Handout C—In His Own Words: Richard Henry Lee on the Constitution

a. Statements of Lee’s principles: Excerpts B, C, D, F, G, I
b. Criticisms of the proposed Constitution: Excerpts A, E, H, J

Topic/main idea of each excerpt:
A  The Constitution will place too much power in the central government.
B  The two ingredients for good government are representation of the people and trial by jury.
C  People’s rights cannot be taken away and should be the foundation of the Constitution.
D  “Wise and honest” administration of government is more important than the form of government; constitutions should not give men the opportunity to do evil.
E  The Constitution gives Congress unlimited power to tax.
F  Liberty is the freedom to enjoy life and work without too many restrictions by the government.
G  All power lies with the people.
H  The proposed government will grow too large and too powerful.
I  Virtue and good laws are mutually supportive.
J  The proposed government will be run by a few men.

JAMES MADISON

Handout A—James Madison (1751–1836)

1. Madison pressed for a meeting of the states to discuss amending the Articles of Confederation. He prepared his ideas for a new Constitution even before the states met. Many of Madison’s ideas were embodied in the Virginia Plan, which the final version of the constitution closely resembled. Madison played a major role in the debates as the convention proceeded. He spoke often in support of his ideas and designed compromises to break gridlocks. After the convention, Madison joined with Alexander Hamilton and John Jay in composing the Federalist Papers, a series of newspaper essays that defended the Constitution. He also took a leading role in support of the Constitution at the Virginia Ratifying Convention. As a member of the House of Representatives, he guided a bill of rights through Congress.

2. Madison believed that it was crucial to separate power within the central government. This system of checks and balances would prevent any faction from seizing control of the government. Similarly, the proper division of power between the national and state governments, a novel concept called “federalism,” would preclude the dangerous concentration of power in any one place.

3. First, he argued that the rights of the people were already implied in the Constitution; second, he worried that any such listing of rights would surely omit some rights held by the people; and third, he believed that written lists of rights were not effective in protecting the liberty of the people.

4. Madison would have been deeply disappointed because he had worked so hard to fashion a new constitution for the United States. He likely would have been concerned that the nation was in danger of collapse. Perhaps he would have tried to organize another convention or at least would have tried to have the Articles of Confederation amended.

5. Answers will vary.

Handout B—Vocabulary and Context Questions

1. Vocabulary
   a. motivated
   b. contrary, opposed

Answer Key
c. total
d. flawed
e. underlying, not seen
f. conclusion
g. evil
h. area
i. cooperate
j. tyranny, cruelty

2. Context
a. The document was written in 1787.
b. It was written in Virginia.
c. James Madison wrote the document.
d. The document is a newspaper essay.
e. Madison wrote the essay to convince the people of New York to support ratification of the Constitution.
f. The audience for this letter was the people of New York in particular, but also the people of all the states.

Handout C—In His Own Words: James Madison on the Problem of Faction—Scripted Discussion

Teacher: Ask the students which of the two food preference groups meets Madison’s definition of a faction. Now ask the meat eaters if they would be willing to become vegetarians. Then ask the vegetarians if they would be willing to become meat eaters.

Answer: The vegetarian group is a faction. Students should recognize that changing their opinions is not an acceptable solution to most people in a free society. People are unlikely to change their opinions/preferences in order to achieve harmony.

Teacher: Have a student read Excerpt B to the class.

Teacher: Ask the students what Madison suggests as a solution since it is impossible to prevent the formation of factions within a society.

Answer: Madison suggests that the effects of faction must be controlled.

Teacher: Tell the students that the cafeteria menu will be determined by majority vote. Ask the students to predict the result of such a vote.

Answer: The minority vegetarian faction will be defeated, and meat will be on the menu, though vegetarian dishes will be allowed.

Teacher: Tell the class that the defeat of the minority faction through majority vote is the solution Madison favored. Then have a student read Excerpt C to the class.

Teacher: Ask the students to imagine that, in retaliation, the majority group of meat eaters now wants to ban all vegetarian dishes from the cafeteria menu. Once again, the menu will be decided by majority vote. Ask the students what Madison would now call the meat eating group.

Answer: Madison would call the meat eaters a majority faction.

Teacher: Tell the students that Madison was particularly concerned about majority factions in democratic societies. Have a student read Excerpt D to the class.

Teacher: Ask the meat eaters what their “ruling passion” is. How did they sacrifice “both the public good and the rights of other citizens” in the last example?

Answer: Their ruling passion is meat eating. They deprived the vegetarians of their right to eat only vegetarian food and thereby harmed the public good.

Teacher: Ask the class what is the central problem, according to Madison, with governments based on majority rule.

Answer: Madison thought that the danger of a majority faction was the
central problem with governments based on majority rule.

Teacher: Tell the class that they will now read what Madison had to say about the great danger faced by popular governments. Have a student read Excerpt E to the class.

Teacher: Now divide the class into seven groups relatively even in number: meat eaters, meat eaters who eat only white meat, vegetarians, vegetarians who also eat fish, vegans, pizza eaters, and those who eat only Chinese food. Have each group come up with a standard menu of three items that could win the approval of a majority of the class in a popular vote. Allow them five minutes to do this. Then ask one member of each group to write the group’s menu on the blackboard. Next, have the class vote up or down on each menu separately. Ask the whole class to comment on why certain menus were approved and others were not approved.

The students will likely recognize that they had to compromise to win the support of other groups in order to form a majority. Ask the students in which model—the two-group society or the seven-group society—was the common good better achieved.

Answer: In the multigroup society each group was forced to seek the common good and respect the rights of the minority. The more groups there are, the more the common good is served.

Teacher: Ask the class what this says about the relationship between the size of a society and the achievement of the common good.

Answer: A larger society will include more groups and thereby better serve the common good.

Teacher: Have a student read Excerpt F to the class.

George Mason

Handout A—George Mason (1725–1792)

1. George Mason believed the main role of government was to protect the liberty of the people.
2. Mason wrote the Virginia Declaration of Rights and the Virginia Constitution.
3. He became alarmed by several proposals aimed at reducing the power of the states. Mason also thought the new Constitution did not go far enough in protecting individual rights and local interests. He feared that the presidency was too powerful. His calls for a bill of rights and for an end to the importation of slaves were rejected. Mason warned that the new federal government would destroy the states. He argued that the Constitution gave “no security” to the “Declarations of Rights in the separate States.” He believed that all three branches of the federal government had been given too much power.
4. Mason wore the clothes as a symbol of the death of liberty if the Constitution were to be approved.
5. Answers will vary.

Handout B—Context Questions

1. The document was written in 1776.
2. The document was written in Virginia.
3. The document was written by George Mason.
4. The document is a statement of principles of government and the rights of the people of Virginia.
5. The purpose of the document was to proclaim these principles and rights.
6. The audience for this document was the people of Virginia and, in a broader sense, the people of America.