

Constitution of the United States

Constitution of the United States sets forth the nation's fundamental laws. It establishes the form of the national government and defines the rights and liberties of the American people. It also lists the aims of the government and the methods of achieving them.

The Constitution was written to organize a strong national government for the American states. Previously,

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the nation's leaders had established a national government under the Articles of Confederation (see **Articles of Confederation**). But the Articles granted independence to each state. They lacked the authority to make the states work together to solve national problems.

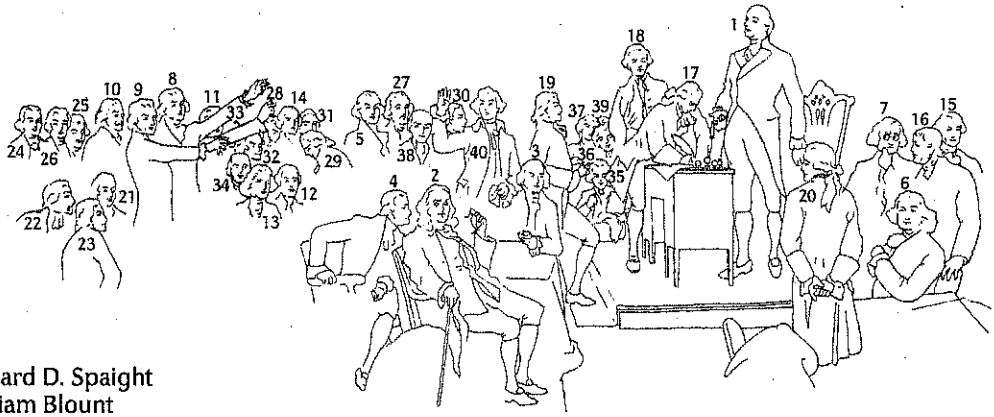
After the states won independence in the Revolutionary War (1775-1783), they faced the problems of peacetime government. The states had to enforce law and order, collect taxes, pay a large public debt, and regulate trade among themselves. They also had to deal with Indian tribes and negotiate with other governments.

The signing of the Constitution took place on Sept. 17, 1787, at the Pennsylvania State House (now called Independence Hall) in Philadelphia. American artist Howard Chandler Christy painted this picture in 1940. The painting hangs in the United States Capitol in Washington, D.C.

Scene at the Signing of the Constitution of the United States, an oil painting on canvas; U.S. Capitol Historical Society (National Geographic Society)



Signers of the Constitution included William Jackson, who was the secretary of the convention but not a delegate. John Dickinson of Delaware was absent but had another delegate sign for him.

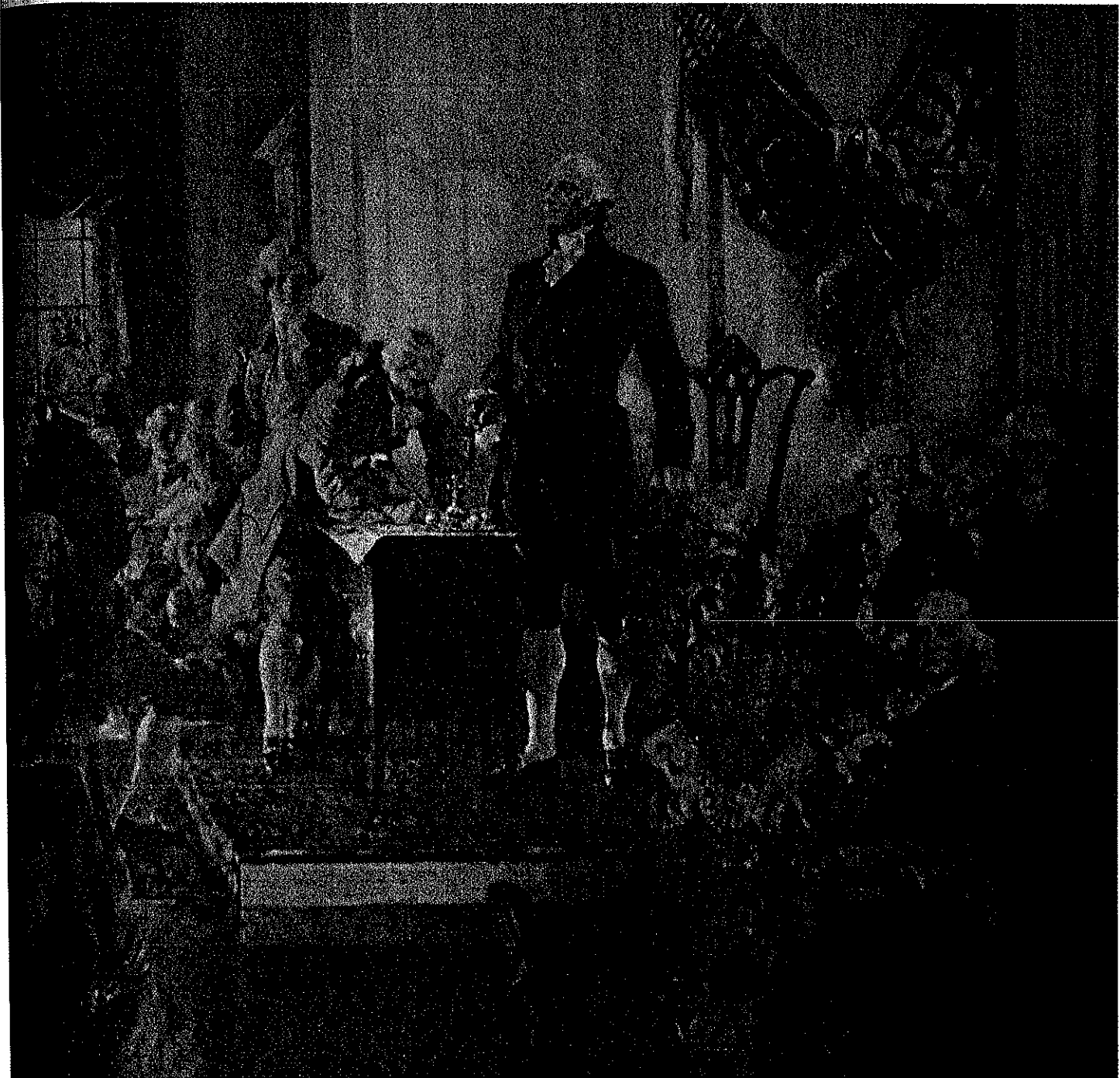


1. George Washington
2. Benjamin Franklin
3. James Madison, Jr.
4. Alexander Hamilton
5. Gouverneur Morris
6. Robert Morris
7. James Wilson
8. Charles C. Pinckney
9. Charles Pinckney
10. John Rutledge
11. Pierce Butler
12. Roger Sherman
13. William S. Johnson
14. James McHenry
15. George Read
16. Richard Bassett

17. Richard D. Spaight
18. William Blount
19. Hugh Williamson
20. Daniel of St. Thomas Jenifer
21. Rufus King
22. Nathaniel Gorham
23. Jonathan Dayton
24. Daniel Carroll
25. William Few
26. Abraham Baldwin

27. John Langdon
28. Nicholas Gilman
29. William Livingston
30. William Paterson
31. Thomas Mifflin
32. George Clymer
33. Thomas FitzSimons

34. Jared Ingersoll
35. Gunning Bedford, Jr.
36. Jacob Broom
37. John Dickinson
38. John Blair
39. David Brearley
40. William Jackson



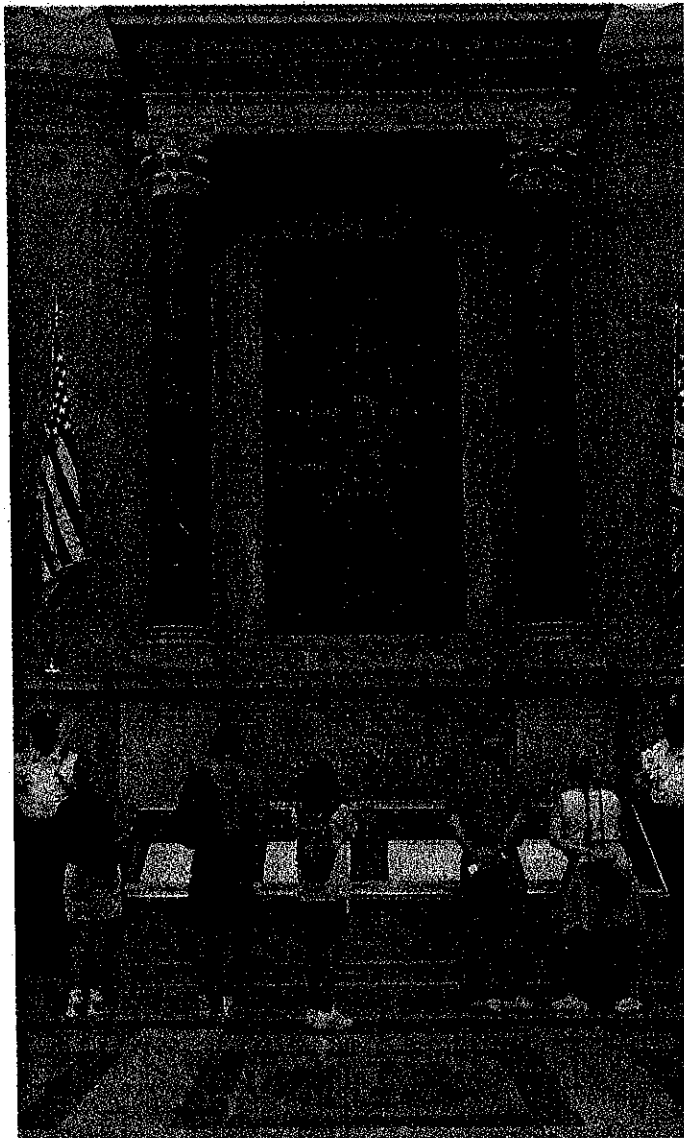
Leading statesmen, such as George Washington and Alexander Hamilton, began to discuss the creation of a strong national government under a new constitution.

Hamilton helped bring about a national convention that met in Philadelphia in 1787 to revise the Articles of Confederation. But a majority of the delegates at the convention decided instead to write a new plan of government—the Constitution of the United States.

The Constitution of the United States established not merely a league of states but a government that exercised its authority directly over all citizens. The Constitution also defined clearly the powers of the national government. In addition, the Constitution established protection for the rights of the states and of every individual.

The supreme law of the land

The Constitution consists of a preamble, 7 articles, and 27 amendments. It sets up a *federal system* by dividing powers between the national and state governments. It also establishes a balanced national government by dividing authority among three independent branches—the executive, the legislative, and the judicial.



© Michael Ventura

The original United States Constitution is on display at the National Archives Building in Washington, D.C. The Constitution was signed in 1787 and has been in effect since 1788.

Ratification of the Constitution

Article VII of the U.S. Constitution required the approval of 9 states to put the Constitution into effect. This table gives the dates on which each of the 13 states ratified the Constitution.

Delaware	Dec. 7, 1787
Pennsylvania	Dec. 12, 1787
New Jersey	Dec. 18, 1787
Georgia	Jan. 2, 1788
Connecticut	Jan. 9, 1788
Massachusetts	Feb. 6, 1788
Maryland	April 28, 1788
South Carolina	May 23, 1788
New Hampshire	June 21, 1788
Virginia	June 25, 1788
New York	July 26, 1788
North Carolina	Nov. 21, 1789
Rhode Island	May 29, 1790

The executive branch enforces the law, the legislative branch makes the law, and the judicial branch interprets the law. The executive branch of the national government is usually represented by the president, the legislative branch by Congress, and the judicial branch by the Supreme Court.

This division of the government into three branches is known as the *separation of powers*. Each branch can use its powers to *check and balance* (exercise control over) the other two. See **United States, Government of the** (Separation of powers).

Federal powers listed in the Constitution include the right to collect taxes, declare war, and regulate trade. In addition to these *delegated, or expressed, powers* (those listed in the Constitution), the national government has *implied powers* (those reasonably suggested by the Constitution). The implied powers enable the government to respond to the changing needs of the nation. For example, Congress had no delegated power to print paper money. However, such a power is implied in the delegated powers of borrowing and coining money.

There are some powers that the Constitution does not give to the national government or forbid to the states. These *reserved powers* belong to the people or to the states. State powers include the right to legislate on divorce, marriage, and public schools. Powers reserved for the people include the right to own property and to be tried by a jury. In some cases, the national and state governments have *concurrent powers*—that is, both levels of government may act. The national government has supreme authority in case of a conflict.

The Supreme Court has the final authority to explain the Constitution. The Supreme Court can set aside any law—federal, state, or local—that conflicts with any part of the Constitution.

The need for the Constitution

The government established by the Articles of Confederation was not strong enough to govern the new nation. For example, it lacked an executive branch and a system of national courts. It could not regulate trade between the states or tax the states or their citizens. In

addition, it could not maintain its own army. The government was little more than an assembly of the representatives of 13 independent states. Before almost any measure could be adopted, it had to be approved by at least 9 of the states.

In 1783, after the Revolutionary War, the nation entered a period of unstable commercial and political conditions. Alexander Hamilton and his supporters would have had little success in their campaign for a new constitution if conditions had been better. Some historians have painted the troubles of the new republic in much too gloomy colors. But little doubt remains that the situation became steadily worse after 1783. Each state acted almost like an independent country. Each ran its own affairs exactly as it saw fit, with little concern for the needs of the republic. The states circulated a dozen different currencies, most of which had little value. Neighboring states taxed each other's goods. Britain refused to reopen the channels of trade that the colonies had depended on for their economic well-being. The state legislatures refused to pay the debts they had assumed during the Revolutionary War. Many states passed laws that enabled debtors to escape paying their obligations.

Worst of all, some people began to think once again of taking up arms in order to solve their problems. In western Massachusetts in 1786, hundreds of farmers, under Captain Daniel Shays rebelled against the state gov-

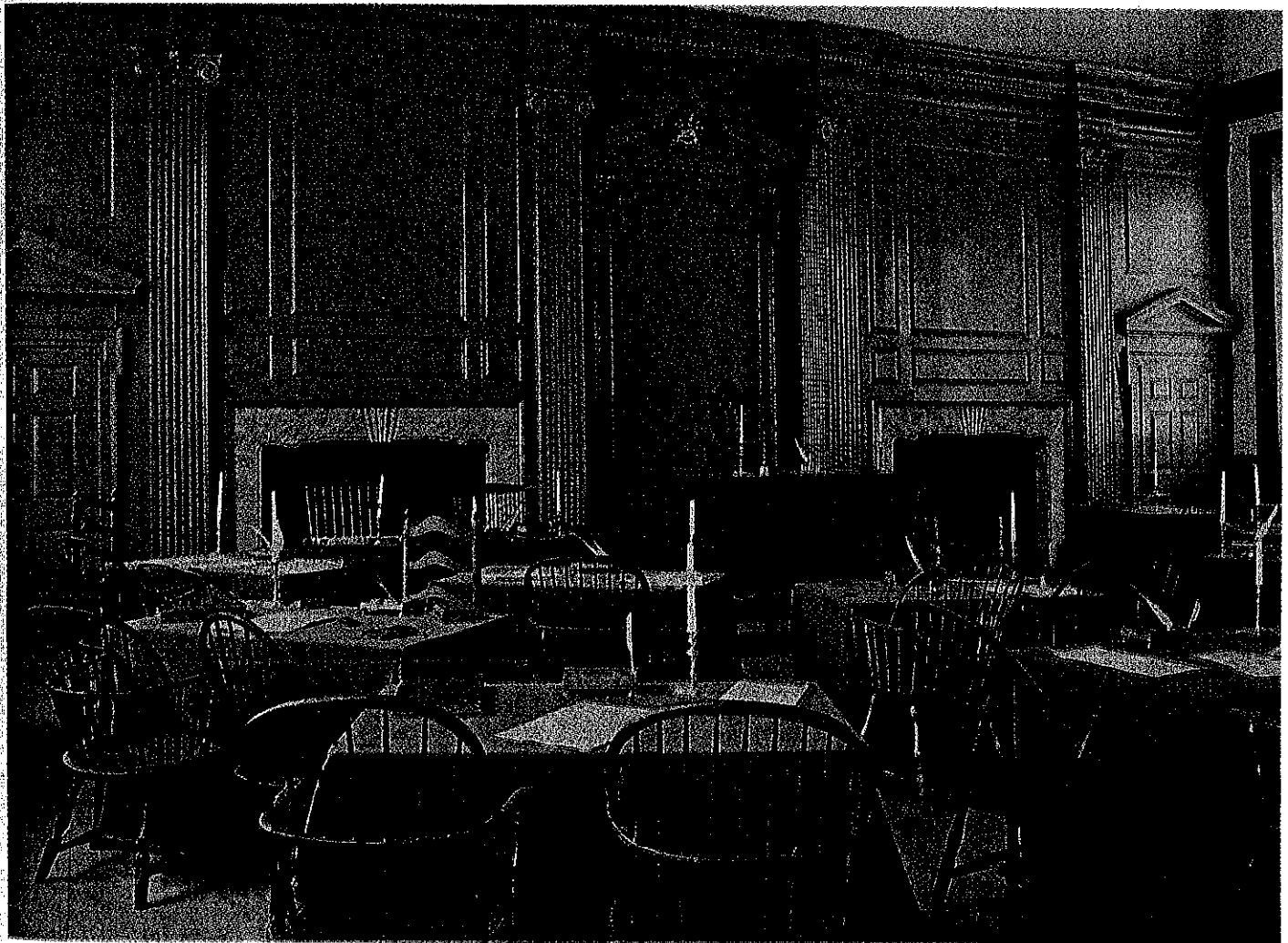
ernment in Boston. State troops finally put down Shays's Rebellion (see *Shays's Rebellion*). George Washington and other leaders wondered whether the colonies had rebelled against Britain in vain. They felt it was time to end these troubles and bring peace and order by forming a new national government. This new government would have to be strong enough to gain obedience at home and respect abroad.

Representatives from five states met in Annapolis, Maryland, in 1786. They proposed that the states appoint commissioners to meet in Philadelphia and consider revising the Articles of Confederation (see *Annapolis Convention*). Congress agreed to the proposal and suggested that each state select delegates to a constitutional convention.

The Constitutional Convention

The convention was supposed to open on May 14, 1787. But few of the 55 delegates had arrived in Philadelphia by that date. Finally, on May 25, the convention formally opened in Independence Hall. Twelve states had responded to the call for the convention. Rhode Island refused to send delegates because it did not want the national government to interfere with its affairs.

Of the 55 delegates, 39 signed the United States Constitution on Sept. 17, 1787. One of the signers was John Dickinson of Delaware, who left the convention but



The Assembly Room of the Pennsylvania State House, where regular sessions of the Constitutional Convention of 1787 were held, is shown as it looks today. The Declaration of Independence was adopted in this room in 1776, and the Articles of Confederation were ratified there in 1781.

asked another delegate, George Read, to sign for him. William Jackson of Philadelphia, a former major in the Revolutionary War who was chosen to serve as the convention secretary, witnessed the signatures. The delegates included some of the most experienced and patriotic men in the new republic. George Washington served as president of the convention. Benjamin Franklin, at the age of 81, attended as a representative of Pennsylvania. The brilliant Alexander Hamilton represented New York. James Madison of Virginia received the title of "Father of the Constitution" with his speeches, negotiations, and attempts at compromise. Madison told the delegates they were considering a plan that "would decide forever the fate of republican government." He kept a record of the delegates' debates and decisions.

Other men who had much to do with writing the new Constitution included John Dickinson, Gouverneur Morris, Edmund Randolph, Roger Sherman, James Wilson, and George Wythe. Morris was given the task of putting all the convention's resolutions and decisions into polished form. Morris actually "wrote" the Constitution. The original copy of the document is preserved in the National Archives Building in Washington, D.C.

Several important figures of the time did not attend the convention. John Adams and Thomas Jefferson were absent on other government duties. Samuel Adams and John Jay failed to be appointed delegates from their states. Patrick Henry refused to serve after his appointment because he opposed granting any more power to the national government. Three leading members of the convention—Elbridge Gerry, George Mason, and Edmund Randolph—refused to sign the Constitution because they disagreed with parts of it.

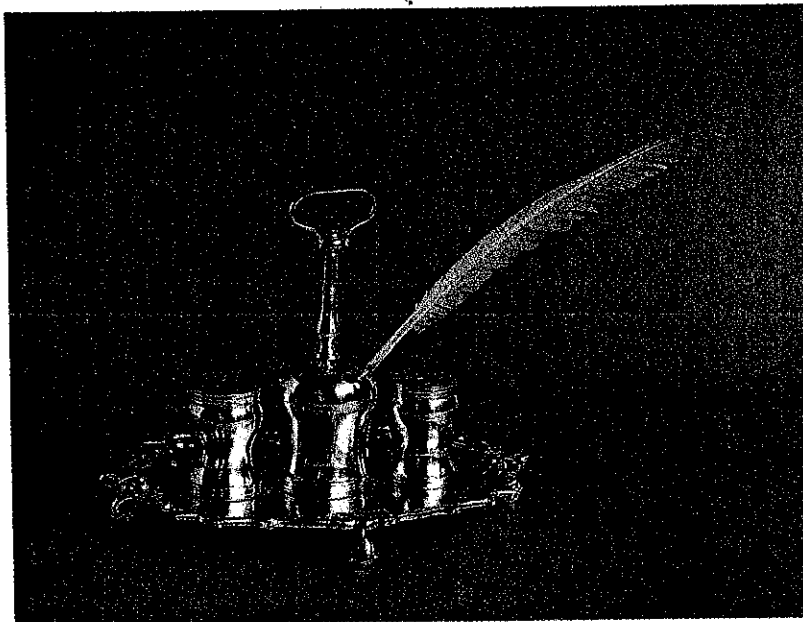
The background of the Constitution. The delegates to the Constitutional Convention relied greatly on past experience as they worked to create a new government. They recalled many important events in the development of constitutional government. These included the granting of Magna Carta, an English constitutional document, in 1215 and the meeting of the Jamestown repre-

sentative assembly in 1619 (see *Magna Carta*). Some of the American Colonies also served as examples of constitutional forms of government. While colonial governments had weaknesses, they had progressed beyond other governments of their time in achieving liberty under law.

All American states established constitutional governments after they declared their independence from Britain in 1776. In 1777, John Jay of New York had helped write a constitution for his state. John Adams of Massachusetts had helped write the Massachusetts Constitution of 1780. Delegates to the convention in Philadelphia used many ideas and words from the constitutions of these and other states.

The delegates also drew on their own experiences. Franklin had proposed a plan at the Albany Congress of 1754 to unify the colonies under a central government (see **Albany Congress**). Washington remembered his own problems during the war when, as commander in chief, he had to work with the frequently divided Continental Congress. Almost every delegate to the convention had served as a soldier or administrator of the government. They often disagreed on details but were united in wanting the new government to be strong enough to rule the nation. They also wanted it to respect the liberties of the states and of the people.

The compromises. The task of creating a new government was not easily accomplished. Disputes among the delegates nearly ended the convention on several occasions. For example, delegates from the large states disagreed with those from the small states about representation in the national legislature. The larger states favored the *Virginia Plan*, under which population would determine the number of representatives a state could send to the legislature. The small states supported the *New Jersey Plan*, which proposed that all the states would have an equal number of representatives. The Connecticut delegates suggested a compromise that settled the problem. Their plan provided for equal representation in the Senate, along with representation in



Independence National Historical Park Collection

This silver inkstand is one of the most historic items in the nation. It was used by the signers of the Constitution of the United States in 1787 and by the signers of the Declaration of Independence in 1776.



Photo

The chair used by George Washington during the Constitutional Convention, *shown here*, had a carving of a half sun. On the day the Constitution was signed, Benjamin Franklin expressed a feeling of confidence in the nation's future by declaring that the carving was a "rising and not a setting sun."

proportion to population in the House of Representatives. This proposal became known as the *Connecticut Compromise* or the *Great Compromise*.

Compromises also settled conflicts over the issue of slavery. The delegates from the Northern states wanted Congress to have the power to forbid the foreign slave trade. Most Southern delegates did not wish Congress to have this power. A compromise decided that Congress would not be allowed to regulate the foreign slave trade until 1808. Another compromise involved the question of how to count slaves in determining how many members of Congress a state could have. Slaves were not considered citizens, and so the convention agreed that only three-fifths of a state's slaves could be counted.

The delegates agreed that each state should hold a special convention to discuss and vote on the Constitution. They also decided that as soon as nine states had *ratified* (approved) the Constitution, the Constitution would take effect and they could begin to organize the new government.

Ratifying the Constitution

Less than three months after the Constitution was signed, Delaware became the first state to ratify it, on Dec. 7, 1787. New Hampshire was the ninth state, putting the Constitution into effect on June 21, 1788. But the Founding Fathers could not be sure that the Constitution would be generally accepted until the important states of New York and Virginia had ratified it. Powerful organized opposition to the Constitution had developed in these two states and in others. Such people as Elbridge Gerry, Patrick Henry, Richard Henry Lee, and George Mason spoke out against ratification.

Critics objected that a bill of rights had not been included, that the president had too much independence, and that the Senate was too aristocratic. They also thought Congress had too many powers and the national government had too much authority. Friends of the Constitution rallied support for ratification. They became known as *Federalists*. Their opponents were called *Anti-Federalists*. The two groups promoted their causes in newspapers, in pamphlets, and in debates in the ratifying conventions (see *Anti-Federalists*; *Federalist*, *The*; *Federalist Party*). The groups developed into the first American political parties.

Virginia ratified the Constitution on June 25, 1788, and New York did so on July 26. Early in January 1789, all the ratifying states except New York selected presidential electors in their legislatures or by a direct vote of the people. On February 4, the electors named George Washington as the first president of the United States. The first Congress under the Constitution met in New York City on March 4. Washington was inaugurated on April 30. North Carolina and Rhode Island refused to approve the Constitution and take part in the new government until Congress agreed to add a bill of rights.

The Bill of Rights

The Federalists might never have obtained ratification in several important states if they had not promised to support amendments to the Constitution. These amendments were written to protect individual liberties against possible unjust rule by the national government.

Interesting facts about the Constitution

Which two signers of the Constitution later became U.S. presidents? George Washington and James Madison.

Which signers of the Declaration of Independence also signed the Constitution? George Clymer, Benjamin Franklin, Robert Morris, George Read, Roger Sherman, and James Wilson.

Who were the youngest and oldest signers of the Constitution? Youngest: Jonathan Dayton, 26 years old. Oldest: Benjamin Franklin, 81 years old.

Who was the first delegate to sign the Constitution? George Washington.

Who was called the "Father of the Constitution"? James Madison earned this title because he was a leading member of the convention and wrote a record of the delegates' debates.

Who actually "wrote" the Constitution? Gouverneur Morris.

When was the Constitution signed? Sept. 17, 1787.

What state did not send representatives to the Constitutional Convention? Rhode Island refused to send representatives because it did not want the federal government to interfere with Rhode Island's affairs.

In what order did the delegates sign the Constitution? In geographical order from north to south: New Hampshire, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia.

Which three leading delegates refused to sign the Constitution? Elbridge Gerry, George Mason, and Edmund Randolph refused because they objected to the powers that the Constitution gave the federal government.

How many delegates signed the Constitution? 39.

Where is the original Constitution displayed? In the National Archives Building in Washington, D.C.

Most state constitutions that were adopted during the Revolution had included a clear declaration of the rights of all people. Most Americans believed that no constitution could be considered complete without such a declaration. George Mason of Virginia was responsible for the first and most famous American bill of rights, the Virginia Declaration of Rights of 1776. He and Patrick Henry might have prevented ratification of the Constitution in Virginia if the Federalists had not agreed to their demands for amendments.

James Madison led the new Congress in proposing amendments. He suggested 15 amendments, and the Congress accepted 12 of them to be submitted for approval by the states under the amending process outlined in the Fifth Article of the Constitution. By Dec. 15, 1791, enough states had approved 10 of the 12 amendments to make them a permanent addition to the Constitution. These amendments are known as the *Bill of Rights*.

One of the two unapproved amendments dealt with the size of the House of Representatives. It would have changed representation from no more than one representative for every 30,000 people to one for every 50,000 people. The other unapproved amendment provided that whenever Congress changed the salaries of its members, the change could not take effect until after the next election of representatives had been held. This amendment was ratified in 1992. See *Bill of rights*.

The development of the Constitution

Through the years, the Constitution has developed to meet changing needs. James Madison declared, "In

framing a system which we wish to last for ages, we should not lose sight of the changes which ages will produce." The Constitution was designed to serve the interests of the people—rich and poor, Northerners and Southerners, farmers, workers, and business people.

The Anti-Federalists accepted defeat when the Constitution was adopted and set about to win power under its rules. Their action set a style for American politics that has never changed. Americans sometimes feel dissatisfied with the policies of those who govern. But few Americans have condemned the constitutional system or demanded a second constitutional convention.

Delegates to the Constitutional Convention believed strongly in the rule of the majority, but they wanted to protect minorities against any unjustness by the majori-

ty. They achieved this goal by separating and balancing the powers of government. Other basic constitutional aims included respect for the rights of individuals and states, rule by the people, separation of church and state, and supremacy of the national government.

Amendments are additions to the Constitution. Today, there are 27 amendments.

An amendment may be proposed by two-thirds of each house of Congress, or by a national convention called by Congress in response to requests by two-thirds of the state legislatures. It becomes part of the Constitution after being ratified either by the legislatures of three-fourths of the states or by conventions in three-fourths of the states. Congress decides which form of ratification should be used and how much time

Index to the Constitution

This index lists some important subjects discussed in the Constitution and the specific article or amendment that deals with each one. The index also gives the page in this article on which the information appears.

Subject	Article or amendment	Page	Subject	Article or amendment	Page
Advice and consent	Article II, Section 2	1009	Lame duck amendment	Amendment 20	1015
Amendment	Article V	1010-1011	Legislative branch	Article I	1004-1008
Appointment	Article II, Section 2	1009	National debt	Article VI	1011
Assembly, Right of	Amendment 1	1011-1012	Pocket veto	Article I, Section 7	1006
Bill	Article I, Section 7	1006	Poll tax	Amendment 24	1016
Bill of Rights	Amendments 1 to 10	1011-1013	President	Article II	1008-1009
Church and state	Article VI	1011		Amendment 12	1013
	Amendment 1	1011-1012		Amendment 22	1015
Citizenship	Amendment 14	1013-1014	Presidential succession	Article II, Section 1	1008-1009
Civil rights	Amendment 14	1013-1014		Amendment 20	1015
	Amendment 15	1014		Amendment 25	1016
Commander in chief	Article II, Section 2	1009	Prohibition	Amendment 18	1014-1015
Commerce clause	Article I, Section 8	1007		Amendment 21	1015
Congress	Article I	1004-1008	Ratification of amend- ments	Article V	1010-1011
	Amendment 12	1013	Ratification of the Consti- tution	Article VII	1011
Congressional Record	Article I, Section 5	1006	Right of assembly	Amendment 1	1011-1012
Congressional salaries	Amendment 27	1016	Search warrant	Amendment 4	1012
Court	Article III	1009-1010	Senate	Article I	1004-1008
Double jeopardy	Amendment 5	1012		Amendment 12	1013
Due process of law	Amendment 5	1012		Amendment 17	1014
	Amendment 14	1013-1014	Slavery	Amendment 13	1013
Electoral College	Article II, Section 1	1008-1009		Amendment 14	1013-1014
	Amendment 12	1013	State	Article IV	1010
	Amendment 23	1015-1016	State of the Union message	Article II, Section 3	1009
Ex post facto	Article I, Section 9	1008	States' rights	Amendment 10	1013
Executive branch	Article II	1008-1009	Supremacy clause	Article VI	1011
Extradition	Article IV, Section 2	1010	Supreme Court	Article III	1009-1010
Freedom of religion	Amendment 1	1011-1012	Treason	Article III, Section 3	1010
Freedom of speech	Amendment 1	1011-1012	Trial	Amendment 5	1012
Freedom of the press	Amendment 1	1011-1012	Vice President	Article I, Section 3	1005
House of Representatives	Article I	1004-1008		Amendment 12	1013
	Amendment 12	1013		Amendment 20	1015
Immunity, Congressional	Article I, Section 6	1006		Amendment 25	1016
Impeachment	Article I, Section 2	1004-1005	Voting	Amendment 14	1013-1014
	Article I, Section 3	1005		Amendment 15	1014
	Article II, Section 4	1009		Amendment 19	1015
Income tax	Article I, Section 9	1008		Amendment 23	1015-1016
	Amendment 16	1014		Amendment 24	1016
Judicial branch	Article III	1009-1010		Amendment 26	1016
Judicial review	Article III, Section 2	1009-1010	Washington, D.C.	Amendment 23	1015-1016
Jury and trial by jury	Article III, Section 2	1009-1010	Woman suffrage	Amendment 19	1015
	Amendment 6	1012			
	Amendment 7	1012			

the states have to consider each amendment. In many cases, Congress has chosen a seven-year period for such consideration. The process of amending the Constitution was designed to be difficult, so that the nation would have to think carefully about any proposed changes before adopting them.

Laws have added to the meaning of the Constitution. The delegates to the Constitutional Convention knew they could not write laws for every possible situation. Therefore, they gave Congress the right to pass all laws that were "necessary and proper" to carry out powers granted by the Constitution to the president, Congress, and federal courts. Congress has passed laws to establish such administrative organizations as the Federal Aviation Administration and the Postal Service. Congress has also passed laws to regulate interstate commerce, thereby controlling many aspects of the economy.

Court decisions. Federal and state judges apply the Constitution in many court cases. The Supreme Court has the final authority in interpreting the meaning of the Constitution in any specific case. The court has the power of *judicial review*—that is, it can declare a law unconstitutional. The court has this power largely because of the decision of Chief Justice John Marshall in the case of *Marbury v. Madison* in 1803 (see *Marbury v. Madison*). Since that time, the court has ruled that all or parts of more than 125 federal laws and over 1,000 state laws were unconstitutional. The court can also overrule itself, and it has done so about 200 times.

Presidential actions. Strong presidents have used their authority to expand the simple words of the Second Article of the Constitution into a source of great presidential power. Such presidents include George Washington, Thomas Jefferson, Andrew Jackson, Abraham Lincoln, Theodore Roosevelt, Woodrow Wilson, and Franklin D. Roosevelt. Washington, for example, made the president the leading figure in foreign affairs. Lincoln used the powers set forth in the article to free slaves during the American Civil War (1861-1865).

Customs have made the Constitution flexible and have added to the powers of the national government. For example, the president's Cabinet developed from the words in the Second Article that permit the chief executive to "require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices..."

State and party actions. The Constitution provides for a general method of electing a president. It does not mention political parties. But state laws and political-party practices have changed the constitutional system of voting into the exciting campaigns and elections that take place today.

The Constitution has continued to develop in response to the demands of an ever-growing society through all these methods. Yet the spirit and wording of the Constitution have remained constant. People of each generation have applied its provisions to their own problems in ways that seem reasonable to them.

The British statesman William E. Gladstone described the Constitution as "the most wonderful work ever struck off at a given time by the brain and purpose of man." In a world of change and struggle, the American people have no more precious possession than this

great document. The complete text of the Constitution of the United States, with explanatory notes, begins on the next page.

Bruce Allen Murphy

Related articles in *World Book* include:

Biographies

There is a biography in *World Book* on each delegate who signed the Constitution of the United States as listed after the Seventh Article. See also the biographies on the following notable Americans:

Adams, John	Jay, John	Mason, George
Adams, Samuel	Jefferson, Thomas	Randolph,
Gerry, Elbridge	Marshall, John	Edmund
Henry, Patrick		

History

Albany Congress
Annapolis Convention
Anti-Federalists
Articles of Confederation
Continental Congress
Federalist, The
Federalist Party
Founding Fathers
Shays's Rebellion
United States, History of the (Forming a new nation)

Other related articles

Bill of rights	Second Amendment
Congress of the United States	States' rights
Court	Supreme Court of the United States
Fifteenth Amendment	United States, Government of the
Fifth Amendment	Vice president of the United States
Fourteenth Amendment	Voting
Judicial review	
Political party	
President of the United States	

Outline

- I. The supreme law of the land
- II. The need for the Constitution
- III. The Constitutional Convention
 - A. The background of the Constitution
 - B. The compromises
- IV. Ratifying the Constitution
- V. The Bill of Rights
- VI. The development of the Constitution

Questions

Why were the Articles of Confederation of 1781 inadequate for governing the United States?
What compromises were made in forming the Constitution?
What were some major objections against the newly formed Constitution?
How did controversy over the Constitution result in creating the first American political parties?
In what two states was there especially powerful organized opposition to ratifying the Constitution?
What government body has the final authority in interpreting the Constitution?
What were some of the reasons for including a bill of rights in the Constitution?
What are *delegated powers*? *Implied powers*? *Reserved powers*? *Concurrent powers*?

Additional resources

Amar, Akhil R. *America's Constitution*. Random Hse., 2005.
Fradin, Dennis B. *The Founders: The 39 Stories Behind the U. S. Constitution*. Walker, 2005. Younger readers.
Leebrick, Kristal. *The United States Constitution*. Bridgestone, 2002. Younger readers.
Levy, Leonard W., and Karst, K. L., eds. *Encyclopedia of the American Constitution*. 2nd ed. 6 vols. Macmillan Lib. Reference, 2000.
Maddex, Robert L. *The U. S. Constitution A to Z*. CQ Pr., 2002.

