

Gary Peters

NEH Summer Institute/Boston University

Dr, Peter Gibbon

Summer, 2005

Lesson Plan: The USA Constitution

Overview:

This one week lesson discusses the creation of the USA Constitution. The first section looks at an historical approach to the background events that established a need for a Constitution, citing the failures of The Articles of Confederation, led by George Washington. The second section focuses on the delegates who met in Philadelphia, and their very diverse sectional interests, and their ability to compromise to complete the Constitution. The third section examines the ratification process and the ensuing debates.

Objective:

Students shall understand historical information that led to the creation and adoption of the USA Constitution, as well as analyze primary sources in relation to the controversies involved in arguing for the need for a national government, the issues demanding a compromise at the Constitutional convention, and the public debate regarding ratification.

Standards:

12.1 Students explain the fundamental principles and moral values of American democracy as expressed in the U.S. Constitution and other essential documents of American democracy.
A. Promotion of public good v protection of individual rights B. Federalism

12.9 Students analyze the origins, characteristics, and development of different political systems across time, with emphasis on the quest for political democracy, its advances, and its obstacles,
A. Power and shared power
B. Advantages of federal, confederal, and unitary systems of gov't

12.10 Students formulate questions about and defend their analyses of tensions within our constitutional democracy and the importance of maintaining a balance between the following concepts: majority rule and individual rights; liberty and equality; state and national authority in a federal system; civil disobedience and the rule of law; freedom of the press and the right to a fair trial; the relationship of religion and government.

Primary Sources:

Need: George Washington's *Circular to State Governments* (June 8, 1783)

"There are four things, which I humbly conceive, are essential to the well-being, I may venture to say, to the existence of the United States as an Independent Power:

1 st An indissoluble Union of the States under one Federal Head 2nd A Sacred regard to Public Justice 3rd The adoption of a proper Peace Establishment, and 4th The prevalence of that pacific and friendly Disposition, among the People of the United States, which will induce them to forget their local prejudices and politics, to make those mutual concessions which are requisite to the general prosperity, and in some instances, to sacrifice their individual advantages to the interest of the Community,"

Constitutional Development: James Madison's notes on the Convention dialogue TBD

Constitutional Ratification: George Washington's letter to David Humphreys (October 10, 1787)

See attachment

Federalist Papers # 10, 51 (from textbook)

Additional Sources:

From Edmund S. Morgan, *The Genius of George Washington*

"Washington's estimate of his own influence was too modest. His presiding role at the Philadelphia Convention the next year and his approval of the new Consitution went far toward securing its adoption. When he became the first president under it, his own prestige both at home and abroad bolstered that of the new government."

Edmund S. Morgan, *The Birth of the Republic*

Charles Beard, *An Economic Interpretation of the Constitution*

Richard Brookhiser, *Founding Father: Rediscovering George Washington* Thomas G. West, *Vindicating the Founders*

Alexander Hamilton, James Madison, John Jay, *The Federalist Papers*

Freedom or liberty, then, was never understood by the Founders to mean licentiousness, or immorality. Freedom was always understood in the light of the moral obligations imposed by the "laws of nature and of nature's God" referred to in the Declaration. But the fact that some men believe freedom means they can do whatever they choose, even if they choose to follow their greedy and selfish passions and violate the rights of others, indicates the needs for government.

The Founders explained this problem by reference to the idea of the "state of nature," which was central to the political teaching of the American Founding. The state of nature is how men live prior to the formation of government: the state of nature is men living among other men without government and without the protection of laws. The problem with the state of nature is that while every man possesses the same rights and liberties by nature, those rights are insecure without government. The stronger always tend to violate the rights of the weaker. In the state of nature there is nothing to prevent the stronger from taking the property of the weaker, or enslaving the weaker. But even the stronger are not always protected, as sometimes the weaker might band together and destroy the stronger. So it is in the interest of all citizens to leave the state of nature, and form a government that will protect the rights of each.

In Federalist 51, James Madison explained the relationship between the state of nature and government by raising the following question: "But what is government itself but the greatest of all reflections on human nature? If men were angels, no government would be necessary." If men were angels - that is, if men were wholly good and wholly reasonable - there would be no need for government, because every man would behave morally and would respect the rights of others without government or law. But men are not angels. In addition to his reason, man possesses selfish passions, and sometimes men will follow their passions and hurt other men. Thus there is a need for some way to restrain those selfish passions. The answer is government. The need for government stems from human nature itself, by the fact that humans by nature are not wholly good, but capable of both good and evil. The purpose of government is to encourage the good tendencies of human nature, and discourage or regulate the bad. As Madison wrote in Federalist 49, "the reason of the public alone ought to control and regulate the government," but in turn the government ought to control and regulate "the passions" of the people.

Thus we see the need for and purpose of government: to protect the rights which all men possess by nature, and to encourage men to act rationally and good.

Suggested Possible Delivery Procedures:

Write the word "government" on the board. Ask students what government is, and what government is supposed to do, and write some of their answers next to the word "government." Then ask students whether they believe government is necessary, and, if so, why.

Have students brainstorm/write on flippad why a unified, national government became important to create and why it could be dangerous to do so.

Have students write their own definitions of freedom and liberty, and majority rule and minority rights. Discuss how the debate and approval of the Constitution attempted to but also fell short of attaining all four of these concepts

Possible Lecture/Power Point Topics:

Winning the fight for Independence (and review of the Declaration of Independence) and the Critical Period of 1783-1887

Articles of Confederation

Shays Rebellion

Annapolis Convention

Constitutional Convention

The Great Compromise

The Three-fifths Compromise

Separation of Powers

Checks and Balances

Popular Sovereignty

Federalism

Slavery/slave trade as debated/decided in the Constitution Federalists (writings of Publius)

Anti-Federalists (writings of Brutus)

Ratification

The Bill of Rights as a "promise to be kept" to the anti-federalists

Summary: Essential Critical Evaluations by students

1. How important was the "need" for a national government outlined by an adopted "constitution".
2. What compromises were made to unify the thirteen states under one centralized government at the expense of freedom, liberty, and a republican form of government?
3. Why was the product of the convention, The Constitution, still a passionately debated issue once completed?
4. What are the strengths, weaknesses, major omissions, and flaws, if any, of The Constitution?
5. Did or did not the Bill of Rights, passed two years into this new government, validate why Americans fought the revolution, created and immortalized the Declaration of Independence, and passionately debated but also ratified the Constitution?

Dear Sir, Mount Vernon Sept. 24th 1787

In the first moments after my return I take the liberty of sending you a copy of the Constitution which the Foederal Convention has submitted to the People of these States. I accompany it with no observations-your own Judgment will at once discover the good, and the exceptionable parts of it. and your experience of the difficulty's which have ever arisen when attempts have been made to reconcile such variety of interests, and local prejudices as pervade the several States will render explanation unnecessary. I wish the Constitution which is offered had been made more perfect, but I sincerely believe it is the best that could be obtained at this time-and as a constitutional door is opened for amendment hereafter-the adoption of it under present circumstances of the Union is in my opinion desirable.

From a variety of concurring accounts it appears to me that the political concerns of this Country are, in a manner, sus-pended by a thread. That the Convention has been looked up to by the reflecting part of the community with a Sollicitude which is hardly to be conceived, and that, if nothing had been agreed on by that body, anarchy would soon have ensued-the seeds being reiply sown in every soil. I am &c.

To David Humphreys

My dear Humphreys, Mount Vernon Octr 10th 1787.

Your favor of the 28th Ult. came duly, to ha,nd, as did the other of June. With great pleasure I received the intimation of your spending the Winter under this roof. The invitation was not less sincere than the reception will be cordial. The convention shall be, that in all things you shall do as you please-I will do the same-No ceremony shall be observed-nor any restraint be imposed on any one.

The Constitution that is submitted, is not free from inper--fections; but there are as few radical defects in it as could well be expected, considering the heterogenous mass of which the Convention was composed-and the diversity of interests which were to be reconciled. A Constitutional door being opened, for future alterations and amendments, I think it

would be wise in the People to adopt what is offered to them; and I wish it may be by as great a majority of them as in the body that decided on it; but this is hardly to be expected, because the importance, and sinister views of too many char-acters will be affected by the change. Much will depend how-ever on literary abilities, & the recommendation of it by good

pens, should it be openly, I mean publicly attacked in the Gazettes. Go matters however as they may, I shall have the consolation to reflect, that no objects but the public good, and that peace & harmony which I wished to see prevail in the Convention, ever obtruded, even for a moment, in my mind, during the whole session lengthy as it was.

What re-ception this State will give to the proceedings (thro' the great territorial extent of it) I am unable to inform you. In these parts of it, it is advocated beyond my expectation. The great opposition, if great is given, will come from the Counties Southward and Westward; from whence I have not, as yet, heard much that can be depended on.

I condole with you on the loss of your parents, but as they lived to a good old age you could not be unprepared for the shock; tho' there is something painful in bidding an adieu to those we love, or revere, when we know it is a final one. Rea-son, religion & Philosophy may soften the anguish, but time alone can irradicate it.

As I am beginning to look for you, I shall add no more at present, but the best wishes of the family, and the affecte re-gards of your Sincere friend and Obedt Hble Servt