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ABSTRACT

Arranged chronologically from the Constitution's initial implementation in the late 18th century to the civil rights movement of the 1950 and 60s, this volume contains eight study units. The units address various roles in the U.S. legal system and corresponding legal processes, while raising the following constitutional issues: (1) the role and powers of the legislative, executive, and judiciary offices; (2) the avenues of representation and access to government; (3) the balances between Federal and state governments and the government and individuals; (4) criminal processes and protections; (5) property and economic rights; (6) equality of rights, protection, and opportunity; and (7) constitutional flexibility and change. The project followed the California State Department of Education's Critical Thinking Skills Process Model and includes activities designed to give students practice in skills such as reasoning, analyzing, and assessing. These materials attempt to promote the goals of law-related education (LRE), which includes teaching students to think critically, manage conflicts, and participate in groups. Instructional methods, goals and objectives, background information, ideas and instructions, and discussion questions are included. (JHP)

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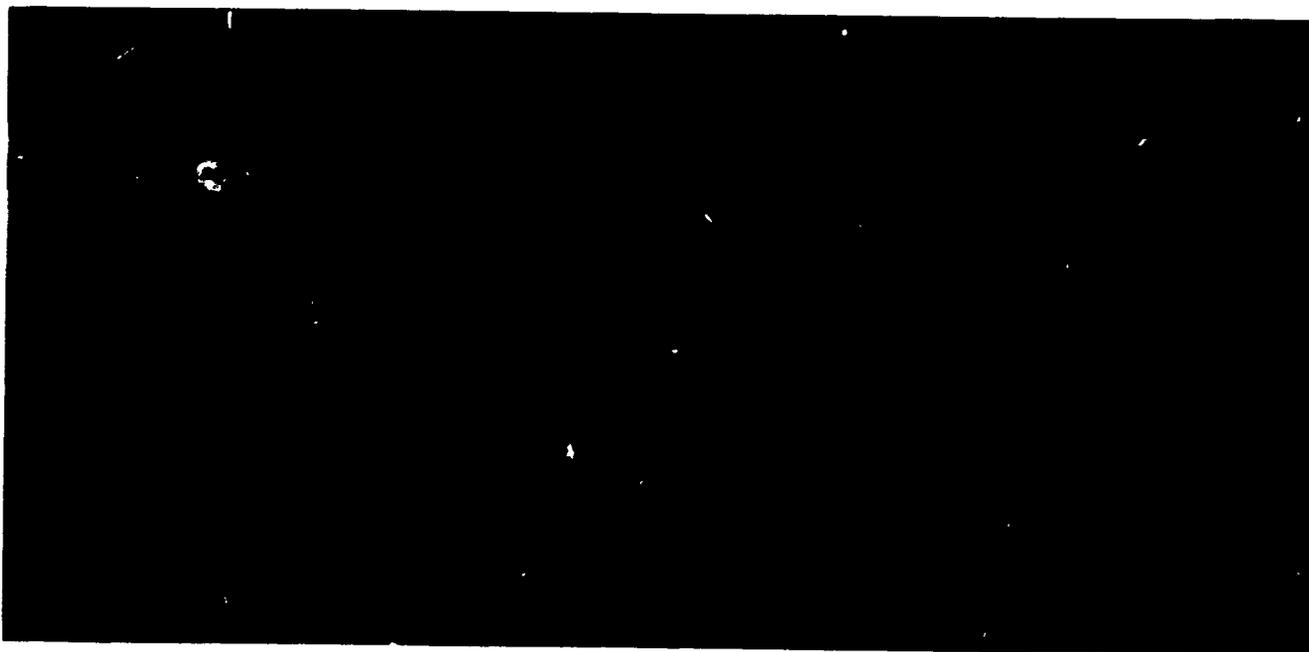
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AMERICAN ALBUM: 200 YEARS OF CONSTITUTIONAL DEMOCRACY



The Continental Congress voting independence. *National Portrait Gallery, Smithsonian Institution, Washington, D.C.*

Developed and written by
Coral Suter and Marshall Croddy

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INSTRUCTOR'S EDITION

LAW IN SOCIAL STUDIES SERIES

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Introduction

A Democratic Education

A nation which draws its authority from the will of the people must make certain its people can identify and articulate their will. If democracy is to work, voters must comprehend sophisticated issues, make informed decisions and accept the complex responsibility of social and political participation. These are learned behaviors: In short, democracy thrives on education.

American educators have expended much skill and imagination experimenting with effective education for citizenship. One promising avenue is a special combination of subject matter and instructional methodologies called law-related education (LRE). Besides presenting essential information about the law and legal systems, LRE helps demystify other democratic institutions. Further, it stimulates involvement by modeling participatory behavior.

Formal evaluations conclude that properly implemented LRE programs statistically reduce delinquency. Thousands of teachers who have used LRE report increases in student motivation, enthusiasm and learning.

The Essence of LRE

Law-related education focuses on specific content, skills and attitudes. LRE provides students with information about:

- The component parts of legal systems,
- The sources of law and authority,
- The functions or purposes of law,
- Major legal processes,
- Major legal roles and
- The basic principles supporting legal systems.

Effective LRE explores the interrelationship of these six elements and examines each in the context of several topic areas: criminal, civil, juvenile and constitutional law in the United States; the legal systems of other major nations and cultures in the contemporary and historical worlds, and international law.

In addition, LRE gives students consistent practice in the skills needed to:

- Think critically. Students learn to define problems and questions, gather and assess data, identify and weigh alternatives and implement decisions.
- Manage conflicts. Students learn to identify causes of conflict, assess positions and negotiate solutions.
- Participate. Students learn to work effectively in groups, form coalitions, persuade, bargain and persevere.

Lastly, LRE helps students develop:

- A commitment to the peaceful resolution of conflict,
- A respect for the rights of others,
- Self-respect,
- Appreciation of individuality, community and diversity and
- A mature and balanced attitude toward authority.

The Law in Social Studies Program

We do not educate in a perfect world. Budget cutbacks, rigorous graduation requirements, an overcrowded curriculum and the laudable demand for basic proficiency can limit the resources devoted to "enrichment" programs. Yet, civic participation is a basic proficiency. The three Rs are not sufficient preparation for a democratic people. We must find a place in our curriculum to teach the knowledge, attitudes and skills necessary for effective citizenship. The *Law in Social Studies (LISS)* program strives to meet this challenge.

Law in Social Studies materials are designed for infusion: Each volume supplements a traditional social studies course, grades 7 through 12; each unit links LRE content to the instructional objectives of those courses. For example, most U.S. History classes include a unit on the Civil War. A corresponding LISS unit uses historical information about the war to explore the constitutional concept of individual rights. An LISS lesson for World History courses uses the study of ancient Greece to examine early trial processes.

The LISS approach allows districts, schools and teachers to utilize LRE without investing in new, separate courses. LISS relies on material with which teachers are familiar. Educators can easily tailor the program to the needs of individual classes. Most important, when LRE is taught in a traditional context rather than as an elective extra, more students are exposed to this essential study and they can more easily integrate it with the rest of their schooling.

The materials were developed with the help of social studies teachers, who identified appropriate points in their courses for the incorporation of law-related information. Field tests of lessons combining LRE with the social studies content of each of these "infusion" points produced a flexible design. Most units can be taught in three to five consecutive class periods or, if the teacher prefers, they can be integrated with traditional material over a more extended period. In addition, units are divided into sections which, with minor adjustments, can be taught independently. ✓

American Album

The current LISS volume, *American Album*, contains eight units, arranged chronologically from the Constitution's initial implementation in the late 18th century to the civil rights movement of the 1950s and 60s. Each unit addresses a significant role in the U.S. legal system and a corresponding legal process. Each unit also raises important constitutional issues. These include:

- The role and powers of the legislature
- The role and powers of the executive
- The role and powers of the judiciary
- Avenues of representation and access to government
- Federalism: the balance between nation and state
- Civil liberties: the balance between the government and the individual
- Criminal processes and protections

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- Property and economic rights
- Equality of rights, protection and opportunity
- Constitutional flexibility and change

Many **American Album** units involve direct study of the Constitution. Students will need to refer to the text of the Constitution in their U.S. History or Government books. For convenience, the portions of the Constitution examined in each unit are listed at its start, as are the key constitutional issues which will be raised.

Critical Thinking Skills

The activities in **American Album** are designed to give students needed practice in the skills used to reason, analyze and assess. To delineate these skills, the California State Department of Education's assessment program has developed a Critical Thinking Skills Process Model. Using its rubric, students must learn to:

1. Define and clarify problems:
 - a. Identify central issues.
 - b. Compare similarities and differences.
 - c. Determine what information is relevant.
 - d. Formulate appropriate questions.
 - e. Express problems clearly and concisely.
2. Judge information related to a problem:
 - a. Distinguish among fact, opinion and reasoned judgment.
 - b. Check consistency.
 - c. Identify unstated assumptions.
 - d. Recognize stereotypes and cliches.
 - e. Recognize bias, emotional factors, propaganda and semantic slanting.
 - f. Recognize value orientations and ideologies.
3. Solve problems and draw conclusions:
 - a. Recognize the adequacy of data.
 - b. Identify reasonable alternatives.
 - c. Test conclusions and hypotheses.
 - d. Predict probable consequences.

Some exercises focus on one skill or skill group. For example, in "*Voir Dire*," Unit 7, students formulate questions; "The Gunfight," Unit 5, addresses the skills needed to judge information. Other activities, such as "Select Committees" in Unit 1 and "The Poor Commission" in Unit 3, help students build ability in all three groups.

Format

American Album is published in two editions. The fully-illustrated, 56-page Student Edition contains readings and activity text. These pages are reprinted in full in the 84-page Instructor's Edition, which also provides instructional methodologies, goals and objectives, background information and activity instructions. For exercises which ask students to compare their own choices with historical results or court opinions, "Outcomes and Opinions" handouts are provided in the Instructor's Edition. These are designed to be photocopied for distribution to students.

In the Instructor's Edition, all page numbers in regular typeface refer to pages in the Student Edition; *italicized page numbers refer to Instructor's Edition pages.*

Other Volumes in the Law in Social Studies Series

Of Codes and Crowns: The Development of Law immerses students in periods and places critical to World History while exploring the evolution of law in the western world.

The Crime Question: Rights and Responsibilities of Citizens demonstrates the three branches of government in action at federal, state and local levels through motivating case studies and problem-solving exercises.

To Promote the General Welfare: The Purpose of Law links key events in U.S. History to a study of the American legal system's nature and purpose.

Classroom Strategies

Instructional methodologies which stress participation can stimulate student interest and provide the practice needed to develop skills. The major classroom strategies you will find in the LISS materials are described below.

Handling Controversy

Law in Social Studies lessons address basic principles such as equality, justice, authority and freedom. Disagreement about the application of these principles is a necessary phenomenon which should not be ignored.

When a controversy becomes apparent in your classroom, begin by clarifying the nature of the disagreement. Help students:

- Identify the disputed issues.
- Identify areas of agreement and disagreement.
- Identify underlying assumptions.
- Define terms and explain slogans or clichés.

Defining the controversy may bring it to closure. If not, decide upon a means for further exploration. Consider an anonymous writing exercise, a research assignment, a formal debate, private or public mediation or a forced perspective activity (in which students must argue an issue from the "other" side). Students can prepare many of these activities outside of class.

Establish ground rules for the exercise. Students should:

- Argue evidence and ideas, not personalities.
- Represent opposing positions fairly and accurately.
- Admit doubts and weaknesses in their own positions.
- Demonstrate an attempt to understand opposing views.

As students pursue the strategy you've chosen, help them identify realistic goals. They can expect a chance to air their own views, hear their opponents' views and examine both. However, closure of a controversy does not mean that one side will win.

Resource Experts

Properly used, classroom visits from informed professionals are a valuable teaching tool. Resource experts provide supplementary information, help students understand real-world applications of the curriculum and serve as role models. All LISS units can benefit from resource experts; some rely on them. Suggestions about visitors and their use during the lesson are provided at the beginning of each unit.

Resource experts from the justice system can be identified through the public information offices of state or local courts, bar associations and law enforcement agencies. Politicians' constituent service offices can identify personnel from other government institutions. The Chamber of Commerce, professional organizations and unions are good sources for individuals from business, industry and labor. Service groups often provide public speakers on current issues and local concerns. Subject matter experts from numerous disciplines can be found on your local college faculty.

When you contact a resource speaker to arrange a visit:

- Explain the purpose of the visit and place it in context. Describe what the class is currently studying, your educational objectives for the visit and your planned follow-up activities.
- Describe the audience. How many students will be present? What are their ages, interests and levels of achievement?
- Specify the scope of the presentation, in both time and content. Make sure this reflects the grade level and maturity of your class.
- Suggest two or three specific dates and times from which your guest can choose. (Most speakers will need at least three weeks' notice.)
- Be sure the visitor has the correct address, appropriate directions and knows where to park. Get a final confirmation a few days before the visit. If you cannot greet the visitor, delegate a student to do so.

LISS units often detail specific preparations for a resource expert's visit. In addition, you should:

- Discuss the purpose of the visit with the class.
- Provide basic information about the visitor.
- Have students develop a list of questions to ask the expert.

During the visit, remember that the resource expert is *not* a trained teacher. You will need to direct both the speaker and the class with appropriate questions and other clues. Encourage interaction between the visitor and students. Be sure, when appropriate, that students express their decisions or opinions before the visitor responds. Close the session with a summary of the presentation and a thank you to the guest.

After the visit, discuss the following questions as well as any noted in the LISS lesson.

- What did students learn from the experience?
- Did the visitor change students' opinions about his or her profession or topic? How?
- Which of the visitor's comments were facts? Which were opinions? Which were reasoned judgments? How might the expert's experiences have biased his or her views?
- What could be done to make visits from resource experts more useful?

Thank-you letters give students a good language arts experience and encourage resource experts to continue working with the schools.

Directed Discussions

In the LISS materials, readings and activities are followed by discussion questions. Some check student comprehension of words or concepts. Most ask students to infer, compare, analyze, synthesize, hypothesize or evaluate information. Discussion of the questions is critical to a lesson's progress

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and may be necessary to accomplish section objectives and unit goals.

When a question calls for specific answers which may not be apparent from the text or when an answer can be supplemented by additional background material, the relevant information is provided in the Instructor's Edition. Answers are listed numerically after the instructions for a reading or activity.

Many students need to practice forming and communicating their own opinions and to develop criteria by which they can judge the opinions of others. When discussion questions ask for personal opinions, be sure students:

- State their views clearly and concisely.
- Define their terms, as necessary.
- Support their opinions with facts, reasoned arguments or reference to parallel situations.

Small Group Activities

In small group work, students practice the skills used to communicate, cooperate, persuade, bargain and compromise. To maximize this effect:

- Limit group size to between four and six students. (Occasionally, an LISS activity will call for slightly larger groups to demonstrate a specific process.)
- Give students a specific objective and clear instructions for meeting it. Check comprehension of both objective and instructions before group work begins. (For students unfamiliar with small group work, consider dividing activities into several small segments.)
- Limit instructions to the task at hand.
- Monitor each group's progress throughout the activity.
- Encourage full group participation.

Conclude small group activities with a debriefing discussion. In addition to the questions in the text (which address the activity's content), discuss:

- The strategies and approaches used by the different groups. Which succeeded? Why?
- Any stumbling blocks groups encountered. How might they be avoided?
- Student participation. Do any students disagree with their groups' decisions? How might students have constructively altered decisions with which they disagree?

Brainstorming

Brainstorming is a method for generating ideas. It works by separating the creative process from the processes of discrimination and judgment. Typically, brainstormers are given a clearly stated question and asked to generate and record the greatest possible number of answers within a limited time. The key is quantity, not quality: The time pressure is intended to short-circuit judgment.

Brainstorming should be followed by a second exercise or a discussion in which evaluation of the generated ideas becomes the prime focus. Be sure students distinguish between the idea-generating part of a brainstorming activity and the evaluation which follows it.

Simulations and Role-Plays

Many LISS lessons focus on the processes by which legal decisions are made. Often, the most effective way to teach about such processes is to simulate them. Simulations help reinforce learning by letting students apply newly acquired knowledge and skills.

LISS simulations vary. Some are role-plays in which students take on the identities of specific individuals and approach tasks from these perspectives. In others, students place themselves in a given context in order to model a process. In either case, observe the general rules for small group activities: Be sure students understand their objectives and instructions; monitor student participation. In some simulations, the teacher is assigned a pivotal role. If appropriate, consider filling this role with a resource expert or a properly prepared student.

Debriefing is the most important element of any simulation. The debriefing questions in the text are meant to further the lesson's goals. Ask students to raise and discuss additional questions generated by the activity. Again, debriefing is an excellent time to discuss the dynamics of involvement and deal with any participation problems.

Follow Through Activities

Many LISS segments conclude with one or more "Follow Through" projects, designed as extended or independent applications of the lesson's historical or legal content. Though some can be modified and used as a basis for class discussion, most require additional research.

Projects have been designed so that individuals or teams of students can complete them with minimal instructor guidance. Each involves both data-gathering and communications skills. Students may be asked to research a topic and report their findings, to develop questions about an issue and conduct a class discussion, to collect oral histories or to organize a classroom visit from a resource expert. Consider assigning some of these activities as final reports or suggesting them as extra credit projects.

Unit 1: The First Congress and the Constitution

Unit Goals

- To explore the congressional powers listed in Article I of the U.S. Constitution.
- To examine the legislative process and product of the First Congress.

Constitutional Issues: Students will study the Constitution's framework and examine the legislative powers of Congress contained in Article I. The unit raises these constitutional issues: the role and powers of the legislature, the role and powers of the executive and constitutional flexibility.

Resource Experts: A variety of resource experts can be called upon to supplement this unit, including a representative from a state or federal legislator's office, someone from a legislative watchdog agency (such as the League of Women Voters) or a constitutional historian.

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Unit 1

Unit Objectives: After completing this unit, students will be able to:

1. Recall at least two members of the First Congress.
2. Describe at least three factors which hindered legislators' work.
3. State and support an opinion about an effective solution to one of several problems debated by the First Congress.

New Beginnings. Have students read the text, p. 3 (9), which serves as an introduction to the book and this unit. Then discuss the questions provided.

Question 2: You may want to refer students to the copy of the Constitution in their U.S. History or Government text. The preamble explains the document's purpose. Article I establishes the legislative branch and defines the scope of its powers. Articles II and III provide similar definition for the executive and judicial branches respectively. Article IV establishes relationships with the states. Article V details the amendment process. Article VI establishes constitutional supremacy. Article VII describes ratification.

A Congress of Firsts. Have students read the text, p. 4 (10), and discuss the questions that follow it. Encourage expression of diverse views.

Select Committees. Have students read the text including the committee problem statements on p. 6 (12). Make sure they have a general understanding of the issues raised.

Divide the class into six groups and assign one of the committee problems to each. Have students complete Steps 1 through 3.

To complete Step 4 of the activity, take the role of Speaker/President and recognize the chairpersons of each

committee in turn. After each committee report, encourage questions from the floor and conduct a majority vote to either accept the report or send it back to committee for further deliberations.

To debrief the activity, distribute copies of the "Outcomes and Opinions" handout, p. 8, *Instructor's Edition*, and ask students to compare their findings with the information provided.

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Unit 1: Outcomes and Opinions

Select Committees

Committee 1: Advice and Consent. President George Washington did attend a Senate session with his Secretary of War and waited for its members to give their "advice and consent" to the treaty. After some initial confusion, each clause was read out loud, but the Senate voted to postpone a discussion on each until a later date. President Washington was so enraged that at one point he rose from his chair clenching his fists and said, "This defeats every purpose of my coming here." Weeks later, Washington returned to hear the Senate fully debate the treaty and give their consent by voice vote. This was Washington's last visit to the Senate. He started the custom of submitting proposed treaties in writing. This custom is still followed.

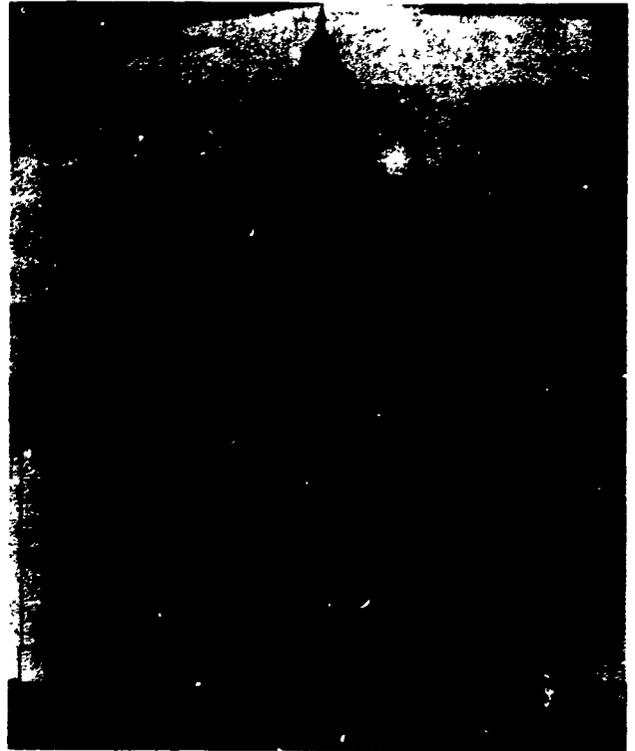
Committee 2: The Bill of Rights. In spite of Madison's wishes, Congress decided to place the Bill of Rights as amendments to the Constitution. Lawmakers reasoned that, because the document had already been ratified, it would be improper to insert them into the body. Madison was successful in using the stronger words "shall not" rather than "ought not" as contained in the Virginia Declaration of Rights.

Committee 3: Removal of Officers. After long debate, the President was given the right to remove officers. The Senate majority reasoned that, since the Constitution did not expressly require "advice and consent" for removal, the power was reserved for the President. Furthermore, without the power to remove appointed officers at will, the President could not be held accountable for the performance of his constitutional duties.

Committee 4: Duties on Imports. Congress generally favored the use of duties to raise revenue. Bitter debates occurred between lawmakers seeking to protect U.S. manufacturing and shipping industries and those favoring Southern farmers who heavily relied on the import of cheap foreign goods. The final bill tended to favor the protectionists, but the duties imposed were less than they wanted. In the end, U.S. ships bringing in foreign goods paid lower rates than foreign ships.

Committee 5: Representative Government. This issue was not fully resolved by the first Congress, nor has it ever been. In practice, representatives are free to vote with their own consciences in spite of the will of their constituents. The people are free to express their approval or disapproval at the ballot box at the next election.

Committee 6: Coining of Money. The approved half-dollar design with the figure of George Washington never went into circulation because the House stuck to its objection of "decadent monarchism." A neutral emblem of the figure of Liberty was chosen instead. To this day, no likeness of a living President has appeared on a U.S. coin.



Federal Hall, 1790. Astor, Lenox and Tilden Foundations. Prints Division, New York Public Library.

Unit 1: The First Congress and the Constitution

New Beginnings

In March, 1789 America held its breath. Fresh from ratifying the new Constitution, the country waited and watched to see if the second experiment in national government would succeed. Hopes ran high, only to be muted when the First Congress failed to begin on schedule. Too few members had arrived in New York City to conduct business.

People who noted these events must have felt a sense of *déjà vu*. The Congress set up under the old Articles of Confederation also had trouble getting its members to attend sessions. Representatives arrived late, left early or failed to show up at all. This lack of interest reflected much of what was wrong with the Confederation.

Under the Articles, the central government was very weak; the power belonged to the states. Why should a representative attend Congress when the important decisions were made back in his home state? The Confederation Congress had trouble raising money, regulating commerce among the states and providing a united front against foreign countries. Ambassadors from the Confederation complained that when serving in London and Paris, other diplomats treated them with contempt. To these experienced European power brokers, the United States were more like the Squabbling States of America.

It was to solve these problems that the Constitution had been written. If it failed, how many more chances would the United States have? Congress's inability to achieve a quorum didn't help. As Fisher Ames, a representative from Massachusetts, wrote at the time, "We lose credit, spirit, everything. The public will forget the government before it is born."

Looking back on that spring long ago, we know Fisher Ames was wrong. The public did not forget. For nearly 200 years we have lived and prospered with the government ordained by the Constitution. Through times of crisis and war, social upheaval and economic despair, it has endured as the supreme law of the land.

Oliver Wendell Holmes, a Justice of the Supreme Court, once observed that ours is a nation of laws, not men. By this he meant no one is above the law. Yet, our constitutional system of law and government depends on people. Legislators, judges, presidents, police, lawyers, plaintiffs and defendants — all have made the Constitution work.

This book is about these people, how they have shaped our laws and legal system and how the Constitution influenced their lives and destinies. Starting with the able and practical men who gathered in New York City 20 decades ago, we examine our new government's beginnings through the pitfalls and triumphs of the First Congress. Next you will meet John Marshall, the Chief Justice of the Supreme Court who, perhaps more than anyone else, defined the nature of America's judicial branch of government. Then you will visit Dorothea Dix, the feisty reformer of America's prison system, and Dred Scott, the slave whose travels through the courts led to a landmark case which helped define the issues underlying the tragic Civil War.



James Madison, principal author of the Constitution. *Library of Congress.*

Famous lawmen and outlaws in the old West — the Pinkertons and the James Gang, the Earps and the Clantons — give insights about law enforcement yesterday and today. Contrasting styles of executive leadership are explored in a unit featuring Comanche Chief Quanah Parker, President Teddy Roosevelt and Governor John Altgeld. You will learn about the role of legal advocates through the eyes of defense lawyer Clarence Darrow and the gangbusting prosecutor Thomas Dewey. Finally, in examining the civil rights movement, you will see how social action supported by the Supreme Court gave new meaning to the concepts of freedom contained in the Constitution.

Like photos in a family album, the portraits of the people in this book peer out of their time into ours. Each person has made a contribution to the legal history of our constitutional democracy. Each offers us insights on issues of today and tomorrow.

1. Why was the Constitution written?
2. When written, the Constitution was divided into a Preamble and seven Articles. What is the purpose of each part?
3. What, if any, value is there in learning about people who lived 200 years ago? 50 years ago? Is this study more or less important than learning about what is going on today?

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A Congress of Firsts

By April 6, 1789, the weeks of waiting were finally over. Richard Henry Lee of Virginia had arrived in New York City. The twelfth senator to take a seat, his presence gave the Senate enough members to conduct business. The House of Representatives had achieved a quorum on April 1. Now the First Congress of the United States of America could begin work.

Forty-two Senators and House members were present, representing eleven states. (North Carolina and Rhode Island had still not ratified the Constitution.) These men *were* the government of the United States. Except for a small bureaucracy created under the Confederation Congress, the two-house legislative branch was all that yet existed of the design for government contained in the newly adopted Constitution. Awesome tasks awaited them.

Before the executive branch could begin work, Congress would have to arrange to count the ballots of the first electoral college and inaugurate the President and Vice President. To get the judicial branch going, Congress had to set up a system of federal courts and outline their functions. Just as important was the question of money.

The inability to raise revenue had almost wrecked the government under the Articles of Confederation. The young nation owed massive amounts to foreign creditors, state governments and individuals who had loaned money during and after the Revolution. Building a new and strong central government would require more money to "provide for the common defense and general welfare of the United States."

Solving these problems was only the tip of the iceberg. Article I of the Constitution challenged Congress to erect the whole machinery of government. The two houses would have to create a postal system, regulate commerce among the states and fix standards of weights and measures. They would have to write and pass laws on raising armies, admitting new states and establishing a permanent national capital. Brilliant in its simplicity, Article I contained 18 specific powers. Yet, Article I did not tell Congress how to exercise its new powers.

Before anything could be done, rules and procedures for conducting business had to be agreed upon. By April 7, 1789 the rules committee of the House made its report. Based on the methods used in the English Parliament and in state governments, the proposed rules were accepted. Among the procedures were methods for passing a bill and the beginnings of the modern committee system. A committee would propose a bill which would then receive three readings before the House. But no bill could be read twice on the same day without special arrangements. After the second reading, the bill would go back to committee for revisions or be debated and amended by the whole House. This process would continue until the bill was passed.

The rules also made provisions for Committees of the Whole. Using this method, bills were read *twice*. After each reading, the clauses were debated and amendments were made by the whole House. This method gave everyone a chance to speak on important matters, but the process could be slow and tedious. Senator Fisher Ames, whose chamber

adopted similar rules complained: "A great clumsy machine is applied to the slightest and most delicate operations. . . . Certainly a bad method of doing business."

In spite of much squabbling, the representatives to the First Congress were up to the task. Many had long experience in both national and state politics. Eleven Senators and nine representatives had helped design the Constitution. Eighteen of the 26 Senate members and 36 of the 65 members of the House had served in the Continental Congress or in the Confederation Congress. Four had signed the Declaration of Independence. One, House member Roger Sherman of Connecticut, had signed every major national document since 1774! Without this wealth of experience, things might have turned out very differently.

Although there were as yet no political parties in the United States, the men of the First Congress represented a diverse number of interests. Each owed allegiance to a particular state. Trade and business interests often clashed with those of planters and farmers. Regions and sections of the sprawling nation of almost 4 million (including black slaves, but not native Americans) pressed for advantages in the laws being written.

Most of all, there were the concerns of those who feared the runaway power of a strong central government. Called Anti-federalists, most were willing to give the new Constitution and its government a "good try," but many were zealous in guarding the powers reserved for the states.

Senator William Maclay from Pennsylvania represented this point of view. Six foot three, and troubled by gout in both knees, Maclay wrote in his *Journal* that the Constitution might turn out to be "the vilest of all traps that was ever set to ensnare the freedom of an unsuspecting people." This viewpoint made him a defender of simple democratic values and a savage critic of many of his fellow Senators, especially Federalists.

Early in the first session of the First Congress, an issue came to the floor that set Maclay's teeth on edge. What titles and ceremonies should be adopted in government affairs? Prompted by Vice President John Adams, who thought such matters very important, many suggestions were made.

- When the President visited the Senate he should have a throne-like seat with a canopy.
- A speech made by the President should be referred to as "his most gracious speech."
- The President's formal title should be "His Highness the President of the United States of America and Protector of the Rights of the Same."

Hours and days were spent debating these formalities. Jokes began to circulate. Members called one another "Your Highness of the Senate" or "His Highness of the Lower House." One member referred to John Adams, who was short and stout, as "His Rotundity." Maclay, strongly opposed to any pretense of monarchy, hated the whole business. "We come here the servants, not the lords of our constituents," he wrote. In his view such matters should be left to the "dancing masters."