

To Sign or Not to Sign

THE ULTIMATE CONSTITUTION DAY LESSON PLAN

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About This Lesson

On Constitution Day, students will examine the role of the people in shaping the United States Constitution. First, students will respond to a provocative statement posted in the room. They will then watch a video that gives a brief explanation of the Constitutional Convention of 1787, or listen as the video transcript is read aloud. A Constitution poster is provided so students can examine Article VII and discuss it as a class.

The elementary and middle school educator will then guide students through a read-aloud play depicting two Constitutional Convention delegates who disagreed about ratifying the Constitution. High school students will review support materials and have a class debate about why delegates should or should not have signed the Constitution in 1787.

The class will then discuss the ratification process. The lesson closes with an opportunity for students to sign the Constitution, if they choose, and to discuss what it means to sign or not sign.

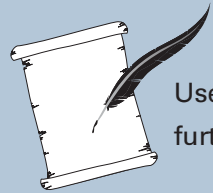


Grade(s) Level

Elementary, Middle, High School

Classroom Time

45 minutes

MaterialsCreating the Constitution DVD
and video transcriptRead-Aloud play (elementary
and middle school)Debate support materials
(high school)Constitution classroom poster
and signing penUse poster for
further explanation**Background**

September 17, 1787 was the final day of the Constitutional Convention, when 39 of the men present in Philadelphia chose to sign the document. Signing put their reputations on the line. Their signatures gave weight to the document, but it was the subsequent ratification contest that really mattered. Ratification embodied the powerful idea of popular sovereignty—government by the people—that has been at the heart of the Constitution from its inception until today.

Learning Objectives**Students will:**

- know that the Constitutional Convention of 1787 led to the establishment of a new form of government;
- be able to summarize Article VII of the United States Constitution;
- understand why some delegates signed the Constitution and others did not (elementary and middle school);
- be able to construct arguments as to whether or not the delegates in 1787 should have signed the Constitution (high school);
- understand that the idea of popular sovereignty, particularly as it applied to the ratification of the document, was a revolutionary concept;
- be able to analyze reasons for and against signing their own names to the Constitution poster.

Standards

This lesson was designed according to the following curriculum standards for social studies, as developed by National Council for the Social Studies.

Social studies programs should include experiences that provide for the study of how people create and change structures of power, authority, and governance.

Social studies programs should include experiences that provide for the study of the ideals, principles, and practices of citizenship in a democratic republic.

Activity**The Power of a Signature (10 minutes)**

1. As students enter the classroom, ask if they would like to sign their name on a large sheet of paper or chalk/white board in the front of the classroom, with the following statement on top:

Effective September 17, 2009, schools will close every year in honor of Constitution Day.

2. After everyone has had a chance to sign, ask:

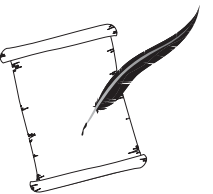
Why did you decide to sign or not sign this statement?

What does it mean that you signed or didn't sign it?

3. Discuss how signing is a statement of your belief. It is a willingness to take a stand and risk your reputation.
4. Tell students that when the delegates of the 1787 Constitutional Convention signed the Constitution, they were taking a stand and risking their own reputations. Citizens today do the same thing when they sign a petition.
5. View the DVD “Creating the Constitution” or download the video at http://www.teachertube.com/viewVideo.php?video_id=5604&title=Creating_the_Constitution

As an alternative to watching the video, have students read Handout 1, the video transcript of “Creating the Constitution.”

6. Use the Constitution poster to familiarize students with the structure of the document. Direct them to Article VII.
7. Make clear that just because students signed the statement about schools closing for Constitution Day, doesn't make it true. There must be a process of ratification. Discuss how Article VII says that nine of the states needed to vote in favor of ratification of the Constitution. Tell students that by signing, the delegates were deciding whether or not they believed the Constitution should be ratified by the people.

**Debate: Federalists vs. Anti-Federalists (20 minutes)****Elementary and Middle School:**

1. Provide each student with a copy of Handout 2. Explain that the play is a fictional conversation between John Jay and Elbridge Gerry, where they each give their opinions about signing the Constitution. Have two students volunteer to read the play aloud.

2. After reading, ask:

What is the strongest reason John Jay gave for signing the Constitution?

What is the strongest reason Elbridge Gerry gave for not signing the Constitution?

Which delegate do you agree with? Why?

Modification: Have students read the play in pairs in low voices to one another and answer the questions together in writing.

3. Explain how there’s really no winner in the debate. If the Federalists hadn’t prevailed, we wouldn’t have a Constitution. But if the Anti-Federalists hadn’t dissented, the Constitution wouldn’t have had a Bill of Rights.

High School:

1. Divide the class in half. Explain that they will debate whether or not the Constitution should have been ratified as it was written in 1787. Provide one group of students with Handout 3 and the other group with Handout 4. Explain that the groups will debate the position of the writer of the handout they are given.

Modification: Introduce key terms before directing the students to begin reading.

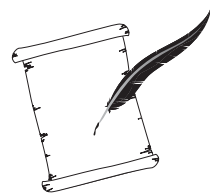
2. Give students time to review their handouts. Suggest they underline key points the author made about his position and make margin notes about what they’d like to say in the debate.

3. Before beginning the debate, remind students to discuss the issue as if it were 1787. Ask:

Does the Constitution need a Bill of Rights?

Does the Constitution give too much power to the national government at the expense of the individual states?

4. At the conclusion of the debate, you may want to clarify to students that there’s really no winner. If the Federalists hadn’t prevailed, we wouldn’t have a Constitution. But if the Anti-Federalists hadn’t dissented, the Constitution wouldn’t have had a Bill of Rights.



We the People (5 minutes)

1. Review with students that ratifying the Constitution was an important process that only happened through the will of the American people.

2. Discuss the ratification process. Ask:

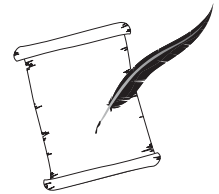
What role did the signatures of the framers play in the ratification process?

Who ultimately had the power to put the Constitution into place?

3. Explain that the most important idea of the Constitution is the idea of popular sovereignty, which is government of the people and by the people. When it was written, other countries were run by monarchs and emperors, who had the final authority in all matters. The framers of the Constitution imagined a government where the final authority was in the hands of the citizens. This was a radical idea.

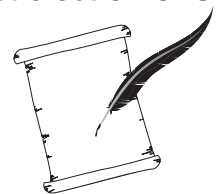
Application/Personal Response (10 minutes)

1. Invite students to sign the Constitution poster, if they choose.



2. Explain that this Constitution is not the same as the Constitution the framers signed. It is today’s Constitution, which is longer because it has been changed by amendments and Supreme Court interpretation. For example, today’s Constitution has a Bill of Rights. After the Civil War, it was amended to abolish slavery and promise “equal protection of the laws” to the freed slaves, a promise that was eventually extended to other groups. Other amendments have authorized the income tax, provided for direct election of Senators, and expanded voting rights.

3. Show students the classroom poster. Point out how the amendments to the Constitution are as long as the original text.



4. Discuss with students how the video points out that the Constitution still begins with three perfect words: We the People. But it is not yet a perfect document. Every day, and especially on Constitution Day, the Constitution asks us, the people, to face the same choice the Signers faced: to sign or not to sign. Ask:

How do we create a more perfect union—by signing or not signing?

Why did you choose to sign? Why did you choose not to sign?

Middle/High School Extension Question

If the 1787 Constitution were presented today, would it be ratified? Why or why not? What issues are the same now as in 1787? What issues are different?

Handout 1 - Creating the Constitution

When was the last time you successfully changed anyone’s mind about anything?

Or even gotten a small group of people to agree on what movie to see?

Now try to imagine this. Fifty-five men getting together in Philadelphia one muggy summer in 1787, trying to create a nation. Now imagine that most of them were lawyers. Well, that’s what it was like. And it would take 3 ½ months of quarreling and compromise. But somehow those men managed to hammer out the framework for our nation’s Constitution. Pretty soon there were some basic questions in the room about the very things they had fought so hard for. Freedom and power. It wasn’t so long ago that colonists had won their freedom from the king of England. So no one was in a hurry to hand over too much power to any government, even their own. And wouldn’t a stronger central government mean weaker individual states?

Ultimately, those 55 delegates came up with a brilliant compromise. A balance between federal power and states’ rights that still hangs delicately today. And as for how the government should actually be set up, well, they settled on the remarkable idea of dividing it into three branches. The executive, the judiciary, and the legislative. When it was all over, these men forged a document that defined a country, complete with built-in checks and balances designed to keep everyone honest.

But the document wasn’t perfect. For all its promise of freedom and justice, it included compromises, like slavery, that would take years, even bloodshed, to resolve. Some critics felt it also overlooked some crucial fundamental rights. The first 10 amendments, called the Bill of Rights, took care of that. However imperfect the document, it begins with three perfect words. “We, the People.”

For over 200 years, presidents, lawyers, senators, judges, politicians, and protestors have been examining the “We” in “We, the People.” Pulling at it, trying to get it to expand or contract, and in doing so, shaping the character of our nation.

Handout 2 - To Sign or Not to Sign: A Read-Aloud Play

Characters:

John Jay, a citizen of New York and a Federalist

Elbridge Gerry, a delegate from Massachusetts and an Anti-Federalist

John Jay: Mr. Gerry, I humbly request that you reconsider your reasons for not supporting this Constitution.

Elbridge Gerry: But Mr. Jay, I cannot stand by it! I cannot sign my name to a document that does not secure the rights of every American.

Jay: But we are accounting for that. We will have a chance to amend the Constitution.

Gerry: Yes, but should free people adopt a form of government that they believe needs amendment? This document is unacceptable!

Jay: This document is as good as we can make it. Tell me Mr. Gerry, do you think it is possible to come up with a better plan? We cannot please everyone. I say that delaying the ratification of this Constitution will put our country at great risk.

Gerry: I know, you believe that our enemies will see our indecision as weakness, and our creditors may stop lending to us. But isn’t personal freedom important, too?

Jay: We have been meeting for such a long time. What if we reject this Constitution? Would we ever be able to come up with something better?

Gerry: What do you suggest we do?

Jay: I believe we should ratify the Constitution, give it a fair amount of time to work for the people, and fix it as time, occasion, and experience may dictate. What do you suggest we do, Mr. Gerry?

Gerry: I believe we should add a bill of rights that secures the liberties of the American people. It pains me to disagree so strongly with those who signed, but I sincerely believe that the American people deserve to have their rights protected.

Jay: Well, Mr. Gerry, we are putting this decision in the hands of the American people.

Gerry: Indeed, and I sincerely hope that whatever Constitution is finally adopted will secure the liberty and happiness of America.

Handout 3 - Address to the People of New York, by the Hon. John Jay

[text from <http://memory.loc.gov/learn/features/timeline/newnatn/usconst/johnjay.html>]

Friends and Fellow-citizens: The Convention concurred in opinion with the people, that a national government, competent to every national object, was indispensably necessary; and it was as plain to them, as it now is to all America, that the present Confederation does not provide for such a government. These points being agreed, they proceeded to consider how and in what manner such a government could be formed, as, on the one hand, should be sufficiently energetic to raise us from our prostrate and distressed situation, and, on the other, be perfectly consistent with the liberties of the people of every state. Like men to whom the experience of other ages and countries had taught wisdom, they not only determined that it should be erected by, and depend on, the people, but, remembering the many instances in which governments vested solely in one man, or one body of men, had degenerated into tyrannies, they judged it most prudent that the three great branches of power should be committed to different hands, and therefore that the executive should be separated from the legislative, and the judicial from both. Thus far the propriety of their work is easily seen and understood, and therefore is thus far almost universally approved; for no one man or thing under the sun ever yet pleased every body.

The next question was, what particular powers should be given to these three branches. Here the different views and interests of the different states, as well as the different abstract opinions of their members on such points, interposed many difficulties. Here the business became complicated, and presented a wide field for investigation--too wide for every eye to take a quick and comprehensive view of it. . . .

...The question now before us naturally leads to three inquiries:--

1. Whether it is probable that a better plan can be obtained.
2. Whether, if attainable, it is likely to be in season.
3. What would be our situation if, after rejecting this, all our efforts to obtain a better should prove fruitless.

The men who formed this plan are Americans, who had long deserved and enjoyed our confidence, and who are as much interested in having a good government as any of us are or can be. They were appointed to that business at a time when the states had become very sensible of the derangement of our national affairs, and of the impossibility of retrieving them under the existing Confederation. Although well persuaded that nothing but a good national government could oppose and divert the tide of evils that was flowing in upon us, yet those gentlemen met in Convention with minds perfectly unprejudiced in favor of any particular plan. The minds of their constituents were at that time equally cool and dispassionate. All agreed in the necessity of doing something; but no one ventured to say decidedly what precisely ought to be done.

Opinions were then fluctuating and unfixed; and whatever might have been the wishes of a few individuals, yet while the Convention deliberated, the people remained in silent suspense. Neither wedded to favorite systems of their own, nor influenced by popular ones abroad, the members were more desirous to receive light from, than to impress their private sentiments on, one another.

These circumstances naturally opened the door to that spirit of candor, of calm inquiry, of mutual accommodation, and mutual respect, which entered into the Convention with them, and regulated their debates and proceedings. . . .

They tell us, very honestly, that this plan is the result of accommodation. They do not hold it up as the best of all possible ones, but only as the best which they could unite in and agree to. If such men, appointed and meeting under such auspicious circumstances, and so sincerely disposed to conciliation, could go no farther in their endeavors to please every state and every body, what reason have we, at present, to expect any system that would give more general satisfaction?

Suppose this plan to be rejected; what measures would you propose for obtaining a better? Some will answer, "Let us appoint another convention; and, as every thing has been said and written that can well be said and written on the subject, they will be better informed than the former one was, and consequently be better able to make and agree upon a more eligible one." . . .

Let those who are sanguine in their expectations of a better plan from a new convention, also reflect on the delays and risks to which it would expose us. Let them consider whether we ought, by continuing much longer in our present humiliating condition, to give other nations further time to perfect their restrictive systems of commerce, reconcile their own people to them, and to fence, and guard, and strengthen them by all those regulations and contrivances in which a jealous policy is ever fruitful. Let them consider whether we ought to give further opportunities to discord to alienate the hearts of our citizens from one another, and thereby encourage new Cromwells to bold exploits. Are we certain that our foreign creditors will continue patient, and ready to proportion their forbearance to our delays? Are we sure that our distresses, dissensions, and weakness, will neither invite hostility nor insult? If they should, how ill prepared shall we be for defence, without union, without government, without money, and without credit! . . .

Consider, then, how weighty and how many considerations advise and persuade the people of America to remain in the safe and easy path of union; to continue to move and act, as they hitherto have done, as a band of brothers; and to have confidence in themselves and in one another; and, since all cannot see with the same eyes, at least to give the proposed Constitution a fair trial, and to mend it as time, occasion, and experience, may dictate. It would little become us to verify the predictions of those who ventured to prophesy that peace, instead of blessing us with happiness and tranquillity, would serve only as the signal for factions, discord, and civil contentions, to rage in our land, and overwhelm it with misery and distress.

Let us also be mindful that the cause of freedom greatly depends on the use we make of the singular opportunities we enjoy of governing ourselves wisely; for, if the event should prove that the people of this country either cannot or will not govern themselves, who will hereafter be advocates for systems which, however charming in theory and prospect, are not reducible to practice? If the people of our nation, instead of consenting to be governed by laws of their own making, and rulers of their own choosing, should let licentiousness, disorder, and confusion, reign over them, the minds of men every where will insensibly become alienated from republican forms, and prepared to prefer and acquiesce in governments which, though less friendly to liberty, afford more peace and security.

Receive this address with the same candor with which it is written; and may the spirit of wisdom and patriotism direct and distinguish your councils and your conduct.

JOHN JAY, a Citizen of New York.

Handout 4 - Elbridge Gerry's Reasons for Not Signing the Federal Constitution

[text from <http://memory.loc.gov/learn/features/timeline/newnatn/usconst/egerry.html>]

Gentlemen: I have the honor to enclose, pursuant to my commission, the Constitution proposed by the Federal Convention.

To this system I gave my dissent, and shall submit my objections to the honorable legislature.

It was painful for me, on a subject of such national importance, to differ from the respectable members who signed the Constitution; but conceiving, as I did, that the liberties of America were not secured by the system, it was my duty to oppose it.

My principal objections to the plan are, that there is no adequate provision for a representation of the people; that they have no security for the right of election; that some of the powers of the legislature are ambiguous, and others indefinite and dangerous; that the executive is blended with, and will have an undue influence over, the legislature; that the judicial department will be oppressive; that treaties of the highest importance may be formed by the President, with the advice of two thirds of a quorum of the Senate; and that the system is without the security of a bill of rights. These are objections which are not local, but apply equally to all the states.

As the Convention was called for "the sole and express purpose of revising the Articles of Confederation, and reporting to Congress, and the several legislatures, such alterations and provisions as shall render the Federal Constitution adequate to the exigencies of government, and the preservation of the Union," I did not conceive that these powers extend to the formation of the plan proposed; but the Convention being of a different opinion, I acquiesced in it, being fully convinced that, to preserve the Union, an efficient government was indispensably necessary, and that it would be difficult to make proper amendments to the Articles of Confederation.

The Constitution proposed has few, if any, federal features, but is rather a system of national government. Nevertheless, in many respects, I think it has great merit, and, by proper amendments, may be adapted to the "exigencies of government, and preservation of liberty."

The question on this plan involves others of the highest importance: 1. Whether there shall be a dissolution of the federal government; 2. Whether the several state governments shall be so altered as in effect to be dissolved; 3. Whether, in lieu of the federal and state governments, the national Constitution now proposed shall be substituted without amendment. Never, perhaps, were a people called on to decide a question of greater magnitude. Should the citizens of America adopt the plan as it now stands, their liberties may be lost; or should they reject it altogether, anarchy may ensue. It is evident, therefore, that they should not be precipitate in their decisions; that the subject should be well understood;--lest they should refuse to support the government after having hastily accepted it.



If those who are in favor of the Constitution, as well as those who are against it, should preserve moderation, their discussions may afford much information, and finally direct to a happy issue.

It may be urged by some, that an implicit confidence should be placed in the Convention; but, however respectable the members may be who signed the Constitution, it must be admitted that a free people are the proper guardians of their rights and liberties; that the greatest men may err, and that their errors are sometimes of the greatest magnitude.

Others may suppose that the Constitution may be safely adopted, because therein provision is made to amend it. But cannot this object be better attained before a ratification than after it? And should a free people adopt a form of government under conviction that it wants amendment?

And some may conceive that, if the plan is not accepted by the people, they will not unite in another. But surely, while they have the power to amend, they are not under the necessity of rejecting it.

I have been detained here longer than I expected, but shall leave this place in a day or two for Massachusetts, and on my arrival shall submit the reasons (if required by the legislature) on which my objections are grounded.

I shall only add that, as the welfare of the Union requires a better Constitution than the Confederation, I shall think it my duty, as a citizen of Massachusetts, to support that which shall be finally adopted, sincerely hoping it will secure the liberty and happiness of America.

I have the honor to be, gentlemen, with the highest respect for the honorable legislature and yourselves, your most obedient and very humble servant,

E. GERRY.

To the Hon . Samuel Adams , Esq., President of the Senate, and the Hon . James Warren , Esq., Speaker of the House of Representatives, of Massachusetts.