

TAH Lesson Plan

Title: Decisions of the Constitutional Convention

Possible Subject Area(s)
U.S. History, Civics

Overview

Students will study, debate, and decide (in a role playing format) two key issues that sharply divided the delegates at the Constitutional Convention. Particular emphasis will be placed on understanding the issues from the perspective of the 18th Century.

Essential Understanding:

At the Constitutional Convention a number of key decisions were made that determined the essential nature of the new national government. These decisions were a result of debate and compromise and a reflection of the experience, interests, and political wisdom of the delegates.

Essential Questions:

How did the delegates to the Constitutional Convention resolve the following questions?

- How much power will the national government have over the states?
- Will the new government have an executive power and how will it function?

CT Standards:

5.9-10.2 Explain how the design of the U.S. Constitution is intended to balance and check the powers of the branches of government

5.11-12.1 Apply an understanding of historical and contemporary conflicts over constitutional principles.

2.9-10.1 Demonstrate an understanding of major events and trends in world history, United States and local history, from all historical periods and from all the regions of the world

2.9-10.3 Explain the relationships among the events and trends studies in local, state, national and world history

Objectives:

- The student will identify two critical issues that divided the Constitutional Convention.
- The student will develop and articulate the arguments over these two critical issues from the Constitutional Convention.
- The student will explain the concerns, interests, experience, and ideas that motivated the delegates to the Constitutional Convention.
- The student will evaluate the key decisions made at the Constitutional Convention in light of later events up to the present day.

Materials Needed:

- Copy of selections from Madison's "Virginia Plan" as proposed to the Constitutional Convention by William Randolph.
- Role descriptions for "the Nationalists" and the "States Rights Faction"

Suggested Activities/Procedures:**Day 1**

- Divide the class into groups of four students and assign half the groups the role of the Nationalists and the other half the role of the States Rights Faction.
 - Tell students that the class will do a role play of the Constitutional Convention in which three key issues will be debated.
 - Hand out the excerpts of the "Virginia Plan" with the role descriptions and have them read it through themselves. After reading each group should agree on the meaning of the bold faced portions. Each group can then report to the class on their understanding of a portion of the underlined provisions thus giving the teacher a chance to correct and clarify.
 - Assign the students the task of developing a series of arguments either for or against the proposals from the perspective of their assigned roles on the first question: How much power will the national government have over the states? This issue should be divided into three distinct questions:
 - ✓ First, should representation in the legislature be based on population as proposed or should there be equal representation for each state.
 - ✓ Second, should the members of the upper house (Senate) be elected by the lower house (House of Representatives) or should they be chosen by the state government in the manor of their own choosing.
 - ✓ Third, should the national legislature (Congress) have the power to veto state laws or legislate for individual states.
- Hand out the role profiles for the two factions. You may choose to include the detailed arguments or just the basic role description.
- Circulate among the groups to ensure that the implications of each provision are fully understood within the context of the assigned role.
 - Homework – each student should write up a statement which answers at least one of the questions based on his/her assigned role. These can be divided up by each group.

Day 2

- Students should sit with their assigned groups. Give each member of each group a chance to read over the statements of the other members.
- Begin debate on the three questions – different groups may be assigned only one of the three to divide the work.
- There may not be time to debate all three issues in a traditional class period or even a longer block period. The time spent on each issue can be considerably shortened if it is scripted and managed directly by the teacher. On the other

hand, there is value in allowing a more open format, particularly with students who have more developed critical thinking skills. A short speech for each side on each question should be enough, but rebuttals and/or questions (on “points of information”) may be included to allow for some back and forth.

- Homework – Based on notes taken in class, each student should write a paragraph explaining which side put forth the better argument and why. Students should be encouraged to be fair in their judgment and not automatically argue for their side.

Day 3

- Students should again sit with their assigned groups. Have students get out their copies of the Virginia Plan and identify those proposals that refer to the Executive (President). Discuss with students the meaning of each proposal.
- Assign the students the task of developing a series of arguments either for or against the proposals from the perspective of their assigned roles on the second question: should the new national government have an executive (President) and what kind of power should he have? This issue should be divided into three distinct questions:
 - ✓ Should there be an executive power represented by a single person?
 - ✓ Should the executive be elected by the national legislature (Congress), the states, or by the people directly?
 - ✓ Should the executive have veto power over laws passed by the legislature?
- Homework – each student should write up a statement which answers at least one of the questions based on his/her assigned role. These can be divided up by each group.

Day 4

- Students should again sit with their assigned groups. Give each member of each group a chance to read over the statements of the other members.
- Begin debate on the three questions as described in Day 2 above.
- Homework – same as Day 2 above.

Suggested Assessment/Evaluation

- Assessment could be in the form of an essay in which students are required to provide a full analysis of the arguments presented on one or both of the two issues under debate. The essays might conclude with the student’s own perspective on which choices have turned out to be the best for the country in the long run.

Possible Extensions/Resources

- [A Brilliant Solution: Inventing the American Constitution](#) by Carol Berkin (Harcourt, 2002) is an excellent, very readable, and fairly short book that describes in detail the questions under debate in this role play. Sections of the

book (or indeed the entire book) can be assigned as reading for high school students.

- “Variant Texts of the Virginia Plan, Presented by Edmund Randolph to the Federal Convention, May 29, 1787”, at The Avalon Project: Documents in Law, History and Diplomacy, a website set up by Yale Law School, http://avalon.law.yale.edu/18th_century/vatexta.asp

Selections from the Virginia Plan: Proposals for a new national government written by James Madison. (The following is excerpted from the three identified drafts of what was proposed at the Convention. Source: http://avalon.law.yale.edu/18th_century/vatexta.asp (6/25/09))

Resolutions proposed by Mr. Randolph in Convention May 29, 1787

Pay particular attention to the bold faced portions.

Resolved that the Articles of Confederation ought to be so corrected and enlarged as to accomplish the objects proposed by their institution; namely, "common defense, security of liberty and general welfare."

Resolved therefore that the rights of suffrage in the National Legislature ought to be proportioned to the Quotas of contribution, or to the number of free inhabitants, as the one or the other rule may seem best in different cases.

Resolved that the National Legislature ought to consist of two branches (*bodies or houses*).

Resolved that the members of the second branch (*Senate*) of the National Legislature ought to be elected by those of the first (*House of Representatives*), out of a proper number of persons nominated by the individual Legislatures, to be of the age of — years at least; to hold their offices for a term sufficient to ensure their independency; to receive liberal stipends, by which they may be compensated for the devotion of their time to public service; and to be ineligible to any office established by a particular State, or under the authority of the United States, except those peculiarly belonging to the functions of the second branch, during the term of service, and for the space of — after the expiration thereof.

Resolved that each branch ought to possess the right of originating Acts; that the National Legislature ought to be empowered to enjoy the Legislative Rights vested in Congress by the Confederation and moreover **to legislate in all cases to which the separate States are incompetent, or in which the harmony of the United States may be interrupted by the exercise of individual Legislation; to negative (*veto or void*) all laws passed by the several States, contravening in the opinion of the National Legislature the articles of Union; and to call forth the force of the Union against any member of the Union failing to fulfill its duty under the articles thereof.**

Resolved that a National Executive be instituted; to consist of a single person to be chosen by the National Legislature for the term of seven years with power to carry into execution the national Laws, to appoint to Offices in cases not otherwise provided for to be ineligible a second time, and to be removable on impeachment and conviction of mal practice or neglect of duty; to receive a fixed stipend, by which he may be compensated for the devotion of his time to public service to be paid out of the national Treasury.

Resolved that the national executive shall have a right to negative any legislative act (veto power): which shall not be afterwards passed unless by two third parts of each branch (house) of the national Legislature

Resolved that the Executive and a convenient number of the National Judiciary, ought to compose a Council of revision with authority to examine every act of the National Legislature before it shall operate, and every act of a particular Legislature before a Negative thereon shall be final; and that the dissent of the said Council shall amount to a rejection, (veto power) unless the Act of the National Legislature be again passed, or that of a particular Legislature be again negatived by — of the members of each branch.

Resolved that the Legislative Executive and Judiciary powers within the several States ought to be bound by oath to support the articles of Union (*the Constitution*).

Resolved that the amendments which shall be offered to the Confederation, by the Convention ought at a proper time, or times, after the approbation of Congress to be submitted to an assembly or assemblies of Representatives, recommended by the several Legislatures **to be expressly chosen by the people, to consider and decide thereon.**

In order to develop a clear understanding of the key issues debated at the Constitutional Convention, you will be engaging in a role play in which you will take on the role of **the Nationalists**. Below is a general description of your position and basic arguments on the two issues that will be debated. You may use these to develop your own speeches for the debate.

If you are assigned to this group, you are a strong supporter of a strong and dynamic national government that will have clear authority over the states. In your mind this government will be the creation of the people of the United States and not an arrangement put together by the various state governments. In addition to a powerful, bicameral legislature, you believe the national government must have a strong executive led by one man who will retain veto power over legislation passed by the legislature. This type of government is necessary in your mind if the United States is to become a true nation capable of providing for the common defense, securing and protecting liberty, and providing for the general welfare.

Debate #1: How much power should the national government have over the states?

Nationalist position: If the United States is to be a single unified nation and not just a loose confederation of independent states, the national government must derive its power directly from the people and not be a creation of the states. Therefore, representation in both houses of the legislature (Congress) must be based on population with each member having a single vote. This is not a question of big states being able to dominate small states; it is a question of whether the interests of the people as a whole will be properly expressed in the national government. It is this concern for the will of the people and not for the states that also requires that the members of the upper house (Senate) be chosen by the representatives of the people in the lower house and not by the state governments. The members of the upper house must not be dependent on the will of the states, but the people. Finally, the national legislature must have the power to veto or correct laws enacted by the state governments. It is the conflict and confusion between states laws that is causing such problems for us now. The states must be restrained from acting in their own interests over the interests of the nation – and its people – as a whole.

Debate #2: Will the new government have an executive power represented by a single person, how much power should that person have and how should he be chosen?

Nationalist position: The lack of an executive authority is one of the greatest weaknesses of the Articles of Confederation. The new national government must have a single strong executive elected directly by the people (those with the proper qualifications). A single powerful person with executive power will be able to act with speed and efficiency when circumstances (such as war or rebellion) require swift action. The executive must also provide an effective check on the power of Congress by having veto power over legislation. In this way the executive can protect the interests of the nation as a whole or even the legitimate rights of a minority group. If the executive is elected by the legislature, he will be beholden to that group and will not be able to act independently.

In order to develop a clear understanding of the key issues debated at the Constitutional Convention, you will be engaging in a role play in which you will take on the role of **the States Rights Faction**. Below is a general description of your position and basic arguments on the two issues that will be debated. You may use these to develop your own speeches for the debate.

If you are assigned to this group you are willing to accept the idea of a new national government with some expanded power, but not at the expense of too much state power. In your mind state government is the more reliable guarantor of the people's rights and freedoms. If the states are reduced to mere administrative jurisdictions, they cannot perform this essential function. State government is geographically close to the people, it is led by men who are known to the people, and elections are held frequently to ensure that the will of the people is respected. The states therefore must have the power to override or veto federal law if it is deemed to be a violation of the people's rights and liberties. You are very suspicious of a powerful executive. If it exists at all it should be a council rather than one man and it should not be given veto power. A powerful executive can easily lead to despotism and even monarchy.

Debate #1: How much power should the national government have over the states?

States Rights position: Certainly the national government must be strengthened, but the states must remain as semi-independent political units with certain guaranteed powers and rights. Representation in the legislature (Congress) must be controlled by the state governments and the representation for each state must have equal weight. Failure to do this will mean that the states will not be able to defend and further the interests of their own people in the national government. This will especially be a concern for the smaller states who will not be able to defend their people against the tyranny of the majority represented by the bigger states. Giving the national government the power to veto state laws is even a bigger problem. State government is in the best position to respond to the will of the people and legislate based on local concerns and issues and best able to protect the rights of its people if the national government becomes too powerful and abuses that power. Give the national government power over foreign and military policy and economic issues that affect the whole nation, but include an absolute guarantee of power over local matters for the states. Besides, the people will never agree to a plan that will abolish or severely weaken their state governments.

Debate #2: Will the new government have an executive power represented by a single person, how much power should that person have and how should he be chosen?

States Rights position: If the national government is to have an executive, its power must be limited to merely carrying out the will of the legislature. To give a single individual significant power over the whole nation is simply to invite the return of the monarchy or worse. Veto power over legislation is therefore out of the question. Furthermore, our nation is so vast that it is impossible for the people to have any knowledge of or trust in a single man. We should therefore consider having an executive led by three men – one from each section of the country. These men should be chosen by the states of each section and will more likely be known and trusted by the people of each section.