

Article One

The Creation of Congress

List of States–Political Power

- ▶ UNITED STATES IN 1787
- ▶ New England States: New Hampshire,
▶ *Massachusetts* *, Rhode Island, Connecticut.
- ▶ Middle States: New York, New Jersey, *Pennsylvania* *,
Delaware.
- ▶ Southern/ Slave States: Maryland, *Virginia**
- ▶ No. Carolina, So. Carolina, Georgia.
- ▶
- ▶ (*= Large States)

Legislatures Picked Delegates –
72 were selected but only 58 actually attended.

Delegates

Connecticut

[William Samuel Johnson](#)
[Roger Sherman](#)
[Oliver Ellsworth \(Elsworth\)*](#)

Delaware

[George Read](#)
[Gunning Bedford, Jr.](#)
[John Dickinson](#)
[Richard Bassett](#)
[Jacob Broom](#)

Georgia

[William Few](#)
[Abraham Baldwin](#)
[William Houstoun*](#)
[William L. Pierce*](#)

Maryland

[James McHenry](#)
[Daniel of St. Thomas Jenifer](#)
[Daniel Carroll](#)
[Luther Martin*](#)
[John F. Mercer*](#)

Massachusetts

[Nathaniel Gorham](#)
[Rufus King](#)
[Elbridge Gerry*](#)
[Caleb Strong*](#)

New Hampshire

[John Langdon](#)
[Nicholas Gilman](#)

New Jersey

[William Livingston](#)
[David Brearly \(Brearley\)](#)
[William Paterson \(Patterson\)](#)
[Jonathan Dayton](#)
[William C. Houston*](#)

New York

[Alexander Hamilton](#)
[John Lansing, Jr.*](#)
[Robert Yates*](#)

North Carolina

[William Blount](#)
[Richard Dobbs Spaight](#)
[Hugh Williamson](#)
[William R. Davie*](#)
[Alexander Martin*](#)

Pennsylvania

[Benjamin Franklin](#)
[Thomas Mifflin](#)
[Robert Morris](#)
[George Clymer](#)
[Thomas Fitzsimons; Jared Ingersoll](#)
[James Wilson](#)
[Gouverneur Morris](#)

South Carolina

[John Rutledge](#)
[Charles Cotesworth Pinckney](#)
[Charles Pinckney](#)
[Pierce Butler](#)

Rhode Island

Rhode Island did not send delegates.

Virginia

[John Blair](#)
[James Madison Jr.](#)
[George Washington](#)
[George Mason*](#)
[James McClurg*](#)
[Edmund J. Randolph*](#)
[George Wythe*](#)

Preamble

- ▶ *Shortest* Section of the Whole Constitution
- ▶ Considered the Best
- ▶ Written *Last*
- ▶ Written By One Person –
 - ▶ Gouverneur Morris– Pennsylvania
 - ▶ Just a Few Days Before the Close
- ▶ Accepted in its entirety by the Convention without changes!

“We the ‘People’”

- ▶ Not: “We the various states or “we the US”, or “we... the following delegates.”
- ▶ No reference to God, Providence, Deity– Why? Recognition that US was *not a theocracy!*
- ▶ What is the most important part of the preamble?
“...In order to ensure a more perfect union....”

Shorthand test for “Constitutionality”

Political Consequence of That Phrase:
No Provision to Opt Out of the U.S.
So, No Secession!

Affirmed By “Texas vs. White” 1869

Congress – The Section of the Constitution That Took the Longest To Draft – 4 to 5 Months

- ▶ Membership – (How Many to Start.)
- ▶ How Selected?
- ▶ How Long Terms?
- ▶ Why?
- ▶ Powers?
- ▶ Why These Specifically?
- ▶ (Fear of a Tyrant)

House

- ▶ Membership
How Selected/Elected?
- ▶ How Long Terms?
- ▶ Rotation Class 1,2,3.
- ▶ Why?
- ▶ Powers?
- ▶ Advice and Consent.
- ▶ Impeachment Process

Senate

Slavery and Its Implications

- ▶ What Constitutes A Person?
- ▶ Who Were Counted?
- ▶ What About Those Opposed to Slavery?
- ▶ What Did They Want?
- ▶ Hoped Slavery Will Fade.
- ▶ Compromise At All?
- ▶ Slave Trade Gone in 1808.

Exclusions?

- ▶ The Issue Would Only Get Fully Addressed By
- ▶ A Civil War and Civil War Amendments

The Original Sin Of America

Racism: The Consequence

Examine Individual Sections

- ▶ Can a Sitting President Be Indicted?
- ▶ Money Bills
- ▶ Powers of Congress
- ▶ District of Columbia
- ▶ Habeas Corpus
- ▶ Emoluments
- ▶ Bills of Attainder
- ▶ Ex Post Facto Laws