AMERICAN CIVIC HOLIDAY RESOURCES

CONSTITUTION DAY, SEPTEMBER 17

Developed by Audi Hecht, Director of Education and Innovation

Constitution Day holds a special place in American history, marking the pivotal moment when the United States Constitution was signed on September 17, 1787. This significant milestone not only represents the culmination of intense debates among our nation's founders but also signifies the birth of the United States Government following the less successful experiment with the Articles of Confederation. Originally, this observance was known as "I am an American Day" and was celebrated on the third Sunday in May. However, in 1952, the date was officially moved to September 17th and was renamed "Citizenship Day" to align it more closely with the Constitution's signing. Then, in 2004, Constitution Day was formally designated alongside Citizenship Day, further emphasizing the importance of this occasion. Constitution Day serves as a prime opportunity for citizens to reflect upon the core values, historical journey, and the future of our nation. It encourages us to contemplate the enduring principles that have shaped the United States and continue to guide its progress.

The Framers deliberated on creating a government model that could effectively govern while safeguarding liberty and restraining excessive power, taking into account the dynamics of human nature and its relationship with power. In this resource, you will find some selected sources on **Contending with Power by Constitutional Design** to reflect upon.

***Some texts in the resource guide have been italicized for recommended focus.**

Source 1: Brutus. (1787). Brutus 1. Excerpt:

The most important question that was ever proposed to your decision, or to the decision of any people under heaven, is before you, and you are to decide upon it by men of your own election, chosen specially for this purpose. If the constitution, offered to your acceptance, be a wise one, calculated to preserve the invaluable blessings of liberty, to secure the inestimable rights of mankind, and promote human happiness, then, if you accept it, you will lay a lasting foundation of happiness for millions yet unborn; generations to come will rise up and call you blessed. *You may rejoice in the prospects of this vast extended continent becoming filled with freemen, who will assert the dignity of human nature. You may solace yourselves with the idea, that society, in this favoured land, will fast advance to the highest point of perfection; the human mind will expand in knowledge and virtue.* The government under the Articles of Confederation was not strong enough to manage some of the problems that the nation has experienced. The Constitution written by the convention in Philadelphia is an attempt to solve those problems. If the new form of government is a good one, many generations of people will be able to enjoy all the blessings of liberty, the nation will grow and prosper, and people will advance in knowledge and virtue, and the golden age be, in some measure, realised. But if, on the other hand, this form of government contains principles that will lead to the subversion of liberty—if it tends to establish a despotism, or, what is worse, a tyrannic aristocracy; then, if you adopt it, this only remaining assylum for liberty will be shut up, and posterity will execrate your memory.

Momentous then is the question you have to determine, and you are called upon by every motive which should influence a noble and virtuous mind, to examine it well, and to make up a wise judgment. It is insisted, indeed, that this constitution must be received, be it ever so imperfect. If it has its defects, it is said, they can be best amended when they are experienced. *But remember, when the people once part with power, they can seldom or never resume it again but by force. Many instances can be produced in which the people have voluntarily increased the powers of their rulers; but few, if any, in which rulers have willingly abridged their authority. This is a sufficient reason to induce you to be careful, in the first instance, how you deposit the powers of government.*

Source 2: Federalist 51 Madison, J. (1788). Federalist No. 51. Excerpt:

In order to lay a due foundation for that separate and distinct exercise of the different powers of government, which to a certain extent is admitted on all hands to be essential to the preservation of liberty, it is evident that each department should have a will of its own; and consequently should be so constituted that the members of each should have as little agency as possible in the appointment of the members of the others. Were this principle rigorously adhered to, it would require that all the appointments for the supreme executive, legislative, and judiciary magistracies should be drawn from the same fountain of authority, the people, through channels having no communication whatever with one another. Perhaps such a plan of constructing the several departments would be less difficult in practice than it may in contemplation appear. Some difficulties, however, and some additional expense would attend the execution of it. Some deviations, therefore, from the principle must be admitted. In the constitution of the judiciary department in particular, it might be inexpedient to insist rigorously on the principle: first, because peculiar qualifications being essential in the members, the primary consideration ought to be to select that mode of choice which best secures these qualifications; secondly, because the permanent tenure by which the appointments are held in that department, must soon destroy all sense of dependence on the authority conferring them.

It is equally evident, that the members of each department should be as little dependent as possible on those of the others, for the emoluments annexed to their offices. Were the executive magistrate, or the judges, not independent of the legislature in this particular, their independence in every other would be merely nominal. But the great security against a gradual concentration of the several powers in the same department, consists in giving to those who administer each department the necessary constitutional means and personal motives to resist encroachments of the others.

Source 2: Federalist 51 Madison, J. (1788). Federalist No. 51. Excerpt (cont.):

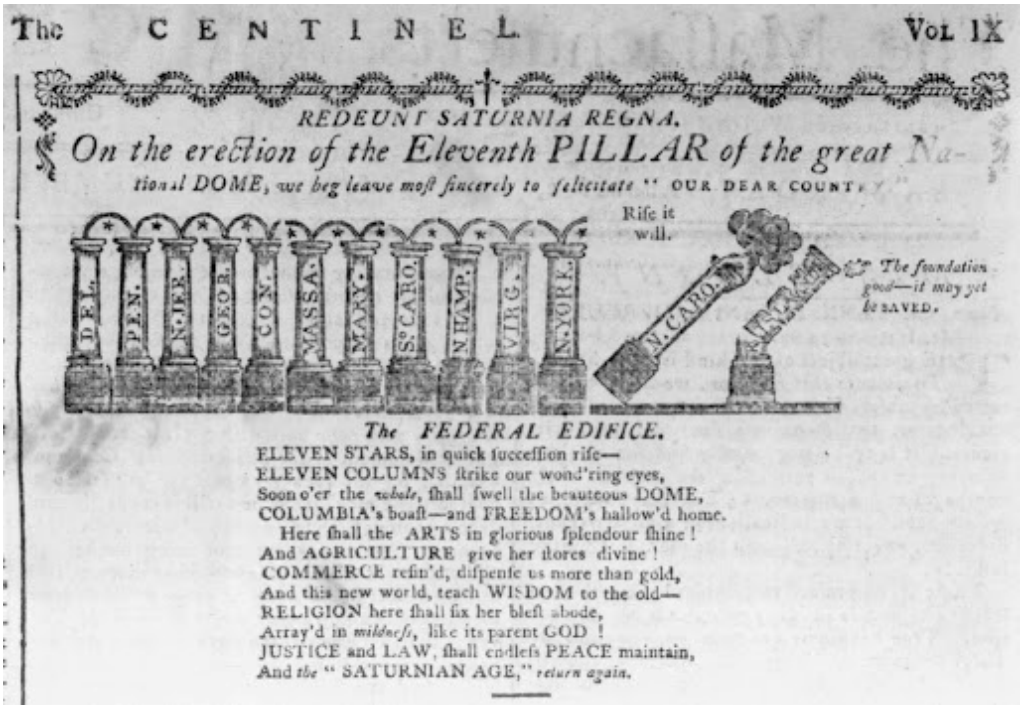
The provision for defense must in this, as in all other cases, be made commensurate to the danger of attack. *Ambition must be made to counteract ambition. The interest of the man must be connected with the constitutional rights of the place. It may be a reflection on human nature, that such devices should be necessary to control the abuses of government. But what is government itself, but the greatest of all reflections on human nature? If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself.*

A dependence on the people is, no doubt, the primary control on the government; but experience has taught mankind the necessity of auxiliary precautions. This policy of supplying, by opposite and rival interests, the defect of better motives, might be traced through the whole system of human affairs, private as well as public. We see it particularly displayed in all the subordinate distributions of power, where the constant aim is to divide and arrange the several offices in such a manner as that each may be a check on the other that the private interest of every individual may be a sentinel over the public rights. These inventions of prudence cannot be less requisite in the distribution of the supreme powers of the State. But it is not possible to give to each department an equal power of self-defense. In republican government, the legislative authority necessarily predominates. The remedy for this inconveniency is to divide the legislature into different branches; and to render them, by different modes of election and different principles of action, as little connected with each other as the nature of their common functions and their common dependence on the society will admit. It may even be necessary to guard against dangerous encroachments by still further precautions. As the weight of the legislative authority requires that it should be thus divided, the weakness of the executive may require, on the other hand, that it should be fortified.

Questions for Discussion:

1. How does Brutus, an Anti-Federalist, consider the Federalists (supporters of the Constitution) too idealistic in their understanding of people?
2. What does Brutus caution about the nature of power?
3. How do both Brutus 1 and Federalist 51 address a similar concern about people and government?
4. In what way does Federalist 51 offer a remedy to Brutus 1's concern?
5. How did Madison envision that 'Ambition must be made to counteract ambition' would contribute to the establishment of which specific safeguard or principle?
6. In what ways do the ideas about human nature and power offered by Brutus and Madison apply to current debates about government and public policy?

Source III: "The Federal Pillars," from The Massachusetts Centinel, August 2, 1789, via Library of Congress.



The CENTINEL. Vol IX

REDEUNT SATURNIA REGNA.

On the erection of the Eleventh PILLAR of the great National DOME, we beg leave moſt ſincerely to ſolicitate " OUR DEAR COUNTRY

Riſe it will.

The foundation good—it may yet be SAVED.

DEL. PEN. N°JER. GEOR. CON. MASSA. MARY. S°CARO. N°HAMP. VIRG. N.YORK. N°CARO. R°ISLAND

The FEDERAL EDIFICE.

ELEVEN STARS, in quick ſucceſſion riſe—
ELEVEN COLUMNS ſtrike our wond'ring eyes,
Soon o'er the *whole*, ſhall ſwell the beauteous DOME,
COLUMBIA's boaſt—and FREEDOM's hallow'd home.
Here ſhall the ARTS in glorious ſplendour ſhine!
And AGRICULTURE give her ſtores divine!
COMMERCE refin'd, diſpenſe us more than gold,
And this new world, teach WISDOM to the old—
RELIGION here ſhall fix her bleſt abode,
Array'd in *mildneſs*, like its parent GOD!
JUSTICE and LAW, ſhall endleſs PEACE maintain,
And *the* "SATURNIAN AGE," *return again.*

The Federal Edifice represents the new government created by the new Constitution. The pillars supporting the edifice represent the states that had ratified the Constitution. This reflects the idea that the Constitution depended on the support of individual states for its strength. North Carolina and Rhode Island were the last states to ratify the Constitution.

Questions for Discussion:

1. How do the messages in Brutus 1 and Madison 51 align with or diverge from the principles of the Federal Edifice?
2. What are notable examples of the coordination and autonomy between state and federal governments in present times?