

The Language of Liberty Series



Let's Study The U.S. Constitution – Part 4

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[Article V](#) is a vital one, and may be one of the most important of the Constitution. It sets forth the process for amendments, should times and circumstances warrant it. In the past, changes to a form of government in most countries were accomplished by revolution. The amendment process allowed for change to the Constitution in a peaceful manner.

An amendment must be passed by two-thirds of the House and two-thirds of the Senate. Then it goes to the people, who must pass it through state legislatures by a wide margin. The process was made deliberately difficult to prevent changes without a lot of forethought, and required a great deal of deliberation by the Congress and the People in order to preserve Constitutional stability. You may be old enough to remember the years of public discourse on the [twenty-sixth amendment](#), ratified in 1971, lowering the voting age from twenty-one to eighteen.

In the end, the Framers believed that the lengthy amendment process would protect the Constitution's integrity, and at the same time, would strengthen the authority of the Constitution with the people. George Washington [wrote](#) in his Farewell Address of 1796, *"The basis of our political systems is the right of the people to make and to alter their Constitutions of Government."*

The Framers put a great deal of trust in the People to stay engaged with the government they created. Have we been worthy of this trust?

In order to get some of the Southern states on board, Article 1, Sec. 9, Clause 1 was included to postpone restrictions on the importation of slaves until 1808. The slave states needed 20 years to change state law, convert their production systems, and close down slave operations. While some of the Founders [inherited slaves](#) and were prohibited by various state laws from freeing them, they made it clear they reviled King George's policies on slavery.

Thomas Jefferson's [original draft](#) of the Declaration firmly denounced slavery and the king's perpetuation of the slave trade. The king had blocked colonial anti-slavery legislation. The following deleted paragraph tells one of the reasons the colonists were declaring their independence: *"He [King George III] has waged cruel war against human nature itself, violating its most sacred rights of life and liberty in the persons of a distant people who never offended him, captivating and carrying them into slavery*

in another hemisphere. . . Determined to keep open a market where MEN should be bought and sold, he has prostituted his negative for suppressing every legislative attempt to prohibit or restrain this execrable commerce.”

But slavery was still too hot an issue among the colonies to force an immediate resolution while the Framers were trying to get the Constitution ratified and hold the Union together. In Federalist #42, James Madison lamented, *“It is wished, without a doubt, that the power to prohibit the importation of slaves had not been postponed until 1808, that there was an immediate ban.”* The Article V amendment process was not used to abolish slavery until 1865 with the [XIIIth Amendment](#).

Article VI deals with debt assumption. It clarifies that the new government will honor all of its obligations to creditors, including the Revolutionary War debts and that of the States as well.

Jeffrey Sikkenga of the [Heritage Foundation](#) writes, *“To finance the War of Independence, the American states and the Continental Congress sold millions of dollars in public bonds to soldiers, ordinary Americans and investors, both within America and abroad. Whether Congress could discharge the state debts was left unsettled because the ensuing debate centered on a different question: Would the new federal government necessarily inherit the debt obligations of the old Continental and Confederation Congresses?”*

Heated debate raged on this clause. In the end, the wording was changed from having the “power” to pay back the debts incurred to having the “obligation” and the new federal government made good on all bond obligations inherited from the Articles of Confederation.

Article VI also set forth in irrefutable written form, the supremacy of the Constitution, federal treaties, and federal laws over state constitutions and laws. This section introduces the “Supremacy Clause” which basically strives to set forth a conflict-of-laws rule specifying that some national laws would take precedence over any conflicting state laws. The Framers felt the laws of the nation must necessarily take precedence and become the supreme law of the land, or else, what was the point? Every state would continue to pass conflicting laws on an individual basis and the Union could not survive.

This particular article, once word got out, almost immediately inspired world confidence and respect in the fledgling nation and started the wheels of commerce turning. It pulled the whole team together, so to speak, and people felt a sense of comfort that we were indeed One Nation.

Article VI also establishes the oath for elected representatives and officers of both the United States and individual states, swearing to their support of the Constitution.

Article VII provides for the ratification process whereby nine states out of the thirteen were required to ratify this unique document to put it into full force and effect, proving once again the Framers intended the STATES should retain the bulk of power, not the

Federal government. Ultimately, all thirteen states ratified the Constitution within three years, by 1790.

John Fiske, noted historian, wrote: *“Thus, after four months of anxious toil, through the whole of a scorching Philadelphia summer, after earnest but sometimes bitter discussion, in which more than once the meeting had seemed on the point of breaking up, a colossal work had at last been accomplished, the results of which were powerfully to affect the whole future career of the human race.”*

James Madison wrote a review of the Articles of the Constitution in Federalist #51: *“In other words, government was structured so that each branch has an interest in keeping an eye on the others, checking powers while jealously protecting its own. By giving each department an incentive to check the other – with overlapping functions and contending ambitions – the Founders devised a system that recognized and took advantage of man’s natural political motivations to both use power for the common good and to keep power within constitutional boundaries.”*

And so the course of world history was changed by 4500 words. An American miracle that was truly revolutionary.

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