

Constitution Role Play

Whose ‘More Perfect Union’?

By BILL BIGELOW

MOST U.S. HISTORY and government textbooks present the Constitution as a kind of secular Ten Commandments: James Madison brought the document from the mountain and it was Good. The books may point out that not everyone agreed on the best plan for government, but through debate and compromise “Right” triumphed.

What makes this treatment of the Constitution so pernicious is its effect on students. Removed from a social context, cast as an inevitability, the document is elevated to an almost holy status, above analysis and critique. This Constitution-as-religious-icon scenario doesn’t allow much wiggle room for student reflection. Instead, the teacher’s

task is to enlist students in memorizing Constitutional wisdom: What’s meant by “checks and balances”? What’s a writ of *habeus corpus*? I’m sure I wasn’t the only student forced to learn by heart and repeat on command: “We the people, in order to form a more perfect union ...” This is indoctrination not education.

The Constitution Role Play asks students to think critically about a number of issues that confronted the original framers of the Constitution. But the role play adds a twist: instead of including only the bankers, lawyers, merchants, and plantation owners who attended the actual Constitutional Convention, the activity also invites poor



Soldiers fire on protesters during Shays’ Rebellion. Led by Daniel Shays, a group of poor farmers and Revolutionary War veterans attempted to shut down Massachusetts courts in protest against debt collections against veterans and the heavy tax burden borne by the colony’s farmers.

farmers, workers, and enslaved African Americans. This more representative assembly gives students a chance to see the partisan nature of the actual document produced in 1787. My experience is that after students have themselves struggled with a number of the questions that confronted the “Founding Fathers,” they are primed to dig in to the document and see what it really said. They are better equipped to recognize many of the nuances they might otherwise have missed.

A pedagogical note: The term “role play” is used to refer to a wide array of teaching activities. The word *play* can connote both that it is a performance, as in a play, as well as that it is playful, fun. At times, these can turn out to be unfortunate associations, especially when they are connected with classroom lessons that deal with the enslavement of human beings, as any honest study of the U.S. Constitution must. Although this activity has roles for both people who were enslaved, as well as for people who enslaved others, it does not ask students to “perform” either role. There is no attempt here to get students to act out, or to feel themselves to be enslaved or to be an enslaver. Instead, the activity seeks to help students recognize that what people wanted out of the U.S. Constitution depended on their social position. In this respect, it is an intellectual endeavor, not a performative one. The activity does, of course, ask students to “play” a role, but only insofar as we want students to recognize how the interests of a given group might translate to what they wanted out of our country’s governing document.

Nonetheless, because the Constitution Role Play assigns some students the persona of someone who enslaved others, and others who were enslaved, you want to reflect on when — and even whether — the activity fits well into your curriculum. As a prerequisite, it’s important that your students understand this activity as part of a broader antiracist curriculum — one that prizes racial equality and is consistently alert to the way

that our country has been “stamped from the beginning,” in the words of historian Ibram X. Kendi, with the manufacture of racial inequality — and, of course, with efforts to resist. Yes, we want an activity like this to be engaging, and it is, as many teachers attest. But it is not play. It is part of a broader curricular project to explain, in part, the origins of social inequality in the United States.

Suggested Procedure:

1. Discover what students already know about the Constitution. Naturally, some of this information might be *mis*-information, which makes it all the more important for you to learn what students bring to class. You

might begin simply by asking some questions: What is the Constitution? Why is it important? What’s the difference between the Declaration of Independence and the Constitution (a common confusion)? Who wrote the Constitution? What rights does it give us? What rights *doesn’t* it give us? You may even want to put students in small groups for a few minutes and have them pool their knowledge before sharing

their thoughts with the class.

At a minimum, it’s important that before students begin the role play they know that the Constitution is the highest law of the land. That, at least in theory, no law—local, state, or federal—may contradict the Constitution. For example, if the Constitution required citizens of northern states to turn over enslaved African Americans who ran away, then no state law could allow anyone to harbor an individual who had fled slavery.

2. Tell students that they will participate in a role play on the writing of the Constitution. Draw their attention to the five roles described on pp. 12-16: Southern Planters,

Removed from a social context, cast as an inevitability, the Constitution is elevated to an almost holy status, above analysis and critique.

Enslaved African Americans, Bankers, Farmers, and Workers. Tell students that each of them will represent one of the five groups. Even though not all these groups were represented at the actual convention where a new Constitution was to be drafted, our class convention will be more representative. [At some point you might tell students that while we refer to the “Constitutional Convention” because it was indeed a convention that drew up a new constitution, the participants’ original mission was merely to amend the Articles of Confederation, the nation’s first constitution.]

Divide students into five groups of roughly equal size. Assign each of the groups a role.

Each group should circle up and read their role together.

(Distribute the placards and markers and have students write their group name

so that others can identify them.) The follow-up questions included on the roles are optional. They’re simply a way to ensure that students comprehend what they read.

You might ask students to write short interior monologues indicating their hopes or fears about the Constitutional Convention, or about their lives more broadly. Group members can read these aloud so they can hear how each member is interpreting their role. At times, I will interview members of different groups so everyone can hear: “How do you farmers feel about those bankers?” I might try to stir the pot a bit: “Do you bankers even want to be in the same meeting with that rabble from Massachusetts that closed down the courts?”

You will note that the roles for different social groups sometimes use language that those social groups, themselves, would not have used. For example, the Southern Planters’ role acknowledges that they “enslaved human beings.” As mentioned earlier, this activity does not ask students to attempt to

perform — or to use the language — of social groups at the time of the Constitutional Convention. The aim is for each group to reflect on how their group’s social position would translate into policy objectives for the Constitution. But in the role play, we want students to use language that affirms the humanity of people who were then enslaved, even if this was not the language used at the time.

3. Ask students to turn to “Constitutional Convention: Burning Issues,” p. 11. It’s vital that everyone is clear on each of the issues confronting them in the Convention. I’d suggest reading these aloud with the class. Remind students that for each question they

must propose at least one resolution (later on, these may change as a result of negotiations with other groups.) I use this role play as a way to teach an abbreviated version of parliamentary procedure (see guidelines, p. 17). This isn’t mandatory, but I think it livens things up as it gives students a measure of control over the proceedings. Students should preface their proposals with “Be it resolved that ...” For

example, “Be it resolved that slavery should be abolished in the United States.” Remind them to place an asterisk next to the resolutions they care most strongly about.

4. Give students adequate time to formulate their resolutions in the small groups. Circulate among the groups to answer questions and to ensure that people’s proposals are consistent with their roles. For example, the plantation owners would not propose that slavery should be ended. But don’t be too prescriptive here; allow students to be creative within broad parameters.
5. When all the groups have developed a tentative set of resolutions, tell them that they

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now will have an opportunity to meet with other groups to try to build alliances. They should try to meet with those groups most likely to support them on the resolutions they have marked with an asterisk. For example, the farmers might support allowing everyone to vote in elections, including workers, in exchange for the workers supporting payment in kind. Remind them that each individual will have one vote in the Constitutional Convention, so all groups are important. Tell them to choose half their group as “traveling negotiators.” The travelers may not meet with travelers from other groups, only with individuals still seated in their groups. (This is to prevent the travelers from just huddling up together, leaving those left behind with nothing to do.) After all groups have selected their travelers, let them go. The length of the negotiating session varies depending on the class. I try to cut it off before they’ve talked themselves out, so that they still have energy for the Constitutional Convention itself.

6. After the travelers return to their groups, encourage them to review their resolutions, and, if necessary, to rewrite them based on their agreements with other groups. [If you decide to do it this way:] Explain that you will chair the Constitutional Convention and conduct the meeting according to parliamentary procedure. Review the “Parliamentary Procedure: Meeting Guidelines” (p.17). In my experience, once they catch on, students enjoy using parliamentary procedure because it allows them to help control the pace of the deliberations. They control resolutions and amendments and they can cut off debate when it becomes tiresome, or call for a caucus to negotiate new resolution language. They also learn some valuable skills useful in everything from student council to union meetings. (Most important, it allows me to pound the gavel a student gave me as a gift several years ago; I used to use a stapler.) Note that this is a very abbreviated Roberts

Rules of Order. For example, in the class Convention, amending amendments is off-limits.

7. The length of the Convention itself will vary depending on what students do with it. You may shorten it by cutting the number of issues to debate or allowing only one amendment per issue, or setting time limits for debate. Within the boundaries of the Meeting Guidelines and the “Burning Issues” under discussion, I prefer to let the students determine the pacing of the Convention. As they make decisions, ask them to write down the results, as they will need to have the “class Constitution” for follow-up discussion and writing.
8. Some follow-up questions for writing and/or discussion:
 - Write an interior monologue from your individual’s perspective telling your thoughts about the outcome of the Constitutional Convention.
 - In what ways was our class Constitutional Convention unrealistic? In what ways was it realistic?
 - Which social groups made alliances with each other? Do you think that similar alliances were made in real life? [In my classes, students representing enslaved African Americans, farmers, and workers often cobble together an alliance. If students think this could not have happened in real life, why not? Explore the extent to which racism may have prevented people from supporting each other’s objectives.]
 - Why might it have been easier for the wealthy social groups to unite and harder for the poorer social groups to unite?
 - Which social groups had absolutely conflicting interests—where no compromise was possible?
 - In real life, how do you think the Constitution dealt with the issues we confronted in our class Convention?
 - Which social groups wanted a strong

national government? Which wanted the states to have more power? Why?

- Which social groups wanted the greatest amount of democracy—power to the people? Which wanted the least? Why?

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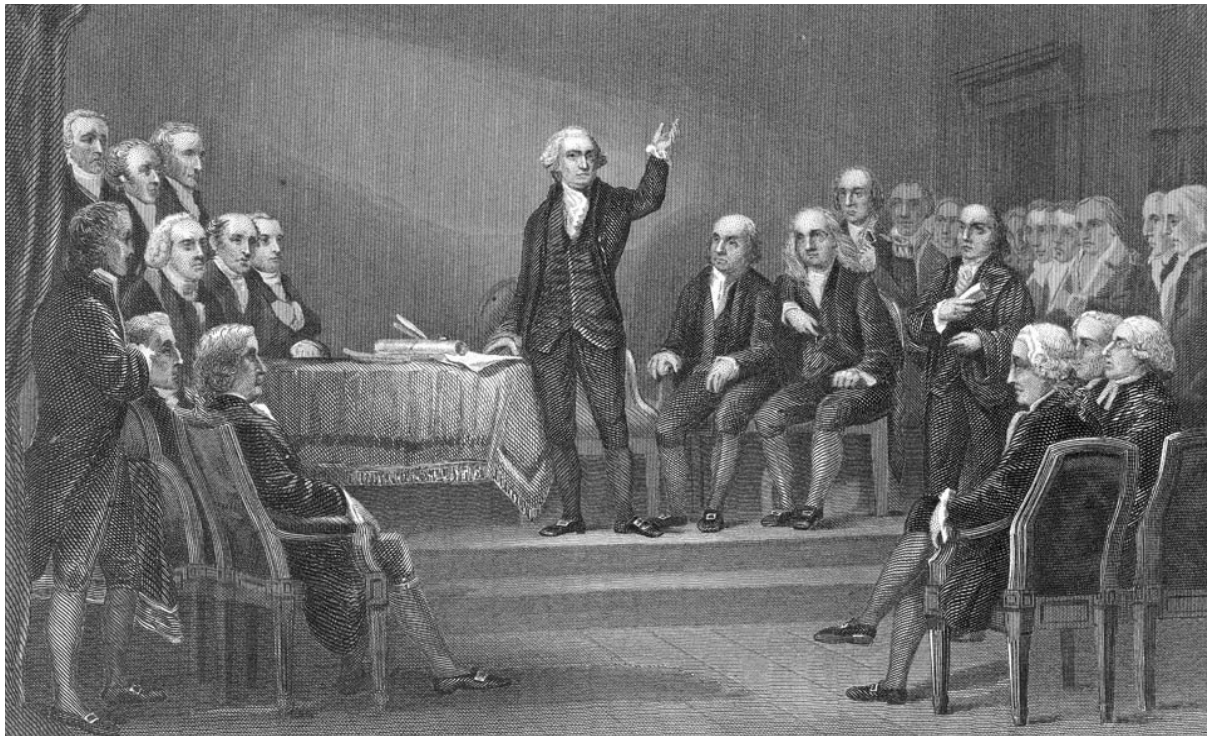
The Constitutional Convention

Who Really Won?

BY BILL BIGELOW

WITH THE *CONSTITUTION ROLE PLAY* as background, students are primed to wade into the actual document and analyze parts of it in a social context. To ask, “Who really won?” may seem crass. Politics is not a team sport; every farmer didn’t oppose the Constitution and every plantation owner didn’t favor it. But class and race positions certainly helped shape people’s response to the issues that the Constitution sought to address. And, as students will see in the next activity and may have already surmised, members of certain social groups were excluded from the deliberations out of which the Constitution emerged.

Having the outlines of a social analysis of post-Revolutionary America helps equip students to read the Constitution critically, to recognize the human dimension beneath, for example, an ugly clause like that found in Article 4, Section 2: “No person held in service or labor in one state, under the laws thereof, escaping into another, shall in consequence of any law or regulation therein be discharged from service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.” Many history texts discuss the Founders’ “compromises,” including the compromise between delegates from slaveholding and non-slaveholding states



George Washington presides over the 1787 Constitutional Convention in Philadelphia.

that mandated, for the purposes of congressional representation, that an enslaved African American would count as three fifths of a person. But students can see that this is a “compromise” only if the lives of African Americans are ignored. The inclusion of enslaved African Americans in the class Constitutional Convention allows students to see the hollowness of such “compromises.”

Materials Needed:

A copy of the United States Constitution for each student.

Suggested Procedure:

1. Review with students the reading on p. 18, *U.S. Constitution Role Play: Who Really Won?* Note that this reading indicates articles, sections, and *clauses*. Many copies of the Constitution will not use the term “clause.” For those that don’t, just tell students to count the paragraphs.
2. Familiarize students with the structure of the Constitution.
3. This assignment can be completed by students individually or in small groups. The challenge for students is not searching through the Constitution for the relevant section. It’s translating Constitutionspeak into their own vernacular and deciding its applicability to each issue.

Here are the “answers” and some thoughts on reviewing the assignment with students:

- 1a. **Is slavery legal?** (Art. I, Sec. 9, Clause 1) The words “slave” or “enslaved” are never mentioned in the Constitution. Nor is race ever mentioned. Enslaved African Americans are euphemistically referred to as “such persons as any of the states now existing shall think proper to admit,” and “a person held to service or labor.” This

clause doesn’t say “slavery is legal” but it implies it by allowing the continuation of the slave trade. Note that even at the time of the writing of the Constitution, “person held to service” still also referred to white indentured servants.

- 1b. **Abolish the slave trade?** (See above) Congress can prohibit the trade after 1808, but in the meantime may tax the importation of enslaved people up to \$10 a person.
- 1c. **Northerners forced to return runaways?** (Art. IV, Sec. 2, Clause 3) No state may pass a law freeing anyone from slavery—or indentured servitude, though it doesn’t use the term. To the contrary: An individual who has fled service or slavery and is captured “shall be delivered upon claim of the party to whom such service or labor may be due.”
2. **Allow payment in kind?** (Art. I, Sec. 10, Clause 1) No. No state may “make any thing but gold and silver coin a tender in payment of debts” or pass any “law impairing the obligation of contracts.” These passages seem like “housekeeping” measures unless we examine them in their social context, and recognize which social groups benefited from this and which did not.
3. **Will bonds be paid back in full?** (Art. VI, Clause 1) Yes. This is another provision that seems like a “no-brainer” unless students know that the people who owned those bonds were in many cases not the same people to whom they were issued. Speculators, having bought bonds often for five or 10 cents on the dollar, made a killing from this innocuous little clause. Poor farmers, the rank and file of the Revolutionary army, would now be taxed in order to pay off the bonds that they originally owned.
4. **Who gets to vote in national elections?** (No mention) Because the Constitution says nothing about who gets to vote, its determination is a right reserved to the states. Only white males could vote in most states,

and even then there were property-holding requirements in almost all states. In no instances could women, Native Americans, or enslaved African Americans vote. The Constitution does say that U.S. senators will be chosen by state legislatures—not by popular vote—and the president will be selected by electors chosen by state legislators.

5. **Who won?** In discussion or writing, you might ask students to respond to this question from the standpoint of the social group they represented in the Constitution Role Play.
 - Would your group be pleased with these provisions of the Constitution? Disappointed? Outraged?
 - Play devil’s advocate: If the Constitution didn’t reflect the will of the majority, then how could it possibly have been approved?
 - Based on these outcomes, which social groups do you think participated in the writing of the actual Constitution?
 - Ask students to define the word “democracy.” In what ways is the Constitution democratic? In what ways is it not democratic? How does the Constitution give “power to the people”? How does it withhold power *from* the people?

Federalist Paper #10

Suppressing “Wicked Projects”

By **BILL BIGELOW**

TRADITIONAL CURRICULA rarely invite students to consider “big ideas.” Because history courses generally lurch from discrete event to discrete event, students don’t have the opportunity to reflect on broader questions. In *Federalist Paper #10*, James Madison asks and attempts to answer one of the biggest questions: Why is there social conflict and what can or should government do about it? In this document, he explains why he believes democracy is a dangerous form of social organization and why only a republic can guarantee stability.

Madison’s logic is easy enough to follow. But for an audience inexperienced in deciphering rather archaic language, his writing may not be. For many, the reading in this lesson may be a struggle. Even my most academically confident students stumble over the way sentences are put together and phrases like “coexistent passion” or “indirect and remote considerations.” Nonetheless, a critical reading of *Federalist Paper #10* exposes some of the philosophical underpinnings of the Constitution, and allows students to continue to pursue the question, “Who benefits?” It’s worth a bit of struggle.

Note: It’s important that students have done the Constitution Role Play before tackling this reading. The more social context they have, the more clearly they’ll understand the implications of Madison’s polemic.

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Suggested Procedure:

1. Tell students that *The Federalist Papers* is a series of essays written by Alexander Hamilton, James Madison, and John Jay that argued for ratification of the Constitution.

Draw students’ attention to the handout, *Federalist Paper #10* by James Madison. Remind them that Madison is often referred to as the “father” of the Constitution. In this reading, Madison explains why, in his judgment, the Constitution provides the framework for the form of government that can best contain social conflict. Note that for ease of reading, I’ve omitted ellipses in this shortened version of

the document.

2. I’ve tried a lot of different ways to engage students in *Federalist Paper #10*. It’s not exactly what you’d call a lively piece of writing. In fact, it’s dense. When we read and evaluate as a large group, I’m able to clarify ideas as we go, but invariably *I* do more explaining and *they* do less figuring. What seems to work best is when I put students in small groups and allow them to puzzle it out, difficult as the document may be. (This is a judgment call; it depends on the confidence of your students and the point at which their frustration turns to outright defeat.) You might begin

by asking students to reflect on some of the questions that Madison addresses: Why is there conflict in society? Is it bad? Could it be eliminated? Based on what you know about the period right before the Constitution was written, what caused social conflict? Students might write briefly on one or more of these questions and then share their thoughts.

3. Divide students into several small workgroups. Draw their attention to the questions at the end of the reading. Each group should discuss and write on these questions. Emphasize that these are big and tough ideas, but that if they put their heads together they can figure Madison out and decide what they think about his perspective. Circulate among students to listen and help when needed. After each group has had time to read the essay and discuss it a bit, you might allow students to choose a couple of travelers as in a role play, to roam from group to group and collect insights.

Some questions to consider in addition to those they wrote on [or you may prefer to substitute one or more of these for the questions on the student handout]:

- Alexander Hamilton initiated *The Federalist Papers* to persuade New Yorkers “of intelligence, patriotism, property, and independent circumstances” to vote to ratify the Constitution. Who do you think he meant? Who did this leave out?
- According to Madison, are *all* social groups “factions” or just some? Explain.
- Think about the period when the Constitution was written. Which are some of the social groups Madison might have seen as “factions”?
- Madison believes that government exists largely to regulate the conflicting interests that arise because of the different kinds and amounts of property people have. Is it possible for a government *not* to take sides in this conflict? Think about the role play on the Constitution.
- Why doesn’t Madison believe the *causes* of faction can be removed?
- Based on this document, what can you tell about Madison’s view of the common people: the workers and farmers or enslaved African Americans?
- What role do Native Americans have in Madison’s republic? [Basically, they need to get out of the way. Fundamental to Madison’s republican prescription is that the country would continue to expand. Inevitably, that expansion would be at the expense of the original inhabitants.]
- Madison argues that a republic is better than a democracy. Why?
- Madison says that “it may well happen that the public voice, pronounced by the representatives of the people, will be more consistent to the public good than if pronounced by the people themselves.” Do you agree? Can you think of examples when this would or would not be true?
- How does the Constitution make sure that the people’s representatives, not the people, make all the important decisions?
- Why is it important to have a big country according to Madison? Where is all this territory going to come from?
- At the end of *Federalist Paper #10*, Madison spells out some “improper or wicked” projects. Think about the class Constitutional Convention: which social groups would think the measures adopted by our convention were improper or wicked?
- James Madison enslaved human beings. As someone who enslaved people, can you think of any other specific “improper or wicked” projects Madison might be worried about?
- For a moment, put yourself back in the role that you portrayed in the class Constitutional Convention, what is your reaction to Madison’s arguments in this document?
- Which social groups would agree most strongly with Madison: the rich or the poor? Why?

Constitutional Convention

Burning Issues

REPRESENTATIVES FROM ALL THE STATES except one are meeting to decide upon a new Constitution. This is the Constitutional Convention. You will deal with important issues that face the country. For each issue you *must* have a position. Some issues you will feel strongly about. Put an asterisk (*) next to each of these. Other issues you will not feel as strongly about. In the “dealing” session, these will be the issues to give and take on.

Here are the issues you must have a position on for the new Constitution:

1. **Slavery.**
 - a. Slavery is now legal in some states. **Should it continue to be legal in *any* of the United States?**
 - b. Enslaved people are still brought into southern states (like Virginia and South Carolina) from outside the country to be sold to white plantation owners. **Should the Constitution continue to allow this trade in enslaved human beings?**
 - c. Sometimes enslaved people flee their owners in the South and come North. **Should northerners be forced to turn over people who have escaped slavery to their “owners”?**
2. Some state legislatures have passed laws allowing debtors (people who owe money) to pay their debts “in kind” with cows, pigs, tobacco, corn, etc. This is a traditional method of paying debts in some parts of the country. **Should the federal government continue to allow this practice?**
3. Many bonds were issued during the Revolution by the Continental Congress to pay soldiers and lenders. **Should these bonds be paid back in full? Just a small amount for each dollar? Just to those to whom they were originally issued? Not at all?**
4. Currently there is no national law determining who should be allowed to vote in elections. Some states require people to own a certain amount of property to vote. Only one state (New Jersey) allows women to vote. In most states, Black people may not vote, even if they are free. **Who should be allowed to vote in general elections?**

Southern Planter

YOU LIVE IN VIRGINIA AND YOU ARE a tobacco planter. Your family enslaves about 30 Black people. You are quite wealthy. Your wealth, however, depends on the labor of the people enslaved on your plantation. These people do all the hardest work. They plant, harvest, dry, pack, and load the tobacco to get it off for sale. You wouldn't know where you'd get people to do the work if enslaved Black people were not there to do it for you. From time to time an enslaved person will run away. You hire a white person to find the person who ran away and usually the runaway is brought back. Sometimes enslaved people get up into the North before they're caught. But you think these people are your property, and you always seek to get them back.

The American colonies defeated Great Britain in the Revolution, but there are still serious problems. Business has been in confusion lately. Bankers are reluctant to lend money to anyone because some state legislatures are passing laws saying that farmers can pay debts to their creditors "in kind":

with cows, corn, or tobacco. You need to borrow from bankers to buy more enslaved people and more land, but until there is "stability" the bankers won't lend money to anyone.

There is also still a lot of protest from the "rabble"—the poor farmers, the unemployed, and workers in the towns and cities. Up in the state of Massachusetts, Daniel Shays led a rebellion against the government and large property owners. As a property owner yourself, when these people talk of "equality," you wonder if they mean to take away *your* property so you're equal to them! These people like Daniel Shays scare you. In some places poor whites are even allowed to vote and run for office. Sometimes they make laws that threaten the safety of private property: your property.

During the Revolution, you sold supplies to the federal government and were paid in government bonds by Congress. These have become worthless. You want these debts paid back in good money. It's only fair.

Questions:

1. How do you make your money?
2. What do you think about slavery?
3. What do you think about the common people, "the rabble"?
4. What problems concern people in your group?

Farmer

YOU ARE PART OF A WHITE FARMING family with a small amount of land in western Massachusetts. You grow only enough to feed yourselves with a little left over to sell in town.

You are badly in debt because your crops failed last year and you had to borrow money to buy food and a new plow. You're worried because the bank that lent you the money now demands payment right away. On top of this problem, you have been unable to pay your state taxes, which are very high. The situation is desperate. In this day and age, you can be thrown in jail for owing money or for being behind in tax payments. Worse yet, your land could be taken away to repay your debts. If only you didn't have to repay in *cash*, you have crops you could give the banker instead of money. But he says he's not willing to fill his bank vault with your stinking crops. In the past, payment "in kind" was common.

Everyone in your family risked their lives in the Revolution fighting for freedom from Great Britain and helping feed the Revolutionary army. But what kind of freedom is it when you can't even feed your own family, and you go to bed each night worried that you will end up in jail?

In desperation, you and about 1,000 others decided to take the law into your own hands. Led

by Daniel Shays, an officer in the Revolutionary War, you gathered on August 29, 1786, at the courthouse in Northampton. You were armed with muskets, sticks, and swords. You stopped the trials of several debtors, demanding that the government cut taxes and put more money in circulation. You succeeded in keeping the courts closed for several months. When you marched on the town of Springfield the next February and attempted to capture the public supply of 7,000 guns and 13,000 barrels of gunpowder, you were defeated by state troops.

You felt justified in this rebellion because you believe you had no choice. Besides, if all men are created equal, as the Declaration of Independence says, why are some people still rich moneylenders and others poor debtors? And even though there are men in your family who are old enough to vote, they are not allowed to vote because they don't own enough property to qualify.

If even your own state government can turn against the majority of the people, you worry even more about the power that the federal (national) government might have under this new constitution. And how will the leaders be elected?

Questions:

1. How do you make your living?
2. What are you worried about these days?
3. What did you think of "Shays' Rebellion"?
4. What do you want from a national (federal) government?

Enslaved African American

EVERYONE IN YOUR FAMILY IS enslaved and lives on a tobacco plantation in Virginia. The year is 1787. Eleven years ago the Declaration of Independence stated that “all men are created equal.” And yet because your skin is black and you were born enslaved, you still remain enslaved. Obviously, the American Revolution didn’t mean freedom for everyone. In fact, the man who wrote those words, Thomas Jefferson, from Virginia, is himself someone who enslaves people.

Your life is harsh. Up at dawn, quit when it gets dark, then more chores when you return from the fields. You are under the constant control of your so-called master, though with your family you have tried to carve out the best life you can. However, you know that if your owner felt like it, he could sell you to South Carolina or wherever he wanted. Your family could be split up in an instant.

The Constitutional Convention raises the possibility of freedom. Slavery might be

outlawed. A number of states in the North have already outlawed slavery, and there is much talk about abolishing the slave *trade*—the bringing of new enslaved Africans into the country. Thousands of enslaved people have been allowed to buy or earn their freedom in Virginia in recent years. Maybe slavery will not be outlawed in every state, but perhaps enslaved people would be allowed to keep their freedom if they escaped into a free state. True, the Revolution didn’t free you, but the talk of liberty and justice makes you want your fair share.

But even if you were free, you wouldn’t own anything. You’d have to start from scratch. You’d likely be a poor farmer, even worse off than those white farmers up North who are being thrown in jail because they can’t pay their debts or their taxes. Sure, you want freedom, but you want *real* freedom. That means land and tools to work the land.

Questions:

1. What things worry you?
2. What do you hope the Constitution will do for you?
3. What problems will you face if you gain your freedom?
4. What kind of “freedom” do you hope for?

Banker/Merchant

YOU ARE A MEMBER OF A WHITE prosperous banker and merchant family in New York. You make much of your money by providing loans to other people and getting paid an interest on those loans.

Very upsetting things have been happening recently. Many state legislatures have passed laws allowing “debtors”—people who owe money—to pay their debts “in kind” with corn, tobacco, or whatever they may have of any value. In other words, a banker might lend \$100 and get paid back two cows, and a bushel of corn! You think this is outrageous. There is very little respect for property anymore. The state legislatures have had entirely too much power lately. Maybe if all those poor people couldn’t vote, these problems wouldn’t happen.

In some states with *responsible* state legislatures, people get put in jail when they don’t pay what they owe. You think this is how it should be. But the last time the courts met in Massachusetts to put debtors in jail where they belong, the courts were closed down by Daniel Shays and other poor people with guns and knives and clubs. You know that these rabble must be stopped.

But there is some good news: You have bought up thousands of dollars of government bonds from people who were given these instead of money when they were soldiers during the Revolution. You paid them 10 cents for every dollar in bonds they gave you. Now there is a proposal to pay all the bonds back in *cash*, dollar for dollar. You would make a lot of money. This, for a change, is exciting news.

Questions:

1. How do you make your living?
2. What do you think about the idea of “payment in kind”?
3. What do you think about Daniel Shays and people like him?
4. What is something *good* that is happening these days?

Worker

YOU ARE A SHOEMAKER in Manchester, New Hampshire. You are white. You work in a small shop where you are paid according to the number of shoes you make. You own your own tools. Times are hard right now. You had to go into debt for \$50 to buy your tools when you went into this line of work, right after the Revolutionary War ended. You figured the money would be easy to repay because your state government was issuing paper money, putting more money in circulation, and making it easier for ordinary working people to buy things.

But it hasn't worked out as you'd expected. In 1786, your state legislature voted to stop issuing paper money. There is less money available now and each dollar is worth more than it was. You can't charge as much for your shoes because people can't buy at the old high prices. Meanwhile the man who lent you money is hounding you and threatening to take you to court if you don't pay up immediately. This would be a disaster for you. You could be sent to jail where you'd be unable to work to pay back the money. Who knows when you'd be let out.

You've heard that *some* people with problems like yours have marched on the state legislature with clubs and guns, demanding lower taxes and the printing of paper money. This makes sense to you. After all, doesn't the Declaration of Independence say that people have a right to rebel when their government becomes a tyranny? That was certainly one of the ideals that you enlisted in the Revolutionary Army to fight for.

You didn't do it for the money. In fact, the government didn't pay you any money. Instead, they issued bonds—IOWs—which promised that you would be paid a certain amount at a later date. But after the war, it looked like the government might never have enough money to pay people back. You, along with lots of other people, feared that these bonds would soon be worthless. So, you sold your bonds to a banker for what little you could get—about 10 cents on the dollar. You figured that it was better to have some hard cash in hand now than to risk losing everything by waiting for the government to pay up. Now you hear that this banker and other speculators like him want a section in the new constitution that would force Congress to repay all bondholders immediately in hard currency (gold and silver). A few years back, this might have been fair. But now you'll be forced to pay higher taxes so that a few rich people can get richer.

Now that there is talk of writing a new constitution, you're concerned about how the new government will deal with its war debt and rebellions of the debtors. You've also heard that some people at the Constitutional Convention don't even want to allow people like you to be able to vote in elections. No property, no vote, they say. Who do they think they are? When people were dying in the war, it was the farmers and workers who did most of the bleeding, not the rich plantation owners, bankers, and merchants.

Questions:

1. How do you make your living?
2. Why couldn't you pay your debts?
3. What did you do with the bonds the government paid you for being a soldier in the Revolution? Why?
4. What do you think about the wealthy people in America?

Parliamentary Procedure

Meeting Guidelines

1. **Make a motion:** To try to pass a motion on a particular issue, say: “Be it resolved that ...”
2. Someone needs to **second the motion:** “I second the motion.” Now the motion is the only issue that may be discussed. For the motion to pass requires a simple majority of those voting.
3. **Amendment:** If you want to make a change in the motion: “I’d like to amend that motion to read ...”
4. The **amendment needs a second:** “I second the amendment.” At this point, the only issue to be discussed is the amendment to the main motion. For the amendment to pass requires a simple majority of those voting. If the amendment fails, the discussion returns to the main motion on the floor.
5. **Point of information:** If at any time you have a question, are confused, or want to bring something up, raise your hand and say, “Point of information.” Your question cannot interrupt anyone, but must it be answered before others can speak on the motion.
6. **Point of order:** If you think that someone is speaking out of turn or is not speaking about the motion on the floor—for example, if the issue is payment in kind and the person is talking about voting in general elections—you may raise your hand and call, “Point of order.” When you raise a point of order you may interrupt another speaker.
7. **Call the question:** If you think that a discussion has gone on long enough, you may move to cut off debate by raising your hand and when called on, say, “I call the question.” This motion does not need a second and is not debatable. The group takes an immediate vote on whether to stop debating. It requires a simple majority of those voting. If it passes, the group then immediately votes on the motion on the floor.
8. **Call for a caucus:** There may come a time in the Constitutional Convention when you want to talk over an issue with members of your group or other groups. You may raise your hand and when called on say, “I call for a caucus.” To pass, this requires a majority of those voting. The chair may then allow a 5- or 10- minute caucus.

U.S. Constitution Role Play

Who Really Won?

HOW DID THE WRITERS of the U.S. Constitution decide the issues that you debated in class? Find the actual outcome of these questions by looking in the Constitution. ***On a separate sheet of paper, for each of the following, indicate 1) What the class Constitutional Convention decided; and 2) What the actual U.S. Constitutional Convention decided.*** The parentheses after each question indicate at least one section of the Constitution that will help you find an answer.

- 1a Should slavery be legal in any of the United States? (Article I, Section 9, Clause 1)

- 1b. Should the Constitution continue to allow the trade in enslaved human beings? (Article I, Section 9, Clause 1)

- 1c. Should northerners be forced to turn over people who have escaped slavery to their owners? (Article IV, Section 2, Clause 3)

2. Will it be legal for state legislatures to pass laws allowing debts to be paid “in kind”? (Article I, Section 10, Clause 1)

3. Should bonds issued during the Revolutionary War be paid back? (Article VI, Clause 1)

4. Who should be allowed to vote in general elections? (The Constitution says nothing about who shall vote, therefore who could vote was left up to individual states. At the time, no states allowed women or enslaved people to vote; many states had laws requiring individuals to own a certain amount of property before they could vote. Most states did not allow free Blacks to vote.)

5. **Conclusion: In your opinion, which social group or groups won the real Constitutional Convention? Explain your answer.**

Who Wrote the Constitution?

The Economic Interests of the “Founding Fathers”

The following people attended the Constitutional Convention in Philadelphia, Pennsylvania. **Were these individuals broadly representative of the entirety of U.S. society at the time?** You decide.

1. **Abraham Baldwin.** A lawyer who had gone to Yale and lived in Georgia at the time of writing. He was wealthy and owned about \$2,500 in bonds he'd bought for about \$300.
2. **Richard Bassett.** A lawyer and had inherited a plantation of 6,000 acres. He was one of the wealthiest men in Delaware and owned three homes.
3. **Gunning Bedford.** Lawyer, state attorney general of Delaware. Owned \$2,874 in bonds for which he had paid \$360.
4. **John Blair.** A wealthy Virginian, a lawyer and judge. Owned over \$10,000 worth of bonds and enslaved at least 26 people.
5. **William Blount.** Very wealthy. By the 1790s he owned almost a million acres in holdings in North Carolina and Tennessee. On his plantation in North Carolina he enslaved 30 people.
6. **David Brearley.** A lawyer and chief justice of New Jersey. Not a wealthy man.
7. **Jacob Broom.** Delaware. Not an especially wealthy man, but he did own two farms and enough money and homes to be a lender.
8. **Pierce Butler.** A South Carolina lawyer and plantation owner who enslaved 143 people on two plantations in 1790. At the time of the Convention he owed money.
9. **Daniel Carroll.** Maryland. Owned a large amount of land, much of which became Washington, D.C. He enslaved 53 people and made most of his money from tobacco.
10. **George Clymer.** A well-to-do Philadelphia merchant. Owned a “thriving import-export business” and ventured occasionally into shipbuilding. Became a substantial banker.
11. **William R. Davie.** A North Carolina lawyer and plantation owner. In 1790 he enslaved 36 people.
12. **Jonathan Dayton.** New Jersey lawyer, son of a wealthy merchant. He speculated extensively in bonds, especially at the time of the Convention. With a syndicate of other wealthy men from New Jersey he bought almost a million acres in Ohio.
13. **John Dickinson.** Delaware. A very wealthy lawyer and “gentleman” farmer.
14. **Oliver Ellsworth.** Connecticut. Acquired a large estate. Landlord, lawyer. Speculated in bonds and made about a 100 percent profit.

15. **William Few.** Georgia. A lawyer who became “moderately wealthy,” though originally he was a small farmer. He came to own about 2,300 acres and a small amount of bonds. It is not known how many people he enslaved.
16. **Thomas Fitzsimmons.** Wealthy Philadelphia banker and merchant. He apparently had speculated in large amounts of bonds.
17. **Benjamin Franklin.** Pennsylvania. Printer, inventor, diplomat. An old man at the time of the Convention, Franklin had become wealthy and was worth about \$150,000—a lot of money back then.
18. **Elbridge Gerry.** (One of the three who refused to sign the Constitution.) A wealthy Massachusetts merchant. Held more bonds (well over \$50,000) than anyone else at the Convention.
19. **Nicholas Gilman.** New Hampshire. Businessman. Speculated in a substantial amount of bonds.
20. **Nathaniel Gorham.** Massachusetts. A privateer and speculator during the Revolutionary War and had made “a tidy fortune.”
21. **Alexander Hamilton.** A New York lawyer and financier. “Perpetually in debt.” A key supporter and organizer for the Constitution.
22. **William C. Houston.** (Left the Convention after one week because of illness.) Had been a professor and lawyer; held well-paying government jobs. Held no bonds.
23. **William Houstoun.** A wealthy Georgia plantation owner. He enslaved people, although how many is not known. He owned a great deal of land.
24. **Jared Ingersoll.** A Philadelphia lawyer, graduated from Yale. Owned no bonds, but “was a man of considerable wealth.”
25. **Daniel of St. Thomas Jenifer.** Enslaved 20 people and was “well known for the parties he gave at his beautiful plantation” in Maryland. It’s unknown how many people he enslaved on another of his plantations. He “was possessed of unusual wealth.”
26. **William Samuel Johnson.** The son of a wealthy Connecticut clergyman who inherited a great deal of money. He studied law at Yale. Shortly before the Convention he lost most of his wealth.
27. **Rufus King.** A Massachusetts lawyer, educated at Harvard, he invested in thousands of dollars of bonds. He was also a bank director.
28. **John Langdon.** Grew rich during the Revolutionary War as a shipbuilder, privateer, and supplier of food to the troops. He owned “a fortune.” Also became a banker and owned a large amount of bonds.
29. **John Lansing Jr.** Walked out of the Convention after six weeks and strongly opposed the Constitution. He was a very rich man, had a successful law practice in Albany, New York, and owned tens of thousands of acres of land.
30. **William Livingston.** First governor of New Jersey. Owned no bonds, but had a “solid legal practice” and was “fairly wealthy” by the time he died.
31. **James Madison.** Called “the father of the Constitution,” Madison, of Virginia, was not terribly wealthy. At the time of the convention, he owned a 560-acre plantation and enslaved nine people. However, Madison did come from a very wealthy plantation family.

32. **Alexander Martin.** North Carolina lawyer and plantation owner. Enslaved 47 people.
33. **Luther Martin.** Opposed the Constitution. As a child lived in near poverty. Became a wealthy lawyer and later Maryland attorney general. Owned six “house slaves.”
34. **George Mason.** Also opposed the Constitution. Mason was a wealthy Virginian. He owned tens of thousands of acres and many thousands of dollars in other property, and enslaved about 300 people.
35. **James McClurg.** Son of a wealthy Virginia doctor. Owned some land and enslaved an unknown number of people, but owned thousands of dollars of bonds.
36. **James McHenry.** An extremely wealthy Maryland doctor.
37. **John Francis Mercer.** Opposed the Constitution. He was a Maryland lawyer and enslaved six people. He also owned bonds.
38. **Thomas Mifflin.** Wealthy Pennsylvania merchant, also owned bank shares.
39. **Gouverneur Morris.** Came from a wealthy New York family, he became a successful lawyer and merchant. He had become “quite a wealthy man.”
40. **Robert Morris.** Known as the “Great Man,” he was “the real financial giant of the period.” One of the richest and most powerful men in the United States. Banker, merchant, land owner, bond owner, at the time of the Convention he controlled about \$2 million worth of property. However, because of losses in land speculation he died in poverty.
41. **William Paterson.** Not a wealthy man, but his New Jersey law practice “brought him a good income.”
42. **William Pierce.** A bankrupt Georgia merchant, involved in the rice trade. Had to leave the Convention early because his finances were such a mess.
43. **Charles Cotesworth Pinckney.** A South Carolina lawyer and plantation owner. In 1790 he enslaved 70 people, down from the 200 people he’d enslaved before his property was taken away by the British in 1780.
44. **Charles Pinckney.** Cousin of Charles Cotesworth Pinckney, was also a lawyer and plantation owner. In 1790 he had a good income and enslaved 111 people.
45. **Edmund Randolph.** A member of “one of the leading families of Virginia.” Enslaved at least 16 people and owned several hundred acres of land. Also owned several thousand dollars in bonds.
46. **George Read.** A Delaware lawyer with “a moderate income,” he owned some bank shares and some public bonds. However, he did live in a mansion and enslaved people.
47. **John Rutledge.** At the time of the Revolution, the richest lawyer in South Carolina. He owned 14 pieces of land, including five plantations. As of 1790, he owned 243 people.
48. **Roger Sherman.** Almost went to debtors prison as a result of his losses during the Revolution. In his earlier years, he had been a lawyer, storeowner, and farmer. According to his biographer he “always lived in a comfortable manner, and his property was gradually increasing.”

49. **Richard Dobbs Spaight.** North Carolina plantation owner and politician. Enslaved 71 people.
50. **Caleb Strong.** A prosperous country lawyer from Massachusetts. Most of his personal property was invested in public debt.
51. **George Washington.** Probably the richest man in the United States. In Virginia alone he owned over 35,000 acres and thousands more all over the country: New York, Kentucky, Pennsylvania, Maryland, etc. He and his wife, Martha Dandridge Washington, enslaved a large number of people but the exact figure is not known. He also was involved in banking and was a large moneylender.
52. **Hugh Williamson.** A North Carolina doctor and businessman. Speculated in western lands and owned some public debt, but most of his money came from his medical practice.
53. **James Wilson.** A wealthy Pennsylvania lawyer. Owned bank stocks and was a director of the Bank of North America.
54. **George Wythe.** Freed “most of his slaves” when the Revolutionary War began. He was a lawyer and a judge in Virginia. In 1788, he owned some public debt and enslaved three people.
55. **Robert Yates.** A lawyer and a judge of the New York Supreme Court, he “lived modestly” and “died poor.” He left the Constitutional Convention early and opposed the Constitution.

Sources: Charles A. Beard, *An Economic Interpretation of the Constitution of the United States* (New York: The Free Press, 1941); and Forrest McDonald, *We the People: The Economic Origins of the Constitution* (Chicago: University of Chicago Press, 1958.)

Federalist Paper #10

By James Madison

AMONG THE NUMEROUS ADVANTAGES promised by a well constructed union of states in the form of a strong central government, none deserves to be more accurately developed than in its ability to break and control the violence of faction.

By a faction, I understand a number of citizens, whether amounting to a majority or minority of the whole, who are united and actuated by some common impulse of passion or of interest, adverse to the rights of other citizens, or to the permanent interests of the community.

There are two methods of curing the mischiefs of faction: the one, by removing its causes; the other, by controlling its effects.

The most common and durable source of factions has been the various and unequal distribution of property.

Those who hold and those who are without property have ever formed distinct interests in society. Those who are creditors, and those who are debtors, fall under a like discrimination. A landed interest, a manufacturing interest, with many lesser interests, grow up of necessity in civilized nations, and divide them into different sentiments and views. The regulation of these various and interfering interests forms the principal task of modern legislation, and involves the spirit of party and faction in the necessary and ordinary operations of the government.

It is in vain to say that enlightened statesmen will be able to adjust these clashing interests and render them all subservient to the public good. Enlightened statesmen will not always be at the helm. Nor, in many cases, can such an adjustment be made at all, without taking into view indirect

and remote considerations, which will rarely prevail over the immediate interest which one party may find in disregarding the rights of another or the good of the whole.

The inference to which we are brought is that the *causes* of faction cannot be removed, and that relief is only to be sought in the means of controlling its *effects*.

By what means is this relief attainable? Evidently by one of two ways only. Either the existence of the interest in a majority must be prevented, or the majority, having such coexistent passion or interest, must be rendered, by their number and local situation, unable to concert and carry into effect schemes of oppression. If the impulse and the opportunity be suffered to coincide, we well know that neither moral nor religious motives can be relied on as an adequate control of the masses.

From this view of the subject it may be concluded that a pure democracy can admit of no cure for the mischiefs of faction. A common passion or interest will, in almost every case, be felt by a majority of the whole. Hence it is that such democracies have ever been spectacles of turbulence and disagreement; have ever been found incompatible with personal security or the rights of property; and have in general been as short in their lives as they have been violent in their deaths.

A republic, by which I mean a government in which the scheme of representation takes place, opens a different prospect and promises the cure for which we are seeking. Let us examine the points in which it varies from pure democracy, and we shall comprehend both the nature of the cure and effectiveness which it must derive from the Union.

The two great points of difference between a democracy and a republic are: first, the power in a republic is delegated to a small number of citizens; and a republic can be extended over a larger country and can include a greater number of citizens.

The effect of the first difference is, on the one hand, to refine and enlarge the public views, by passing them through the medium of a chosen body of citizens, whose wisdom may best choose the true interest of their country, and whose patriotism and love of justice will be least likely to sacrifice it to temporary or partial considerations of change. Under such a regulation, it may well happen that the public voice, pronounced by the representatives of the people, will be more consistent to the public good than if pronounced by the people themselves.

The other point of difference is, the greater number of citizens and extent of territory which may be brought within the compass of republican than of democratic government; and it is this circumstance principally which renders factions less to be dreaded in the former than in the latter. The smaller society, the fewer probably will be the distinct parties and interests composing it; the fewer the distinct parties and interests, the more frequently will a majority be found of the same party; and the smaller the number of individuals composing a majority, and the smaller the compass within which they are placed, the more easily will they concert and execute their plans of

oppression. Extend the sphere, and you take in a greater variety of parties and interest; you make it less probable that a majority of the whole will have a common motive to invade the rights of other citizens; or if such a common motive exists, it will be more difficult for all who feel it to discover their own strength, and to act in unison with each other. [And] where there is a consciousness of unjust or dishonorable purposes, communication is always checked by distrust, in proportion to the number whose agreement is necessary.

Hence, it clearly appears, that the same advantage which a republic has over a democracy, in controlling the effects of faction, is enjoyed by a large over a small republic—is enjoyed by the strong central government over the states composing the Union.

The influence of factious leaders may kindle a flame within their particular states, but will be unable to spread a general conflagration through the other states. A rage for paper money, for an abolition of debts, for an equal division of property, or for any other improper or wicked project, will be less apt to pervade the whole body of the Union than a particular member of it; in the same proportion as such a malady is more likely to taint a particular county or district, than an entire state.

In the extent and proper structure of the union, therefore, we behold a republican remedy for the diseases most incident to republican government.

Questions:

1. In your own words, what is a faction?
2. According to Madison, what causes factions?
3. What does Madison propose to do about the *causes* of factions? Why?
4. How does a republic differ from a democracy? Is the United States today a republic or a democracy?
5. According to Madison, who should make the important decisions of a society?
6. What does Madison worry might happen in a pure democracy?
7. Explain why you agree or disagree with Madison's ideas about government.