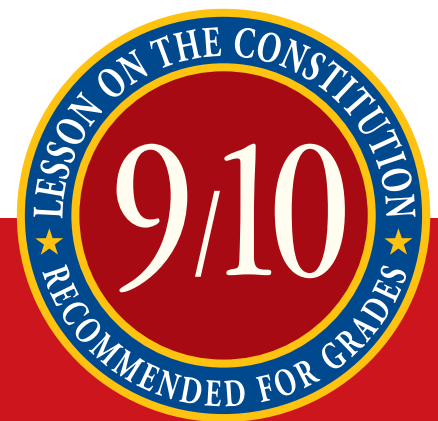


We the People

Constitution Day

ACROSS THE COUNTRY ***** SEPTEMBER 17



About Constitution Day



In 1952, President Harry S. Truman signed a bill that moved “I Am an American Day” from the third Sunday in May to September 17 so that this holiday would coincide with the signing of the U.S. Constitution in 1787. Congress renamed the holiday “Citizenship Day.” A joint resolution passed in 1956 requested the President to proclaim the week beginning September 17 and ending September 23 each year as “Constitution Week.”

Senator Robert C. Byrd (D-WV) entered an amendment to the Consolidated Appropriations Act of 2005 that changed the name of the September 17 holiday to “Constitution Day and Citizenship Day.” The purpose of “Constitution Day and Citizenship Day” is to honor and celebrate the privileges and responsibilities of U.S. citizenship for both native-born and naturalized citizens, while commemorating the creation and signing of the supreme law of our land.

The addition of the amendment, known as Public Law 108-477, requires all schools that receive federal funds hold an educational program for their students on September 17 of each year. This lesson, which is adapted from curricular materials on the Constitution produced by the [Center for Civic Education](#), is designed to assist schools and federal agencies to meet the requirements of this law.



**How Was the Constitution Used
to Organize the New
Government ?**

PURPOSE OF THE LESSON

This lesson explains the steps taken by the First Congress to name a president and vice president, to provide funding for the new government, to draft a bill of rights, and to organize the executive and judicial branches.

When you complete this lesson, you should be able to explain how the Constitution provides an outline of the federal government's organization and that details are added by the government itself. You should also be able to explain how the First Congress used the Constitution to name a president and vice president and raise revenue to fund the new

government. You should be able to describe how Congress has organized the executive branch and how it has expanded. In addition, you should be able to describe how the Judiciary Act established the federal court system.

TERMS TO UNDERSTAND

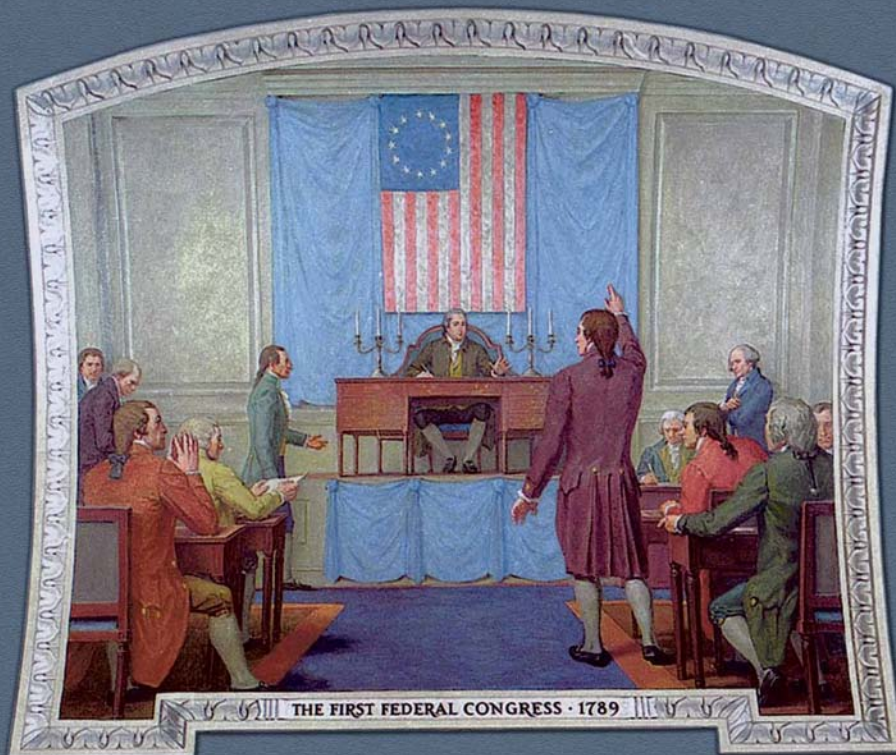
bureaucracy

circuit courts

federal district court

Judiciary Act of 1789

president's cabinet

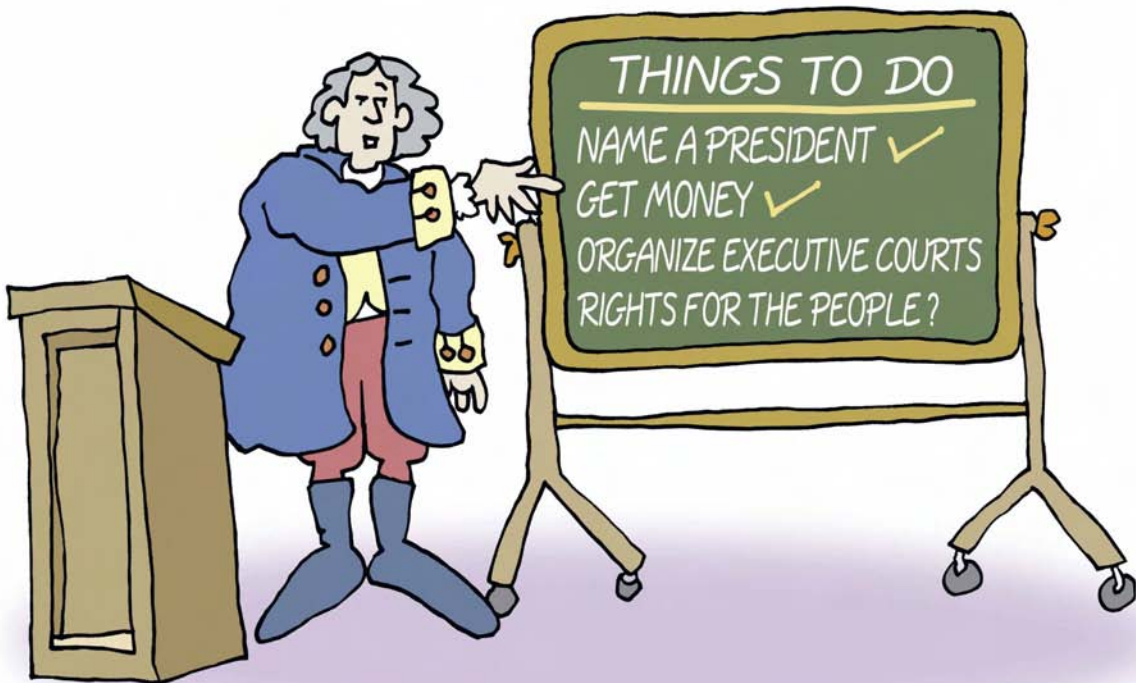


This painting depicts the First Congress of 1789. Does Congress do the same things today as it did in 1789?

What were the tasks of the First Congress?

The newly elected senators and representatives of the First Congress met in New York in April 1789 to begin their work. Five of their tasks were

- naming the new president and vice president
- providing money for the government
- organizing the executive branch of the government
- organizing the judicial branch of the government
- drafting a bill of rights.



Why was it so important for the First Congress to succeed?

How did Congress accomplish these tasks within constitutional guidelines?

1. Naming the new president and vice president

Article II of the Constitution deals with the executive branch of the federal government. Section 1 of that article sets forth the way the president and vice president are selected. Electors are appointed by state legislators; these electors vote for the candidates. Once the ballots are collected, the president of the Senate is to supervise the counting of the ballots. In 1789 the votes showed, as expected, that George Washington had been elected president. John Adams, with the second highest number of votes, became vice president.

2. Providing money for the government

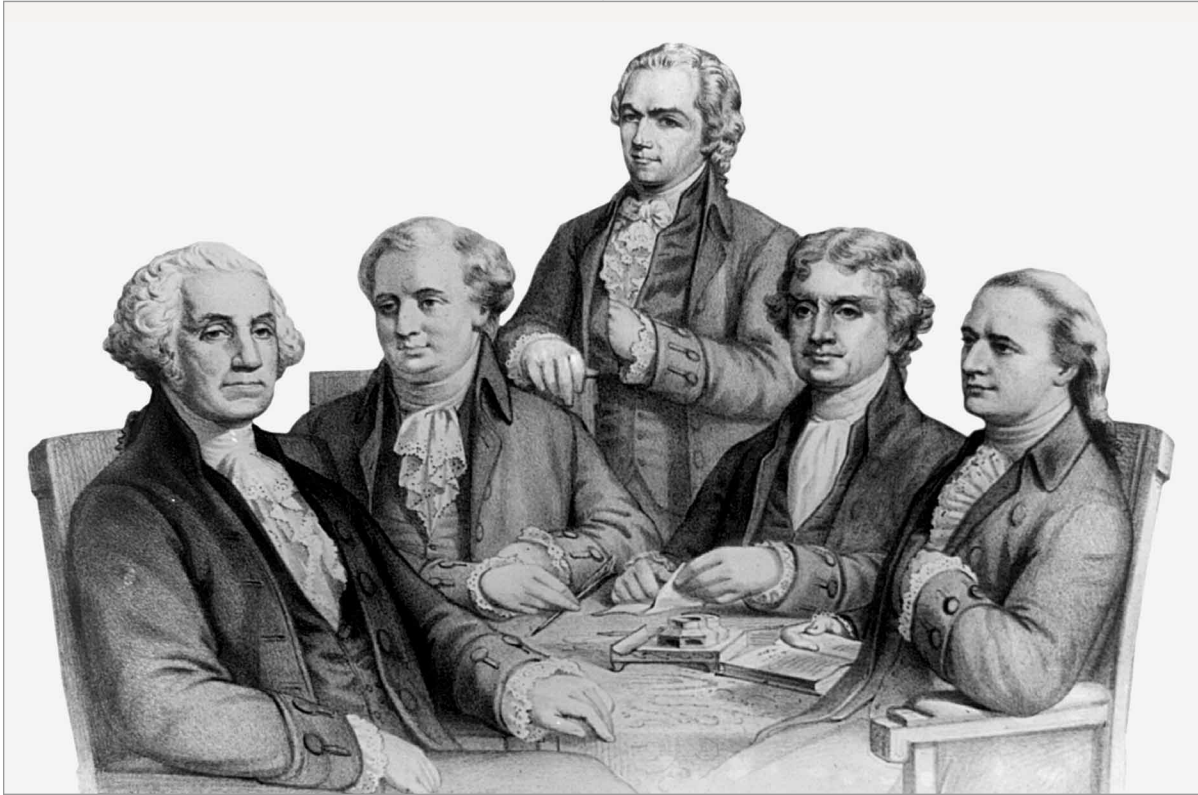
The First Congress was faced with a serious problem—the federal government had no income. Finding a source of income was a matter of high priority. In addition to deciding what taxes to collect, besides those on imports, Congress had to design a method for collecting them. Many members of the First Congress thought that raising revenue would be one of their most important accomplishments. They were reluctant to put off discussing the issue, and believed it should be addressed even before something as important as a bill of rights.

3. Organizing the executive branch

The Constitution gives Congress the power to organize the executive branch. When the First Congress met, its members were concerned about controlling the executive branch and preventing the president from gaining too much power. This concern was made clear in the debate over how the president should be addressed. It was first proposed that he be referred to or introduced as “His Highness, the President of the United States of America.” They decided that this would not be proper because the nation was a republic, not a monarchy. Instead, Congress agreed on the simpler, more democratic title of “The President of the United States.”

The First Congress created three departments to carry on the business of the executive branch. The persons in charge of these departments were to be appointed by the president and called “secretaries.” These officials were very important under President Washington because he used the secretaries as his advisers. It was not until President Jackson’s time, in the 1830s, that they became known as the **president’s cabinet**. The first departments and their secretaries were

- **State Department** – Thomas Jefferson was the first secretary of state. This department was responsible for dealing with other nations, as well as for many domestic matters, such as registering patents and copyrights.
- **War Department** – Henry Knox was the first secretary of war. This department was responsible for handling the nation’s defense.



President Washington and his secretaries. What factors were considered in organizing the executive branch?

- **Treasury Department** – Alexander Hamilton was the first secretary of the treasury. This department was responsible for taking care of the financial affairs of the federal government.

In addition to these three, Edmund Randolph was selected to be the attorney general. It was his responsibility to handle all Supreme Court cases involving the federal government, and to give legal advice to the president and other members of the executive branch.

Today the organization of the executive branch of the federal government is far more complex than it was during the early years of the nation. When Thomas Jefferson was president, 1801-1809, there were 2,210

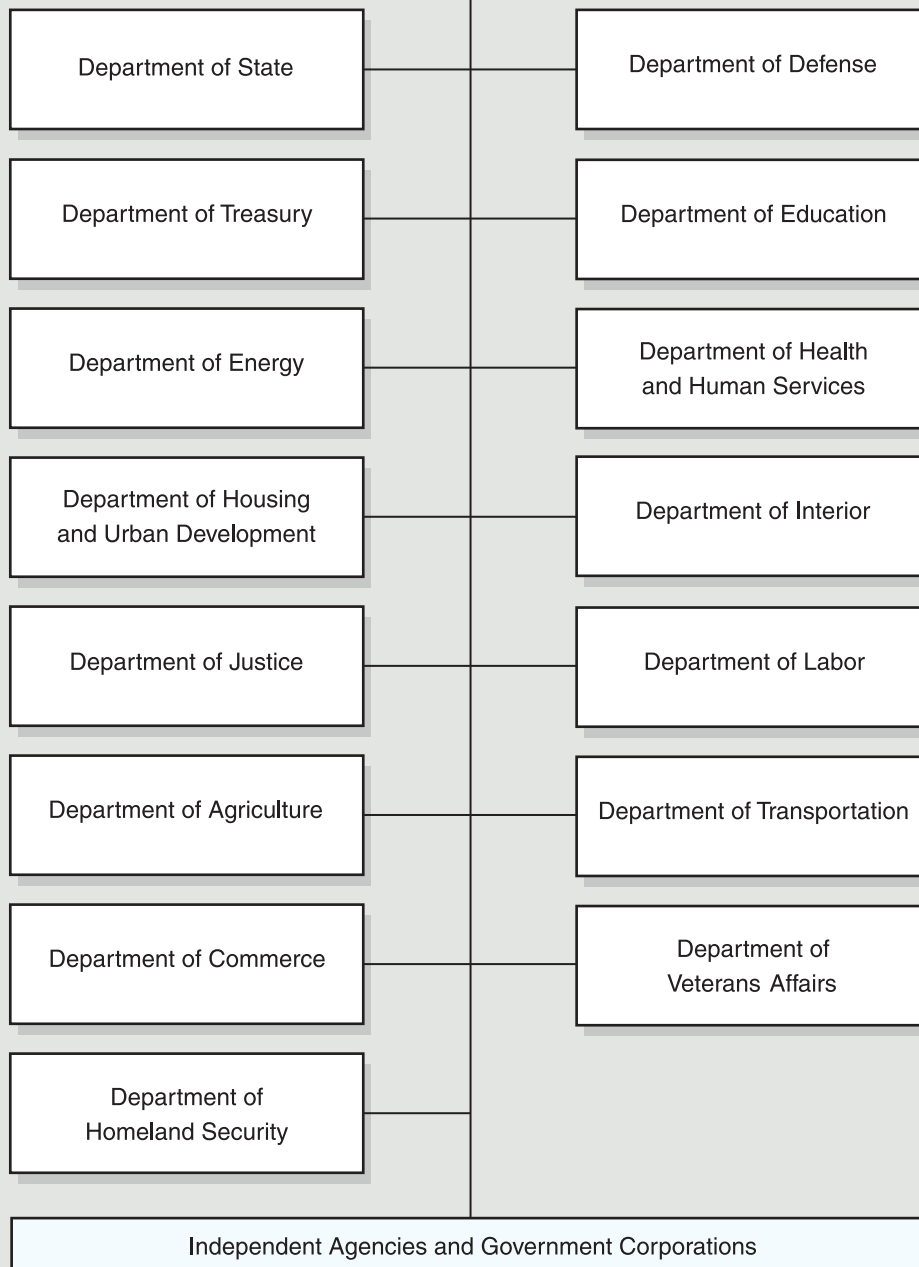
people working in the branch and its three departments. By the 2000's, more than three million people were working in the 15 departments and numerous other federal agencies of the executive branch.

The Constitution does not mention a federal **bureaucracy**—the nonelected employees and organizations that implement government policy. The Founders probably did not expect the executive branch to grow so large or to have so many responsibilities. Still, the framework for government set up in the Constitution has been able to deal with these developments. To get a better understanding of the organization of the executive branch today, see the simplified organizational chart on the following page.

The Executive Branch

President

Vice President



Why has the executive branch grown so much larger than originally envisioned by the Framers?

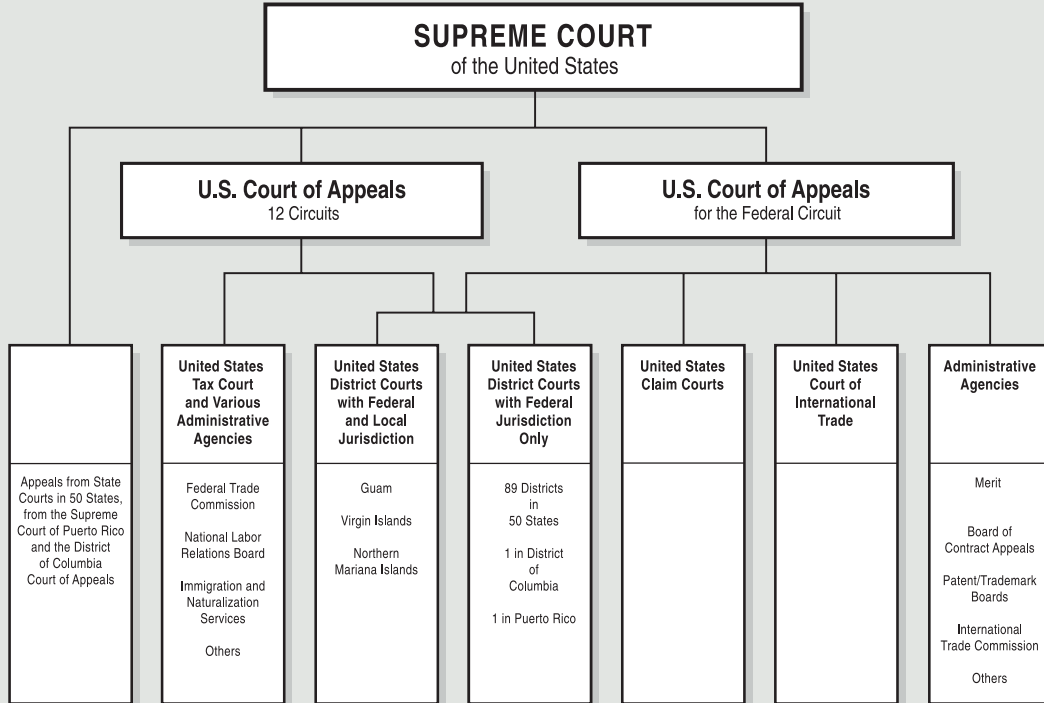
4. Organizing the judicial branch

Article III of the Constitution says that “the judicial power of the United States, shall be vested in one supreme court, and in such inferior courts as the Congress may from time to time . . . establish.” The Framers wrote only this very general guideline and gave the First Congress the task of organizing a system of federal courts.

Congress complied by passing a law known as the **Judiciary Act of 1789**. It established two kinds of federal courts below the Supreme Court.

- Congress established a **federal district court** in each state. These federal courts were responsible for the first hearing or trial of many cases involving the Constitution, federal laws, and disputes between citizens of different states.
- Congress also established a system of **circuit courts**, in which serious crimes could be tried. These courts would also hear appeals from the district courts and review their cases for errors of law. Until 1891, when the Circuit Courts of Appeals were established, a circuit court was composed of a district judge and a justice of the Supreme Court.

The United States Court System



Why has the U.S. court system grown so much more complex than originally outlined by the Framers?

In addition to the system of federal courts established by the Constitution and Congress to rule on federal cases, each state had its own courts established by its legislature to rule on cases of state law. This system of federal and state courts is organized today in much the same way it was in 1789.

Today the United States Supreme Court plays an important role in our federal government. In the beginning, however, the Supreme Court's role was much less significant. One of the first justices, John Rutledge, did not attend a single session of the Supreme Court during its first two years. The first chief justice, John Jay, spent little time on the job; he spent a year in England on a diplomatic mission and ran for governor of New York twice. Oliver Ellsworth, the next chief justice, resigned his position in 1800. No one considered the Supreme Court an important part of the federal government.

5. Drafting a bill of rights

During the struggle to get the states to ratify the Constitution, the document had been criticized for not having a bill of rights. To answer this objection, the Federalists agreed to the addition of a bill of rights as soon as the new government was established.

In his inaugural address on April 30, 1789, George Washington urged Congress to respond to the widespread demand to add a bill of rights to the Constitution. When the First Congress met, James Madison wanted to fulfill the promise made by the Federalists during the ratification debates. Madison was aware that many people were

still very suspicious of the new government. They would be watching closely to see if the Federalists would keep their promises.

Madison began his task by sorting through the more than 200 amendments recommended by states during the ratification debates. Most fell into two groups:

1. They placed additional limitations on the powers of the federal government.
2. They protected individual rights.

When he introduced a bill of rights, Madison was careful not to include any proposals that would limit the power of the federal government and increase that of the states. This led some Anti-Federalists, such as Patrick Henry, to reject Madison's bill. Others, George Mason for example, approved of the amendments. Madison's draft did include many of the suggestions from the states that protected individual rights such as freedom of religion, speech, press, and assembly, and the rights of petition and trial by jury. Introduction of the Bill of Rights convinced enough Anti-Federalists to support the government so that the movement for a second constitutional convention quickly died. Now the new government could get on to other important tasks.

REVIEWING AND USING THE LESSON

1. What were some of the important tasks the First Congress had to address in 1789?
2. What departments did Congress create to do the work of the executive branch of the national government? What responsibilities did each of these departments have?
3. How would you define the term “bureaucracy?” How has the federal government’s bureaucracy changed since Jefferson was president?
4. How did the Judiciary Act of 1789 organize the system of federal courts?
5. More than 200 suggested amendments to the Constitution were proposed in the state ratifying conventions. In general, what did these proposed amendments do? In drafting the Bill of Rights, what group of proposed amendments did Madison exclude? How did Anti-Federalists react to Madison’s proposal?
6. Conduct research on how cases on appeal reach the U.S. Supreme Court and the procedures the Court applies in reaching its decisions.



LESSON OVERVIEW

The first Congress met in New York in April 1789 to begin the task of organizing the new government under the Constitution. This lesson describes how using the guidelines provided in the Constitution, the First Congress (1) named the new president and vice president, (2) provided funding for the new government, (3) organized the executive branch, (4) organized judicial branches, and (5) drafted a bill of rights. Students learn that the Constitution provided a general framework for the government, leaving any necessary details to be worked out later by the Congress and the other branches. Students also learn of the events not foreseen by the Framers, the significant growth of the executive branch and the federal judiciary.

LESSON OBJECTIVES

At the conclusion of the lesson, students should be able to

1. explain that the Constitution provides a general framework outlining how the government should be organized and should operate; and that details are added by the government as the need arises.
2. explain how Congress used Article II of the Constitution to name the new president and vice president.
3. explain the importance and the methods of raising revenue to fund the new government.

4. describe how Congress organized the executive branch and the unforeseen growth of this branch and the federal bureaucracy.
5. describe the federal court system that was established by the Judiciary Act of 1789.

TEACHING PROCEDURES

A. Introducing the Lesson

To introduce the lesson, ask the class to imagine that they are members of the First Congress. What might be some important issues they should discuss and act upon? Direct the students' attention to the first illustrations in the student handout. Ask students to respond to the question in the captions on pages 2 and 3. While students read the "Purpose of the Lesson" post the "Terms to Understand" on the board. Review with the class what students should be able to do at the completion of the lesson, as explained in the "Purpose of Lesson." Review the vocabulary items on the board and remind students to take special note of these terms as they study the material in the lesson.

B. Reading and Discussion

What were the tasks of the First Congress?

Have the class read "What were the tasks of the First Congress?" Post the five tasks on the board. Use these five tasks to assign the reading of the next section. You may want to assign individual sections to small groups of students to read and report to the class.

How did Congress accomplish these tasks within Constitutional guidelines?

Have the class read, “How did Congress accomplish these tasks within constitutional guidelines?” Each group should read their assigned task. They are to summarize what the First Congress actually did and how they did it. Then, ask them to report what changes if any have occurred since then. While working on this section call attention to the two diagrams on pages 6 and 7 and ask students to answer the questions posed in their captions.

C. Concluding the Lesson

To conclude the lesson, have students respond to the questions in the “Reviewing and Using the Lesson” section.

ADDITIONAL READINGS

Berns, Walter. *The Writings of the United States Constitution*. Washington, D.C.: American Enterprise Institution, 1985.

Bowen, Catherine Drinker. *Miracle at Philadelphia*. Boston & Toronto: Little, Brown, & Co., 1986.

Hall, Kermit L. *The Supreme Court and Judicial Review in American History*. (Bicentennial Essays on the Constitution). Washington, D.C.: American Historical Association, 1985.

Ruthland, Robert A. *The Birth of the Bill of Rights: Its Origin and Meaning*. Indianapolis: Liberty Press, 1965.

SUPPLEMENTAL ACTIVITIES

1. Have students conduct research on changes in the way the president and the vice president are selected today.
2. Have students conduct research on how the executive branch is structured today.
3. Have students conduct research on how cases on appeal reach the U.S. Supreme Court and the procedures the Court applies in reaching its decisions. Have students find articles about cases currently before the Court. Encourage them to do their research in newspapers, news magazines, and the Internet.



This supplemental lesson celebrating the Constitution is adapted from *We the People: The Citizen and the Constitution*, Level III, Lesson 18, “How was the Constitution Used to Organize the New Government?”. This 1995 text was published by the [Center for Civic Education](#).

This Constitution and citizenship lesson is cosponsored by The American Association of School Administrators. AASA, founded in 1865, is the professional organization for over 14,000 educational leaders across America and in many other countries. AASA’s mission is to support and develop effective school system leaders who are dedicated to the highest quality public education for all children. AASA’s major focus is standing up for public education.

The [Center for Civic Education](#) is a nonprofit, nonpartisan educational corporation dedicated to fostering the development of informed, responsible participation in civic life by citizens committed to the values and principles fundamental to American constitutional democracy.

The Center specializes in civic/citizenship education, and international education exchange programs for developing democracies. For additional information on the Center’s programs and curricula, contact the [Center for Civic Education](#).

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