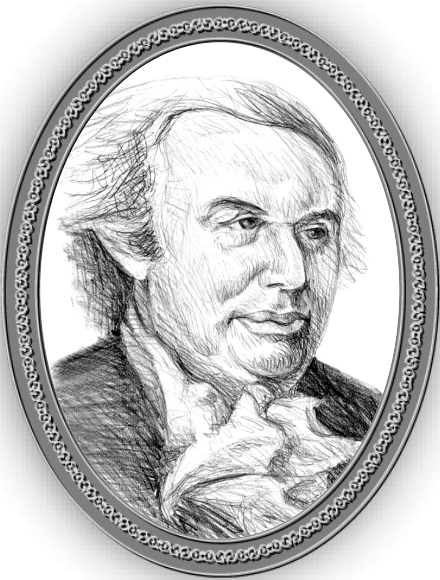


# GOUVERNEUR MORRIS

## (1752–1816)



**I**n adopting a republican form of government, I not only took it as man does his wife, for better, for worse, but what few men do with their wives, I took it knowing all its bad qualities.

—Gouverneur Morris, 1803



### Introduction

Though James Madison has been given the title, “Father of the Constitution,” a case could be made that Gouverneur Morris was second in importance only to the Virginian in shaping the final version of the document. Morris spoke more often (173 times) than any other delegate at the Constitutional Convention of 1787. Though he was often on the losing side of issues and was not a political theorist on the level of Madison, Morris was a leader of the nationalist bloc at the Convention that ultimately carried the day. In addition, it was the native New Yorker who actually crafted much of the language of the United States Constitution.

Assigned to the Committee of Style as debate at the Philadelphia Convention drew to a close, Morris was given the task of wording the Constitution by the committee’s members. Through phraseology, Morris attempted to enhance the power of the federal government. Most significantly, Morris’s choice of the words, “We the people,” for the beginning of the famous Preamble helped to define the American nation as a single entity, created by the people, not the states. This argument would later be used by John Marshall and Abraham Lincoln to assert the supremacy of the federal government over the states.

Troubled by the War of 1812, sectional differences, and evidence of national weakness, Morris lent support in the last few years of his life to a movement to establish a separate confederacy encompassing New England and New York. It was perhaps an unexpected epilogue to the life of a man who had done so much to promote a strong Union twenty-five years earlier.

### Relevant Thematic Essay for Gouverneur Morris

- Limited Government

# *In His Own Words:* GOUVERNEUR MORRIS

## AND THE PREAMBLE TO THE U.S. CONSTITUTION

### Overview

In this lesson, students will learn about Gouverneur Morris. They should first read as homework **Handout A—Gouverneur Morris (1752–1816)** and answer the **Reading Comprehension Questions**. After discussing the answers in class, the teacher should have students answer the **Critical Thinking Questions** as a class. Next, the teacher should introduce the primary source activity, **Handout B—In His Own Words: Gouverneur Morris and the Preamble to the U.S. Constitution**, in which Morris explains the purposes of the new U.S. government.

There are **Follow-Up Homework Options** that ask students to find articles illustrating the U.S. government fulfilling the purposes explained in the Preamble, or to perform a close reading of the Preamble. **Extensions** asks students to compare Morris's wording to other proposed versions of the Preamble.

### Objectives

Students will:

- explain Gouverneur Morris's role in the Newburgh Conspiracy.
- understand Morris's contributions at the Constitutional Convention and his responsibilities in drafting the Constitution's final wording.
- understand the way Morris's strengths as well as shortcomings enabled him to contribute to his community and country.
- analyze the purposes of government set forth in the Preamble.
- evaluate the ways modern U.S. government fulfills those purposes of government.

### Standards

CCE (9–12): IA1, IA3, IIA1, IIA2, IIIB1  
NCHS (5–12): Era III, Standards 3A, 3B  
NCSS: Strands 2, 5, 6, and 10

### Materials

#### Student Handouts

- Handout A—Gouverneur Morris (1752–1816)
- Handout B—In His Own Words: Gouverneur Morris and the Preamble to the U.S. Constitution

#### Additional Teacher Resources

- Preamble Cards
- Answer Key

### Recommended Time

One 45-minute class period.  
Additional time as needed for homework.

# LESSON PLAN



## I. Background Homework

Ask students to read **Handout A—Gouverneur Morris (1752–1816)** and answer the Reading Comprehension Questions.



## II. Warm-Up [10 minutes]

- A. Review answers to homework questions.
- B. Conduct a whole-class discussion to answer the Critical Thinking Questions.
- C. Ask a student to summarize the historical significance of Gouverneur Morris.

*Gouverneur Morris was an early supporter of American independence and provided assistance to militiamen during some of the most difficult periods of the war. Appointed to the Committee of Style at the Constitutional Convention, Morris was responsible for the Constitution's final wording. He twice served as our nation's representative to France.*



## III. Context [5 minutes]

Explain to students that Gouverneur Morris was in charge of editing the language of the Constitution and putting the document into final form. One of the most significant tasks he faced was the opening of the Constitution, known as the Preamble. This section would set out the Constitution's purpose and, therefore, the delegates' understanding of the purpose of government.



## IV. In His Own Words [20 minutes]

- A. Before class, create “Preamble stations” in the classroom with a Preamble poster, Preamble cards, and a box or basket.
  - Create Preamble Posters by enlarging each of the “cards” from the Preamble to the United States Constitution and printing them on large paper. Arrange them in order around the classroom. Place a desk underneath each poster.
  - Make copies of each Preamble card in actual size for half the number of students in the class.
  - Below each Preamble Poster, place a stack of corresponding Preamble cards, along with a small basket or box.
- B. Have students pair up and walk around the room and visit each Preamble station in order.
- C. Ask each pair to rewrite the phrase that appears on the Preamble Poster on a Preamble card.
- D. For stations three through seven, have each pair brainstorm and write down on their card one or two examples of the U.S. government fulfilling that purpose. The pair should then put their card in the basket before moving on to the next station.
- E. Have students return to their seats once they have completed all the stations. Teacher should collect the baskets and put up an overhead of **Handout B**.
- F. Read aloud to the class the rewritten versions of the first clause, and ask students for reaction. Write an agreed upon version of the first clause on the board or overhead.
- G. Conduct a large group discussion about what government purposes are defined by clauses three through seven of the Preamble, and examples of how the U.S. government fills those purposes today. Use the examples students wrote at the Preamble stations to prompt discussion.

# LESSON PLAN



## V. Wrap-Up Discussion [10 minutes]

Explain to students that one of the most important adjustments Morris made to the Committee of Style's version was changing "We the people of the states of New Hampshire, Massachusetts . . ." and so on, to simply "We the people of the United States." Why was that change significant?

*The Preamble names "the people" as the source of authority and power. Instead of creating a government of all the states, as some preferred, the wording of the Preamble helped to create a stronger central government since sovereignty came from the people directly. This was arguably one of Morris's nationalist goals. He defined all Americans as part of a unified group, rather than as residents of their individual states. (Tell students that Morris may also have been trying to gloss over the fact that some states may not have joined the union immediately, and that Rhode Island did not send any delegates to the Philadelphia convention.)*



## VI. Follow-Up Homework Options

- A. Ask students to find newspaper or Internet articles that illustrate today's government fulfilling the purposes of government set forth in the Preamble. Have them write a one-paragraph explanation for each article.
- B. Ask students to perform a close reading of the Preamble, and interpret it as if it were a poem or a piece of literature. What effect does Morris's diction [key word choices such as "ordain" and "establish" and others] have on the way the Constitution will be perceived? Consider other literary devices like rhyme, repetition, and alliteration.



## VII. Extensions

- A. Have students contrast Morris's wording of the Preamble with other proposed language. What concerns do the following suggestions reflect? How did Morris's version differ from these suggestions?
  - James Madison suggested *The objects of Confederation [are] common defence, security of liberty, and general welfare.*
  - Charles Pinckney defined the purposes of government as *the common benefit of the states, [and] their defense and security against all designs and leagues that may be injurious to their interests. . . .*
  - Robert Patterson offered: *the preservation of the union.*

**Source:** Brookhiser, Richard. *Gentleman Revolutionary: Gouverneur Morris, The Rake Who Wrote the Constitution*. New York: The Free Press, 2003.

# LESSON PLAN

## Resources

### Print

Adams, William Howard. *Gouverneur Morris: An Independent Life*. New Haven: Yale University Press, 2003.  
Brookhiser, Richard. *Gentleman Revolutionary: Gouverneur Morris, The Rake Who Wrote the Constitution*. New York: The Free Press, 2003.

Kline, Mary-Jo. *Gouverneur Morris and The New Nation, 1775–1788*. New York: Arno Press, 1978.

McDonald, Forrest. *E Pluribus Unum: The Formation of the American Republic, 1776–1790*. Reprint. Indianapolis: Liberty Fund, 1979.

Mintz, Max M. *Gouverneur Morris and the American Revolution*. Norman: University of Oklahoma Press, 1970.

### Internet

“The Constitutional Convention.” TeachingAmericanHistory.org. <<http://www.teachingamericanhistory.org/convention/>>.

“Gouverneur Morris, 1752–1816.” Biographical Directory of the U.S. Congress. <<http://bioguide.congress.gov/scripts/biodisplay.pl?index=M000976>>.

“Gouverneur Morris.” U.S. Army Center of Military History. <<http://www.army.mil/cmh-pg/books/RevWar/ss/morrisg.htm>>.

### Selected Work by Gouverneur Morris

- *Address to the People of the State of New York* (1812)

## GOUVERNEUR MORRIS (1752–1816)

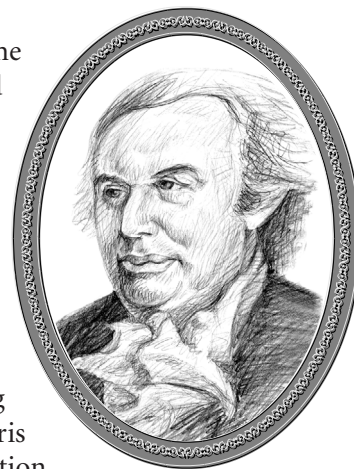
Slavery is the curse of heaven on the States where it prevails.

—Gouverneur Morris, 1787



Gouverneur Morris politely excused himself from the company of the beautiful young lady. The woman was a wealthy widow who had welcomed Morris to dinner in her Philadelphia home after he had completed another long day of work at the Constitutional Convention. Morris had important work to do on this September evening of 1787. To him had fallen the task of writing the final version of the Constitution. He and his fellow delegates had labored throughout the hot summer on the document, and now he had a mere few days to put their thoughts into final form.

Morris gripped his cane and bid farewell to his hostess. He walked down the streets of Philadelphia, using the cane to keep his wooden leg from slipping out beneath him on the cobblestone streets. As Morris walked, he pondered the phraseology of the Preamble to the Constitution. Should the opening words of the document list all the states individually as the creators of this new government? This was the suggestion of the convention's Committee of Style. No, Morris thought. He decided that he would begin the Constitution with the phrase, "We the People of the United States." Morris smiled to himself as he reached the boarding house where he was rooming. These words, he knew, would change everything.



### Background

Gouverneur Morris was born on January 31, 1752, at his family's estate of Morrisiana in New York. He was given his mother's maiden name as his first name. (How Americans pronounced this French name is unclear, though it was likely "Gov-er-neer.") Morris entered King's College (now Columbia University) of New York at age twelve. During a visit home, Morris's right arm was badly burned when a pot of scalding water overturned on him. The arm was badly crippled for the rest of his life.

In 1771, at the age of nineteen, Morris was admitted to the New York bar. He took an interest in politics but hesitated to join the Patriot cause. An aristocrat, he worried that a revolution would lead to the breaking down of the social order. "The mob begin to think and to reason," Morris said of his fellow Americans in 1774. "Poor reptiles!" But he eventually decided to align himself with the Revolutionary movement, hoping that he could steer it away from radical paths.

### Revolution and Loss

In 1775, Morris was elected to New York's Provincial Congress, an assembly organized by the Patriots. Morris became a leading advocate of American independence, and he helped write New York's new constitution of 1777. The next year, Morris was sent to the Continental Congress. He served on a military committee and visited Valley Forge during the famous winter of 1777–1778. The sight of the suffering soldiers shocked Morris: "The skeleton of an army presents itself to our eyes in a naked, starving condition, out of health, out of spirits." Morris soon became the soldiers' champion in Congress.

Morris signed the Articles of Confederation in 1778. The following year he moved to Philadelphia and resumed his law practice. Shortly thereafter, Morris lost his left leg after a carriage accident in the city. His left ankle was caught in the turning spokes of a moving carriage's wheel. Doctors amputated the leg just below the knee. The rumor was that Morris was fleeing a jealous husband at the time. Morris never denied that this was the case. In fact, he seemed to enjoy the story—true or not—since it added to his reputation as a great lover.

Morris had to use a wooden leg for the rest of his life. Neither this handicap nor his mangled right arm seemed to lessen his attractiveness to women, both married and unmarried. “Gouverneur Morris kept us in a continual smile,” recalled one young woman.

In 1781, Morris became the Assistant United States Superintendent of Finance. Lacking funds, he struggled to supply George Washington's army during the Yorktown campaign of 1781. Aggravated by Congress' failure to support the troops, Morris began to hint to some that the Continental Army itself might employ force if Congress did not act. In March 1783, the officers assembled at a barn in Newburgh, New York. Talk of treason was in the air, as many officers whispered about marching on Philadelphia. Fortunately for the republic, Washington himself quelled the conspiracy by appearing at the gathering.

### Writing the Constitution

In 1787, Morris was chosen as part of Pennsylvania's delegation to the Constitutional Convention. He was eager to replace the Articles of Confederation with a system that concentrated more power in the national government. Under the Articles, he said, “the fate of America was suspended by a hair.”

At the convention, Morris became a leader of the nationalist bloc. He advocated a lifetime term for the president, a Senate appointed by the president, and a federal property qualification for voting. Though he lost on these and other issues, Morris spoke 173 times during the convention, more than any other delegate. He was also the only delegate to make a lengthy speech against the institution of slavery.

Morris was appointed to the Committee of Style as the debates ended. The other four members of the committee gave Morris the task of editing the final language of the Constitution. Morris worked on the document for four days to fashion a concise and clear finished product. He also glossed the Constitution's wording to enhance the power of the new federal government. Most significantly, Morris began the Preamble with the phrase, “We the people,” to signal that the new government was not the creature of the states but the work of the entire nation.

### Paris, Retirement, and Death

Morris took no part in the ratification debates. He turned down an offer from Alexander Hamilton to co-author a defense of the Constitution, a series of essays that became *The Federalist Papers*. After the adoption of the Constitution, Morris succeeded Thomas Jefferson as ambassador to France. Morris showed personal courage by remaining at his post during the bloody Reign of Terror. He was the only foreign diplomat to do so.

Morris returned to the United States in 1799. In 1809, he married a member of the prominent Randolph family of Virginia. In 1812, distressed by the United States' war against Great Britain, Morris called for the secession of New York and New England

from the Union. He wrote an *Address to the People of the State of New York* in which he argued for the legality of secession under the Constitution.

Morris lived long enough to see his plans for secession discredited. Four years after the failed secessionist proposal, Morris died at Morrisiana at the age of sixty-four.



### Reading Comprehension Questions

1. What two physical disabilities afflicted Morris?
2. What role did Morris play in the Newburgh Conspiracy of 1783?
3. What role did Morris play at the Constitutional Convention?

### Critical Thinking Questions

4. What were Morris's shortcomings as a human being? What were his strengths?
5. Did Morris's justification of secession at the end of his life contradict his support of a strong central government at the Constitutional Convention?

# IN HIS OWN WORDS: GOUVERNEUR MORRIS AND THE PREAMBLE TO THE U.S. CONSTITUTION

**Directions:** For each clause of the Preamble, rewrite a version in your own words.

1. We the People of the United States,
2. in Order to form a more perfect Union,
3. establish Justice,
4. insure domestic Tranquility,
5. provide for the common defense,
6. promote the general Welfare,
7. and secure the Blessings of Liberty
8. to ourselves and our Posterity,
9. do ordain and establish this Constitution  
for the United States of America.

## PREAMBLE CARDS

**1. We the People of the  
United States**

**2. in Order to form a more  
perfect Union**

**3. establish Justice**

**4. insure domestic Tranquility**

**5. provide for the  
common defense**

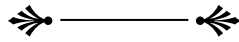
**6. promote the  
general Welfare**

**7. and secure the Blessings  
of Liberty**

**8. to ourselves and  
our Posterity**

**9. do Ordain and establish  
this Constitution for the  
United States of America**

# LIMITED GOVERNMENT



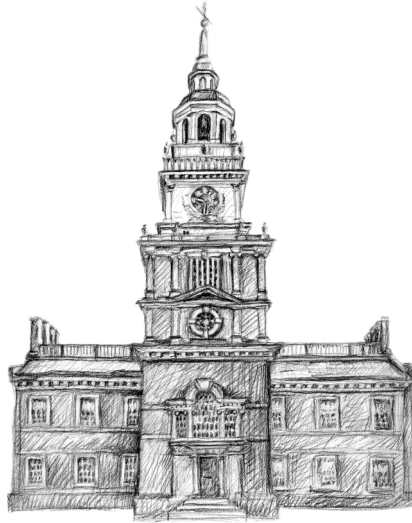
Thomas Jefferson accurately represented the convictions of his fellow colonists when he observed in the Declaration of Independence that a government, to be considered legitimate, must be based on the consent of the people and respect their natural rights to “life, liberty and the pursuit of happiness.” Along with other leading members of the founding generation, Jefferson understood that these principles dictated that the government be given only limited powers that, ideally, are carefully described in written charters or constitutions.

Modern theorists like John Locke and the Baron de Montesquieu had been making the case for limited government and separation of powers during the century prior to the American Revolution. Colonial Americans were quite familiar with Locke’s argument from his *Two Treatises of Government* that “Absolute Arbitrary Power, or Governing without settled standing Laws, can neither of them consist with the ends of Society and Government. . . .” Locke added that the reason people “quit the freedom of the state of Nature [is] to preserve their Lives, Liberties and Fortunes.” Civil society has no higher end than to provide for the safety and happiness of the people, and this is best done under a system of known rules or laws that apply equally to “the Rich and Poor, . . . the Favorite at Court, and the Country Man at plough.” For his part, Montesquieu argued that only where governmental power is limited in scope, and then parceled out among different departments, will people be free from oppression. Constitutional government, for modern natural rights theorists, should be limited government dedicated to the comfortable preservation of the people—that is, to their security, freedom, and prosperity.

John Adams echoed the beliefs of many Americans when he argued that only by creating a balance of forces within the government could the people hope to escape despotism and misery. An unchecked legislature, he observed, would be capable not only of making tyrannical laws, but of

executing them in a tyrannical manner as well. In his famous draft of a constitution for the commonwealth of Massachusetts, Adams declared that the “legislative, executive and judicial power shall be placed in separate departments, to the end that it might be a government of laws, and not of men.”

This document, along with his *Defence of the Constitutions of Government of the United States of America*, containing a strong case for checks and balances in government, were well known to the delegates who attended the Constitutional Convention of 1787.



James Wilson, one of the foremost legal scholars of the founding period and a delegate from Pennsylvania at the Constitutional Convention, agreed with Adams’ insistence that the power of government should be divided to the end of advancing the peace and happiness of the

people. In the words of Wilson, “In government, the perfection of the whole depends on the balance of the parts, and the balance of the parts consists in the independent exercise of their separate powers, and, when their powers are separately exercised, then in their mutual influence and operation on one another. Each part acts and is acted upon, supports and is supported, regulates and is regulated by the rest.”

Both the Articles of Confederation and the Constitution of the United States provided for governments with limited powers. As John Jay had discovered as America’s secretary of foreign affairs, the power of the central government was severely limited under the Articles and, hence, could be trusted to a unitary legislative department. Fear of governmental tyranny and a desire to preserve the power enjoyed by the new states resulted in the creation of a central government that could not effectively oversee interstate commerce or do other things that were critical to ensuring the safety and happiness of the people. In a letter to Edmund Randolph at the end of 1786, George Washington bemoaned the “awful situation of our affairs” which he attributed to “the want of sufficient power

in the foederal head.” Washington quickly joined the movement to create a new governmental system that was equal to “the exigencies of Union,” to quote from the instructions given the delegates to the Constitutional Convention of 1787.

The Constitution of 1787 grew out of a plan drafted largely by James Madison during the winter and spring before the Convention. The “Virginia Plan” proposed a central government that was supreme over the states. Evidence that the national government was to be entrusted with considerable power could be found in the provisions for a bicameral legislature and independent executive and judicial departments.

The delegates who attended the Constitutional Convention were sufficiently versed in modern political theory to understand that they would have to divide the power of the national government if they intended to entrust it with real authority over the lives of the people and the states. They understood the dangers of imparting considerable political power to a unitary sovereign. In this connection, there was never any doubt in their minds that they should create a government of “delegated and enumerated” powers, that is, that the government should only be entrusted with specified (enumerated) powers that derived directly from the people. While they worried about the “turbulence and follies” of democracy, they recognized that government had to be based on the consent of the people to be legitimate.

The Virginia Plan anticipated the bicameral legislature and independent executive and judicial departments found in the United States Constitution today. Building on Madison’s model, the delegates assigned responsibilities to the departments based on their peculiar characteristics. The six-year term of senators, for example, seemed to make this a proper institution to involve in foreign policy (e.g., ratification of treaties) since senators would have more time than members of the House of Representatives to acquaint themselves with international affairs and their longer terms and larger constituencies (entire states) also would give them more freedom to attend to matters other than the immediate interests of constituents back home. The House of Representatives was entrusted with the important power to initiate revenue (taxation) bills precisely because the members of

this chamber are tied so closely to the people by short terms and small districts.

In addition to matching powers and governmental responsibilities, the delegates were careful to position each department to “check and balance” the other departments. Examples are the executive’s veto power, the congressional impeachment power, and the judicial review power entrusted to the Supreme Court, the only national court formally established by the Constitution. Although in good Lockean fashion the legislative department was designed to be the preeminent

department, it was still subjected to checks by the other branches of the government. Separation of powers as well as the system of checks and balances were devices for reducing the threat of governmental tyranny, not excluding legislative tyranny.

*There was never any doubt in their minds that they should create a government of “delegated and enumerated” powers . . .*

However, the constitutional arrangement, put into its final wording by Gouverneur Morris, was not driven entirely by a desire to eliminate the threat of tyrannical government. The system of separated and divided powers also was intended to promote competence in government. The president can employ his veto not only to check legislative action that he considers irresponsible, but to provoke Congress to improve a legislative enactment. The Senate can use its authority to ratify presidential nominations of cabinet officers or judges to ensure that qualified candidates are named to fill these positions.

Writing in *Federalist No. 9*, Alexander Hamilton identified the principle of separated and divided powers, along with checks and balances, as among the inventions of the new science of politics that had made republican government defensible. Madison described in *Federalist No. 51* the benefits of the governmental arrangement represented in the new Constitution: “In the compound republic of America, the power surrendered by the people is first divided between two distinct governments, and then the portion allotted to each subdivided among distinct and separate departments. Hence a double security arises to the rights of the people. The different governments will control each other, at the same time that each will be controlled by itself.” Significantly, Anti-Federalists as well as Federalists agreed that governmental powers should be limited and that these powers should be subject to internal as well as external checks.

It is important to emphasize that the Framers settled on an arrangement that divided yet blended the legislative, executive, and judicial powers. This facilitates interdepartmental checking while promoting mature deliberation. Their aim was to create a decent and competent democracy, something beyond mere non-tyrannical government. They placed the whole of the government, and even the people, under constitutional limitations. The Constitution is the supreme law of the land, not the enactments of Congress or the order of the president or the momentary will of the people. As Chief Justice Marshall declared in *Marbury v. Madison* (1803), “The distinction between a government with limited and unlimited powers is abolished, if those limits do not confine the persons on whom they are imposed, and if acts prohibited and acts allowed, are of equal obligation.” Even the

desires of the people are held in check by the Constitution. The political system still meets the criteria of democratic government, however, since the people hold the power, through their representatives, to amend the Constitution.

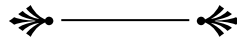
The paradigm of constitutional government embraced by the American people in 1787, that is, limited government based on the consent of the people and committed to the protection of fundamental rights, has become the dominant model throughout the world. The rhetoric of rights, whether couched in the language of natural rights or human rights, is universally appealing. Also universally accepted is the argument that rights are most secure when governmental powers are limited in scope and subject to internal and external checks.

David E. Marion, Ph.D.  
Hampden-Sydney College

### Suggestions for Further Reading

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Kurland, Philip B. and Ralph Lerner (eds.) *The Founders' Constitution*. Indianapolis: Liberty Fund, 1987.  
Mansfield, Harvey C., Jr. *Taming the Prince*. New York: The Free Press, 1989.  
McDonald, Forrest. *A Constitutional History of the United States*. New York: Franklin Watts, 1982.  
Storing, Herbert J. *What the Anti-Federalists Were For*. Chicago: University of Chicago Press, 1981.  
Wood, Gordon. *The Creation of the American Republic, 1776–1787*. New York: W.W. Norton, 1969.

# INTRODUCTORY ESSAY: EXPLAINING THE FOUNDING



In 1760, what was to become the United States of America consisted of a small group of colonies strung out along the eastern seaboard of North America. Although they had experienced significant economic and demographic growth in the eighteenth century and had just helped Britain defeat France and take control of most of North America, they remained politically and economically dependent upon London. Yet, in the next twenty-five years, they would challenge the political control of Britain, declare independence, wage a bloody war, and lay the foundations for a trans-continental, federal republican state. In these crucial years, the colonies would be led by a new generation of politicians, men who combined practical political skills with a firm grasp of political ideas. In order to better understand these extraordinary events, the Founders who made them possible, and the new Constitution that they created, it is necessary first to understand the political ideas that influenced colonial Americans in the crucial years before the Revolution.



## THE COMMON LAW AND THE RIGHTS OF ENGLISHMEN

The political theory of the American colonists in the seventeenth and eighteenth centuries was deeply influenced by English common law and its idea of rights. In a guide for religious dissenters written in the late seventeenth century, William Penn, the founder of Pennsylvania, offered one the best contemporary summaries of this common-law view of rights. According to Penn, all Englishmen had three central rights or privileges by common law: those of life, liberty, and property. For Penn, these English rights meant that every subject was “to be freed in Person & Estate from Arbitrary Violence and Oppression.” In the widely used language of the day, these rights of “Liberty and Property” were an Englishman’s “Birthright.”

In Penn’s view, the English system of government preserved liberty and limited arbitrary power by allowing the subjects to express their *consent* to the laws that bound them through two institutions:

“Parliaments and Juries.” “By the first,” Penn argued, “the subject has a share by his chosen Representatives in the Legislative (or Law making) Power.” Penn felt that the granting of consent through Parliament was important because it ensured that “no new Laws bind the People of England, but such as are by common consent agreed on in that great Council.”

In Penn’s view, juries were an equally important means of limiting arbitrary power. By serving on juries, Penn argued, every freeman “has a share in the *Executive* part of the Law, no Causes being tried, nor

any man adjudged to loose [*sic*] Life, member or Estate, but upon the *Verdict* of his Peers or Equals.” For Penn, “These two grand Pillars of English Liberty” were “the *Fundamental vital Privileges* [*sic*]” of Englishmen.

The other aspect of their government that seventeenth-century Englishmen celebrated was a system that was ruled by laws and not by men. As Penn rather colorfully put it: “In France, and other Nations, the meer [*sic*] Will of the Prince is Law, his Word takes off any mans Head, imposeth Taxes, or seizes a mans Estate, when, how and as often as he lists; and if one be accused [*sic*], or but so much as suspected of any Crime, he may either presently Execute him, or banish, or Imprison him at pleasure.” By contrast, “*In England*,” Penn argued, “the Law is both the measure and the bound of every Subject’s Duty and Allegiance, each man having a fixed Fundamental-Right born with him, as to Freedom of his Person and Property in his Estate, which he cannot be deprived of, but either by his Consent, or some Crime, for which the Law has impos’d such a penalty or forfeiture.”

This common law view of politics understood political power as fundamentally *limited* by Englishmen’s rights and privileges. As a result, it held that English kings were bound to rule according to known laws and by respecting the inherent rights of their subjects. It also enshrined the concept of consent as the major means to the end of protecting these rights. According to Penn and his contemporaries, this system of government—protecting as it did the “unparallel’d

Privilege [*sic*] of Liberty and Property”—had made the English nation “more free and happy than any other People in the World.”

The Founders imbibed this view of English rights through the legal training that was common for elites in the eighteenth-century Anglo-American world. This legal education also made them aware of the history of England in the seventeenth century, a time when the Stuart kings had repeatedly threatened their subjects’ rights. In response, many Englishmen drew on the common law to argue that all political power, even that of a monarch, should be limited by law. Colonial Americans in the eighteenth century viewed the defeat of the Stuarts and the subsequent triumph of Parliament (which was seen as the representative of subjects’ rights) in the Glorious Revolution of 1688 as a key moment in English history. They believed that it had enshrined in England’s unwritten constitution the rule of law and the sanctity of subjects’ rights. This awareness of English history instilled in the Founders a strong fear of arbitrary power and a consequent desire to create a constitutional form of government that limited the possibility of rulers violating the fundamental liberties of the people.

The seriousness with which the colonists took these ideas can be seen in their strong opposition to Parliament’s attempt to tax or legislate for them without their consent in the 1760s and 1770s. After the Revolution, when the colonists formed their own governments, they wrote constitutions that included many of the legal guarantees that Englishmen had fought for in the seventeenth century as a means of limiting governmental power. As a consequence, both the state and federal constitutions typically contained bills of rights that enshrined core English legal rights as fundamental law.

## NATURAL RIGHTS

The seventeenth century witnessed a revolution in European political thought, one that was to prove profoundly influential on the political ideas of the American Founders. Beginning with the Dutch writer Hugo Grotius in the early 1600s, several important European thinkers began to construct a new understanding of political theory that argued that all men by *nature* had equal rights, and that governments were formed for the sole purpose of protecting these natural rights.

The leading proponent of this theory in the English-speaking world was John Locke (1632–1704). Deeply involved in the opposition to the Stuart kings in the 1670s and 1680s, Locke wrote a book on political theory to justify armed resistance to Charles II and his brother James. “To understand political power right,” Locke wrote, “and derive it from its original, we must consider, what state all men are naturally in, and that is, a state of perfect freedom to order their actions, and dispose of their possessions and persons, as they think fit, within the bounds of the law of nature, without asking leave, or depending upon the will of any other man.” For Locke, the state of nature was “a state also of equality, wherein all the power and jurisdiction is reciprocal, no one having more than another.”

Although this pregovernmental state of nature was a state of perfect freedom, Locke contended that it also lacked an impartial judge or umpire to regulate disputes among

men. As a result, men in this state of nature gathered together and consented to create a government in order that their natural rights would be better secured. Locke further argued that, because it was the people who had created the government, the people had a right to resist its authority if it violated their rights. They could then join together and exercise their collective or popular sovereignty to create a new government of their own devising. This revolutionary political theory meant that ultimate political authority belonged to the people and not to the king.

This idea of natural rights became a central component of political theory in the American colonies in the eighteenth century, appearing in numerous political pamphlets, newspapers, and sermons. Its emphasis on individual freedom and government by consent combined powerfully with the older idea of common law rights to shape the political theory of the Founders. When faced with the claims of the British Parliament in the 1760s and 1770s to legislate for them without their consent, American patriots invoked both the common law and Lockean natural rights theory to argue that they had a right to resist Britain.

Thomas Jefferson offers the best example of the impact that these political ideas had on the founding. As he so eloquently argued in the Declaration of Independence: “We hold these

*The political theory of the American colonists in the seventeenth and eighteenth centuries was deeply influenced by English common law and its idea of rights.*

truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or abolish it, and to institute new Government, laying its foundations on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness.”

This idea of natural rights also influenced the course of political events in the crucial years after 1776. All the state governments put this new political theory into practice, basing their authority on the people, and establishing written constitutions that protected natural rights. As George Mason, the principal author of the influential Virginia Bill of Rights (1776), stated in the document’s first section: “All men are by nature equally free and independent, and have certain inherent rights, of which, when they enter into a state of society, they cannot, by any compact, deprive or divest their posterity; namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.” The radical implications of this insistence on equal natural rights would slowly become apparent in postrevolutionary American society as previously downtrodden groups began to invoke these ideals to challenge slavery, argue for a wider franchise, end female legal inequality, and fully separate church and state.

In 1780, under the influence of John Adams, Massachusetts created a mechanism by which the people themselves could exercise their sovereign power to constitute governments: a special convention convened solely for the purpose of writing a constitution, followed by a process of ratification. This American innovation allowed the ideas of philosophers like Locke to be put into practice. In particular, it made the people’s natural rights secure by enshrining them in a constitution which was not changeable by ordinary legislation. This method was to influence the authors of the new federal Constitution in 1787.

## RELIGIOUS TOLERATION AND THE SEPARATION OF CHURCH AND STATE

A related development in seventeenth-century European political theory was the emergence of arguments for religious toleration and the separation of church and state. As a result of the bloody religious wars between Catholics and Protestants that followed the Reformation, a few thinkers in both England and Europe argued that governments should not attempt to force individuals to conform to one form of worship. Rather, they insisted that such coercion was both unjust and dangerous. It was unjust because true faith required voluntary belief; it was dangerous because the attempts to enforce religious beliefs in Europe

had led not to religious uniformity, but to civil war. These thinkers further argued that if governments ceased to enforce religious belief, the result would be civil peace and prosperity.

Once again the English philosopher John Locke

played a major role in the development of these new ideas. Building on the work of earlier writers, Locke published in 1689 *A Letter Concerning Toleration*, in which he contended that there was a natural right of conscience that no government could infringe. As he put it: “The care of Souls cannot belong to the Civil Magistrate, because his Power consists only in outward force; but true and saving Religion consists in the inward perswasion [*sic*] of the Mind, without which nothing can be acceptable to God. And such is the nature of the Understanding, that it cannot be compell’d to the belief of any thing by outward force. Confiscation of Estate, Imprisonment, Torments, nothing of that nature can have any such Efficacy as to make Men change the inward Judgment that they have formed of things.”

These ideas about the rights of conscience and religious toleration resonated powerfully in the English colonies in America. Although the Puritans in the seventeenth century had originally attempted to set up an intolerant commonwealth where unorthodox religious belief would be prohibited, dissenters like Roger Williams challenged them and argued that true faith could not be the product of coercion. Forced to flee by the Puritans, Williams established the colony of Rhode Island, which offered religious toleration to all and had no state-supported church. As the Puritan Cotton Mather sarcastically remarked,

*Natural rights became a central component of political theory in the American colonies . . . , appearing in numerous political pamphlets, newspapers, and sermons.*

Rhode Island contained “everything in the world but Roman Catholics and real Christians.” In addition, Maryland, founded in the 1630s, and Pennsylvania, founded in the 1680s, both provided an extraordinary degree of religious freedom by the standard of the time.

In the eighteenth century, as these arguments for religious toleration spread throughout the English-speaking Protestant world, the American colonies, becoming ever more religiously pluralistic, proved particularly receptive to them. As a result, the idea that the government should not enforce religious belief had become an important element of American political theory by the late eighteenth century. After the Revolution, it was enshrined as a formal right in many of the state constitutions, as well as most famously in the First Amendment to the federal Constitution.

*By reading the classics, the American Founders were introduced to an alternate political vision, one that legitimated republicanism.*

### COLONIAL SELF-GOVERNMENT

The political thinking of the Founders in the late eighteenth century was also deeply influenced by the long experience of colonial self-government. Since their founding in the early seventeenth century, most of the English colonies in the Americas (unlike the French and Spanish colonies) had governed themselves to a large extent in local assemblies that were modeled on the English Parliament. In these colonial assemblies they exercised their English common law right to consent to all laws that bound them.

The existence of these strong local governments in each colony also explains in part the speed with which the Founders were able to create viable independent republican governments in the years after 1776. This long-standing practice of self-government also helped to create an indigenous political class in the American colonies with the requisite experience for the difficult task of nation building.

In addition to the various charters and royal instructions that governed the English colonies, Americans also wrote their own Founding documents. These settler covenants were an early type of written constitution and they provided an important model for the Founders in the late eighteenth century as they sought to craft a new constitutional system based on popular consent.

### CLASSICAL REPUBLICANISM

Not all the intellectual influences on the Founders originated in the seventeenth century. Because many of the Founders received a classical education in colonial colleges in the eighteenth century, they were heavily influenced by the writings of the great political thinkers and historians of ancient Greece and Rome.

Antiquity shaped the Founders’ political thought in several important ways. First, it introduced them to the idea of republicanism, or government by the people. Ancient political thinkers from Aristotle to Cicero had praised republican self-government as the best political system. This classical political thought was important for the Founders as it gave them grounds to dissent from the heavily monarchical political culture of eighteenth-century England, where even the common law jurists who defended subjects’ rights against royal power believed strongly in monarchy. By reading the classics, the American Founders were introduced to an alternate political vision, one that legitimized republicanism.

The second legacy of this classical idea of republicanism was the emphasis that it put on the moral foundations of liberty. Though ancient writers believed that a republic was the best form of government, they were intensely aware of its fragility. In particular, they argued that because the people governed themselves, republics required for their very survival a high degree of civic virtue in their citizenry. Citizens had to be able to put the good of the whole (the *res publica*) ahead of their own private interests. If they failed to do this, the republic would fall prey to men of power and ambition, and liberty would ultimately be lost.

As a result of this need for an exceptionally virtuous citizenry, ancient writers also taught that republics had to be small. Only in a small and relatively homogeneous society, they argued, would the necessary degree of civic virtue be forthcoming. In part, it was this classical teaching about the weakness of large republics that animated the contentious debate over the proposed federal Constitution in the 1780s.

In addition to their reading of ancient authors, the Founders also encountered republican ideas in

the political theory of a group of eighteenth-century English writers called the “radical Whigs.” These writers kept alive the republican legacy of the English Civil War at a time when most Englishmen believed that their constitutional monarchy was the best form of government in the world. Crucially for the Founding, these radical Whigs combined classical republican thought with the newer Lockean ideas of natural rights and popular sovereignty. They thus became an important conduit for a modern type of republicanism to enter American political thought, one that combined the ancient concern with a virtuous citizenry and the modern insistence on the importance of individual rights.

These radical Whigs also provided the Founders with an important critique of the eighteenth-century British constitution. Instead of seeing it as the best form of government possible, the radical Whigs argued that it was both corrupt

and tyrannical. In order to reform it, they called for a written constitution and a formal separation of the executive branch from the legislature. This classically inspired radical Whig constitutionalism was an important influence on the development of American republicanism in the late eighteenth century.

### CONCLUSION

Drawing on all these intellectual traditions, the Founders were able to create a new kind of republicanism in America based on equal rights, consent, popular sovereignty, and the separation of church and state. Having set this broad context for the Founding, we now turn to a more detailed examination of important aspects of the Founders’ political theory, followed by detailed biographical studies of the Founders themselves.

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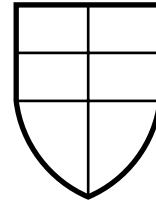
### Suggestions for Further Reading

- Bailyn, Bernard. *The Ideological Origins of the American Revolution*. Cambridge, Mass.: Harvard University Press, 1967.
- Lutz, Donald. *Colonial Origins of the American Constitution: A Documentary History*. Indianapolis, Ind.: Liberty Fund, 1998.
- Reid, John Phillip. *The Constitutional History of the American Revolution*. Abridged Edition. Madison: The University of Wisconsin Press, 1995.
- Rossiter, Clinton. *Seedtime of the Republic: The Origins of the American Tradition of Political Liberty*. New York: Harcourt Brace, 1953.
- Zuckert, Michael. *Natural Rights and the New Republicanism*. Princeton, N.J.: Princeton University Press, 1994.

## ADDITIONAL CLASSROOM ACTIVITIES

### Visual Assessment

1. **Founders Posters**—Have students create posters for either an individual Founder, a group of Founders, or an event. Ask them to include at least one quotation (different from classroom posters that accompany this volume) and one image.
2. **Coat of Arms**—Draw a coat of arms template and divide into 6 quadrants (see example). Photocopy and hand out to the class. Ask them to create a coat of arms for a particular Founder with a different criterion for each quadrant (e.g., occupation, key contribution, etc.). Include in the assignment an explanation sheet in which they describe why they chose certain colors, images, and symbols.
3. **Individual Illustrated Timeline**—Ask each student to create a visual timeline of at least ten key points in the life of a particular Founder. In class, put the students in groups and have them discuss the intersections and juxtapositions in each of their timelines.
4. **Full Class Illustrated Timeline**—Along a full classroom wall, tape poster paper in one long line. Draw in a middle line and years (i.e., 1760, 1770, 1780, etc.). Put students in pairs and assign each pair one Founder. Ask them to put together ten key points in the life of the Founder. Have each pair draw in the key points on the master timeline.
5. **Political Cartoon**—Provide students with examples of good political cartoons, contemporary or historical. A good resource for finding historical cartoons on the Web is <[http://www.boondocksnet.com/gallery/political\\_cartoons.html](http://www.boondocksnet.com/gallery/political_cartoons.html)>. Ask them to create a political cartoon based on an event or idea in the Founding period.



### Performance Assessments

1. **Meeting of the Minds**—Divide the class into five groups and assign a Founder to each group. Ask the group to discuss the Founder's views on a variety of pre-determined topics. Then, have a representative from each group come to the front of the classroom and role-play as the Founder, dialoguing with Founders from other groups. The teacher will act as moderator, reading aloud topic questions (based on the pre-determined topics given to the groups) and encouraging discussion from the students in character. At the teacher's discretion, questioning can be opened up to the class as a whole. For advanced students, do not provide a list of topics—ask them to know their character well enough to present him properly on all topics.
2. **Create a Song or Rap**—Individually or in groups, have students create a song or rap about a Founder based on a familiar song, incorporating at least five key events or ideas of the Founder in their project. Have students perform their song in class. (Optional: Ask the students to bring in a recording of the song for background music.)

### Web/Technology Assessments

1. **Founders PowerPoint Presentation**—Divide students into groups. Have each group create a PowerPoint presentation about a Founder or event. Determine the number of slides, and assign a theme to each slide (e.g., basic biographic information, major contributions, political philosophy, quotations, repercussions of the event, participants in the event, etc.). Have them hand out copies of the slides and give the presentation to the class. You may also ask for a copy of the

presentation to give you the opportunity to combine all the presentations into an end-of-semester review.

2. **Evaluate Web sites**—Have students search the Web for three sites related to a Founder or the Founding period (you may provide them with a “start list” from the resource list at the end of each lesson). Create a Web site evaluation sheet that includes such questions as: Are the facts on this site correct in comparison to other sites? What sources does this site draw on to produce its information? Who are the main contributors to this site? When was the site last updated? Ask students to grade the site according to the evaluation sheet and give it a grade for reliability, accuracy, etc. They should write a 2–3 sentence explanation for their grade.
3. **Web Quest**—Choose a Web site(s) on the Constitution, Founders, or Founding period. (See suggestions below.) Go to the Web site(s) and create a list of questions taken from various pages within the site. Provide students with the Web address and list of questions, and ask them to find answers to the questions on the site, documenting on which page they found their answer. Web site suggestions:
  - The Avalon Project <<http://www.yale.edu/lawweb/avalon/avalon.htm>>
  - The Founders’ Constitution <<http://press-pubs.uchicago.edu/founders/>>
  - Founding.com <<http://www.founding.com/>>
  - National Archives Charters of Freedom <[http://www.archives.gov/national\\_archives\\_experience/charters.html](http://www.archives.gov/national_archives_experience/charters.html)>
  - The Library of Congress American Memory Page <<http://memory.loc.gov/>>
  - Our Documents <<http://www.ourdocuments.gov/>>
  - Teaching American History <<http://www.teachingamericanhistory.org/>>

A good site to help you construct the Web Quest is: <<http://trackstar.hprtec.org>>

### Verbal Assessments

1. **Contingency in History**—In a one-to-two page essay, have students answer the question, “How would history have been different if [Founder] had not been born?” They should consider repercussions for later events in the political world.
2. **Letters Between Founders**—Ask students to each choose a “Correspondence Partner” and decide which two Founders they will be representing. Have them read the appropriate Founders essays and primary source activities. Over a period of time, the pair should then write at least three letters back and forth (with a copy being given to the teacher for review and feedback). Instruct them to be mindful of their Founders’ tone and writing style, life experience, and political views in constructing the letters.
3. **Categorize the Founders**—Create five categories for the Founders (e.g., slaveholders vs. non-slaveholders, northern vs. southern, opponents of the Constitution vs. proponents of the Constitution, etc.) and a list of Founders studied. Ask students to place each Founder in the appropriate category. For advanced students, ask them to create the five categories in addition to categorizing the Founders.
4. **Obituaries and Gravestones**—Have students write a short obituary or gravestone engraving that captures the major accomplishments of a Founder (e.g., Thomas Jefferson’s gravestone). Ask them to consider for what the Founder wished to be remembered.
5. **“I Am” Poem**—Instruct students to select a Founder and write a poem that refers to specific historical events in his life (number of lines at the teacher’s discretion).

## ADDITIONAL CLASSROOM ACTIVITIES

Each line of the poem must begin with “I” (i.e., “I am...,” “I wonder...,” “I see...” etc.). Have them present their poem with an illustration of the Founder.

6. **Founder’s Journal**—Have students construct a journal of a Founder at a certain period in time. Ask them to pick out at least five important days. In the journal entry, make sure they include the major events of the day, the Founder’s feelings about the events, and any other pertinent facts (e.g., when writing a journal about the winter at Valley Forge, Washington may have included information about the troops’ morale, supplies, etc.).
7. **Résumé for a Founder**—Ask students to create a resume for a particular Founder. Make sure they include standard resume information (e.g., work experience, education, skills, accomplishments/honors, etc.). You can also have them research and bring in a writing sample (primary source) to accompany the resume.
8. **Cast of Characters**—Choose an event in the Founding Period (e.g., the signing of the Declaration of Independence, the debate about the Constitution in a state ratifying convention, etc.) and make a list of individuals related to the incident. Tell students that they are working for a major film studio in Hollywood that has decided to make a movie about this event. They have been hired to cast actors for each part. Have students fill in your list of individuals with actors/actresses (past or present) with an explanation of why that particular actor/actress was chosen for the role. (Ask the students to focus on personality traits, previous roles, etc.)

### Review Activities

1. **Founders Jeopardy**—Create a Jeopardy board on an overhead sheet or handout (six columns and five rows). Label the column heads with categories and fill in all other squares with a dollar amount. Make a sheet that corresponds to the Jeopardy board with the answers that you will be revealing to the class. (Be sure to include Daily Doubles.)
  - a. Possible categories may include:
    - Thomas Jefferson (or the name of any Founder)
    - Revolutionary Quirks (fun Founders facts)
    - Potpourri (miscellaneous)
    - Pen is Mightier (writings of the Founders)
  - b. Example answers:
    - This Founder drafted and introduced the first formal proposal for a permanent union of the thirteen colonies. *Question: Who is Benjamin Franklin?*
    - This Founder was the only Roman Catholic to sign the Declaration of Independence. *Question: Who is Charles Carroll?*
2. **Who Am I?**—For homework, give each student a different Founder essay. Ask each student to compile a list of five-to-ten facts about his/her Founder. In class, ask individuals to come to the front of the classroom and read off the facts one at a time, prompting the rest of the class to guess the appropriate Founder.
3. **Around the World**—Develop a list of questions about the Founders and plot a “travel route” around the classroom in preparation for this game. Ask one student to volunteer to go first. The student will get up from his/her desk and “travel” along the route plotted to an adjacent student’s desk, standing next to it. Read a question aloud, and the first student of the two to answer correctly advances to the next stop on the travel route. Have the students keep track of how many places they advance. Whoever advances the furthest wins.

# AN EIGHTEENTH-CENTURY GLOSSARY

**Common Good:** General conditions that are equally to everyone's advantage. In a **republic**, held to be superior to the good of the individual, though its attainment ought never to violate the **natural rights** of any individual.

**Democracy:** From the Greek, *demos*, meaning "rule of the people." Had a negative connotation among most Founders, who equated the term with mob rule. The Founders considered it to be a form of government into which poorly-governed **republics** degenerated.

**English Rights:** Considered by Americans to be part of their inheritance as Englishmen; included such rights as property, petition, and trials by jury. Believed to exist from time immemorial and recognized by various English charters as the Magna Carta, the Petition of Right of 1628, and the English Bill of Rights of 1689.

**Equality:** Believed to be the condition of all people, who possessed an equality of rights. In practical matters, restricted largely to land-owning white men during the Founding Era, but the principle worked to undermine ideas of deference among classes.

**Faction:** A small group that seeks to benefit its members at the expense of the **common good**. The Founders discouraged the formation of factions, which they equated with political parties.

**Federalism:** A political system in which power is divided between two levels of government, each supreme in its own sphere. Intended to avoid the concentration of power in the central government and to preserve the power of local government.

**Government:** Political power fundamentally limited by citizens' rights and privileges. This limiting was accomplished by written charters or constitutions and bills of rights.

**Happiness:** The ultimate end of government. Attained by living in **liberty** and by practicing **virtue**.

**Inalienable Rights:** Rights that can never justly be taken away.

**Independence:** The condition of living in **liberty** without being subject to the unjust rule of another.

**Liberty:** To live in the enjoyment of one's rights without dependence upon anyone else. Its enjoyment led to **happiness**.

**Natural Rights:** Rights individuals possess by virtue of their humanity. Were thought to be "**inalienable**." Protected by written constitutions and bills of rights that restrained government.

**Property:** Referred not only to material possessions, but also to the ownership of one's body and rights. Jealously guarded by Americans as the foundation of liberty during the crisis with Britain.

**Reason:** Human intellectual capacity and rationality. Believed by the Founders to be the defining characteristic of humans, and the means by which they could understand the world and improve their lives.

**Religious Toleration:** The indulgence shown to one religion while maintaining a privileged position for another. In pluralistic America, religious uniformity could not be enforced so religious toleration became the norm.

**Representation:** Believed to be central to republican government and the preservation of **liberty**. Citizens, entitled to vote, elect officials who are responsible to them, and who govern according to the law.

**Republic:** From the Latin, *res publica*, meaning “the public things.” A government system in which power resides in the people who elect representatives responsible to them and who govern according to the law. A form of government dedicated to promoting the **common good**. Based on the people, but distinct from a **democracy**.

**Separation of Church and State:** The doctrine that government should not enforce religious belief. Part of the concept of **religious toleration** and freedom of conscience.

**Separation of Powers/Checks and Balances:** A way to restrain the power of government by balancing the interests of one section of government against the competing interests of another section. A key component of the federal Constitution. A means of slowing down the operation of government, so it did not possess too much energy and thus endanger the rights of the people.

**Slavery:** Referred both to chattel slavery and political slavery. Politically, the fate that befell those who did not guard their rights against governments. Socially and economically, an institution that challenged the belief of the Founders in **natural rights**.

**Taxes:** Considered in English tradition to be the free gift of the people to the government. Americans refused to pay them without their consent, which meant actual **representation** in Parliament.

**Tyranny:** The condition in which **liberty** is lost and one is governed by the arbitrary will of another. Related to the idea of political **slavery**.

**Virtue:** The animating principle of a **republic** and the quality essential for a republic’s survival. From the Latin, *vir*, meaning “man.” Referred to the display of such “manly” traits as courage and self-sacrifice for the **common good**.

## ANSWER KEY

B.

1. The Declaration of Independence states, “All men are created equal.”
2. All people have the inalienable rights.
3. Slavery abridges those rights to life, liberty and the pursuit of happiness.

### GOUVERNEUR MORRIS

#### Handout A—Gouverneur Morris (1752–1816)

1. As a teenager, Morris’s right arm was badly burned when a pot of scalding water overturned on him. The arm was badly crippled for the rest of his life. Morris lost his left leg after a carriage accident in Philadelphia. His left ankle was caught in the spokes of a moving carriage’s wheel. Doctors amputated the leg just below the knee.
2. Aggravated by Congress’ failure to support the troops, Morris began to hint to some that the Continental Army itself might employ force if Congress did not act. In March 1783, the officers of the Continental Army assembled at a barn in Newburgh, New York. Talk of treason was in the air, as many officers whispered about marching on Philadelphia. Fortunately for the republic, Washington himself quelled the conspiracy by appearing at the gathering.
3. At the Convention, Morris became a leader of the nationalist bloc. He was the only delegate to make a lengthy speech against the institution of slavery. Morris was appointed to the Committee of Style as the debates ended. Morris worked on the document for four days to fashion a finished product that was more concise and clear than the draft given to him. He also glossed the wording of the Constitution so as to enhance the power of the new federal government. Most significantly, Morris began the Preamble with the phrase, “We the people,” to signal that the new

government was not the creature of the states, but the handiwork of the entire nation.

4. Some students may list the following as Morris’s shortcomings: his propensity to engage in affairs; his encouraging the Continental Army to consider using force against Congress; his dismissive attitude toward the lower classes, demonstrated by his calling the people “reptiles.” Students might list the following as Morris’s strengths: his charm and intelligence; his moral vision, shown in his denunciation of slavery at the Philadelphia convention; his political skill, evidenced by the use of his position as writer of the Constitution to get what he wanted; his bravery during the Reign of Terror in Paris; his patriotism, demonstrated by his service to his state and country.
5. Some students will say yes, Morris had fought to make the federal government supreme over the states at the Constitutional Convention, yet secession contradicts this principle. Other students will say no, that states always retain the right of secession; this right is not related to the strength of the central government.

### JAMES OTIS

#### Handout A—James Otis (1725–1783)

1. Writs of assistance were search warrants that gave customs officials broad authority to inspect ships, warehouses, and even private homes. Officials did not have to present evidence to a judge before a search was conducted. They also did not have to specify what they were looking for. Writs of assistance soon became one of the chief complaints of the colonists against the British government.
2. In defending the liberty of his fellow colonists, Otis appealed to both natural and English rights. He asserted that every man possessed inalienable rights of