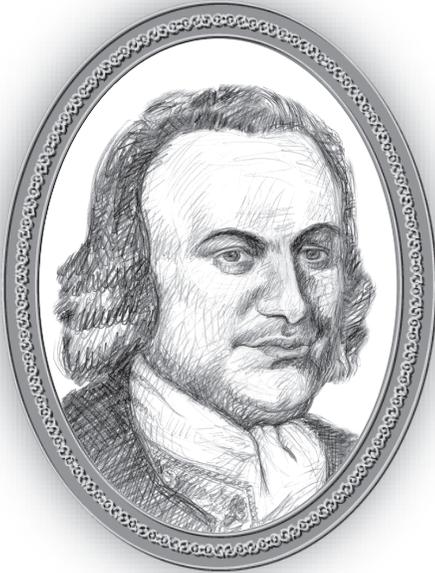


GEORGE MASON

(1725–1792)



We claim Nothing but the Liberty & Privileges of Englishmen, in the same Degree, as if we had still continued among our Brethren in Great Britain: these Rights have not been forfeited by any Act of ours, we can not be deprived of them without our Consent, but by Violence & Injustice; We have received them from our Ancestors and, with God's Leave, we will transmit them, unimpaired to our Posterity.

—George Mason, June 6, 1776



Introduction

George Mason's ideas helped to shape the Founding documents of the United States, but few Americans remember him today. The words he used when writing the Virginia Declaration of Rights and the Virginia Constitution of 1776 inspired the nation's Declaration of Independence and Bill of Rights. Mason was an associate of fellow Virginians George Washington, James Madison, and Thomas Jefferson, the last of whom called Mason "a man of the first order of greatness."

Though he detested politics, Mason believed that it was his duty to protect the rights of his fellow citizens. He therefore entered public life and took an active role in shaping the governments of his state and nation. He was an eloquent advocate for individual freedom and states' rights. He also spoke out against the institution of slavery, though he owned hundreds of slaves who toiled on his Gunston Hall plantation.

Mason spent the last years of his life fighting to ensure that the newly minted Constitution would guarantee the rights of the people. Though the Bill of Rights was eventually approved, Mason was unsatisfied, believing that it failed to protect the people's rights adequately. Faithful to his principles, he retired to his plantation a defeated man, choosing not to serve as Virginia's first senator to avoid joining a government he feared could be the beginning of the end of liberty in the United States.

Relevant Thematic Essays for George Mason

- Slavery
- Freedom of Religion
- Liberty (Volume 2)

In His Own Words: GEORGE MASON

ON LIBERTY

Overview

In this lesson, students will learn about statesman George Mason. They should first read as background homework **Handout A—George Mason (1725–1792)** and answer the **Reading Comprehension Questions**. After discussing the answers to these questions in class, the teacher should have the students answer the **Critical Thinking Questions** as a class. Next, the teacher should introduce the students to the primary source activity, **Handout C—In His Own Words: George Mason on Liberty**. As a preface, there is **Handout B—Context Questions**, which will help the students understand the document.

There are **Follow-Up Homework Options** that ask the students to compose either an essay comparing the Virginia Declaration of Rights with relevant clauses of the Constitution, or a two-paragraph speech that Mason could have made at the Virginia Ratifying Convention. **Extensions** provides an opportunity for thought as students are asked to consider whether liberty is more easily preserved in a small republic than in a large one.

Objectives

Students will:

- understand Mason’s view of the rights of Virginians
- analyze Mason’s objections to the Constitution
- evaluate the importance of Mason’s contributions to the Founding
- appreciate Mason’s devotion to personal liberty and states’ rights

Standards

CCE (9–12): IIA1, IIC1, IIIA1, IIIA2
NCHS (5–12): Era III, Standards 3A, 3B
NCSS: Strands 2, 5, 6, and 10

Materials

Student Handouts

- Handout A—George Mason (1725–1792)
- Handout B—Context Questions
- Handout C—In His Own Words: George Mason on Liberty
- Handout D—Student Answer Bank
- Copy of the Declaration of Independence <<http://www.billofrightsinstitute.org/sections.php?op=viewarticle&artid=50>>
- Copy of the United States Constitution <<http://www.billofrightsinstitute.org/sections.php?op=viewarticle&artid=44>>

Additional Teacher Resource

- Answer Key

Recommended Time

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

LESSON PLAN



I. Background Homework

Ask students to read **Handout A—George Mason (1725–1792)** and answer the Reading Comprehension Questions.



II. Warm-Up [10 minutes]

- Review answers to homework questions.
- Conduct a whole-class discussion to answer the Critical Thinking Questions.
- Ask a student to summarize the historical significance of George Mason.

George Mason was a Virginian dedicated to the principles of individual liberty and states' rights. He was the primary author of the Virginia Declaration of Rights and the Virginia Constitution. These documents influenced the Declaration of Independence, the U.S. Constitution, and the Bill of Rights. He opposed the U.S. Constitution based on the fact that it did not adequately protect the rights of the people.



III. Context [10 minutes]

Briefly review with students the mounting crisis in the relationship between America and Great Britain between 1763 and 1776.



IV. In His Own Words [20 minutes]

- Distribute **Handout B—Context Questions**. Be sure that the students understand the “who, what, where, and when” of the document.
- Divide the class into equal groups. Assign each group one of the clauses of **Handout C—In His Own Words: George Mason on Liberty**. (For a small, advanced class, each clause may be assigned to one student.)
- Give each group the job of paraphrasing its assigned clause in one to two sentences. At the bottom of each clause are vocabulary words that will help the students understand the document.
- Once the groups believe that they understand their assigned clauses, give each group a copy of the first two paragraphs of the Declaration of Independence and a copy of the United States Constitution and the first ten amendments. Ask each group to match its assigned clause with a similar clause/section of one or more of these documents.
- Handout D—Student Answer Bank** can be used with this activity. **Handout D** lists specific clauses and amendments in which the students can find their matches. (Advanced students can probably find the appropriate matches without the answer bank.)



V. Wrap-Up Discussion [5 minutes]

Bring the class together as a whole and have each group share its responses to **Handout C**.



VI. Follow-Up Homework Options

- Have the students assume Mason’s persona and compose a one-page essay in which they compare one or more of the clauses of the Virginia Declaration of Rights with the relevant clauses of the Constitution. The students should accurately convey Mason’s satisfaction or displeasure with each of the Constitution’s clauses.
- Have the students assume Mason’s persona and compose and present a one-page speech that he could have made at the Virginia Ratifying Convention in opposition to the Constitution.

LESSON PLAN



VII. Extensions

Mason made the following comments at the Virginia Ratifying Convention:

Was there ever an instance of a general National Government extending over so extensive a country, abounding in such a variety of climates, &c. where the people retained their liberty? I solemnly declare, that no man is a greater friend to a firm Union of the American States than I am: But, Sir, if this great end can be obtained without hazarding the rights of the people, why should we recur to such dangerous principles?

Suggestions:

A. Students could first paraphrase Mason's comments:

A country as large and diverse as the United States cannot be governed by a strong national government without compromising the people's liberty. I am in favor of a union of the states, under a plan that ensures the people's rights. But this plan risks those rights.

B. At the time of the American Founding, most political thinkers shared Mason's belief that liberty was more easily preserved in a small republic than in a large one. (This was the belief of many ancient political philosophers.) Students can write an essay in which they take a stand on this issue and support their position with four or five points.

Resources

Print

- Copeland, Pamela C., and Richard K. MacMaster. *The Five George Masons: Patriots and Planters of Virginia and Maryland*. Charlottesville: University Press of Virginia, 1975.
- Miller, Helen Hill. *George Mason, Gentleman Revolutionary*. Chapel Hill: University of North Carolina Press, 1975.
- Rutland, Robert A. *The Papers of George Mason*. Chapel Hill: University of North Carolina Press, 1970.
- Rutland, Robert A. *George Mason: Reluctant Statesman*. New York: Holt, Rinehart, and Winston, 1961.
- Tarter, Brent. "George Mason and the Conservation of Liberty." *Virginia Magazine of History and Biography* 99 (1991): 279–304.

Internet

- "The Debates in the Federal Convention of 1787 reported by James Madison: July 11." The Avalon Project at Yale Law School. <<http://www.yale.edu/lawweb/avalon/debates/711.htm>>.
- "George Mason, Remarks on Annual Elections for the Fairfax Independent Company." The Founders' Constitution Volume 1, Chapter 18, Document 5. <<http://press-pubs.uchicago.edu/founders/documents/v1ch18s5.html>>.
- "George Mason, Virginia Ratifying Convention, 4 June 1788." The Founders' Constitution Volume 1, Chapter 8, Document 37. <<http://press-pubs.uchicago.edu/founders/documents/v1ch8s37.html>>.
- Gunston Hall Plantation. <<http://gunstonhall.org/>>.
- "Virginia Declaration of Rights." The Avalon Project at Yale Law School. <<http://www.yale.edu/lawweb/avalon/debates/virginia.htm>>.

Selected Works by George Mason

- *The Virginia Constitution* (1776)
- *The Virginia Declaration of Rights* (1776)
- *Objections to This Constitution of Government* (1787)

GEORGE MASON (1725–1792)

In all our associations; in all our agreements let us never lose sight of this fundamental maxim—that all power was originally lodged in, and consequently is derived from, the people. We should wear it as a breastplate, and buckle it on as our armour.

—George Mason, 1775



Dressed in black clothes, the elder statesman from Fairfax rose once again to speak to the members of the Virginia Ratifying Convention. George Mason was widely respected by his fellow delegates as the author of the state constitution and Declaration of Rights. But his staunch opposition to the U.S. Constitution had made him many enemies. Some even questioned his sanity. Mason feared that the new federal government would be too strong and would “annihilate totally the State Governments.” As the sixty-two-year-old champion of liberty began to speak, all eyes were upon him.

Background

George Mason was born to a wealthy landowner in northern Virginia. His father died when George was ten. As a youth, Mason eagerly read many of the books in his uncle’s large library. He became one of the most educated men in Virginia. Mason married at the age of twenty-five, and he eventually had nine children. His family lived on the great Virginia plantation he called Gunston Hall. About three hundred slaves also lived there. As Mason’s reputation grew, Gunston Hall became a stopping place for political and business leaders.

Defender of American Liberty

George Mason took his place in local politics as a judge and town trustee. He did not like politics, but he believed it was his duty to protect the people’s liberty. This, in his view, was the main role of government. When Virginia’s liberty was threatened, Mason left home to join the battle. As George Washington’s supply officer in the French and Indian War, he fought to protect his state against a foreign power. As a member of the Virginia House of Burgesses, Mason opposed attempts by Parliament to restrict American rights. When these threats passed, he returned to Gunston Hall, content to run his plantation.

In the 1770s, Parliament continued to pass laws attacking American liberty, and Mason responded. He joined the Virginia Committee of Correspondence. This body worked with other colonies to oppose Parliament’s actions through “nonimportation agreements”—boycotts of British goods. Mason helped write the rules for the boycotts in Virginia. But Parliament refused to repeal the acts, instead passing more restrictions. George Mason then joined George Washington in writing the Fairfax Resolves in 1774. This document condemned Parliament’s acts as illegal and a violation of American liberty. Mason gave Virginians a reason to resist British interference in their lives.

The Virginia Constitution and Declaration of Rights

When it became obvious that America would separate from Great Britain, Mason supported the cause. He also wanted to make sure that the new government of Virginia

would guarantee the rights of individuals. Mason was elected to represent Fairfax County at the Virginia Convention, where the new government would be formed.

James Madison was also a delegate to that convention. Madison named Mason the “master builder”—the primary author—of the Virginia Declaration of Rights and the Virginia Constitution. The Declaration of Rights argued that mankind is “by nature equally free and independent, and has certain inherent rights,” such as the rights to life, liberty, and happiness. It insisted that “a majority of the community” has the right to “reform, alter, or abolish” any government that endangers the liberty of the people. These rights were clearly not intended to apply to Virginia’s slaves. Though Mason believed that “every master of slaves is a petty tyrant,” he never freed any of his own slaves.

Mason’s ideas about natural rights and liberty were based on the ideas of the English philosophers John Locke and Algernon Sidney. The Declaration of Rights in turn influenced Jefferson’s Declaration of Independence, which was written shortly afterward. Mason listed several liberties in his Declaration, including freedom of the press, freedom of religion, and the right to a speedy trial by jury, which appeared later in the Bill of Rights. The Virginia Constitution influenced the U.S. Constitution in defining the separation of powers among the executive, legislative, and judicial branches. Virginia adopted both documents in June 1776.

Critic of the Constitution

After helping to create the new state government, Mason joined the House of Delegates and supported the war effort. He retired in 1781 due to illness and returned home. During the 1780s, many statesmen came to believe that the Articles of Confederation were a failure. At the age of sixty-two, George Mason was called on and agreed to serve Virginia once more at the Constitutional Convention in Philadelphia. James Madison admired Mason’s dedication to his country and its people: “It could not be more inconvenient to any gentleman to remain absent from his private affairs, than it was for him.”

Soon, however, Madison and Mason would become enemies. Though Mason agreed that the Articles of Confederation needed to be changed, he feared making the central government too strong. As the convention wore on, he became alarmed by several proposals aimed at reducing the power of the states. Mason believed that the states represented the people better than any national government ever could.

Mason also thought the new Constitution did not go far enough in protecting individual rights and local interests. He feared that the presidency was too powerful. His calls for a bill of rights and for an end to the importation of slaves were rejected. Mason therefore refused to sign the Constitution and spoke out against its approval. This opposition brought to an end his long friendship with George Washington. It also inspired attacks on his mental powers. One supporter of the Constitution accused him of having lost his wits in his old age. To this Mason responded: “Sir, when yours fail, nobody will ever discover it.”

Ratification and the Bill of Rights

Immediately after the convention approved the Constitution, Mason wrote his *Objections to This Constitution of Government*, which was published by newspapers and in pamphlet form. In this essay, Mason warned that the new federal government would destroy the states. He argued that the Constitution gave “no security” to the “Declarations of Rights in the separate States.”

Mason was elected to the Virginia Ratifying Convention that met in June 1788. There he joined Patrick Henry in the fight against ratification of the Constitution. Mason warned the members of the ratifying convention that all three branches of the federal government had been given too much power. The “necessary and proper” and “general welfare” clauses would give Congress unlimited power over the states. Mason demanded that the Constitution be changed so as to protect the people’s rights.

Madison, who was also a member of the convention, tried to reassure Mason and his allies. Madison promised that a list of amendments would be introduced in the first Congress. Based on this pledge, Virginia approved the Constitution. Madison’s twelve amendments were based on Mason’s ideas. Ten of these, known as the Bill of Rights, would be ratified in 1791. But the ten amendments were not enough to satisfy Mason, who wished to see “two or three” more added. Mason retired from public life and returned to his beloved Gunston Hall to live out his few remaining days. Mason died less than a year after the Bill of Rights went into effect.



Reading Comprehension Questions

1. What did Mason believe to be the main role of government?
2. What two founding documents of Virginia did Mason author?
3. Why did Mason object to the Constitution?

Critical Thinking Questions

4. Why do you think Mason wore black clothes at the Virginia Ratifying Convention?
5. Mason hated politics, but he entered public life because he believed it to be his duty. Have you ever done something you did not like because of a sense of duty?

CONTEXT QUESTIONS

The Virginia Declaration of Rights

Answer the following questions.

1. When was this document written?
2. Where was this document written?
3. Who wrote this document?
4. What type of document is this?
5. What was the purpose of this document?
6. Who was the audience for this document?

IN HIS OWN WORDS: GEORGE MASON ON LIBERTY

The Virginia Declaration of Rights

The Virginia Declaration of Rights, which was drafted by George Mason, was adopted unanimously on June 12, 1776, by the Virginia Convention of Delegates. The sixteen clauses in the Virginia Declaration of Rights are shown below.

Directions:

1. Working in a group, paraphrase the clause assigned to your group in one or two sentences. Be sure to refer to the vocabulary words and their definitions below the clause for better understanding.
2. Match each clause with similar sections in the first two paragraphs of the Declaration of Independence, the U.S. Constitution, and/or the first ten amendments to the U.S. Constitution. Note that sections of these documents may match more than one clause. In some cases, there may not be an appropriate match.

1

That all men are by nature equally free and independent, and have certain inherent rights, of which, when they enter into a state of society, they cannot, by any compact, deprive or divest their posterity; namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.

Vocabulary:

inherent = natural

deprive/divest = take away from

2

That all power is vested in, and consequently derived from, the people; that magistrates are their trustees and servants, and at all times amenable to them.

Vocabulary:

vested = placed in

magistrates = government officials

amenable = answerable

3

That government is, or ought to be, instituted for the common benefit, protection, and security of the people, nation or community; of all the various modes and forms of government that is best, which is capable of producing the greatest degree of happiness and safety and is most effectually secured against the danger of maladministration; and that, whenever any government shall be found inadequate or contrary to these purposes, a majority of

the community hath [has] an indubitable, unalienable, and indefeasible right to reform, alter or abolish it, in such manner as shall be judged most conducive to the public weal.

Vocabulary:

maladministration = poor operation

indubitable = undoubted

unalienable/indefeasible = not capable of being taken away/undone

public weal = general good

4

That no man, or set of men, are entitled to exclusive or separate emoluments or privileges from the community, but in consideration of public services; which, not being descendible, neither ought the offices of magistrate, legislator, or judge be hereditary.

Vocabulary:

emoluments = payments for holding an office

descendible/hereditary = passed from one generation to the next

5

That the legislative and executive powers of the state should be separate and distinct from the judicative; and, that the members of the two first may be restrained from oppression by feeling and participating the burthens of the people, they should, at fixed periods, be reduced to a private station, return into that body from which they were originally taken, and the vacancies be supplied by frequent, certain, and regular elections in which all, or any part of the former members, to be again eligible, or ineligible, as the laws shall direct.

Vocabulary:

oppression = tyranny, misrule

eligible = qualified

6

That elections of members to serve as representatives of the people in assembly ought to be free; and that all men, having sufficient evidence of permanent common interest with, and attachment to, the community have the right of suffrage and cannot be taxed or deprived of their property for public uses without their own consent or that of their representatives so elected, nor bound by any law to which they have not, in like manner, assented, for the public good.

Vocabulary:

suffrage = the ability to vote

assented = agreed to

 7

That all power of suspending laws, or the execution of laws, by any authority without consent of the representatives of the people is injurious to their rights and ought not to be exercised.

Vocabulary:

injurious = harmful

exercised = carried out

 8

That in all capital or criminal prosecutions a man hath a right to demand the cause and nature of his accusation to be confronted with the accusers and witnesses, to call for evidence in his favor, and to a speedy trial by an impartial jury of his vicinage, without whose unanimous consent he cannot be found guilty, nor can he be compelled to give evidence against himself; that no man be deprived of his liberty except by the law of the land or the judgement of his peers.

Vocabulary:

capital = punishable by death (crime)

vicinage = vicinity

unanimous = having the agreement and consent of all

peers = people of the same social rank

 9

That excessive bail ought not to be required, nor excessive fines imposed; nor cruel and unusual punishments inflicted.

Vocabulary:

excessive = extreme/too much

inflicted = imposed

 10

That general warrants, whereby any officer or messenger may be commanded to search suspected places without evidence of a fact committed, or to seize any person or persons not named, or whose offense is not particularly described and supported by evidence, are grievous and oppressive and ought not to be granted.

Vocabulary:

grievous = serious

11

That in controversies respecting property and in suits between man and man, the ancient trial by jury is preferable to any other and ought to be held sacred.

12

That the freedom of the press is one of the greatest bulwarks of liberty and can never be restrained but by despotic governments.

Vocabulary:

bulwarks = defenses

despotic = tyrannical, cruel

13

That a well regulated militia, composed of the body of the people, trained to arms, is the proper, natural, and safe defense of a free state; that standing [permanent] armies, in time of peace, should be avoided as dangerous to liberty; and that, in all cases, the military should be under strict subordination to, and be governed by, the civil power.

Vocabulary:

regulated = organized

subordination = subservience

14

That the people have a right to uniform government; and therefore, that no government separate from, or independent of, the government of Virginia, ought to be erected or established within the limits thereof.

Vocabulary:

uniform = consistent

15

That no free government, or the blessings of liberty, can be preserved to any people but by a firm adherence to justice, moderation, temperance, frugality, and virtue and by frequent recurrence to fundamental principles.

Vocabulary:

adherence = devotion

temperance = moderation

frugality = care in spending money

recurrence = repetition

fundamental = basic

16

That religion, or the duty which we owe to our Creator and the manner of discharging it, can be directed by reason and conviction, not by force or violence; and therefore, all men are equally entitled to the free exercise of religion, according to the dictates of conscience; and that it is the mutual duty of all to practice Christian forbearance, love, and charity towards each other.

Vocabulary:

discharging = fulfilling

dictates = orders

forbearance = patience

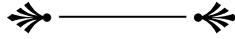
Source: “The Virginia Declaration of Rights.” The Avalon Project at Yale University Law School.
<<http://www.yale.edu/lawweb/avalon/virginia.htm>>.

STUDENT ANSWER BANK

You may use this answer bank with **Handout C**. The following is a list of specific paragraphs, clauses, and amendments that are similar to the clauses in the Virginia Declaration of Rights. Match your assigned clause to the documents below.

- Declaration of Independence (Paragraphs 1 and 2)
- The Constitution: Articles I, II, III, and IV
- The Constitution: Article I, Section 2, Clause 1
- The Constitution: Article I, Section 9, Clause 2
- The Constitution: Article I, Section 9, Clause 8
- The Constitution: Article II, Section 2, Clause 1
- The Constitution: Article II, Section 3
- The Constitution: Article IV, Section 3
- First Amendment
- Second Amendment
- Fourth Amendment
- Fifth Amendment
- Sixth Amendment
- Seventh Amendment
- Eighth Amendment

SLAVERY



For nearly 250 years, the existence of slavery deprived African Americans of independent lives and individual liberty. It also compromised the republican dreams of white Americans, who otherwise achieved unprecedented success in the creation of political institutions and social relationships based on citizens' equal rights and ever-expanding opportunity.

Thomas Jefferson, who in 1787 described slavery as an "abomination" and predicted that it "must have an end," had faith that "there is a superior bench reserved in heaven for those who hasten it." He later avowed that "there is not a man on earth who would sacrifice more than I would to relieve us from this heavy reproach in any *practicable* way." Although Jefferson made several proposals to curb slavery's growth or reduce its political or economic influence, a workable plan to eradicate slavery eluded him. Others also failed to end slavery until finally, after the loss of more than 600,000 American lives in the Civil War, the United States abolished it through the 1865 ratification of the Thirteenth Amendment to the Constitution.

American slavery and American freedom took root at the same place and at the same time. In 1619—the same year that colonial Virginia's House of Burgesses convened in Jamestown and became the New World's first representative assembly—about 20 enslaved Africans arrived at Jamestown and were sold by Dutch slave traders. The number of slaves in Virginia remained small for several decades, however, until the first dominant labor system—indentured servitude—fell out of favor after 1670. Until then indentured servants, typically young and landless white Englishmen and Englishwomen in search of opportunity, arrived by the thousands. In exchange for passage to Virginia, they agreed to labor in planters' tobacco fields for terms usually ranging from four to seven years. Planters normally agreed to give them, after their indentures expired, land on which they could establish their own tobacco farms. In the first few decades of settlement, as demand for the crop

boomed, such arrangements usually worked in the planters' favor. Life expectancy in Virginia was short and few servants outlasted their terms of indenture. By the mid-1600s, however, as the survival rate of indentured servants increased, more earned their freedom and began to compete with their former masters. The supply of tobacco rose more quickly than demand and, as prices decreased, tensions between planters and former servants grew.

These tensions exploded in 1676, when Nathaniel Bacon led a group composed primarily of former indentured servants in a rebellion against Virginia's government. The rebels, upset by the reluctance of Governor William Berkeley and the gentry-dominated House of Burgesses to aid their efforts to expand onto American Indians' lands, lashed out at both the Indians and the government.

After several months the rebellion dissipated, but so, at about the same time, did the practice of voluntary servitude.

In its place developed a system of race-based slavery. With both black and white Virginians living longer, it made better economic sense to own slaves, who would never gain their freedom and compete with masters, than to rent the labor of indentured servants, who would. A few early slaves had gained their freedom, established plantations, acquired servants, and enjoyed liberties shared by white freemen, but beginning in the 1660s Virginia's legislature passed laws banning interracial marriage; it also stripped African Americans of the rights to own property and carry guns, and it curtailed their freedom of movement. In 1650 only about 300 blacks worked Virginia's tobacco fields, yet by 1680 there were 3,000 and, by the start of the eighteenth century, nearly 10,000.

Slavery surged not only in Virginia but also in Pennsylvania, where people abducted from Africa and their descendants harvested wheat and oats, and in South Carolina, where by the 1730s rice planters had imported slaves in such quantity that they accounted for two-thirds of the population.



The sugar-based economies of Britain's Caribbean colonies required so much labor that, on some islands, enslaved individuals outnumbered freemen by more than ten to one. Even in the New England colonies, where staple-crop agriculture never took root, the presence of slaves was common and considered unremarkable by most.

Historian Edmund S. Morgan has suggested that the prevalence of slavery in these colonies may have, paradoxically, heightened the sensitivity of white Americans to attacks against their own freedom. Thus, during the crisis preceding the War for Independence Americans frequently cast unpopular British legislation—which taxed them without the consent of their assemblies, curtailed the expansion of their settlements, deprived them of the right to jury trials, and placed them

under the watchful eyes of red-coated soldiers—as evidence of an imperial conspiracy to “enslave” them. American patriots who spoke in such terms did not imagine that they would be forced to toil in tobacco fields; instead, they feared that British officials would deny to them some of the same individual and civil rights that they had denied to enslaved African Americans. George Mason, collaborating with George Washington, warned in the Fairfax Resolves of 1774 that the British Parliament pursued a “regular, systematic plan” to “fix the shackles of slavery upon us.”

As American revolutionaries reflected on the injustice of British usurpations of their freedom and began to universalize the individual rights that they had previously tied to their status as Englishmen, they grew increasingly conscious of the inherent injustice of African-American slavery. Many remained skeptical that blacks possessed the same intellectual capabilities as whites, but few refused to count Africans as members of the human family or possessors of individual rights. When Jefferson affirmed in the Declaration of Independence “that all men are created equal,” he did not mean all *white* men. In fact, he attempted to turn the Declaration into a platform from which Americans would denounce the trans-Atlantic slave trade. This he blamed on Britain and its king who, Jefferson wrote, “has waged cruel war against human nature itself, violating it's [sic] most sacred rights of life and liberty in the persons of a distant people who never offended him, captivating & carrying them into slavery in another hemisphere.”

The king was wrong, he asserted, “to keep open a market where MEN should be bought & sold.” Delegates to the Continental Congress from South Carolina and Georgia, however, vehemently opposed the inclusion of these lines in the Declaration of Independence. Representatives of other states agreed to delete them. Thus began, at the moment of America's birth, the practice of prioritizing American unity over black Americans' liberty.

Pragmatism confronted principle not only on the floor of Congress but also on the plantations of many prominent revolutionaries. When Jefferson penned his stirring defense of individual liberty, he owned 200 enslaved individuals. Washington, the commander-in-chief of the Continental Army and future first president, was

one of the largest slaveholders in Virginia. James Madison—who, like Jefferson and Washington, considered himself an opponent of slavery—was also a slaveholder. So was Mason, whose Virginia Declaration of Rights stands as one of the revolutionary era's most resounding statements on behalf of human freedom. Had these revolutionaries attempted to free their slaves, they would have courted financial ruin. Alongside their landholdings, slaves constituted the principal asset against which they borrowed. The existence of slavery, moreover, precluded a free market of agricultural labor; they could never afford to pay free people—who could always move west to obtain their own farms, anyway—to till their fields.

Perhaps the most powerful objection to emancipation, however, emerged from the same set of principles that compelled the American revolutionaries to question the justice of slavery. Although Jefferson, Washington, Madison, and Mason considered human bondage a clear violation of individual rights, they trembled when they considered the ways in which emancipation might thwart their republican experiments. Not unlike many nonslaveholders, they considered especially fragile the society that they had helped to create. In the absence of aristocratic selfishness and force, revolutionary American governments relied on virtue and voluntarism. Virtue they understood as a manly trait; the word, in fact, derives from the Latin noun *vir*, which means “man.” They considered men to be independent and self-sufficient, made free and responsible by

In 1650 only about 300 African Americans worked Virginia's tobacco fields, yet by 1680 there were 3,000; by the start of the eighteenth century, there were nearly 10,000.

habits borne of necessity. Virtuous citizens made good citizens, the Founders thought. The use of political power for the purpose of exploitation promised the virtuous little and possessed the potential to cost them much. Voluntarism was virtue unleashed: the civic-minded, selfless desire to ask little of one's community but, because of one's sense of permanence within it, to give much to it. The Founders, conscious of the degree to which involuntary servitude had rendered slaves dependent and given them cause to resent white society, questioned their qualifications for citizenship. It was dangerous to continue to enslave them, but perilous to emancipate them. Jefferson compared it to holding a wolf by the ears.

These conundrums seemed to preclude an easy fix. Too aware of the injustice of slavery to expect much forgiveness from slaves, in the first decades of the nineteenth century a number of Founders embarked on impractical schemes to purchase the freedom of slaves and "repatriate" them from America to Africa. In the interim, debate about the continued importation of slaves from Africa stirred delegates to the Constitutional Convention. South Carolina's Charles Pinckney vehemently opposed prohibitions on the slave trade, arguing that the matter was best decided by individual states. The delegates compromised, agreeing that the Constitution would prohibit for twenty years any restrictions on the arrival of newly enslaved Africans. As president, Jefferson availed himself of the opportunity afforded by the Constitution when he prohibited the continued importation of Africans into America in 1808. Yet he had already failed in a 1784 attempt to halt the spread of slavery into the U.S. government's western territory, which stretched from the Great Lakes south toward the Gulf of Mexico (the compromise Northwest Ordinance of 1787 drew the line at the Ohio River), and in his efforts to institute in Virginia a plan for gradual emancipation (similar to those that passed in Northern states, except that it provided for the education and subsequent deportation of freed African Americans). Of all the Founders, Benjamin Franklin probably took the most unequivocal public stand against involuntary servitude when, in 1790, he signed a strongly worded antislavery petition submitted to Congress by the Pennsylvania Abolition Society. This, too, accomplished little.

The revolutionary spirit of the postwar decade, combined with the desire of many Upper South plantation owners to shift from labor-intensive tobacco to wheat, created opportunities to reduce the prevalence of slavery in America—especially in the North. Those opportunities not seized upon—especially in the South—would not soon return.

Eli Whitney's invention of the cotton gin in 1793 widened the regional divide. By rendering more efficient the processing of cotton fiber—which in the first half of the nineteenth century possessed a greater value than all other U.S. exports combined—Whitney's machine triggered a resurgence of Southern slavery. Meanwhile, the wealth that cotton exports brought to America fueled a booming Northern industrial economy that relied on free labor and created a well-educated middle class of urban professionals and social activists. These individuals kept alive the Founders' desire to rid America of

"I tremble for my country when I reflect that God is just," Jefferson had prophetically remarked, for "his justice cannot sleep for ever." Americans paid dearly for the sin of slavery.

slavery, but they also provoked the development of Southern proslavery thought. At best, Southerners of the revolutionary generation had viewed slavery as a necessary evil; by the 1830s, however, slaveholders began to describe it as a positive good. African Americans were civilized Christians, they argued, but their African ancestors were not. In addition, the argument continued, slaves benefited from the paternalistic care of masters who, unlike the Northern employers of "wage slaves," cared for their subordinates from the cradle to the grave. This new view combined with an older critique of calls for emancipation: since slaves were the property of their masters, any attempt to force their release would be a violation of masters' property rights.

Regional positions grew more intractable as the North and South vied for control of the West. Proposals to admit into statehood Missouri, Texas, California, Kansas, and Nebraska resulted in controversy as Northerners and Southerners sparred to maintain parity in the Senate. The 1860 election to the presidency of Abraham Lincoln, a Republican who opposed the inclusion of additional slave states, sparked secession and the Civil War.

"I tremble for my country when I reflect that God is just," Jefferson had prophetically remarked, for "his justice cannot sleep for ever." Americans paid dearly for the sin of slavery. Efforts by

members of the founding generation failed to identify moderate means to abolish the practice, and hundreds of thousands died because millions had been deprived of the ability to truly live.

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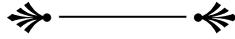
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FREEDOM OF RELIGION



A sound understanding of the United States requires an appreciation of the historical commitment of the American people to certain fundamental liberties. High on the list of these liberties is freedom of religion. The image of brave seventeenth-century English Puritans making the difficult journey across the Atlantic to American shores in pursuit of the freedom to live according to their faith is a powerful part of the American myth. Less remembered, however, is the fact that the commonwealth established by the Puritans was as intolerant as Anglican England, from which they had fled. Indeed, the road to achieving full religious liberty in the United States was long and arduous. By the time of the writing of the United States Constitution in 1787, Americans were committed to the principle of religious tolerance (or, to use the term of the time, “toleration”) and the idea of separation of church and state, but only to a limited degree. It would be another five decades before all states granted broad religious liberty to their citizens and provided for the complete separation of church and state.

Modern ideas about freedom of religion were developed in the wake of the Protestant Reformation of the sixteenth century, which shattered the unity of Christendom and plunged Europe into political and religious conflict. Though some European states remained religiously homogeneous, either retaining the traditional faith of Roman Catholicism or adopting some brand of Protestantism, religious division within many countries led to discord and bloodshed. In England, the church established in the mid-sixteenth century by King Henry VIII (who reigned from 1509 to 1547) faced stiff resistance, first from the many Catholics who refused to abandon the faith of their ancestors, and then from the Puritans who opposed the rule of bishops and wanted to purify the church so that it included only the elect.

Henry VIII’s successors, Elizabeth I (1558–1603) and James I (1603–1625), successfully quelled opposition to the Church of England (the Anglican

Church), largely through harsh persecution of dissenters. In 1642, however, England was engulfed by religious civil war, from which the Puritans emerged victorious. The Puritan Commonwealth established by Oliver Cromwell ruthlessly persecuted Anglicans and Catholics. But Puritan rule was short-lived. An Anglican monarch, Charles II, was restored to the throne in 1660.

This “settlement” of the religious crisis, however, was threatened by the accession of a Catholic, James II, to the throne in 1685. Anxious Protestants conspired and invited a foreigner, William of Orange, to assume the kingship of England. William invaded England, drove James into exile, assumed the throne, and reestablished the Church of England as the national church.

In this contentious atmosphere some English political thinkers, such as John Locke, began to advocate a policy of religious

toleration. Locke’s ideas reflected a key assumption of Enlightenment thought—that religious belief, like political theory, is a matter of opinion, not absolute truth. “The business of laws,” Locke wrote in his *Letter on Toleration* (1689), “is not to provide for the truth of opinions, but for the safety and security of the commonwealth and of every particular man’s goods and person.” Public security was in no way dependent on a uniformity of religious belief among the citizenry. “If a Jew do not believe the New Testament to be the Word of God,” Locke stated, “he does not thereby alter anything in men’s civil rights.” Rather, intolerance led to “discord and war,” and Locke warned that “no peace and security” could be “preserved amongst men so long as this opinion prevails . . . that religion is to be propagated by force of arms.” Religious belief, in Locke’s view, was a matter of individual choice, a matter for society, not for government.

Locke’s views on religious liberty had a profound influence on American thinking in the next century. Other writings, however, particularly the Bible, had at least as great an impact on American political theory. Indeed, the American experiment in religious toleration began years before the publication of



Locke's treatise, though the early history of Puritan Massachusetts Bay was hardly indicative of the course that toleration would take in America. Established by John Winthrop in 1630, Massachusetts was a repressive place where church and state were one and where religious dissent was ruthlessly stamped out. Dissenters had few options: they could be silent, suffer persecution, or leave the colony. Roger Williams, a freethinking preacher, was forced to choose this last option, leaving Massachusetts in 1636 to establish the colony of Rhode Island.

In Rhode Island, Williams instituted toleration for all people, and his new colony quickly became a refuge for persecuted groups like Quakers and Baptists. Williams's case for toleration was at least as radical as Locke's. Basing his arguments on the Bible, Williams insisted that the Jews, Muslims, and atheists were also deserving of religious liberty. The only "sword" to be used in fighting their opinions was scripture itself. Intolerance was an offense to God. "An enforced uniformity of religion throughout a nation or civil state," Williams wrote in *The Bloody Tenent of Persecution* (1644), "denies the principles of Christianity." Williams argued that forced belief was not only a violation of God's law but also an unwise policy. "Enforced uniformity (sooner or later) is the greatest occasion of civil war, ravishing of conscience, persecution of Christ Jesus in his servants, and of the hypocrisy and destruction of millions of souls."

Two years before the founding of Rhode Island, Cecil Calvert founded the colony of Maryland and proclaimed toleration for all Christians. Calvert himself was a Catholic, but he knew that the viability of his colony depended on luring enough Protestant settlers to make it an economic success. A policy of toleration, he hoped, would serve this purpose. In setting up Pennsylvania in the 1680s, William Penn, a Quaker, followed a similar course, making his colony a haven not only for his fellow coreligionists, but, like Rhode Island, a refuge for people of all religious sects.

Pennsylvania and Rhode Island would preserve uninterrupted their traditions of religious liberty, but in Maryland, freedom of religion would be curtailed for Catholics once Protestants came to power in the last decade of the seventeenth century. Still, the idea that some degree of religious liberty was a healthful policy for government became

firmly rooted in America by the eighteenth century. Americans learned from the example of seventeenth-century England that religious persecution was ultimately detrimental to the political, social, and economic welfare of the nation. In America, where the Christian sects were more numerous than in England, the repercussions of religious intolerance would be especially adverse to the nation's prospects. Americans' devotion to religious freedom, then, was a product of necessity and experience as well as reason.

The crisis of empire during the 1760s and 1770s served to strengthen the American commitment to religious liberty. It was not only the intrusive economic measures passed by Parliament during these years that alarmed Americans. Patriot leaders also warned of the danger of the Anglican

Church's interference in American religious affairs. There was much talk that the British government would install a bishop in America who would become the instrument of tyranny. This idea that political and religious liberty went hand in hand was reflected in the New York Constitution of 1776, which explicitly connected "civil tyranny" with "spiritual oppression and intolerance."

Nearly all the state constitutions written during the American independence movement reflected a commitment to some degree of religious liberty. The Massachusetts Constitution of 1780 promised that "no subject shall be hurt, molested, or restrained, in his person, liberty, or estate, for worshipping God in the manner and season most agreeable to the dictates of his own conscience." The Virginia Declaration of Rights of 1776, authored by George Mason, proclaimed "That Religion or the duty which we owe to our Creator and the manner of discharging it, can be directed only by reason and conviction, not by force or violence." Mason's ideas mirrored Locke's belief that government should not intrude upon the concerns of society.

But many states limited religious liberty to Christians in general, or to Protestants in particular. The North Carolina Constitution of 1776 decreed "That no person, who shall deny the being of God or the truth of the Protestant religion . . . shall be capable of holding any office or place of trust or profit in the civil department within this State." Similarly, the New Jersey Constitution of the same year declared that "there

Locke warned that "no peace and security" could be "preserved amongst men so long as this opinion prevails . . . that religion is to be propagated by force of arms."

shall be no establishment of any one religious sect in this Province, in preference to another,” but promised Protestants alone full civil rights. Thanks largely to the efforts of Charles Carroll of Carrollton, a Roman Catholic, Maryland’s Revolutionary Constitution was more liberal in its guarantee of religious liberty to “all persons, professing the Christian religion.”

The Protestant majority in America was indeed particularly concerned about the Catholic minority in its midst. Catholics constituted the largest non-Protestant creed in the country, and it was believed that Catholicism demanded loyalty to the pope above devotion to country. The connection between Catholicism and absolutism was deeply ingrained in the American Protestant mind and was a legacy of the Reformation, which Protestants saw as a period of liberation from the ignorance, superstition, and tyranny of the Roman Catholic Church. During the crisis with England, a wave of religious hysteria swept over American Protestants, who worried that the pope would personally lead the Catholics of Canada in a military assault on American forces. “Much more is to be dreaded from the growth of Popery in America,” patriot leader Samuel Adams asserted in 1768, “than from Stamp-Acts or any other acts destructive of men’s civil rights.” This bigotry caused Roman Catholics to become outspoken proponents of religious toleration and the separation of church and state. In a country dominated by Protestants, this was the only realistic course for them.

All thirteen states at the time of American independence, then, acknowledged to some degree in their constitutions the principle of religious liberty. Most also provided for some degree of separation of church and state. Several states went so far as to prohibit clergymen from holding state office, a restriction in the Georgia Constitution of 1777 that the Reverend John Witherspoon of New Jersey would famously protest. But few states provided for a complete separation of church and state, for it was believed that the government should give some support to religion in general. Though a substantial number of American elites in the late eighteenth century were not church-going Christians, nearly all believed in the God of the Old Testament, and all recognized the practical value of Christianity as a check on antisocial behavior. Many of the state constitutions written

in the era of independence, therefore, required that government give some support to Christianity. Though the Massachusetts Constitution guaranteed that “no subordination of any one sect or denomination to another shall ever be established by law,” it also permitted the legislature to levy taxes “for the support and maintenance of public protestant teachers of piety, religion and morality.” Similarly, the Maryland Constitution of 1776 permitted the legislature to “lay a general and equal tax for the support of the Christian religion.”

There were, however, calls for complete religious disestablishment at the state level. In Virginia, James Madison and Thomas Jefferson were two of the most prominent advocates of a strict separation of church and state. Their ideas about religious liberty were clearly influenced by John Locke and fellow Virginian George Mason. In 1785, the Virginia legislature considered a bill that would provide for public funding of Christian

Thomas Jefferson asserted that the First Amendment created “a wall of separation between church and state.” What Jefferson meant by this term is a subject of great debate.

instruction. The measure was backed by several prominent statesmen, including Patrick Henry. But James Madison, then a member of the legislature, took the lead in opposing the bill, reminding Virginians that “torrents of blood have been spilt in the old world, by vain attempts of the secular arm, to extinguish Religious discord, by proscribing all difference in Religious opinion.” The bill was defeated, and the following year, Jefferson introduced “A Bill for Establishing Religious Freedom,” which attempted to enshrine in law the idea “that no man shall be compelled to frequent or support any religious Worship place or Ministry whatsoever.” The bill passed with minor changes.

By the time of the Constitutional Convention of 1787, there was a broad consensus regarding the proper relationship between the national government and religion: first, that the government ought not to give support to any religious sect; second, that the government ought not to require a religious test for office; third, that the government ought not to interfere with private religious practice; and fourth, that the government ought not to interfere with the right of the states to do as they wished in regard to religious establishment and religious liberty. These points of consensus were reflected in both the body of the United States Constitution and in the First Amendment, which was ratified in 1791 as part of the Bill of Rights. Article VI of the Constitution explicitly stated that

“no religious test shall ever be required as a qualification to any office or public trust under the United States.” The First Amendment declared that “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.”

The right of the states to set their own policy in regard to religion was implicitly acknowledged in Article I of the Constitution, which stipulated that to be eligible to vote in elections for the United States House of Representatives, “the elector in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.” Several states at the time mandated a religious test as a requirement for the franchise, and the Constitution therefore tacitly approved such tests. In addition, the First Amendment’s prohibition against religious establishment applied explicitly to the national Congress alone. Indeed, it was not until after the American Civil War, in the incorporation cases, that the United States Supreme Court ruled that some of the restrictions placed on the federal government by the amendments also applied to the state governments.

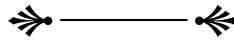
By 1800, then, there was a broad consensus among Americans that religious freedom was essential to political liberty and the well-being of the nation. During the next two centuries, the definition of freedom of religion would be broadened, as states abandoned religious tests and achieved complete disestablishment and as state and federal courts ruled that various subtle forms of government encouragement of religion were unconstitutional. Shortly after the dawn of the nineteenth century, in a letter to a Baptist congregation in Danbury, Connecticut, Thomas Jefferson asserted that the First Amendment created “a wall of separation between church and state.” What Jefferson meant by this term is a subject of great debate. But there is no doubt that his words have become part of the American political creed and a rallying cry for those who seek to expand the definition of religious liberty, even to mean that religion should be removed from public life altogether.

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LIBERTY



Liberty was the central political principle of the American Revolution. As Patrick Henry, one of its staunchest supporters, famously intoned, “Give me liberty or give me death.” Henry was not alone in his rhetorical fervor. Indeed, no ideal was proclaimed more often in the eighteenth-century Anglo-American world than liberty.

The idea of liberty defended by the American Founders came from several sources. The most venerable was English common law. Beginning in the late medieval period, writers in the common law tradition developed an understanding of liberty which held that English subjects were free because they lived under a system of laws which even the Crown was bound to respect. Leading English jurists argued that these legal limits on royal power protected the subject’s liberty by limiting the arbitrary use of political power.

Under English common law, liberty also consisted in the subject enjoying certain fundamental rights to life, liberty and property. William Blackstone (1723–1780), the leading common lawyer of the eighteenth century, argued that these rights allowed an English subject to be the “entire master of his own conduct, except in those points wherein the public good requires some direction or restraint . . .” For Blackstone, these English rights further protected the subjects’ liberty by making them secure in their persons from arbitrary search and seizure, and by ensuring that their property could not be taken from them without due process of law.

In order to preserve these fundamental rights, the English common law allowed the subject the right to consent to the laws that bound him by electing representatives to Parliament whose consent the monarch had to obtain before acting.

Common lawyers in the seventeenth and eighteenth centuries did not view these rights and the liberty they protected as the gift or grant of the monarch; rather, they believed that they were an Englishmen’s “birthright,” something that inhered in each subject and that therefore could not be taken away by royal prerogative.

This common law understanding of liberty was central to the seventeenth-century struggles against the Stuart monarchy. Prominent jurists and Parliamentarians such as Edward Coke (1552–1634) took the lead in the attempt to limit what they saw as the illegal and arbitrary nature of the Stuarts’ rule. This struggle culminated in the Glorious Revolution

of 1689 and the triumph of Parliamentary authority over the Crown. For champions of English liberty, the result of this century-long struggle was the achievement of political liberty. They further argued that, as a result of this struggle, Britain in the eighteenth century had the freest constitution in the world. According to the French writer Montesquieu (1689–1755), Britain was “the only nation in the world, where political and civil liberty” was “the direct end of the constitution.”

This seventeenth century struggle between royal power and the subject’s liberties made a great impression on the American Founders. They absorbed its lessons about the nature and importance of liberty through their reading of English history as well as through their instruction in English law.

A second and equally influential understanding of liberty was also forged in the constitutional battles of the seventeenth century: the idea that liberty was a natural right pertaining to all. The foremost exponent of this understanding of liberty in the English-speaking world was John Locke (1632–1704). Locke’s political ideas were part of a wider European political and legal movement which argued that there were certain rights that all men were entitled to irrespective of social class or creed.

Like the common lawyers, Locke saw liberty as centrally about the enjoyment of certain rights. However, he universalized the older English understanding of liberty, arguing that it applied to all persons, and not just to English subjects. Locke also expanded the contemporary understanding of liberty by arguing that it included other rights—in particular a right to religious toleration (or liberty of conscience), as well as a right to resist governments that violated liberty. In addition, Locke argued that the traditional English common



law right to property was also a natural right, and was an important part of the subject's liberty.

Locke began his political theory by arguing that liberty was the natural state of mankind. According to Locke, all men are “naturally” in a “State of perfect Freedom to order” their “Actions, and dispose of their Possessions, and Persons as they think fit, within the bounds of the Law of Nature, without asking leave, or depending upon the Will of any other Man.”

However, Locke did not argue that this natural liberty was a license to do whatever we want. “Freedom is not,” he argued, “A Liberty for every Man to do what he lists (For who could be free, when every other Man's humour might domineer over him?).” Rather, Locke held that since all men are “equal and independent, no one ought to harm another in his Life, health, Liberty, or Possessions.” According to Locke, each of us has “an uncontrollable Liberty to dispose of our persons and possession,” but we do not have the right to interfere with the equal liberty of others to do the same.

In Locke's political theory, men enter into society and form governments to better preserve this natural liberty. When they do so, they create a political system where the natural law limits on liberty in the state of nature are translated into a legal regime of rights. In such a system, Locke argued, each person retains his “Liberty to dispose, and order, as he lists, his Person, Actions, Possession, and his whole Property, within the Allowance of those Laws under which he is; and therein not to be subject to the arbitrary Will of another, but freely follow his own.”

For Locke, as for the common lawyers, the rule of law was necessary for liberty. In Locke's view, “the end of law is not to abolish or restrain, but to preserve and enlarge Freedom.” According to Locke, “Where there is no Law, there is no Freedom. For Liberty is to be free from restraint and violence from others which cannot be, where there is no law.”

Building on both the English common law and on Locke's ideas, the eighteenth-century English writer Cato argued “that liberty is the unalienable right of mankind.” It is “the power which every Man has over his own Actions, and his Right to enjoy the Fruit of his Labour, Art, and Industry, as far as by it he hurts not the Society, or any members of it, by taking from any Member or by

hindering him from enjoying what he himself enjoys.” Cato was the pseudonym for two British writers, John Trenchard and Thomas Gordon. Their co-authored *Cato's Letters* (1720–1723) were widely read in the American colonies.

On the eve of the American Revolution, then, the received understanding of liberty in the Anglo-American world was a powerful amalgam of both the English common law and the liberal ideas of writers like Locke and Cato. On this view, liberty meant being able to act freely, secure in your basic rights, unhindered by the coercive actions of others, and subject only to the limitation of such laws as you have consented to. Central to this idea of liberty was the right to hold property and to have it secure from arbitrary seizure. In addition, under the influence of Locke, liberty was increasingly being seen on

both sides of the Atlantic as a universal right, one not limited to English subjects. Equally influential was Locke's argument that if a government violated its citizens' liberty the people could resist the government's edicts and create a new political authority. However, despite the gains that had been made since the seventeenth century, many Englishmen in the eighteenth century still worried that liberty was fragile and would always be endangered by the ambitions of powerful men.

Since the first settlements were established in the early seventeenth century, the American colonists shared in this English understanding of liberty. In particular, they believed that they had taken their English rights with them when they crossed the Atlantic. It was on the basis of these rights that they made a case for their freedom as colonists under the Crown. In addition, in the eighteenth century, the colonists were increasingly influenced by the Lockean idea that liberty was a natural right. As a result, when they were confronted with the policies of the British Crown and Parliament in the 1760s and 1770s to tax and legislate for them without their consent, the colonists viewed them as an attack on their liberty.

In response, the colonists argued that these British taxes and regulations were illegal because they violated fundamental rights. They were particularly resistant to the claims of the British Parliament, as expressed in the Declaratory Act of 1766, to legislate for the colonies “in all cases whatsoever.” By 1774, following the Boston Tea Party organized by Samuel Adams and John Hancock, and the subsequent

No ideal was proclaimed more often in the eighteenth-century Anglo-American world than liberty.

Coercive Acts, many leading colonists such as Thomas Paine and James Otis argued that they had a natural right to govern themselves, and that such a right was the only protection for their liberty. In addition to several essays in defense of rights, including *Letters from a Farmer in Pennsylvania*, John Dickinson wrote the first patriotic song, “The Liberty Song.”

This colonial thinking about liberty and rights culminated in the Declaration of Independence issued by the Continental Congress in 1776, which proclaimed that, because their liberty was endangered, the colonists had a natural right to resist the English King and Parliament.

Having made a revolution in the name of liberty, the American challenge was to create a form of government that preserved liberty better than the vaunted British constitution had done. In doing so, the founders turned to the ancient ideal of republican self-government, arguing that it alone could preserve the people’s liberty. They further argued that the modern understanding of liberty as the possession of rights needed to be a central part of any proper republican government. Beginning in 1776, in the midst of the Revolutionary War, all of the former colonies began to construct republican governments which rested on the people’s consent and which included bills of rights to protect the people’s liberty.

Since there was widespread consensus among the Founders that liberty required the protection of rights and the rule of law, much of the political debate in the crucial decades following the American Revolution revolved around the question of which institutional arrangements best supported liberty. Was liberty best protected by strong state governments jealously guarding the people’s liberties from excessive federal authority, as leading Anti-Federalists like George Mason contended; or, was an extended federal republic best able to preserve the freedom of all, as leading Federalists like James Madison and Alexander Hamilton argued?

The era of the American Revolution also gave birth to a further series of important debates about liberty. Was slavery, as some Americans in the eighteenth century were beginning to recognize, an unjust infringement upon the liberty of African Americans? Were women, long deprived of basic legal rights, also entitled to have equal liberty with their male fellow citizens? By making a Revolution in its name, the Founders ensured that debates about the nature and extent of liberty would remain at the center of the American experiment in self-government.

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INTRODUCTORY ESSAY: EXPLAINING THE FOUNDING



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



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

In Penn’s view, juries were an equally important means of limiting arbitrary power. By serving on juries, Penn argued, every freeman “has a share in the *Executive* part of the Law, no Causes being tried, nor any man adjudged to loose [*sic*] Life, member or Estate, but upon the *Verdict* of his Peers or Equals.” For Penn, “These two grand Pillars of English Liberty” were “the *Fundamental vital Priviledges* [*sic*]” of Englishmen.

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

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

THE COMMON LAW AND THE RIGHTS OF ENGLISHMEN

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

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

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

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

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

NATURAL RIGHTS

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

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

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

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

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

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

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

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

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

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

RELIGIOUS TOLERATION AND THE SEPARATION OF CHURCH AND STATE

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

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

Once again the English philosopher John Locke

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

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

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

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

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

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

COLONIAL SELF-GOVERNMENT

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

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

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

CLASSICAL REPUBLICANISM

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

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

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

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

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

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

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

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

CONCLUSION

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

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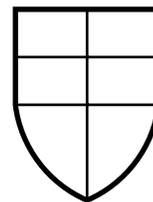
Suggestions for Further Reading

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

ADDITIONAL CLASSROOM ACTIVITIES

Visual Assessment

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



Performance Assessments

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

Web/Technology Assessments

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

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

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

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

Verbal Assessments

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

ADDITIONAL CLASSROOM ACTIVITIES

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

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

Review Activities

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

AN EIGHTEENTH-CENTURY GLOSSARY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ANSWER KEY

central problem with governments based on majority rule.

Teacher: Tell the class that they will now read what Madison had to say about the great danger faced by popular governments. Have a student read Excerpt E to the class.

Teacher: Now divide the class into seven groups relatively even in number: meat eaters, meat eaters who eat only white meat, vegetarians, vegetarians who also eat fish, vegans, pizza eaters, and those who eat only Chinese food. Have each group come up with a standard menu of three items that could win the approval of a majority of the class in a popular vote. Allow them five minutes to do this. Then ask one member of each group to write the group's menu on the blackboard. Next, have the class vote up or down on each menu separately. Ask the whole class to comment on why certain menus were approved and others were not approved. The students will likely recognize that they had to compromise to win the support of other groups in order to form a majority. Ask the students in which model—the two-group society or the seven-group society—was the common good better achieved.

Answer: In the multigroup society each group was forced to seek the common good and respect the rights of the minority. The more groups there are, the more the common good is served.

Teacher: Ask the class what this says about the relationship between the size of a society and the achievement of the common good.

Answer: A larger society will include more groups and thereby better serve the common good.

Teacher: Have a student read Excerpt F to the class.

GEORGE MASON

Handout A—George Mason (1725–1792)

1. George Mason believed the main role of government was to protect the liberty of the people.
2. Mason wrote the Virginia Declaration of Rights and the Virginia Constitution.
3. He became alarmed by several proposals aimed at reducing the power of the states. Mason also thought the new Constitution did not go far enough in protecting individual rights and local interests. He feared that the presidency was too powerful. His calls for a bill of rights and for an end to the importation of slaves were rejected. Mason warned that the new federal government would destroy the states. He argued that the Constitution gave “no security” to the “Declarations of Rights in the separate States.” He believed that all three branches of the federal government had been given too much power.
4. Mason wore the clothes as a symbol of the death of liberty if the Constitution were to be approved.
5. Answers will vary.

Handout B—Context Questions

1. The document was written in 1776.
2. The document was written in Virginia.
3. The document was written by George Mason.
4. The document is a statement of principles of government and the rights of the people of Virginia.
5. The purpose of the document was to proclaim these principles and rights.
6. The audience for this document was the people of Virginia and, in a broader sense, the people of America.

ANSWER KEY

Handout C—In His Own Words: George Mason on Liberty

- All people are born free with certain natural rights, namely the rights to life, liberty, property, happiness, and safety. These rights cannot be taken away.
 - Declaration of Independence (Paragraph 2)
- All power comes from the people. Government officials, therefore, are answerable to the people.
 - Declaration of Independence (Paragraph 2)
- The role of government is to protect and benefit the people. When a government fails to fulfill this role, it is the right of a majority of the people to change it or get rid of it.
 - Declaration of Independence (Paragraph 2)
- No one has a special claim to offices or benefits from the rest of the community. No office should be given to anyone on the basis of bloodlines.
 - The Constitution: Article I, Section 9, Clause 8
- Government should be separated into three branches: the legislative, executive, and judicial. There should be frequent elections so that no one stays in office too long and forgets what it is like to be an ordinary citizen.
 - The Constitution: Articles I, II, and III (separation of powers)
 - The Constitution: Article I, Section 2, Clause 1 (Elections for the House of Representatives are to be held every two years.)
- Elections should be free. People who have a stake in society have the right to vote and should not be taxed or deprived of their property without their consent.
 - The Constitution: Article I, Section 2, Clause 1 (similar: qualifications for members based on state qualifications)
 - Fifth Amendment (the “due process” clause)
- Laws must be enforced unless the representatives of the people agree to suspend them.
 - Article I, Section 9, Clause 2 (suspension of habeas corpus)
 - Article II, Section 3 (president to ensure “that the laws be faithfully executed”)
- A person accused of a crime has certain rights: the right to know the charges, the right to present evidence in his favor, the right to confront his accusers and witnesses, the right not to be forced to testify against himself, and the right to a fair and speedy trial by jury in the areas in which he lives. No one may be deprived of his liberty except by the law or a jury trial.
 - Fifth Amendment
 - Sixth Amendment
- Excessive bail, excessive fines, and cruel and unusual punishments are prohibited.
 - Eighth Amendment
- Search warrants can be granted only if there is evidence of a crime. They must also specifically name the people who are to be arrested.
 - Fourth Amendment
- Trial by a jury should be used in cases involving property and in lawsuits between people.
 - Seventh Amendment
- The freedom of the press should not be limited by government.
 - First Amendment
- Professional, permanent armies endanger liberty, so the nation should rely instead upon the militia (citizen-soldiers). The civil authorities should always be in control of the military.
 - Constitution, Article II, Section 2, Clause 1
 - Second Amendment
- Government should be the same throughout the state.
 - Constitution, Article IV, Section 3

ANSWER KEY

15. In order for liberty to be preserved, people must act with certain virtues and must keep in mind the basic principles of a free society.
 - No matches
16. People should be able to practice their religion freely. It is everyone's duty to practice Christian virtues when dealing with others.
 - First Amendment

ROBERT MORRIS

Handout A—Robert Morris (1734–1806)

1. Morris signed the Declaration of Independence, the Articles of Confederation, and the Constitution.
2. Morris's difficulties with the states during his tenure as chairman of the Continental Congress's Finance Committee and as superintendent of finance under the Articles convinced him of the need for a stronger national government. He often had to badger the states to fulfill their quotas of money and supplies. He was particularly disappointed that the impost amendment failed to win the approval of all thirteen states as required by the Articles of Confederation.
3. He speculated in Western land, buying vast tracts of land cheaply in the hope of selling them later at a high price. This gamble and several other new business ventures failed. During the 1790s, Morris also sunk an enormous amount of money into the construction of an extravagant mansion in Philadelphia.
4. As chairman of the Continental Congress's Finance Committee and as superintendent of finance under the Articles, Morris worked hard to stabilize the nation's financial system. He cut spending, streamlined accounting procedures, and cajoled the states into meeting their quotas of money and supplies. Morris risked his own money and credit to help keep the government afloat. The Con-

tinental Army would likely have disintegrated if not for Morris's efforts.

5. Answers will vary.

Handout B—Vocabulary and Context Questions

1. Vocabulary
 - a. destructive
 - b. widespread
 - c. lacking energy
 - d. laziness/complacency
 - e. exhausting
 - f. importance
 - g. government official
 - h. taken
 - i. beg
 - j. determining
 - k. charging
2. Context:
 - a. The document was written in 1781.
 - b. The document was written in Philadelphia.
 - c. Robert Morris is the author of the document.
 - d. The document is a letter to the governors of the states.
 - e. The purpose of the document was to urge the governors to fulfill their quotas of money and supplies.
 - f. The audience was the governors of the states.

Handout C—In His Own Words: Robert Morris on States' Responsibilities

Document Paraphrase

Paragraph One:

I am upset that many state officials think that their states don't have to fulfill their obligations to the national Congress; this idea makes everyone complacent. You wise governors should know that this war cannot be carried on without everyone's cooperation. I know that the states will do what is right. They know that they cannot gain by doing wrong. If the states