

# Foundation for Freedom:

## A Study of the United States Constitution

*We the People*

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

*Article I.*

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

**SECTION 2.** The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

No Person shall be a Representative who shall not have attained to the Age of twenty-five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

[Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons.] The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode-Island and Providence Plantations one, Connecticut five, New-York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writ of Election to fill such Vacancies.

The House of Representatives shall chuse their Speaker and other Officers; and shall have the sole Power of Impeachment.

**SECTION 3.** The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six Years; and each Senator shall have one Vote.

Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one-third may be chosen every second Year; and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.

No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

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

The Senate shall chuse their own Officers, and also a President pro tempore, in the Absence of the Vice President, whenever he shall execute the Office of President of the United States.





# Foundation for Freedom:

## A Study of the United States Constitution

*We the People*

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

*Article I.*

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

**SECTION 2.** The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

No Person shall be a Representative who shall not have attained to the Age of twenty-five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

[Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons.] The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode-Island and Providence Plantations one, Connecticut five, New-York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

The House of Representatives shall chuse their Speaker and other Officers; and shall have the sole Power of Impeachment.

**SECTION 3.** The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six Years; and each Senator shall have one Vote.

Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one-third may be chosen every second Year; and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.

No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

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

The Senate shall chuse their other Officers, and also a President pro tempore, in the absence of the Vice President, or when he shall exercise the Office of a Senator in the United States.

Based on *The Story of the Constitution*, Sol Bloom, ed., copyright © 1937, United States Constitution Sesquicentennial Commission: Washington, DC; and *The Story of a Great Document*, Julia Kathryn Garrett and Lula Underwood, copyright © 1945, The Steck Company: Austin, TX.

Previously published as *The Story of the Constitution*, Second Edition, Copyright © 2001 Christian Liberty Press

Copyright © 2014 Christian Liberty Press  
*October 2015 edition*

All rights reserved. Copies of this book may be made by the purchaser for personal or immediate family use only. Reproduction or transmission of this product—in any form or by any means—for use outside of the immediate family is not allowed without prior permission from the publisher. Brief quotations embodied in critical articles or reviews are permitted.



**CHRISTIAN LIBERTY PRESS**  
502 West Euclid Avenue  
Arlington Heights, Illinois 60004-5402  
[www.christianlibertypress.com](http://www.christianlibertypress.com)

**Compiled and written by:** Lars R. Johnson  
**Editing:** Kurt Bennett and Edward J. Shewan  
**Layout:** Edward J. Shewan  
**Copyediting:** Diane C. Olson  
**Cover design:** Bob Fine  
**Cover image:** Chris and Kate Knorr; copyright © 2014 DesignPics  
**Founders' portraits:** Vic Lockman  
**Timelines:** Christopher Kou

Scripture references are conformed to The Holy Bible, New King James Version © 1982, Thomas Nelson, Inc., so that modern readers may gain greater comprehension of the Word of God.

**ISBN:** 978-1-935796-37-4 (print)  
978-1-629820-08-8 (eBook PDF)

Printed in the United States of America

# Table of Contents

<i>Acknowledgments</i> .....	vii
<i>Authors</i> .....	vii
<i>Foreword</i> .....	ix
<i>Introduction: The Heart and Soul of the Constitution</i> .....	xiii
<b>CHAPTER 1—THE COLONIAL EXPERIENCE</b> .....	<b>1</b>
<i>Old World Influences</i> .....	1
<i>The Thirteen Colonies</i> .....	4
Chapter 1 Review Exercises.....	7
<b>CHAPTER 2—THE STRUGGLE FOR AMERICAN INDEPENDENCE</b> .....	<b>11</b>
<i>Causes of the War for Independence</i> .....	11
<i>American Independence</i> .....	14
<i>The Role of Religion</i> .....	18
Chapter 2 Review Exercises.....	21
<b>CHAPTER 3—A NEW NATION IS FORMED</b> .....	<b>25</b>
<i>The War Years</i> .....	25
<i>The Critical Period</i> .....	26
<i>Weaknesses of the Confederation</i> .....	27
<i>Accomplishments of the Confederation</i> .....	33
Chapter 3 Review Exercises.....	34
<b>CHAPTER 4—CHANGE IS NEEDED</b> .....	<b>37</b>
<i>The State of the Union</i> .....	37
<i>Calls for Reform</i> .....	38
<i>Efforts at Reform</i> .....	39
Chapter 4 Review Exercises.....	42
<b>CHAPTER 5—AN HISTORIC ASSEMBLY</b> .....	<b>45</b>
<i>Time and Place</i> .....	45
<i>Organization</i> .....	47
<i>Members of the Constitutional Convention</i> .....	48
Chapter 5 Review Exercises.....	54

<b>CHAPTER 6—A BUNDLE OF COMPROMISES .....</b>	<b>57</b>
<i>Competing Plans of Government .....</i>	<i>58</i>
<i>Necessary Compromises .....</i>	<i>61</i>
<i>Important Details .....</i>	<i>63</i>
<i>Finishing the Work.....</i>	<i>67</i>
Chapter 6 Review Exercises.....	70
<b>CHAPTER 7—THE RATIFICATION STRUGGLE .....</b>	<b>73</b>
<i>The Ratification Battle .....</i>	<i>73</i>
<i>Framing the Debate .....</i>	<i>76</i>
<i>The State Conventions .....</i>	<i>83</i>
<i>A More Perfect Union.....</i>	<i>85</i>
Chapter 7 Review Exercises.....	87
<b>CHAPTER 8—PREAMBLE AND ARTICLE I.....</b>	<b>93</b>
<i>The Preamble—Declares the Purpose of the Constitution .....</i>	<i>93</i>
<i>Article I—The Legislative Branch .....</i>	<i>94</i>
Chapter 8 Review Exercises.....	120
<b>CHAPTER 9—ARTICLE II.....</b>	<b>125</b>
<i>Article II—The Executive Branch.....</i>	<i>125</i>
Chapter 9 Review Exercises.....	140
<b>CHAPTER 10—ARTICLES III–VII.....</b>	<b>145</b>
<i>Article III—The Judicial Branch.....</i>	<i>145</i>
<i>Article IV—Relations Among the States .....</i>	<i>152</i>
<i>Article V—Amending the Constitution.....</i>	<i>155</i>
<i>Article VI—National Supremacy .....</i>	<i>156</i>
<i>Article VII—Ratification Process for the Constitution.....</i>	<i>158</i>
Chapter 10 Review Exercises.....	159
<b>CHAPTER 11—THE BILL OF RIGHTS .....</b>	<b>163</b>
<i>Amendment I—Religious and Political Freedom.....</i>	<i>165</i>
<i>Amendment II—Right to Keep and Bear Arms.....</i>	<i>169</i>
<i>Amendment III—Prohibition Against the Quartering of Troops .....</i>	<i>171</i>
<i>Amendment IV—Prohibition Against Unreasonable Searches and Seizures.....</i>	<i>172</i>
<i>Amendment V—Rights of the Accused.....</i>	<i>174</i>
<i>Amendment VI—Right to a Just and Speedy Trial .....</i>	<i>176</i>
<i>Amendment VII—Right to Trial by Jury.....</i>	<i>176</i>



<i>Amendment VIII—Prohibition Against Unreasonable Bail or Punishment .....</i>	<i>177</i>
<i>Amendment IX—Rights Not Specified Retained by the People .....</i>	<i>178</i>
<i>Amendment X—Powers Reserved to the States or People .....</i>	<i>179</i>
<b>Chapter 11 Review Exercises.....</b>	<b>180</b>
<b>CHAPTER 12—THE EARLY AMENDMENTS.....</b>	<b>185</b>
<i>Amendment XI—Suits Against States.....</i>	<i>185</i>
<i>Amendment XII—Election of the President and Vice President.....</i>	<i>186</i>
<i>Amendment XIII—Abolition of Slavery.....</i>	<i>189</i>
<i>Amendment XIV—Rights of Citizens.....</i>	<i>190</i>
<i>Amendment XV—Right to Vote Not Abridged by Race or Color.....</i>	<i>194</i>
<b>Chapter 12 Review Exercises.....</b>	<b>196</b>
<b>CHAPTER 13—TWENTIETH-CENTURY AMENDMENTS.....</b>	<b>199</b>
<i>Amendment XVI—Income Tax .....</i>	<i>200</i>
<i>Amendment XVII—Direct Election of Senators .....</i>	<i>201</i>
<i>Amendment XVIII—Prohibition of Alcoholic Beverages .....</i>	<i>202</i>
<i>Amendment XIX—Women’s Right to Vote .....</i>	<i>203</i>
<i>Amendment XX—“Lame Duck” Amendment .....</i>	<i>205</i>
<i>Amendment XXI—Repeal of Prohibition.....</i>	<i>208</i>
<i>Amendment XXII—Limit on Presidential Terms .....</i>	<i>209</i>
<i>Amendment XXIII—Presidential Voting for the District of Columbia .....</i>	<i>210</i>
<i>Amendment XXIV—Abolition of the Poll Tax.....</i>	<i>212</i>
<i>Amendment XXV—Presidential Disability and Succession .....</i>	<i>213</i>
<i>Amendment XXVI—Right to Vote for Eighteen-Year-Old Citizens.....</i>	<i>217</i>
<i>Amendment XXVII—Delay in Changing the Compensation of Members of Congress.....</i>	<i>218</i>
<b>Chapter 13 Review Exercises.....</b>	<b>219</b>
<b>CHAPTER 14—FIVE PRINCIPLES OF THE CONSTITUTION .....</b>	<b>223</b>
<i>Republican Government.....</i>	<i>223</i>
<i>Federal Government .....</i>	<i>225</i>
<i>Limited Government.....</i>	<i>226</i>
<i>Divided Government .....</i>	<i>228</i>
<i>Moral Government .....</i>	<i>230</i>
<b>Chapter 14 Review Exercises.....</b>	<b>235</b>

**FOUNDATION FOR FREEDOM: A STUDY OF THE UNITED STATES CONSTITUTION**

CHAPTER 15—THE NATURE OF OUR CONSTITUTION.....	239
<i>Organic Law</i> .....	240
<i>Applying the Constitution</i> .....	240
<i>Changes to the Constitutional Order</i> .....	243
<i>The Future of the Constitution</i> .....	247
Chapter 15 Review Exercises.....	252
APPENDIX A—OUTLINE OF THE CONSTITUTION .....	257
APPENDIX B—THE CONSTITUTION .....	265
APPENDIX C—THE FOUNDING FATHERS .....	289
<i>Signers of the Constitution</i> .....	289
<i>Other Founders</i> .....	296
APPENDIX D—RECOMMENDED MATERIALS FOR FURTHER STUDY.....	297
BIBLIOGRAPHY .....	301
INDEX .....	307



# Acknowledgments

I could have never completed this book without the aid of many others. Glenn Grevengoed assisted with valuable research on Supreme Court cases. A number of people were involved with critical editorial assistance: Kurt Bennett, Diane Olson, and Edward Shewan. Christopher Kou created the timelines, while Ed Shewan did the layout and much of the graphics work. Bob Fine designed the cover and created most of the charts. Vic Lockman contributed the pictures for the appendix on America's Founding Fathers. I would like to thank all of these for their help; any errors that may appear in the text are my responsibility alone.

—Lars Johnson

# Authors

**Sol Bloom:** 1870–1949; born in Pekin, Illinois, raised in San Francisco, lived in Chicago and New York City; self-made businessman; represented a New York City district in the House of Representatives from 1923 to 1949, chairman of the House Foreign Affairs Committee (1939–1949); chairman of the United States Constitution Sesquicentennial Commission, compiled the original edition of *The Story of the Constitution*.

**Julia Kathryn Garrett:** 1897–1988; born in Fort Worth, Texas; graduated with a B.A. in history from Randolph-Macon Women's College; received an M.A. (1924) and a Ph.D. (1934) from the University of California at Berkeley; briefly attended Oxford University; taught in Texas public schools for over forty-five years; authored several books and articles on Texas history; coauthored *The Story of a Great Document* and *Our American Constitution: The Story of a Great Document* with Lulu Underwood.

**Lars Johnson:** 1957–; born in Atlanta, Georgia; lives in the Chicago suburbs; attended Covenant College (1975–1977), graduated from Florida State University with a B.A. in 1979 and an M.A. in 1981 in International Affairs; United States Army, 1981–1983; on staff with Christian Liberty Academy School System and Christian Liberty Press since 1984; ruling elder in a Chicago-area Orthodox Presbyterian congregation since 1991.

*FOUNDATION FOR FREEDOM: A STUDY OF THE UNITED STATES CONSTITUTION*

Copyright © 2014 Christian Liberty Press

## Foreword

The Constitution is in a state of flux now. On the one hand, it is held in high regard by much of the American people; you could almost say that it is revered by many. In fact, there has been a resurgence in appreciation for and commitment to the principles of the Constitution. To many, the Constitution is fundamental to our form of government and even to what we are as a nation.

However, Americans today often do not know much about their Constitution, and thus their own system of government. Many seem unfamiliar with the basics of the Constitution—apart from the fact that we have a President, Congress, and Supreme Court. For many, the essence of our constitutional system is the Bill of Rights. Often, however, they have little concern for the original Constitution and the system of government it established for our country. Even those who know something about the basics of the Constitution are frequently unfamiliar with its essential principles.

Moreover, those who should know better—academics, constitutional scholars, lawyers, judges, politicians—frequently do not act as if they do. Congress often passes laws that seem to have little to do with even a “loose construction” interpretation of the Constitution. Many legal scholars today suggest that the courts should go beyond the Constitution in making decisions to meet what they perceive as the needs of the people. They argue that “... the Court is not only justified in disregarding the written document, it has a positive duty to give the Constitution life by changing it to meet the changing needs of changing times.”<sup>1</sup> It would seem that the Supreme



*The Constitution on Display in the National Archives*

Court justices have often adopted this idea in recent years when reaching some of their decisions.

Others think the Constitution is so archaic, conservative, and stodgy that it is actually holding America back from fulfilling its true potential. They advocate a constitutional revolution that will completely overturn the system established by the Framers in order to make our nation more democratic and responsive. “The most fundamental freedom of all is the freedom of the democratic majority to alter the society around it as it sees fit, without any traditions or constitutional restraints to get in its way.”<sup>2</sup>

This book refuses to accept the notion that the Constitution is simply a relic of the past, which should either be ignored or overthrown. Instead, it recognizes the Constitution for what it is, one of

## FOUNDATION FOR FREEDOM: A STUDY OF THE UNITED STATES CONSTITUTION

the foundational documents of our history and the framework—the skeleton if you will—for our system of government. Without it, we become a nation of instability, subject to the varying “democratic” whims of a continually changing majority without the protections for minorities that are provided in our Constitution.

If students are to follow Paul’s admonition in Romans 13:1 to “... be subject to the governing authorities ...,” they must understand how those authorities are supposed to govern. If today’s young people are to take their place in society and be prepared to exercise their rights as citizens, they must learn how American civil government is designed to work. Of primary importance, therefore, is an understanding of the Constitution. Only by studying the Constitution will students be able as citizens to understand their rights and responsibilities and evaluate the way in which they are being governed.

It is our hope that this course will teach students about our Constitution and help them to appreciate its greatness. We make no claims for the Constitution’s perfection—no human endeavor since the Fall of Adam is free from the effects of sin—but we believe that the document we are going to be studying provides the means by which an orderly system of liberty and popular government can be made available to all.

This course has been developed for students in eighth grade through high school, although adults will certainly find it helpful, as well. It includes a textbook, a teacher’s manual, and a set of quizzes and tests. It is designed to be completed in a semester.

The textbook begins with an introductory essay by Sol Bloom (see the Authors on [page vii](#) for details about his life), published in 1937 as part of the original edition of *The Story of the Constitution*. Representative Bloom, who was director-general of the United States Constitution Sesquicentennial Commission, argued that the purpose of the Constitution is to perpetuate American liberty, a liberty that ultimately comes from God. This essay shows that, at one time, the understanding that the

Constitution and the system of government it established are foundational to our freedom was widely understood and appreciated. Regrettably, that is no longer the case.

After the introduction, the book is divided into three basic parts, each of which is important: (1) historical background, (2) detailed analysis of the original Constitution and amendments, and (3) a closing broader evaluation of the Constitution. The historical background gives the context in which the Constitution was formed, from relevant developments in England through the establishment of an independent America. It includes an examination of the Constitutional Convention and the ratification process. We have also included a series of four timelines in the book, which will place constitutional history within the larger context of American history.

The Constitution, with its amendments, is covered in some detail, with its original spelling, punctuation, and capitalization having been preserved. Each article and amendment has a general commentary, and then each specific section and clause is examined. The book does not, however, limit its analysis of the Constitution to its specific parts; it also presents the basic principles of the Constitution. Not only will the student study the individual “trees” of the Constitution, but he will also review the entire “woods” of the Constitution. It would be of little value if the student would learn the particulars of the Constitution, without understanding the principles that guide it.

Each chapter includes helpful exercises to assist the student in his study of the material. These include various objective exercises, fill-in-the-blank sentences, and essay questions. The essay questions are especially appropriate for high school students; eighth graders may consider the essays to be optional. These Chapter Review Exercises will evaluate the student’s knowledge of the course material and prepare him for taking tests.

The appendices contain several items that we think will be of use. The Constitution is reprinted, along with a helpful outline. In Appendix C, we have



provided information about, along with pictures of, many of the founders of our country, including all of those who signed the Constitution. In addition, the supplemental materials recommended in Appendix D will assist the student in his ongoing study of American history and the United States Constitution.

Finally, we have included two features that, although not unique to this text, should still make it stand out. We have referenced a wide variety of Supreme Court decisions in the text. We believe that this is necessary in light of the critical role the Supreme Court plays in our nation. What is more important, we have attempted to bring out the Christian heritage of the United States as it affects the story of our Constitution. The text is careful to neither “sanctify” American history or the Constitution nor to be politically correct by sanitizing either one in order to satisfy secular sensibilities.

We have also created important support materials to go with this workbook. The teacher’s manual includes a suggested schedule for completing the course, the answer key for the student exercises, additional teacher information, and suggested supplemental exercises. The quiz and test packet includes quizzes and tests for the various chapters, a final exam on the Constitution, and answers to the quizzes and tests. The quizzes can prove useful in evaluating whether or not students are ready for the tests.

We now invite students to begin with us an examination of the Constitution of the United States. We hope that they will find it as fascinating as we do.

## Introduction Notes—

1. Forrest McDonald, *A Constitutional History of the United States* (Malabar, FL: Robert E. Krieger Publishing Company, 1986), 4–5.
2. Daniel Lazare, *The Frozen Republic: How the Constitution is Paralyzing Democracy* (New York: Harcourt Brace & Company, 1996), 310.

*FOUNDATION FOR FREEDOM: A STUDY OF THE UNITED STATES CONSTITUTION*

Copyright © 2014 Christian Liberty Press

# Introduction

## The Heart and Soul of the Constitution

ADDRESS BY SOL BLOOM

*Director General of the United States Constitution Sesquicentennial Commission*

In discussing the Constitution of the United States, I wish here to consider it from a new angle. We all agree that as a legal document it establishes a successful system of government. Its precision and brevity are admirable. Millions of words have been devoted to its governmental principles. Great jurists have interpreted the meaning of the Constitution in almost all its parts. As a frame of government it has stood the test of time, war, and depression. It is based on truth, and, like truth, it laughs at the assaults of time.

But what I should like to discuss at this time is the heart and soul of the Constitution—its qualities that spring from the human heart, and not merely from the human intellect.

Unless the Constitution satisfies the aspirations of the heart, unless it feeds the human soul, unless it stirs our emotions, it cannot be regarded as a complete expression of the American spirit.

Why was the Constitution formed? Who were its framers? What was the emergency before them? What did they aim to accomplish?

In a nutshell, the Constitution was formed for the purpose of perpetuating American liberty by

uniting the States in a firm Union. All other aims were subordinate to the safeguarding of the liberty that had been won by the Revolution. It was evident after the Revolution that American liberty would be lost unless the States banded themselves together to preserve it.

If you and I believe that life comes from God, and that the Creator endows man with the right of liberty when He breathes life into him, we must agree that the framers of the Constitution were obeying the will of God when they sought a way to perpetuate liberty.

Life and the right to enjoy liberty come from God. The guarantee of the right to enjoy liberty, the power to maintain liberty, must come from the human heart and soul. The Constitution is this guarantee. It enables the American people to exercise their power to maintain their liberty against foreign attack or internal dissension.

The signers of the Declaration of Independence pledged their lives to liberty. Their hearts directed their hands when they sent forth this declaration of war for freedom.



*Sol Bloom (1870–1949)*

## FOUNDATION FOR FREEDOM: A STUDY OF THE UNITED STATES CONSTITUTION

The framers of the Constitution were no less in earnest. They saw the light of liberty dying in America as the States quarreled and threatened to disband. It was a new Declaration of Independence which the Constitution-makers prepared for the approval of the people—a declaration that their hard-won liberty should not perish, but should be made perpetual by joining the hearts and souls of the people of all the States in an indestructible Union.

These framers of the Constitution were chosen by their States to meet together. They were soldiers, planters, lawyers, physicians, merchants, and judges. Some of them were rich and others were poor. One of them, a luminous star in the human firmament, had been a penniless printer. Another, Roger Sherman, who, with Robert Morris, had the honor of signing the Declaration of Independence, the Articles of Confederation, and the Constitution, had been a poor shoemaker who studied at night to become a lawyer. The university which fitted George Washington to preside over this body of men was the stern school of war.

Being human, these delegates had human failings. They were devoted to State and local interests. Those from large States were bent upon exercising the strength of large States. Those from small States shrank from a Union that might make them the pawns of greater States. The commercial North and the agricultural South had clashing interests. All the States had been disappointed by the failure of such central government as was exercised under the Articles of Confederation. They were suspicious of any proposal for a national government. They feared it would swallow the States and the liberties of the people, or be just another failure like the Confederation.

After many jarring sessions, in which misunderstandings, jealousies, and selfish sectional interests bore down their efforts to agree, the delegates were almost in despair. Their hearts cried out for union, but their minds seemed to be overwhelmed. At this crisis, the venerable Benjamin Franklin suggested that they call upon Providence to give them guid-



ance, that their appeal to the Almighty Father might soften their temper, and, drawing strength by relying upon Divine aid, they might go forward together in common sympathy. What their hearts desired their minds discovered. They found a way to make American liberty forever secure.

We have all read the Constitution. We all know, at least in a general way, how it fulfills the people's will by uniting the States. But have we analyzed the Constitution, to search out its heart and soul? I maintain that, next to the Bible, "that holy book by which men live and die," the most precious expression of the human soul is the Constitution. In the Bible man finds solace, refreshment, and instruction in the most secret and sacred relation of the soul—its relation to God.

In the Constitution we find solace and security in the next most important thing in life—our liberty. Every word in the Constitution serves to safeguard us in our life, liberty, and pursuit of happiness. Every American, as he studies the marvelous framework of the Constitution, can say with truth and pride: "This was made for me. It is my fortress. When danger threatens my life or liberty I can take safe refuge in the Constitution. Into that fortress neither President nor Congress nor armies nor mobs can enter and take away my life or liberty."

You may ask me, where in the Constitution is there any language that throbs with a human heartbeat? Where is the soul of the Constitution? My answer is, in every paragraph. All its parts are mighty links that bind the people in an unbreakable chain of Union—a chain so beautifully wrought that it reminds us of the mystical golden chain which the poet saw binding earth to God's footstool.





Let us consider the preamble to the Constitution. We do not know from whose brain it came, but we know that it sounds the heartbeat of the framers. It is the majestic voice of the people, giving expression to their soul's desire.

**"We the People of the United States, in order to form a more perfect Union."** *For what purpose?* To make our liberties secure. *For how long?* So long as humanity wanders through the wilderness of time. *For whom?* For every man, woman, and child under the American flag.

**"Establish Justice."** What is justice but a guardian of liberty? My rights and immunities made secure against tyranny. Your right safeguarded against my wrong-doing. Your widow and your child protected when you are gone. Can there be a higher aspiration of the soul than to establish justice? Justice is an attribute of the Almighty Himself; for He said, "I, the Lord thy God, am a just God."

**"Insure domestic Tranquility."** The people longed for harmony. The framers of the Constitution saw that a central government would bring the States into common accord on all national questions, while removing other vexatious causes of disagreement. The very fact of equality of States was a guarantee of domestic tranquility. But the Constitution also provided a means whereby the government could protect the people against disturbances of public order and private security. The great charter thereby insured domestic order and peace, both among the States and among the people.

**"Provide for the common defence."** It was well understood that the separated States were not strong enough to ward off foreign aggression. Divided, they invited invasion and conquest, even from the second-rate foreign powers. United, they constituted

## THE HEART AND SOUL OF THE CONSTITUTION

a nation capable of defending itself in every part. The framers therefore clothed the common government with power to make war and peace, to raise armies and navies, to use the State militia for common defense, to build arsenals and navy yards. All that a mighty nation can do to defend its people and territory the United States of America can do; and even in its infancy the United States became a powerful nation through union of the States. The protection provided by the Constitution is the protection which a wise father provides for his family. This nation is like a strong fort defended by armed men. And far out at sea, prepared to meet and destroy any assailant, the United States Navy rides the waves in unwearied and vigilant patrol.

**"Promote the general Welfare."** This provision has a far wider sweep than latter-day commentators accord to it. They seem to think that the government has limited powers in promoting the general welfare. They speak of relief of unemployment, flood-control, and drought-control as examples of provision for the general welfare. Those objects may come within the scope of the government's general welfare powers, it is true, but those powers extend far beyond that point. The general welfare is promoted by the unification of the States. They are thus enabled to pool their resources and concentrate their energies. An example of promotion of the general welfare is the establishment of the postal system. Another example is provision for uniform coinage and currency. Still another is the consolidation of defense forces of which I have just spoken. Indeed, the promotion of the general welfare by unification of the States is manifest in nearly every paragraph of the Constitution.

And finally, the Preamble declares that the Constitution is established to **"secure the Blessings of Liberty to ourselves and our Posterity."** Who are we but the posterity of the great souls who wrought for our perpetual liberty? Can you agree that the forefathers of America were selfish and heartless men, when this proof is given that 150 years ago they were thinking of us, their posterity and heirs? Are we

## ***FOUNDATION FOR FREEDOM: A STUDY OF THE UNITED STATES CONSTITUTION***

of this day equally fore-sighted? Do we give thought to our posterity that will live 150 years from now? If we are ready to pledge our lives, our fortunes, and our sacred honor for our distant posterity, we are worthy of the forefathers who did that much for us.

Summed up, the Preamble declares that our forefathers sought Union, Justice, Tranquility, Safety, Welfare, and Liberty. These are the virtues enjoined upon mankind by their Heavenly Father. He who seeks justice is blest with the benediction of God. It is God's wish that mankind should be free. In securing their liberty, the people obey God's will.

We hear it said that the Constitution is faulty because it does not invoke the name of the Deity. I hold that it does more than lean upon Divine strength. It strives to do God's will on earth, as it is done in heaven. Not a line, not a word in the Constitution is in conflict with the Divine will. On the contrary, every word and every declaration breathes an ardent desire to pattern the American Nation in accordance with God's holy will.

Can an atheist become President of the United States? I maintain that the spirit of the Constitution forbids it. The Constitution prescribes an oath or affirmation which the President must take in order to qualify for his office. This oath or affirmation in its essence is a covenant with the people which the President pledges himself to keep with the help of Almighty God.

All officers of the United States and of the States, all judges and defenders of the Union must bind themselves to support the Constitution. Whether given by oath or affirmation, this pledge is essentially an appeal for Divine help in keeping inviolate a sacred obligation.

Upon all the coins of the United States appears the inscription, "In God we trust." Every word of the Constitution breathes this trust in God. Read the Preamble again and again. Give wings to your thought, so that you may poise like an eagle over



***The Statue of Liberty in New York Harbor***

time and the universe, and you will find within those words all the most ardent hopes of the human heart, the holiest aspirations of the human soul.

That this nation is established upon the rock of God's favor and protection will be proved, we devoutly believe, by its indestructibility. Time does not wear down nor eat away the eternal truths of the Constitution. War cannot overturn the temple of our liberty so long as American sons are worthy of their forefathers. Instead of fading with age, the glory of the Constitution takes on new splendor with the passing of the centuries. The faith of the forefathers gave them strength to plan for the ages. May we, with equal faith, guard our birthright and hand it down to our posterity as their most precious heirloom—liberty, "the immediate jewel of the soul."

## —Chapter I—

# The Colonial Experience

The United States and its constitutional system did not arise out of a vacuum. The English colonists who came to America in the seventeenth and eighteenth centuries were well acquainted with ideas of government that had developed in their home country. They brought with them the traditions of British rights, liberties, and immunities—that is, exemptions from certain liabilities or prosecutions; British laws and customs; and the English language.

In the new land they continued to use the traditional democratic practices, which had their beginnings in Anglo-Saxon England. They established courts and enforced laws similar to those that had been used in England since the twelfth century. They knew the principles of several significant English documents that extended democracy. As time passed, American colonists adopted the principles of later English documents that were democratic advancements. Most of the principles, therefore, that influenced the writing of our Constitution, originated in England.

## Old World Influences

### THE STRUGGLE FOR LIBERTY IN ENGLAND

Centuries of struggle had won for Englishmen many guarantees of rights, liberties, and immunities. The origins of the principles of civil liberty and self-determination go back to Anglo-Saxon England. The Normans found an advanced legal system already in place when they invaded England. Alfred the Great had established a legal code beginning with the Ten Commandments. The Anglo-Saxons had a court system based on the local shire or county. The Anglo-Saxons also had a great council of nobles known as

the Witan that met to elect and advise kings. Church law, likewise, made a contribution to the common law. The Viking settlers of northeastern England also influenced English law with their emphasis on individual rights.<sup>1</sup>

It was the Normans, however, who rationalized the English legal system, establishing the common law system. William I—William the Conqueror—kept the idea of a great council by establishing the Curia Regis, which eventually developed into the parliament and court system. King Henry II developed a system of courts, called the king's courts, and a jury system—the *grand jury* for accusations of crime and the *trial jury* for deciding the guilt or innocence of the accused. The common law, which recorded decisions handed down by judges in the king's courts, became standardized throughout England. English common law grew from decisions that were commonly applied in the land.

Although the common law system was established as early as the twelfth century, the struggle for English liberties continued. At Runnymede in 1215, the barons of England forced King John to put some of the rights and immunities that had been enjoyed from





# FOUNDATION FOR FREEDOM: A STUDY OF THE UNITED STATES CONSTITUTION

time immemorial into writing in the Magna Carta. The Magna Carta—the first document of the English constitutional system—established such principles as trial by jury of one’s peers and justice that could not be denied, delayed, or sold to any man. It also prevented the king from levying taxes without the consent of the Great Council, which was composed of clergymen and nobles. From this provision grew the principle that taxes should be levied by representatives of the people.

During the seventeenth century, great strides were made toward formally guaranteeing individual rights in writing. The Petition of Right of 1628 was drawn up by Parliament to limit the power of King Charles I, reaffirming the principles of the Magna Carta and prohibiting the quartering of soldiers in the homes of the people. The Habeas Corpus Act of 1679 established the principle that no person could be detained in prison unless charged with or convicted of a crime by a court. The struggle between Parliament and the monarchy culminated in the passage of the Bill of Rights in 1689. The Bill of Rights established the conditions under which William and Mary would reign after the ouster of James II by the “Glorious Revolution.” It guaranteed civil rights, the supreme power of Parliament over the monarchy, and freedom from arbitrary government. In the same year, Parliament also passed the Toleration Act, which provided religious toleration for all Protestants.

## POLITICAL THEORISTS

America may have been a long way from Europe, especially in the days of sailing ships, but the ideas of many European political scientists influenced colonial political thought, as well as the later writing of our Constitution. Americans profited from the ideas and experiences of the Greeks and Romans. Such seventeenth and eighteenth century writers as Hume, Grotius, Hobbes, and Rousseau were read and appreciated. After the Bible, however, it was the works of John Locke, William Blackstone, and the Baron de Montesquieu that were most often cited in



the writings of the Founding Fathers between 1760 and 1805.<sup>2</sup>

Montesquieu of France admired the democratic features of the English government. In *The Spirit of Laws*, he explained the principle of separating the powers of government into executive, legislative, and judicial branches. He believed that freedom and security for the citizens of a nation were best secured by the separation of powers.

John Locke became the apologist for England’s “Glorious Revolution,” providing justification for a constitutional monarchy in his *Two Treatises on Government*. Locke advanced the idea that people had natural rights to life, to liberty, and to possessions acquired by their labor. He



John Locke, 1632–1704





Sir William Blackstone, 1732–1780

believed that God had given people the power to reason and that, with this power, they could develop a government to protect their natural rights. If the ruler broke his obligation to protect these natural rights—that is, violated his social compact with the governed—then revolution was justified.

The noted eighteenth-century English jurist, Sir William Blackstone, had a critical influence on American legal thought. While a professor of law at Oxford, Blackstone published his *Commentaries on the Laws of England*. His commentaries became the primary source for information on English common law in America. They were so well received in the colonies that the noted English statesman Edmund Burke stated before Parliament in 1775 that “... they have sold nearly as many of Blackstone’s *Commentaries* in America as in England.”<sup>3</sup> Blackstone’s popularity in America continued long after the Revolution; as late as 1821 James Madison said that “I very cheerfully express my approbation of the proposed edition of Blackstone’s *Commentaries*...”<sup>4</sup> Blackstone was cited by both the Federalists and Antifederalists in the struggle for the ratification of the Constitution. Blackstone’s greatest contribution was the systematizing of English common law in a way that could be understood by the educated classes. He argued that

## Blackstone and Legal Training

William Blackstone was considered an essential part of a young man’s legal education. A few Americans, including Convention delegate Charles Cotesworth Pinckney of South Carolina, were able to study under Blackstone at Oxford. His writings became a standard textbook for legal tutors and law schools for over a century. After the War for American Independence, Benjamin Franklin recommended the study of Blackstone for his grandson, who was traveling to England to visit his father and study law. In 1784, Franklin wrote a letter to his son William that he wanted his grandson to “... study the Law, as a necessary Part of Knowledge for a public Man, and profitable if he should have occasion to practise it. I would have you therefore put into his hands those Law-books you have, viz. Blackstone, Coke, Bacon, Viner, & c.”<sup>5</sup>

at are not to make law; they are to determine what the law is and then apply it.<sup>6</sup>

Blackstone emphasized in his writings that all law was founded on God—both the law of nature and revealed law. He defined these laws in the following manner:

Law of Nature. This will of his Maker is called the law of nature.... [God] laid down certain immutable laws of human nature, whereby that free will is in some degree regulated and restrained, and gave him also the faculty of reason to discover the purport of those laws....

... He has laid down only such laws as were founded in those relations of justice, that existed in the nature of things antecedent to any positive precept. These are the eternal, immutable laws of good and evil, to which the Creator Himself in all His Dispensations conforms; and which He has enabled human reason to discover, so far as they are necessary for the conduct of human actions.

This law of nature, being ... dictated by God Himself, is of course superior in obligation to any other. It is binding over all the globe in all

countries, and at all times: no human laws are of any validity, if contrary to this....

Revealed Law. This has given manifold occasion for the interposition of divine providence; which in compassion to the frailty, the imperfection, and the blindness of human reason, hath been pleased, at sundry times and in divers manners, to discover and enforce its laws by an immediate and direct revelation. The doctrines thus delivered we call the revealed or divine law, and they are to be found only in the Holy Scriptures.... [T]he revealed law is of infinitely more authenticity than that moral system, which is framed by ethical writers, and denominated the natural law.

Upon these two foundations, the law of nature and the law of revelation, depend all human laws; that is to say, no human law should be suffered to contradict these.<sup>7</sup>

These definitions are not unique to Blackstone. Sir Edward Coke, famous English jurist of the early seventeenth century, wrote that “The law of nature is that which God at the time of [the] creation of the nature of man infused into his heart, for his preservation and direction....”<sup>8</sup> These definitions, based on English common law, helped to shape the thinking of many before and during the Revolutionary War period. As they wrote and spoke about “natural law”—or the “Laws of Nature” as the Declaration of Independence puts it—they would be using them on the basis of such definitions.

## The Thirteen Colonies

### ENGLISH SETTLEMENT OF THE NEW WORLD

The English were late colonizing the New World. King Henry VII of England turned a cold shoulder to Christopher Columbus when he asked for financial aid in undertaking a highly speculative voyage in search of India by sailing westward from Europe. Henry, a keen and enterprising monarch, quickly real-

ized, however, the importance of Columbus’s discovery; and he decided that England would undertake its own voyage of exploration. He commissioned John Cabot, therefore, in 1496 to go out

and discover countries then unknown to Christian people and take possession of them in the name of the English king.

Cabot left Bristol, England, in 1497 and sailed along what is now the coasts of the United States and Canada, claiming it for England. It was not until a century and a half later, however, that the English established settlements in North America. The first permanent English settlement on this continent was made under the charter granted by King James I to Sir Thomas Gates and others in 1606. Three years later, a new and more enlarged charter was given to the “Treasurer and Company of Adventurers of the City of London for the First Colony in Virginia.” The colony was given all the lands along the seacoast, beginning from near 34° north latitude, extending northward 400 miles, and running westward “from sea to sea.” In 1620 another charter was granted to the Duke of Lenox and others, designated the Council for New England, conveying to them all the lands between 40° and 48° north latitude.

Under these charters the settlement of Virginia and New England was accomplished. Subsequent charters brought about the settlement of New Jersey, New York, Pennsylvania, Maryland, the Carolinas, and Georgia. Wars, followed by treaties, resulted in the acquisition by England of the remaining territory that comprised the thirteen original states, together with the western country east of the Mississippi River.



## COLONIAL GOVERNMENT

English common law was established by the time the colonies were begun. The system of constitutional government, safeguarded by a parliament elected by the people, was well established when the first colonial charter was granted.

Important developments in the English colonies, however, also helped shape the American Constitution. Numerous precedents were established in colonial America that influenced later constitutional developments. The colonists gained abundant experience during almost 200 years of colonial government under British authority. Eventually, the colonists gained substantial home rule and enjoyment of individual liberties equal to those enjoyed in England.

Early precedents for political liberty and representative government were established in the New England colonies with the Mayflower Compact and the Fundamental Orders of Connecticut. The Mayflower Compact, drawn up by the Pilgrims in 1620, established two principles—order should be maintained by the will of the majority, and just laws should be enforced for the general good. The Fundamental Orders of Connecticut—the first written

constitution in America—established a representative government based on the consent of the governed.

The colonies, beginning with Virginia and New England, were settled under charters granted by the king of England. These grants made large reservations of royal privilege and relatively small concessions to the emigrants. The charters under which the colonies were established, however, set precedents for limiting and distributing the powers of government. Each colony's charter also granted it some degree of freedom to manage its own affairs.

Broadly speaking, the colonists did not at first enjoy civil and political liberties as they were known in England. Protests against denial of privileges enjoyed by British freemen were made in Virginia as early as 1612. Gradually, the colonies were given larger powers of government, always provided that colonial laws should be in conformity to the laws of England and that allegiance to the crown should be acknowledged.

The first representative government in America was established in Virginia in 1619 with the convening of the House of Burgesses. This was the first step in the development of our state legislatures. Although the upper legislative house of most colonies was appointed—only the two self-governing colonies of

Connecticut and Rhode Island had elected upper houses—the lower house was elected by eligible voters in all of the colonies.

The principle of limiting executive power evolved from conflicts between colonial assemblies and governors. The colonial legislatures usually won in such conflicts because it was the lower house of each colony that held the “purse strings”—the power to appropriate money. Although most governors were



*Signing the Mayflower Compact 1620, a painting by Jean Leon Gerome Ferris, 1899*



## FOUNDATION FOR FREEDOM: A STUDY OF THE UNITED STATES CONSTITUTION

appointed—either by a king or a proprietor like William Penn, who had been given a charter by the king to establish a colony—it was the colonial legislatures that paid their salaries.

In 1735 a precedent for freedom of the press was set by the outcome of a case involving the governor of the colony of New York and Peter Zenger, the editor of a New York weekly newspaper. Zenger was arrested and jailed on charges of printing libelous statements about the governor. When the case was tried, Zenger's attorney attempted to prove that the statements printed by Zenger were true. Although the court cut off the attorney's arguments, the jury declared Zenger not guilty. The Zenger case was a significant victory for freedom of the press in the colonies.

The colonies valued their strong local self-government and independence from one another. There were, however, some early attempts to achieve colonial

unity. Several of the New England colonies formed the New England Confederation in 1643 as a defensive alliance against hostile Indian tribes, the French, and the Dutch; but it only lasted until 1684. James II in 1686 forcibly united the New England colonies with New York and New Jersey in the Dominion of New England under Governor Sir Edmund Andros. This effort collapsed, however, in 1689 once the colonists learned that James II had been overthrown in the Glorious Revolution.

Benjamin Franklin suggested a plan of union to the Albany Congress of the colonies in 1754, but, foreshadowing the irrepressible conflict that was to come, the colonies rejected the plan because it gave too much control to the British government; and the British government rejected it because it gave too much liberty to the colonies. It was not until the conflict with England erupted that any serious efforts at united action by the colonies were attempted.

### The Glorious Revolution

England, Scotland, and the American colonies all suffered under the absolutism of Charles II and James II. James II combined his absolutism with Roman Catholicism, raising concerns among many English Protestants that he would become another Louis XIV. He took away the charters of several of the northern colonies and forced them into the Dominion of New England under a royal governor. Liberty came to Britain and the colonies when James was overthrown by William III, Prince of Orange, and Mary II, daughter of James II, in 1688. In spite of the fact that William and Mary came to England from Holland with only a small army, James fled to France without a fight, once he realized he had little support from either Parliament or the army. A minister from Massachusetts reflected on this time many years later in the following statement:

As an honorable historian observes—"At this time Great Britain, and Scotland, especially, was suffering under a prince inimical to civil liberty: And New-England, without a miraculous interposition, must expect to share the same judgments." And indeed of this bitter cup, the dregs were reserved for this people, in that and the succeeding happily short, but inglorious reign.

Our Charter was dissolved, and despotic power took place. Sir Edmund Andros—a name never to be forgotten—in imitation of his Royal Master, in wanton triumph, trampled upon all our laws and rights.... But the triumphing of the wicked is often short.

The glorious revolution, under the Prince of Orange, displayed a brighter scene to Great-Britain, and her colonies. And tho' no part of its extended empire did bear a greater part in the joy of that memorable event than this province, yet it was then apprehended we were not the greatest sharers in the happy effects of it.<sup>9</sup>



King William III and Queen Mary II,  
Ruled 1689–1702



# Chapter 1 Review Exercises

## TRUE OR FALSE

*Write T in the blank if the statement is true or F if the statement is false.*

- \_\_\_\_\_ 1. Sir Edward Coke wrote *Commentaries on the Laws of England*.
- \_\_\_\_\_ 2. The case of Peter Zenger established an important precedent for the freedom of the press.
- \_\_\_\_\_ 3. Charles II created the jury system.
- \_\_\_\_\_ 4. John Cabot sailed along the coast of India, claiming it for England.
- \_\_\_\_\_ 5. The colonial legislatures paid the salaries of the colonial governors.

## MATCHING

*Write the letter of the correct description beside the number of each person on the left.*

- |                           |   |
|---------------------------|---|
| _____ 1. Alfred the Great | a. established the king's courts                                |
| _____ 2. King John        | b. overthrown by the "Glorious Revolution"                      |
| _____ 3. William I        | c. signed the Magna Carta                                       |
| _____ 4. Henry II         | d. established the Curia Regis                                  |
| _____ 5. James II         | e. commissioned John Cabot                                      |
| _____ 6. James I          | f. granted a charter for the colony of Virginia                 |
| _____ 7. Henry VII        | g. power limited by the Petition of Right of 1628               |
| _____ 8. Charles I        | h. established a legal code beginning with the Ten Commandments |

## MULTIPLE CHOICE

*In each of the following blanks, place the letter of the word or phrase that makes the statement correct.*

- \_\_\_\_\_ 1. The Anglo-Saxons had a great council of nobles known as the (a) Witan, (b) Curia Regis, (c) Shire.
- \_\_\_\_\_ 2. John Locke justified constitutional monarchy in his book (a) *The Spirit of Laws*, (b) *Two Treatises on Government*, (c) *Commentaries on the Laws of England*.
- \_\_\_\_\_ 3. The (a) Vikings, (b) Normans, (c) Anglo-Saxons rationalized the English legal system.
- \_\_\_\_\_ 4. Sir Edmund Andros was the governor of the (a) New England Confederation, (b) Council for New England, (c) Dominion of New England.
- \_\_\_\_\_ 5. The first representative government in America was established in (a) Virginia, (b) Massachusetts, (c) Connecticut.

## FOUNDATION FOR FREEDOM: A STUDY OF THE UNITED STATES CONSTITUTION

### FILL IN THE BLANK

*Complete each of the following sentences with the word or phrase that makes it a correct statement.*

1. Baron de Montesquieu believed that freedom and security for the citizens of a nation were best secured by \_\_\_\_\_.
2. \_\_\_\_\_ advocated the idea that when a ruler broke his social compact with the governed, then revolution was justified.
3. William Blackstone wrote that all human laws are based on \_\_\_\_\_ and \_\_\_\_\_.
4. The \_\_\_\_\_ reaffirmed the principles of the Magna Carta and prohibited the quartering of soldiers in the homes of the people.
5. The \_\_\_\_\_ established the principle that no person could be detained in prison unless charged with or convicted of a crime by a court.
6. The conditions under which William and Mary would reign were established by the \_\_\_\_\_.
7. The \_\_\_\_\_ provided religious toleration for all Protestants.
8. The Anglo-Saxon court system was based on the \_\_\_\_\_.

### ESSAY QUESTIONS

*Answer the following questions on separate paper.*

1. List the two principles established by the Mayflower Compact.
2. What were the principles developed from the Magna Carta?
3. What were the four works most often cited by the Founding Fathers between 1760 and 1805?
4. What were the three principles guaranteed by the Bill of Rights of 1689?
5. What was established by the Fundamental Orders of Connecticut?

---

## Chapter 1 Notes—

1. John Eidsmoe, *Christianity and the Constitution* (Grand Rapids, MI: Baker Book House, 1987), 59.
2. Eidsmoe, 51–53.
3. Edmund Burke, quoted in Verna M. Hall, *The Christian History of the Constitution of the United States of America: Christian Self-Government* (San Francisco: The Foundation for American Christian Education, 1960), 130A.
4. James Madison, quoted in Verna M. Hall, *The Christian History of the Constitution*, 130A.
5. Benjamin Franklin, “To William Franklin,” in *Benjamin Franklin: Writings*, ed. J. A. Leo Lemay (New York: Literary Classics of the United States, Inc., 1987), 1097.
6. Eidsmoe, 57–59.
7. Sir William Blackstone, *Commentaries on the Laws of England*, quoted in Verna M. Hall, *The Christian History of the Constitution of the United States of America: Christian Self-Government*, American Revolution Bicentennial ed. (San Francisco: The Foundation for American Christian Education, 1975), 141–143.
8. Herbert W. Titus, “God’s Revelation: Foundation for the Common Law,” in *The Christian and American Law*, ed. H. Wayne House (Grand Rapids, MI: Kregel Publications, 1998), 14.
9. Samuel Cooke, “An Election Sermon,” in *American Sermons: The Pilgrims to Martin Luther King Jr.*, ed. Michael Warner (New York: Literary Classics of the United States, Inc., 1999), 482–483.

# —Index—

## Scripture

2 Chronicles 26:16-23 234  
Leviticus 19:15 233  
Luke 20:25 234  
2 Samuel 2:4 233  
2 Samuel 5:1-3 233  
1 Timothy 2:1-2 251

## A

*Abington School District v. Schempp* 167  
abolition of the slave trade 82  
abortion 126, 147, 245  
absolutism 6  
Acting President  
    134, 213, 214, 215, 216, 286  
Adams, John 14, 16, 28–29, 30–31, 48,  
    52, 53, 85, 172, 186, 187, 206,  
    230, 296  
Adams, John Quincy 131, 187  
Adams, Samuel 13, 52, 53, 75, 84  
adjournment  
    of Congress 104, 138  
Adjutant General 114  
admission of new states 154  
Affordable Care Act 108, 243  
    constitutionality challenged 127  
Afghanistan 113, 174  
African-Americans 185, 190, 194, 212,  
    224, 233, 245  
agencies 247  
Agnew, Spiro 214  
Air Force, Department of 112,  
    114, 241–242  
Alabama 212  
Alaska 128  
Albany Congress 6  
Alfred the Great 1  
Allen, Ethan 16  
al-Qaeda 151  
ambassadors 136, 138, 146, 149, 229,  
    271, 272, 296  
amendments x  
    Bill of Rights, first ten 163  
    proposing 155, 156  
    ratification of 155, 156  
    Reconstruction 189, 194  
    twentieth-century 199–218  
America Invents Act 110

American Bible Society  
    147, 289, 290, 295, 296  
American Board of Commissioners for  
    Foreign Missions 296  
American Civil Liberties Union 246  
American Colonization Society 147  
American experiment 25  
*American Heritage, The* 297  
American Legion 46–52  
American Sunday School Union 147  
Americanus 76–77  
American Vision 298, 299  
amnesty 128  
Andros, Sir Edmund 6  
Anglican. *See* Episcopalians  
Anglo-Saxon England 1  
Annapolis Convention  
    40, 49, 291, 292, 293, 294  
Annapolis, Maryland 40  
Anthony Amendment 204  
Anthony, Susan B. 204  
Antifederalists 3, 51, 61, 73–78, 81, 83,  
    84, 297  
Anti-Saloon League 202  
Appalachian Mountains 12, 49  
appointments  
    federal 137  
    recess 138  
appropriation by law 116, 118  
aristocracy 60, 152, 223  
aristocratic plan 60  
aristocrats  
    Boston 30–31  
    New York 75  
Arizona 164  
Arkansas 212  
army 241, 258, 271  
    British 18, 27–28  
    Continental 18, 32, 38, 46–52, 289, 290,  
        291, 293, 295  
    New England 18  
Army, Department of 112, 114  
Army National Guard 171  
Articles of Confederation 15, 25, 26, 37,  
    39, 40, 49, 58, 67, 77–78, 79–81,  
    94, 155, 157, 158, 231, 240, 245,  
    290  
    accomplishments of 33  
    patched up 60  
    powers granted by the 41

    powers withheld by the 41  
    weaknesses 27–28, 37

Article XIII  
    of the Articles of Confederation 33

Ashurst, Henry 164  
Associate Justice 292, 294, 295  
Atlantic Ocean 240  
    coast (seaboard) 12, 46  
    waters 28–29

atomic bomb 129  
Attorney General 174  
Authorization for the Use of Military  
    Force 111

## B

Babylon 251  
Baker Book House 298, 299  
Baldwin, Abraham 295  
ballot 270  
    vote by 132  
Baltimore Bible Society 293  
Bank of North America 291  
Bank of the United States 248, 249  
    national bank 226  
bankruptcies 108, 258, 268  
Baptists 19, 66, 239  
Barbary pirates 28–29  
Barbary Wars 111  
*Barron v. Baltimore* 165  
Barton, David 297  
Bassett, Richard 293  
Bedford, Jr., Gunning 293  
Bible 2, 4, 135, 166, 230, 233, 234,  
    251  
    George Washington's 85  
    laws harmonized with 19  
    official use of (disallowed) 167  
biblical principles 234  
*Biblical Principles of the United States*  
    *Constitution* 298  
biblical teachings 232  
bicameral legislative system 97  
bill becomes law 106, 119  
Bill of Rights ix, 2, 26–28, 86, 163–179,  
    180, 190, 218, 229, 233, 244–  
    246, 294  
bills of attainder 96, 97, 115, 117,  
    259, 269, 270  
bills of credit 117, 270



# FOUNDATION FOR FREEDOM: A STUDY OF THE UNITED STATES CONSTITUTION

Bipartisan Campaign Reform Act 249  
 Black Codes 190  
 Blackstone, William 2–4, 50, 231  
 Blair, Jr., John 294  
 Blessings of Liberty 233  
 Bloom, Sol x, 230  
 Blount, William 294  
 Bork, Robert 150, 250  
 Bosnia 171  
 Boston 14, 16, 25, 46, 75, 171  
     aristocrats 30–31  
 Boston Massacre 13  
 Boston Tea Party 14  
 Boutwell, George 240  
 Boxer Rebellion 111  
 boycott  
     against East India tea 14  
     of English (British) goods 12–14, 15  
 Bradford, M. E. 50, 298  
 Brandeis, Louis 230  
 Brearley, David 291  
 Brennan, John 103  
 Brennan, William 245  
 Brewer, David 231  
 bribery 99, 139, 249, 272  
 Bristol, England 4  
 British  
     debts 28–29  
     Empire 30–31  
     forces 25  
     government 6  
     laws and customs 1  
     policies 13  
     regulations 13  
     royalty 16  
     troops 13, 16  
 Broom, Jacob 293  
*Brown v. Maryland* 248  
*Brown v. Mississippi* 174  
*Brown v. Board of Education* 147  
*Brushaber v. Union Pacific Railroad* 116  
 Brutus 76–77, 81  
 Burger, Warren 214  
 Burgoyne, General John 16  
 Burke, Edmund 3, 13  
 Burr, Aaron 132, 186, 187, 249  
 Bush, George H. W. 136, 214, 250  
 Bush, George W. 126, 131, 136, 138, 214, 249, 250  
 Butler, Pierce 52, 295  
 Byron, Lord 164

## C

Cabinet 134, 136, 215, 216, 259  
 Cabot, John 4

Calhoun, John C. 187, 213  
 California 128, 204  
 Calvinism, evangelical 20  
 Calvinists 50  
 Calvin, John 231  
 Cambridge, Massachusetts 15  
 Canada 4, 12, 16, 129  
*Cantwell v. Connecticut* 191  
 canvassing the public 201  
 capitation 116  
 Carpenters' Hall 14, 45  
 Carroll, Daniel 294  
 Carter, James 128, 129  
 Cato 76–77  
 censorship 166  
 Central Intelligence Agency 103  
 certificate of adoption 203  
 chaplains 167–168  
 Charles I 2  
 Charles II 6  
 Charleston Bible Society 295  
 charters 5–7  
 Chase, Samuel 84, 150, 249  
 checks and balances 64, 79, 228, 229, 247, 250  
 Cheney, Richard 214  
 Chesapeake Bay 31  
 Chicago 170  
 chief justice 64, 74, 101, 135, 137, 146, 147, 174, 206, 214, 227, 239, 243, 244, 245, 248, 296, 297  
 China 111  
*Chisholm v. Georgia* 186  
 Christ Church 45  
 Christian 230, 233, 248  
     being a good 66  
     doctrines 231  
     freedom 19  
     heritage xi, 166  
     orthodox 50, 51  
     people 4  
     Sabbath 106  
     sects 167  
*Christian History of the Constitution of the United States of America, The* 298  
 Christianity 51, 167, 230, 231, 232, 298  
*Christianity and the Constitution* 298  
 Christian Liberty Press 299  
 Christy, Howard Chandler 68  
 church 234, 251  
     and state 166  
     colonial 19  
     law 1  
     national 168

Church of England 66, 234

*Church of the Holy Trinity v. United States* 231, 232  
 circuit courts of appeal 148  
 Circular Letter 38  
 citizenship 192  
*Citizens United v. Federal Election Commission* 249  
 civil liberties 1, 19, 20, 79  
 civil rights 224, 229  
 Civil War. *See* War Between the States  
 class hatred 31  
 Clay, Henry 187  
 Cleveland, Grover 131  
 Clinton, George 75, 85  
*Clinton v. City of New York* 247  
 Clinton, William 111, 126, 128, 206  
     impeached by House 139  
 cloture rule 103  
 Clymer, George 292  
*Code of Federal Regulations* 126  
 Coercive Acts 14  
 coinage 96, 97, 109, 117, 259, 268, 270  
 Coke, Sir Edward 4, 164  
 Cold War 152  
 colonial government. *See* government:  
     colonial  
 colonies 170  
     Atlantic seaboard 12  
     English 4, 5  
     thirteen 12  
 colonists 1, 11, 12, 14, 15, 16, 93  
 Columbia College 290  
 Columbus, Christopher 4  
 commander in chief 128, 135, 259, 271, 289  
*Commentaries on the Laws of England* 3  
 commerce 60, 96, 268  
     interstate 108, 116, 259  
     regulation of 63  
 Commerce Clause 107, 179  
 Commerce Compromise 61, 63  
 Commerce, Department of 110  
 commissioners 240  
 Committee of Correspondence 13, 290  
 Committee of the Whole 51, 59  
 Committee on Detail 66, 67, 68  
 Committee on Style 52, 66, 68  
 common law 1, 3, 4, 50  
*Common Sense* 16  
 communication 96, 107  
 communism 199  
 compact society 78  
 Concord Bridge 16  
 Concord, Massachusetts 15  
 Confederacy 190, 193

- Congregationalists 19, 50, 66, 231, 289, 290, 295, 296
- Congress ix, 64, 65, 66, 69, 94, 96, 102, 105, 106, 108, 109, 110, 111, 113, 114, 125, 127, 131, 135, 136, 138, 145, 148, 151, 152, 153, 154, 156, 165, 166, 168, 171, 190, 192, 194, 200, 210, 211, 212, 216, 217, 218, 228, 229, 232, 234, 242, 243, 244, 245, 246, 247, 249, 250, 263, 265, 267, 270, 271, 272, 273, 274, 279, 281, 283, 284, 285, 286, 289, 290, 291
- adjournment of 104
- Continental 49, 81, 206, 290, 291, 292, 293, 294, 295, 296
- First Continental 14–16, 289, 290, 291, 292, 293, 295, 296
- “lame duck” sessions of 205
- power to declare war 111
- Second Continental 14–18, 25–27, 33, 59, 289, 290, 291, 292, 293, 295, 296
- special sessions of 138
- congressional immunity 105
- Congressional Record* 104
- Connecticut 5, 14, 26–28, 30–31, 52, 60, 66, 83, 98, 166, 175, 186, 202, 242, 246, 266, 290, 296
- Connecticut Compromise. *See* **Great Compromise**
- Connecticut Council 290
- Connecticut General Assembly 296
- Constitution
- Preamble 78, 93, 224, 226, 233, 257
- Article I 94–118, 139, 145, 171, 192, 201, 206, 210, 233, 241, 257, 265
- Article II 101, 131, 136, 139, 186, 188, 259, 270
- Article III 110, 139, 145–152, 186, 241, 249, 260, 272
- Article IV 152–155, 260, 273
- Article V 155–157, 241, 260, 274
- Article VI 151, 156–158, 242, 261, 274
- Article VII 158, 231, 261, 275
- 1st Amendment 165–168, 191, 234, 246, 249, 261, 276
- 2nd Amendment 169–171, 261, 276
- 3rd Amendment 171–172, 246, 261, 276
- 4th Amendment 164, 172–173, 246, 261, 276
- 5th Amendment 164, 174–175, 245, 246, 261, 276
- 6th Amendment 176, 261, 277
- 7th Amendment 176–177, 261, 277
- 8th Amendment 177, 261, 277
- 9th Amendment 178, 246, 261, 277, 278
- 10th Amendment 179, 226, 261, 277
- 11th Amendment 149, 185–187, 262, 278
- 12th Amendment 99, 101, 125, 131, 132, 133, 186–189, 205, 213, 242, 262, 278
- 13th Amendment 98, 115, 118, 153, 189, 224, 233, 260, 262, 279
- 14th Amendment
- 98, 147, 165, 166, 170, 174–176, 190, 192, 193, 204, 212, 224, 233, 245, 246, 262
- 15th Amendment 97, 118, 194, 200, 224, 262, 280
- 16th Amendment
- 116, 200, 201, 244, 262, 281
- 17th Amendment 99, 100, 102, 105, 199, 201, 224, 244, 262, 281
- 18th Amendment
- 202, 208, 244, 262, 263, 281
- 19th Amendment 97, 118, 192, 199, 203–204, 224, 244, 263, 282
- 20th Amendment 102, 188, 203, 205, 213, 263, 282
- 21st Amendment 156, 203, 208–209, 263, 283
- 22nd Amendment 203, 209–210, 213, 242, 263, 284
- 23rd Amendment 114, 130, 199, 202, 210–211, 224, 263, 284
- 24th Amendment
- 97, 199, 212, 224, 263, 285
- 25th Amendment 134, 213–216, 264, 285
- 26th Amendment 97, 192, 199, 217, 224, 264, 286
- 27th Amendment 104, 218, 264, 287
- five principles of the 223–227
- nature of the 239–251
- Sesquicentennial Commission x
- constitutional authority 96, 129
- Constitutional Convention 290, 291, 292, 293, 294, 295, 296
- See also* convention:
- Constitutional**
- constitutional government. *See* **government: constitutional**
- constitutional republic 19
- Constitutional Law for Enlightened Citizens* 297
- consuls 136, 146, 149, 271, 272
- Consumer Financial Protection Bureau 138
- Continental Army 18, 32, 38, 46–52, 49
- Continental Board of War 291, 292
- Continental Congress 49, 81, 206, 290, 291, 292, 293, 294, 295, 296
- First 14–16, 289, 290, 291, 292, 293, 295, 296
- Second 14–18, 25–27, 33, 59, 289, 290, 291, 292, 293, 295, 296
- Continental Court of Appeals 292
- convention
- Constitutional x, 15, 37
- federal 77–78
- Massachusetts 77–78, 81, 83, 84
- national constitutional 156
- New Hampshire 84
- New York 80, 84, 85, 171
- North Carolina 85
- Philadelphia 37, 41, 45–51, 73, 74–75
- state 66, 77–78, 79, 80, 81, 82, 83, 155, 156, 163, 209, 224
- Virginia 16, 26, 78, 79, 81, 82, 84, 86, 164
- Cooke, Rev. Samuel 15
- Coolidge, Calvin 19
- Cooper v. Aaron* 147, 245
- copyright law 110, 258
- Copyright Office 110
- Cornwallis, General Charles 18
- cost-of-living adjustments 104
- Council of Revision 65, 248
- counterfeiting 29–31, 258
- punishment of 109
- court martial 115
- Court of International Trade 148
- courts 64, 67, 115, 147, 228, 249, 258, 272
- administrative 148
- circuit 148
- district 148, 194, 246
- federal 149
- military 175
- state 148, 227
- cradle of American liberty 45
- Crawford, William 187
- Creator 3, 33, 231, 233
- creditors 58
- crimes 99, 139, 150, 152, 153, 177, 249, 272, 273
- financial 109
- held for 175
- international 258
- plead guilty to 151
- Critical Period 26–28, 37
- Crown Point 16
- Curia Regis 1
- currency 29–31
- 
- D**
- Danbury Baptist Association 167
- Dartmouth College v. Woodward* 248
- David, King 233
- Davis, Jefferson 193
- Dayton, Jonathan 48, 291
- death penalty 177
- debate 103
- Debate on the Constitution, The* 297

# FOUNDATION FOR FREEDOM: A STUDY OF THE UNITED STATES CONSTITUTION

debt 262, 268, 270, 274, 280  
 avoid getting into 107  
 foreign and domestic 157  
 payment of 109, 117  
 public 193

Declaration of Independence 16, 19,  
 25, 33, 49, 93, 171, 224, 231,  
 232, 233, 240, 290, 291, 292,  
 296

Declaration of Rights and Grievances 13,  
 15

Declaratory Act 13

Defense, Department of 114

Defense of Marriage Act 175

Deferred Action for Childhood Arrivals  
 127

deists 50, 66, 230, 231, 291, 292, 294

Delaware 26, 40, 47, 52, 69, 83, 98,  
 189, 266, 292, 293

DeMar, Gary 298

democracy 223, 244  
 excesses of 64

*Democracy in America* 232

Democratic-Republican party 132

Demosthenes 164

Denmark 128, 241

Department

of Commerce 110  
 of Defense 114  
 of Justice 127, 148, 194  
 of State 126, 153  
 of the Air Force 112, 114, 241–242  
 of the Army 112, 114  
 of the Navy 112

depravity 19

Dickinson, John 52, 69, 293

*Dillon v. Gloss* 155

Dinwiddie, Robert 212

diplomatic and consular officers 128

direct taxes 98, 116, 200

direct veto 106

disability

of the President or Vice President 134

disenfranchised voters 212

*Display of the United States of America, A*  
 82

District Attorney 292

district courts 148, 194, 246

District of Columbia 114, 130, 131, 170,  
 177, 194, 210–211, 224, 263,  
 284, 285, 294

District of Columbia Self-Government  
 and Governmental Reorganiza-  
 tion Act 210

*District of Columbia v. Heller* 170

District of Columbia Voting Rights  
 Amendment 211

Dominican Republic 111, 129

Dominion of New England 6

Doolittle, Amos 82

doomsday successor 134

double jeopardy 174

Douglas, William O. 172, 232

draft 112

dodgers 128

DREAM Act. *See* *Deferred Action for  
 Childhood Arrivals*

*Dred Scott v. Sandford* 147, 169, 174, 190,  
 245, 248

dual citizenship 192

Due Process Clause 118, 174, 176, 191,  
 246

Duke of Lenox 4

Dutch 6, 16

Dutch Reformed 50, 231

duties 107, 117, 270

export 116

import 60

of tonnage 118

tariff 75

## E

East India Company 13

East Timor 171

Edwards, Jonathan 19

Eidsmoe, John 298

Eisenhower, Dwight 213, 215, 217

Elastic Clause 258. *See* *implied powers*

election 133, 194, 201, 212, 213, 257,  
 259, 262, 266

at large 102, 130

congressional 102

direct 201

of senators 102

of the President and Vice President 186–189

primary 194

special 98, 100, 201

Electoral College 99, 101, 130, 131, 211,  
 224

electors 97, 130, 131, 132, 133, 186,  
 187, 188, 192, 211, 213, 259,  
 263, 265, 270, 271, 278, 284

Ellsworth, Oliver 52, 242, 296

Emancipation Proclamation 189

*Engel v. Vitale* 167

England 4, 6, 11, 13, 16, 49, 66, 164,  
 234, 290

English

colonists 1

common law 1, 3, 4, 50

Protestants 6

English-French struggle 12

Enlightenment 230

belief in equality 16

idea of radical libertarianism 19

philosophies 20

Episcopalians 19, 66, 231, 289, 290,  
 291, 292, 293, 294, 295, 296

Episcopal prayer book 291

Equal Rights Amendment 203

equity 149

espionage 152

Ethics Reform Act of 1989 218

Europe 2, 4, 11, 28–29, 38, 169

European

coins 29–31

monarchists 25

political scientists 2

Everett, Edward 225

*Everson v. Board of Education* 167

exclusionary rule 173

executive 2, 15, 26–28, 38, 50, 57, 59,  
 60, 65, 82, 94, 126, 147, 148,  
 154, 228, 247, 248, 274

agreements 129

make appointments 100

of a state 98

orders 126, 127

power of the 125, 130

responsibilities of the 138

Executive Order No. 9066 127

*Ex parte McCordle* 250

export duties 96, 116, 259

*ex post facto* laws 82, 96, 97, 115, 117,  
 259, 269, 270

extradition 260

Extradition Clause 153

## F

Fairfax Resolves 296

fall of Adam x

Farewell Address 230, 243

Farris, Michael 297

fascism 199

Father of the Bill of Rights 296

Father of the Constitution 48, 226, 294

federalism 226, 229, 251

Federalist

No. 10 79

No. 14 223

No. 24 79–81

No. 39 223

No. 40 58

No. 43 152

No. 44 115

No. 46 169

No. 47 228

No. 48 228  
 No. 49 223  
 No. 51 79, 228, 233  
 No. 54 62, 80  
 No. 58 105  
 No. 67 137  
 No. 68 131  
 No. 76 137  
 No. 78 82, 240, 248  
 No. 84 79

*Federalist Papers*  
 75, 76, 77–78, 79, 82, 297

Federalists 3, 51, 67, 73, 74, 76, 77,  
 78, 79, 80, 81, 83, 84, 85, 150,  
 186, 187, 206, 224, 227, 290,  
 292, 294, 297

*Federal Register* 126

Federal Register Act 126

Federal Reserve 109

Federal Trade Commission 244, 247

felony 104, 105, 110, 153, 175, 267,  
 268, 273

Ferris, Jean Leon Gerome 5, 16

Few, William 295

filibuster 103

financing of political campaigns 166

FitzSimons, Thomas 292

Florida 12, 83, 128, 131, 212

Ford, Gerald 128, 131, 210, 214

Foreign Intelligence Surveillance Court  
 148

Fort Ticonderoga 16

Foundation for American Christian  
 Education 298, 299

*Founders' Constitution, The* 297

Founding Fathers 20, 25

Framers ix, 48, 51, 96, 111, 131, 146,  
 155, 158, 164, 165, 171, 223,  
 225, 226, 228, 230, 231, 240,  
 241, 242, 243, 245, 251, 298

France 6, 11, 15, 29, 30–31, 53, 68, 79,  
 111, 129, 146, 147, 230, 241,  
 291, 292, 295, 296

*Francis Wright case* 249

franking privilege 104

Franklin, Benjamin 3, 6, 16, 26, 37,  
 48, 50, 51, 61, 64, 68, 69, 74,  
 77–78, 291, 297

freedom  
 of assembly 168  
 of conscience 20  
 of religion 168  
 of speech 105, 165, 166, 168, 276  
 of the press 6, 165, 166, 168, 276  
 political 261  
 religious 261  
 to worship 20

free trade 13

French 6, 12, 16  
 aid 26–27  
 aid to Colonies 18  
 army and fleet in Virginia 18  
 legal code 14  
 political philosopher 49  
 troops 16

French and Indian War 11, 212, 289

French Revolution 230

fugitives 152  
 foreign 153

full faith and credit clause 153

fundamental law 240

Fundamental Orders of Connecticut 5

*Furman v. Georgia* 177

fur trade 27–28

---

## G

Gadahn, Adam Yahiyeh 151

Garfield, James 128, 190, 213

Gates, Sir Thomas 4

George II 11

George III 12, 15

George Washington University Hospital  
 216

Georgia 4, 14, 18, 63, 80, 81, 83, 98,  
 177, 189, 266, 295

Germany 111, 127, 129, 151, 199

Gerry, Elbridge 50, 52, 62, 64, 65, 68,  
 69, 75, 84

*Gibbons v. Ogden* 108, 146, 243

Gilman, Nicholas 289

*Gitlow v. New York* 166, 191

Glorious Revolution 2, 6

God 19, 230, 232, 233, 234  
 all law founded on 3  
 governs in the affairs of men 50  
 blessing of Almighty 26–27

*God and Government* 298

Goldberg, Arthur 246

Gore, Al 131, 250

Gorham, Nathaniel 69, 73, 290

Gospel 234

government  
 attempts to overthrow 152  
 branches of 2  
 British 13  
 colonial 5, 60, 93  
 constitutional 5  
 federal 78, 225, 227, 230  
 national 57, 58, 78, 226, 229, 230  
 of territories 152  
 popular 224  
 representative 5, 19  
 republican 45, 64, 178, 223, 224, 233, 274  
 state 26–28, 78, 226, 228, 229

strong central 67, 77–78  
 stronger central needed 39

governor 5, 98, 100, 154, 157, 165,  
 201, 203, 289, 290, 291, 293,  
 294, 295, 296

grand jury 1, 175, 276

Grant, George 297

Great Awakening 19

Great Britain 11, 13, 16, 27, 28–29, 30–  
 31, 53, 129, 172, 241,  
 290, 296

Great Compromise 61–62, 105

Great Council 2

Great Depression 244

Great Lakes 11, 129

Great Seal of the United States 82

Great Society 244

Greece 2, 223

Greek philosophers 49

*Gregg v. Georgia* 177

Grenville, George 12, 13

grievances 13

*Griswold v. Connecticut* 172, 246

Grotius 2

Guam 128

guarantee clause 154

Gulf of Tonkin Resolution 111

Gulf War of 1991 111

---

## H

habeas corpus 79, 96, 115, 250, 259,  
 269

Habeas Corpus Act of 1679 2

Hall, Verna 298

*Hamdi v. Rumsfeld* 174

Hamilton, Alexander 14, 39, 40, 41,  
 51, 58, 60, 61, 62, 68, 69, 74,  
 75, 76–77, 78, 79–81, 82, 85,  
 94, 111, 131, 137, 186, 226, 227,  
 240, 248, 290, 297

Hancock, John 75, 84

*Harper v. Virginia Board of Elections*  
 116, 212

Harrison, Benjamin 131

Harrison, William Henry 128, 134, 214

*Hauenstein v. Lynham* 156

Hawaii 102

Hayes, Rutherford B. 131, 240

head tax 98

Henry II 1

Henry, Patrick 15, 52, 75, 78, 79, 80,  
 82, 164, 296

Henry VII 4

*Herring v. United States* 173



# FOUNDATION FOR FREEDOM: A STUDY OF THE UNITED STATES CONSTITUTION

Highsmith, Carol M. 125  
Hillsdale College 298, 299  
Hinckley, Jr., John 216  
Hitler, Adolf 199  
Hobbes 2  
Holland 6, 14, 29, 30–31  
Holland, Spessard 212  
*Hollingsworth v. Virginia* 155  
Holy Scriptures. *See* Bible  
Holy Spirit 19  
Homeland Presidential Security Directives 126  
Homeland Security Department 109  
Home School Legal Defense Association (HSLDA) 297, 299  
*Hosanna-Tabor Evangelical Lutheran Church and School v. Equal Employment Opportunity Commission* 167  
House of Burgesses 5, 289, 294, 296  
House of Representatives 50, 60, 61, 64, 66, 94, 97, 102, 104, 105, 106, 114, 132, 139, 157, 187, 188, 190, 203, 204, 205, 206, 224, 226, 229, 234, 265, 266, 267, 268, 278, 283, 286, 289, 290, 293  
Committee on the Judiciary 99  
officers of 99  
rules of proceedings 103  
to select the President 131  
vacancies in 98  
Hudson River 243  
Hughes, Charles Evans 239  
Huguenots 146  
Hume 2  
Hurricane Katrina 113

## I

Illinois 102  
Illinois Constitution  
Article XII 171  
immunities 1  
congressional 105  
from judicial process 128  
sovereign 185  
impeachment 115, 147, 206, 257, 260, 266, 272  
not trial by jury 151  
of federal judges 148  
power of 99  
presidential 64  
process of 139  
trial in the Senate 139  
trials of 101

implied powers 115  
*Importance of the Electoral College, The* 297  
importation of slaves  
prohibited 63  
imposts 107, 117, 270  
income tax 116, 200  
Income Tax Act 116  
Independence Hall 45, 47, 53  
*Independence Hall in Philadelphia* 53  
*Independent Gazetteer* 78  
India 4, 11, 12  
Indians (American) 6, 12, 14, 27–28, 79–81, 94, 98, 107, 171, 192  
Creek 83  
individual rights 1  
industries  
shipping and fishing 30–31  
Ingersoll, Jared 292  
initiative process 224  
Innes, Robert 164  
Institute on the Constitution 298  
insurrections 169, 171, 193, 269, 280  
Intolerable Acts 14, 171  
invasion 115, 128, 169, 171, 269  
protection against 152, 154  
Iraq 113, 171  
Israel 233  
Israelites 251  
Italian 127  
Italy 223

## J

Jackson, Andrew 131, 187, 203, 213, 248  
Jackson, William 48  
James II 2, 6  
Japan 151  
Japanese American Internment Notice 127  
Jay, John 32, 39, 74, 75, 76–77, 85, 146, 296, 297  
Jefferson Parish 212  
Jefferson, Thomas 14, 16, 48, 52, 53, 65, 76, 79, 132, 150, 165, 166, 167, 186, 187, 206, 227, 228, 241, 249, 296, 297  
Jenifer, Daniel of St. Thomas 293  
Jeremiah, prophet 251  
Jesus Christ 230, 231  
John I 1  
Johnson, Andrew  
impeached by House 139  
Johnson, Lyndon 111, 244  
Johnson, Richard M. 187

Johnson, William Samuel 60, 290  
Joint Chiefs of Staff 114  
Jones, Archie 298  
Jones, Paula 128, 139  
Judah 233  
Judaism 167  
judges 64, 65, 81, 137, 139, 145, 156, 157, 173, 242, 248, 249, 271, 295, 296  
judicial 2, 14, 15, 26–28, 38, 50, 57, 59, 60, 65, 94, 125, 136, 145, 247  
supremacy 147  
judicial review 65, 67, 82, 146–147, 151, 154, 243  
judiciary 64, 65, 81, 82, 126, 206, 228, 244, 246, 248, 249  
Judiciary Act of 1789 148  
Judiciary Committee 139  
jurisdiction 67, 147, 152, 154, 192, 250, 279  
admiralty 149, 272  
appellate 65, 146, 148, 149, 151, 249, 250  
diversity 177  
maritime 146, 149, 272  
of federal courts 149, 260  
original 65, 149  
jury, grand 1, 175, 276  
justice 94  
administration of 152  
fugitives from 152  
Justice, Department of 127, 148, 194  
justices 128  
associate 148  
chief 148

## K

*Katz v. United States* 172–174  
*Kelo v. City of New London* 175  
*Kendall v. United States Ex Rel. Stokes* 127  
Kennedy, Edward 150  
Kentucky 103, 154, 186, 189, 204  
King, Rufus 52, 73, 74–75, 290  
Knox, Henry 32  
Korean War 111, 112, 113

## L

laboring poor 38  
Lafayette, Marquis de 38, 78–80  
laissez-faire economic theory 191  
Lake Champlain 129  
Lame Duck Congress 263  
lame duck amendment 205, 206  
land claims (colonial) 14  
Landmark Legal Foundation 298, 299  
Land Ordinance of 1785 33

- Langdon, John 289  
 Lansing, John 75, 85  
 Latrobe, Benjamin Henry 39  
 law, international 110  
 law of God 231  
 Law of Nations 110  
 law of nature. *See* natural law  
 Law of the Land. *See* Supremacy Clause  
 laws 149, 157  
   anti-discrimination 167  
   bankruptcy 108  
   colonial 5  
   constitutionality of 151  
   harmonized with Bible 19  
   of good and evil 3  
   tariff 30–31  
 Laws of Nature and Nature's God 231, 232  
 league of friendship (colonial) 28–30, 94  
 Lee, Richard Henry 26, 73, 75  
 Lee, Robert E. 128, 193  
 legal code (French) 14  
 Legal Tender Act of 1862 109  
 Legal Tender Cases 109  
 legislative 2, 15, 26–28, 38, 50, 57, 59, 82, 125, 157, 228, 246, 247, 248, 265  
   powers 94  
   responsibilities 138  
 legislature 147, 154, 248, 274, 279  
   bicameral 97  
   colonial 5, 6  
   Connecticut 5  
   Maryland 174  
   Massachusetts 14, 30–31, 39  
   national 59, 65  
   New Hampshire 32  
   Rhode Island 5  
   state 5, 60, 67, 97, 99, 100, 102, 131, 154, 156, 158, 192, 193, 201, 224, 243, 265, 266, 273, 274, 281  
   Virginia 5, 231  
*Lemon v. Kurtzman* 167  
 Lenox, Duke of 4  
 letters of marque 97, 111, 112, 117, 268, 270  
 Levin, Mark 298  
 Lewinsky, Monica 139  
*Lewis and Clark on the Lower Columbia* 241  
 Lexington Green 16  
 libertarianism 19  
 liberties 227, 229, 241, 251  
   political 14, 247  
   religious 14  
 liberty x, 191  
   political 60  
   religious 66  
   struggle for 1  
*Liberty Amendments: Restoring the American Republic, The* 298  
 Liberty Fund 297, 299  
 Library of America 297, 299  
 Library of Congress 110  
 Libya 111  
*Lichter v. United States* 125  
*Light and the Glory, The* 298  
 limiting power of government 19  
 Lincoln, Abraham 126, 189, 224, 248  
 Lincoln-Douglas debates 201  
 liquor industry 202  
 Livingston, Robert 74, 85  
*Livingston v. Van Ingen* 227  
 Livingston, William 290  
 localism 27–28  
 Locke, John 2, 49  
 London, England 4, 53  
 loose construction view ix  
   of the Constitution 227  
 Lord's Day  
   respect for 106  
 Los Angeles 113  
 Louisiana 212  
 Louisiana Purchase 128, 241  
 Louisiana Territory 241, 296  
   Spanish 28–29  
 Louis XIV 6  
 Lowndes, Rawlins 80  
 Loyalists 16–18, 28–29  
 Lutherans 50, 291, 293
- 
- M**
- 
- Madison, James 20, 33, 39, 45, 48, 50, 51, 58, 59, 62, 65, 68, 73, 74, 75, 76, 77–78, 79, 80, 81, 84, 86, 105, 111, 115, 152, 158, 164, 169, 178, 187, 223, 225, 226, 228, 229, 231, 233, 241, 242, 243, 247, 297  
 Madison, Jr., James 294  
 Magna Carta 2  
 Maine 16, 130, 131, 154, 218  
*Mapp v. Ohio* 173  
*Marbury v. Madison* 146, 147, 206  
 Marine Corps 112  
 Marshall, John 74, 84, 146, 147, 206, 227, 228, 243, 248, 249, 297  
 Marshall, Peter 298  
*Marsh v. Chambers* 167  
 Martin, Luther 52, 65, 66, 75, 84  
*Martin v. Hunter's Lessee* 146, 227  
 Mary II 6  
 Maryland 4, 26, 30–31, 40, 46, 52, 63, 65, 75, 84, 98, 114, 186, 266, 293, 294  
 Maryland Council of Safety 294  
 Mason, George 52, 63, 68, 69, 73, 75, 79, 81, 171, 231, 296  
 Massachusetts 6, 13, 14, 15, 26–28, 32, 39, 52, 62, 64, 65, 66, 67, 68, 69, 74, 75, 80, 84, 86, 98, 150, 171, 240, 266, 290, 296  
 Massachusetts Bay Colony 113  
 Mauldin, Bill 112, 168  
 Mayflower Compact 5  
 McCain-Feingold Act. *See* Bipartisan Campaign Reform Act  
 McCain, John 130  
*McCulloch v. Maryland* 146, 228, 249  
*McDonald v. Chicago* 170  
 McHenry, James 293  
 McKinley, William 109  
 Mediterranean 28–29  
 Memorial and Remonstrance Against Religious Assessments 231  
 Mercer, John 65, 74, 75  
 Methodists 19, 50, 166, 231, 293, 295  
 Mexico 128, 241  
 Mexico City 45, 126  
 Michigan 218  
*Michigan Dep't of State Police v. Sitz* 172  
 Middle Colonies 19  
 midterm congressional pay raises 218  
 Mifflin, Thomas 291  
 militia 16, 157, 169, 258, 269, 271, 276, 289, 290, 291, 292, 293, 295  
   armed and trained 169  
   clause 170  
   colonial 171  
   Massachusetts 32  
   of New England 25  
   organized 171  
   state 113, 114, 135  
   Vermont 16  
   well-regulated 170  
 Militia Act of 1903 114  
 Militia Acts of 1792 114, 171  
 ministers 136, 146, 149, 271, 272  
*Minor v. Happersett* 204  
*Miranda v. Arizona* 174  
 misdemeanors 99, 139, 249, 272  
 Mississippi 189, 212  
 Mississippi River 4, 12, 14, 28–29, 30–31  
*Mississippi v. Johnson* 128  
 Missouri Compromise 174, 245  
 Mochida family 127  
 monarchical 152

# FOUNDATION FOR FREEDOM: A STUDY OF THE UNITED STATES CONSTITUTION

Hamilton's suggestion 60  
monarchy 2, 25, 233  
    Davidic 233  
Mondale, Walter 129  
money 96, 109, 116, 118, 258, 259,  
    268, 270  
Moniz, Ernest 134  
monopoly on tea exports 13–15  
Monroe, James 75  
Montana 204  
Montesquieu, Baron de 2, 49, 223, 228  
moral law 232, 233  
Moravians 19  
Morris, Gouverneur 14, 52, 59, 61, 65,  
    68, 69, 292  
Morris, Robert 46–52, 291  
motto: “One Nation Under God” 234  
Mount Vernon 32, 39, 40, 46, 74, 84  
Mount Vernon Conference 39, 289, 293,  
    294, 296  
Munich 199  
*Murray’s Lessee v. Hoboken Land and  
    Improvement Co.* 174  
Mussolini, Benito 199  
*Myers v. United States* 230

## N

national bank 226  
*National Federation of Independent  
    Business v. Sebelius* 108  
National Guard 113, 114, 135, 171  
National Institute of Standards and  
    Technology 109  
nationalism 185  
National Labor Relations Board 138  
National Security Act 112  
National Security Agency 173  
National Security Directives 126  
naturalization 108, 192, 268, 279  
natural law 3–4  
natural rights 2–4  
Naval Militia 171  
Navigation Acts 30–31  
    British 30–31  
navy 241, 242, 258, 268, 271  
    Continental 289  
    United States 112, 174  
Navy Board 292  
Navy, Department of 112  
Nazism 199  
*Near v. Minnesota ex rel. Olson* 166  
Nebraska 130, 131  
Necessary and Proper Clause 228, 241  
Neutrality Act of 1939 129

Newburgh, New York 38  
New Deal 108, 150, 244  
New England 4, 5, 19, 32  
    Confederation of 6  
    merchants 16  
    states 26–28  
New Hampshire 30–31, 32, 46, 47, 84,  
    98, 210, 265, 289  
Newhaven 290  
New Jersey 4, 6, 26, 31, 40, 48, 52,  
    58, 60, 83, 98, 186, 243, 266,  
    290, 291  
New Jersey Plan 60, 61, 66  
New London 166, 175  
New Mexico 102  
New Orleans 28–29, 30–31, 113  
New York 4, 6, 12, 14, 16, 18, 26–28,  
    29–30, 31, 39, 40, 47, 51, 52,  
    60, 61, 62, 67, 68, 69, 74, 75,  
    80, 83, 84, 98, 146, 171, 204,  
    227, 239, 243, 266, 290, 296  
    City of 16, 31, 73, 75, 85  
New York Bible and Common Prayer  
    Book Society 290  
*New York Journal* 81  
New York Provincial Congress 292  
Nixon, Richard 128, 139, 210, 214, 250  
nobility 97, 117, 118, 223, 224, 233,  
    259, 269, 270  
non-governmental organizations (NGOs)  
    126  
Normans 1  
Norris, George 244  
North America 4, 11, 45  
North Atlantic Treaty Organization  
    (NATO) 128  
North Carolina 4, 16, 50, 63, 66, 77–  
    78, 85, 86, 98, 158, 208, 266,  
    294  
North Carolina House of Commons 294  
Northwest Ordinance of 1787 33, 240  
Northwest Territory 33  
*Notes on the State of Virginia* 228  
nuclear option 103

## O

oath of allegiance 158, 261  
oath of office 135  
Obama, Barack 108, 110, 111, 126,  
    127, 130, 136, 138  
Obamacare. *See* Affordable Care Act  
obstruction of justice 139  
Ohio River Valley 11, 14  
Ohio Territory 14

Oklahoma City 171  
*Old Plantation, The* 80  
Old Testament 234  
Olive Branch Petition 15  
Oregon 191  
*Oregon v. Mitchell* 217  
organic law. *See* fundamental law  
original intent 150, 166  
*Original Intent: The Courts, the Constitu-  
    tion, & Religion* 297  
Origination Clause 105  
*Osborn v. Bank of the United States* 248  
Otis, James 172  
Oxford 3

## P

Pacific Ocean 240  
Paine, Thomas 16, 52, 53  
Panama 111  
pardons 259  
Paris 48, 79  
Parliament 2–4, 6, 11, 12, 13, 14,  
    16, 20, 171, 172  
Patent and Trademark Office 110  
patents 110, 258  
Paterson, William 52, 58, 60, 66, 291  
Patient Protection and Affordable Care  
    Act. *See* Affordable Care Act  
Patriots 16, 19  
Paul, Apostle x, 233  
Paul, Rand 103  
Peace of Paris 12  
Pearlman, Adam. *See* Gadahn, Adam  
    Yahiye  
Pelosi, Nancy 243  
Pendleton, Nathaniel 164  
Pennsylvania 4, 14, 40, 45, 50, 51,  
    80, 83, 98, 186, 266, 291, 292  
Penn, William 6, 45  
Pentagon 113  
penumbra of the Bill of Rights 246  
People for the American Way 150  
Permanent Court of Arbitration at The  
    Hague 239  
*Perry v. United States* 193  
Petersham, Massachusetts 32  
Petition of Right of 1628 2  
Philadelphia 14, 29–30, 38, 40, 45, 46,  
    53, 58, 73, 226  
Philadelphia Convention  
    37, 41, 45–55, 73, 74–75  
*Pierce v. Society of Sisters* 191  
Pilgrims 5  
Pinckney, Charles 39, 52, 59, 295

Pinckney, Charles Cotesworth 3, 52,  
187, 295  
Pinckney, Thomas 186  
piracy 110, 268  
Pitt, William 11, 13, 164  
Planned Parenthood 150, 246  
*Planned Parenthood of Southeastern Pa. v. Casey* 246  
plea bargains 151  
Plymouth Rock Foundation 298, 299  
pocket veto 106  
political freedom 14, 20  
political parties 131, 242  
political sovereignty 225  
*Pollock v. Farmers' Loan & Trust Co.*  
116, 200  
poll tax 97, 116, 212–213, 224, 263, 285  
popular sovereignty 223  
popular vote 131  
Postal Service (USPS) 110  
Postmaster General 110  
Post Office 96, 109, 258, 268  
Potomac River 31, 40, 114  
*Powell v. McCormack* 103  
power  
administered through representatives 223  
check on Supreme Court's 151  
denied to federal government 115  
denied to the states 117, 118  
evil and corrupting 19  
executive 130  
judicial 149  
lawmaking 94, 126, 147  
of impeachment 99, 139  
of the states and the people 179  
over the economy 108  
to borrow money 107  
to coin money and regulate its value 96  
to declare war 96, 111, 135, 229, 258, 268  
to enforce a law 94  
to fill vacancies 137  
to grant reprieves and pardons 135  
to make laws 97  
to make treaties 96, 136  
to originate money bills 62  
to pardon 125, 128  
to raise and support armies 112  
to regulate citizenship 108  
to regulate commerce 63, 96, 107  
to tax 96, 107  
to tax incomes 200  
treaty-making 125, 128, 241  
prayer (public) 166–167  
national day of 234  
Preamble 68, 78, 93, 224, 226, 233  
Presbyterians 19, 50, 66, 290, 291,  
292, 293, 294, 296  
President ix, 60, 64, 65, 69, 75, 78,  
85, 96, 99, 101, 104, 106, 108,

109, 111, 113, 114, 125, 126,  
127, 128, 129, 130, 131, 132,  
133, 134, 136, 137, 138, 139,  
148, 151, 152, 154, 155, 157,  
185, 186, 187, 188, 190, 192,  
193, 205, 206, 207, 213, 216,  
224, 226, 228, 229, 230, 239,  
240, 242, 243, 246, 247, 250,  
259, 262, 263, 267, 270, 271,  
272, 278, 280, 282, 283, 284,  
285, 289, 290, 291, 294, 295,  
296

as commander in chief 113  
salary of 135  
veto by 106

presidential disability and succession  
213–216  
Presidential Succession Act of 1947 99  
president of the Senate 100  
President pro tempore 100, 134, 215,  
216, 286, 295  
primary elections 194, 201, 210  
Prince of Orange. *See* William III  
Princeton College 19–20  
Proclamation for Suppressing Rebellion  
and Sedition 15  
Proclamation of 1763 12  
*pro forma* sessions 138  
Progressive Era 201, 244  
progressivism 244  
prohibition  
against murder 233  
against the quartering of troops 171–  
172, 261  
against unreasonable bail or punishment  
177, 261  
against unreasonable searches and seizures  
172–173  
of alcohol 199, 202, 203, 208, 262, 281  
of a religious test 66  
of slavery 174  
of the slave trade 63  
repeal of 263  
Prohibitory Act 16  
property taxes 98  
Protestant Episcopal Church in America  
290  
Providence Plantations 98, 266  
Prussia 30–31  
Public Law 97-280 232  
Publius 75, 76–77  
Valerius Publicola 76–77  
Puerto Rico 128, 177  
Puritan  
belief in equality 16  
idea of covenant 19  
idea of justice 16

Reformed teaching 19, 20

Puritanism 18, 19  
purse strings 5

## Q

Quakers 19, 50, 66, 80, 231, 291, 292,  
293  
Quartering Act 171  
Quebec Act 14  
Queen's Tavern 69  
quorum 83, 103, 267

## R

Randolph, Edmund  
52, 58, 59, 64, 68, 69, 74, 84  
Rankin, Jeanette 204  
ratification x, 3, 26–28, 52, 66–67, 130,  
133, 147, 164, 186, 187, 189,  
190, 194, 200, 202, 205, 208,  
209, 210, 212, 233, 274  
17th Amendment 102  
battle for 73–74, 76, 81, 82  
by state conventions 158, 275  
directly to voters 224  
of amendments 155  
of Bill of Rights 165, 277  
process for Constitution 158  
time limit for 202, 207, 209, 210  
Read, George 292  
Reagan, Ronald 126, 131, 150, 214,  
216, 250  
rebellion 115, 193, 269, 280  
recall election 224  
recess appointments 138  
reclamation of public lands 152  
Reconstruction 154, 189, 190, 194, 250  
redress of grievances 105, 165, 168,  
190, 276  
Reexamination of Facts Clause 176  
referendum 85, 224  
Reformed teaching 19  
regulation of navigation 152  
regulations 126, 154  
British 13  
have the force of law 128  
Reid, Harry 103  
*Reid v. Covert* 129  
Relief Act of 2012 206  
religion  
clauses of the 1st Amendment 166  
free exercise of 165, 167, 191  
no establishment of 276  
religious liberties 14, 19  
religious test 66, 157, 158, 274



# FOUNDATION FOR FREEDOM: A STUDY OF THE UNITED STATES CONSTITUTION

removal of the President 134, 285

## representation

- based on population 62
- indirect 14
- lack of American 12
- of slave population 62

representatives 12, 96, 97, 98, 102, 104, 105, 130, 157, 193, 205, 206, 213, 218, 223, 224, 225, 226, 234, 241, 257, 266, 267, 270, 274, 279, 280, 282, 284, 285, 287, 289, 290, 291, 292, 294, 295

republic 126, 224, 229

- constitutional 19
- decentralized 233
- defined 223
- largest decentralized 25

republican 45, 60, 64, 209, 223, 224, 228, 233, 239, 274

- principles 152
- representative form of government 154
- theory 225

republicanism 251

reserve militia 113

resignation 134

restrictions on national power 165

revealed law 3, 4

revenue bills 105

revolution justified 3

Revolutionary War. *See* War for Independence

Rhode Island 5, 14, 26–28, 41, 47, 60, 67, 69, 77–78, 85, 86, 98, 158, 202, 224, 266

Richardt, Ferdinand 53

## right

- of collective self-defense 169
- of limited judicial review 147
- of privacy 246
- of religious institutions 167
- of trial by jury 176–177, 277
- of unrestricted amendment 62
- to a just and speedy trial 261
- to alter or abolish government 93
- to an impartial trial by jury 176
- to a speedy and public trial 176, 277
- to assemble 276
- to govern themselves 15
- to have a lawyer 176
- to keep and bear arms 169, 170, 261, 276
- to keep a well-regulated militia 170
- to levy taxes 63
- to life 233
- to own property 233
- to petition the government 165, 168, 276
- to raise revenue 60
- to tax 13

to vote 97, 118, 190, 194, 195, 199, 203–204, 217, 262, 263, 264, 282, 285, 286

rights (of individuals) 65

- certain unalienable 20, 33

Rives, William 226

*Robinson v. California* 177

Rockefeller, Nelson 214

*Roe v. Wade* 147, 150, 245, 246, 250

Roman Catholics 6, 14, 50, 231, 292, 294

Roman Republic 76–77

Rome 223

Roosevelt, Franklin 111, 127, 129, 150, 209, 214, 242, 244, 250

Roosevelt, Theodore 129, 244

Rosch, Thomas 247

Rousseau 2

rulemaking 126

rule of fundamental laws 19

Runnymede 1

Rush-Bagot Agreement 129

Russell, Charles Marion 241

Russia 128, 241

Rutledge, John 52, 137, 295

Rwanda 169, 171

## S

sabotage 152

salaries

- of jurists 147
- of members of Congress 104

salvation 19

Samuel, prophet 233

Sandy Hook Lighthouse 31

Saratoga 16

Sargent, Aaron 204

Saul, King 233

*Scene at the Signing of the Constitution of the United States* 57, 68

Scotland 6, 49

Scottish Presbyterian Movement of 1648 19

searches and seizures 261

Secretary of Energy 134

secretary of state 69, 147, 165, 187, 189, 194, 239, 241, 296

Secretary of the Treasury 174

Secretary of War 139

Secret Service 109

Security Council (UN) 111

Sedition Act 166

self-defense 169

self-determination 1

self-government 6, 12

- contractual 20

self-incrimination 174

*Semayne's case* 164

Senate 60, 62, 64, 66, 78, 94, 97, 99, 104, 105, 106, 125, 128, 132, 134, 137, 138, 139, 145, 150, 157, 164, 174, 187, 201, 203, 207, 212, 215, 216, 229, 244, 249, 250, 257, 266, 267, 268, 271, 278, 281, 286

- approval of appointments 148

confirms Cabinet 136

impeachment trials 101

qualifications for 100

rules of proceeding 103

terms of office 100

treaties ratified by 129

senators 96, 100, 101, 102, 103, 104, 105, 130, 156, 157, 193, 202, 205, 206, 213, 218, 240, 244, 257, 262, 266, 267, 270, 274, 280, 281, 282, 284, 285, 287, 289, 290, 291, 292, 293, 294, 295, 296

- election of 99, 201, 224

separation of church and state 167, 168

separation of powers 60, 126, 228, 229, 230, 247, 250

settlements. *See* colonies

Seven Years' War 11, 12

Seward, William Henry 189, 190

Shays, Daniel 32

Shays' Rebellion 32, 39, 64, 83, 94

*Shelby County v. Holder* 194

Sherman, Roger 52, 111, 290

*Signing the Mayflower Compact* 1620 5

silent veto 106

sin x, 19

Slater, Rosalie 298

*Slaves Waiting for Sale: Richmond, Virginia* 189

slavery 63, 80, 115, 146, 174, 189, 234, 245, 259, 260, 262, 279

- fugitives from 153

prohibited throughout the United States 189

slave trade 156

Smith, Melancton 85

*Smith v. Allwright* 194, 240

*Smith v. Maryland* 172

sobriety checkpoints 172

social compact 3

social unrest 31

Society of the Cincinnati 46–52

Souter, David 250

South 62, 63, 80

South Carolina 3, 4, 18, 39, 47, 52, 59, 63, 80, 81, 84, 98, 137, 186, 208, 226, 266, 295

Southwest 28–29

Spaight, Richard Dobbs 294

Spain 11, 27, 28, 29, 30, 31, 128, 146, 241, 295, 296

Spanish 16, 83

Spanish Louisiana 28–29

Speaker of the House of Representatives 99, 134, 215, 216, 243, 286, 291

*Springer v. United States* 200

Springfield, Massachusetts 32

Stamp Act Congress 12, 14, 15, 290, 293, 295

Stamp Act of 1765 12

standard of weights and measures 109

Stanton, Edwin 139

Stanton, Elizabeth Cady 204

state convention. *See* convention: state

State, Department of 126, 153

State of the Union 134, 138, 217

states

- admission of new 154
- reduced influence of 201

states' rights 25, 52, 57, 65, 77–78, 185, 199

Story, Joseph 145, 167, 169, 174, 178, 227, 240, 249

strict construction view of the Constitution 227

Strong, Caleb 65, 74

succession to the presidency 134, 207, 213, 263, 264

suffrage for women 204, 224

Sugar Act of 1764 12

suits against states 185–187

Supremacy Clause 66, 67, 151, 242, 243

Supreme Court ix–xi, 32, 64, 65, 74, 81, 82, 85, 96, 101, 103, 108, 116, 125–129, 137–138, 145–156, 165, 166, 167, 169, 172, 174, 175, 176, 177, 179, 185, 186, 190, 194, 200, 204, 206, 208, 212, 217, 226, 230, 231, 232, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 260, 271, 272, 291, 292, 295

supreme law of the land 59, 147, 156, 157, 230, 242, 245, 248, 261

- of the respective States 60
- of the several States 66

*Surrender of Lord Cornwallis* 18

Sutherland, George 231

Sweden 30–31

---

## T

Taft, William Howard 244

Takings Clause 175

Taney, Roger 174, 245

tariff 31, 75, 107, 128

- laws 30–31

taxation 98, 258, 269, 281

- chief power of government 96
- direct 116, 156, 257, 259, 265
- duties and imposts 107
- indirect 108, 200
- limits on 298
- on income 200
- without representation 11, 12–14

taxes 31

- imposed by Parliament 11
- levying 2

Tea Act 13

*Teaching and Learning America's Christian History* 298

Ten Commandments 1, 230, 231, 233

- disallowed display of 167
- murder prohibited 169

Tennessee 113, 154, 186, 203, 294

Tenure of Office Act 139

term limits 130, 257, 259, 284

territories 174, 245

- Congress controls 154
- government of 152

Texas 212

*Texas v. White* 226

*The Justices v. Murray* 176

*The Spirit of Laws* 2, 49

Thomas, Thomas 132

Three-fifths Compromise 61, 62, 80, 98

- eliminated 192

Tilden, Samuel 131

Tocqueville, Alexis de 232

Toleration Act 2

tonnage duty 118, 259, 270

totalitarianism 199

Townshend Acts 13

trade 13, 96

- coastal interstate 116
- fur 27–28
- interstate 107
- problems with interstate 40

treason 99, 104, 105, 139, 153, 249, 260, 267, 272, 273

- based on wartime activities 151
- conviction of and punishment for 152

Treasury, Department of 109, 269

- United States 96, 97, 104, 116, 117, 267

treaties 97, 118, 129, 149, 157, 229, 242, 259, 270, 272, 274, 296

- commercial 107
- extradition 153
- reciprocal trade 107

Treaty of Alliance of 1778 30–31

Treaty of Paris (1763) 12

Treaty of Paris (1783) 18, 146

Trenton 29–30

trial by jury 1, 2, 261

- guaranteed in federal courts 151

tribunal 94, 110

Truman, Harry 111, 126, 129, 210, 242

Trumbull, John 18

*Tuscaloosa News* 212

*Two Treatises on Government* 2

Tyler, John 214

tyranny 145, 169, 170, 225, 228

- hierarchical 20

---

## U

Uniform Code of Military Justice 113

Union 27–28, 28–30, 33, 38, 39, 58, 59, 60, 63, 81, 84, 93, 94, 98, 113, 134, 138, 152, 154, 155, 158, 171, 186, 190, 211, 224, 225, 226, 251, 265, 269, 272, 273, 274

Unitarians 296

United Kingdom. *See* Great Britain

United Nations 111

United States 4, 25, 27, 28, 29, 30, 31, 33, 38, 45, 50, 59, 66, 75, 81, 86, 93, 94, 96, 98, 101, 105, 106, 107, 108, 111, 112, 113, 114, 117, 127, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 145, 146, 148, 149, 152, 154, 155, 156, 157, 164, 166, 171, 174, 177, 179, 185, 186, 187, 189, 190, 191, 192, 195, 199, 201, 203, 210, 213, 223–227, 224, 226, 227, 229, 230, 232, 233, 240, 242, 244, 245, 250, 251, 265, 266, 268, 272, 273, 274, 275, 277, 278, 279, 284, 289

*United States Code* 126, 240

*United States v. Alfonso Lopez, Jr.* 108

*United States v. Belmont* 129

*United States v. Cruikshank* 169, 170, 191

*United States v. Darby* 179

# FOUNDATION FOR FREEDOM: A STUDY OF THE UNITED STATES CONSTITUTION

*United States v. Leon* 173  
*United States v. MacIntosh* 231  
*United States v. Miller* 169, 170  
*United States v. Nixon* 128  
*United States v. Reese* 194  
*United States v. Sprague* 179  
*United States v. Windsor* 175  
*United States v. Wrightwood Dairy Co.*  
108  
University of Chicago Press 297  
University of Georgia 295  
University of Texas 218  
University of Virginia 296  
Upper House 290  
Uzziah, King 234

## V

vacancies  
congressional 98, 257, 266  
other 134, 271  
presidential 134, 205, 259  
senatorial 100, 157, 201, 262, 266  
vice presidential 215, 264, 285

Van Buren, Martin 187  
Vermont 16, 165  
veto 59, 77–78, 226, 229, 246  
congressional 67  
direct 106  
over state laws 65  
pocket 106  
presidential 65, 106, 125, 258  
provisional 59  
silent 106

Vice President 85, 99, 100, 101, 114,  
125, 129, 130, 131, 132, 133,  
134, 135, 139, 185, 186, 187,  
188, 192, 193, 205, 207, 211,  
213, 214, 229, 250, 262, 263,  
264, 270, 271, 272, 278, 280,  
282, 283, 284, 285, 286, 290,  
292, 295, 296

Vietnam War 112, 128, 135, 217

Viking 1

violence (domestic) 152, 154

Virginia 4, 5, 14, 16, 18, 25, 30–31,  
39, 40, 45, 58, 60, 63, 67, 68,  
69, 74, 75, 78, 79, 81, 84, 86,  
98, 114, 146, 147, 164, 165,  
186, 212, 226, 228, 231, 266,  
289, 294, 296

Virginia Plan 58–61, 64

Virgin Islands 128

Vision Forum Ministries 297

Volstead Act 202, 203

vote by ballot 132  
electoral 131, 188, 205  
voting rights. *See* right: to vote  
Voting Rights Act 194, 217

## W

wall between church and state 167  
Wallbuilder Press 297, 299  
Walpole, Horace 19  
War Between the States 112, 116, 154,  
185, 189, 190, 193, 200  
*Ware v. Hylton* 146  
War for Independence 3, 4, 29–30, 32,  
46, 52, 75, 146, 168, 172, 231,  
250, 289, 290, 291, 292, 293,  
295

War of 1812 112, 129

War Powers Resolution 111, 135, 246

Washington, D.C. 114, 125, 129, 132,  
203, 210

Washington, George 15, 18, 26, 32,  
38, 39, 40, 46, 50, 51, 58, 61,  
69, 74, 75, 77–78, 79, 82, 83,  
84, 85, 107, 135, 137, 150, 164,  
185, 186, 209, 230, 231, 242,  
243, 289, 297

Washington, State of 131

Watergate scandal 128, 139

Watson, Gregory 218

Webster, Noah 76–77, 78

Webster, Pelatiah 38

*Weeks v. United States* 173

weights and measures 268

Wesley, John 19

West Coast 127

Western Hemisphere 185

West Indies 11

British 30–31

Dutch 30–31

French 30–31

West Virginia 154

Whiggism 19

political ideology 20

White House 125

white supremacy 212

*Wickard v. Filburn* 108

William and Mary 2, 6

William I 1

William III 6

Williamson, Hugh 50, 294

Wilson, James 45, 50, 51, 83, 226, 292

Wilson, Woodrow 138, 213, 215, 244

*Wisconsin v. Yoder* 191

Witan 1

Witherspoon, John 19, 20  
Woman's Christian Temperance Union  
202  
women's suffrage 203, 204  
Word of God. *See* Bible  
World Trade Center 113  
World War I 112, 113  
World War II 111, 112, 113, 126, 127,  
138, 151, 168, 217, 241  
*Worthy Company, A* 298  
writs of election 98  
Wyoming 218  
territory of 204  
Wythe, George 52, 164

## X

XYZ Mission 147

## Y

Yates, Robert 75  
Year of our Lord 231, 275  
Year of the Bible 232  
Yorktown, Virginia 18  
*Youngstown Sheet & Tube Co. v. Sawyer*  
126  
Yugoslavia 111

## Z

Zenger, Peter 6, 166  
*Zorach v. Clauson* 232