



LESSON 1

The Battle for Balance

OVERVIEW

The Framers of the Constitution had a rich intellectual foundation and long practical experience with representative legislatures from which to draw as they framed the new Constitution and founded a new nation. The Framers at the Constitutional Convention debated the principles of republican government, federalism, separation of powers, and checks and balances throughout the summer of 1787. They unanimously agreed that the government would be republican, or representative of the sovereign people, who gave their consent to form a government to protect their natural rights.

OBJECTIVES

- Students will be able to define the following constitutional principles: republican government, federalism, separation of powers and checks and balances.
- Students will be able to identify how these principles were originally understood in the constitutional ratification debate.
- Students will be able to analyze how the principles operate in the Constitution.

THE DEBATES IN THE FEDERAL CONVENTION OF 1787, MAY 31, 1787

James Madison [Virginia]: “It was an important principle in this & in the State Constitutions to check legislative injustice and incroachments. The Experience of the States had demonstrated that their checks are insufficient.”

RECOMMENDED TIME

70 minutes

MATERIALS LIST

- **Handout A: Background Essay—The Battle for Balance**
- **Handout B: Student Reading Guide**
- **Handout C: Problem Solving Chart—Articles of Confederation**
- **Handout D: The United States Constitution**
- **Handout E: Student Note Guide—Separation of Powers**
- **Handout F: Class Notes**
- **Handout G: Checks and Balances**
- **Handout H: *Federalist No. 51***
- **Handout I: *Federalist No. 57***

CONSTITUTIONAL PRINCIPLES

- Republican government
- Federalism
- Separation of powers
- Checks and balances

STANDARDS

- **NCSS C3 Framework:** D1.Hist.2.9-12, D1.Hist.3.9-12, D1.Hist.5.9-12
- **CCE:** II: A, II: D, III: A, III: B
- **NCHS:** Era 3: Standard 2, Era 3: Standard 3

KEY TERMS

- Separation of powers
- Checks and balances
- Federalism
- Unicameral
- Bicameral

Lesson Plan

Background/Homework » 15 minutes

Have students read **Handout A: Background Essay—The Battle for Balance**, answer the critical thinking questions, and complete **Handout B: Student Reading Guide**.

Warm-up » 10 minutes

- Students will complete **Handout C: Problem Solving Chart—Articles of Confederation** with a partner.
- Have the students work together to create an appropriate list of problems and possible solutions on the board. This will be a review activity.
- Use the list as evidence to justify the necessity of the Constitutional Convention and this discussion will be the launch into the main activity.

Activity » 45 minutes

Task One: Separation of Powers » 25 minutes

- Divide into groups of three. Assign each student one of the three branches of government: legislative, executive, or judicial.
- Have each student research where their branch is located on **Handout D: The United States Constitution** and identify what powers are vested to their branch by the Constitution and fill in their appropriate columns on **Handout E: Student Note Guide—Separation of Powers**.
- After the students finish their portion of the chart have them share their answers with the other two students in their group. Repeat until all three students have shared their information and the chart is completed.
- When all the groups have completed their chart, recreate the chart as a visual on the board and have the students guide you in completing it.
- Read the quote from *Federalist No. 47* to the class. Then have students rewrite the quote in their own words on **Handout E: Student Note Guide—Separation of Powers**. Have the students identify Madison’s point of view on **Handout E**.
- Lead a classroom discussion about the main ideas of *Federalist No. 47* and Madison’s point of view with the class to introduce the idea of separation of powers.

Task Two: Checks and Balances » 20 minutes

- Write on the board: “How do you prevent tyranny under the new Constitution? Ask students what they think and record their answers on the board.
- Present the answer: “Checks and Balances” after discussing student answers.
- Lead the students as they complete **Handout F: Class Notes** by discussing the definition of checks and balances. Have them use **Handout D: The United States Constitution** to determine ways in which each branch checks and balances the other branches.

Wrap-Up » 10 minutes

- Have students complete an “exit ticket” by answering this question: “How might one branch try to get around the system of checks and balances and overpower the other two branches?”
- Have the students write down their answers on an index card and use that card as their exit ticket out of the class.

Homework

- Have students complete **Handout G: Checks and Balances** as homework.

Extension

- Have students read **Handout H: Excerpts of *Federalist No 51*** and **Handout I: Excerpts of *Federalist No 57*** and write a short essay explaining Madison’s defense of checks and balances.

Background Essay—The Battle for Balance

Directions

Read the essay and answer the critical thinking questions at the end.

The Framers of the Constitution had a rich intellectual foundation and long practical experience with representative legislatures to draw from as they framed the new Constitution and founded a new nation.

In their reading of classics and ancient history, they derived lessons about popular government and assemblies. The Founders harbored a negative view of direct democracy from ancient Greece as they often equated it with mob rule. As James Madison stated in *Federalist No. 55*: “Had every Athenian citizen been a Socrates, every Athenian assembly would still have been a mob.” On the other hand, the Founders greatly admired the republican government of ancient Rome, which had both a Senate and popular assemblies as well as separation of powers. The Founders argued that every branch, while remaining separate, should receive its authority from the whole people, not just the few. The Founders admired Rome’s separation of powers, but rejected the idea that government should be mixed. Instead, they argued, every branch, while remaining separate, should receive its authority from the whole people.

The British tradition of constitutional monarchy with different branches of government and a representative Parliament divided into a House of Lords and a House of Commons also provided an example of government with separation of powers. Most of the American colonial legislatures, and those of the states after declaring independence, followed this example and were bicameral, or had two houses.

The Founders drew heavily on the thinkers of the eighteenth-century Enlightenment, or Age of Reason. Among the most important political philosophers who influenced the Founders’ reasoning on separation of powers and checks and balances was Montesquieu. In his *Spirit of the Laws* (1748), Montesquieu defended the separation of powers and warned that tyranny would result “if the same man or the same body of principal men...exercised these three powers: that of making the laws [legislative], that of executing public resolutions [executive], and that of judging the crimes or the disputes of individuals [judicial].” But, each branch must have a check over the others in order to “correct what has been ordered by another.”

The states ratified the Articles of Confederation in 1781. It included many principles that sought to limit national and executive power strictly in the framework of government, but those principles marred its practical effectiveness. The national Congress was unicameral and based upon equal suffrage regardless of the size of each state. Moreover, this “firm league of friendship” was more of an alliance of separate states than a plan of government with adequate powers for a strong nation-state. The federal principle at the time located sovereignty and the vast majority of powers in the states. The Articles delegated few powers to the national government which lacked power to tax, raise armies, or regulate interstate commerce. The Congress selected a weak national executive, and a national judiciary did not exist.

Therefore, the Articles did not provide for a separation of powers in different branches or a system of checks and balances.

The Framers at the Constitutional Convention debated the principles of republican government, federalism, separation of powers, and checks and balances throughout the summer of 1787. They unanimously agreed that the government would be republican, or representative of the sovereign people, who gave their consent to form a government to protect their natural rights. James Madison (Virginia) considered “an election of one branch at least of the Legislature by the people immediately, as a clear principle of free Government.” James Wilson (Pennsylvania) agreed that the new government “ought to flow from the people at large.”

The idea of federalism was central to the discussion of the Congress as the Virginia and New Jersey Plans were debated throughout June and early July. Oliver Ellsworth (Connecticut), supported often by John Dickinson (Delaware) and George Mason (Virginia), defended the federal principle that the states would share powers in the national government by having state legislatures choose Senators who would represent the interests of the states. Ellsworth said, “An equality of voices was conformable to the federal principle and was necessary to secure the Small States against the large.”

When the delegates deliberated over a national executive and judiciary in July and August, they based their discussions upon the principles of a separation of powers and checks and balances. Each branch would have a different function and powers, but each would have a check over the other. For example, the legislature specifically would be checked by vetoes by the executive but could override vetoes by a two-thirds vote in both houses. The

legislature could impeach and remove the executive and judges from office. The Senate would vote whether to ratify treaties made by the executive.

One key feature of both principles was embodied in the idea of a bicameral Congress with somewhat different powers in each house of Congress and the central provision that a bill would have to pass both houses to become law. Therefore the separation of powers encompassed not only the three branches of government, but also an internal separation of powers within the legislature itself. This was done to prevent the legislature from becoming too powerful and too beholden to an immediate majority. As Madison wrote in *Federalist No. 51*, “A dependence on the people is, no doubt, the primary control on the government, but experience has taught mankind the necessity of auxiliary precautions.” The precautions were the constitutional principles and devices of dividing and checking power. In republics, the “legislative authority necessarily predominates” and threatens to produce a legislative tyranny. Therefore, a control on that power was “to divide the legislature into different branches” with different terms and powers.

During the ratification debate, the Federalists defended the handiwork of the Convention and argued that it supported sound political principles. In *Federalist No. 39*, James Madison defined republican government rooted in consent and representation. “We may define a republic... [as] a government which derives all its powers directly or indirectly from the great body of the people; and is administered by persons holding their offices during pleasure, for a limited period, or during good behavior.” This Constitution satisfies the true principles of a republic, they argued, because all the branches

are derived “directly or indirectly from the great body of the people,” even the judiciary.

In the same essay, Madison argued that the new government and its Congress are “partly national, partly federal.” The Congress had a national House of Representatives that “will derive its powers from the people of America, and the people will be represented.” On the other hand, the federal Senate that “will derive its powers from the states, as political and co-equal societies; and these will be represented on the principle of equality.”

In *Federalist No. 47*, Madison explained the principles of separation of powers and checks and balances that were drawn from Montesquieu. “The accumulation of all powers, legislative, executive, and judiciary, in the same hands... may justly be pronounced the very definition of tyranny.” At the same time, however, Madison demonstrated that the Constitution and state constitutions have checks and balances of the separate branches over each other to prevent any branch from assuming too much power and creating tyranny.

The Anti-Federalists disagreed with the Federalist understanding of the new Constitution and its principles related to the legislative branch. In his first essay, Brutus

warned that the republican principle would be violated in an expansive country because “the people at large would be acquainted with very few of their rulers.” One significant unifying concern of different Anti-Federalist writers was that so much power was consolidated in the national government that it destroyed the federal principle and the power of the states regardless of the existence of the Senate. Many other Anti-Federalists feared that a small and aristocratic Senate, pursuing privilege and self-interest, would subvert republican government by forming dangerous, corrupt combinations, especially with the executive. In addition, Anti-Federalists anticipated that the powerful new central government would violate the rights of the people, which led to their insistence that a bill of rights be added to the Constitution. The new government in the early republic worked out the specific boundaries of the constitutional powers of Congress in relation to the other branches and the states when specific circumstances arose. The arguments of the Federalists seemed to have been vindicated by good governance until after the Civil War when the constitutional lines between the branches of government and the national and state governments became increasingly blurred.

CRITICAL THINKING QUESTIONS

1. What three political philosophies or philosophers contributed to the framework of government developed by the American Founders?
2. What were the major goals of the Articles of Confederation? Were they achieved?
3. What constitutional principle was Oliver Ellsworth of Connecticut supporting when he stated, “An equality of voices was conformable to the federal principle and was necessary to secure the Small States against the large”? How did Congress settle the debate around this principle?
4. What did Anti-Federalist Brutus warn about in his first essay? Were the Anti-Federalist arguments effective?

Student Reading Guide

Directions

Read **Handout A: Background Essay—The Balance Between Branches** before answering the following questions.

The Framers had a “rich intellectual foundation” to draw from as they framed the new Constitution. List the three main influences with examples as discussed in the essay.

Person or Idea	Influences	Example
Classics and ancient history		
British Tradition		
Enlightenment		

What was the author’s major justification for the failure of the Articles of Confederation?

Define four of the main Founding principles the Constitutional Convention debated throughout the summer of 1787.

Principle	Definition
1.	
2.	
3.	
4.	

Problem Solving Chart—Articles of Confederation

Directions

During the 1780s, the newly founded federal government faced many problems that the Articles of Confederation could not handle. In the spaces below list the major problems the Congress under the Articles could not handle, and then suggest a possible solution.

Problem	Possible Solution
1.	
2.	
3.	
4.	
5.	

The United States Constitution

Preamble

We the People of the United States, in Order to form a more perfect Union, establish justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

Article I

Section 1. All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section 2. The House of Representatives shall be composed of members chosen every second year by the people of the several states, and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature.

No person shall be a Representative who shall not have attained to the age of twenty five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state in which he shall be chosen.

Representatives and direct taxes shall be apportioned among the several states which may be included within this union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other Persons. The actual Enumeration shall be made within three years

after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each state shall have at least one Representative; and until such enumeration shall be made, the state of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the Representation from any state, the executive authority thereof shall issue writs of election to fill such vacancies.

The House of Representatives shall choose their speaker and other officers; and shall have the sole power of impeachment.

Section 3. The Senate of the United States shall be composed of two Senators from each state, chosen by the legislature thereof, for six years; and each Senator shall have one vote.

Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and the third class at the expiration of the sixth year, so that one third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the legislature of any state, the executive thereof may make temporary appointments until the

next meeting of the legislature, which shall then fill such vacancies.

No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States and who shall not, when elected, be an inhabitant of that state for which he shall be chosen.

The Vice President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

The Senate shall choose their other officers, and also a President pro tempore, in the absence of the Vice President, or when he shall exercise the office of President of the United States.

The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no person shall be convicted without the concurrence of two thirds of the members present.

Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust or profit under the United States: but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment and punishment, according to law.

Section 4. The times, places and manner of holding elections for Senators and Representatives, shall be prescribed in each state by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

Section 5. Each House shall be the judge of the elections, returns and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties as each House may provide.

Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two thirds, expel a member.

Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either House on any question shall, at the desire of one fifth of those present, be entered on the journal.

Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

Section 6. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House, they shall not be questioned in any other place.

No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the

emoluments whereof shall have been increased during such time: and no person holding any office under the United States, shall be a member of either House during his continuance in office.

Section 7. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other Bills.

Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it, with his objections to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration two thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House

of Representatives, according to the rules and limitations prescribed in the case of a bill.

Section 8. The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States;

To borrow money on the credit of the United States;

To regulate commerce with foreign nations, and among the several states, and with the Indian tribes;

To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;

To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;

To provide for the punishment of counterfeiting the securities and current coin of the United States;

To establish post offices and post roads;

To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries;

To constitute tribunals inferior to the Supreme Court;

To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations;

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;

To provide and maintain a navy;

To make rules for the government and regulation of the land and naval forces;

To provide for calling forth the militia to execute the laws of the union, suppress insurrections and repel invasions;

To provide for organizing, arming, and disciplining, the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the states respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress;

To exercise exclusive legislation in all cases whatsoever, over such District (not exceeding ten miles square) as may, by cession of particular states, and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings;--And

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

Section 9. The migration or importation of such persons as any of the states now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

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.

No bill of attainder or ex post facto Law shall be passed.

No capitation, or other direct, tax shall be laid, unless in proportion to the census or enumeration herein before directed to be taken.

No tax or duty shall be laid on articles exported from any state.

No preference shall be given by any regulation of commerce or revenue to the ports of one state over those of another: nor shall vessels bound to, or from, one state, be obliged to enter, clear or pay duties in another.

No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of receipts and expenditures of all public money shall be published from time to time.

No title of nobility shall be granted by the United States: and no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state.

Section 10. No state shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility.

No state shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws: and the net produce of all duties and imposts, laid by any state on imports or exports, shall be for the use of the treasury of the United States; and

all such laws shall be subject to the revision and control of the Congress.

No state shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war in time of peace, enter into any agreement or compact with another state, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

Article II

Section 1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice President, chosen for the same term, be elected, as follows:

Each state shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

The electors shall meet in their respective states, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same state with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors

appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President; and if no person have a majority, then from the five highest on the list the said House shall in like manner choose the President. But in choosing the President, the votes shall be taken by States, the representation from each state having one vote; A quorum for this purpose shall consist of a member or members from two thirds of the states, and a majority of all the states shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice President.

The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

No person except a natural born citizen, or a citizen of the United States, at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty five years, and been fourteen Years a resident within the United States.

In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President, and the Congress may by law provide for the case of removal, death, resignation or inability, both of the President and Vice President, declaring what officer shall then act as President, and such officer shall act accordingly,

until the disability be removed, or a President shall be elected.

The President shall, at stated times, receive for his services, a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

Before he enter on the execution of his office, he shall take the following oath or affirmation:-
-“I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will to the best of my ability, preserve, protect and defend the Constitution of the United States.”

Section 2. The President shall be commander in chief of the Army and Navy of the United States, and of the militia of the several states, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law: but the Congress may by law vest the appointment of such inferior officers, as they think proper, in

the President alone, in the courts of law, or in the heads of departments.

The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

Section 3. He shall from time to time give to the Congress information of the state of the union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

Section 4. The President, Vice President and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

Article III

Section 1. The judicial power of the United States, shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behaviour, and shall, at stated times, receive for their services, a compensation, which shall not be diminished during their continuance in office.

Section 2. The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made,

under their authority;--to all cases affecting ambassadors, other public ministers and consuls;--to all cases of admiralty and maritime jurisdiction;--to controversies to which the United States shall be a party;--to controversies between two or more states;--between a state and citizens of another state;-- between citizens of different states;--between citizens of the same state claiming lands under grants of different states, and between a state, or the citizens thereof, and foreign states, citizens or subjects.

In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.

The trial of all crimes, except in cases of impeachment, shall

be by jury; and such trial shall be held in the state where the said crimes shall have been committed; but when not committed within any state, the trial shall be at such place or places as the Congress may by law have directed.

Section 3. Treason against the United States, shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture except during the life of the person attainted.

Article IV

Section 1. Full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state. And the Congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

Section 2. The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states.

A person charged in any state with treason, felony, or other crime, who shall flee from justice, and be found in another state, shall on demand of the executive authority of the state from which he fled, be delivered up, to be removed to the state having jurisdiction of the crime.

No person held to service or labor in one state, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

Section 3. New states may be admitted by the Congress into this union; but no new states shall be formed or erected within the jurisdiction of any other state; nor any state be formed by the junction of two or more states, or parts of states, without the consent of the legislatures of the states concerned as well as of the Congress.

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular state.

Section 4. The United States shall guarantee to every state in this union a republican form

of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence.

Article V

The Congress, whenever two thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three fourths of the several states, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no state, without its consent, shall be deprived of its equal suffrage in the Senate.

Article VI

All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

The Senators and Representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

Article VII

The ratification of the conventions of nine states, shall be sufficient for the establishment of this Constitution between the states so ratifying the same.

Done in convention by the unanimous consent of the states present the seventeenth day of September in the year of our Lord one thousand seven hundred and eighty seven and of the independence of the United States of America the twelfth. In witness whereof We have hereunto subscribed our Names,

G. Washington-President and
deputy from **Virginia**

New Hampshire: John
Langdon, Nicholas Gilman

Massachusetts: Nathaniel
Gorham, Rufus King

Connecticut: Wm: Saml.
Johnson, Roger Sherman

New York: Alexander
Hamilton

New Jersey: Wil: Livingston,
David Brearly, Wm. Paterson,
Jona: Dayton

Pennsylvania: B. Franklin,
Thomas Mifflin, Robt. Morris,
Geo. Clymer, Thos. FitzSimons,
Jared Ingersoll, James Wilson,
Gouv Morris

Delaware: Geo: Read,
Gunning Bedford jun, John
Dickinson, Richard Bassett,
Jaco: Broom

Maryland: James McHenry,
Dan of St Thos. Jenifer, Danl
Carroll

Virginia: John Blair--, James
Madison Jr.

North Carolina: Wm. Blount,
Richd. Dobbs Spaight, Hu
Williamson

South Carolina: J. Rutledge,
Charles Cotesworth Pinckney,
Charles Pinckney, Pierce Butler

Georgia: William Few, Abr
Baldwin

Student Note Guide—Separation of Powers

Directions

Using **Handout D: The United States Constitution** identify each of the three branches of government and at least three of their vested powers as directed by the Constitution.

Branch	Location in the Constitution (Article and Section)	Vested Powers
1.		
2.		
3.		

Class Notes

Directions

Define checks and balances. Then list the ways in which each branch checks or balances the other branches in the chart below.

Definition of Checks and Balances

Legislative Branch	Executive Branch	Judicial Branch
Checks on Executive Branch: 1. 2.	Checks on Legislative Branch: 1. 2.	Checks on Executive Branch: 1. 2.
Checks on Judicial Branch: 1. 2.	Checks on Judicial Branch: 1.	Checks on Legislative Branch: 1.

Checks and Balances

Directions

The idea that the intricate checks and balances of the new Constitution would protect liberty did not go unrefuted during the Constitutional Convention as well as during the ratification process. James Madison took charge of defending checks and balances. Answer the question below and then explain Madison’s defense of checks and balances based on the quotes.

The big question...

HOW DO YOU PREVENT TYRANNY UNDER THE NEW CONSTITUTION?

Answer:

“...the genius of the whole system; the nature of just and constitutional laws; and above all, the vigilant and manly spirit which actuates the people of America -- a spirit which nourishes freedom, and in return is nourished by it. If this spirit shall ever be so far debased as to tolerate a law not obligatory on the legislature, as well as on the people, the people will be prepared to tolerate any thing but liberty.”
(James Madison, *Federalist* No. 57, 1788)

“The great security against a gradual concentration of the several powers in the same [branch], consists in giving to those who administer each [branch], the necessary constitutional means, and personal motives, to resist encroachments of the others...Ambition must be made to counteract ambition. The interest of the man must be connected with the constitutional rights of the place” (James Madison, *Federalist* No. 51, 1788).

In the space below explain Madison’s defense of checks and balances.

Federalist No. 51 (Excerpts)

The Structure of the Government Must Furnish the Proper Checks and Balances Between the Different Departments

Wednesday, February 6, 1788

[James Madison]

To what expedient then shall we finally resort, for maintaining in practice the necessary partition of power among the several departments, as laid down in the constitution? The only answer that can be given is, that as all these exterior provisions are found to be inadequate, the defect must be supplied, by so contriving the interior structure of the government, as that its several constituent parts may, by their mutual relations, be the means of keeping each other in their proper places. Without presuming to undertake a full development of this important idea, I will hazard a few general observations, which may perhaps place it in a clearer light, and enable us to form a more correct judgment of the principles and structure of the government planned by the convention.

In order to lay a due foundation for that separate and distinct exercise of the different powers of government, which, to a certain extent, is admitted on all hands to be essential to the preservation of liberty, it is evident that each department should have a will of its own; and consequently should be so constituted, that the members of each should have as little agency as possible in the appointment of the members of the others. Were this principle rigorously adhered to, it would require that all the appointments for the supreme executive, legislative, and judiciary magistracies, should

be drawn from the same fountain of authority, the people, through channels having no communication whatever with one another. Perhaps such a plan of constructing the several departments, would be less difficult in practice, than it may in contemplation appear. Some difficulties, however, and some additional expense, would attend the execution of it. Some deviations, therefore, from the principle must be admitted. In the constitution of the judiciary department in particular, it might be inexpedient to insist rigorously on the principle; first, because peculiar qualifications being essential in the members, the primary consideration ought to be to select that mode of choice which best secures these qualifications; secondly, because the permanent tenure by which the appointments are held in that department, must soon destroy all sense of dependence on the authority conferring them.

It is equally evident, that the members of each department should be as little dependent as possible on those of the others, for the emoluments annexed to their offices. Were the executive magistrate, or the judges, not independent of the legislature in this particular, their independence in every other, would be merely nominal.

But the great security against a gradual concentration of the several powers in the same department, consists in giving to those who

administer each department, the necessary constitutional means, and personal motives, to resist encroachments of the others. The provision for defence must in this, as in all other cases, be made commensurate to the danger of attack. Ambition must be made to counteract ambition. The interest of the man, must be connected with the constitutional rights of the place. It may be a reflection on human nature, that such devices should be necessary to control the abuses of government. But what is government itself, but the greatest of all reflections on human nature? If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself. A dependence on the people is, no doubt, the primary control on the government; but experience has taught mankind the necessity of auxiliary precautions.

This policy of supplying, by opposite and rival interests, the defect of better motives, might be traced through the whole system of human affairs, private as well as public. We see it particularly displayed in all the subordinate distributions of power; where the constant aim is, to divide and arrange the several offices in such a manner as that each may be a check on the other; that the private interest of every individual may be a centinel over the public

rights. These inventions of prudence cannot be less requisite in the distribution of the supreme powers of the state.

But it is not possible to give to each department an equal power of self-defence. In republican government, the legislative authority necessarily predominates. The remedy for this inconveniency is, to divide the legislature into different branches; and to render them, by different modes of election, and different principles of action, as little connected with each other, as the nature of their common functions, and their common dependence on the society, will admit. It may even be necessary to guard against dangerous encroachments by still further precautions. As the weight of the legislative authority requires that it should be thus divided, the weakness of the executive may require, on the other hand, that it should be fortified. An absolute negative on the legislature, appears, at first view, to be the natural defence with which the executive magistrate should be armed. But perhaps it would be neither altogether safe, nor alone sufficient. On ordinary occasions, it might not be exerted with the requisite firmness; and on extraordinary occasions, it might be perfidiously abused. May not this defect of an absolute negative be supplied by some qualified connexion between this weaker department, and the weaker branch of the stronger department, by which the latter may be led to support the constitutional rights of the former, without being too much detached from the rights of its own department? ...

Federalist No. 57 (Excerpts)

The Alleged Tendency Of The New Plan To Elevate The Few At The Expense Of The Many Considered In Connection With Representation

Tuesday, February 19, 1788

[James Madison]

THE third charge against the House of Representatives is that it will be taken from that class of citizens which will have least sympathy with the mass of the people, and be most likely to aim at an ambitious sacrifice of the many to the aggrandizement of the few.

Of all the objections which have been framed against the federal Constitution, this is perhaps the most extraordinary. Whilst the objection itself is leveled against a pretended oligarchy, the principle of it strikes at the very root of republican government.

The aim of every political constitution is, or ought to be, first to obtain for rulers men who possess most wisdom to discern, and most virtue to pursue, the common good of the society, and in the next place, to take the most effectual precautions for keeping them virtuous whilst they continue to hold their public trust. The elective mode of obtaining rulers is the characteristic policy of republican government. The means relied on in this form of government for preventing their degeneracy are numerous and various. The most effectual one is such a limitation of the term of appointments as will maintain a proper responsibility to the people.

Let me now ask what circumstance there is in the constitution of the House of Representatives that violates the principles of republican government, or favors the elevation of the few on the ruins of the many? Let me

ask whether every circumstance is not, on the contrary, strictly conformable to these principles, and scrupulously impartial to the rights and pretensions of every class and description of citizens?

Who are to be the electors of the federal representatives? Not the rich, more than the poor; not the learned, more than the ignorant; not the haughty heirs of distinguished names, more than the humble sons of obscure and unpropitious fortune. The electors are to be the great body of the people of the United States. They are to be the same who exercise the right in every State of electing the corresponding branch of the legislature of the State.

Who are to be the objects of popular choice? Every citizen whose merit may recommend him to the esteem and confidence of his country. No qualification of wealth, of birth, of religious faith, or of civil profession is permitted to fetter the judgement or disappoint the inclination of the people.

If we consider the situation of the men on whom the free suffrages of their fellow-citizens may confer the representative trust, we shall find it involving every security which can be devised or desired for their fidelity to their constituents.

In the first place, as they will have been distinguished by the preference of their fellow-citizens, we are to presume that in general they

will be somewhat distinguished also by those qualities which entitle them to it, and which promise a sincere and scrupulous regard to the nature of their engagements.

In the second place, they will enter into the public service under circumstances which cannot fail to produce a temporary affection at least to their constituents. There is in every breast a sensibility to marks of honor, of favor, of esteem, and of confidence, which, apart from all considerations of interest, is some pledge for grateful and benevolent returns. Ingratitude is a common topic of declamation against human nature; and it must be confessed that instances of it are but too frequent and flagrant, both in public and in private life. But the universal and extreme indignation which it inspires is itself a proof of the energy and prevalence of the contrary sentiment.

In the third place, those ties which bind the representative to his constituents are strengthened by motives of a more selfish nature. His pride and vanity attach him to a form of government which favors his pretensions and gives him a share in its honors and distinctions. Whatever hopes or projects might be entertained by a few aspiring characters, it must generally happen that a great proportion of the men deriving their advancement from their influence with the people would have more to hope from a preservation of the favor than from innovations in the government subversive of the authority of the people.

All these securities, however, would be found very insufficient without the restraint of frequent elections. Hence, in the fourth place, the House of Representatives is so constituted as to support in the members an habitual recollection of their dependence on the people.

Before the sentiments impressed on their minds by the mode of their elevation can be effaced by the exercise of power, they will be compelled to anticipate the moment when their power is to cease, when their exercise of it is to be reviewed, and when they must descend to the level from which they were raised; there forever to remain unless a faithful discharge of their trust shall have established their title to a renewal of it.

I will add, as a fifth circumstance in the situation of the House of Representatives, restraining them from oppressive measures, that they can make no law which will not have its full operation on themselves and their friends, as well as on the great mass of the society. This has always been deemed one of the strongest bonds by which human policy can connect the rulers and the people together. It creates between them that communion of interests and sympathy of sentiments of which few governments have furnished examples; but without which every government degenerates into tyranny. If it be asked, what is to restrain the House of Representatives from making legal discriminations in favor of themselves and a particular class of the society? I answer: the genius of the whole system; the nature of just and constitutional laws; and, above all, the vigilant and manly spirit which actuates the people of America—a spirit which nourishes freedom, and in return is nourished by it.

If this spirit shall ever be so far debased as to tolerate a law not obligatory on the legislature, as well as on the people, the people will be prepared to tolerate anything but liberty.

Such will be the relation between the House of Representatives and their constituents. Duty, gratitude, interest, ambition itself, are the cords by which they will be bound to fidelity and

sympathy with the great mass of the people. It is possible that these may all be insufficient to control the caprice and wickedness of men. But are they not all that government will admit, and that human prudence can devise? Are they not the genuine and the characteristic means by which republican government provides for the liberty and happiness of the people? Are they not the identical means on which every State government in the Union relies for the

attainment of these important ends? What, then, are we to understand by the objection which this paper has combated? What are we to say to the men who profess the most flaming zeal for republican government, yet boldly impeach the principle of it; who pretend to be champions for the right and the capacity of the people to choose their own rulers, yet maintain that they will prefer those only who will immediately and infallibly betray the trust committed to them? ...

Handout A: Background Essay—The Battle for Balance Answer Key

1. The Roman philosophers supported popular government. The British tradition contributed to the development of the branches of government. Montesquieu supported separation of powers and checks and balances within government.
2. The goals of the Articles were to develop a framework of government, create a “firm league of friendship” with equal suffrage regardless of state size, and locate the majority of power in the states.

The Articles met these goals but it was determined that there were many issues with a decentralized federal government that could not be overcome without a new form of government.

3. The principle Ellsworth supported was federalism. Congress determined that they would create a bicameral legislature where the House would be popularly elected to protect the interests of the larger, more populous states, and the Senate would be elected by the states to protect the interests of the smaller states with fewer people.
4. Brutus believed that the larger the nation, the less contact there would be between the people and the central authority. He thought that the Constitution violated republican principles and reduced the powers of the states. He also asserted that the Senate would be self-interested and create a privileged class. The Anti-Federalists arguments were not disregarded, but the Constitution was ratified despite their protestations.

Handout B: Student Reading Guide Answer Key

Person or Idea	Influences	Example
Classics and ancient history	Republican government of ancient Rome	<ul style="list-style-type: none">▪ Popular assemblies▪ Separation of powers
British tradition	Constitutional monarch	<ul style="list-style-type: none">▪ Multiple branches▪ Bicameralism▪ Separation of powers
Enlightenment	Political philosophers	<ul style="list-style-type: none">▪ Separation of powers▪ Checks and balances

What was the author’s major justification for the failure of the Articles of Confederation?

The Articles of Confederation created many principles in the framework that did not work in practice such as a unicameral legislature, a weak executive, and no judiciary. The Articles created a “firm league of friendship” instead of a government with adequate powers.

Define four of the main Founding Principles the Constitutional Convention debated throughout the summer of 1787.

Principle	Definition
1. Republican Government	Government representative of the sovereign people
2. Federalism	States and national government share the powers to govern
3. Separation of Powers	Each branch has a different function and powers
4. Checks and Balances	Each branch will have a check over the other branches to prevent one branch from gaining a majority of power

Handout C: Problem Solving Chart—Articles of Confederation Answer Key

Problem	Possible Solution
1. Could not tax	Amend the Articles of Confederation to give the Congress the power to tax.
2. Could not control trade/ Could not coin money	Amend the Articles of Confederation to give the Congress the power to coin money and control trade.
3. Unicameral	Amend the Articles of Confederation to change the unicameral legislative branch to a bicameral legislative branch.
4. No executive	Amend the Articles of Confederation to add an executive branch.
5. Lacked unification/central authority/no checks and balances	Create a new form of government.

Why was it necessary to hold a convention to discuss changes to the current form of government under the Articles of Confederation? Summarize the information from the above chart to answer this question with three to five full sentences.

It was necessary to hold a convention in Philadelphia because the Articles of Confederation were failing both domestically and in foreign affairs. The Congress lacked the power to raise revenue beyond tariffs and could not control the states' currency or trading. The lack of unification between the states coupled with a very weak central authority led to instability within the nation and a lack of respect from other nations towards the United States.

Handout E: Student Note Guide—Separation of Powers Answer Key

Branch	Location in the Constitution (Article and Section)	Vested Powers
1. Legislative Branch	A1, S1	Vested in a Congress... consist of a Senate and HR (Bicameral)
2. Executive Branch	A2, S1	Vested in a President
3. Judicial Branch	A3, S1	Vested in a Supreme Court

“The accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny. Were the federal Constitution, therefore, really chargeable with the accumulation of power, or with a mixture of powers, having a dangerous tendency to such an accumulation, no further arguments would be necessary to inspire a universal reprobation of the system.” (James Madison, Federalist No. 47, 1788)

Accept answers that reasonably explain the quote.

Explain Madison's point of view.

In *Federalist No. 47*, Madison argued for separation of powers within the government. He suggested that if all the power was held under one branch then tyranny would be certain. Madison believed the only way to truly secure the power was to separate the powers between the three branches and institute a system of checks and balances.

Handout F: Class Notes Answer Key

Definition of Checks and Balances: limits imposed on all branches of government by vesting in each branch the powers to review the other branches.

Legislative Branch	Executive Branch	Judicial Branch
Checks on Executive Branch: <ol style="list-style-type: none">1. override presidential veto2. impeach the president	Checks on Legislative Branch: <ol style="list-style-type: none">1. veto legislation2. call Congress into session	Checks on Executive Branch: <ol style="list-style-type: none">1. declare executive actions unconstitutional
Checks on Judicial Branch: <ol style="list-style-type: none">1. impeach judges2. Senate approves judge nominations	Checks on Judicial Branch: <ol style="list-style-type: none">1. appoints federal judges	Checks on Legislative Branch: <ol style="list-style-type: none">1. declare laws unconstitutional

Handout G: Checks and Balances Answer Key

Student answers may include:

- The people will not tolerate an abuse of power.
- It is a guardian against the gradual concentration of powers in one branch.
- It is a nature characteristic of man to want to gain more power, so this system will protect man from his own ambition.

Congress: Beginnings and Today

by Joseph Postell, Assistant Professor of Political Science, University of Colorado–Colorado Springs

Establishing a government in which laws are made by an assembly of elected representatives is one of the great achievements in the last several centuries of human history. Yet most people today have a low regard for our legislative branch. Congress has become more democratic since the Founding, and yet today people think their representatives care about their opinions less than ever. The Constitution places the lawmaking power in Congress, yet people look more to the president as our chief legislator. What accounts for these contradictions? Examining the ideas that inspired the creation of our legislative branch and the history of its development helps us to answer these questions.

Constitutional Convention

At the Constitutional Convention, the structure of the legislative branch was the most contentious issue that the delegates faced. The amount of representation that would be granted to the large and the small states nearly tore the Convention apart. One side favored equal representation in the legislature – an arrangement befitting a league or confederacy of equal and independent sovereign states where each distinct sovereignty gets a single vote. Others advocated for proportional representation based on the idea of a republican government. After much debate, the issue was settled by a compromise which exists to this day: one house of Congress provides proportional, the other, equal representation.

Ratification Debate

During the ratification debate over the Constitution, other aspects of the legislative branch prompted criticism. Opponents of the Constitution, known as Anti-Federalists, objected that the legislature would be too far removed from the people, and would become an aristocracy that would betray the people the legislators were supposed to serve. The term lengths were too long. The lack of term limits would allow representatives to serve for very long periods of time, becoming removed from the day-to-day concerns of their constituents. There would be too few representatives (the Constitution allowed *no more* than one representative per 30,000 inhabitants) and each representative would have too large a district, detaching the representative from personal contact and intimacy with his constituents. These arrangements, Anti-Federalists feared, would produce a legislative body that is aristocratic, elitist, and out of touch.

Federalists, those who supported the Constitution, responded by pointing to the problems occurring in the states during the 1780s as evidence that representatives needed time and space in order to “refine and enlarge the public views,” not simply reflect them. Sometimes majorities are tyrannical and representatives must protect the people from themselves. Longer term lengths would provide this space, and the opportunity for indefinite re-election would ensure the people get to decide, at intervals,

whether to keep their legislators in office. A smaller representative body would prevent the legislature from turning into mob rule. The Federalists' vision for Congress differed significantly from the Anti-Federalists', and the debates they had are still part of today's debates over how our legislators should behave and be held accountable.

In one of his most famous writings, *Federalist No. 10*, James Madison described an additional benefit of having a Congress covering a large territory and divided into local districts. This would prevent a majority faction from taking over the government and infringing the rights of the minority. By representing all of the different districts throughout the country, the diversity of the country would be brought into the deliberations in the legislative branch. This view of Congress would ensure that disagreement, and hopefully compromise, would be part of the legislative process. Individual members of Congress are *supposed* to represent the interests of their local constituencies. No single member is elected by the whole country, yet through bringing together all of the various interests some sort of compromise that advances the common good can be reached.

Federalists ultimately won the debate and the people ratified the Constitution through their state ratifying conventions. Federalists rejected the Anti-Federalists' view that the powers of the new Congress would be broad and expansive, focusing on the limited nature of Congress's powers under the Necessary and Proper Clause and the General Welfare Clause. They barely mentioned the Commerce Clause because, at the time of the Founding, nobody believed that power to be very broad. As Madison explained in *Federalist No. 45*, "The regulation of commerce, it is true, is a new power, but that seems to be an

addition which few oppose, and from which no apprehensions are entertained."

Federalists also advanced a new theory of separation of powers that included checks and balances. Prior to 1787, most people thought separation of powers would be preserved by simply laying out the three branches and mandating that no branch trample on the others. However, experience demonstrated that such "parchment barriers" would not be very effective. In a republic, the strongest branch of government is the legislature, and the Federalists were concerned that it would gradually usurp the powers of the other branches. Their remedy was to divide the legislature into two chambers and check each against the other. The House and the Senate, in other words, were designed to work against each other, not together. This would be accomplished by (to quote *Federalist No. 51*) giving each house "different modes of election and different principles of action" in order to make them "as little connected with each other" as possible. The internal division of Congress, the Federalists argued, would maintain the checks and balances needed to preserve separation of powers.

While Federalists won the major debates about Congress, the Constitution said very little about how Congress would function in practice. Many of the rules of Congress were left to be worked out through experience. As a result, Congress has been shaped by historical developments that have changed how it operates, resulting in the "Three Congresses" we have experienced throughout American history.

The First Congress

The "First Congress" was in place during the early decades of American history. From today's perspective it probably looks chaotic,

unpredictable, and disorganized. In these years Congress didn't use committees to specialize in specific policy areas. Most bills were worked out collectively on the floor of the chamber, then referred to a special committee to be written and sent back to the whole assembly for passage. There were advantages and disadvantages to this arrangement. Everyone had an equal opportunity to contribute to every bill. This encouraged deliberation and ensured that every representative, reflecting the views of each part of the country, could influence the laws. Debate was extensive, and the speeches made during debates affected the outcome and were enlightening to the citizens who read them. Since strong and disciplined parties had not yet developed, legislators changed their minds frequently and were free to bargain and compromise. On the other hand, this setup was extremely inefficient, and leadership was lacking to coordinate policies. Because every legislator was a generalist, policy expertise was absent.

The Second Congress

This arrangement worked while Congress was small. After the 1800 census there were 142 representatives in the House and even as late as 1833 there were only 48 senators. But as the nation grew, the Congress expanded and its business became more complex. These changes produced a new kind of Congress by the middle of the nineteenth century, very different from what came before. Two main parties had developed with extensive tools to ensure party discipline. Representatives were nominated by their parties, and therefore had to follow the party leadership to stay in office. Party platforms were carefully constructed and widely read, so that citizens knew where each party stood on

the major questions of the day. Permanent standing committees were created to ensure policy specialization, and these committees were supervised by the leaders in each chamber to ensure that the committees pursued the priorities of the party.

Especially in the House, party leaders became the most powerful members of the government. The Speaker of the House – not the president – was the center of power in the late nineteenth century. Speakers became so powerful that they were called “czars,” and the epitome of the strong Speaker was Joseph Cannon of Illinois. The Speaker's power over the House ensured that the party set the agenda in Congress. Today most are skeptical of party leadership and control, but there were significant advantages. Parties prevented Congress from becoming too fragmented, where all of the local interests simply clashed with each other and gridlock ensued. Because they were elected by a majority of the whole country, these parties reflected the will of the majority, were efficient in implementing that will, and ensured that elections mattered. Congress became a highly coordinated and responsive institution as a result of party leadership – at the expense of independent members representing their constituents' local interests.

The Third Congress

This “Second Congress” came to a sudden end in 1910. In a dramatic sequence of events the Speaker was stripped of most of his powers over members. Similar events occurred in the Senate. This produced a very different, “Third Congress.” Just as power became centralized under party leaders during the “Second Congress,” it filtered back down in this new setup. But the committee

structure remained in place, so committee leaders, rather than all of the legislators, controlled the legislative process. Because committees could refuse to send bills to the floor for votes, the chairs of these committees could ensure (or prevent) the passage of a proposed law. If power was exercised collectively in the “First Congress” and by party leaders in the “Second Congress,” the “Third Congress” is characterized by committee leadership. Power was dispersed from party leaders, but centralized in the hands of the committee chairs.

At the same time, Congress changed the very nature of its functions. Originally designed as a legislative body, Congress began to transfer that power to administrative agencies by delegating its powers over to these agencies. But, just as Madison had predicted, legislators did not want to relinquish control over public policy. Therefore, Congress organized itself to maintain oversight and control over the programs it was delegating to administrative agencies. It did this by maintaining its organization into numerous committees whose members had the specialized knowledge to oversee these programs.

Challenges for Today and Tomorrow

Today, we live in the world of the “Third Congress” that was set in place back in 1910. Some important changes have occurred, but the basic dynamic is the same. Power became even more decentralized in the 1970s, as reformers seized control from conservative Southern Democratic senators who used their powers to block important civil rights laws. They succeeded in placing more power and autonomy into subcommittees, which now can set their agendas without permission from the chairs of the committees that oversee them. More recently,

leaders of both parties have tried to regain control of the agenda in Congress by reclaiming powers to control debate and which bills are voted on. Their efforts have met with limited success, and it is an open question whether Congress will remain a decentralized, committee system where party leadership is weak, or whether party leaders can regain leadership and influence over their members.

Some of the aspects of Congress we dislike so much are rooted in these recent developments. The lack of party leadership and control, for example, has produced a Congress where representatives have more to gain by asserting their own districts’ interests than by bargaining and compromising. Because of the arrangement of Congress into districts, as Madison described in Federalist No. 10, there are very few incentives for members to work together without strong party leadership. The decentralization of power, moreover, has provided more access points for lobbyists and more checkpoints where an individual can stop even the majority in Congress from acting. The “Second Congress” was a responsive, majoritarian institution because of its centralized structure, but today Congress is decentralized, fragmented, and vulnerable to special interest influence.

There is no simple way to think about Congress. It is a complicated institution which raises critical questions about the nature of a republican form of government, and ultimately whether and under what conditions self-government is possible. Congress is the centerpiece of this American experiment in self-government. For that experiment to succeed, it is imperative that citizens understand how their legislature was meant to function, and how it actually functions today.

CRITICAL THINKING ACTIVITY

1. Read the essay and underline the main sentence or two in each paragraph.
2. Next, use those main sentences to write a summary of the essay.
3. Finally, work with a partner or two to discuss the essay, compare your summaries and team-write an outline that traces the changes in Congress from its beginnings to the present.

Founding Principles

Checks and Balances: Constitutional powers are distributed among the branches of government allowing each to limit the application of power of the other branches and to prevent expansion of power of any branch.

Consent of the Governed/Popular Sovereignty: The power of government comes from the people.

Civic Virtue: A set of actions and habits necessary for the safe, effective, and mutually beneficial participation in a society.

Civil Discourse: Reasoned and respectful sharing of ideas between individuals is the primary way people influence change in society/government, and is essential to maintain self-government.

Due Process: The government must interact with all people according to the duly-enacted laws and apply these rules equally with respect to all people.

Federalism: The people delegate certain powers to the national government, while the states retain other powers; and the people, who authorize the states and national government, retain all freedoms not delegated to the governing bodies.

Individual Responsibility: Individuals must take care of themselves and their families, and be vigilant to preserve their liberty and the liberty of others.

Liberty: Except where authorized by citizens through the Constitution, government does not have the authority to limit freedom.

Limited Government: Citizens are best able to pursue happiness when government is confined to those powers which protect their life, liberty, and property.

Majority Rule/Minority Rights: Laws may be made with the consent of the majority, but only to the point where they do not infringe on the inalienable rights of the minority.

Natural/Inalienable Rights: Rights which belong to us by nature and can only be justly taken away through due process. Examples are life, liberty, property, and the pursuit of happiness.

Private Property: The natural rights of all individuals to create, obtain, and control their possessions, beliefs, faculties, and opinions, as well as the fruits of their labor.

Private Virtue: The idea that, in order to sustain liberty, individuals must be knowledgeable and must conduct themselves according to principles of moral and ethical excellence, consistent with their rights and obligations.

Representative/Republican Government: Form of government in which the people are sovereign (ultimate source of power) and authorize representatives to make and carry out laws.

Separation of Powers: A system of distinct powers built into the Constitution, to prevent an accumulation of power in one branch.

Rule of Law: Government and citizens all abide by the same laws regardless of political power. Those laws are justly applied, consistent with an ethos of liberty, and stable.

Virtues

Contribution: To discover your passions and talents, and use them to create what is beautiful and needed. To work hard to take care of yourself and those who depend on you.

Courage: The ability to take constructive action in the face of fear or danger. To stand firm in being a person of character and doing what is right, especially when it is unpopular or puts you at risk.

Honor: Demonstrating good character, integrity, and acting honestly.

Humility: To remember that your ignorance is far greater than your knowledge. To give praise to those who earn it.

Integrity: To tell the truth, expose untruths, and keep your promises.

Initiative: Exercising the power, energy, or ability to organize or accomplish something.

Justice: Upholding of what is fair, just, and right. To stand for equally applied rules that respect the rights and dignity of all, and make sure everyone obeys them.

Moderation: The avoidance of excesses or extremes.

Perseverance: To continue in a task or course of action or hold to a belief or commitment, in spite of obstacles or difficulty. To remember how many before you chose the easy path rather than the right one, and to stay the course.

Respect: Honor or admiration of someone or something. To protect your mind and body as precious aspects of your identity. To extend that protection to every other person you encounter.

Responsibility: Acting on good judgment about what is right or wrong, or deserving the trust of others. To strive to know and do what is best, not what is most popular. To be trustworthy for making decisions in the best long-term interests of the people and tasks of which they are in charge.

Resourcefulness: Taking constructive action in difficult situations quickly and imaginatively.

Self-Governance: To be self-controlled, avoiding extremes, and to not be excessively influenced or controlled by others.

Vigilance: Being alert and attentive to take action to remedy possible injustices or evils.

Glossary

Administrative State: The idea that government agencies should be part of an efficient, planned bureaucracy in which legislative, executive, and judicial powers are combined in specific agencies organized according to scientific management, headed by experts, and empowered to solve social, economic, and political problems. This approach to government eliminates separation of powers, checks and balances, and removes most limits on government power.

Agrarian: The cultivation of land; agriculture; a person who favors equitable distribution of land.

Agricultural Adjustment Act of 1933: An act of Congress passed in 1933 as part of New Deal legislation to help relieve the economic emergency of the Great Depression by increasing agricultural purchasing power and provide emergency relief.

Antebellum: Before the war; in particular, the period before the American Civil War.

Anti-Federalists: A faction of Founders who supported amending the Articles of Confederation and opposed the Constitution of 1787, were concerned about a strong central government, wanted to maintain strong state governments, and fought for the Bill of Rights as a way to protect citizens from a strong central government.

Antiquated: Something that is no longer useful; old; out-of-date.

Apothegm: A short, witty, instructive saying.

Appropriations Committee: A legislative panel that is responsible for passing appropriations, or spending, bills.

Articles of Confederation: The original governing document of the United States that was written in 1777 and was in force until the ratification of the Constitution by nine of the thirteen states in 1788. Under the Articles, states retained sovereignty and created a firm league of friendship in which the national government held little power.

Bicameral/Bicameralism: A legislative body composed of two chambers; in the United States, the Congress is composed of the House of Representatives and the Senate.

Brutus: An Anti-Federalist writer, thought to be Robert Yates of New York. Brutus asserted that it was impossible to provide fair and true representation in such a large republic as the United States.

Bureaucracy: The administration of government through departments and subdivisions; the concentration of authority in a complex structure of administrative bureaus.

Casework: The work done by congressional staffers to assist constituents by contacting government agencies on behalf of the constituent to attempt to resolve problems.

Cato: An Anti-Federalist writer, thought to be George Clinton of New York, who believed that the legislature would not be able to respond to the needs of people from all walks of life and would end up representing the interests of only the wealthy and influential few.

Caucus: A meeting of supporters of a specific political party who gather to elect delegates to choose whom they believe should be the candidate in a given election that is organized by political parties. In the modern congress unit, *caucus* is not used in the electoral sense, but in the sense of a body of individuals belonging to the same faction —“a meeting of the members of a legislative body who are members of a particular political party, to select candidates or decide policy. *Synonyms:* meeting, assembly, gathering, congress, conference, convention, rally, convocation” - Webster’s

Chief Executive: The leader of the executive branch of government. In the British system, the Prime Minister is part of the legislative branch, whereas in the American system, the president is the head of the executive branch.

Clayton Antitrust Act of 1914: An act of Congress that prohibited mergers, interlocking directorates, and other forms of monopolistic business organization.

Cloture: the parliamentary procedure by which debate is closed and the measure under discussion is put to an immediate vote.

Coalition: An alliance of people who come together for a specific purpose.

Coincide: To occur at the same time; to occupy the same place.

Commerce: The economic system that constitutes the working environment for business including the legal, economic, political, social, cultural and technological systems that are in operation in any nation-state.

Commerce Clause: Article I, Section 8, Clause 3 of the U.S. Constitution states, “Congress shall have the power...to regulate commerce with foreign Nations, and among the several States, and with the Indian Tribes.”

Competing Interests: Members of Congress are simultaneously expected to be lawmakers, representatives of the people, and members of a political party. As representatives of the people, they are expected to act for the benefit of both their particular district and for the nation as a whole. Passing laws frequently requires compromise among members, which necessitates sacrificing some constituent desires in hopes of achieving others.

Comply: To act in accordance with a request or order.

Confederation: A league or alliance of independent states, nations, or political organizations.

Congressional Support Staff: Employees of representatives or senators who assist members in their daily work including constituent communication and advocacy, drafting legislation, or research.

Consent: To give permission, approval, or assent.

Constituent: Being a voting member of a community or organization and having the power to appoint or elect.

Contemptible: Despicable; dishonorable; disgraceful.

Contentious: Being argumentative or causing controversy.

Co-opt: To cause or force someone to become part of your group or movement; to use or take control of something for your own purposes.

Delegate: A person designated to represent others.

Deliberative: Carefully weighing or considering.

Democratize: To make or become democratic.

Disappearing Quorum: The refusal to vote on a measure though physically present during a meeting of a deliberative body.

Divisive: Forming or expressing division or distribution.

Dupe: A person who is easily deceived.

Dysfunction: Any malfunctioning part or element.

Economic Opportunity Act of 1964: An act passed by Congress to combat poverty in the United States through work-training programs, urban and rural community action programs, adult education programs, and assistance to needy children under the Office of Economic Opportunity in the executive branch.

Electoral College: The Electoral College is the system used by the United States to elect its chief executive. The College is outlined in Article II, Section 1 and in the Twelfth and Twenty-Third Amendments to the United States Constitution. It calls for each state to be designated a number of electors that is equal to the number of senators and representatives in each state. To win the presidency, a candidate must receive an absolute majority of votes, currently 270 electoral votes.

Enlightened Administrator: A member of the government with specialized knowledge or education about a specific issue who acts as an administrator for government programs.

Enumerated Powers: The powers set forth by the Constitution to each branch of government.

Excess of Democracy: The idea that if there is too much democracy, governing decisions will reflect a mob mentality rather than the long-term best interests of the people.

Executive: The president leads the executive branch of the United States government; the executive is tasked with enforcing the laws, acting as commander in chief of the military, and making treaties and appointing officers with the advice and consent of the Senate.

Federal Farmer: An Anti-Federalist writer, thought to be Melancton Smith of New York, who believed that “a full and equal representation, is that which possesses the same interests, feelings, opinions, and views the people themselves would were they all assembled.”

Federal Pyramid: When James Wilson referred to the federal pyramid, he was arguing for a central government of a “considerable altitude,” or powerful enough to address the injustices and inadequacies that the union had experienced under the Articles of Confederation. A stable structure required a broad and deep foundation, and to Wilson, that meant a high level of participation by the people themselves in choosing their representatives. Wilson believed the new government must be both energetic and popular.

Federal Supremacy: Under the Supremacy Clause of Article VI of the Constitution, the Constitution, laws, and treaties of the federal government are the supreme law of the land.

Federal Trade Commission (FTC): An office under the executive branch created by the Federal Trade Commission Act in 1914 to promote consumer protection and anticompetitive business practices.

Federalists: A group of Founders that believed the central government was not strong enough under the Articles of Confederation and advocated for the new Constitution. They believed a bill of rights was not needed because the Constitution itself limited the government’s powers.

Filibuster: The use of obstructive tactics, especially long speeches, by a member of a legislative body to prevent the adoption of a measure or force a decision.

Food and Drug Administration (FDA): the oldest consumer protection regulatory agency in the federal bureaucracy. It began with the Pure Food and Drug Act of 1906, which prohibited interstate commerce in contaminated food or drugs.

Free State: A state that had banned slavery prior to the Civil War and the ratification of the Thirteenth Amendment.

Gridlock: A situation in which nothing can move or proceed in any direction.

Hepburn Act of 1906: An act by Congress that increased the power of the Interstate Commerce Commission by allowing it to set rates for railroad shipping.

Impartial: Not biased; fair; just.

Impasse: A position or situation from which there is no escape.

Impeachment: The presentation of formal charges against an elected official.

Imperialism: The policy of extending the rule or authority of an empire or nation over foreign countries.

Impetuous: Sudden or rash action, emotional; impulsive.

Implied Powers: Powers of Congress that are said to be implied by the Necessary and Proper Clause in Article I, Section 8 of the Constitution even if they are not listed under the enumerated powers in that section.

Insurgent: A person who rises in opposition to lawful authority, especially one who engages in armed resistance to a government or the execution of its laws.

Interpose: To put a barrier or obstacle in between or in the way of action.

Interstate Commerce: The movement of goods or money from one state to another. Congress has the power to regulate interstate commerce through Article I, Section 8 of the Constitution.

Interstate Commerce Act of 1887: An act passed by Congress that regulated interstate commerce including transportation of goods between states and established the Interstate Commerce Commission.

Interstate Commerce Commission (ICC): An executive agency created under the Interstate Commerce Act of 1887 to regulate trade practices.

Joseph Cannon: A member of the Republican Party and Speaker of the House of Representatives from 1903 to 1911. Cannon was considered to be one of the most dominant Speakers of the House in United States history.

Laissez-faire: The practice of noninterference in the affairs of others; the theory or system of government that upholds the autonomous character of the economic order, believing that the government should intervene as little as possible in economic affairs.

Lame Duck: An elected official or group of officials who continue in office during the period between an election defeat and the new officers' assumption of the office.

Legislation: A law that is made or enacted by a legislature.

Legislature: A deliberative body of persons, usually elected, who make, change, or repeal laws of a nation or state; the branch of government that has the power to make laws.

National Industrial Recovery Act of 1934 (NIRA): An act of Congress to encourage national industrial recovery, foster fair competition, provide for public works, and other purposes as part of New Deal legislation to combat the Great Depression.

National Recovery Administration (NRA): An executive agency created by the National Industrial Recovery Act of 1934 that set production quotas, prices of goods, and wages for each industry. The NRA regulated commerce between the states and within states.

Nationalism: Devotion or loyalty to one's country.

New Jersey Plan: A plan introduced by the New Jersey delegation to the Constitutional Convention that provided for equal representation of the states in a unicameral legislature—in essence just tweaking the Articles of Confederation to revise and strengthen the existing system.

Nullification: The failure or refusal of a U.S. state to enforce a federal law within its limits, usually on constitutional grounds.

Oversight: Supervision or care of a task or governmental agency.

Parliament: A legislative body; the legislature of Great Britain made up of the House of Lords and the House of Commons.

Parliamentary: Formal rules governing the methods of procedure, discussion, and debate in deliberative bodies.

Parliamentary System: A system of government in which there are two chambers of the legislative body, but which lacks separation between the executive and the legislative branch. Under a parliamentary system, the chief executive, usually called a prime minister, is a member of parliament.

Patronage: The power to make appointments to government jobs or the power to grant political favors.

Perpetual Union: A union in which members are not allowed to withdraw or overthrow the government. The Articles of Confederation purported to be a government document in which all members agreed to be members of a perpetual union.

Political Party: A group of people who agree on major policies, programs, and practices of government.

Pork-barrel: A government appropriation, bill, or policy that supplies federal funds for local improvements designed to allow legislators to establish favor with their constituents by benefitting local interests even though the project has little or no broader benefit.

Prime Minister: The head of the government in parliamentary systems.

Privileged: Favored; entitled.

Procedural: The course or mode of action in conducting legal, parliamentary, or other business proceedings.

Progressive/ Progressivism: A person who advocates for progress, change, improvement, or reform; the movement of the people who advocate for progress. As the term is often used in the United States, Progressives see the Constitution as a living document whose limits on the federal government's powers are obsolete.

Proportional representation: A method of voting by which political parties are given legislative representation in proportion to their popular vote.

Quarrel: An angry argument, dispute or altercation.

Quorum: The minimum number of members needed to conduct business in a deliberative body.

Ratify/Ratification: formal approval. With respect to the U.S. Constitution, the process required that nine of the thirteen original states had to approve the Constitution in order for it to become law.

Reform: To change by alteration, substitution, or abolition.

Regulation: A law, rule, or order prescribed by authority.

Reins: The controlling or directing of power.

Repeal: To officially revoke or withdraw.

Representation: The state, fact, or right of having one's interests expressed by delegates in the government.

Republic: A state in which the supreme power resides with the citizens who choose government representatives directly or indirectly through voting.

Revolt: To break away from or rise against authority.

Rules Committee: A committee of the House of Representatives that is in charge of determining which laws will come to the House floor based on the rules of the House.

Schechter Poultry Corp. v. United States (1935): A unanimous Supreme Court case that ruled that the National Industrial Recovery Act was unconstitutional because the federal government could not regulate intrastate trade and because the Congress could not delegate its legislative authority to the executive branch.

Sectionalism: Regard for sectional, or local, interests.

Select Committee: A legislative panel made up of a small number of legislators who were appointed to deal with a specific issue.

Seniority: Priority, precedence, or status obtained as a result of a person's length of service or relative prestigiousness or authority of their position.

Slave State: A state that had not outlawed slavery prior to the Civil War and the ratification of the Thirteenth Amendment.

Sovereign: The supreme power or authority.

Speaker of the House: The leader of the majority party in the U.S. House of Representatives and presiding officer of the House.

Special Interest Groups (SIGs): A group of people with shared interests who seek support of their interests from politicians through legislation, appropriations, or other means.

Stalwarts/Radical Republicans: A wing of the Republican Party whose platform was an opposition to slavery prior to and during the Civil War, fighting for the rights of freed slaves during Reconstruction, and punishing the South for the Civil War.

Stamp Act: An act passed by the British Parliament in 1756 that required colonists pay a tax on every piece of printed paper in order to help pay debts accumulated during the French and Indian War. The act was repealed in 1766.

Standing Committee: A permanent legislative panel in the House of Representatives or Senate that considers bills, recommends measures, or oversees programs and activities.

Suffrage: The right to vote.

Tariff: A bill, cost, or charge imposed by the government on imports or exports.

Tenure of Office Act: An act of Congress, in place from 1867 to 1887, which restricted the power of the president to remove officials from office without the advice and consent of the Senate.

***The Jungle* by Upton Sinclair (1906):** A novel that portrayed the harsh conditions of the meatpacking industry in the early twentieth century and led to the passage of the Meat Inspection Act and the Pure Food and Drug Act, also in 1906.

Three-Fifths Clause: A compromise regarding representation determined in the Constitutional Convention that counted three-fifths of the enslaved individuals in calculating representation and taxation. The clause was adopted as part of the Constitution.

Transformative: To change in form, appearance, structure, condition, or character.

Trustee: A person who administers the affairs of others.

Unicameral/Unicameralism: A legislative assembly consisting of one chamber.

Vetting: To appraise or verify validity or accuracy.

Virginia House of Burgesses: The first representative colonial assembly in the British American colonies.

Virginia Plan: A plan introduced by the Virginia delegation to the Constitutional Convention that recommended not just a revision of the existing confederation of sovereign states but the creation of a powerful national government that would be supreme over the states. The plan included a bicameral legislature in which the lower house was elected by the people of each state and the upper house was elected by the members of the lower house. In each chamber, the number of the state's delegates would be based on state population.

Virtue: Conduct that reflects universal principles of moral and ethical excellence essential to leading a worthwhile life and to effective self-government. For many leading Founders, attributes of character such as justice, responsibility, perseverance, etc., were thought to flow from an understanding of the rights and obligations of men. Virtue is compatible with, but does not require, religious belief.

War Industries Board: An executive agency that directed the wartime economy during World War I.

Ways and Means Committee: A legislative panel that reviews and makes recommendations for government budgets, usually involving taxation.

Whip: A party manager in a legislative body who secures attendance for voting and directs other members.