

How did Congress organize the new government?

19

LESSON PURPOSE

The U.S. Constitution is a plan for government. Once the Constitution was ratified, it was the job of the first Congress to use this plan to organize the new government. In this lesson you will read about some of the decisions made by the first Congress. You will learn how Congress organized the executive branch. You will also learn how Congress established a system of federal courts below the U.S. Supreme Court. Finally, you will learn how the Bill of Rights was added to the Constitution.

When you finish this lesson, you should be able to explain how the first Congress organized the executive and judicial branches of government. You should also be able to explain how the Bill of Rights was added to the Constitution.



TERMS TO UNDERSTAND



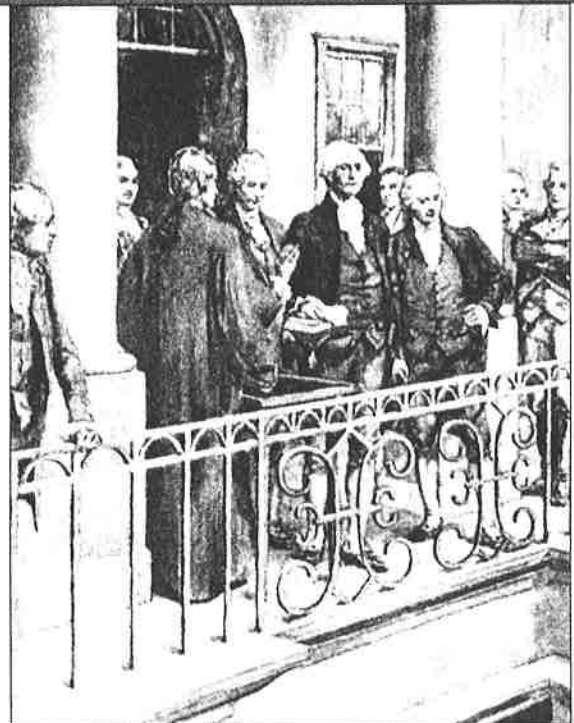
appellate courts
cabinet
federal district courts
Judiciary Act of 1789
Ninth Amendment
Tenth Amendment

Who was elected the first president?

When the votes in the electoral college were counted, Washington, as expected, was elected president unanimously. John Adams of Massachusetts was elected vice president. Washington took the oath of office on April 30, 1789.

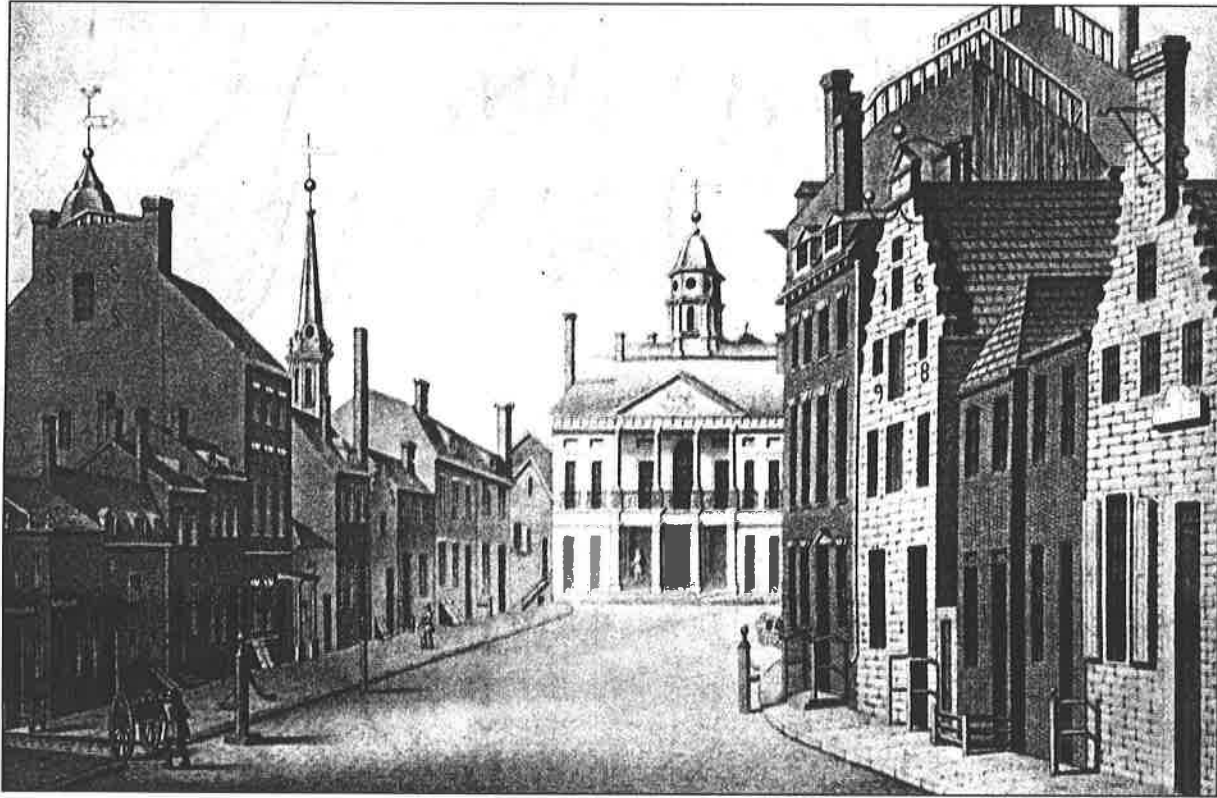
Washington did not really want to be president. He would have preferred to remain at Mount Vernon, his home, and take care of his plantation. But Washington had a strong sense of civic responsibility and felt that it was his duty to serve his country. He wrote, "when I had judged... that it was my duty to embark again on the tempestuous and uncertain Ocean of public life, I gave up all expectations of private happiness in this world." Washington knew that the Founders who were against the Constitution were afraid that it gave too much power to the president. He knew he should not do anything that added to their fears. Yet, he also knew that he had to be a strong leader.

By May of 1789 members of the new Congress of the national government were at work in New York City, the nation's temporary capital. Many people in Congress



George Washington taking the oath of office as the first president of the United States. Why was accepting the presidency so difficult for him?

were worried about how Washington would use his power. They even disagreed on what they should call the president. Some people said he should be called "His Highness, the President of the United States of America." Congress decided that because America was not a monarchy, Washington should simply be addressed as "the President of the United States."



*This is a view of Federal Hall in New York City, which is where Congress first met.
How did Congress help the executive branch of government deal with its responsibilities?*

How did Congress and the president organize the executive branch?

The Constitution gives Congress the power to organize the executive branch. Washington could not run the executive branch alone. To help Washington fulfill his responsibilities, Congress created three departments.

- **Department of State.** Thomas Jefferson was selected to serve as Secretary of State to be responsible for the foreign relations of the nation.
- **Department of the Treasury.** Alexander Hamilton, as Secretary of the Treasury, guided the new government in money matters.

- **Department of War.** Henry Knox, as the Secretary of War, handled military affairs and defense.

In addition, Congress created the office of attorney general, whose job was to give the president legal advice. Washington appointed Edmund Randolph to this position.

Washington used these officials as advisers to help him make decisions. These officials became known as the president's **cabinet**. Today, the cabinet positions have grown from the original four to the present number of fifteen. In fact, the executive branch of the federal government has grown far beyond the expectations of the Framers.

How did Congress organize the judicial branch?

Congress set up the judicial branch of government under Article III of the Constitution. Article III provided for a U.S. Supreme Court and said that Congress could establish lower courts as needed.

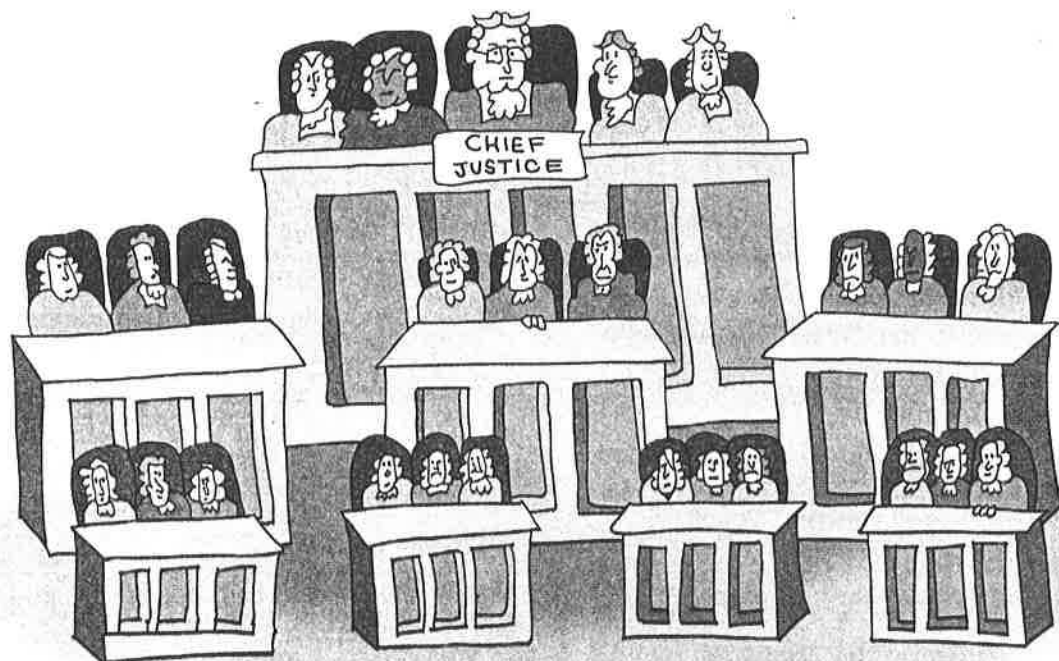
In 1789, Congress passed a law that organized the court system for the new nation. This law was the **Judiciary Act of 1789**. It stated that the U.S. Supreme Court was to have a chief justice and five associate justices. Over time, Congress has increased the size of the Court to nine justices.

The lower courts that were authorized by the Judiciary Act include two kinds of courts—**federal district courts**, which hear cases involving the Constitution

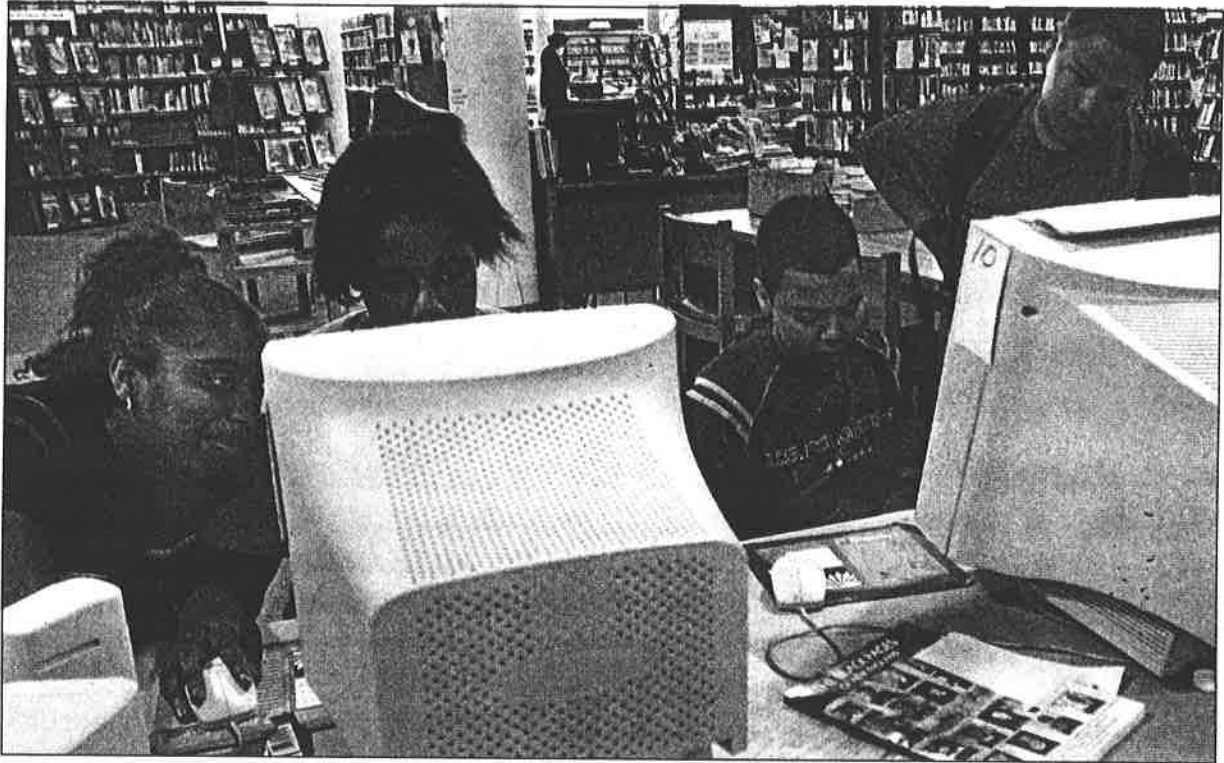
and federal laws, and appellate courts. **Appellate courts** handle those cases that have been tried first in district court and have been appealed. The appellate court is a higher court than a district court. But the U.S. Supreme Court is the highest court of appeals in the nation. In addition to the federal courts, each state has its own courts to rule on state laws.

How did Congress add the Bill of Rights to the Constitution?

When the Constitution was sent to the states for ratification, the Anti-Federalists opposed it. They felt that the Constitution should include a bill of rights. The Federalists claimed that



Why do you think Congress created three levels of federal courts?



What are some of the protections guaranteed by the Bill of Rights?

a bill of rights was not necessary. They said that the Constitution organized government in such a way that it would be impossible to violate people's rights. They also argued that listing individual rights might make people think that these were the only rights guaranteed by government.

Finally, a compromise was reached. The Federalists agreed that when the first Congress met, they would draft a bill of rights to add to the Constitution.

The Bill of Rights was passed by the first Congress. It contains ten amendments. The first eight amendments list basic protections already guaranteed in most state constitutions. These include:

- freedom of religion
- freedom of the press
- freedom of speech

- the rights of assembly and petition
- the right to a speedy, public trial by jury

The **Ninth Amendment** to the Constitution says that the listing of certain rights does not mean that these are the only rights the people have. Finally, the **Tenth Amendment** says that the powers not delegated to the federal government nor forbidden to the states belong to the states or to the people.

Congress proposed the Bill of Rights in 1789. It was ratified by the necessary eleven states on December 15, 1791. The Bill of Rights has proved to be very important to the protection of the basic rights of the American people. You will learn more about the Bill of Rights in the next unit.

LESSON REVIEW

- 1 The Constitution describes the organization of the executive and judicial branches only in general terms. Explain how the first Congress and the president organized the executive branch.
- 2 How did the first Congress organize the judicial branch?
- 3 What is the president's cabinet and what does it do?
- 4 What was the purpose of the Bill of Rights? Why was it included in our Constitution?
- 5 What rights are guaranteed in the Ninth and Tenth Amendments? How do these amendments differ from the other amendments in the Bill of Rights?

ACTIVITIES

- 1 Find out the process for amending the U.S. Constitution.
- 2 The idea of having one person serve as president was developed when our nation had fewer than four million people. Today we have more than 300 million people. Do you think it is still a good idea to have only one person head the executive branch? Why or why not? What alternatives can you suggest? Make a chart showing how your ideas might improve our government.
- 3 Visit the website of the executive branch of our national government, www.whitehouse.gov. Find a list of the fifteen cabinet positions and the functions of each. Which is the newest cabinet position? Why was it created? Write an essay explaining what you learn.