromise was the 10th Amendment. The Confederacy felt so strongly about state rights that they put it in the Preamble to the Confederate Constitution. Article One, Section Nine, Clause Two of the U.S. Constitution states, "The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in cases of rebellion or invasion, the public safety may require it." On September 24, 1862, President Lincoln issued a proclamation suspending the Writ of Habeas Corpus. He suspended this writ to apprehend Confederate spies and sympathizers who performed acts of disloyalty against the government. Acts could include interfering with the military enlistment, resisting the draft and speaking against the war or government. The proclamation meant that prisoners would be arrested and held without being charged and they would be tried and punished by military courts rather than by a jury. Many people claim the Constitution doesn't give the power to suspend the Writ of Habeas Corpus to the president but instead gives the right to Congress. Congress didn't act on President Lincoln's proclamations until March 3, 1863 allowing Lincoln's suspension of the Writ of Habeas Corpus to stand. When the South seceded, the Confederate states created their own Constitution very similar to the United States Constitution. The major difference is the right to own slaves, there are four different clauses on the legality of owning slaves virtually making any future anti-slave law unconstitutional. Confederate states did gain some small rights in their Constitution, the right for states to enter into treaties with other states to regulate waterways, the power to tax foreign and domestic ships that used their waterways, the power to impeach federally appointed state officials and power to distribute "bills of credit". Surprisingly the Confederate Constitution upheld the federal government's right to suspend Habeas Corpus.

**Primary Sources in the Classroom: The Teacher's Page:** The Library of Congress offers classroom materials and professional development to help teachers effectively use primary sources from the Library's vast digital collections in their teaching. <http://www.loc.gov/teachers>

**Themed Resources:** One step access to the Library's best exhibitions, activities, primary sources, and lesson plans on popular curricular themes <http://www.loc.gov/teachers/classroommaterials/themes>

**Civics and Government** <http://www.loc.gov/teachers/classroommaterials/themes/index.html> Review an early draft of the Constitution with revisions and marginal notations as well as the Declaration of Independence and the Emancipation Proclamation. Read about presidents and the presidency, leaders of the new nation, elections, and inaugurations. Find resources to teach about constitutional issues ranging from women's suffrage to slavery and desegregation.

**Primary Source Sets:** Sets of selected primary sources on specific topics, available as easy-to-print PDF's. Also, background information, teaching ideas, and tools to guide student analysis. <http://www.loc.gov/teachers/classroommaterials/primarysourcesets>

**The Constitution** <http://www.loc.gov/teachers/classroommaterials/primarysourcesets/constitution> Newspaper articles, notes, and original documents trace the process of drafting and adopting the Constitution and Bill of Rights. Speeches and song lyrics show how later generations used and interpreted the original ideals of the United States.

**Presentations and Activities** Presentations and Activities offer media-rich historical context or interactive opportunities for exploration to both teachers and students. <http://www.loc.gov/teachers/classroommaterials/presentationsandactivities>

**American Memory Timeline: The New Nation, 1783-1815: The United States Constitution** <http://www.loc.gov/teachers/classroommaterials/presentationsandactivities/presentations/timeline/newnatn/usconst/> In May 1787, 55 men from twelve states met in Philadelphia to revise the Articles of Confederation. At the outset, however, Virginia Governor Edmund Randolph Presented a plan prepared by James Madison for the design of an entirely new national government.

**Lesson Plans:** Teacher created lesson plans using Library of Congress primary sources. <http://www.loc.gov/teachers/classroommaterials/lessons>

**The Constitution: Counter Revolution or National Salvation?** <http://www.loc.gov/teachers/classroommaterials/lessons/constitution/> The Federal Convention has recently concluded its closed door meetings in Philadelphia and presented the nation with a new model for the government. It is now up to each special state convention to decide whether to replace the Articles of Confederation with this new Constitution. The debate is passionate and speaks directly to what the founding fathers had in mind in conceiving this new nation. Does this new government represent salvation or downfall? As a politically active citizen of your region, you will take a stand on this crucial issue of the day.

**The Constitution: Drafting a More Perfect Union** <http://www.loc.gov/teachers/classroommaterials/lessons/more-perfect-union/> This lesson focuses on the drafting of the United States Constitution during the Federal Convention of 1787 in Philadelphia. Students will analyze an unidentified historical

Document and draw conclusions about what this document was for, who created it, and why. After the document is identified as George Washington's annotated copy of the Committee of Style's draft Constitution, students will compare its text to that of an earlier draft by the Committee of Detail to understand the evolution of the final document. **The U.S. Constitution: Continuity and Change in the Governing of the United States** <http://www.loc.gov/teachers/classroommaterials/lessons/continuity-change/> This unit includes four lessons using primary sources to examine continuity and change in the governing of the United States. Lessons one and two are focused on a study of the Constitution and Bill of Rights and provide access to primary source documents from the Library of Congress. Lesson three investigates important issues which confronted the first Congress and has students examine current congressional debate over similar issues. Lesson four features broadsides from the Continental Congress calling for special days of thanksgiving and remembrance. **Collection Connections:** Historical content and ideas for teaching with specific Library of Congress primary source collections. <http://www.loc.gov/teachers/classroommaterials/connections> **A Century of Lawmaking for a New Nation: U.S. Congressional Documents and Debates, 1774-1873** <http://www.loc.gov/teachers/classroommaterials/connections/lawmaking/index.html> A Century of Lawmaking presents the legislative debates that shaped our nation. These documents record the progression toward Revolutionary War, the drafting of the Constitution and the creation of national political institutions. **The James Madison Papers** <http://www.loc.gov/teachers/classroommaterials/connections/james-madison/> This collection includes extensive notes on the Articles of Confederation, and documents that reveal his pivotal role in the constitutional Convention of 1787, later earning him the title "Father of the Constitution." **Documents from the Continental Congress and the constitutional Convention, 1774-1789** <http://www.loc.gov/teachers/classroommaterials/connections/continental-congress/> The collection contains classic documents of the Revolutionary War era including the Declaration of Independence, the Articles of Confederation, the Bill of Rights, and the Constitution. **George Washington Papers at the Library of Congress** <http://www.loc.gov/teachers/classroommaterials/connections/george-washington/file.html> With the successful conclusion of the War for Independence, Washington and his countrymen turned to the business of life in the new nation. The general resigned his commission and returned to Mt. Vernon, where he soon came to harbor concerns about the nature of the government of the United States under the Articles of Confederation. **America's Story:** Created for children, the Library of Congress America's Story wants you to have fun with history while learning at the same time through interactive games and stories. <http://www.americaslibrary.gov> **Meet Amazing Americans:** Discover the inventors, politicians, performers, activists and other everyday people who made this country what it is today. <http://www.americaslibrary.gov/aa/index.php> **James Madison's Contribution to the Constitution** [http://www.americaslibrary.gov/aa/madison/aa\\_madison\\_father\\_1.html](http://www.americaslibrary.gov/aa/madison/aa_madison_father_1.html) Having help develop Virginia's Constitution, James Madison brought experience and knowledge when creating a new Constitution for the United States. **Benjamin Franklin** [http://www.americaslibrary.gov/aa/franklinb/aa\\_franklinb\\_subj.html](http://www.americaslibrary.gov/aa/franklinb/aa_franklinb_subj.html) Benjamin Franklin also was the only person to sign the three documents that established the United States: the Declaration of Independence, the peace treaty with Britain that ended the Revolutionary War, and the Constitution. **Jump Back in Time:** Take a trip to an era in American history <http://www.americaslibrary.gov/jb/index.php> **January 12, 1737: John Hancock was Born** [http://www.americaslibrary.gov/jb/colonial/jb\\_colonial\\_hancock\\_3.html](http://www.americaslibrary.gov/jb/colonial/jb_colonial_hancock_3.html) John Hancock had more than just a pretty signature. He was a man who knew how to get things done. **December 12, 1745: John Jay, One of the Nation's Founding Fathers, was Born** [http://www.americaslibrary.gov/jb/colonial/jb\\_colonial\\_johnjay\\_1.html](http://www.americaslibrary.gov/jb/colonial/jb_colonial_johnjay_1.html) This founding father served on the First and Second Continental Congress and helped create a Constitution that would ensure democracy and a balance of powers. **November 15, 1777: The Articles of Confederation were Adopted** [http://www.americaslibrary.gov/jb/revolut/jb\\_revolu\\_2ndcong\\_1.html](http://www.americaslibrary.gov/jb/revolut/jb_revolu_2ndcong_1.html) How does a country become a country? When the Colonies declared their independence from Britain, they had a flag and an army. What they lacked was a government. **December 8, 1879: Louisiana Ratified a New State Constitution** [http://www.americaslibrary.gov/jb/gilded/jb\\_gilded\\_newor\\_1.html](http://www.americaslibrary.gov/jb/gilded/jb_gilded_newor_1.html) In an effort to respond to the demands of diversity as well as to the events of the Civil War and Reconstruction, Louisianans revised and passed new constitutions 10 times between 1812 and 1921. **December 18, 1787: New Jersey Approved the Constitution** [http://www.americaslibrary.gov/jb/revolut/jb\\_revolut\\_newjersy\\_1.html](http://www.americaslibrary.gov/jb/revolut/jb_revolut_newjersy_1.html) Approving the Constitution on December 18, 1787, New Jersey became the third state to join the union, following Delaware and Pennsylvania. **April 30, 1789: Father of our Country** [http://www.americaslibrary.gov/jb/nation\\_gwashington\\_1.html](http://www.americaslibrary.gov/jb/nation_gwashington_1.html) By making a speech, Washington did more than was necessary. The Constitution required only an oath of office. Washington established a tradition of making a speech that every elected president in American history has followed. **Law Library:** The Law Library of Congress contains the largest body of United States federal and state law, foreign law, comparative law, international law and legislation in the world. <http://www.loc.gov/law/> **United States: The Constitution** <http://www.loc.gov/help/usconlaw/index.php> Access to documents pertaining to the Constitution. **Web Guides:** The Library of Congress is home to many of the most important documents in American history. This website provides links to materials digitized from the collections of the Library of Congress that supplement and enhance the study of these crucial documents. **United States Constitution** <http://www.loc.gov/rr/program/bib/ourdocs/Constitution.html> A summary of items available through the Library of Congress website pertaining to the United States Constitution. **Today in History:** Each day an event from American history is illustrated by digitized items from the Library of Congress American memory historic collections. <http://www.loc.gov/ammem/today> **March 16, 1751: James Madison: Father of the Constitution** <http://memory.loc.gov/ammem/today/mar16.html> James Madison, "Father of the Constitution" and fourth president of the United States, was born on March 16, 1751. **November 15, 1777: The Articles of Confederation** <http://memory.loc.gov/ammem/today/nov15.html> Congress debated the Articles for over a year, they requested immediate action on the part of the states. However, three-and-a-half years passed before ratification on March 1, 1781. **September 17, 1787: U.S. Constitution** <http://memory.loc.gov/ammem/today/sep17.html> On September 17, 1787, members of the Constitutional Convention signed the final draft of the Constitution. **December 12, 1787: Pennsylvania Ratifies the Constitution** <http://memory.loc.gov/ammem/today/dec12.html> Pennsylvania's early approval of the proposed Constitution helped create momentum for ratification of

The thirteen states. **December 18, 1787: New Jersey Ratifies the Constitution** <http://memory.loc.gov/ammem/today/dec18.html> Highly critical of the Articles of Confederation, the delegates acted quickly to ratify the new Constitution. **December 18, 1879: Louisiana: the Creole State** <http://memory.loc.gov/ammem/today/dec08.html> The post-Reconstruction Constitution reorganized the Louisiana judiciary and moved the state capital from New Orleans to Baton Rouge. Louisianans revised and passed new Constitutions ten times from 1812-1921. **Web Casts:** Steaming video presentations on all sorts of subjects form book talks by authors, scientific breakthroughs in preservation, and historical footage from the dawn of film. <http://www.loc.gov/today/cyberlc/> **National Security and the Constitution** [http://www.loc.gov/today/cyberlc/feature\\_wdesc.php?rec=4123](http://www.loc.gov/today/cyberlc/feature_wdesc.php?rec=4123) In this web cast, a panel discusses the constitutional principles that govern and influence national security policy, emergency powers, inherent presidential power, the War Powers Resolution of 1973 and the role of Congress and the president in formulating and carrying out national security policy in a post 9/11 environment. **Exhibitions:** Discover exhibitions that bring the world's largest collection of knowledge, culture, and creativity to life through dynamic displays of artifacts enhanced by interactivity. [www.loc.gov/exhibits](http://www.loc.gov/exhibits) **Draft of the Virginia Constitution** <http://www.loc.gov/exhibits/treasures/trt003.html> Thomas Jefferson, a Virginia delegate to the Continental Congress, drafted "the fundamental Constitutions of Virginia." **United States Constitution** <http://www.loc.gov/exhibits/treasures/trt007.html> This copy of the U.S. Constitution belonged to James Madison. **The Federalist** <http://www.loc.gov/exhibits/treasures/trt049.html> James Madison teamed with Alexander Hamilton and John Jay of New York to write a masterful dissection and analysis of the system of government presented in the Constitution. **Madison's Treasures** <http://www.loc.gov/exhibits/madison/> The documents presented here are among the most significant Madison holographs in the Library of Congress' James Madison Collection, the largest single collection of original Madison documents in existence. **Report of the committee of Detail** <http://www.loc.gov/exhibits/treasures/trt047.html> July 24, 1787, the Federal Convention appointed a five-man Committee of Detail, chaired by John Rutledge of South Carolina, to prepare a draft constitution that encompassed the results of deliberations up to that point. **American Memory:** American memory provides free and open access through the Internet to written and spoken words, sound recordings, still and moving images, prints, maps, and sheet music that document the American experience. It is a digital record of American history and creativity. These materials, from the collections of the Library of Congress and other institutions, chronicle historical events, people, places and ideas that continue to shape America, serving the public as a resource for education and lifelong learning. **A Century of Lawmaking for a New Nation** <http://memory.loc.gov/ammem/amlaw/lawhome.html> This collection contains records and acts of Congress from the Continental Congress through the Forty-second Congress. A special presentation, *The Making of the U.S. Constitution*, this is a transcript of the introduction and the U.S. Constitution. **An American Time Capsule Three Centuries of Broadside and Printed Ephemera** <http://memory.loc.gov/ammem/rbpehtml/> The Printed Ephemera Collection at the Library of Congress is a rich repository of Americana containing more than 28,000 items in the collection. The material dates from the seventeenth century to the present day and covers innumerable topics. The Constitution dated 1790, The Bill of Rights from 1791 and a Declaration of Rights from New Hampshire are available in the collection. **Documents from the Continental Congress and Constitutional Convention** <http://memory.loc.gov/ammem/collections/continental/> The Continental Congress Broadside Collection (256 titles) and the Constitutional Convention Broadside collection (21 titles) contain 277 documents relating to the work of Congress and the drafting and ratification of the Constitution. Features to this collection include timelines and an essay *To Form a More Perfect Union*. **The George Washington papers at the Library of Congress** <http://memory.loc.gov/ammem/gwhtml/gwhome.html> George Washington's election as delegate to the First and Second Continental Congresses and his command of the American army during the Revolutionary war are well documented as well as his two presidential administrations from 1789 through 1797. Students can view Washington's letters and diary entries concerning the Constitution. **The James Madison Papers** [http://memory.loc.gov/ammem/collections/madison\\_papers/](http://memory.loc.gov/ammem/collections/madison_papers/) This collection includes extensive notes of the debates during his three-year term in the Continental Congress. Notes and a memoranda document Madison's pivotal role in the Constitutional Convention of 1787 and the Virginia ratification convention of 1788. A special presentation essay *James Madison and the Federal Constitutional Convention of 1787* show his experience with the Constitution. **The Thomas Jefferson Papers** [http://memory.loc.gov/ammem/collections/jefferson\\_papers/](http://memory.loc.gov/ammem/collections/jefferson_papers/) Correspondence, memoranda, notes, and drafts of documents make up two-thirds of the papers and document Jefferson's activities as a delegate to the Second Continental Congress; his drafting of the Declaration of Independence, June-July 1776. **Wise Guide:** A monthly web magazine of historical highlights and fascinating facts from the Library of Congress. <http://www.loc.gov/wiseguide> **May 2004: Making of the Constitution** <http://www.loc.gov/wiseguide/may04/constitution.html> Each May 1, Law Day is celebrated in honor of the laws that are the guiding principles of the nation. What might be called the original law is the U.S. Constitution. **May 2005: Who is the Father of the Constitution?** <http://www.loc.gov/wiseguide/may05/constitution.html> He believed that individual rights were fully protected by the Constitution as it was ratified and recognized that drafting a Bill of Rights was politically imperative. Can you guess who he is? **October 2005: You say you want a Revolution? These Guys Started it all.** <http://www.loc.gov/wiseguide/oct05/revolution.html> Between 1774 and 1789, 13 colonies became a nation—The United States of America. By 1789, these colonies had become independent states, joined by a new federal constitution into a single nation. **Thomas:** THOMAS was launched in January 1995, at the inception of the 104th Congress. The congress directed the Library of Congress to make federal legislative information freely available to the public. **Constitution Day Resources** <http://thomas.loc.gov/teachers/constitution.html> In celebration of Constitution Day, the Library of Congress has compiled a variety of materials from across its collections. Explore these rich resources and features to learn more about one of America's most important documents.