

Key Constitutional Concepts: Creating a Constitution

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About this Lesson

The first section of the film Key Constitutional Concepts examines the creation of the Constitution of the United States and why it came about. The centerpiece of the lesson is this section of the film itself. Prior to viewing the film, students are asked to respond to a key question, which will set a conversation in motion for the whole lesson. The teacher then introduces the film by providing key facts about the Constitutional Convention. To ensure engagement during the film, students are given the task of collecting a list of the many conflicts and compromises that went into the creation of a new American government. The lesson is completed with students reading Benjamin Franklin's closing speech at the Constitutional Convention. Students are asked to use information collected in this section of the film to analyze Franklin's comments.

Grade Level(s)

7-12

Classroom Time

One 45-minute classroom period

Handouts

Handout #1
From Conflict to Compromise

Handout #2
Franklin's Final Speech at the
Constitutional Convention

Constitution Connections

Articles I-VII

Amendments 1-10

Background

The Constitution was created in conflict. Few delegates were totally satisfied with the final document and many only signed it reluctantly. All of the delegates, however, agreed that the American government under the Articles of Confederation did not work. The Articles were just too weak to bind the new states into a cohesive nation. A stronger government was needed, but just how strong? This question was the source of the conflict that needed to be resolved at the Constitutional Convention. This lesson will guide students through the controversies present at the Convention in the summer of 1787 and help them understand how various conflicts were resolved and found their way into the structure of our national government. These include:

- Fear and distrust of strong central governments was addressed by the dividing the government into three branches with checks and balances.
- Fear and distrust of strong central governments was further addressed by a power-sharing arrangement with state governments called federalism.
- Fear by states with small populations of being overwhelmed by larger, more populous states was addressed by a bicameral [two house] Congress.
- The pro-slavery vs. anti-slavery controversy came to a head when southern slaveholders wanted their slaves to be counted for purposes of representation, though they were neither voters nor citizens. A compromise that counted slaves as three-fifths of a person for representation, known as the *Three-Fifths Compromise*, resolved this issue.
- A Bill of Rights was not part of the original Constitution. Some delegates felt that a list of individual liberties was unnecessary and possibly inadequate. Tired of three months of tense negotiation, the delegates structured the new government so that the Constitution could be amended. Consideration of a Bill of Rights was postponed until the first Congress met two years later.

Objectives

Students will:

- Understand why there was a need for a Constitutional Convention and why nationalists believed the Articles of Confederation could not meet the needs of the nation, as demonstrated by Shays' Rebellion.
- Understand the inherent conflicts among the states including
 - fear and distrust of strong central governments
 - fear of small states being overwhelmed by larger ones in a Congress where representation was based on population
 - pro-slavery vs. anti-slavery sentiments
 - proponents of a bill of rights vs. those who believed that the framework of the Constitution itself protected individual liberties
- Study the solutions that were incorporated into the Constitution and the conflicts that were left unresolved.
- Examine a primary source document, Franklin's Speech, and connect it to newly acquired knowledge.

Standards

McREL Compendium

[Content Knowledge: A Compendium of Standards and Benchmarks for K-12 Education: 3rd and 4th Editions](#)

- This lesson meets McREL Standards for Civics, Standard 8, Level IV (Grades 9 – 12), Benchmarks 1 – 9
- This lesson meets McREL Standards for U.S. History, Standard 8, Level IV (Grades 9 – 12), Benchmarks 1 and 2
- This lesson meets McREL Standards for Historical Understanding, Standard 2, Level IV (Grades 9 – 12), Benchmark 12

Activity

1. Ask the students to respond to the following question in writing:
 - *Why did the Founding Fathers come together and write the Constitution?*
2. Going around the classroom, ask students to share answers. As students are responding, start creating a list of controversies mentioned.

Video Analysis

2. Introduce the film and activity to the students.
 - The Constitution of the United States was written in 1787. It was the second attempt at organizing the newly independent states into a single nation.
 - The Constitution was written by 55 men representing 12 different states (Rhode Island did not participate in the convention).

- Each delegate and state arrived at the convention with different priorities and ideas for how the government should be structured.
 - Ultimately, the document that was created was one of compromise, allowing for multiple perspectives and points of view to be shown.
 - This section of the film will introduce these differing points of view and show the compromise that was needed to create the Constitution.
3. Have students divide a sheet of paper into 3 separate columns and label them CONFLICT, COMPROMISE, and PARTICIPANTS respectively. As they watch the film, they will complete the chart. A completed chart should include a list of the conflicts and their respective compromises as well as the individuals involved.
- Remind students that conflict does not just have to be physical, but can be a conflict of ideas.
4. **PLAY THE VIDEO SECTION: CREATING A CONSTITUTION**
5. Once the film finishes, ask the students to work collaboratively to create a comprehensive list. Students should be encouraged to deliberate correct answers; a class note taker should be assigned to create the list in the front of the classroom. Students should revise their own notes to reflect the final product.

Assessment

6. Distribute Handout #2 and ask students to discuss Franklin's closing remarks.
- How would the public have known about Franklin's views? How do we know these are actually his?
7. Ask students to write a letter to Benjamin Franklin in response to his closing Convention speech as though they were members of the Constitutional Convention. Students should respond to the following questions:
- How does Franklin address conflict?
 - Do you agree with Franklin or disagree?
 - Do you think other delegates to the Convention agreed or disagreed with Franklin's ideas

Further Resources

- Berkin, Carol. [A Brilliant Solution: Inventing the American Constitution](#), New York: Harvest Books, 2003.
- Centuries of Citizenship: Interactive Timeline
 - <http://www.constitutioncenter.org/timeline>

Handout #1

From Conflict to Compromise

Directions: During the course of the film a number of conflicts, both political and social, will be presented. Using the chart below define the conflict, explain the compromise, and list key participants.

CONFLICT

COMPROMISE

PARTICIPANTS

Handout #2

Benjamin Franklin's Closing Speech at the Constitutional Convention

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.

Most men indeed as well as most sects in Religion, think themselves in possession of all truth, and that wherever others differ from them it is so far error. Steele a Protestant in a Dedication tells the Pope, that the only difference between our Churches in their opinions of the certainty of their doctrines is, the Church of Rome is **infallible** and the Church of England is **never in the wrong**. But though many private persons think almost as highly of their own infallibility as of that of their sect, few express it so naturally as a certain French lady, who in a dispute with her sister, said "I don't know how it happens, Sister but I meet with no body but myself, that's always in the right. "Je ne trouve que moi qui aie toujours raison."

In these sentiments, Sir, I agree to this Constitution with all its faults, if they are such; because I think a general Government necessary for us, and there is no form of Government but what may be a blessing to the people if well administered, and believe farther that this is likely to be well administered for a course of years, and can only end in Despotism, as other forms have done before it, when the people shall become so corrupted as to need despotic Government, being incapable of any other.

I doubt too whether any other Convention we can obtain, may be able to make a better Constitution. For when you assemble a number of men to have the advantage of their joint wisdom, you inevitably assemble with those men, all their prejudices, their passions, their errors of opinion, their local interests, and their selfish views. From such an assembly can a **perfect** production be expected? It therefore astonishes me, Sir, to find this system approaching so near to perfection as it does; and I think it will astonish our enemies, who are waiting with confidence to hear that our councils are confounded like those of the Builders of Babel; and that our States are on the point of separation, only to meet hereafter for the purpose of cutting one another's throats.

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. I have never whispered a syllable of them abroad. Within these walls they were born, and here they shall die. If every one of us in returning to our Constituents were to report the objections he has had to it, and endeavor to gain partisans in support of them, we might prevent its being generally received, and thereby lose all the salutary effects and great advantages resulting naturally in our favor among foreign Nations as well as among ourselves, from our real or apparent unanimity.

Much of the strength and efficiency of any Government in procuring and securing happiness to the people, depends, on **opinion**, on the general opinion of the goodness of the Government, as well as well as of the wisdom and integrity of its Governors. I hope therefore that for our own sakes as a part of the people, and for the sake of posterity, we shall act heartily and unanimously in recommending this Constitution (if approved by Congress and confirmed by the Conventions) wherever our influence may extend, and turn our future thoughts and endeavors to the means of having it **well** administered.

On the whole, Sir, I can not help expressing a wish that every member of the Convention who may still have objections to it, would with me, on this occasion doubt a little of his own infallibility, and to make **manifest our unanimity**, put his name to this instrument.