

★ ★ ★ ★ **LESSON 6** ★ ★ ★ ★
Putting the Constitution to Work

The Articles of Confederation had concentrated power in the hands of the states. The Constitution reversed this by concentrating power at the federal level. If the new system was to be accepted, the states needed to know their rights and the rights of their citizens would be protected. **Article IV** provides these guarantees. Realizing they may have forgotten something or that events would make changes necessary, the framers provided a way to change the Constitution in **Article V**. **Article VI** establishes the Constitution as the supreme law over individuals and states. Finally, **Article VII** provides a system for ratifying the Constitution.



ARTICLE IV



SECTION 1: Relations among the States

Under the Articles of Confederation, states acted as rivals, not partners in forming a new nation. States bickered over boundaries, feuded over waterways, and ignored contracts and legal notices from other states. To preserve harmony among the states, the framers decided, each state must honor the court decisions, laws, and licenses issued by other states. If needed, Congress can pass laws upholding this section.

SECTION 2: Rights of Citizens

1. *Privileges.* Each state must give citizens from other states the same rights as their own citizens. A Californian visiting Texas, for example, is entitled to the same rights as Texans, but the Californian must obey Texas laws while visiting Texas. There are only a few exceptions. Visitors to a state, for instance, cannot vote in state elections.

2. *Extradition.* Under the Articles of Confederation, suspected criminals often escaped justice by fleeing across state borders. Now, under this clause, one state governor can ask another state governor to help capture and return the suspect for trial. This process, called **extradition**, helps states maintain law and order.

SECTION 1

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

SECTION 2

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

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

~~3. -No person held to service or labor in one state, under the laws thereof, escaping into another, shall, on consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered upon claim of the party to whom such service or labor may be due.~~

SECTION 3

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

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

3. *Return of runaways.* This clause was a compromise to win the support of the South. Although many framers opposed slavery, the South insisted that the Constitution order the return of runaways. This compromise avoided a showdown over slavery, but the problem did not go away.

Congress once again tried to solve the problem of runaways when it passed the **Compromise of 1850**. One part of this compromise, the **Fugitive Slave Law**, made people in the North mad. It set harsh punishments for anyone helping runaways. When the law was finally challenged in court, it was held to be constitutional under this clause.

Some historians blame the framers for the Civil War. If they had not compromised over slavery in the Constitution, the argument goes, the Civil War would not have occurred. Other historians hold that the compromises were essential. By the time war broke out, the nation was strong enough to survive.

SECTION 3: New States and Territories

1. *Admitting new states.* In 1787, several seaboard states controlled huge tracts of land west to the Mississippi River. Yet, population in these territories was growing so quickly that many were talking about dividing the territories into new states.

This presented a dilemma to the framers. Some feared that new and larger states might have more representatives in Congress than older states. To prevent this, one proposal even suggested limited representation for new states. Instead, the Constitution left admission of new states up to future Congresses. The only restriction was that new states could not be created by dividing or joining already existing states, unless Congress and the state legislatures agreed.

2. *Congressional powers over federal lands.* Congress can sell or give away federal lands and make laws for their government. This clause reflects the success of the **Northwest Ordinance**, one of the last acts passed by the Confederation. This law divided the land north and west of the Ohio River into smaller territories, each governed by officials appointed by Congress. When the population reached 5,000 adult males, the territory could elect its own legislature. When the territory had a population of 60,000, it could apply for statehood. This law set the pattern for the orderly settlement and admission of new states.

Not all settlement went as smoothly. South of the Ohio River, there were no guidelines for settlers. Many settlers claimed they had a right to the same land. Too often, they sued in court. To protect federal and state land claims, the framers added another statement here. Nothing in the Constitution can be seen as prejudicing, or weakening, any federal or state land claim.

SECTION 4: State Guarantees and Protections

The federal government will be sure that every state has a **republican government**, in which people are governed by elected representatives. The federal government will also protect states from invasion. If the state governor asks for help, the federal government will also help a state put down a riot or rebellion.

The Fugitive Slave Law set harsh punishments for people helping runaways. Nevertheless, many Northerners did help enslaved people run away. More than 2,000 runaways were hidden in this house in Newport, Indiana, as they escaped to freedom.

SECTION 4

The United States shall guarantee to every state in this union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence.





ARTICLE V Amending the Constitution



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

The Articles of Confederation had been too difficult to amend, or change. Yet, the framers worried, if they made the Constitution too easy to change, it would not be respected. Again, they sought a compromise.

Amendments can be proposed if two-thirds of both the House and Senate approve. As an alternative, two-thirds of the state legislatures can ask Congress to hold a national convention for proposing amendments.

Amendments become a part of the Constitution when they are **ratified**, or approved, by three-fourths of the state legislatures or conventions called for ratification. Beginning with **Amendment 19**, an amendment must be ratified within seven years. An exception was made in 1979. To find out more, read the case study, "The Equal Rights Amendment."

As another North-South compromise, no amendment proposed before 1808 could outlaw slavery or change the method of levying taxes. This passage became invalid when **Amendment 13** ended slavery and **Amendment 16** introduced the personal income tax. In addition, no amendment can reduce the number of senators representing a state without the state's consent.



ARTICLE VI Ensuring National Supremacy

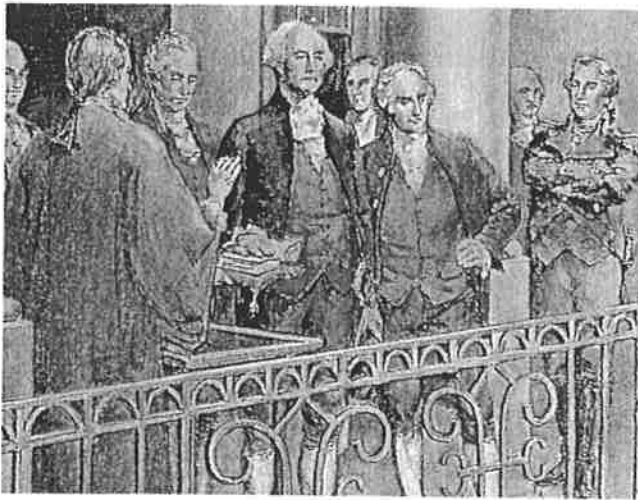


1. All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

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

1. *Debts owed before the Constitution.* Any national debts that existed before the adoption of the Constitution would be paid by the United States.

2. *Supreme law of the United States.* This was a difficult issue at the convention. Although the Articles of Confederation were supposed to have been the dominant law of the land, states did as they pleased. This weakened the power of the national government. As part of the New Jersey Plan, the phrase "supreme law" was suggested to show that the Constitution and acts of Congress were the nation's highest laws. Furthermore, state judges must be sure that no court decision or law conflicts with the Constitution.



George Washington swore an oath to defend the Constitution when he became the first President in 1789. Supreme Court Justice Ruth Bader Ginsburg took the same oath.



3. Oaths to support the Constitution. Another way to ensure support for the Constitution was to require all office holders to take an oath before assuming office. All executive, legislative, and judicial officials in the federal and state governments must take such an oath. Religion cannot be a qualification for holding public office.

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



ARTICLE VII Ratifying the Constitution



Before the Constitution could go into effect, specially called conventions in at least nine states had to ratify it. By submitting the Constitution directly to the states, the framers emphasized their commitment to the republican system they had created. It would be the *people* of the *states* giving their blessings to the *federal* government. A stronger method of approval cannot be imagined. The Constitution of the United States took effect when the ninth state, New Hampshire, ratified it on June 21, 1788.

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

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