
How a Semicolon Almost Changed the Constitution, Or, A Semicolon Is Not a Comma!

During the framing of the U.S. Constitution in Philadelphia in 1787, the proper use of punctuation became an issue of great importance. Gouverneur Morris, a member of the committee of style that drafted the Constitution, tried to use a semicolon to change the intended meaning of a crucial passage in the document.¹

Article I, Section 8 reads: “The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and Provide for the common Defence and general Welfare of the United States . . .” The general consensus at the convention was that this sentence addressed the Congress’s powers of taxation but did not grant additional legislative powers.

Morris, however, wished for the government to have expansive powers. When he drafted this section, he used a semicolon where today we have a comma. Morris’s original version of the section thus read: “The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises; to pay the Debts and Provide for the common Defence and general Welfare of the United States . . .” Had not another member of the convention noticed this punctuation ploy, the section would have granted massive powers to the Congress-to-be to legislate for the “general Welfare.” (Never mind that during the twentieth century the federal government took on such powers despite the apparent limits in the Constitution.)

Semicolons and commas do not (generally) mean the same thing!

There is one situation in which a semicolon functions much like a comma, but this situation is an exception to the rule. In a list of items that include their own punctuation (such as commas), semicolons should be used instead of commas in order to mark a clearer separation between the items in the list, as in the following example:

The Philadelphia convention of 1787 was called for several reasons: the Confederation was facing serious problems with finance, foreign policy, and commerce; the Articles of Confederation had proven almost impossible to amend; and the Congress had become increasingly ineffective.

Notice that the use of semicolons above is very different from their egregiously erroneous use below:

Although the Articles of Confederation were not ratified until 1781; they provided the basic governmental structure that allowed the thirteen colonies to win a war for independence.

Created because of the shortcomings of the Articles and the perceived problems with the state governments; the new Constitution of 1787 was only narrowly ratified.

In both of these examples, the semicolon divides the parts of the sentence—like a “soft” period—bringing the reader to a halt. In neither case, however, can the first phrase stand alone. In both cases, only a comma will do.

¹ For a description of this incident, see Forrest McDonald, *Novus Ordo Seclorum: The Intellectual Origins of the Constitution* (Lawrence: Univ. Press of Kansas, 1985), 265.

