

# CONSOURCE



## *The Constitutional Sources Project*

### CONSTITUTIONAL CONVENTION SIMULATION

#### TO SIGN OR NOT TO SIGN

#### OPTION B: THE STUDENT-GENERATED CONSTITUTION

***NOTE:*** This lesson is for classes that have completed other components of ConSource’s Constitutional Convention Simulation unit. Classes that have *not* engaged with other lessons in this unit should use Option A, in which students decide whether to sign the historical Constitution. Teachers whose classes *have* participated in the ConSource simulation can use either Option A, in which students decide whether to sign the historical Constitution, or Option B, in which students decide whether to sign the student-generated constitution. They can also choose to do both lessons.

#### TIME AND GRADE LEVEL

One 45 or 50 minute class period in a **Grade 9-12** US history, civics, or government course.

#### PURPOSE AND CRITICAL ENGAGEMENT QUESTIONS

History is the chronicle of choices made by actors/agents/protagonists in specific contexts. This simulation places students in the final days of the Constitutional Convention and asks them to consider the Constitution as a whole. Like the actual framers, they are likely to have reservations about particular features, but they will be asked to consider: Are any of their objections so pressing that they will not endorse the version of the Constitution created by the student convention? At the close of the lesson, each student must declare whether he or she is willing to sign the document created by the student convention and be able to explain this decision to constituents. Students who decide to sign will state how this plan can improve on the inadequacies of the Articles of Confederation. Students who decide not to sign will state their major objections and suggest what should be done next to address the problems faced by the confederacy of the United States.

By participating in this process, students will engage with an experience that lies at the core of all political deliberations: whether a political actor will assent to programs that appear broadly beneficial but include components the actor considers objectionable. While civic action aims for the greatest good, politics remains the art of the possible.

**LESSON OBJECTIVES**

\*Students will be able to explain why the most delegates agreed to sign the proposed Constitution even though all had reservations about some of its features.

\*Students will be able to list key objections that kept Mason, Randolph, and Gerry from signing.

\*Students will be able to explain Randolph's reasoning when he called for a second convention to consider amendments, and also why other delegates rejected this proposal.

\*Each student will be able to give reasons for his or her own decision on whether or not to sign.

**OVERVIEW OF THE LESSON****Prefatory homework:**

*To Sign or Not to Sign Option B: Background*

**In class:**

1. Homework review and introduction to the lesson: 5 minutes
2. Deliberation on student objections to the constitution produced by the class: 15 minutes
3. Consideration of a second convention to consider amendments: 10 minutes
4. Students decide whether to sign the student-generated constitution: 10 minutes
5. Presentation of the historical outcome: 5-10 minutes

Summary Homework / Extended Activities

**MATERIALS***Background Handouts:*

- A. To Sign or Not to Sign: Option B Background

*Classroom Handouts*

- B. A Second Convention?
- C. To Sign or Not to Sign: Historical Outcome

*Teacher Resources*

- T-A. Infrastructure for the Constitutional Convention Simulation
- T-B. Convention Timeline

*Links*

\*Madison's *Notes of Debates*, September [10](#), [11](#), [12](#), [13](#), [14](#), [15](#), and [17](#)

## PREFATORY HOMEWORK

Distribute Handout A, "**To Sign or Not to Sign: Option B Background.**" Go over the instructions on that sheet.

### CLASS ACTIVITIES: 45-50 MINUTES

#### 1. HOMEWORK REVIEW AND INTRODUCTION TO THE LESSON: 5 minutes

A. Introduce the lesson: We have wrestled with contentious issues for a several class sessions; the framers did so over the course of three-and-one-half months. Working hard all that time, they struggled to devise a plan they could agree upon, despite diverse interests and opinions. At the end, each had to make a momentous decision: whether or not to endorse a plan that contained some elements he did not like.

Now it is our turn. Each of you will have to decide whether to sign the Constitution produced by our class's simulated convention.

B. Ask students to consult their homework, "**To Sign or Not to Sign: Option B Background.**" Ask a few students to share items they highlighted there as "super important" — either their own objections, the objections of Mason and Randolph, or features that Madison, Morris, or Hamilton wanted but did not get. As each student presents an objection, ask that student, and the class, to ponder: "Do you think this might be a deal-breaker, or might you consent to sign the Constitution despite your objection? Please don't make your final decision now, however. Wait until you've had a chance to discuss it with your peers." This is a warm-up for the D & D groups, where each student will get a chance to air his/her views.

#### 2. DELIBERATION ON STUDENT OBJECTIONS TO THE CONSTITUTION PRODUCED BY THE CLASS: 15 minutes

In D & D groups, students discuss their objections to the proposed new Constitution, as modified by the class's simulated convention. Students should have access to the [original United States Constitution](#). They should also have at their fingertips the "**Class Decisions**" and "**Historical Outcomes**" sheets from previous lessons.

Instruct the class: As you discuss any objection, consider not only whether you agree or disagree, but also whether this one feature is significant enough to be a deal-breaker. Do you think it is worthwhile for the nation to have the new constitution that the class proposes, even though you disapprove of this particular feature?

At the close of this session, ask students to mark down their most serious objections to the student-generated constitution, whether ones they have already noted or concerns that

others have raised. Inform students that they do not yet have to declare whether these are deal-breakers, but they will by the end of the class.

### **3. CONSIDERATION OF A SECOND CONVENTION TO CONSIDER AMENDMENTS: 10 minutes**

Instruct students: Now, before you make your final decision, consider Edmund Randolph's proposal for a second convention, that would consider amendments offered by state conventions.

Distribute Handout B, "A Second Convention?" Ask students to read that sheet. After they have done so, D & D groups discuss Randolph's motion.

Close with a brief summation of Randolph's suggestion in class. Be sure that both sides are fairly represented: A second convention would give people a chance to weigh in, but it might prove a political morass and undermine the new plan altogether.

### **4. STUDENT DECISIONS ON WHETHER TO SIGN THE STUDENT-GENERATED CONSTITUTION: 10 minutes**

First, students meet with their state delegations to determine each state's up or down vote on the final draft of the Constitution, as altered by the class's decisions. Teacher explains: the final vote, like all other votes, was by state delegation.

Then comes the dramatic conclusion. One-by-one, each student proclaims whether he or she will sign or not. Those who refuse must state briefly their major objection(s). If they approve, they can, at their discretion, briefly say why.

### **5. PRESENTATION OF HISTORICAL OUTCOME: 5-10 minutes**

Distribute Handout C, "To Sign or Not to Sign: Historical Outcome," which will serve as the basis for summary homework. Go over the instructions at the end of that handout.

**Concluding note:** This was only the beginning. The Constitution they proposed would come to naught unless ratified by nine of the thirteen states. Looking back, we tend to view the work of the framers as a done deal, but people at the time did not take ratification for granted. The political battle was only beginning. The plan proposed at the Federal Convention, what we now call the Constitutional Convention, stirred a grand national debate such as we have never seen since. That is history's next chapter.

## **SUMMARY HOMEWORK / EXTENDED ACTIVITIES**

### **Summary homework:**

Read Handout C, "To Sign or Not to Sign: Historical Outcome." First, highlight or circle passages you think most compelling in the concluding statements of delegates.

Then, whatever you decided, explain your final vote to your constituents back home. They sent you to this convention hoping to redirect the course of the nation. If you signed the student-generated version of the constitution, tell them how this plan can improve on the inadequacies of the Articles of Confederation. If you decided not to sign the student-generated constitution, state your major objections and suggest what should be done next to address the problems faced by the Confederacy.

**Essay possibilities:**

1. How might the course of the nation have been different if *your* choices had been implemented?
2. How might the course of the nation have been different if *class* choices had been implemented?
3. How might the course of the nation have been different if there had been a second convention?
4. How might course of the nation have been different if southern and northern states had not compromised over the issue of slavery?
5. Although the framers tried to guard against partisan politics, they did not foresee the division into two national parties that has prevailed through most of United States history, starting in the mid-1790s. How has that changed how the Constitution works? OR: How might the framers have altered the Constitution to function with a two-party system?
6. Why has the Constitution endured so long, even though it has not always worked as intended?

## To Sign or Not To Sign Handout A: Option B Background

On [September 8](#), the Convention appointed a five-man committee to “revise the style” and “arrange the articles which had been agreed to by the House.” The committee was to deliver smoother prose, not an altered plan. Four days later, on September 12, the Committee of Style reported out its draft, composed largely by Gouverneur Morris. Today, that draft is noted primarily for shortening the preamble. The previous draft had read, “We the people of the States of New Hampshire, Massachusetts, Rhode-Island and Providence Plantations...” and so on, listing the states from north to south. The new version left out the individual states: “We the People of the United States...” Some commentators say this was the moment the “States” became truly “United,” but the change had to be made for practical reasons. The original made no sense. Rhode Island, which had refused to send delegates, would likely refuse to sign on, as might other states. In that case, the Constitution would require an immediate amendment to delete any states that had not agreed to it—an embarrassing admission of the lack of unanimity, and a poor beginning for a national government.

A few delegates still weren’t satisfied with this clause or that. North Carolina’s Hugh Williamson moved “to reconsider the clause requiring three fourths of each House to overrule the negative of the President” and to lower the hurdle to its original two-thirds. The higher number, he said, “puts too much in the power of the President.” Exactly four weeks earlier, Williamson had spearheaded the drive to raise the hurdle from two-thirds to three-quarters. Back then, Williamson had feared the legislature was gaining too much power; now, after the series of recent changes that freed and strengthened the presidency, he wanted to take a small step in the other direction. Other delegates agreed. In a tight battle between fractions, two-thirds beat out three-fourths by six states to four, thereby lessening the presidential veto power by one-twelfth. The attention given to the veto override reveals how seriously delegates were committed to a proper balance within their new government.

Also on September 12, **George Mason** suggested that delegates add a “Bill of Rights” similar to the state declarations of rights, but his motion failed to garner the support of a single state delegation. This greatly upset Mason, who had failed to get his way on other issues as well. On the back of his printed copy of the Committee of Style’s draft, he listed numerous objections, accessible [HERE](#). These included:

- \* Treaties had the force of law, but they were not made like other laws, which required approval of the House, the people’s direct representatives.
- \* There was no executive council to consult the president on critical matters and help him make appointments; instead, he was to have the “advice and consent” of the Senate, a legislative body.
- \* The office of the vice-president made no sense. Why should an executive officer be president of the Senate, a legislative body?
- \* The Senate had too much power. Senators served longer terms than representatives or the president. Because the President required their approval for

treaties and appointments, and because they tried his impeachment, the President would be beholden to them.

\* Commercial laws required only majority approval; this meant that “the five Southern States, whose produce and circumstances are totally different from that of the eight Northern and Eastern States, may be ruined, for such rigid and premature regulations may be made as will enable the merchants of the Northern and Eastern States not only to demand an exorbitant freight, but to monopolize the purchase of the commodities at their own price, for many years, to the great injury of the landed interest, and impoverishment of the people.”

\* “This government will set out a moderate aristocracy: it is at present impossible to foresee whether it will, in its operation, produce a monarchy, or a corrupt, tyrannical aristocracy; it will most probably vibrate some years between the two, and then terminate in the one or the other.”

**James Madison**, often called the “Father of the Constitution,” also thought the proposed new plan was less than perfect. Like Mason, he did not always get his way at the Convention. By one tabulation, he offered an opinion on 71 motions but lost out on 40 of these. (Melanie Randolph Miller, *An Incautious Man: The Life of Gouverneur Morris*, 63.) If Madison *had* had his way, the Constitution would look very different than it does:

\* Representation in *both* houses of Congress would be proportional.

\* Senators would serve for nine years, not just six.

\* The president would be advised not by his own cabinet but by an independent executive council.

\* This council, not the Senate, would check presidential appointments.

\* If impeached, the president would be tried by the Supreme Court, not the Senate.

\* Members of the Supreme Court would join the president in a revisionary council empowered to veto acts of Congress, but Congress could override their veto by a three-quarters vote.

\* The president would not hold the exclusive authority to negotiate treaties; since a president derived “so much power and importance from a state of war,” Madison contended, the Senate should be able to conclude a treaty of peace without his assent.

\* Most critically, in his mind, Congress would have veto power “*in all cases whatsoever* [Madison’s emphasis] on the legislative acts of the States, as heretofore exercised by the Kingly prerogative.” In his preferred scheme, state laws would have to be approved by Congress *before* they took effect, and they did not have to be deemed unconstitutional in order for Congress to overturn them. (Madison to Washington, April 16, 1787. See also his comments at the Convention on June 8, July 17, and August 23.)

**Gouverneur Morris** had a huge impact on the proposed Constitution. He spoke more often and offered more motions than anybody else. He was the one, at the very outset, who proposed scrapping the Articles of Confederation and devising an entirely new plan. He engineered the transformation of the presidency and composed the Committee of

Style's almost-final draft. Yet he, too, would have preferred a different version of the Constitution:

- \* Like Madison, Morris favored a federal veto over state legislation.
- \* Like Madison, he wanted proportional legislation in both houses of Congress.
- \* Morris thought that if Congress could levy import duties, which affected merchants, it should also be able to tax exports, which affected producers of commodities like tobacco and rice. (Article I, Section 9, Clause 6 prohibits export taxes.)
- \* He believed strongly that slaves should not be counted when determining representation in Congress. According to Madison's *Notes of Debates*, on August 8 Morris said: "The admission of slaves into the Representation when fairly explained comes to this: that the inhabitant of Georgia and S. C. who goes to the Coast of Africa, and in defiance of the most sacred laws of humanity tears away his fellow creatures from their dearest connections & damns them to the most cruel bondages, shall have more votes in a Govt. instituted for protection of the rights of mankind, than the Citizen of Pa. or N. Jersey who views with a laudable horror, so nefarious a practice."

**Alexander Hamilton** voiced ideas so extreme that they never gained traction at the Convention. Here are some of those ideas, from Madison's *Notes of Debates* for June 18 and notes that Hamilton made in preparation for this speech, reprinted in Harold C Syrett, ed., *Papers of Alexander Hamilton*, 4:178-187:

- \* He favored "extinguishing" state governments and turning them into "subordinate authorities" or "district tribunals" to serve "local purposes."
- \* The "British Government was the best in the world," and he "doubted much whether any thing short of it would do in America."
- \* In particular, Hamilton thought the chief executive "ought to be hereditary, and to have so much power, that it will not be his interest to risk much to acquire more."
- \* Among his powers, the chief executive should possess an absolute "*negative* upon all laws about to be passed." Congress could not override this veto.
- \* In notes he took while preparing for the speech, he jotted down: "It is said a republican government does not admit a vigorous execution. It is therefore bad; for the goodness of a government consists in a vigorous execution."

Hamilton admitted that republicanism could not be entirely abandoned, but he wanted to limit its reach as best he could. Similarly, he did not *advocate* a hereditary monarchy and abolition of the states. Even though those were his preferences, he understood they were unattainable in the current political environment. But he reminded his fellow delegates that they were duty-bound to imagine the optimal form of government, and then come as close to that as they could. The plan he actually advocated, for instance, featured a chief executive who served for life but who could not pass the office to his descendants.

On September 10, **Edmund Randolph** voiced twelve objections to the plan as it stood on that date. These included:

- \* “the Senate's being made the Court of Impeachment for trying the Executive”
- \* “the want of limitation to a standing army”
- \* “the general clause concerning necessary and proper laws”
- \* “the unqualified power of the President to pardon treasons”
- \* “the want of some limit to the power of the Legislature in regulating their own compensations”

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In short, no delegate got the plan he wanted. But would a delegate reject the whole because he objected to certain features? That was the choice each one faced on September 17. Each delegate had to decide whether or not to endorse the proposed Constitution by placing his signature upon it.

What would you do? That is the question we will be addressing in class. For now, look over the objections stated by Mason and Randolph, as well as the features that Madison, Morris, and Hamilton wanted but did not get.

1. Highlight or circle the items with which you agree. For instance, if you think senators should serve for nine years instead of six, highlight or circle that item on Madison’s list. Or if you think the Senate would have too much power under the proposed plan, highlight or circle that item on Mason’s list.
2. Next, consider all the items you highlighted or circled. Proximate to the ones you consider super important, place a star or asterisk.
3. Think deeply about the items you starred. Might any of these be *deal-breakers* for you? Would you be so concerned about the effects of this drawback that you refuse to sign onto the plan, despite all the work you and other delegates have put in? Be ready to share and defend your responses in class.
4. Review the “Class Decisions” sheets from previous lessons. On these sheets, highlight or circle any decision with which you do not agree. Proximate to the items you noted, place a star or asterisk on ones you consider super important.
5. Jot down anything else that you perceive as a serious fault with the proposed Constitution, as altered by the class simulation. Be ready to discuss these in class. Only after objections have been discussed will you be asked to decide: Will you sign the constitution this class has generated?

## **To Sign or Not To Sign Handout B: A Second Convention?**

**Should states be able to propose amendments to the plan *before* it is ratified, and a second national convention formed to consider these?**

On [September 10](#), after the Convention had deliberated for over three months and had settled most matters, Edmund Randolph made this startling statement:

**“Mr. RANDOLPH declared ... that the State Conventions should be at liberty to offer amendments to the plan [before it is submitted for ratification]; and that these should be submitted to a second General Convention, with full power to settle the Constitution finally. He did not expect to succeed in this proposition, but the discharge of his duty in making the attempt, would give quiet to his own mind.”**

As Randolph suspected, other delegates ignored his idea. But five days later he made a formal motion:

**Mr. RANDOLPH ... expressing the pain he felt at differing from the body of the Convention, on the close of the great & awful subject of their labours, and anxiously wishing for some accomodating expedient which would relieve him from his embarrassments, made a motion importing “that amendments to the plan might be offered by the State Conventions, which should be submitted to and finally decided on by another general Convention.”**

**Col: MASON 2ded.... This Constitution had been formed without the knowledge or idea of the people. A second Convention will know more of the sense of the people, and be able to provide a system more consonant to it. It was improper to say to the people, take this or nothing.**

Discuss Randolph’s motion. On the one hand, this would allow the people to weigh in on matters of great importance. Without any opportunity to offer amendments before voting on ratification, the people would be forced to “take this or nothing.”

On the other hand, would a second convention be workable? What do you think might happen if all the difficult decisions made at the present Convention were subject to revision? Would old wounds resurface? In debates open to the general public, could compromises be forged, as they had been at the present Convention?

### **STUDENT CHOICE:**

**Should states give an up or down vote on the existing plan, with amendments offered only *later*, according to the rules just adopted by the current Constitution?**

**Or should states be given time to propose amendments, and then send delegates to a second national Convention to consider these *before* states vote on ratification?**

## To Sign or Not To Sign Handout C: Historical Outcome

The last-minute appeal by Randolph and Mason for a second convention was defeated, with all states voting against it. Most delegates believed that a second convention would prove chaotic. If it came to any conclusion at all, they thought it would undo critical features of the plan they proposed, such as Congress's ability to tax without first going through the states.

The states voted unanimously to approve the final draft of the proposed Constitution.

To demonstrate their support, most delegates signed the document. Only three who were present at the conclusion of the Convention refused to sign: George Mason and Edmund Randolph of Virginia and Elbridge Gerry of Massachusetts. (Four delegates who wanted to improve the Articles of Confederation rather than create a strong central government — Maryland's Luther Martin and John Francis Mercer and New York's Robert Yates and John Lansing, Jr., — had left earlier.) Those who did not sign thought that discontent with the plan would *produce* anarchy and civil convulsions. Those who signed the Constitution thought it would *prevent* "anarchy" and "civil convulsions." Here is how several delegates weighed in:

**Mr. Hamilton** expressed his anxiety that every member should sign. A few characters of consequence, by opposing or even refusing to sign the Constitution, might do infinite mischief by kindling the latent sparks which lurk under an enthusiasm in favor of the Convention which may soon subside. No man's ideas were more remote from the plan than his own were known to be; but is it possible to deliberate between anarchy and Convulsion on one side, and the chance of good to be expected from the plan on the other.

**Mr. Randolph** ... repeated that in refusing to sign the Constitution, he took a step which might be the most awful of his life, but it was dictated by his conscience, and it was not possible for him to hesitate, much less, to change. He repeated also his persuasion, that the holding out this plan with a final alternative to the people, of accepting or rejecting it in toto, would really produce the anarchy & civil convulsions which were apprehended from the refusal of individuals to sign it.

**Mr. Govr. Morris** said that he too had objections, but considering the present plan as the best that was to be attained, he should take it with all its faults. The majority had determined in its favor and by that determination he should abide. The moment this plan goes forth all other considerations will be laid aside— and the great question will be, shall there be a national Government or not? and this must take place or a general anarchy will be the alternative.

**James Madison** signed the document but grumbled about it in private. Eleven days before the Convention adjourned, he sent a letter to Thomas Jefferson complaining that "the plan should it be adopted will neither effectually answer its national object nor prevent the local mischiefs which every where excite disgusts against the state

governments.” Seven weeks later, after Congress had referred the proposed new plan to the states, Madison complained again to Jefferson about the rejection of his national veto proposal. Even though Madison could no longer affect the outcome of the Convention, he composed a 2,583-word argument demonstrating that without a central authority capable of nullifying state laws, the nation would eventually fall apart. (Madison to Jefferson, September 6 and October 24, 1787.)

On August 31, **George Mason** said he would “rather chop off my right hand than put it to the Constitution as it now stands.” He complained that there were several points he wished to raise before agreeing to it. But on September 12 the Convention turned down his call for a Bill of Rights, and two days later it refused to preface the section on militia with a warning: “And that the liberties of the people may be better secured against the danger of standing armies in time of peace...” Although he compiled a list of these and other objections, he informed Thomas Jefferson that he was “discouraged” from reading his objections on the floor “by the precipitate, & intemperate, not to say indecent Manner, in which the Business was conducted, during the last Week of the Convention, after the Patrons of this new plan found they had a decided Majority in their Favour.” (Mason to Jefferson, May 26, 1788.) Instead, he circulated his objections widely and campaigned vigorously against ratification.

**Benjamin Franklin** wrote a speech that he asked James Wilson to read: “Mr. President I confess that there are several parts of this constitution which I do not at present approve, but I am not sure I shall never approve them: For having lived long, I have experienced many instances of being obliged by better information or fuller consideration, to change opinions even on important subjects, which I once thought right, but found to be otherwise. It is therefore that the older I grow, the more apt I am to doubt my own judgment, and to pay more respect to the judgment of others... Thus I consent, Sir, to this Constitution because I expect no better, and because I am not sure, that it is not the best. The opinions I have had of its errors, I sacrifice to the public good.”

### **RESPONSES:**

1. In the passages above, highlight or circle statements you think are particularly compelling.
2. Whatever you decided in class, explain your final vote to your constituents back home. They sent you to this convention hoping to redirect the course of the nation. If you signed, tell them why this overall plan is up to that task. If you did not sign, explain your reasons. Also, if you did not sign, either state why the nation should make no changes to the Articles of Confederation or suggest what method should be attempted next to change them.

## **To Sign or Not To Sign Handout D. Vocabulary List**

1. Amendment: a change or addition to a legal or statutory document.
2. Impeachment: a process in which an official is accused of unlawful activity, the outcome of which may include removal of that person from office.
3. In toto: as a whole.
4. Monopolize: have or take the greatest share of.
5. Negative: reject or refuse to accept.
6. Pardon: the act of officially saying that someone who was judged to be guilty of a crime will be allowed to go free and will not be punished.
7. Ratification: the official way to confirm something, usually by vote.
8. Republicanism: an ideology of being a citizen in a state as a republic under which the people hold popular sovereignty.
9. Treason: the crime of betraying one's country.

## T-A. INFRASTRUCTURE FOR THE CONSTITUTIONAL CONVENTION SIMULATION

These seven lessons can be used individually or as a unit. In either case, here are basic rules of operation:

Assign each student to a state delegation that participated in the 1787 Federal Convention in Philadelphia. (Alternately, you could allow students to choose their states or have a lottery, but this will add an extra step.) Please note that delegates from Rhode Island did not attend.

The numbers in each state delegation will vary by class size. For classes with 24 or more students, there should be two or more in each delegation. (Add delegates in rough proportion to size of states. For instance, in a class of 25, Virginia will have three, the other states two each.) If fewer than 24, you can combine states of similar size and regional interests so each group has more than one delegate. Possible state combinations, in order of preference: DE and NJ (small and free), GA and NC (small/medium and slave), NH and CT (small and free), MA and NY (large/medium and free), VA and MD (large/medium and slave). To facilitate classroom management, students should sit with their fellow state delegates.

Breakout groups, called “**discussion and debate**” (**D &D**) **groups**, will be composed of several state delegations from *diverse* regions: lower South, upper South, mid-Atlantic, New England. These should be small enough to allow each student to participate—the size of each, and therefore the number of state delegations in each, will vary by class size and teacher preference. Again, to facilitate movement, state delegations in each D & D group will sit proximate to each other. For small classes, teachers might choose to conduct all deliberations with the full class—for historical authenticity, you can call this the “**committee of the whole.**”

Each time students meet in their D & D groups, they should be reminded that these are for deliberations only. The groups do not have to come to any agreement. Students will not yet be casting their votes.

Inform students that all votes will be by state delegations—one vote for each state delegation, just as it was at the Federal Convention of 1787. When students do meet with their delegation to determine its vote, they are not to discuss the issue at length—they’ve already done that in their D & D groups. They simply vote and report the state’s preference to the committee of the whole. If delegates of any state are evenly divided on an issue, they report “divided” as their state’s vote.

If you are teaching the full unit, you might want a secretary (it can be the teacher) to keep track of class decisions. You should also stress the importance of retaining all handouts. In extended activities, students will be asked to compare their personal choices, class decisions, and historical decisions of the actual Convention and project how alternate outcomes might have altered the course of history.

If the units are used in a unit, here is the suggested order:

- 1. Reform or Revolution?** (one-day and two-day options)
- 2. Composition of Congress** (one-day and two-day options)
- 3. Creating an Executive** (one-day and two-day options)
- 4. Fine Tuning the Balance of Powers** (one-day and two-day options)
- 5. Slavery at the Constitutional Convention** (two-day lesson)
- 6. Amendments and Ratification** (one-day and two-day options)
- 7. To Sign or Not To Sign**
  - Option A: The Historical Constitution** (one-day lesson)
  - Option B: The Student-Generated Constitution** (one-day lesson)

Throughout these lessons, students need to understand key features of the Articles of Confederation:

\*The United States under the Articles was a “confederacy” of sovereign states.

\*There was only one branch, Congress, where each state had one vote. There were no separate executive and judicial branches.

\*Congress was not a “government” as we view it today. It engaged only with states, not citizens. It passed no laws bearing directly on citizens and had no enforcement powers.

\*Congress had no powers of taxation. It raised money by requisitioning the states, but it lacked the authority to force states to pay.

\*Amendments required unanimous approval of the states.

These are highlighted in the first lesson and will be brought into play in the appropriate lessons.

**Premise for engagement:**

History is the chronicle of choices made by actors/agents/protagonists in specific contexts. Students understand choices – they make them all the time. These lessons

involve students by placing them in the shoes of historical people and asking: “What might you do in such instances?”

For these exercises to be historical (more than affirmations of individual whims), we need to provide context: what was the issue, the problem to be solved? What were the existing realities/constraints that limited possibilities? With those in mind, what were the available options? For each option, how did people view the possibilities for a desired outcome? What were the potential dangers? When studying battles, we see how generals evaluate troop strengths, positioning, logistics, morale, and so on. In fact, all historical actors do this—not just leading political figures, but ordinary people and collective bodies. In Revolutionary times, people often made decisions in groups, both indoors (town meetings, caucuses, conventions, congresses) and “out-of-doors,” as they said at the times, informal gatherings that protested authority or enforced popular will. The Federal Convention of 1787, known today as the Constitutional Convention, provides a perfect example of historical actors making consequential decisions in a group context. When coupled with a study of ratification of the Constitution, it shows the interrelation between political decisions made “in chambers,” as they said at the time, with politics “out-of-doors.”

**Basic structure for choice-centered lessons, including but not limited to these Constitutional Convention simulations:**

(Some lessons include two or even three of the cycles outlined here; others have only a single round. For complex simulations with multiple rounds, more than one class period might be appropriate, at teacher discretion.)

1. *Formulate the problem*, the issue at hand. Define the players: who will be making the choices, deciding which path to take? Provide *context*, including any *constraints* that would limit their actions, with documents when possible. Without context, we will be operating in our world, not theirs.
2. Outline and discuss the *available options*, including possible outcomes of each – that, after all, is what the participants had to do. This is sometimes done as a class, sometimes in breakout groups of two or more students. The size and composition of breakout groups is left to teacher discretion.
  - 2A. After breakout groups, in some lessons, the class will reconvene to share, compare, and evaluate what they came up with. When, historically, the decision was up to a body (a congress or convention), the class will always reconvene as that body—but if no group decision was involved, once students have discussed options in groups, they can continue to the next step.

3. Individuals or bodies make and reveal their choices.
4. Presentation of the *historical outcome*: the choice actually made by the player(s) – use documents when possible.
5. Discuss with full class the *consequences* that did in fact ensue from that choice, including *further* issues raised by the outcome. Sometimes those issues, in turn, provide the “catch” for a subsequent lesson.

To summarize: the opening for each lesson—the catch—is the crossroad, the choice to be made. Then, in turn, come the *context and constraints, discussion of options, decision making, presentation of historical outcomes, and analysis of those outcomes*, including where they might lead next. In these lessons, students actually *engage* in the historical process. **By exercising individual and group decision-making skills within political contexts, they prepare for civic life. When the time comes for them to make history, they will be well rehearsed in making reasoned choices.**

## **T-B. TIMELINE FOR THE FEDERAL CONVENTION OF 1787**

September 11-14, 1786: Twelve delegates from 5 states, meeting at Annapolis, call for a larger convention the following year.

February 21, 1787: Congress endorses the Annapolis Convention's call for a convention, slated to meet in Philadelphia on May 14.

May 14: Delegates from only Pennsylvania and Virginia are present in Philadelphia. This did not constitute a quorum according to the standards of the Continental Congress.

May 25: With 29 delegates from 9 states present, the Convention begins. George Washington is chosen to preside.

May 29: Rule of secrecy adopted. Edmund Randolph presents the Virginia Plan.

May 30: Delegates start debating the Virginia Plan. The Delaware delegation threatens "to retire from the Convention" if all states do not have an equal vote in Congress. Convention resolves: "A *national* government ought to be established consisting of a *supreme* legislative, executive & judiciary."

June 2: Convention stipulates that the executive "be chosen by the national legislature for the term of seven years." This is rescinded on July 19 but reaffirmed on July 26.

June 4: Convention decides on a single executive, 7 states to 3.

June 15: William Paterson introduces the New Jersey Plan, which proposes only to amend the Articles of Confederation and maintains Congress as a unicameral body, each state having one vote.

June 18: Hamilton proposes that the chief executive and senators serve for life, with the executive having absolute veto power over all legislation. He receives no support.

June 19: Virginia Plan, as amended, defeats New Jersey Plan, 7-3 with one divided.

July 12: Convention finalizes the compromise on representation in the House: each slave counts as three-fifths of a person. Vote: 6-2-2.

July 16: Convention finalizes the "Great Compromise": proportional representation in the House; equal representation of states in the Senate; all money bills originate in the House. Vote: 5-4-1.

July 23: Convention resolves to send its proposed plan to Congress, with a recommendation that it be sent to "assemblies chosen by the people" in each state for ratification. Vote: 9-1.

[July 24](#): Convention appoints a five-member committee “to report a Constitution conformable to the Resolutions passed by the Convention.” (Committee of Detail.)

July 27-August 5: Convention recesses. Committee of Detail prepares the first full draft of the Constitution.

[August 6](#): Committee of Detail submits its report, which enumerates the powers of each branch. Debate on this draft commences.

[August 21, 22, 23, and 24](#): Convention debates whether Congress can prohibit the importation of slaves.

[August 24](#): Popular election of the president is defeated a final time. Vote: 9-2.

[August 25](#): Convention decides there can be no ban on slave importation until 1808. Vote: 7-4.

[August 30](#): Convention decides that ratification by nine states will suffice to place the Constitution into effect. Vote: 8-3.

[August 31](#): Convention appoints an eleven-member committee (one from each state delegation) to consider “such parts of the Constitution as have been postponed, and such parts of Reports as have not been acted on.” (Committee on Remaining Matters.)

[September 4](#): Committee of Remaining Matters issues its report, reversing key provisions that had already been decided: special electors, not Congress choose the president; the president, not the Senate, has treaty-making and appointive powers; a newly created vice-president presides over the Senate.

[September 8](#): Convention approves the Committee of Remaining Matters report with only minor revisions. Convention appoints a five-member committee “to revise the style of and arrange the articles which had been agreed to by the House.” (Committee of Style.)

[September 12](#): Committee of Style submits its almost-final draft of the Constitution. George Mason and Elbridge Gerry propose “a Committee to prepare a Bill of Rights.” The motion fails, 0-10.

[September 15](#): The Convention approves the Constitution, with all states present voting in favor.

[September 17](#): 39 of the 42 members present sign the Constitution. Congress sends it to Congress.

September 28: Congress sends the Constitution to the state legislatures with instructions to call conventions to consider ratification, as stipulated by the Federal Convention.