

EDITORIAL WEIMAR JONES, Editor

IT'S SUBJECT OF DEBATE

The CONSTITUTION OF THE UNITED STATES

FIRST INSTALLMENT

169-Year Old Document Is News

The Constitution---I

(EDITOR'S NOTE: With the U. S. Constitution under debate as never before, perhaps, since the Reconstruction period, this basic law of our nation is News once more. So, starting this week, The Press is publishing the 169-year-old Constitution, serially, with editorial comment on its historical background.)

The meeting was 11 days late getting started. It had been called for a Monday, but only two states were represented that day; other delegates arrived by ones and twos, and it was not until Friday of the next week that a majority of the states had delegate quorums present, and the convention could begin the transaction of business.

Early comers, including George Washington, were perhaps not greatly surprised at the delay, because the slowness and difficulty of travel offered a good excuse, even when there was no good reason, for tardiness; it took the better part of two weeks to reach Philadelphia from New Hampshire, and nearly three weeks from Georgia.

While many of those in attendance were never again heard of, some of the best minds in the country were there. Among them were Pennsylvania's Benjamin Franklin, most famous American of his day, who, at 81, had to be carried from his home to the meeting hall in a sedan chair; Virginia's 55-year old Washington, who had tried to quit public life at the end of the Revolution, and who, disgusted at the state of American affairs, at first had refused to attend; New York's Alexander Hamilton, brilliant young advocate of a strong central government; George Mason, who had drafted both the Virginia Resolutions and that state's Bill of Rights; and many others.

Not present was Thomas Jefferson, author of the Declaration of Independence. He was in Paris as American ambassador, but his influence made itself felt, especially through his young friend, James Madison. Also absent was Patrick Henry, of the "liberty or death" speech. Like many others, he opposed the convention, and Madison voiced the suspicion he had stayed away so he could approve or disapprove what was done, and thus let the convention's work "receive its destiny from his omnipotence".

The sessions were held in the Pennsylvania State House (now known as Independence Hall), where, 11 years earlier, some of those now gathered had signed the Declaration of Independence.

The delegates from the 13 little states along the Atlantic Seaboard had been called together to try to patch up the "Articles of Confederation and Perpetual Union". (Despite the high-sounding tone of those last two words, the Articles lasted less than eight years!) Through seven years of war and five of peace, the union of states had been marked quite as often by jealousy and suspicion as by cooperation. And the Articles of Confederation were little more than the framework for an alliance of independent nations. There was no provision for either a national executive or judiciary, and the Congress could only make requests of the states — even for their proportionate share of the cost of running the central government.

The convention's instructions were to amend the Articles. But after four months of hard work, debate, compromise, and writing and re-writing, it came up with the Constitution for a new form of government.

LOOKED HOPELESS

When the first session opened, May 25, 1787, the delegates faced what turned out to be almost insurmountable obstacles; and time after time, all but a handful were ready to give up the task as hopeless, and go home.

There was the problem of how to reconcile the conflicting claims of the big states and the little ones. Under the Articles, each state, the smallest as well as the largest, had one vote. The big states were ready to demand that representation be in proportion to population or to the amount of taxes paid. Some of the little states, on the other hand, came with instructions to walk out of the convention if any modification of the equal representation arrangement were even considered.

There was the question of how to strike a balance between the sovereignty (which nobody questioned) of the individual states and the need for enough power at the center to make it possible for a national government to work.

There was the problem of slavery. (Except for Massachusetts, which had abolished it seven years earlier, all the states still had slaves; but they had become increasingly unprofitable, from Virginia north.) There was a growing abhorrence of slavery, and Mason, of Virginia, the state with the most slaves, was the delegate most vocal in damning the institution. Specifically, there was the question of what, if anything, to do about the continued importation of slaves, and whether they should be taxed as imports. An even knottier question was, should slaves be counted as property or population? If as property, then the large slave-holding states of the South would lose representation in Congress; but if they were counted, as population,

PREAMBLE

We, the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE I

Section 1—All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Sec. 2—1. The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

2. No person shall be a Representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

3. Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those

bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose 3; Massachusetts, 8; Rhode Island and Providence Plantations, 1; Connecticut, 5; New York, 6; New Jersey, 4; Pennsylvania, 8; Delaware, 1; Maryland, 6; Virginia, 10; North Carolina, 5; South Carolina, 5; and Georgia, 3.

4. When vacancies happen in the representation from any State the Executive Authority thereof shall issue writs of election to fill such vacancies.

5. The House of Representatives shall choose their Speaker and other officers; and shall have the sole power of impeachment.

The Senate

Sec. 3—1. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six years; and each Senator shall have one vote.

2. Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year; and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the Legislature of any State, the Executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies.

3. No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

4. The Vice President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

5. The Senate shall choose their other officers, and also a President pro tempore, in the absence of the Vice President, or when he shall exercise the Office of President of the United States.

Impeachments

6. The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.

HOW IT'S BUILT

The Constitution is carefully broken up into articles, each dealing with one general subject; each article into sections, dealing with particular phases of that subject; and each section into numbered paragraphs of detail. Herewith is a portion of the first and longest article, relating to the Congress. The remainder of Article I will appear next week, and other articles in subsequent issues of The Press.

It is suggested readers may want to clip and save these installments, and thus have the entire Constitution at hand when a new constitutional question arises.

7. Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law.

Sec. 4—1. The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof, but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

2. The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

Make Own Rules

Sec. 5—1. Each House shall be the judge of the elections, returns, and qualifications of its own members; and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties as each House may provide.

2. Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

3. Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either House on any question shall, at the desire of one-fifth of those present, be entered on the journal.

4. Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

Pay Of Legislators

Sec. 6—1. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United

States. They shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House they shall not be questioned in any other place.

2. No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States shall be a member of either House during his continuance in office.

How Laws Are Made

Sec. 7—1. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments, as on other bills.

2. Every bill which shall have passed the House of Representatives and the Senate shall, before it becomes a law, be presented to the President of the United States; if he approves, he shall sign it, but if not, he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their journal,

and proceed to reconsider it. If after such reconsideration two-thirds of that House shall agree to pass the bill, it shall be sent together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of that House, it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

3. Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

DO YOU REMEMBER?

Looking Backward Through the Files of The Press

65 YEARS AGO THIS WEEK (1892)

The Franklin Furniture Company has rented the Allman building, and removed their undertaking room from the Johnston-Porter block to the upper story.

Miss Hattie Moore's school at the Patton school-house celebrated last Friday by addresses by Revs. J. A. Deal and S. Rhodes, Colonel A. M. Stoner, and Winton Horn.

D. C. Cunningham and Son will continue their daily hack line to Dillsboro. They can accommodate the traveling public much better now, as they are not encumbered with the transportation of the mail.

25 YEARS AGO (1932)

The new Clark's Chapel Methodist Church, a handsome stone edifice said to be the finest rural church in Western North Carolina, will be dedicated Sunday morning.

On Sunday, September 11, Miss Cieta Smith, daughter of Mr. and Mrs. Elijah Smith, of Lower Burningtown, and Lee Tippet, son of Mr. and Mrs. W. T. Tippet, of Iotla, were married.

A community fair for the Cartogechaye section will be held at Slagle School November 11. Laddie Crawford and J. J. Mann are co-chairmen for the event.

Mrs. H. P. P. Thompson gave a quilting party for Miss Eva Cleveland on Monday.—Highlands item.

10 YEARS AGO

The word "Ellijay", Mrs. F. E. Mashburn points out, is the Indian for "green earth". A second place name here is of white origin. "Away back before electric washing machines, or even tin tubs", Mrs. Mashburn relates, "women put garments that were wet and soapy on blocks of wood that were smooth. Then they had heavy wooden paddles about 15 inches long, four inches wide at one end, and the other end small enough to grasp in the hand, and about one inch through. These sticks were used to beat the garments to get them clean, and were called 'beatlin' or 'battling' sticks. Well, two women at their washing had a quarrel, which developed into a fight. They fought with their 'battling' sticks, and the stream (in the southeastern section of the county) where the fight took place has been called Battle Branch ever since."

'IN GOD'S HAND'

A Thought for Today

(From yesterday's talk by the editor on The Press' weekly 7:15 a.m. Wednesday program, "A Thought For Today", over Station WFSC).

George Washington said it: "Let us raise a standard to which the wise and honest can repair."

Those words are well known, but they take on added meaning when other, less well known, words he said at the same time are quoted, too; and when the quotation is read against its background.

The ever-punctual Washington had arrived in Philadelphia a day early for the convention that was to write and adopt the U. S. Constitution. But he had to wait 11 days before enough delegates straggled in to enable the convention to open.

In the preliminary discussions during that 11-day wait in May, 1787, many of the early comers urged a timid course of caution. If the convention should take any bold action, they warned, its work

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their number would enable the South to dominate the national government.

Should the national legislature be made up of one house, like the Continental and Confederation Congresses, or of two, like the British Parliament?

Should the executive be one man or a committee of several? If executive authority were vested in a single man, might he not seek to become a king? And, even if he didn't, would the fear that he might, destroy all chance of getting the Constitution ratified by the states?

Finally, how could each branch of government be so hampered that it could not become dominant, and thus tyrannical—and at the same time have an effective government?

The answers of the delegates to those problems are to be found in the Constitution itself.

PURPOSES

The Preamble to the Constitution is, of course, simply a statement of the purposes. It may have been intended, too, as a sales argument for ratification by the states. In the delegates' minds, the supreme purpose, undoubtedly, was the one listed first, "to form a more perfect union". The one we hear most about, however, is the next-to-last one, to "promote the general welfare", because it is this clause that the federal government has cited repeatedly as legal authority for assuming new powers.

THE FIRST ARTICLE

The convention's toughest problems had to do with the legislative branch, and so it is not surprising that the first article, dealing with Congress, should be the longest; it is approximately as long as all the rest of the Constitution, proper. A portion of that article appears on this page (the re-

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High-Level Conference

