Constitutional Convention Simulation

Do we need to fix the government?

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Lesson Plan for Constitution Day

The United States Constitution was signed on September 17, 1789 and was then submitted to the states for ratification. Each state called a special convention of delegates to consider the document which would go into effect when 2/3 (or 9) of the 13 states approved it (See Article VII of the U.S. Constitution). Once approved and enacted, the Constitution did provide a process for amendment in Article V. James Madison began that process almost immediately during the First Congress and in 1791, the first 10 Amendments (the Bill of Rights) were adopted and approved. Over the next two centuries, the Constitution remained remarkably stable and would be altered only 17 more times. It has proven extremely difficult to change prompting some critics to claim that the document is archaic and does not reflect the complexities of modern society. Still others, feel that this difficulty in altering the Constitution has preserved the signers original intent and has prevented frivolous and unnecessary changes which would jeopardize the integrity of the American Republic. Over the next few class periods, you will discuss these divergent beliefs and participate in a second Constitutional Convention. You will consider the current state of the nation and determine whether the document should be modified and how to best retain the liberties that the Constitution promises to protect.

Objectives:
The students will...

- Gain an understanding of the process of amending the Constitution.

- Understand the procedures for the calling of a Second Constitutional Convention.

- Develop an appreciation for the United States Constitution as one of the nation’s founding documents.

- Be able to prepare and develop an argument justifying a position based upon factual evidence.

- Understand the nature of federalism in the United States government.

- Be able to conduct effective research on governmental and historical topics.

- Be able to explain the role of James Madison in the writing of the United States Constitution.

- Be able to explain the historical significance of James Madison’s essay: “Vices of the Political System of the United States.”

A New Convention?

ARTICLE V

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments.
• Understand the procedures for the calling of a Second Constitutional Convention.
• Develop an appreciation for the United States Constitution as one of the nation’s founding documents.
• Be able to prepare and develop an argument justifying a position based upon factual evidence.

**Materials:**

- Copy of the chapter entitled: “Vices, Rebellion & Constitution” from *Liberty & Learning: The Essential James Madison*
- Copy of the United States Constitution
- Handouts for Students
  - Article V: Con Con II
  - Sample Amendment
  - Amendment Proposal
  - Topics for Consideration
  - Size of the United States based upon Population

**Websites:**

- [Thomas](#) is a website where you can track current legislation including proposed Constitutional Amendments.
- Digital copy of the United States Constitution
- The [Library of Congress](#) has excellent resources on the United States Constitution, the political debates of the era, and other materials.
- The [National Archives](#) is the storehouse for government documents including the Constitution and Bill of Rights.
- You can locate Supreme Court cases and decisions at [Oyez](#).
- The [Constitution](#) is available online in its entirety.
- Madison’s evocative essay, *Vices of the Political System of the United States* is fundamental to the development of the United States Constitution.
Preparation:

- The students should read: “Vices, Rebellion & Constitution” from *Liberty & Learning: The Essential James Madison* which is available online at the [James Madison Center](https://www.jamesmadisoncenter.org).
- Have the students review a copy of the United States Constitution particularly Articles I, II, III, and VI.
- The students should also read Madison’s essay, *Vices of the Political System of the United States* in its entirety.
- Have the students go to the [Thomas](https://www.thomas.gov) website and search “constitutional amendments” to determine what proposals have been made before Congress during this session.

Day One:

- After the students have done the required reading, discuss the following issues and topics:
  
  What was James Madison’s role in framing the debates at the Constitutional Convention?
  
  Madison is often referred to as the Father of the United States Constitution. Do you agree with that assessment? Why or why not?
  
  What is the significance of Madison’s essay, *Vices of the Political System of the United States*? What conclusions did he make? Do you agree with his assessment?
  
  Explain how the Constitution can be amended under Article V. (Pass out or project the chart explaining the process of calling a new convention. Be sure to note that this has never been done. All amendments have been proposed by Congress and then sent to the states for ratification. That requires a 2/3 vote in both houses of Congress and then approval by 3/4 of the state legislatures.
  
  Do you feel that the Constitution should be amended today? If so, what are some of the issues that should be addressed?
  
  What are some of the current proposals for amendment before the Congress? Are these realistic?
  
  Do you feel that convening a new Constitutional Convention (ConCon II) is a good idea? Why or why not?
  
  If the states did call a second constitutional convention, who would attend?
  
  What amendments would you propose to such a gathering?
  
- Pass out the sample amendment to the students. Discuss what this amendment’s purpose is and whether or not you agree with it.
• Pass out the student handout for the simulation. The students will be expected to use this format in preparing their own constitutional amendment. They must get two sponsors for the proposal.

• Pass out the map of the United States to the students. The numbers next to each state represent the electoral votes that a state has (this is equal to the total number of representatives in Congress—e.g. House + 2). The first question that will have to be decided by the convention will be on state voting, in essence, how many votes should a state have? Should it be based upon size (proportional) or equality (one state, one vote)?

• Make a list of all of the states of the union on index cards. Have the students draw for the state they will represent in the convention. You will obviously not have all states represented but the students should try and represent their assigned state’s interest. For instance, California as the most populous state would oppose each state having the same voting representation at the convention while a small state such as Rhode Island would oppose voting based upon population.

• Have the students research and write their amendments for homework. They also should prepare a poster representing their state.

**Days Two & Three:**

• Rearrange the classroom in the optimum way to conduct a convention.

• You (the teacher) should serve as the chairperson for the convention in order to make it operate smoothly and efficiently.

• Go over the procedures for the convention and establish the rules of order such as:

  Students can only be recognized by the chairperson and can speak only when so recognized

  Students can gain recognition by raising their state sign

  Based upon your own time limitations, establish the length of debate (e.g. 5 minutes to propose and justify an amendment–10 minutes open debate–voting)

  Establish your expectations for decorum and respect

  Students should be expected to conduct themselves in a dignified and professional manner

• Begin the Convention by opening the debate on how the state’s will vote—either based upon population or equality.

• After a reasonable amount of time, take a vote on the issue—for this vote, each state should have one vote. If the assembly votes to use the proportional method, all subsequent votes will be based upon the individual size of a state.

• Have the students begin the process of proposing and debating their amendments.

• Vote on each amendment at the conclusion of the debate. It requires a majority to pass an amendment.

• Continue the process until you are satisfied that the Convention has decided all relevant issues.

*The James Madison Center*
Days Four:

- Compile the passed amendments and discuss why the class adopted the measures. What is the merit of each? Why did some of the students oppose these amendments?
- Discuss the difficulty in amendment the Constitution. Why did the Founders make it so difficult?
- Go over the 27 Amendments to the Constitution. Have the students explain what structural changes have been made to the Constitution over the last two centuries (e.g. Direct election of Senators, the right to vote for women, etc.).
- Look at the first 10 Amendments and have the students discuss the rights and guarantees contained in them.

Optional:

- If time permits, have the amendments from one class submitted to another period. That class will represent the states who would have final say in the ratification. Each student would equal one state and it would require a 3/4 vote to approve an amendment. You will find that even if the class in convention approved an amendment by majority vote, it will be extremely difficult to get the approval of the states.
- Have the students write an essay on their understanding and appreciation of the United States Constitution.
- Have the students make graphs and charts to illustrate the structure of the government and/or the amendments to the Constitution.
- Have the students prepare a video on “What the Constitution Means to You.”
This is the process for calling a new Constitutional Convention under Article V. It HAS NEVER been used. All amendments to the Constitution have been proposed by Congress and submitted to the states for ratification.

**Article V: Con Con II**

2/3rds of the State Legislatures

Issue a Call for a new convention

Propose Amendments

Ratified by 3/4th of the State Legislatures

**Procedure**

Who should attend?
How are they selected?
How many votes does each state have?
Where should the Convention be held?
Expressing that Congress has the sole and exclusive power to declare war. (Introduced in House)

111th CONGRESS
1st Session
H. CON. RES. 5

Expressing that Congress has the sole and exclusive power to declare war.
IN THE HOUSE OF REPRESENTATIVES
January 7, 2009

Ms. JACKSON-LEE of Texas submitted the following concurrent resolution; which was referred to the Committee on Foreign Affairs

CONCURRENT RESOLUTION
Expressing that Congress has the sole and exclusive power to declare war.
Whereas the President should present to Congress the question of whether to declare war as provided for in section 8 of article I of the Constitution of the United States; and
Whereas when the valiant men and women of the United States military are away from home to fight a war, to protect the peace, or to enforce disarmament, they will have the full support of the Congress, and Congress will take every possible step to ensure that they are protected from potential attacks and a negative environment, they have the support they need to do their jobs effectively and efficiently, and they are brought home safely as soon as practicable: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That, pursuant to section 8 of article I of the Constitution of the United States, Congress has the sole and exclusive power to declare war.
PROPOSED AMENDMENT TO
THE UNITED STATES CONSTITUTION

NAMES OF ALL SPONSORS—YOU MUST HAVE AT LEAST TWO OTHER
STUDENTS TO SPONSOR YOUR AMENDMENT

Resolved by the Convention of Representatives of the United States of America assembled, That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:
Each year, members of Congress propose Constitutional amendments. Most do not have a chance for approval or even consideration but are proposed for political reasons. Some of the topics that have been of concern are listed below. This is, by no means, a definitive list and there are many other possibilities but use this to begin your thinking about writing your own constitutional amendment. Be prepared to defend and to justify your amendment to the class.

**Topics:**

...voting rights in the Congress for the District of Columbia

...role of the President and Congress in the power to make and declare war

...term limitations and/or restrictions for members of Congress

...need for budget reform (balanced budget)

...changes in the election for the President of the United States

...redefining of the federal relationship between the national and state governments

...clarification of rights of privacy or other civil liberty guarantees in the Bill of Rights

...the nature and makeup of the United States Supreme Court

Et al
Alabama - 9
Alaska - 3
Arizona - 10
Arkansas - 6
California - 55
Colorado - 9
Connecticut - 7
Delaware - 3
District Of Columbia - 3
Florida - 27
Georgia - 15
Hawaii - 4
Idaho - 4
Illinois - 21
Indiana - 11
Iowa - 7
Kansas - 6
Kentucky - 8
Louisiana - 9
Maine - 4
Maryland - 10
Massachusetts - 12
Michigan - 17
Minnesota - 10
Mississippi - 6
Missouri - 11
Montana - 3
Nebraska - 5
Nevada - 5
New Hampshire - 4
New Jersey - 15
New Mexico - 5
New York - 31
North Carolina - 15
North Dakota - 3
Ohio - 20
Oklahoma - 7
Oregon - 7
Pennsylvania - 21
Rhode Island - 4
South Carolina - 8
South Dakota - 3
Tennessee - 11
Texas - 34
Utah - 5
Vermont - 3
Virginia - 13
Washington - 11
West Virginia - 5
Wisconsin - 10
Wyoming - 3
Bibliography:


