

★ Our National Documents ★

Purpose

Students will gain an understanding of the significant historical documents that contributed to or played a role in the formation and development of the United States. Students will be able to identify the main purposes, characteristics, and time frame of each of these documents and how they related to and/or differed from one another.

Objective

The student will understand 1) traditional historical points of reference in U. S. history through 1877, 2) the foundations of representative government in the United States, and 3) the American beliefs and principles reflected in important historic documents.

Theme-Progress

Each of the founding documents of the United States contributed to, furthered, or secured the development and progress of the country with regard to individual liberties, government, and society.

NCSS Standards

- I. Culture A. Compare similarities and differences in the ways groups, societies, and cultures meet human needs and concerns.
- II. Time, Continuity, and Change

- B. Identify and use key concepts such as chronology, causality, and complexity to explain, analyze, and show connections among patterns of change within and across cultures, such as the rise of civilizations....
- V. Individuals, Groups, and Institutions
- G. Apply knowledge of how groups and institutions work to meet individual needs and promote the common good.
- X. Civic Ideals & Practices A. Examine the origins and continuing influence of key ideals of the democratic republican form of government....

Time

1-4 days, 1 hour per session

Materials

- ★ K-W-L Chart
- ★ Bill of Rights (for text see “Bill of Rights” lesson unit.)
- ★ U. S. Constitution (for text see “U. S. Constitution” lesson unit or U. S. Archives and Records Administration, www.archives.gov.)
- ★ Declaration of Independence (for text see “Declaration of Independence” lesson unit for text or www.archives.gov.)
- ★ *Understanding the Meanings and Purposes of Our National Documents* by Dr. Richard J. Gonzalez
- ★ Website - www.americanheritage.org

Preparation

- ★ Copy materials/handouts.

Focus

Have students brainstorm and discuss all the major founding documents and related events that come to mind in the United States’ history (particularly early or colonial history). Jot these items on the board. Develop a K-W-L for the whole class or have students each do one on their own. Explore and discuss with students what they know about each of these documents and what they want to know.

Activity

An Introductory or Conclusive Overview of Our National Documents

1. The Big Picture

Before or after students explore and analyze each historical document in detail, have students read/discuss *Understanding the Meanings and Purposes of Our National Documents* by Richard Gonzalez. Introduce and discuss the major primary documents that serve as foundations for the establishment and functioning of our nation, including the Declaration of Independence, the Constitution of 1787, and the first ten amendments approved in 1791 known as the Bill of Rights. Discuss the general purposes, concepts, qualities, and parts/sections of the documents. (See Links page on www.americanheritage.org for additional resources on our nation's important documents.)

2. Create a Timeline

Have students individually or in small groups create a timeline of major historical events in the U. S. and include on it dates of the development of significant national documents. Students may color code or illustrate timelines, laminate them or encase them in plastic sleeves, and/or display them. Have some students or groups present and/or discuss with the class the major points on their timeline.

3. Compare, Contrast, and Highlight

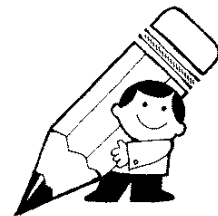
Have students individually or in small groups create outlines or charts to differentiate, compare, and contrast these major historical documents from and/or with one another. Highlight each document's author(s), context and time in which it was written, focus, purpose and goal, ideals and philosophy, format, characteristics, and key points or concepts. Students may color code these charts, laminate them or encase them in plastic sleeves, and/or display them. Discuss/review as a class the components of students' charts, creating on the board a chart for the whole class to review.

Closure

Have students complete the K-W-L chart, writing down what they learned about each of the significant historical events and documents of the United States. Discuss as a whole class what was learned about our national documents, writing them on the board for a class K-W-L chart. Tell students where these original documents are on display and where one can access them to read and study.

Assessment

Students will write an analysis or essay comparing and contrasting significant historical documents of the United States. Students may also develop their own thesis for an essay relating to one or more of the historical documents and an aspect of its/their development, significance, characteristics, historical impact, or philosophy.



K-W-L Chart

| What I Know | What I Want to Know | What I Learned |
|--------------------|----------------------------|-----------------------|
| | | |

Understanding the Meanings and Purposes of Our National Documents

By Richard J. Gonzalez

Senior Research Fellow, University of Texas at Austin

The United States' basic and important national documents include the Declaration of Independence of 1776, the Constitution of 1787, and the first ten amendments to the Constitution approved in 1791 known as the Bill of Rights. To understand our heritage from these documents, we must know their purposes and meanings and the reasons for use of key words and terms at that time. Such knowledge is essential for continuing appreciation of and adherence to the principles of government responsible for the remarkable progress achieved by the people of this nation in two centuries.

The Declaration of Independence established the reasons and philosophical basis for a new form of government based on the principles that all people have equal rights and that governments derive their just powers from the consent of the people. The Constitution of 1787 enumerated the specific limited rights of the national government. The Bill of Rights emphasized the limited authority of the national government by stating that all other powers are reserved to the states or to the people. (Article X)

The Declaration of Independence

A New Form of Government

Through the eighteenth century, many countries were ruled by kings. Kings were believed to have "Divine Rights" from God, and the people had only the limited rights granted to them by the king as their ruler. The powers of the king of Great Britain at that time had been limited by the Magna Carta of 1215 and the English Bill of Rights of 1689 but were still very great. The British government also supported the national Church of England. During this time, many people initially traveled to the English colonies in America in order to find religious, social, and economic freedoms and opportunities and a new, better way of life. When the colonial founders of the United States of America declared their independence from Great Britain, they knew that they were starting a new form of government that had never existed before in order to replace the traditional form of government up to that time in many countries. Such an unprecedented idea was later reflected and printed on U. S. money in the Latin words, "NOVUS ORDO SECLORUM," meaning "a new order of the ages."

Equal and Inalienable Rights

The Declaration of Independence departed from the traditional idea of special rights for the king and the aristocracy and their children and expressed the principle of equal rights for all by birth. The British Parliament, for example, consisted of a House of Lords and a House of Commons, a system reflecting differences in the rights of a hereditary aristocracy from those of the common people. Trial by jury of peers meant that commoners could not try members of the aristocracy since a peer in that case meant another member of the British nobility. (Today the common meaning of the word "peer" now is quite different from that during the eighteenth century.) The Declaration set forth a new principle, holding it to be self-evident that "all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness." This revolutionary statement expressed the principle and belief of the equal rights of all men and that freedom itself was, philosophically, a gift from God and not "parceled out" by a king or government as a vested right that could be withdrawn at the whim of a monarch or government.

A Nation Under God

Referring to “Nature’s God,” to a “Creator” who endows everyone with the same fundamental rights, to the “Supreme Judge of the world,” and to “Divine Providence,” the Declaration of Independence expressed an accepted belief in or acknowledgement of a Creator and Supreme Judge of nature and mankind. This belief or acknowledgement became a premise for establishing a government and country where all human beings have the same rights (and accountabilities) granted by and under God, not by another man. As such, through the Declaration, the founders of this nation established a new government founded on and respecting the equal rights of all the people.

The U. S. Constitution

The Purpose of the Constitution of 1787

In 1787 representatives or delegates from the states came together for a Constitutional Convention to develop a constitution for the new nation. George Washington called the work of the Constitutional Convention a miracle. The miracle of the convention was that thirteen states with widely divergent interests agreed on a constitution providing for an effective but strictly limited federal government that would protect the nation and the rights of the people and of the states. The Constitution was ratified in 1788. The Constitution specifies how it may be amended by Congress or by action of the states as when amendments are ratified by three-fourths of the states. Today, Constitution Week celebrates the anniversary of agreement in 1787 on the Constitution submitted to the thirteen states for ratification.

The Constitution was intended to provide for national unity without authorizing the federal government to impose uniform national standards which fail to take into account significant differences among the states and among the multitude of local government units that warrant reasonable local regulation in keeping with local conditions and the will of the people. Many people wanted to be assured that the federal government would not encroach on the rights of the states. The Constitution was designed to protect the liberty of the people by placing strict limits on the authority granted to the federal government and by reserving all other authority to the state and local governments which would be subject to better control by the people.

In keeping with the basic principles of the Declaration of Independence that governments derive their just powers from the consent of the governed, the Preamble, which introduces the Constitution, states six purposes of the Constitution and, consequently, the reasons for establishing a federal government and defining its limited authority and the way it is to operate: “We the People of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish the Constitution for the United States of America.” Conditions prevailing at the time are the basis for understanding the meaning of these purposes.

1. To Form a More Perfect Union

The first purpose of the Constitution is “in order to form a more perfect union.” Under the previous national governing agreement, the Articles of Confederation, the states had granted little authority to the Continental Congress and acted practically as independent nations, with some states imposing restrictions on trade with other states. The War of Independence, for instance, had been conducted under the Articles of Confederation. The agreement made the federal government dependent on the willingness of each state to pay its share of the cost of the war. Article III of the Constitution later called the Confederation a “league of friendship” for common defense. Failure of the states to provide sufficient funds forced the use of paper money to finance the war

and caused a sharp decline in the value of the dollar, which led to the expression, “Not worth a Continental.”

Some national leaders recognized the need for a stronger national government. A convention at Annapolis in 1786 adopted a resolution calling for a meeting “to render the constitution of the federal government adequate to the exigencies of the Union.” In February 1787, the Continental Congress invited all states to send delegates to a convention at Philadelphia in the spring of that year for the purpose of revising the Articles of Confederation. All the states except Rhode Island sent delegates to the Constitutional Convention which met in Philadelphia in May and completed its work in four months on September 17, 1787. The Constitution was ratified on 1788.

The Constitution was designed to create a federal system of government to replace the weak central government that had previously united the thirteen states. The Constitution defined and limited the powers of the national government. The Constitution authorized the federal government to levy taxes to pay for carrying out the duties assigned to it in order to form a more perfect union. It also defined what the states could and could not do and guaranteed “to every State in the Union a republican form of government.” (Article IV, Section 4) Thus, we regularly pledge as citizens “allegiance to the flag of the United States of America and to the republic for which it stands.” By the term “republic” the Constitution means the system of government in which legislative authority is entrusted by the voters to elected representatives who are expected to use their best judgment as to what serves the interests of all the people. Congress is charged with acting in the national interest by serving the interests of its people consistent with the national interest. The War Between the States prevented the secession of the southern states and established that the national interest is supreme in case of a conflict with the interest of a state. Our system provides for democratic elections of responsible representatives charged with serving the best interests of the people of this nation and of the states by the decision-making process of a republican form of government limited by a Constitution.

2. To Establish Justice

The second purpose of the Constitution is to “establish justice” which would apply uniformly to people in all of the states. The Constitution provided for trial by jury and for a system of federal courts, including a Supreme Court, as part of the system of division of authority among the legislative, executive, and judicial branches of government. This system of checks and balances was designed to prevent concentration of power which could endanger the rights of the states and of the people. The Constitution established federal courts to supplement the work of state courts and deal with all cases arising under the Constitution and laws of the United States. The inscription carved above the entrance to the Supreme Court, “Equal Justice Under Law,” indicates the concept of a government operating under constitutional laws and equal justice for all.

3. To Insure Domestic Tranquility

The third purpose of the Constitution is to “insure domestic tranquility” in order to protect people against civil disorder. Insurrection in Massachusetts in 1786 led by Daniel Shays was a factor contributing to awareness of the need for a national government that would establish justice and insure domestic tranquility. In what became known as Shay’s Rebellion, farmers objecting to high taxes on land and debtors seeking to prevent foreclosure on mortgages participated in armed insurrection. They interfered with and prevented the sitting of state courts and attacked a federal arsenal. The federal government was granted authority by the Constitution to protect the states against domestic violence and civil disorder on application by the legislature or the executive of the state when a state called for help maintaining order.

4. To Provide for the Common Defense

The fourth purpose of the Constitution is “to provide for the common defense.” Failure of the

states to provide adequate financial support for the military forces in the War of Independence had made clear the weakness of a national government that could only ask the states for money but could not levy direct taxes. To correct this problem, the Constitution provided that Congress had power to collect taxes to pay the debts and provide for the common defense and general welfare of the United States. It also provided that measures to raise revenue for the national government should be uniform throughout the United States.

5. To Promote the General Welfare

The fifth purpose of the Constitution is to “promote the general welfare.” It was designed to emphasize that all actions of the federal government should serve the interests and promote the general welfare of all of the people of the United States rather than favor the interests of any particular state, region, or class of citizens. This provision was designed to require that legislation by Congress should give people in all of the states the opportunity to fare well in their efforts to improve life for themselves and their posterity.

At the time of the Constitution, the term “welfare” did not have the meaning that it has acquired in recent decades in this century as governmental aid to the needy. Before and for a long time after adoption of the Constitution, charity and taking care of the poor, sick, and elderly who were unable to support themselves was considered the responsibility of families, neighbors, churches, and local governments and committees, not of the federal government.

6. To Secure the Blessings of Liberty

The sixth important purpose of the Constitution is to “secure the blessings of liberty to ourselves and our posterity.” The term liberty meant freedom from the oppressive taxation and regulation of the people by governments such as that which had caused the colonies to declare their independence from Great Britain. This purpose affirmed the principle of the Declaration of Independence that we are all endowed by our Creator with the same unalienable rights, including life, liberty, and the opportunity to seek happiness through our own efforts without interfering with the rights of others. The Constitution made clear that the only power of the government was that granted to it by the people. The people rejected the theory prevalent in other countries at that time of the “Divine Right” of kings and that people had only such rights as the king, as head of the state, granted to them.

Based on principles set forth in the Declaration of Independence, the Constitution rejected the concept of an aristocracy with special rights by providing that “No title of nobility shall be granted by the United States.” (Article I, Section 9) The Constitution provided for election of national and state officials by the people. It also limited the power of democratically elected officials to make sure that majorities could not deprive minorities of their constitutional rights. The Constitution required that the states also should define the limited authority of elected officials in order to protect the rights of the people.

At the time the Constitution was written, the quest for and value of freedom was prominent in the minds of many leaders and as displayed on national symbols. In a speech in Parliament favoring conciliation with the Colonies, Edmund Burke said, “In the character of the Americans, a love of freedom is the predominating feature which marks and distinguishes the whole.” In a statement on the rights of British America in 1774, Thomas Jefferson said, “The God who gave us life, gave us liberty at the same time.” The Liberty Bell installed at Philadelphia in Independence Hall in 1753 had inscribed on it these words from the Bible: “Proclaim Liberty throughout all the land to all the inhabitants thereof” (Leviticus 25:10).

The Constitution also granted to Congress the power “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.” Copyrights and patents issued by the federal government were intended to reward people for special contributions considered of benefit to the nation. The

combination of freedom for people to decide how to work for improvement of their lives with minimum government interference and taxation and of opportunity to enjoy the reward of good efforts unleashed the creative and productive powers of the people, attracted the most enterprising people from other countries, and produced remarkable economic progress that raised the nation to a position of leadership in the world in the first quarter of the 20th century.

Limits on the Role of Government in Religion

In the eighteenth century, it was common practice for governments to have an official national church supported with tax revenues, such as the Church of England. People could be punished for being dissenters from the “established” church. In early America, nine of the colonies had official churches, and Connecticut and Massachusetts kept their established churches until 1819 and 1833. But while some states in early America had state-supported churches, none of the states wanted to grant congress the right to establish a church which all of them would have to support. As different religions were dominant in the thirteen states, the people did not want the national government to interfere with their free exercise of their chosen religions. For these reasons, Article VI of the Constitution was created and provides that “no religious test shall ever be required as a qualification to any office or public trust under the United States.” Later, in 1791, the First Amendment of the Constitution, as part of the Bill of Rights, was approved, stating, “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.” This amendment protected the people against the establishment of an official national church supported by their taxes and assured their freedom in practicing any religion if they wished to do so. Eventually, official churches in various states were done away with.

Current references to separation of church and state are often based not on the Constitution but on a statement in a letter written by Thomas Jefferson in 1802 in which he offered, given the conditions of his time, that the church should be separate from the state and that no specific religion should be supported by the state. Jefferson’s letter was to the Danbury, Connecticut Baptist Convention and was intended to calm the Baptists’ concern, assuring that the national government and congress would not 1) establish a national religion or 2) interfere with the business or activities of any religious group. The founders of our nation and authors of our Declaration did not want government to interfere with religious liberty but agreed on the importance of religion and religious principles for good government and human happiness. The First Amendment protects the free exercise of religion. Nothing in the Constitution exists about the separation of church and state often referred to by people who do not understand the meaning of the words “establishment of religion.”

In fact, since the writing in the Declaration of a “Creator,” a national recognition of faith in a Creator, in God has continued throughout the history of the United States under the right of the free exercise of religion guaranteed by the First Amendment of the Constitution. The Northwest Ordinance of July 1787 included the statement that good government and the happiness of mankind depend on “religion, morality, and knowledge.” President Washington proclaimed the first national Thanksgiving in 1789, the year of his inauguration. Thanksgiving has been an official national holiday since 1863 when President Lincoln set the last Thursday of November for this celebration. He chose Thursday rather than Sunday or Saturday to encourage all people to join in a national day of thanksgiving and faith separate from sectarian religious beliefs. President Lincoln also used the words “this nation under God” in his Gettysburg Address in 1863. Congress added the words “under God” to the Pledge of Allegiance in 1954. The words “In God We Trust” appear on the coins and bills issued by the United States Treasury.

The Bill of Rights

To secure approval of the proposed Constitution, promises were made that a Bill of Rights would be added to the Constitution to protect people against actions by the national government similar to the abuses experienced under eighteenth-century British rule. In ratifying the Constitution,

Massachusetts, New York, and Virginia proposed amendments to insure protection of individual rights and liberties, which later became the basis for the Bill of Rights, the first ten amendments submitted to the states by the first Congress and ratified in 1791. Also to encourage approval of the Constitution, the founders and early colonists had to accept the ownership of slaves in the southern states, but they expected the practice to be abolished in time because it was not consistent with the principles of the Constitution. (The Northwest Ordinance of 1787 limited the spread of slavery across the country by prohibiting slavery in territory west of the Appalachians controlled by the national government.)

Ratified by the states in 1791, the first ten amendments to the Constitution are known as the Bill of Rights because they define clearly the rights of people and the states which the federal government must respect. For example, the First Amendment assured freedom of religion, speech, the press, peaceable assembly, and the right to petition government for the redress of grievances. The Fifth Amendment provided protection against self-incrimination; being deprived of life, liberty, or property without due process of law; the taking of private property for public use without just compensation; excessive bail and fines; and cruel and unusual punishment. Other amendments assured the right of the people to keep and bear arms and to a speedy public trial by jury in criminal cases. They also protected people against double jeopardy for the same offense and against peacetime quartering of troops without consent. The final amendments emphasized that the people retained all rights not specifically granted to the national government. The Tenth Amendment in the Bill of Rights makes clear the limits placed on the federal government by providing that “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people.”

Number 45 in the Federalist papers published to encourage approval of the proposed Constitution stated, “The powers delegated by the proposed Constitution are few and limited” and “will be exercised principally on external objects, as war, peace, negotiation and foreign commerce.” It also stated, “The powers reserved to the several states will extend to all the objects which, in the ordinary course of affairs, concern the lives, liberty, and properties of the people, and the internal order, improvement and prosperity of the State.” This Constitutional division of authority placed responsibility on local and state governments for such matters affecting the public as education, public health, and laws about control of traffic, gambling, and the sale of alcoholic beverages. For example, some counties prohibited the sale of liquor.

Conclusion

We seldom give much thought to the importance of our national documents such as the Declaration of Independence, the Constitution, and the Bill of Rights in the remarkable progress of the people of the United States in two centuries. We as a people would be wise to devote more attention to the key role of the Declaration of Independence, the U. S. Constitution, and our other important national documents in the progress and prosperity of the people of this great nation. To secure continuation of the blessings of liberty and progress to ourselves and our posterity, all of us should improve our knowledge and understanding of the meanings and significances of our national documents and dedicate ourselves to support and defend their basic principles.

