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The Preamble; A Question for All of You Experts Out There

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[Christopher Edward Valadez](#) Signature Track · 2 months ago 🔗

The Preamble states,

"We the People of the [United States](#), in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, 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."

When this was written, women, people who did not own property, and African Slaves weren't counted as "We The People". How does this strike you? Or do I have it wrong?

I ask this because I wonder how we could have evolved this very important document without considering ALL people that live in the U.S. I also ask this to put into context the state of mind of the creators and authors.

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[Jeremy Thomas Crowder](#) · 2 months ago 🔗

This is addressed in the first lecture..

↑ 2 ↓ · flag



[Claudia B. Ratcliff](#) · 2 months ago 🔗

Great question, but keep in mind that the founding where only thinking in terms of that great masculinity. what I mean by great masculinity is simply this, if I was a betting women and I am not, they viewed themselves as the seemingly well breaded, well educated, and knew exactly what was right for all. Keeping In mind that women were viewed as a child and one grade up from a slave who was seen as an object or salvage who could not think or feel for himself. And let us not forget that slavery was about profit.

↑ 0 ↓ · flag



Claudia B. Ratcliff · 2 months ago

Addendum to an earlier post: when the founding first wrote the "we the people" the document had not been amended. The 13th which dealt with slavery and the 19th amendments which dealt with womens rights was unheard of. It is my belief that the founding was only interested in at that time was getting out from under British rules and establish their own territories.

↑ 0 ↓ · flag

Ray Strong · 2 months ago

Claudia:

just to clarify:

the 13th amendment abolished slavery.

The 15 amendment guaranteed the right to vote for black persons (and created a controversy within the women's Suffrage movement).

The 19th amendment granted women the right to vote. They had other rights prior to the 19th amendment.

Several States allowed women to vote and hold office before the passage of the 19th Amendment, Wyoming being the first in 1889 (as a territory and was admitted to the union with this right in the state constitution).

Further it should be noted that in original the Constitution gender was not used as a qualification to hold office. The Framers were very careful in their use of gender and references to Slavery. Thus it was unnecessary to amend the Constitution to allow women to hold federal office.

A women served in the Congress before the passage of the 19th Amendment although barely:

See Jeanette Rankin of Montana -- the only member of Congress to vote against the declarations of War for both World War I and WWII.

[http://history.house.gov/People/Listing/R/RANKIN,-Jeannette-\(R000055\)/](http://history.house.gov/People/Listing/R/RANKIN,-Jeannette-(R000055)/)

I offer these observations in good faith and hope they are helpful.

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Claudia B. Ratcliff · 2 months ago

Understand, that I speak about the 1700's.

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Marília Sátyro Bonavides Eloy · 2 months ago

I think a constitution, to achieve your ideal of freedom and true democracy of the people, must be inclusive. Otherwise, it may even be considered democratic, but would not be a 'Citizen Constituição', so to speak, to exclude part of their own people. At this point, the evolution of thought of the interpreter is necessary, to suit the intentions of the people today.

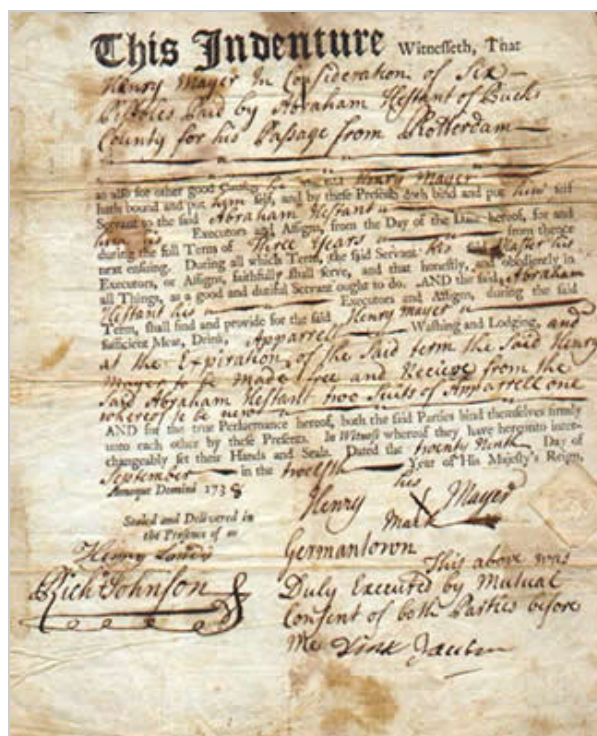
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Michael Riccio Signature Track · a month ago

Great info Albert. Thanks.

One other point: we always seem to reference slaves as "black" or we talk about "free black men" (allowing again for the female in gender in this terminology). Yet, blacks were not the only ones sold into slavery. There were others held, treated and sold exactly like slaves but were called indentured servitudes. Some historians estimate at different points in history (pre Civil War) that there were actual more non-black slaves than there were black slaves. Yet no one ever seems to talk about this issue. How were these servitudes measured in terms of calculating a state's number of representatives? I am not trying to bring up racial issues here but I am merely speaking from an historic position and questioning logistics (god, these disclaimers are exhausting :) While indentures were view as "contract labor" the reality was that they were slaves and never could satisfy their contractual obligations and also remained in servitude perpetually, as did the slaves. Were these servitudes also counted as a 3/5 person?

From Wikipedia, the free encyclopedia



Indenture contract signed with an X by Henry Meyer in 1738

Indentured servitude was a form of [debt bondage](#), established in the early years of the [American colonies](#) and elsewhere. It was sometimes used as a way for poor youth in Britain and the German states to get passage to the American colonies. They would work for a fixed number of years, then be free to work on their own. The employer purchased the indenture from the sea captain who brought the youths over; he did so because he needed labor. Some worked as farmers or helpers for farm wives, some were apprenticed to craftsmen. Both sides were legally obligated to meet the terms, which were enforced by local American courts. Runaways were sought out and returned. About half of the white immigrants to the American colonies in the 17th and 18th centuries were indentured.

However, indentured servants were exploited as cheap labour and could be severely maltreated. For example, the seventeenth-century French [buccaneer Alexander Exquemelin](#) reported malnourishment and deadly beatings by the servants' masters and generally harsher treatment and labour than that of their slaves on the island of [Hispaniola](#).^[1] The reason being that working the servants excessively spared the masters' slaves, which were held as perpetual property as opposed to the temporary services of servants.

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Ray Strong · a month ago

Micheal -- Thanks. you ask a couple of interesting questions and I unfortunately have to give a multi-part answer.

First, indentured servitude is something we find repugnant today, but was widely practiced in

Colonial America. However, it was normally possible (since it often times was a contract) for the service to be worked off. The Framers recognized the difference between slaves and indentured servants in the Constitution -- for example, Article I, Section 2, third paragraph:

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.

I see you copied the pix and info on indentured servants from wiki. I am going to post another take on the matter from a PBS website. Before that I want to relate that in doing my geneology I learned that one of my direct ancestors as a teen-ager was "swept up from the Streets of London along with other homeless waifs and transported to the Colonies" where he became an indentured worker to repay his debt before finally becoming a free landowner along the James River near Richmond-- *Temple People volume I, by Joyce Temple Barnett, 1986.*

So, as a direct decendent of William Temple I know that it is possible to escape indentured servitude. That is beyond dispute. Ben Franklin was a notable opponent of indentured servitude.

The Alternate version to your post is from **PBS: History Detectives** which follows here more closely follows the experience of my ancestor:

<http://www.pbs.org/opb/historydetectives/feature/indentured-servants-in-the-us/>

Indentured Servants In The U.S.

Indentured servants first arrived in America in the decade following the settlement of Jamestown by the Virginia Company in 1607.

The idea of indentured servitude was born of a need for cheap labor. The earliest settlers soon realized that they had lots of land to care for, but no one to care for it. With passage to the Colonies expensive for all but the wealthy, the Virginia Company developed the system of indentured servitude to attract workers. Indentured servants became vital to the colonial economy.

The timing of the Virginia colony was ideal. The Thirty Year's War had left Europe's economy depressed, and many skilled and unskilled laborers were without work. A new life in the New World offered a glimmer of hope; this explains how one-half to two-thirds of the immigrants who came to the American colonies arrived as indentured servants.

Servants typically worked four to seven years in exchange for passage, room, board, lodging and freedom dues. While the life of an indentured servant was harsh and restrictive, it wasn't slavery. There were laws that protected some of their rights. But their life was not an easy one, and the punishments meted out to people who wronged were harsher than those for non-servants. An indentured servant's contract could be extended as punishment for breaking a law, such as running away, or in the case of female servants, becoming pregnant.

For those that survived the work and received their freedom package, many historians argue that they were better off than those new immigrants who came freely to the country. Their contract may have included at least 25 acres of land, a year's worth of corn, arms, a cow and new clothes. Some servants did rise to become part of the colonial elite, but for the majority of indentured servants that survived the treacherous journey by sea and the harsh conditions of life in the New World, satisfaction was a modest life as a freeman in a burgeoning colonial economy.

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[+ Comment](#)

Anonymous · 2 months ago

I think that the american founding fathers were aware of the theory of the social contract. Stating "We the people" would then be a good way to define the USA as one of the only legit form of government since it would be the only state that had this moment where the people in his larger meaning had accept to submit to a government.

Looking at the influence liberal thinkers and writers like John Rawls, John Locke and many other republican thinker(Machiavello in his Discours sur la première décennie de Tite-Live(Sorry for the french name)) had on the american legal system, I think questioning relation and conversation between the preamble and those thinker would be necessary.

"We the people" isn't an accident, article 1 uses the word citizen, implying then that the writers of the constitution know what they were writing and the distinction between "People" and "Citizens" is made on purpose. I think political reason could easily explain why they prefer the one that was the more including.

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[+ Comment](#)

Ray Strong · 2 months ago

There is a broader statement of who is considered people in Article 1, section 2 (later amended):

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.

For purposes of Representation, the framers used this broader definition: free people and 3/5 of other persons (slaves). As noted in the lecture, free blacks were allowed to vote on the Constitution in NY and Mass. Widowed women who owned property were allowed to vote in Mass (I think, it is in Dr. Amer's book somewhere). There are **no property** qualifications to vote in the Constitution, that was left

to the states so the property bar was very low in Pennsy and very high in South Carolina.

Further, for the purposes of voting on the Constitution in Pennsy. the property bar was removed and in other states was considerably lowered. Dr. Amer notes this clearly in his book if it wasn't clear in his lecture.

Finally just a note on women. The prevailing theory then (a strange as it seems to us) was that women were represented and their best interest were looked after by their husbands, fathers and guardians. Today we don't agree with that, but I am just saying, rightly or wrongly, that is the way it was.

They are considered persons but did not always have the right to vote in each state and they achieved the right to vote at various times in various states until the Constitution was amended in the 20th Century

↑ 0 ↓ · flag

Ray Strong · 2 months ago

referencing the above:

I am suggesting that perhaps there was on ONE answer to the question at the time, but 13 answers -- if we are suggesting that we the people refers only to those with the right to vote at that time.

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[+ Comment](#)

M B "Bud" Fields Jr DMA · 2 months ago

Interesting. Women could surely have been included in the "all other persons", couldn't they? Count three fifths, but not vote?

↑ 0 ↓ · flag



J. Andrew Starr

Signature Track

· 2 months ago

Just a reflection, from my understanding even *undocumented people* are counted in the Census. The Census is used to apportion seats in the House of Representatives. *Illegal aliens* could skew the tally of certain border States like California and Texas to the disadvantage of Pennsylvania and Ohio.

Ironically, while such *illegal immigrants* are unable to vote they could indirectly be represented by California or Texas's Congressional delegation. Meanwhile, the millions of Citizens living in Puerto Rico do not get voting members in either chambers of Congress because that island isn't a State.

↑ 0 ↓ · flag



Christopher Edward Valadez Signature Track · 2 months ago 🔗

Jeremy,

I understand this is covered in the first lecture, however, I wanted your view.

I ask this to evaluate the "herd" mentality, in other words who is just going to go along with the crowd?

Here is my view, that because the People are separated by socioeconomic class in an unwritten fashion, right from the beginning, that a condition exists for conflict because the majority of the labor back then, as it is now, just simply do not have a say in what transpires in government. However, the priveledge of voting is extended, as a courtesy, to those who generally wouldn't have had it before.

Just a thought.

Thanks to everyone else, your responses are interesting to me.

↑ 1 ↓ · flag

Joel Kovarsky · 2 months ago 🔗

There is an overview about the historical evolution of the census online: http://www.census.gov/history/www/through_the_decades/overview/ . There are entries for every decade since 1790. That includes at least a general idea of who was counted.

↑ 0 ↓ · flag



Claudia B. Ratcliff · 2 months ago 🔗

Excellent engaging conversation, but not quite sure of the meaning "herd mentality or going along with the crowd. But what I am trying to do is place myself in that time period of the 1700's and not allow the 2014 period to cloud the view. Although, the more things change it appears to remain the same. We are still socially economic disproportionate, some people still remain disenfranchised in the land of opportunity. There still remains a indivisible dividing line - the haves and the havenots (which sets up a cast system).

↑ 1 ↓ · flag

Joel Kovarsky · 2 months ago 🔗

Claudia,

Not to get too pedantic, but there are very few societies that do not have disproportionate distribution of economic and political advantage. Certainly none of the size and diversity of the USA. Looking back historically, we have done a reasonably good job considering the

horrendous problem of slavery that haunts our past. This is, in part, because of the relatively inclusive (slowly more-so) nature of our political structures. Maybe take a look at the book by Daron Acemoglu and James A. Robinson, *Why Nations Fail: The Origins of Power, Prosperity, and Poverty*: <http://www.nybooks.com/articles/archives/2012/jun/07/what-makes-countries-rich-or-poor/> . I believe an argument can be made that our Constitution and its evolution has something to do with this, whatever flaws may be asserted. I understand there are gaping holes that may take decades or longer for any substantive correction. At least you note that you cannot understand the late 18th century mind reasoning from purely 20th and 21st century perspective.

↑ 0 ↓ · flag



Claudia B. Ratcliff · 2 months ago

Thanks for the information I will check out the reading. and by the way I am not trying to make light of the historical mile stone in which the constitution helped to shape the United States. Iam a grandmother just trying to learn. Thank - you and continue to challenge me.

↑ 0 ↓ · flag

Joel Kovarsky · 2 months ago

Claudia,

I am no expert in any of this and did not think you were making light--but I am jealous since we are hoping to be grandparents before long.

↑ 0 ↓ · flag



Claudia B. Ratcliff · 2 months ago

Don't be, because my grand babies are all in Georgia. So, it is I who should be jealous of you. Oh, buy the way excellent choice of word (pedantic). In my younger life I might have been accused of being vain, but now I just want to learn everything.

↑ 0 ↓ · flag

[+ Comment](#)



Rafael Correia da Silva Félix · 2 months ago

À todos!

Acredito que uma constituição só consegue alcançar o seu fim sócio-político-ideológico quando é a mais abrangente possível, enquadrando-se igualmente entre os gêneros. Mas, o que é interessante é que aqui no Brasil o Preâmbulo não tem força normativa e não pode ser usado como objeto do controle de constitucionalidade. O Preâmbulo aqui é mera carta de intenção, sem exigência de reprodução obrigatória.

Ótimos estudos, disponível para esclarecimentos. Brasil

↑ 0 ↓ · flag

Miriam Kerzner · 2 months ago

Rafael,

The same is true of the American Constitution. The Preamble sets a tone and presents foundational principles, but is not considered substantive and cannot be used for establishing case law. (Sorry, my Portuguese is too rusty to respond in that language.)

↑ 1 ↓ · flag



Rafael Correia da Silva Félix · 2 months ago

Que nada! entendi perfeitamente tudo que disse. Muito obrigado pela esclarecedora mensagem.

Translation into English: "Nothing! perfectly understood everything you said. Thank you for enlightening message."

↑ 0 ↓ · flag

Miriam Kerzner · 2 months ago

Rafael,

Apparece que esta curso seria uma oportunidade para melhorar meio Portuguese e aprender direito constitucional. :)

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[+ Comment](#)



Christopher Edward Valadez Signature Track · 2 months ago

I suppose I was going after the point that **if** the general public at that time were deceived regarding representation as "We The People", then doesn't that one line of fiction make the entire document fiction, or at least questioned by those majorities that weren't counted as "People"? Labor has and will always continue to make the rich richer, and the preamble clearly is ambiguous at best when stating We The People. Just a thought.

↑ 0 ↓ · flag

Miriam Kerzner · 2 months ago

No one was deceived. Whether or not slavery should be permitted was hotly contested. Those who opposed slavery eventually realized that the only way to ensure that crucial states, e.g., Virginia, would join the union would be to give up opposition to slavery and hope that by 1808 (up until when the slave trade could not be opposed), positions would change. Instead, the 3/5 clause strengthened the hand of the slave states.

As for "labor", that was really a concept that came later. The closest thing in the US at the time were mechanics who were only beginning to get a sense of themselves as a class.

↑ 0 ↓ · flag

Joel Kovarsky · 2 months ago

Taking the "labor" issue a bit further, there was an enormous and very profitable Atlantic slave trade. That history is also tied to the building of the great colonial colleges/universities--not just because that labor was used, but because the money made was used to support major institutions. That was true not simply in the South (such as the universities of Virginia, North Carolina and others), but in the North as well (Princeton, Yale, Harvard, Brown). It is an ugly chapter, and fits in with Prof. Amar's discussion about the problem of slavery for the constitution. The later, public land grant colleges were not developed in the same way. There is a very intriguing recent book by Craig Wilder (MIT historian; <http://history.mit.edu/people/craig-s-wilder>), titled *Ebony and Ivy: Race, Slavery, and the Troubled History of America's Universities*. He is not mud-slinging, nor demanding reparation--much is supported by detailed examination of primary sources.

<http://www.nytimes.com/2013/10/19/books/ebony-and-ivy-about-how-slavery-helped-universities-grow.htm...>

<http://www.washingtonpost.com/opinions/ebony-and-ivy-race-slavery-and-the-troubled-history-of-america...>

There is some criticism of the work in those reviews, but it does not disrupt much of the central thesis. That slave trade eventually merged into the cotton industry. As to the Industrial Revolution in the USA (and the labor issues entailed), that began and grew here a bit later than in Britain (<http://www.loc.gov/teachers/classroommaterials/primarysourcesets/industrial-revolution/>). [Miriam, were you getting at something else? With respect to Christopher's remarks, I agree that no one was deceived. There was a vociferous public debate.]

↑ 0 ↓ · flag

Miriam Kerzner · 2 months ago

Joel, when someone discusses labor, I automatically think unions, proletariat, etc... I assumed that's what Christopher was talking about.

↑ 0 ↓ · flag

Joel Kovarsky · 2 months ago

Miriam,

Thanks for your clarification. I did not read it the same way, but maybe that is what Christopher meant.

↑ 0 ↓ · flag

[+ Comment](#)

Neil Schutzman · 2 months ago

Back in the early part of the last century Charles Beard wrote a very influential book called "An Economic Interpretation of the Constitution ...", where among other things he pointed out that the Constitution was written in general by a group of wealthy land owners. The Beard argument is that the Constitution is an exercise in making sure that all the existing players have access to the positions of power so that they can agree to live and work together without recourse to violence. This is as opposed to a more general democracy where all people are empowered.

I believe Professor Amar disagrees with Beard approach and views the constitution as more broadly democratic.

As with most of these debates I can see both sides. The writers of the Constitution were strongly influenced by enlightenment sensibilities and creating a greater society, but they were also practical businessmen.

I wonder how the Constitution would have differed if the French Revolution had occurred 10 years before.

↑ 2 ↓ · flag



Christopher Edward Valadez Signature Track · 2 months ago

Yes, I see your point. And I emphatically agree that economics had a vital part in the decision making process. I still does, which disenfranchises some.

Quick story, as a soldier in Afghanistan, I was tasked with finding friendly villages on the Pakistan border to train, arm and fight the Taliban with. Needless to say, I stayed busy the entire time. One meeting with a village elder stuck with me and always will. I was "selling" the idea to him and part of that sell was to try and motivate him by saying it was for his country. In

clear Pashto, he asked me "Do you trust your government?" When he saw the expression on my face, he said "Then why should I?" Very prolific for me and I definitely had an epiphany.

Anyway, thank you all for the great responses to my question, I am excited for this course to progress.

↑ 0 ↓ · flag

Joel Kovarsky · 2 months ago

As a bit of an aside, Gordon Wood's 2011 book, *The Idea of America: Reflections on the Birth of the United States*, discusses and takes issue with Charles Beard's perspective, along with others. Wood's book is quite good and is actually a collection of edited, previously written essays.

<http://www.nytimes.com/2011/07/24/books/review/the-idea-of-america-by-gordon-s-wood-book-review.html...>

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Christopher Edward Valadez

Signature Track

· 2 months ago

Thank you sir! This is exactly why I took this course, broaden the horizons!

↑ 0 ↓ · flag

Michael Riccio

Signature Track

· a month ago

Christopher, first let me say THANK YOU for your service to OUR country and I am happy that you have arrived home safely. I think more Americans need epiphanies so wake us up and move us out of political lethargy.

Although I fully support our troops (as fellow citizens and human beings), I do NOT fully support our government foreign policies. I think the US is very clueless when it comes to foreign policy. In Washington, they can't even get domestic policy right. I am confused by your statement ".....regarding representation as "We The People", then doesn't that one line of fiction make the entire document fiction, or at least questioned by those majorities that weren't counted as "People"? Why do you consider that line fiction? While I respect your opinion/position, will you please clarify?.

↑ 0 ↓ · flag



Christopher Edward Valadez

Signature Track

· a month ago

My pleasure. To clarify, if any part of a document is fiction, propaganda, false, deceitful, etc., then wouldn't it reason that now the whole document is treated as such? I think when you write "We the People" but only really mean "We Exclusive People", you are deceiving the reader, who at that time may not be as intelligent or literate as we are today.

Trust me, regarding your comment about foreign policy, it surely does not represent the majority view in this country. Funny how that works.

↑ 0 ↓ · flag

[+ Comment](#)

[Mark Swaya](#) · 2 months ago

All of you have failed to mention children. Children were not allowed to vote. Do you think that is another failing of our founders? No, of course you don't think that because children have a certain status in society that we all agree upon. Their disenfranchised status doesn't bother you at all. Children don't need to vote. We adults take care of them. We represent them in all important things. So why should the failure of giving the franchise to women or slaves in 1787 bother you? Women and slaves had a certain status in that time. It wasn't an evil plot by the founders. It was just an accepted fact of life. "We the people" included everyone, and that meant children too.

↑ 0 ↓ · flag



[Christopher Edward Valadez](#) Signature Track · 2 months ago

Adults took care of the children then as we do now. Who was caring for the slaves? Or the immigrants? Or women? Or Native Americans that were displaced? It's a question of advocacy, not disenfranchisement. Just as the majority laborers of this country are STILL not adequately represented in the legislative process.

What bothers me is the ILLUSION created by the phrase "We The People". Professor Amar stressed that in the lectures, just wanted YOUR opinion. I like your observation though, you are correct, I did NOT include the children in my original thought process.

↑ 0 ↓ · flag

[Neil Schutzman](#) · 2 months ago

"We the people" is such a stock enlightenment phrase. It is part of the philosophic question of where does power arise and how is it exercised. This evolves into the "will of the people" which is now always exercised by the people but can be expressed in a supreme leader. So while it sounds good I tend to think of it as window dressing. But it definitely makes for good news paper headlines.

In spite of this callous statement I do agree with Professor Amar that for the time the US Constitution is a remarkably democratic document.

↑ 0 ↓ · flag



[hannah westphall](#) Signature Track · 2 months ago

i am appreciating your comments christopher on all this. brings to mind some thoughts i had

myself about what the prof. said about the hard working farmer being able to get a copy of the constitution in his hands himself and be a part of the process. sounds cool in theory, but my question is...would that farmer even be able to read it? what was the illiteracy rate then? and how are you going to talk a guy, property owner as he may be, into caring about this (what could be seen from a rural perspective) "new name, same game" political jargon. what difference would it make to him if the states were united or not? his main concern is trying to keep his crops prosperous and his farm from failing and feed his household. and would the language of the constitution as presented to the people for consideration even have made any sense to such folks?

it's not an unfamiliar problem to us. trying to convince constituents that certain -- if not all -- political policy affects them in some way and they should care is probably just as daunting now as it was then. we at least have technology and mass communication on our side. if i don't understand some particular term or piece of legislature at least i can google it...

just some thoughts.

↑ 0 ↓ · flag

Miriam Kerzner · 2 months ago

The US had an unusually high political participation rate largely as a result of local democracy, the Revolution, and the locally-organized militias. There were quite a few newspapers around and even those who couldn't read, could find those who could.

↑ 0 ↓ · flag

Michael Riccio Signature Track · a month ago

Hannah, interesting point and it reminds me on my own opinion of the bible (yes folks, I do see a connection - remember MY OPINION) Again, you have more learned men, well educated and literate, trying to convey a concept to less educated, possibly illiterate men (people) from that drafting a very important document that will last through posterity. Now, I do think that these "farmers" and commoners cared because the population of the country back then was considerably small and many/most of those farmers were actively fighting the British in the Revolution, so they had somewhat of a vested interest in the outcome or big picture. They would also be interested in how it effected their economics. Unlike today, back then farmers were more valued since they were critical for the supply of available food. There was no NAFDA and you wouldn't go to a Wal Mart superstore to buy grapes from Chile.

↑ 1 ↓ · flag

[+ Comment](#)

Anonymous · 2 months ago

My recall (faulty) is that traditionally women were considered chattel, property of their fathers, later husbands if they married. Keep in mind that in 1970 married women could not get a credit card in their own name, but by permission of the husband as a second card holder on his card. Even today, if one

has not worked the sufficient number of quarters to qualify in his/her own name but the spouse does then they are 'dependent' upon qualifying as the fully invested working spouse. Since this traditionally has been more the man working outside the home, the woman homemaking and raising children (not really work???) 'she' qualifies for half of his social security amount AND in medicare is registered not under her social security number, but rather her husband's soc. sec. number followed by 'b'- (could be husband on wife's these days, but..) So there are small imperfections that seem to fall short of fully equal in the way things are done still. These may fade away as the oldest of the population die off, who came up in the more traditional nuclear family arrangement.

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[+ Comment](#)

[Toni Wolf](#) · 2 months ago

We the people, just three words that mean a great deal. Americans believe strongly in fighting for what is important. First,for starting this great country, second for the slaves to have freedom and third but definitely not the last is freedom for women to have the same rights. People from other countries now are fighting to stay in America and enjoy what this country truly represents.

↑ 1 ↓ · flag

[+ Comment](#)

[Betty Mydland](#) · 2 months ago

Albert Strong - Your post and explanation was excellent. I enjoyed reading it and it makes a lot of sense. One part of this course that I am particularly interested in is "guidelines for interpreting" the constitution.

↑ 1 ↓ · flag

[+ Comment](#)

[Betty Mydland](#) · a month ago

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.

A more perfect union - remember, these framers came from a country where they were ruled by a tyrannical king to whom they were subject to high taxes and oppression, as well as persecution. This was something the founding fathers did not want to see in this new America. Hence, a more perfect union. Justice in England was not justice, but crime and punishment were at the whims of the king. Hence, the founding fathers wanted to 'establish justice'.

The forefathers wanted peace. They were tired of the British wars that were fought for the kings' gain.

Hence, to ensure domestic Tranquility.

It has always been my understanding that the 'common defense' meant one's individual right to defend oneself. It was our founding fathers greatest desire to ensure that these issues and the blessings if liberty never be taken from them or those who would come after them.

I have seen many comments about why at the beginning only the United States is used whereas in the last sentence it says United States of America. IMHO, I believe it starts out as a song, gentle, but then crescendos adding emphasis to the piece.

There are many things we can "assume" about the preamble, and what we 'think' the framers meant, however, in the final analysis, at least for me, it is a simple thing. They wanted to ensure that this, their new America never become subject to one's individual power, and that each person receive justice no matter the crime, and that each person be secure from tyranny, and liberty.

The one main injustice or flaw that I see in this document, is how they treated the Indiana nations who were indigenous to this new land. Of course, I am sure that is fodder for another time.

↑ 0 ↓ · flag

Miriam Kerzner · a month ago

Betty,
Common defense is defense of the commons -- of the US as a whole. This is not an individual. There are places in the Constitution, namely the 2nd Amendment, where it is possible to read that interpretation. You can also understand the DOI as stating that individual's have the right to defend themselves, but that wouldn't be a *common* defense. That's why militias, navies, and standing armies were necessary. Other than that, I like your interpretation.

↑ 0 ↓ · flag

Betty Mydland · a month ago

Miriam - Thank you for helping me understand the common defense. There is so much to this document that it is so important for us to understand. I just wish more of it were taught in schools today. In my time, we could not graduate the 8th grade if we could not read AND write the preamble and that included spelling and punctuation. Again, many thanks for your response.

↑ 0 ↓ · flag

Joel Kovarsky · a month ago

The "common defense" is also discussed by Alexander Hamilton in Federalist 23(18 Dec. 1787). From that document:

"The authorities essential to the common defense are these: to raise armies; to build and equip fleets; to prescribe rules for the government of both; to direct their operations; to provide for their support. These powers ought to exist without limitation, *because it is impossible to foresee or define the extent and variety of national exigencies, or the correspondent extent and variety of the means which may be necessary to satisfy them.* The circumstances that endanger the safety of nations are infinite, and for this reason no constitutional shackles can wisely be imposed on the power to which the care of it is committed. This power ought to be coextensive with all the possible combinations of such circumstances; and ought to be under the direction of the same councils which are appointed to preside over the common defense."

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[+ Comment](#)



Anthony Watkins · a month ago 🔒

keep in mind there are about 12 million people who cannot vote that live in america now, for reasons of lack of documentation, though, by ancestral right, most of them have a better claim to be here than most of the rest of us, as well as these, many exfelons (approximately 6 million), especially those in southern states, and especially those of color in those states do not have the right to vote, even if their families have lived here for hundreds of years, as well as the roughly 80 million children who live here and have a great deal of interference in their lives by the state and federal govts, yet, they are not allowed to vote. so today, in the land of the free, about 1/3 of all americans are barred by law from voting. We the People still means, We the (Some of) the People.

you can argue the merits of the various categories denied the right to vote, but you cannot deny that there are about 100,000,000 people living in the united states who cannot vote!

by the way, and for the record, i consider myself a person with fairly good intelligence and logic, i do not consider myself to be any kind of expert on the law.

↑ 0 ↓ · flag

Anonymous · a month ago 🔒

Well, I am a naturalized citizen, I can legally vote (ie, I have not been excluded for any of the reasons you say) and I find that voting is pointless in many ways.

If you live, as I do, in a non swing state, and in a district who has gone for the same party, regardless of the candidate, for as far as anybody can remember, your vote doesn't matter much either on any federal election since it is always the candidates of the same party who win. The only small influence is in the primary process, but even that is very limited because usually, for the presidential election, only the early primary states matter (mine is not one such state). For representative/senator, the incumbent has so much power that he/she always wins. It's only on those rare elections, that haven't happened yet, in which one of the incumbents decided to retire that my vote would have any value. And even then, I would have to register

briefly as a member of a party that I do not like. Too much of a hassle. So I haven't voted in federal elections for a long time.

Granted, this is "non voting by choice" vs "non voting because of legal barriers" but still, it goes to say, that even those of us who are allowed to vote cannot, on average, have much of a say either. The people who live in competitive states/districts are a tiny minority. According to a 2012 analysis by CNN, the election was in the hands of the 34.2 million registered voters who lived in swing states: <http://www.cnn.com/2012/10/11/politics/btn-swing-states/> . For the rest of us, the 2012 election was really a non event. If it weren't because of the cable networks, it doesn't even feel that there is a presidential campaign going on.

↑ 0 ↓ · flag

[+ Comment](#)



carey · a month ago

Governor Morris, who originally penned the "we the people" preamble shortened it from the original "we the people of the states of" Both he and the authors of the Federalist papers made clear their objective was to move to a "better"-*more perfect* union, not necessarily a union with perfect representation. In fact, there was a great deal of argument on the side of limiting representation to those who had a larger investment in the Nation by virtue of wealth, property or residency, or by those with more experience and education. The path to broader Enfranchisement was left open and eventually encompassed the vast majority of our citizens.

↑ 0 ↓ · flag

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