



Referenda Fair: Hold a Constitutional Convention

Purpose: The Founding Fathers believed that the Constitution would need to be revised and reworked to meet the changing needs of the country. They would be surprised to know that there hasn't been another Constitutional Convention despite over two hundred years of history. This lesson plan guides students through an analysis of issues that might be discussed if a Constitutional Convention were held today. Students will create a referendum fair and inform students, community members, and others about the possibility of Constitutional Reform. This activity pairs with YLI's *Democracy Corps* program and offers students an opportunity to participate in a service learning project.

Objectives:

1. Students will analyze views about Constitution reform in order to identify the need, if any, for Constitutional revision.
2. Students will research possible Constitutional reforms in order to detail the pros and cons of revising the Constitution.
3. Students will share their analysis of possible reform with their peers and the community in order to promote civic engagement in the community.

Key Terms:

addendum

ratification

referendum

Materials:

1. Teacher resource: *Thomas Jefferson's Thoughts on Constitutional Reform*.
2. Student handout: *James Madison's Thoughts on Constitutional Reform*.
3. Copies of the Constitution and highlighters.
4. Student handout: *Creating a Constitution Fair Exhibit*.
5. Student handout: *Weighing the Costs and Benefits of Constitutional Reform*.
6. Student handout: *Reflective Essay Rubric*.

Procedure:

1. Motivation/ Warm Up: Divide the students into groups of three or four. Give each group a copy of one of the quotes presented on the teacher resource *Thomas Jefferson's Quotes on Constitutional Reform*. Allow the students to discuss the quote and prepare to give a short synopsis to the class. Discuss with students:
 - ❖ How does Jefferson feel about the possibility of Constitutional Reform?
 - ❖ What evidence does he provide that supports this opinion?

2. Distribute a copy of the student handout *James Madison's Thoughts on Constitutional Revision* and ask the students to read and answer the questions at the bottom of the page. Discuss the following with the students:
 - ❖ What is Madison's justification for creating a Constitution that would not be subject to change?
 - ❖ How does this differ from Jefferson's statements regarding the Constitution?
 - ❖ Why might they have had different views towards the revision of the Constitution?
 - ❖ What areas of compromise might we find between Jefferson and Madison regarding Constitutional revision?
 - ❖ Is the Constitution a document for the people? Are there areas that could be changed to make it a document more Americans could believe in?

4. Ask students if they feel the Constitution should be revised or not. Working in their groups, distribute a copy of the Constitution and some highlighters. Students should discuss the document and highlight any articles or amendments that they feel should or could be changed with the goal of increasing citizen engagement and involvement. Share the ideas as a class, listing the possible changes on the board. Add the following suggestions made by Constitutional scholars to the list of suggestions made by the students.
 - ❖ Executive Branch Reforms
 - War Making Limitations
 - Non-Natural Born Presidents
 - ❖ Congressional Representation
 - Universal, non-partisan re-districting
 - Proportional Representation in the Senate
 - Extending House Terms
 - ❖ Judicial Reforms
 - End Lifetime tenure for Supreme Court Judges
 - Mandatory retirement for Federal Judges
 - ❖ Election Reforms
 - Regional Lottery for order of Presidential Nominations
 - Improving/Removing the Electoral College
 - Automatic Voter Registration
 - Public financing of elections
 - ❖ Mandatory National Service

5. Returning to their groups, students should examine the list and determine which changes would have the most impact on civic engagement. They should be prepared to discuss their reasoning to the class. Inform students that they will be creating an informational exhibit about one of the possible Constitutional changes. Distribute the student resource *Creating a Constitution Fair Exhibit* and review the criteria with the class. If several groups have chosen the same referendum topic consider assigning them to a topic further down the list so that there is a wide variety of topics at the fair. Plan a day to invite other students to visit your Constitution Fair and learn about the



referendum issues prior to participating in the online Constitutional Convention/Mock Election sponsored by YLI October 1-12.

The following sites have information regarding possible referendum issues:

- ❖ Executive Branch Reforms:
Ben's Guide to U.S Government for Kids, <http://bensguide.gpo/index.html>
Thinkquest, <http://library.thinkquest.org>
Executive Branch Reform Act: www.loc.gov/rr/news/fedgov.html
Library of Congress: <http://thomas.loc.gov/links/>

- ❖ Congressional Representation:
Congress for Kids, www.congressforkids.net/index.htm
Ben's Guide to US Government for Kids, <http://bensguide.gpo/index.html>
Library of Congress: <http://thomas.loc.gov/links/>
Newspaper and Current Periodical Reading Room,
www.loc.gov/rr/news/fedgov.html

- ❖ Judicial Reforms:
Ben's Guide to U.S. Government for Kids, <http://bensguide.gpo/index.html>
Thinkquest, <http://library.thinkquest.org/J0110221/Judicial.html>
Congress for Kids, www.congressforkids.net/index.htm
Committee on House Administration, http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=106_cong_documents&docid=f:hd216.106
U.S. Department of State, <http://usinfo.state.gov/products/pubs/outusgov/ch5.htm>
WhiteHouse.gov, www.whitehouse.gov/government/judg.html
Law Library of Congress, www.loc.gov/law/guide/usjudic.html

- ❖ Election Reforms:
American University Center for Democracy and Election Management,
www.american.edu/ia/cfer
Commission on Federal Election Reform, www.reformelection.org/ncfer.asp
Common Cause,
www.commoncause.org/site/pp.asp?c=dkLNK1MQIwG&b=196480
Constitution Party,
www.constitutionparty.com/party_platform.php#Election%20Reform
League of Women Voters, www.lwv.org
Public Campaign, www.campaignmoney.org

- ❖ National Service
Congressional Quarterly Researcher, www.library.congress.com/cqresearcher/
Peace Corps, www.peacecorpsonline.org
Freedom Corps, www.usafreedomcorps.gov
National Service Resources, www.nationalservice.org
Universal National Service Act of 2007, <http://thomas.loc.gov/cgi-bin/query/z?c110:H.R.393>



Cato- Institute- www.cato-at-liberty.org

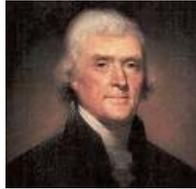
AmeriCorps- www.americorps.org, www.cityyear.org

6. To assess and reflect on the Constitution Fair distribute the student handout, *Weighing the Costs and Benefits of Constitutional Reform*. Jigsaw the students so that there is a representative from each topic in a discussion group. Have the students debate the pros and cons of each referendum issue filling in the graphic organizer as they progress.
7. Ask students to respond to their experiences and research in a well developed essay. Pass out the student handout *Reflective Essay Rubric* and use it to evaluate student performance.

Extension Activity:

Plan to videotape or record your Constitution Fair and send a copy to YLI. We would like to include your work in our National Constitutional Convention being held in Washington, D.C. on October 19th. If you choose to send a copy of your convention please make sure that you have permission forms for the students who are in the videotape.

Thomas Jefferson's Thoughts on Constitutional Reform



Let us provide in our constitution for its revision at stated periods... Each generation is as independent as the one preceding, as that was of all which had gone before. It has then, like them, a right to choose for itself the form of government it believes most promotive of its own happiness.

-1816

Every constitution, then, and every law, naturally expires at the end of nineteen years. If it be enforced longer, it is an act of force, and not of right.

-1789

Whatever be the Constitution, great care must be taken to provide a mode of amendment when experience or change of circumstances shall have manifested that any part of it is unadapted to the good of the nation.

- 1823

Nothing is more likely than that [the] enumeration of powers is defective. This is the ordinary case of all human works. Let us then go on perfecting it by adding by the way of amendment to the Constitution those powers which time and trial show are still wanting.

-1803

Though we may say with confidence, that the worst of the American constitutions is better than the best which ever existed before in any other country, and that they are wonderfully perfect for a first essay, yet every human essay must have its defects. It will remain, therefore, to those now coming on the stage of public affairs, to perfect what has been so well begun by those going off it.

-1787

We must be contented to travel on towards perfection, step by step. We must be contented with the ground which this Constitution will gain for us, and hope that a favorable moment will come for correcting what is amiss in it.

-1788

Happy for us that when we find our constitutions defective and insufficient to secure the happiness of our people, we can assemble with all the coolness of philosophers and set it to rights, while every other nation on earth must have recourse to arms to amend or to restore their constitutions.

-1787

Sources: Jefferson Digital Archive: <http://etext.lib.virginia.edu/jefferson/>

Quotations: <http://etext.virginia.edu/jefferson/quotations/jeff1000.htm>

http://home.c2i.net/espenjo/home/thomas/tmas_05.htm

James Madison's Thoughts on Constitutional Reform



James Madison had a fundamentally different view from Thomas Jefferson on the idea of Constitutional reform. Fearing the effects of popular passions, and insisting that the Constitution had been adopted under unusually favorable historical circumstances, Madison wanted the founding document to be a kind of fixed star, immunized from vicissitudes of history and pressures of endless public scrutiny. In his words, “frequent appeals to the public” would remove “that veneration which time bestows on every thing, and without which perhaps the wisest and freest government would not possess the requisite stability.” He accepted the amendment process set out in Article V of the Constitution because of the difficulty with which the document could be altered and only in “great and extraordinary occasions.”

-Jeff Weintraub, University of Pennsylvania.

http://www.jmu/madison/center/main_pages/madison_archives/constit_confed/rights/jmproposal/jmspeech.htm

I should be unwilling to see a door opened for re-consideration of the whole structure of the government, for a re-consideration of the principles and the substance of the powers given; because I doubt, if such a door was opened, if we should be very likely to stop at that point which would be safe to the government itself: But I do wish to see a door opened to consider, so far as to incorporate those provisions for the security of rights, against which I believe no serious objection has been made by any class of our constituents, such as would be likely to meet with the concurrence of two-thirds of both houses, and the approbation of three-fourths of the state legislatures. I will not propose a single alteration which I do not wish to see take place, as intrinsically proper in itself, or proper because it is wished for by a respectable number of my fellow citizens; and therefore I shall not propose a single alteration but is likely to meet the concurrency required by the Constitution.

-James Madison, From his speech to the House of Representatives proposing the Bill of Rights

- ❖ Does Madison support Constitutional change? Why or why not?
- ❖ What evidence do we see that Madison is a compromiser during the Convention?
- ❖ Is compromise good for a democracy? Why or why not?



Creating a Constitution Fair Exhibit

Directions: You will be participating in a Constitution Fair that will help citizens make decisions regarding possible changes to the U.S. Constitution. In order to inform others, your group must create a display that will educate visitors about both sides of one of the proposed referendum issues. The display will also help your fellow students consider the issues before they cast votes in the YLI Constitutional Convention.

Your display should include:

<u>Criteria</u>	<u>Possible Pts.</u>	<u>Earned Pts.</u>
Clearly identify a proposed change to the Constitution	10	
Present resources both for and against the referendum issue	25	
Provide supporting evidence for both sides of the issue (source documentation)	15	
Be clearly understood and accessible by visitors	25	
Provide the information in several formats	15	
Contain a fact sheet for visitors to use when voting in the Constitutional convention	10	

Comments:

Total Score: _____

Weighing the Costs and Benefits of Constitutional Reform

Referendum Question	Benefits	Costs	My Decision
The Constitution should be amended to limit the President's ability to make war without the consent of Congress.			
The Constitution should be amended to grant the President the ability to strike parts of legislation without killing the entire bill.			
The Constitution should be amended to allow citizens born outside of the United States to serve as the President.			
The Senate should be enlarged by providing additional senators for states with medium and large populations.			
Primary elections should be determined by regional lottery.			
The Constitution should be amended to end the practice of lifetime tenure for Supreme Court Judges.			



Weighing the Costs and Benefits of Constitutional Reform (continued)

Referendum Question	Benefits	Costs	My Decision
Federal judges should be required to retire at 75 years of age.			
The Electoral College should be removed. The President shall be chosen by popular election.			
The Constitution should mandate that political campaigns and elections be funded by the public.			
Voter registration should be made automatically at age eighteen.			
Citizens should be required to complete a term of National Service by serving in the military, teaching, or performing other civic duty.			

Reflective Essay Rubric

Directions: Reflect on the act of preparing and implementing the Constitutional Convention Fair. Write an essay that summarizes your experience and expresses your ideas about the possibility of having another Constitutional Convention. Answer the following questions in your essay:

- ❖ Do you agree with Jefferson that the Constitution should be revised and amended in each generation or do you believe that amendment should, according to Madison, be undertaken only under “great and extraordinary occasions?”
- ❖ If a Constitutional Convention were called what issues should be addressed? How would these issues affect public participation in American democracy?
- ❖ Should there be another Constitutional Convention? Why or why not?

Rubric:

<u>Outstanding</u>	<u>Good</u>
<p>Contains ample evidence of understanding both Jefferson’s and Madison’s views of Constitutional reform</p> <p>Identifies and clearly explains which issues should be addressed at a Constitutional Convention</p> <p>Explains how a change in the Constitution might change citizen participation</p> <p>Provides a strong opinion on a Constitutional Convention and justifies that opinion with evidence from the activity</p>	<p>Contains evidence of understanding both Jefferson’s and Madison’s views of Constitutional reform</p> <p>Identifies and explains which issues should be addressed at a Constitutional Convention</p> <p>Explains briefly how a change in the Constitution might change citizen participation</p> <p>Provides a strong opinion on a Constitutional Convention and justifies that opinion with some evidence from the activity</p>
<u>Fair</u>	<u>Needs Improvement</u>
<p>Contains some evidence of understanding both Jefferson’s and Madison’s views of Constitutional reform</p> <p>Identifies and attempts to explain which issues should be addressed at a Constitutional Convention</p> <p>Attempts but is unclear about how a change in the Constitution might change citizen participation</p> <p>Provides an opinion about the need for a Constitutional Convention but provides weak support from the activity</p>	<p>Contains little or no evidence of understanding Jefferson’s or Madison’s views on Constitutional reform</p> <p>Very little attempt to identify or explain the issues that should be addressed at a Constitutional Convention</p> <p>Makes no connection between changes in the Constitution and citizen participation</p> <p>Does not express an opinion on the need for a Constitutional Convention</p>