
Unit IV - The Constitution

Essential Question

How did the Constitutional Convention of 1787 and the *Federalist Papers* apply the fundamental operational principles of the Constitution?

Topic

In this unit the students will examine how the Framers intentionally built a government of the people that prevented tyranny and protected liberty. “A dependence on the people is, no doubt, the primary control on the government; but experience has taught mankind the necessity of auxiliary precautions.” Federalist 51 Madison’s reference to “auxiliary precautions” is the systems of constitutionalism that restrain power.

Unit Outline

- I. The colonial experience in self-government
- II. The Revolution
- III. The Articles of Confederation
- IV. The Constitutional Convention
- V. The Federalist Papers
- VI. Ratification
- VII. The Bill of Rights

Materials list

- Your text’s chapter on the Constitution,
- “We the People...” Unit II
- Interactive Citizenship Chapters 1 and 2.
- [U.S. Senate’s Constitution web site](http://www.senate.gov/)<http://www.senate.gov/>
- Use the FindLaw web site on the Constitution at <http://www.findlaw.com/casecode/constitution/> for detailed information.

Description

A unit on the Constitution lends itself best to direct instruction and small group work. There are also numerous excellent videos on the framing and current application of the Constitution. The fundamental outcome of this unit is for the student to see how the Framers built into the Constitution the operation principles that prevent the concentration of power and protect liberty.

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Lecture Support

The most effective curriculum on the Constitution is the *“We the People...the Citizen and the Constitution from the Center for Civic Education.*

Written constitutions as the fundamental law that is based in the power of the people, popular sovereignty, is one of the great contributions made by America to the governance of people in societies; that people can govern themselves.

Explain the principles that make the Constitution work (e.g. liberty, federalism, separation of powers...) developed out of the experiences of the Founders and the Framers. The experience that concentrated power inevitably diminishes liberty.

By the time of the American Revolution, most states had adopted written constitutions. Written constitutions are important because they put in writing the fundamental law agreed by the people.

An example is the Massachusetts Constitution of 1780. This constitution evolved from the Massachusetts colonial charter that established strong executive and legislative branches to apply separation of powers.

Most other states applied legislative superiority, most power in the legislative branch; it was not checked and balanced by the executive or judicial.

Another example is the Pennsylvania Constitution that protected religious liberty in its constitution.

The state constitutions served as the experiment for the Constitution of 1787. The Framers saw first-hand what worked and what didn't. They knew, for example, that a state that based its government in the legislative branch only, legislative superiority, almost had as much tyranny as a government without a legislature, tyranny of the majority.

The expectation by the people that the governments should be based in popular sovereignty, the people, and self-government was another contribution of the colonial government period. The vote would lead to application of popular sovereignty in republicanism.

In addition, the development of the ideas of equality of persons, that all persons are equal before the law and the idea that the primary purpose of government is the protection of liberty were other significant contributions implemented in the period.

From the experience of state governance through written constitutions the founders gained important experience that would influence the writing of the Constitution of 1787.

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Much of that experience is reflected in the Declaration of Independence. The idea that “All men are created equal” was a new idea in the world. The divine right of kings gave the monarch and his or her children the right to rule, they were not equal with the people, they were better.

In addition the concept that the basis of government is to protect liberty, not infringe on it.

Unit Objectives

The student will...

- List historical influence on rights and government as developed in the United States.
- Restate how the development of state constitutions in the colonial period influences the development of the Constitution of 1787.
- Identify at least one principle of the Declaration of Independence that influenced the creation of the Constitution.
- Analyze why and how the framers created the United States Constitution.
- Restate the failures of the Articles of Confederation that led to the Philadelphia Convention
- Identify compromises of the Convention such as on slavery and representation.
- Describe how development of a federal system of government reserved powers to the states and the people
- Describe the arguments of the Federalists and Anti-federalists as presented in the Federalist Papers.
- Restate the process by which the Bill of Rights was added to the Constitution.
- Describe unitary, confederate and federal forms of government.

Lesson 4:1 The Background Experience

Objectives

- List historical influence on rights and government as developed in the United States.
- Restate how the development of state constitutions in the colonial period influences the development of the Constitution of 1787.

Procedure

- 1 Assign your text reading on the Constitution, or better, “We the People...”Unit II.
- 2 Begin with a discussion of how the ideas put into reality into the constitution are ideas that have evolved over a long period. Have the students complete workbook page 4-1. Explain the evolution of the ideas which over two thousand years which the Framers put into action.

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- 3 Then discuss on the ideas most important to the Constitution and Bill of Rights first showed up in the state constitutions at the time of the Declaration. Show the “Virginia Declaration of Rights” by George Mason.
- 4 Read the document to the class, and as it is read, point out the words that ultimately would find their way into the Declaration one month later and the Bill of Rights fifteen years later. See teacher guide.
- 5 Students select quotes for the Virginia Declaration of Rights, indicate where it is located in the Declaration, Constitution or Bill of Rights and attempt to connect the quotes to a current event happening.

Lesson 4:2 Declaration to Constitution

Objective

Identify at least one principle of the Declaration of Independence that influenced the creation of the Constitution.

Show presentation slide Unit IV slide that shows the second paragraph of the Declaration.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed,--That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it.

Points of Emphasis

Point out, underline: “All men are created equal”

Explain that this shows that no one is better because they were born to a certain family. This is the great contribution of the American Constitution, that all people have an equal access to the government. This would later become the Fourteenth Amendment and a reality through the Supreme Court’s decisions of the 20th Century.

Point out or highlight, “Endowed by their Creator with certain unalienable rights, that among these Life, Liberty and the Pursuit of Happiness.”

Explain that rights come first, before government. Whoever created us gave us rights, and that makes rights a natural part of being human.

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The principles of the Constitution“ That to secure these rights governments are instituted among Men deriving their just powers from the consent of the governed; ...”

Emphasize that people make the government and its first priority is to protect liberty.
“To protect the blessing of liberty governments are instituted among men...” The fundamental purpose of government is to protect peoples’ liberty.

“...That whenever any form of government becomes destructive to these ends it is the right of the people to alter or abolish it...”Peoples’ most basic right is to change the government to restore rights; the right of revolution.

Highlight, “...deriving their just powers from the consent of the governed..” This is popular sovereignty.

Highlight“, experience hath shown, that mankind are more disposed to suffer, while evils are sufferable...” It’s not going to be easy.

Refer the students to the Preamble of the Constitution, and point out the similar ideas contained. Explain that the Constitution bases its power in the people, popular sovereignty to defend the country, reach the common good, and protect liberty.

“We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.”

Class Assignment

Working in teams students will list the highlighted ideas for both the Declaration and the Preamble. The students then will attempt to merge the documents into one statement.

Lecture Support:

The Declaration online from about.com

U.S. Senate’s Constitution web site<http://www.senate.gov/>

Lesson 4:3 Confederation vs. Federal vs. Unitary

Objective

Describe unitary, confederate and federal forms of government.