

# CONSOURCE



*The Constitutional Sources Project*

## CONSTITUTIONAL CONVENTION SIMULATION

### **The Federal Convention: Reform or Revolution?**

#### **TIME AND GRADE LEVEL**

**Two** 45 or 50 minute class periods in a **Grade 9-12** US history, civics, or government course.

#### **PURPOSE AND CRITICAL ENGAGEMENT QUESTIONS**

History is the chronicle of choices made by actors/agents/protagonists in specific contexts. This simulation places students at the opening of the Constitutional Convention and asks them to deliberate on the overarching question delegates faced at that moment: Should they propose alterations to the Articles of Confederation, or should they construct an entirely different plan that would supplant the Articles? The answer was not a foregone conclusion. The delegates' instructions from their state legislatures told them to revise or amend the existing Articles, which they called their "Federal Constitution." If they went farther than that, how might the citizenry react? By engaging with this momentous issue, students will understand the enormity of the "revolution in favor of government" that occurred in 1787. They will also gain insight into the hurdles delegates faced in devising a plan for a central government that might be acceptable to the people.

#### **LESSON OBJECTIVES**

\*Students will be able to identify those features of the Articles of Confederation that impaired the functioning of the Confederation.

\*Students will be able to present both sides of the issue delegates to the Constitutional Convention confronted at the outset: should they go beyond their instructions and develop an entirely new plan for government?

\*Students will be able to explain why the convention decided to start anew, despite the opposition that move was likely to arouse in the states.

\*Students will be able to explain why, throughout the Convention's proceedings, delegates kept in mind the fundamental question: Is this a plan the people will accept?

## **OVERVIEW OF THE LESSON**

### **Prefatory Homework for Day One:**

Handout A: Articles of Confederation: Highlights

Handout B: James Madison's Complaints

### **In Class, Day One:**

1. Homework review: The Articles of Confederation and their alleged shortcomings: 5-10 minutes
2. Discussion of Madison's "Vices of the Political System of the United States," April, 1787: 15 minutes
3. Discussion of Congress's call for a Convention: 5 minutes
4. Assign students to state delegations and consider the instructions each state gave to its delegates: 10 minutes
5. Summary and Preparation for Convention Simulation: 5-10 minutes

### **Prefatory Homework for Day Two:**

Insolvency of Congress

### **In Class, Day Two:**

1. Homework review: 10 minutes
2. Presentation of Randolph/Morris motion of May 30: 5-10 minutes
3. Simulation of the Convention debate on whether to create a new "national, supreme" government rather than amend the Articles of Confederation: 15 minutes
4. Vote by state delegations on the motion to replace the Articles of Confederation: 5 minutes
5. Presentation of the historical outcome: 5 minutes

6. (OPTIONAL, IF THIS LESSON WILL BE FOLLOWED BY OTHER CONVENTION SIMULATIONS) Closing remarks on the Convention's pledge of secrecy: 5 minutes

Summary homework / Extended activities

## **MATERIALS**

### *Background Handouts*

- A. Articles of Confederation: Highlights
- B. James Madison's Complaints
- C. Insolvency of Congress

### *Classroom Handouts*

- D. Congress's Call for a Convention
- E. State Instructions to Delegates
- F. Randolph-Morris motion of May 30
- G. Vocabulary List

### *Teacher Resources*

- T-A. Homework Answers
- T-B. Infrastructure for the Constitutional Convention Simulation
- T-C. Timeline for the Federal Convention of 1787

### *Links*

A. [Madison's Notes of Debates for May 30, 1787](#); [Articles of Confederation](#); [Letter from James Madison to Edmund Pendleton \(February 24, 1787\)](#); [James Madison, Vices of the Political System of the United States \(April 1787\)](#)

## **PREFATORY HOMEWORK FOR DAY ONE**

Students read and answer questions on Handout A, "**Articles of Confederation: Highlights.**"

## **CLASS ACTIVITY FOR DAY ONE: 45-50 MINUTES**

### **1. Homework review—The Articles of Confederation and their alleged shortcomings: 5-10 minutes**

In this review of the Articles of Confederation and their alleged shortcomings, be sure to cover these questions, which relate directly to the state instructions delegates are about to receive:

*Does Article I of the Articles of Confederation call the United States a "confederacy" or a "government"?*

Response: “Confederacy,” which is the same as a “confederation.”

*What is the difference between a “confederation” and a “government”?*

Response: A government acts directly on the people (levies and collects taxes, makes and enforces laws). A confederation is an agreement between governments – in this case, state governments — and acts only through them. Note that the Articles of Confederation do not empower Congress to levy or collect taxes from citizens, nor can Congress pass or enforce laws binding on citizens.

*Look at the preamble to the Articles of Confederation: who is entering into this agreement?*

Response: The states. The A of C do not empower Congress to levy or collect taxes from citizens, as a government might do, nor can Congress pass or enforce laws binding on citizens. You might also note that the Articles do make rules binding on states (see Article V) and create a means for settling disputes among states (see Article IX).

*In the Articles of Confederation, look at the Preamble and the concluding paragraph (Article XIII). How long is this agreement supposed to last?*

Response: Presumably, forever. Emphasize the strength of the word “perpetual.”

*How many states must agree to any change in the Articles of Confederation?*

Response: All of them. Unanimous approval is required.

## **2. Discussion of Madison’s “Vices of the Political System of the United States,” April, 1787: 15 minutes**

Teacher distributes Handout B, “**James Madison’s Complaints.**” Students read either silently or aloud. In the discussion that follows, students should have available Handout A from their homework, “Articles of Confederation: Highlights.”

Queries to the class:

*What tops Madison list of “Vices”? Why?*

Response: Failure of states to meet their requisitions. Without money, what can Congress do? This is the time to emphasize that “requisitions,” in the absence of any enforcement procedures, were merely “requests,” as the word suggests.

*The second item cites “compacts” between states. Look at the highlights of the Articles of Confederation. What clause in Article VI does Madison think Georgia violated by forming treaties with Indians?*

Response: States cannot “enter into any treaty, confederation or alliance” with a foreign government. Note that Indian nations, legally, were regarded as foreign governments.

*What does he think Virginia, Maryland, Pennsylvania, and New Jersey violated by engaging in “compacts” with each other?*

Response: States cannot “enter into any treaty, confederation or alliance” with each other.

*In the second paragraph of #4, Madison lists various forms of debt relief. How do each of the following help debtors and hurt creditors:*

*“paper money”*

*“instalments [partial repayment] of debts”*

*“occlusion [obstruction or closure]of Courts”*

*“making property a legal tender”*

Responses:

*“paper money”* — Easy currency leads to depreciation. The money a debtor uses to pay off a loan is not worth as much.

*“instalments [partial repayment] of debts”* — debtors can get by without full repayment

*“occlusion [obstruction or closure]of Courts”* — no courts to force collection or forfeiture

*“making property a legal tender”* — nice for indebted farmers, but merchant creditors prefer liquid assets with which they can buy things.

*Explain how debt relief in one state can affect creditors in another state.*

Response: When an out-of-state creditor demands payment from a debtor in a state that permits partial payment or payment with depreciated paper currency, that creditor will not get the full value owed.

*In Madison’s #7, the lack of “coercive sanctions” means the inability of the “federal Government” to enforce its acts. Why might enforcement be even more difficult in peacetime?*

Response: When a nation is at war, everybody can see the need for states to pay up—no money, we lose the war. But in peacetime people in the states don’t always see that need. States will be less willing to pay voluntarily and might need to be coerced.

*Who does Madison expect to address these “vices”?*

Response: “The approaching Convention,” from the last sentence in his letter to Pendleton.

### **3. Discussion of Congress’s call for a Convention: 5 minutes**

Teacher distributes Handout D, “**Congress’s Call for a Convention.**” Students read this silently, focusing on the bold section in the second paragraph.

Query the class:

*Does this resolution empower the Convention to create a brand new government?*

Response: No, it will figure out what chances to make in the existing Articles and Confederation.

*Does this resolution empower the Convention to implement those changes?*

Response: No, it calls for a multi-step process.

*What are those steps?*

Response:

First: states appoint delegates.

Second: delegates convene in Philadelphia on the second Monday in May.

Third: The “sole and express purpose” was to suggest revisions to the Articles of Confederation.

Fourth: These were to be “agreed to in Congress.”

Fifth: These must be “confirmed by the states.”

#### **4. Assign students to state delegations and consider the instructions each state gave to its delegates: 10 minutes**

Distribute Handout E: “**State Instructions to Delegates.**” Assign students to state delegations if you have not already done so. For instructions on state assignments, see Teacher Resource T-B: “Infrastructure for the Constitutional Convention Simulation.”

Instruct students: find your state and read the instructions the state legislature has given you. Focus on the highlighted sections (in bold) first, then use any additional time to scan the remainder of each document.

After allowing a short time for reading, query the class:

*Do any of your instructions mention the “Articles of Confederation,” by that exact term?*

Response (from all states except New York): no.

*What do they call it?*

Response: The “Federal Constitution.” New York alone refers to “Articles of Confederation.” Use this to note that the term *federal* comes from “*confederation*.” People at the time used the terms “*Federal Constitution*” and “*Articles of Confederation*” interchangeably. Both denoted the rules of procedure for the confederation of states.

*On your instruction sheet, what are you, as a delegate, authorized to do with respect to the Federal Constitution/Articles of Confederation?*

Response (from any state): “devise and discuss . . . alterations and further provisions.”

Ask for students to read some of the specific wordings. Note how many are similar—these were based either on Congress’s February 21 resolution or on Virginia’s instructions.

*Do any of your instructions empower you to scrap the Federal Constitution/Articles of Confederation and create a new Constitution?*

Response: (from any state): no.

*Do any of your instructions refer to the gathering in Philadelphia as the “Constitutional Convention?”*

Response: No. That would come later, once the Convention had devised a brand new constitution and the states had ratified it. Before people knew a new Constitution was in the works, they had no reason to call it a “Constitutional Convention.” They believed

they already had a “Federal Constitution,” as the wording of your instructions reveals, and it was supposed to be “perpetual.” Technically, members of the “Federal Convention” would devise a second “constitution.” For convenience, though, because it has become the custom, we will use the terms “Constitutional Convention” (instead of “Federal Convention”) and “Articles of Confederation” (instead of “Federal Constitution.”)

*OPTIONAL: Do any of your instructions mention the Annapolis Convention?*

Response: Virginia. If you wish, you can use this as an opportunity to report or review that convention, at which only 12 delegates from five states showed up in September, 1786. Note the stated reason for that convention: “*to provide effectually for the Commercial Interests of the United States.*” But between September, 1786, and the spring of 1787, much has happened, including the dramatic uprising in Massachusetts and related acts elsewhere. Conclude with Virginia’s statement: “*extending the revision of the fœderal System to all its defects.*” This was the strongest language in the state instructions, a broader mandate than delegates had at the Annapolis Convention.

*In your instructions, after the “Convention in Philadelphia” has “devised and discussed” alterations or additions to the Articles, what is it empowered to do?*

Response (from Virginia, Pennsylvania, New Hampshire, Delaware, Georgia, New York, Connecticut, Maryland): report its recommendations to Congress, which will submit them to the states for confirmation.

If Connecticut or Maryland delegates have not shared their wording, you might ask them to read the final clause in their instructions:

Connecticut: “... as may be agreed to by a majority of the United States represented in Convention to the Congress of the United States, and to the General Assembly of this State.”

Maryland: “hereby directed to report the Proceedings of the said Convention, and any Act agreed to therein, to the next session of the General Assembly of this State.”

NOTE: all state legislatures, when they appointed delegates to the Convention, expected that they would have the final say in ratifying or rejecting any “alterations or provisions,” just as they had with respect to the original Articles of Confederation.

## **5. Summary and Preparation for Convention Simulation: 5-10 minutes**

Use this time to go over the rules of the Convention simulation from teacher resource T-B, “Infrastructure for the Constitutional Convention Simulation.” Focus on voting by state delegations.

*CONCLUDE: Tomorrow we will begin the Convention simulation. As you make your decisions in our simulation of the Federal Convention, always remember that you will have to sell it to the separate states before anything you decide can take effect. That was part of the deal.*

*But also remember your state instructions, which empower you to consider only revisions and additions to the Articles of Confederation. You have looked at the Articles: think about what you might want to change.*

*For homework, to explore further the scope of the problem, read Class Handout C, “Insolvency of Congress,” and answer the questions on that sheet.*

OPTIONAL:

*Do any of your instructions prohibit you from altering any specific provisions of the Federal Constitution/Articles of Confederation?*

Response (from Delaware only): The Convention cannot change the provision that gives each state one vote in Congress. Explain: Small states are worried that the Convention might suggest proportional representation, with large states having a greater say. This will be a contentious issue at the Convention.

## **PREFATORY HOMEWORK FOR DAY TWO**

Students read and answer questions on Handout C, “**Insolvency of Congress.**”

### **CLASS ACTIVITY FOR DAY TWO: 45-50 MINUTES**

#### **1. Homework review—Insolvency of Congress: 5 minutes**

Go over homework reading and questions:

*Why did Rhode Island, and then New York, oppose a congressional impost?*

Response: They raised money through their own imposts.

*Why did their resistance doom the congressional impost proposal?*

Response: According to the Articles of Confederation, an impost required the approval of all thirteen states.

*Even if the imposts had passed, what expenses would they not have covered?*

Response: Current operating expenses of government: land military forces, a navy, expenses for the sale of lands.

*How would you characterize the states’ responses to requisitions in the years 1781-1785?*

Response: They paid a proportion, ranging from 66% down to 20%

*What about the states’ responses to the last requisition, in 1786?*

Response: They hardly paid at all; only \$663.

*By the close of 1787, who had not received money that Congress owed them?*

Response: Federal troops; federal employees such as loan officers; French, Dutch, and Spanish creditors.



*When Congress was flat broke, why didn't it borrow more money?*

Response: Nobody would lend it to them. Creditors knew that Congress had no viable means of collecting funds to pay them back.

## **2. Presentation of Randolph-Morris motion of May 30: 15 minutes**

Opening: *"OK, it's May 30 and we will start, as they did, with the first item of the Virginia Plan."*

Distribute class handout F: "**Randolph-Morris Motion of May 30.**" Students read, silently or aloud, the motion and its context. Discuss this until the students get the main point, summarized in the last two sentences before questions: "This was the pivotal question, upon which all else depended: Should the Articles of Confederation be amended or replaced?"

Then go over the "questions to consider in your deliberations." Try not to get into answering those questions; tell students they will discuss and debate these in their D & D groups.

## **3. Simulation of the Convention debate on the May 30 motion to create a new "national, supreme" government rather than amend the Articles of Confederation: 15 minutes**

Teacher then instructs: Gather in your D & D groups to discuss the motion. *Will you support Morris's proposal to establish a new **national** and **supreme** government, rather than building on the original Articles of Confederation?*

## **4. Vote by state delegations on the motion to replace the Articles of Confederation: 5 minutes**

Teacher instructs: Meet with your state delegation to determine your state's decision.

You will not debate the issue any more, just determine your state's vote.

Reconvene the class convention and take a vote on the motion: *"A national government ought to be established consisting of a supreme legislative executive and judiciary."*

Record that vote.

**5. Presentation of the historical outcome: 5 minutes.** The vote was six states in favor, one opposed, and one split decision (functionally, that means it abstains). In favor: Massachusetts, Pennsylvania, Delaware, Virginia, North Carolina, South Carolina. Opposed: Connecticut. Divided: New York. Note that delegations from New Hampshire, New Jersey, Maryland, and Georgia had not yet arrived.

Summation: from the outset, the Constitutional Convention agreed to chart a new course. They would devise a new governmental system with three distinct branches, to supplant the Articles of Confederation, in which Congress was the only federal entity. As one writer for the Pennsylvania Gazette put it on September 5, 1787: "**The year 1776 is**

**celebrated for a revolution in favor of *Liberty*. The year 1787, it is expected, will be celebrated with equal joy, for a revolution in favor of *Government*.”**

Query the class:

*How do you think people back in the states will feel about the Convention moving beyond their instructions? Don't debate this at length now, but ask students to keep it in mind. As they work out their new plan, they know some people will be angry that delegates have taken it upon themselves to go beyond their instructions and start from scratch.*

Possible query (if the student Convention chooses to amend the Articles of Confederation rather than start fresh):

*What amendments would do the trick? In particular, how will Congress become financially solvent?*

If the class does decide on amendments rather than a complete overhaul of the Articles, you might devote a class session to exploring these (see “extended activities” below). In that case, though, you will have to pivot to the historical outcome in order to proceed with a simulation of the Federal Convention: “We will base the rest of our Convention on the premise that delegates

**6. Closing remarks on the Convention’s pledge of secrecy: 5 minutes  
(OPTIONAL. USE ONLY IF THIS LESSON WILL BE FOLLOWED BY OTHER  
CONVENTION SIMULATIONS IN THIS UNIT)**

Finally, a closing remark on the pledge of secrecy in the rules adopted on May 29: **“That nothing spoken in the House be printed, or otherwise published or communicated without leave.”** Query students: Why?

Possible responses: Delegates wanted to be free to deliberate without political pressures. They were aware that many people in the states worried about what this convention would come up with and might try to discredit it. Several delegates planned to push for a much stronger government; suspecting they were ahead of the curve, they would try to bring other delegates to their views before placing them before the public.

BUT: But our class will part ways with the historical Convention on this. Feel free to continue discussions with each other, your parents, or anybody. All week, you are engaging with momentous issues that determine our nation. Enjoy.

**SUMMARY HOMEWORK/EXTENDED ACTIVITIES:**

1. If the Convention had opted only to amend the Articles of Confederation, what provisions might they have added or changed?

2. Do you think those changes would have met the approval of all 13 states, as the Articles required?
3. If the changes you suggest had been approved, how might they have altered the course of history?
4. Try to place yourself back in that moment, not knowing what actually happened later. As a delegate, how do you think your constituencies back home will respond to a brand new constitution, in which the people have had no say? Would they resent it or appreciate it? If possible, break down your constituencies by groups, e.g., debtors and creditors.

## Reform or Revolution Handout A: Articles of Confederation Highlights

You can read the full text of the Articles of Confederation [here](#).

**Articles of Confederation and perpetual Union between the states of New Hampshire, Massachusetts-bay Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia.**

**I.** The Stile of this Confederacy shall be “The United States of America.”

**II.** Each state retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right, which is not by this Confederation *expressly* delegated to the United States, in Congress assembled.

**III.** The said States hereby severally enter into a **firm league of friendship with each other**, for their common defense, the security of their liberties, and their mutual and general welfare, binding themselves to assist each other, against all force offered to, or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretense whatever.

**IV. SUMMARY:** All “free inhabitants” of any state “shall be entitled to all privileges and immunities of free citizens” of every other state. They can travel at will across state lines and freely engage in “trade and commerce.”

Court rulings in one state will acknowledge (“give full faith and credit”) to court rulings of every other state.

**V. SUMMARY:** “For the most convenient management of the general interests of the United States,” state legislatures will choose delegates to Congress, which will convene annually.

“No person shall be capable of being a delegate for more than three years in any term of six years.”

**“In determining questions in the United States in Congress assembled, each State shall have one vote.”**

“Freedom of speech and debate in Congress” is guaranteed.

**VI. SUMMARY:** States cannot:

\* “...enter into any conference, agreement, alliance or treaty” with a foreign government.

\* “...enter into any treaty, confederation or alliance” with each other, without the consent of Congress.

\* “...lay any imposts or duties, which may interfere with any stipulations in treaties” between the United States and a foreign government.

\* "...engage in any war without the consent of the United States in Congress assembled, unless such State be actually invaded by enemies." A state cannot maintain a standing army or "vessels of war" in time of peace, except with the consent of Congress — but it must "always keep up a well-regulated and disciplined militia, sufficiently armed and accoutered, and shall provide and constantly have ready for use, in public stores, a due number of filed pieces and tents, and a proper quantity of arms, ammunition and camp equipage."

**VII.** "When land forces are raised by any State for the common defense," that state legislature will appoint colonels and officers of lower rank.

**VIII.** "All charges of war, and all other **expenses that shall be incurred for the common defense or general welfare**, and allowed by the United States in Congress assembled, shall **be defrayed out of a common treasury, which shall be supplied by the several States in proportion to the value of all land [including buildings and improvements] within each State.**" Congress shall determine how these values should be "estimated." **Taxes for paying each state's share will be levied by each state's legislature.**

**IX. SUMMARY:** "The United States in Congress assembled" has the following powers:

- \* "determining on war and peace"
- \* "sending and receiving ambassadors"
- \* "entering into treaties and alliances"
- \* appointing "commissioners or judges" to settle legal disputes between states
- \* "regulating the alloy and value of coin struck by their own authority, or by that of the respective States"
- \* "fixing the standards of weights and measures throughout the United States"
- \* "regulating the trade and managing all affairs with the Indians"
- \* "establishing or regulating post offices from one State to another, throughout all the United States"
- \* appointing higher officers of the land and naval forces and "making rules for the government and regulation of the said land and naval forces, and directing their operations"
- \* "ascertain the necessary sums of money to be raised for the service of the United States, and to appropriate and apply the same for defraying the public expenses"
- \* borrow money and emit bills of credit
- \* build and equip a navy
- \* determine "the number of land forces, and to make requisitions from each State for its quota, in proportion to the number of white inhabitants in such State"
- \* "appoint one of their members to preside, provided that no person be allowed to serve in the office of president more than one year in any term of three years"

#### RESTRICTIONS OF CONGRESS'S AUTHORITY

\* Instead of a simple majority (seven states), **nine states must approve** any engagement in a war, treaty or alliance, coinage of money, appropriation of money, emission of bills

of credit, “borrowing money on credit of the United States,” determination of “the number of land or sea forces to be raised,” appointment of Commander in Chief.

\* Congress *cannot* keep any state from imposing imposts and duties on foreigners or “prohibiting the exportation or importation of any species of goods or commodities whatsoever.”

X. SUMMARY: During a recess of Congress, nine members of the “Committee of the States” (a committee composed of one delegate from each state) can conduct Congressional business, except on matters requiring a super-majority of nine (specified in Article IX).

XI. “Canada acceding to this confederation, and adjoining in the measures of the United States, shall be admitted into, and entitled to all the advantages of this Union; but no other colony shall be admitted into the same, unless such admission be agreed to by nine States.

XII. SUMMARY: Upon ratification of the Articles of Confederation, Congress will assume debts Congress incurred prior to ratification.

XIII. **“Every State shall abide by the determination of the United States in Congress assembled, on all questions which by this confederation are submitted to them. And the Articles of this Confederation shall be inviolably observed by every State, and the Union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them; unless such alteration be agreed to in a Congress of the United States, and be afterwards confirmed by the legislatures of every State...”**

“Know Ye that **we the undersigned delegates**, by virtue of the power and authority to us given for that purpose, do by these presents, **in the name and in behalf of our respective constituents, fully and entirely ratify and confirm each and every of the said Articles of Confederation and perpetual Union**, and all and singular the matters and things therein contained: And we do further solemnly plight and engage the faith of our respective constituents, that **they shall abide by the determinations of the United States in Congress assembled**, on all questions, which by the said Confederation are submitted to them. **And that the Articles thereof shall be inviolably observed by the States we respectively represent, and that the Union shall be perpetual.”**

## **QUESTIONS:**

1. According to the preamble to the Articles of Confederation, who is entering into this agreement?
2. According to the Preamble and Article XIII, how long is the confederation supposed to last?

3. Does Article I of the Articles of Confederation call the United States a “confederacy” or a “government”?
4. In Article III, do you think a “firm league of friendship” is the same as a government?
5. How many votes does each state have in Congress?
6. List three things the states are prohibited from doing.
7. How will Congress raise money to support its actions?
8. What, in your mind, are the three most significant powers granted to Congress?
9. How many states must agree to any change in the Articles of Confederation?

## Reform or Revolution Handout B: James Madison's Complaints

[James Madison to Edmund Pendleton, February 24, 1787](#) (three days after Congress's call for a Convention that would suggest revisions to the Articles of Confederation):

“The present system neither has nor deserves advocates; and if some very strong props are not applied will quickly tumble to the ground. No money is paid into the public Treasury; no respect is paid to the federal authority. Not a single state complies with the requisitions, several pass them over in silence, and some positively reject them. The payments ever since the peace have been decreasing, and of late fall short even on the pittance necessary for the Civil list [official employees] of the Confederacy. It is not possible that a Government can last long under these circumstances. If the approaching Convention should not agree on some remedy, I am persuaded that some very different arrangement will ensue.”

Excerpts from [James Madison, “Vices of the Political System of the United States,” April, 1787](#)

**1. Failure of the States to comply with the Constitutional requisitions.** [NOTE: “Constitutional requisition” means what Congress asked each state to pay. Congress considered this a demand, but since there were no enforcement procedures, “requisitions” functioned only as “requests,” as the word suggests.]

This evil has been so fully experienced both during the war and since the peace, results so naturally from the number and independent authority of the States and has been so uniformly exemplified in every similar Confederacy, that it may be considered as not less radically and permanently inherent in, than it is fatal to the object of, the present System.

**2. Encroachments by the States on the federal authority.**

Examples of this are numerous and repetitions may be foreseen in almost every case where any favorite object of a State shall present a temptation. Among these examples are the wars and Treaties of Georgia with the Indians--The unlicensed compacts between Virginia and Maryland, and between Penna. & N. Jersey--the troops raised and to be kept up by Masss. ...

**4. Trespasses of the States on the rights of each other.**

These are alarming symptoms, and may be daily apprehended as we are admonished by daily experience. See the law of Virginia restricting foreign vessels to certain ports--of Maryland in favor of vessels belonging to her own citizens--of N. York in favor of the same.



Paper money, instalments [partial repayment] of debts, occlusion [obstruction or closure]of Courts, making property a legal tender, may likewise be deemed aggressions on the rights of other States.... Acts of the debtor State in favor of debtors, affect the Creditor State, in the same manner, as they do its own citizens who are relatively creditors towards other citizens. ...

**7. want of [lack of] sanction to the laws, and of coercion in the Government of the Confederacy....**

It is no longer doubted that a unanimous and punctual obedience of 13 independent bodies, to the acts of the federal Government, ought not be calculated on. Even during the war, when external danger supplied in some degree the defect of legal & coercive sanctions, how imperfectly did the States fulfil their obligations to the Union? In time of peace, we see already what is to be expected. How indeed could it be otherwise?

**QUESTIONS:**

1. In your own words, what tops Madison list of “Vices”?
2. The second item cites “compacts” between states. Look at the highlights of the Articles of Confederation. Quote the clause in Article VI that Madison thinks Georgia violated by forming treaties with Indians.
3. Quote the clause he thinks Virginia, Maryland, Pennsylvania, and New Jersey violated by engaging in “compacts” with each other?
4. Explain how debt relief in one state can affect creditors in another state.
5. In Madison’s #7, the lack of “coercive sanctions” means the inability of the “federal Government” to enforce its acts. Why might enforcement be even more difficult in peacetime?
6. Who does Madison expect to address these “vices”?

## Reform of Revolution Handout C: Insolvency of Congress

The Revolutionary War, like many wars, was fought with borrowed money. This left Congress deeply in debt, but under the Articles of Confederation, the only way it could raise money was to requisition the states. The states, however, also had wartime debts. In 1781, recognizing that states might no longer come through, Congress proposed a 5% impost on imported goods. All funds were to be used to pay off bondholders and foreign governments, and once those debts had been paid, the impost would cease. Twelve states approved, but Rhode Island, which levied its own impost to pay off its debts, refused. Under the Articles of Confederation, all alterations such as this required unanimous approval.

In 1783 Congress tried again, this time allowing state officers to collect the funds. Although Rhode Island approved, New York, which also levied its own imposts, insisted that its state collectors would pay Congress only with depreciating New York paper money. That condition was unacceptable to the rest of the states.

Even if these imposts had passed, they covered only past debts, not current operating expenses. How would Congress pay for soldiers in the Northwest to enforce the transfer of British forts to the Americans? For soldiers in the Southwest to keep squatters from occupying Indian lands and starting more wars? How could it maintain even a minimal naval presence? How could it keep American vessels safe from Barbary pirates? Closer to home, how could Congress administer its land sales, which it hoped someday would help fund the government?

Left with no other means of collecting funds, Congress continued to requisition state legislatures. The states paid 66% of three congressional requisitions issued in 1781 and 1784, but the 1782 requisition yielded only 35% of the total requested, and the 1785 requisition only 20%. (Roger Brown, *Redeeming the Republic: Federalists, Taxation, and the Origins of the Constitution*, 26.) New Jersey and Connecticut announced boldly that they would not comply with the 1785 requisition. (New Jersey later rescinded its defiant stance, but it still didn't offer any payment.) On February 15, 1786, a committee of Congress bemoaned the lack of compliance: "The requisitions of Congress, for eight years past, have been so irregular in their operation, so uncertain in their collection, and so evidently unproductive, that a reliance on them in future as a source from whence moneys are to be drawn to discharge the engagements of the Confederacy ... would be dangerous to the welfare and peace of the Union."

If this was meant to instill fear and generate compliance, it failed. On August 2, 1786, Congress requisitioned \$3,777,062 from the states, but as of March 31, 1787, eight months later, states had paid only \$663 in cash toward this requisition. To use a modern idiom, the federal government, such as it was, had been shrunk to the size where it could drown in a bathtub.

Historian Roger Brown (*Redeeming the Republic* 26-27) explains the consequences of Congress's insolvency:

“With nothing except \$663 specie available for current expenses, the Board of Treasury could not make any further monthly payments for the pay and support of federal troops on the western Pennsylvania frontier. By 13 December 1787, the arrearages due for the pay and subsistence of the federal troops in Congress’s service totaled more than \$50,000. The salaries of federal employees were not paid. Nor could the federal government make even the slightest dent in the \$1,721,229 of principal and interest due in 1787 on French, Dutch, and Spanish debts.

“Members of Congress had long known of the precarious state of the central government’s finances. Nevertheless, if state requisitions had always fallen short of the amounts Congress asked, some cash had usually been available for current expenses. Now the central government was so destitute of funds that it could neither pay its own civil officers nor borrow one penny from its own citizens.

“Deploing the failure of the states to respond to the 1786 requisitions, members of Congress wondered whether Congress could carry on as a government. Could a central authority that could not pay its own civil officers, its own army, its own employees, and its debts last much longer? Having no funds to finance the domestic and foreign debt was bad enough, but the nonpayment of its own members, officers, and staff would ultimately force the government to disband and its members to go home. If Congress dissolved, how would the states coordinate their common defense interests and resolve disputes? If a foreign government seized the moment to attack the United States, how could the several state governments respond effectively without a Congress? With no common forum in which state delegates could meet, discuss, and resolve differences, and coordinate action, sooner or later the Confederation too would dissolve and the union of states come to an end.”

#### QUESTIONS:

1. Why did Rhode Island, and then New York, oppose a congressional impost?
2. Why did their resistance doom the congressional impost proposal?
3. Even if the imposts had passed, what expenses would they *not* have covered?
4. How would you characterize the states’ responses to requisitions in the years 1781-1785?
5. What about the states’ responses to the last requisition, in 1786?
6. By the close of 1787, who had not received money that Congress owed them?
7. When Congress was flat broke, why didn’t it borrow more money?

## Reform or Revolution Handout D: Congress's Call for a Convention

On September 11-14, 1786, twelve delegates from five states gathered at Annapolis, Maryland, to discuss problems of the Confederacy and possible solutions. Because only five states were represented, however, that gathering recommended that Congress call for a new convention, which hopefully would be better attended. [On February 21, 1787, Congress acted on that recommendation:](#)

“Whereas there is provision in the Articles of Confederation & perpetual Union for making alterations therein by the Assent of a Congress of the United States and of the legislatures of the several States; And whereas experience hath evinced that **there are defects in the present Confederation**, as a mean to remedy which several of the States and particularly the State of New York by express instructions to their delegates in Congress have suggested a convention for the purposes expressed in the following resolution and such Convention appearing to be the most probable mean of establishing in these states a firm national government.

“Resolved that in the opinion of Congress it is expedient that on the second Monday in May next **a Convention of delegates who shall have been appointed by the several states be held at Philadelphia for the sole and express purpose of revising the Articles of Confederation and reporting to Congress and the several legislatures such alterations and provisions therein as shall when agreed to in Congress and confirmed by the states render the federal constitution adequate to the exigencies of Government & the preservation of the Union.**”

## **Reform or Revolution Handout E: State Instructions to Delegates**

**Virginia:** “Whereas the Commissioners who **assembled at Annapolis** on the fourteenth day of September last for the purpose of **devising and reporting the means of enabling Congress to provide effectually for the Commercial Interests of the United States** have represented the necessity of **extending the revision of the federal System to all it's defects** and have recommended that Deputies for that purpose be appointed by the several Legislatures to meet in Convention in the City of Philadelphia on the second day of May next, ... Be it therefore enacted by the General Assembly of the Commonwealth of Virginia that seven Commissioners be appointed by joint Ballot of both Houses of Assembly who or any three of them are hereby authorized as Deputies from this Commonwealth to meet such Deputies as may be appointed and authorized by other States to **assemble in Convention at Philadelphia** as above recommended and to join with them in **devising and discussing all such Alterations and farther Provisions as may be necessary to render the Federal Constitution adequate to the Exigencies of the Union and in reporting such an Act for that purpose to the United States in Congress as when agreed to by them and duly confirmed by the several States will effectually provide for the same.**”

**New Jersey:** “To the Honorable David Brearly, William Churchill Houston, William Patterson and John Neilson Esquires. Greeting. The Council and Assembly reposing especial trust and confidence in your integrity, prudence and ability, have at a joint meeting appointed you the said David Brearley, William Churchill Houston, William Patterson and John Neilson Esquires, or any three of you, Commissioners to meet such Commissioners, as have been or may be appointed by the other States in the Union, at the City of Philadelphia in the Commonwealth of Pennsylvania, on the second Monday in May next for **the purpose of taking into Consideration the state of the Union, as to trade and other important objects, and of devising such other Provisions as shall appear to be necessary to render the Constitution of the Federal Government adequate to the exigencies thereof.**”

**Pennsylvania:** “Whereas the General Assembly of this Commonwealth, ... weighing the **difficulties under which the Confederated States now labour**, are fully convinced of the necessity of **revising the federal Constitution** for the purpose of making such **Alterations and amendments** as the exigencies of our Public Affairs require, ... Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the Authority of the same, That Thomas Mifflin, Robert Morris, George Clymer, Jared Ingersoll, Thomas Fitzsimmons, James Wilson and Gouverneur Morris Esquires, are hereby appointed Deputies from this State to meet in the Convention of the Deputies of the respective States of North America to be held at the City of Philadelphia on the second day of the Month of May next; And the said Thomas Mifflin, Robert Morris, George Clymer, Jared Ingersoll, Thomas Fitzsimmons, James Wilson and Gouverneur Morris Esquires, or any four of them, are hereby constituted and appointed Deputies from this State, with Powers to meet such Deputies as may be appointed and authorized by the other States, to

assemble in the said Convention at the City aforesaid, and **to join with them in devising, deliberating on, and discussing, all such alterations and further Provisions, as may be necessary to render the fœderal Constitution fully adequate to the exigencies of the Union, and in reporting such Act or Acts for that purpose to the United States in Congress Assembled, as when agreed to by them and duly confirmed by the several States, will effectually provide for the same.**”

**North Carolina:** “The State of North Carolina To the Honorable Alexander Martin Esquire, Greeting. Whereas our General Assembly, in their late session holden at Fayetteville, by adjournment, in the Month of January last, did by joint ballot of the Senate and House of Commons, elect Richard Caswell, Alexander Martin, William Richardson Davie, Richard Dobbs Spaight, and Willie Jones, Esquires, Deputies to attend a Convention of Delegates from the several United States of America, proposed to be held at the City of Philadelphia in May next **for the purpose of revising the Fœderal Constitution.** We do therefore by these Presents, nominate, Commissionate and appoint you the said Alexander Martin, one of the Deputies for and in our behalf to meet with our other Deputies at Philadelphia on the first day of May next and with them or any two of them to confer with such Deputies as may have been or shall be appointed by the other States, for the purpose aforesaid: *To hold*, exercise and enjoy the appointment aforesaid, with all Powers, Authorities and Emoluments to the same belonging or in any wise appertaining, You conforming, in every instance, to the Act of our said Assembly under which you are appointed.”

**New Hampshire:** “Resolved, that any two of the Delegates of this State to the Congress of the United States, be & hereby are appointed and authorized as Deputies from this State, to meet such Deputies as may be appointed & authorized by other States in the Union, to assemble in Convention at Philadelphia on the second day of May next, and to join with them in **devising & discussing all such alterations & further provisions as to render the federal Constitution adequate to the Exigencies of the Union & in reporting such an Act to the United States in Congress, as when agreed to by them, & duly confirmed by the several States, will effectually provide for the same.** ... John Langdon Speaker In Senate the same day read & concurred with this Amendment that the said Delegates shall proceed to join the Convention aforesaid, in case Congress shall signify to them, that **they approve of the Convention, as advantageous to the Union and not an infringement of the Powers granted to Congress by the Confederation.**”

**Delaware:** “Be it therefore enacted by the General Assembly of Delaware, that George Read, Gunning Bedford, John Dickinson, Robert Bassett and Jacob Broom, Esquires, are hereby appointed Deputies from this State to meet in the Convention of the Deputies of other States, to be held at the City of Philadelphia on the Second day of May next: And the said George Read, Gunning Bedford, John Dickinson, Richard Bassett and Jacob Broom, Esquires, or any three of them, are hereby constituted and appointed Deputies from this State, with Powers to meet such Deputies as may be appointed and authorized by the other States to assemble in the said Convention at the City aforesaid, and to join with them in **devising, deliberating on, and discussing, such Alterations and further Provisions as may be necessary to render the Fœderal Constitution adequate to the**

**Exigencies of the Union; and in reporting such Act or Acts for that purpose to the United States in Congress Assembled, as when agreed to by them, and duly confirmed by the several States, may effectually provide for the same: So always and Provided, that such Alterations or further Provisions, or any of them, do not extend to that part of the Fifth Article of the Confederation of the said States, finally ratified on the first day of March, in the Year One thousand seven hundred and eighty one, which declares that ‘*In determining Questions in the United States in Congress Assembled each State shall have one Vote.*’”**

**Georgia:** “Be it Ordained by the Representatives of the Freemen of the State of Georgia in General Assembly met and by the Authority of the same, that William Few, Abraham Baldwin, William Pierce, George Walton William Houstoun and Nathaniel Pendleton Esquires, Be, and they are hereby appointed Commissioners, who, or any two or more of them are hereby authorized as Deputies from this State to meet such deputies as may be appointed and authorized by other States to assemble in *Convention at Philadelphia* and to join with them in **devising and discussing all such Alterations and farther Provisions as may be necessary to render the *Federal Constitution* adequate to the exigencies of the Union, and in reporting such an Act for that purpose to the United States in Congress Assembled as when agreed to by them, and duly confirmed by the several States, will effectually provide for the same.**”

**New York:** “Resolved that the Honorable Robert Yates, John Lansing Junior and Alexander Hamilton Esquires, be, and they are hereby declared duly nominated and appointed Delegates, on the part of this State, to meet such Delegates as may be appointed on the part of the other States respectively, on the second Monday in May next, at Philadelphia, *for the sole and express purpose of revising the Articles of Confederation, and reporting to Congress, and to the several Legislatures, such alterations and provisions therein, as shall, when agreed to in Congress, and confirmed by the several States, render the federal Constitution adequate to the exigencies of Government, and the preservation of the Union.*”

**South Carolina:** “By Virtue of the Power and Authority in me vested by the Legislature of this State in their Act passed the eighth day of March last I do hereby Commission You the said John Rutledge as one of the Deputies appointed from this State to meet such Deputies or Commissioners as may be appointed and authorized by other of the United States to assemble in Convention at the City of Philadelphia in the Month of May next, or as soon thereafter as may be, and to join with such Deputies or Commissioners (they being duly authorized and empowered) in **devising and discussing all such Alterations, Clauses, Articles and Provisions, as may be thought necessary to render the Fœderal Constitution entirely adequate to the actual Situation and future good Government of the confederated States, and that you together with the said Deputies or Commissioners or a Majority of them who shall be present (provided the State be not represented by less than two) do join in reporting such an Act, to the United States in Congress Assembled as when approved and agreed to by them, and duly ratified and confirmed by the several States will effectually provide for the Exigencies of the Union.**”

**Massachusetts:** “Whereas Congress did on the twenty first day of February Ao Di 1787, Resolve ‘that in the opinion of Congress it is expedient that on the second Monday in May next a Convention of Delegates who shall have been appointed by the several States to be held at Philadelphia **for the sole and express purpose of revising the Articles of Confederation and reporting to Congress and the several Legislatures, such alterations and provisions therein as shall when agreed to in Congress, and confirmed by the States render the federal Constitution adequate to the exigencies of government and the preservation of the Union.**’ And Whereas the General Court have constituted and appointed you their Delegates to attend and represent this Commonwealth in the said proposed Convention; and have by a Resolution of theirs of the tenth of March last, requested me to Commission you for that purpose. Now therefore Know Ye, that in pursuance of the resolutions aforesaid, I do by these presents, commission you the said Francis Dana, Elbridge Gerry Nathaniel Gorham, Rufus King & Caleb Strong Esquires or any three of you to meet such Delegates as may be appointed by the other or any of the other States in the Union to meet in Convention at Philadelphia at the time and for the purposes aforesaid.”

**Connecticut:** “Be it enacted by the Governor, Council and Representatives in General Court Assembled and by the Authority of the same. That the Honorable William Samuel Johnson, Roger Sherman, and Oliver Ellsworth Esquires, be and they hereby are appointed Delegates to attend the said Convention, and are requested to proceed to the City of Philadelphia for that purpose without delay; And the said Delegates, and in case of sickness or accident, such one or more of them as shall actually attend the said Convention, is and are hereby authorized and empowered to Represent this State therein, and **to confer with such Delegates appointed by the several States**, for the purposes mentioned in the said Act of Congress that may be present and duly empowered to act in said Convention, and **to discuss upon such Alterations and Provisions agreeable to the general principles of Republican Government as they shall think proper to render the federal Constitution adequate to the exigencies of Government and, the preservation of the Union; And they are further directed, pursuant to the said Act of Congress to report such alterations and provisions as may be agreed to by a majority of the United States represented in Convention to the Congress of the United States, and to the General Assembly of this State.**”

**Maryland:** “Be it enacted by the General Assembly of Maryland, That the Honorable James McHenry, Daniel of Saint Thomas Jenifer, Daniel Carroll, John Francis Mercer and Luther Martin Esquires, be appointed and authorised on behalf of this State, to meet such Deputies as may be appointed and authorised by any other of the United States to assemble in Convention at Philadelphia **for the purpose of revising the Fœderal System, and to join with them in considering such Alterations and further Provisions as may be necessary to render the Fœderal Constitution adequate to the Exigencies of the Union and in reporting such an Act for that purpose to the United States in Congress Assembled as when agreed to by them, and duly confirmed by the several States will effectually provide for the same**, and the said Deputies or such of them as shall attend the said Convention shall have full Power to represent this State



for the Purposes aforesaid, and the said Deputies are **hereby directed to report the Proceedings of the said Convention, and any Act agreed to therein, to the next session of the General Assembly of this State.**”

## **Reform of Revolution Handout F: RANDOLPH-MORRIS MOTION OF MAY 30**

The Convention opened on Friday, May 25, once delegates from nine states had arrived. That day delegates presented their credentials and elected George Washington to preside over the Convention.

On the first day of deliberations, Monday, May 28, delegates adopted rules for their proceedings. The following day Edmund Randolph, Governor of Virginia, introduced the resolutions that his delegation had prepared, known today as the Virginia Plan. Then on May 30 delegates started to debate those resolutions, starting with the first:

**“That the Articles of Confederation ought to be so corrected & enlarged as to accomplish the objects proposed by their institution; namely, common defence, security of liberty and general welfare.”**

Gouverneur Morris, from Pennsylvania, didn't think that was strong enough. He said that convention should come right out and state its true intention: to transform the loose confederation of states into a genuine government. At Morris's urging, Randolph moved to delete the words **“the Articles of Confederation ought to be so corrected and enlarged ...”** and substitute in their stead: **“A *national* government ought to be established consisting of a *supreme* legislative, executive & judiciary.”** Madison's meticulous notes on the convention emphasized the words “national” and “supreme.”

This motion set off a spirited discussion “on the force and extent of the particular terms *national & supreme.*” Some delegates declared that they were only authorized by their state legislatures to amend the Articles of Confederation, not to abolish them, but Gouverneur Morris countered, “In all communities, there must be one supreme power, and one only.” A “federal” government was no more than “a mere compact resting on the good faith of the parties,” he explained, while a “national, supreme” government implied “a compleat and compulsive operation.”

This was the pivotal question, upon which all else depended: Should the Articles of Confederation be amended or replaced?

### **QUESTIONS TO CONSIDER IN YOUR DELIBERATIONS:**

As you discuss this motion, consider these questions:

1. Do the instructions from your states allow you to do this?
2. What amendments might you make to the Articles of Confederation to render them workable? In particular, what section of the Articles of Confederation would have to be

amended so Congress could receive reliable funding? Try to imagine possible amendments before throwing the whole system out.

3. But also look at Article XIII of the Articles of Confederation: how many states does it take to amend them? What happened when this was tried before? With Rhode Island not even present, is it realistic to think that any proposals to amend the Articles of Confederation could be enacted under Article XIII, which demanded unanimous approval?

4. Consider this remark from William Paterson, delegate from New Jersey: “If the confederacy was radically wrong, let us return to our States, and obtain larger powers, not assume them of ourselves. I came here not to speak my own sentiments, but the sentiments of those who sent me. Our object is not such a Government as may be best in itself, but such a one as our Constituents have authorized us to prepare, and as they will approve.” If delegates agreed to return to their states to “obtain larger powers,” do you think states would have agreed to do that? Would that be the end of the Convention?

5. Do you think a “national government” with “supreme” powers is even a good idea? (NOTE: “supreme” meant supreme authority over the states. The United States would become a government in itself, with the authority to relate directly with the people rather than through the states.) If you think the states could take care of things on their own, what about a federal army for defense? How might that be financed now that the system of requisitions had broken down? Or did the nation really need an army?

## **Reform or Revolution Handout G: Vocabulary List**

1. Arrear: money that is owed and should have been paid earlier.
2. Confederacy: a league or alliance, especially of confederate states.
3. Impost: a tax or other compulsory payment
4. Insolvency: Inability to pay one's debt (e.g., Insolvency of Congress)
5. Interest: money paid regularly at a particular rate for the use of money lent, or for delaying the repayment of a debt.
6. Quorum: the number of members of a group or organization required to be present to transact business.
1. Ratification: to confirm by expressing consent, approval, or formal sanction.
7. Requisitions: an authoritative or formal demand for something to be done, given or supplied.
8. Principal: the original sum of money lent or invested on which interest is paid
9. Sovereign: a group or body of persons or a state having supreme authority.
10. Unicameral: consisting of a single chamber, as a legislative assembly

## **Reform of Revolution T-A: Homework Answers**

### **Articles of Confederation:**

1. According to the preamble to the Articles of Confederation, who is entering into this agreement? STATE GOVERNMENTS
2. According to the Preamble and Article XIII, how long is the confederation supposed to last? FOREVER, "PERPETUAL"
3. Does Article I of the Articles of Confederation call the United States a "confederacy" or a "government"? CONFEDERACY
4. In Article III, do you think a "firm league of friendship" is the same as a government? NO. THIS IS ANOTHER WAY OF SAYING THE ARTICLES FORM A CONFEDERACY
5. How many votes does each state have in Congress? ONE
6. List three things the states are prohibited from doing. ANY THREE ITEMS FROM ARTICLE SIX
7. How will Congress raise money to support its actions? FROM ARTICLE EIGHT: FROM THE STATES, IN PROPORTION TO THE VALUE OF PROPERTY WITHIN EACH STATE
8. What, in your mind, are the three most significant powers granted to Congress? ANSWERS WILL VARY, FROM ARTICLE 9
9. How many states must agree to any change in the Articles of Confederation? ALL 13. MUST BE UNANIMOUS

### **Madison's Complaints:**

1. In your own words, what tops Madison list of "Vices"? FAILURE OF THE STATES TO PAY THEIR "REQUISITIONS," THEIR SHARE OF CONTRIBUTIONS TO THE FEDERAL TREASURY AS STIPULATED IN ARTICLE 8.
2. The second item cites "compacts" between states. Look at the highlights of the Articles of Confederation. Quote the clause in Article VI that Madison thinks Georgia violated by forming treaties with Indians. STATES CANNOT "ENTER INTO ANY CONFERENCE, AGREEMENT, ALLIANCE OR TREATY" WITH A FOREIGN GOVERNMENT

3. Quote the clause he thinks Virginia, Maryland, Pennsylvania, and New Jersey violated by engaging in “compacts” with each other? STATES CANNOT “ENTER INTO ANY TREATY, CONFEDERATION OR ALLIANCE” WITH OTHER

4. Explain how debt relief in one state can affect creditors in another state. WHEN AN OUT-OF-STATE CREDITOR DEMANDS PAYMENT FROM A DEBTOR IN A STATE THAT PERMITS PARTIAL PAYMENT, OR PAYMENT WITH DEPRECIATED PAPER MONEY, THAT CREDITOR WILL NOT GET THE FULL VALUE OWED.

5. In Madison’s #7, the lack of “coercive sanctions” means the inability of the “federal Government” to enforce its acts. Why might enforcement be even more difficult in peacetime? WHEN THE NATION IS AT WAR, EVERYBODY CAN SEE THE NEED: NO MONEY, WE LOSE THE WAR. BUT IN PEACETIME THEY DON’T SEE THAT NEED. THEY WILL BE LESS WILLING TO PAY VOLUNTARILY AND MIGHT NEED TO BE COERCED.

6. Who does Madison expect to address these “vices”? THE “APPROACHING CONVENTION,” FROM THE LAST SENTENCE IN HIS LETTER TO PENDLETON.

### **Insolvency of Congress:**

1. Why did Rhode Island, and then New York, oppose a congressional impost? THEY RAISED MONEY THROUGH THEIR OWN IMPOSTS/

2. Why did their resistance doom the congressional impost proposal? ACCORDING TO THE ARTICLES OF CONFEDERATION, AN IMPOST REQUIRED THE APPROVAL OF ALL THIRTEEN STATES.

3. Even if the imposts had passed, what expenses would they *not* have covered? CURRENT OPERATING EXPENSES OF GOVERNMENT: LAND MILITARY FORCES, A NAVY, EXPENSES FOR THE SALE OF LANDS.

4. How would you characterize the states’ responses to requisitions in the years 1781-1785? THEY PAID A PROPORTION, RANGING FROM 66% DOWN TO 20%.

5. What about the states’ responses to the last requisition, in 1786? THEY HARDLY PAID AT ALL — ONLY \$663.

6. By the close of 1787, who had not received money that Congress owed them? FEDERAL TROOPS; FEDERAL EMPLOYEES SUCH AS LOAN OFFICERS; FRENCH, DUTCH, AND SPANISH CREDITORS

7. When Congress was flat broke, why didn't it borrow more money? NOBODY WOULD LEND IT TO THEM. CREDITORS KNEW THAT CONGRESS HAD NO VIABLE MEANS OF COLLECTING FUNDS TO PAY THEM BACK.

## **T-B. Infrastructure for the Constitutional Convention Simulation**

These eight lessons can be used individually or as a unit. In either case, here are basic rules of operation:

Assign each student to a state delegation that participated in the 1787 Federal Convention in Philadelphia. (Alternately, you could allow students to choose their states or have a lottery, but this will add an extra step.) Please note that delegates from Rhode Island did not attend.

The numbers in each state delegation will vary by class size. For classes with 24 or more students, there should be two or more in each delegation. (Add delegates in rough proportion to size of states. For instance, in a class of 25, Virginia will have three, the other states two each.) If fewer than 24, you can combine states of similar size and regional interests so each group has more than one delegate. Possible state combinations, in order of preference: DE and NJ (small and free), GA and NC (small/medium and slave), NH and CT (small and free), MA and NY (large/medium and free), VA and MD (large/medium and slave). To facilitate classroom management, students should sit with their fellow state delegates.

Breakout groups, called “**discussion and debate**” (**D &D**) **groups**, will be composed of several state delegations from *diverse* regions: lower South, upper South, mid-Atlantic, New England. These should be small enough to allow each student to participate—the size of each, and therefore the number of state delegations in each, will vary by class size and teacher preference. Again, to facilitate movement, state delegations in each D & D group will sit proximate to each other. For small classes, teachers might choose to conduct all deliberations with the full class—for historical authenticity, you can call this the “**committee of the whole.**”

Each time students meet in their D & D groups, they should be reminded that these are for deliberations only. The groups do not have to come to any agreement. Students will not yet be casting their votes.

Inform students that all votes will be by state delegations—one vote for each state delegation, just as it was at the Federal Convention of 1787. When students do meet with their delegation to determine its vote, they are not to discuss the issue at length—they’ve already done that in their D & D groups. They simply vote and report the state’s preference to the committee of the whole. If delegates of any state are evenly divided on an issue, they report “divided” as their state’s vote.



If you are teaching the full unit, you might want a secretary (it can be the teacher) to keep track of class decisions. You should also stress the importance of retaining all handouts. In extended activities, students will be asked to compare their personal choices, class decisions, and historical decisions of the actual Convention and project how alternate outcomes might have altered the course of history.

If the units are used in a unit, here is the suggested order:

- 1. Reform or Revolution?** (one-day and two-day options)
- 2. Composition of Congress** (one-day and two-day options)
- 3. Creating an Executive** (one-day and two-day options)
- 4. Should Judges Judge Laws?** (one-day lesson)
- 5. Fine Tuning the Balance of Powers** (one-day and two-day options)
- 6. Slavery at the Constitutional Convention** (two-day lesson)
- 7. Amendments and Ratification** (one-day and two-day options)
- 8. To Sign or Not To Sign**
  - Option A: The Historical Constitution** (one-day lesson)
  - Option B: The Student-Generated Constitution** (one-day lesson)

Throughout these lessons, students need to understand key features of the Articles of Confederation:

\*The United States under the Articles was a “confederacy” of sovereign states.

\*There was only one branch, Congress, where each state had one vote. There were no separate executive and judicial branches.

\*Congress was not a “government” as we view it today. It engaged only with states, not citizens. It passed no laws bearing directly on citizens and had no enforcement powers.

\*Congress had no powers of taxation. It raised money by requisitioning the states, but it lacked the authority to force states to pay.

\*Amendments required unanimous approval of the states.

These are highlighted in the first lesson and will be brought into play in the appropriate lessons.

**Premise for engagement:**

History is the chronicle of choices made by actors/agents/protagonists in specific contexts. Students understand choices – they make them all the time. These lessons involve students by placing them in the shoes of historical people and asking: “What might you do in such instances?”

For these exercises to be historical (more than affirmations of individual whims), we need to provide context: what was the issue, the problem to be solved? What were the existing realities/constraints that limited possibilities? With those in mind, what were the available options? For each option, how did people view the possibilities for a desired outcome? What were the potential dangers? When studying battles, we see how generals evaluate troop strengths, positioning, logistics, morale, and so on. In fact, all historical actors do this—not just leading political figures, but ordinary people and collective bodies. In Revolutionary times, people often made decisions in groups, both indoors (town meetings, caucuses, conventions, congresses) and “out-of-doors,” as they said at the times, informal gatherings that protested authority or enforced popular will. The Federal Convention of 1787, known today as the Constitutional Convention, provides a perfect example of historical actors making consequential decisions in a group context. When coupled with a study of ratification of the Constitution, it shows the interrelation between political decisions made “in chambers,” as they said at the time, with politics “out-of-doors.”

**Basic structure for choice-centered lessons, including but not limited to these Constitutional Convention simulations:**

(Some lessons include two or even three of the cycles outlined here; others have only a single round. For complex simulations with multiple rounds, more than one class period might be appropriate, at teacher discretion.)

1. *Formulate the problem*, the issue at hand. Define the players: who will be making the choices, deciding which path to take? Provide *context*, including any *constraints* that would limit their actions, with documents when possible. Without context, we will be operating in our world, not theirs.
2. Outline and discuss the *available options*, including possible outcomes of each – that, after all, is what the participants had to do. This is sometimes done as a class, sometimes in breakout groups of two or more students. The size and composition of breakout groups is left to teacher discretion.
  - 2A. After breakout groups, in some lessons, the class will reconvene to share, compare, and evaluate what they came up with. When, historically, the decision was up to a body (a congress or convention), the class will always reconvene as that body—but if no group

decision was involved, once students have discussed options in groups, they can continue to the next step.

3. Individuals or bodies make and reveal their choices.

4. Presentation of the *historical outcome*: the choice actually made by the player(s) – use documents when possible.

5. Discuss with full class the *consequences* that did in fact ensue from that choice, including *further* issues raised by the outcome. Sometimes those issues, in turn, provide the “catch” for a subsequent lesson.

To summarize: the opening for each lesson—the catch—is the crossroad, the choice to be made. Then, in turn, come the *context and constraints, discussion of options, decision making, presentation of historical outcomes, and analysis of those outcomes*, including where they might lead next. In these lessons, students actually *engage* in the historical process. **By exercising individual and group decision-making skills within political contexts, they prepare for civic life. When the time comes for them to make history, they will be well rehearsed in making reasoned choices.**

## T-C. Timeline for the Federal Convention of 1787

September 11-14, 1786: Twelve delegates from 5 states, meeting at Annapolis, call for a larger convention the following year.

February 21, 1787: Congress endorses the Annapolis Convention's call for a convention, slated to meet in Philadelphia on May 14.

[May 14](#): Delegates from only Pennsylvania and Virginia are present in Philadelphia. This did not constitute a quorum according to the standards of the Continental Congress.

[May 25](#): With 29 delegates from 9 states present, the Convention begins. George Washington is chosen to preside.

[May 29](#): Rule of secrecy adopted. Edmund Randolph presents the Virginia Plan.

[May 30](#): Delegates start debating the Virginia Plan. The Delaware delegation threatens "to retire from the Convention" if all states do not have an equal vote in Congress. Convention resolves: "A *national* government ought to be established consisting of a *supreme* legislative, executive & judiciary."

[June 2](#): Convention stipulates that the executive "be chosen by the national legislature for the term of seven years." This is rescinded on July 19 but reaffirmed on July 26.

[June 4](#): Convention decides on a single executive, 7 states to 3.

[June 15](#): William Paterson introduces the New Jersey Plan, which proposes only to amend the Articles of Confederation and maintains Congress as a unicameral body, each state having one vote.

[June 18](#): Hamilton proposes that the chief executive and senators serve for life, with the executive having absolute veto power over all legislation. He receives no support.

[June 19](#): Virginia Plan, as amended, defeats New Jersey Plan, 7-3 with one divided.

[July 12](#): Convention finalizes the compromise on representation in the House: each slave counts as three-fifths of a person. Vote: 6-2-2.

[July 16](#): Convention finalizes the "Great Compromise": proportional representation in the House; equal representation of states in the Senate; all money bills originate in the House. Vote: 5-4-1.

[July 23](#): Convention resolves to send its proposed plan to Congress, with a recommendation that it be sent to "assemblies chosen by the people" in each state for ratification. Vote: 9-1.

[July 24](#): Convention appoints a five-member committee “to report a Constitution conformable to the Resolutions passed by the Convention.” (Committee of Detail.)

July 27-August 5: Convention recesses. Committee of Detail prepares the first full draft of the Constitution.

[August 6](#): Committee of Detail submits its report, which enumerates the powers of each branch. Debate on this draft commences.

[August 21](#), [22](#), [23](#), and [24](#): Convention debates whether Congress can prohibit the importation of slaves.

[August 24](#): Popular election of the president is defeated a final time. Vote: 9-2.

[August 25](#): Convention decides there can be no ban on slave importation until 1808. Vote: 7-4.

[August 30](#): Convention decides that ratification by nine states will suffice to place the Constitution into effect. Vote: 8-3.

[August 31](#): Convention appoints an eleven-member committee (one from each state delegation) to consider “such parts of the Constitution as have been postponed, and such parts of Reports as have not been acted on.” (Committee on Remaining Matters.)

[September 4](#): Committee of Remaining Matters issues its report, reversing key provisions that had already been decided: special electors, not Congress choose the president; the president, not the Senate, has treaty-making and appointive powers; a newly created vice-president presides over the Senate.

[September 8](#): Convention approves the Committee of Remaining Matters report with only minor revisions. Convention appoints a five-member committee “to revise the style of and arrange the articles which had been agreed to by the House.” (Committee of Style.)

[September 12](#): Committee of Style submits its almost-final draft of the Constitution. George Mason and Elbridge Gerry propose “a Committee to prepare a Bill of Rights.” The motion fails, 0-10.

[September 15](#): The Convention approves the Constitution, with all states present voting in favor.

[September 17](#): 39 of the 42 members present sign the Constitution. Congress sends it to Congress.

September 28: Congress sends the Constitution to the state legislatures with instructions to call conventions to consider ratification, as stipulated by the Federal Convention.