Lesson 1 (Day 1)

Title: Events leading up to the Constitutional Convention

Objectives: Students will
1. Read an excerpt from Federalist # 15 (Alexander Hamilton) and primary sources to understand that the period following the Revolution was characterized by recession, territorial conflicts and threats from home and abroad.
2. Create letters to the editor, broadsides or cartoons to demonstrate understanding of the impact of Shays' Rebellion on the leaders of the American Revolution, various economic groups and political officials.
3. Recognize the deficiencies of the Articles of Confederation.

Materials:
- Excerpt from Federalist # 15
- List of roles and statements from key players in Shays Rebellion
- Rubric for product (broadside, cartoon, letter, etc/)
- Supplies such as newsprint to create a headline on Shays’ Rebellion and poster paper, magic markers, tape, and other materials for the activity

Strategies:

On newsprint, create a headline from a colonial newspaper that screams, "Daniel Shays leads rebellion in Springfield Courthouse; Massachusetts on the verge of Civil War!"

Show to the class and briefly describe the events that led up to the revolt. Put students in pairs or groups of three depending on the size of the class and assign the roles listed below. Distribute the reading with primary sources that reflect the assigned roles and describe conditions at that time. Ask students to read their assigned role and then have them produce a product that would best express their role. Using selected quotes from the sources, they can create a product such as; a broadside, a cartoon, a letter to an editor, or any scenario that would describe the plight of the following individuals or groups.

Roles
- A veteran of the Revolutionary War who has not been paid for his service or has been paid in worthless continental currencies. Also, he was part of failed plot to mutiny and establish a military dictatorship with George Washington.
- A farmer who has borrowed money to buy seed and supplies, but his crop has failed or he has a surplus because of declining demand.
- A creditor whose loans are repaid in worthless continental currency or is unable to collect payments on debts.
- State political officials who are forced to raise local property taxes (primarily on farmers) to finance their governments.
- Congress, faced with bankruptcy and no steady source of revenue, is unable to repay the national debt to foreign allies and citizens who loaned the patriots
money to fight the Revolution. In addition they cannot raise a national army to defend the nation from threats from home and abroad.

Have the groups assign one of their members to present their product to the class. Post the work.

Distribute the excerpt from Federalist #15 and assign a student to make a dramatic reading. Conduct a discussion summarizing the problems faced by the Americans during the post Revolutionary period.

**Assignment:** Complete readings from Digital History web site or assign a reading in the history textbook.

**Assessment:** Letters to the editor, cartoons, and broadsides (see rubrics in appendix).

**Differentiation:** Students will be grouped heterogeneously, assigned to shorter and less difficult primary sources to read, and will have the opportunity to choose a variety of media to complete their groups' assignment.

### Lesson 2 (Days 2 and 3)

**Title:** Weaknesses of the Articles of Confederation

**Objectives:** Students will:

1. Summarize the weaknesses of the Articles of Confederation recognizing the structural framework as the primary problem.
2. Suggest revisions to correct the weaknesses
3. Compare their solutions to those found in the Constitution

**Materials:**
- Copies of the Constitution and the Articles of Confederation (use textbooks or copies)
- Charts
  - comparing the Articles of Confederation to the Constitution
  - recognizing structural checks and balances
  - identifying political checks and balances
  - rubrics
- Structural Diagram comparing federal, unitary systems to a confederation
- Reading from an American history text on the weaknesses of the Constitution

**Strategies (Hook)**
1. Divide the class into three groups and tell the students to select their favorite rock band. Following the rules, they must select only one band. Designate different rules of the game for each group to come to a decision; a simple majority, a 2/3rds majority, and
unanimity. Give the class 10 minutes to complete the task and then ask students what happened, posing the following questions:

- Was it difficult to come to a decision? Why? Why not?
- Do the rules of the game matter?
- What would be a reasonable rule to expedite decision-making?
- Would the issue matter, e.g., would more serious or polarizing issues require a larger vote?

Discuss with students the importance of the rules..."the rules of the game determine the outcome." (As an example, talk about how changing the rules in football would change the outcome and alter the way the game is played.). Tell them that we are beginning a study on the rules that govern our country and you will learn about the rules that created problems facing our country with its first Constitution, the Articles of Confederation.

2. Place students in small heterogeneous groups to work on the charts (Appendix). Ask them to recommend changes. Discuss the changes. Refer them to the Constitution to complete the chart. When completed, summarize findings. Lecture briefly on the structural problems of the Articles passing out the chart (Appendix) or using an overhead projector or a smart board comparing a federal system with a confederation and a unitary system. Emphasize the crucial difference between a federal system and a confederation: the national government in a federal system is able to exercise power directly on individuals whereas in a confederation, the national government has no direct power over individuals, but must use the state government as a conduit to the people (see charts). Make sure students understand that this was the critical issue before the convention, the distribution of power between the national government and the states. This is clearly demonstrated by the conflict over representation in the Congress, the elastic clause and Article VI and the later addition of the 10th Amendment. Assign students a reading in the history text that discusses the provisions of the Constitution.

**Assessment:** Rubric for Charts (Appendix)

**Differentiation:** Strategically group students heterogeneously and circulate the room working individually with students.

**Lesson 3 (Day 4)**

**Title:** Principles embedded in the Constitution

**Objective:** Students will:

Understand the principles of federalism, separation of powers, checks and balances, limited government

**Materials:** A layer cake and a marble cake. Newsprint, magic markers
Strategies:
Federalism is a difficult concept for students to understand. It's important for students to know that the founders finessed this issue between the states and the national government by being somewhat vague. Call their attention to the elastic clause and Article VI and look ahead to the 10th amendment to show the ambiguity.

Hook: Bring in a layer cake and a marble cake. Pair students and ask them to think about how the cakes could be symbols that represent how governments can be structured. Require students to write a brief paragraph explaining their observations (the best explanation gets the cakes, which I am sure they will share with everyone else!).

Brainstorm a definition of federalism. Then summarize their ideas on the board and lead a discussion to create a working definition of the word. Supplement the definition by asking students to identify national, reserved and concurrent powers of our government (e.g., national, foreign policy, interstate commerce; reserved, education; concurrent, taxing.) Lead a discussion that helps students recognize the complexity and dynamism of federalism that has constantly shifted over the years.

Enrichment: You might consider expanding the lesson to discuss the evolving nature of federalism.

The “Layer Cake” is a metaphor for the concept of “Dual Federalism.” Dual Federalism, also often referred to as “strict construction of the Constitution,” asserts that the set of powers described in Article I, Section 8 of the Constitution belong to the national government and that all other government powers are “reserved” to the states through the 10th Amendment.

<table>
<thead>
<tr>
<th>National [Federal] Government</th>
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<tr>
<td>Powers Enumerated in Article I, Sec. 8</td>
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<table>
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<tr>
<th>State Governments</th>
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<tr>
<td>Powers Reserved in Amendment 10</td>
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The ‘Marble Cake” is a metaphor for the concept of “Cooperative Federalism.” This recipe begins with the idea that there are certain problems which are national in scope and therefore require solutions that are beyond the jurisdictional reach of state and local governments. For problems of this nature, the Constitution’s “elastic clause” [Article I, Section 8] can be utilized to enable the federal government to create cooperative intergovernmental relationships between itself and states and localities. The
way that laws and regulations are written and enforced, and the way that these programs are funded [often though federal grants to states and local governments], leads to a blurring of the lines of authority and responsibility between the federal and state governments.

In fact, there are many areas of intergovernmental cooperation between the federal and state governments including funds that the federal government provides and the exchange of services between the two levels. In recent years there has been a "devolution revolution" to return more power back to the states. Ask the students why they think many of the opponents to the Constitution were so afraid of this new federal system? How has the power of the national government expanded? Students can make connections to today’s issues such as the Schiavo tragedy, which developed into a federal issue regarding state versus national power. Conservatives demanded federal intervention and liberals supported state control of the issue.

Students will be more familiar with the principles of separation of powers and checks and balances. Referring to the Constitution, assign them to write a table of contents for the Constitution. Discuss its organization noting the division among the first three articles on the various branches of government, the elastic clause, and Articles nine and ten. Ask them to give some examples of checks & balances. Referring to the Constitution, have them complete the charts (Appendix) on the political and structural checks & balances and separation of powers. Collect the charts.

For homework, assign students a reading from the history text that discusses the political ideas that influenced the Founders.

**Differentiation:** Place students in pairs or threes. Distribute newsprint and assign one of the principles (federalism, separation of powers and checks and balances) and ask students to imagine they had to explain these principles to someone that did not speak their language. Tell them they need to create a drawing that would express the concept. Have each group silently present their drawing and ask the class to identify the concept. Post the drawings.
Lessons 4 (Days 5, 6, 7, 8)

Title: Prepare for the Debate

Objectives: Students will:

1. Assume the role of a Federalist or Anti-Federalist; prepare arguments using primary sources such as The Federalist Papers, Anti-Federalist Papers, letters and other documents.
2. Debate the issues surrounding the ratification of the Constitution.

Note: To be historically accurate this debate should be centered in a state ratifying convention. The teacher could stage the debate in Virginia since many of the primary sources are documents from Virginians and there are some records from the Virginia ratification convention.

Materials:

- Charts (with questions & rubrics) comparing the economic and social status of Federalists and Anti-Federalists:  
  http://www.gilderlehrman.org/teachers/module2/mod_tools.html
- Questions for “Are We To Be A Nation?”
- Anti-Federalists Supporters
- Federalists Supporters
- Slavery Under the Constitution
- Rubric for debate
- Parliamentary Procedure...At a Glance
- Liberty! The American Revolution, "Are We To Be a Nation?"
- Worth Fighting For, Virginia’s Ratification of the U.S. Constitution.

Strategies:

Preparation for Debate: Explain to students that there was serious opposition to the Constitution and a struggle for ratification was strenuously debated. The most famous defense of the Constitution is a series of essays by James Madison, Alexander Hamilton and John Jay known as The Federalist. This primary source is considered the best discussion of the political theory underlying the Constitution and its provisions. The Federalists conducted a brilliant campaign to garner support for the Constitution. They were especially clever in their seizure of the word Federalist to describe their position. They were undoubtedly nationalists but called themselves Federalists, a term heretofore used to describe those who favored strong state power. They labeled their opponents the negative term, Anti-Federalist...what spin even back then!

Though the Anti-Federalists were not as well organized as the Federalists, they wrote some prescient articles that clearly stated the objections of some prominent Americans from that time such as George Mason, Patrick Henry, Richard Henry Lee, Robert Yates
and George Clinton. Tell students that they are going to assume the roles of Federalists and Anti-Federalists and debate the merits of the Constitution. To get approval of the Constitution the Framers wisely bypassed the state legislatures, characterized by Anti-Federalists’ sentiment, and designated the approval process to be conducted by special ratifying conventions elected by the people (remind them of the restricted electorate at the time).

**Procedures:**

- **Distribute charts that compare the economic and social status of Federalists and Anti-Federalists (Appendix).** [http://www.gilderlehrman.org/teachers/module2/mod_tools.html](http://www.gilderlehrman.org/teachers/module2/mod_tools.html) Working in pairs, have students respond to the questions and draw conclusions that can be inferred from the charts. Conduct a brief discussion summarizing their findings.
- **Optional (if time) show the PBS video/DVD on "Are We To Be a Nation?"** Discuss worksheet (Appendix).
- **To determine roles for the debate, teachers can decide among several options.** Based on the information in the charts students could create their roles, or they can choose to be a Federalist or Anti-Federalists or the roles can be assigned, but the numbers should be balanced as evenly as possible. You could pair students to research roles and prepare arguments. Also, students can assume the roles of the prominent Federalists and Anti-Federalist of the period or simply make the arguments. The web site [http://score.rims.k12.ca.us/activity/ratification/](http://score.rims.k12.ca.us/activity/ratification/) is an excellent source for organizing the debate over ratification with short profiles of the major players in the Constitutional debate.
- **Select two good students to lead and organize each of the parties and pair members up to prepare arguments.** Provide the sources with a list of issues to debate [national government v. states (congressional representation), presidency, standing army, slavery]. Sources include letters, notes from the convention, and the Anti-Federalists and Federalists essays. If students have access to computers, create stations with bookmarked sites. Ask students to read the articles and prepare two pages of arguments. Circulate the room and assist students in their preparation of arguments, you might begin the assessment process, using the rubric (Appendix). Prepare a list of speakers.
- **Distribute a chart on Parliamentary procedure and briefly review (Appendix).**
- **Conduct the debate** with the teacher as chairperson.
- **Debrief.** Pose the following questions to the class:
  - Which arguments were most persuasive? Why? (Students should note the concerns that the new government would be far too powerful using examples such as the lack of a Bill of Rights, the federal structure, the necessary and proper clause, Article six, fear of a tyrannical President, fear of a standing army, the taxing power.)
  - Discuss the compromises on representation, the presidency and slavery that made the Constitution possible.
  - What concerns of the Anti-Federalists have been continuing concerns throughout our history up to today? (Students should note the expansion
of federal power and the continuing debates over the extension of national power vs. state power.)

Assessment: Prepared arguments (rubric in Appendix), debate (rubric, Appendix)

Differentiation: Group the class heterogeneously and assign shorter primary readings to less able students. Some students could be reporters for a colonial newspaper and take notes. They could then write headlines and articles or draw broadsides, cartoons, charts, profiles for the newspaper.

Lesson 5 (Day 9)

Title: Addition of the Bill of Rights

Objectives: Students will:

1. Compare the grievances against King George listed in the Declaration of Independence to the Bill of Rights.

2. Recognize that the Virginia Declaration of Rights penned by George Mason became a model for the Declaration of Independence and the Bill of Rights.

3. Understand that the rights listed in the Bill of Rights have been gradually expanded.

Materials:

- Copies of the Declaration of Independence, the Bill of Rights and the Declaration of Rights from a history textbook.

Strategies: Guide the students to the list of grievances against the King listed in the Declaration of Independence. Ask them to compare that list to the Bill of Rights. Then ask students to review the Virginia Declaration of Rights written by George Mason. Make the point how influential these documents were in the development of the Bill of Rights.

Ask the students what they know about the expansion of the Bill of Rights over the last two centuries? As examples, refer to the fourth amendment to discuss the protections from arbitrary search and seizure. Students will most likely be familiar with the right to an attorney established in the Gideon case. Note the expansion of rights through the 14th amendment.

Lesson 6 (Day 10)

Topic: The Enduring Constitution

Objectives: Students will:
Explain why our enduring Constitution has become a model of stability and adaptability in the world today.

**Materials:**
- Constitution (Article V) from a history textbook

**Strategies:** Tell students that historically, many Constitutions have short lives (France) and many are merely facades for authoritarian regimes (China). Lead a discussion posing the following questions to students regarding the longevity of our Constitution:

1. What characteristics of the Constitution help explain its longevity? (Discuss the amending process…its federal character… and review the most recent suggestions to change the Constitution (Protection of Marriage, Electoral College, Balanced Budget, etc.).

2. What do you remember about the Civil War? It is often called the "second war of independence." Why? What were the central issues that the War raised regarding the structural framework of the nation? Have these issues been settled?