

## Activity 2. Teachers' Guide

### Guide to the Relationship among the Preamble, the Articles of Confederation, and the Declaration of Independence

*The following notes highlight the meaning of the terms in the Preamble, the key differences between the opening of the Articles of Confederation and the Preamble, as well as the way the Preamble reflects the principles of the Declaration of Independence.*

*The Preamble can be broken down into six segments, each of which teaches us something about the "mind of the framers" and their hopes and fears.*

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#### *We the People*

- **We the People of the United States...**

*The Articles of Confederation begins: "[W]e, the undersigned Delegates of the States affixed to our Names send greeting. Whereas the Delegates of the United States of America in Congress assembled did on the fifteenth day of November in the year of our Lord One Thousand Seven Hundred and Seventy seven, and in the Second Year of the Independence of America agree to certain articles of Confederation and perpetual Union between the States of New Hampshire, Massachusetts-bay, Rhode island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia in the Words following, viz. "Articles of Confederation and perpetual Union between the States of New Hampshire, Massachusetts-bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia"*

*The opening phrases of the Constitution mark a radical departure in a number of ways: "We the People of the United States" defines the American nation as a **single entity**, created by the people, not the states.*

- **"do ordain and establish this Constitution"**

*These words make explicit the source of the Constitution's legitimacy: **it comes from the people who "ordain and establish" it for certain specific purposes.***

*These words look back to the principle of popular sovereignty of the Declaration of Independence: **the people have the right to "institute new Government laying its foundation on such principles and organizing its powers in such form as to them shall seem most likely to effect their Safety and Happiness"**.*

*The first three goals of the Constitution are new ones, i.e., they are not in the Articles, and they speak to the defects of the Articles; as such they also serve as **implicit** criticisms of the government under the Articles.*

## **The Preamble to the Constitution: A Close Reading Lesson**

- **In Order to Form a More Perfect Union**

*In the Articles of Confederation, the individual states join in "a firm league of friendship, for their common defense, the security of their liberties, and their mutual and general welfare" and bound themselves to assist one another "against all force offered to, or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretence whatever." The agreement was among the states, not people. **The states create the government and, as creators, are superior to it.***

*The phrase "more Perfect" in the Preamble means better and stronger in a particular way. James Madison understood that the "the central government [under the Articles] ...had insufficient power to regulate commerce. It could not tax and was generally impotent in setting commercial policy. It could not effectively support a war effort. It had little power to settle quarrels between states." While the Confederation was a "league" of 13 **sovereign** states, the Constitution provides for a new "form" of government, a "more perfect Union" in which the states surrender a portion of their sovereign power to the national government for certain explicit purposes.*

- **Establish Justice\* (Articles III & VI)**

***\*Justice can mean both the legal system as a whole and the abstract idea of fairness.***

*This phrase seems to imply that justice does not exist under the Articles. While there is some exaggeration here, James Madison, George Washington, Alexander Hamilton, and many other framers thought that the states had run amok under the Articles and had trampled on individual liberties in a variety of ways. The solution proposed was twofold: the establishment of an **independent** Supreme Court and the provision for a federal judiciary **superior** to those of the states (Article III); and outright prohibition of egregious state practices (Article I, Section 10).*

*Finally, Article VI makes "This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States... **the supreme Law of the Land;** and the Judges in every State shall be bound thereby, **any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.**"*

- **Insure Domestic Tranquility**

*Shays Rebellion in Massachusetts (1786–1787) was very much in the mind of the framers as well as the long standing habit of Americans to take up arms against unpopular government measures. Here there is an interesting comparison to be made with the language of the Declaration. After stating in that document that the people have the right to alter or abolish government, the Declaration qualifies this right in the following way:*

*"Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shewn, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security."*

*The remaining three goals are, with some variation, to be found in the Articles.*

***The Preamble to the Constitution: A Close Reading Lesson***

- **[P]rovide for the Common Defense , promote the general welfare, and secure the blessings of Liberty to ourselves and our Posterity,**

*The Common Defense was a continuing concern because the American states were surrounded on all sides by colonies of hostile European powers: Great Britain was in Canada, Spain was in Florida and Mexico and most of the Southwest, and France was in Louisiana.*

*The General Welfare clause repeats the similar language in the Articles. The concern for general welfare relates to the idea in the Declaration that legitimate government aims at the common good.*

*However the last goal “secure the blessings of liberty to ourselves and our posterity” adds important considerations. Liberty is now a “blessing” to be secured and there is a salutary concern for future generations.*

*In this way the source of authority and the goals of the Preamble point back to the purposes of government and the rights to life, liberty and pursuit of happiness proclaimed in the Declaration of Independence.*