In 1760, what was to become the United States of America consisted of a small group of colonies strung out along the eastern seaboard of North America. Although they had experienced significant economic and demographic growth in the eighteenth century and had just helped Britain defeat France and take control of most of North America, they remained politically and economically dependent upon London. Yet, in the next twenty-five years, they would challenge the political control of Britain, declare independence, wage a bloody war, and lay the foundations for a trans-continental, federal republican state. In these crucial years, the colonies would be led by a new generation of politicians, men who combined practical political skills with a firm grasp of political ideas. In order to better understand these extraordinary events, the Founders who made them possible, and the new Constitution that they created, it is necessary first to understand the political ideas that influenced colonial Americans in the crucial years before the Revolution.

The Common Law and the Rights of Englishmen

The political theory of the American colonists in the seventeenth and eighteenth centuries was deeply influenced by English common law and its idea of rights. In a guide for religious dissenters written in the late seventeenth century, William Penn, the founder of Pennsylvania, offered one the best contemporary summaries of this common-law view of rights. According to Penn, all Englishmen had three central rights or privileges by common law: those of life, liberty, and property. For Penn, these English rights meant that every subject was “to be freed in Person & Estate from Arbitrary Violence and Oppression.” In the widely used language of the day, these rights of “Liberty and Property” were an Englishman’s “Birthright.”

In Penn’s view, the English system of government preserved liberty and limited arbitrary power by allowing the subjects to express their consent to the laws that bound them through two institutions: “Parliaments and Juries.” “By the first,” Penn argued, “the subject has a share by his chosen Representatives in the Legislative (or Law making) Power.” Penn felt that the granting of consent through Parliament was important because it ensured that “no new Laws bind the People of England, but such as are by common consent agreed on in that great Council.”

In Penn’s view, juries were an equally important means of limiting arbitrary power. By serving on juries, Penn argued, every freeman “has a share in the Executive part of the Law, no Causes being tried, nor any man adjudged to loose [sic] Life, member or Estate, but upon the Verdict of his Peers or Equals.” For Penn, “These two grand Pillars of English Liberty” were “the Fundamental vital Priviledges [sic]” of Englishmen.

The other aspect of their government that seventeenth-century Englishmen celebrated was a system that was ruled by laws and not by men. As Penn rather colorfully put it: “In France, and other Nations, the meer [sic] Will of the Prince is Law, his Word takes off any mans Head, imposeth Taxes, or seizes a mans Estate, when, how and as often as he lists; and if one be accused [sic], or but so much as suspected of any Crime, he may either presently Execute him, or banish, or Imprison him at pleasure.” By contrast, “In England,” Penn argued, “the Law is both the measure and the bound of every Subject’s Duty and Allegiance, each man having a fixed Fundamental-Right born with him, as to Freedom of his Person and Property in his Estate, which he cannot be deprived of, but either by his Consent, or some Crime, for which the Law has impos’d such a penalty or forfeiture.”

This common law view of politics understood political power as fundamentally limited by Englishmen’s rights and privileges. As a result, it held that English kings were bound to rule according to known laws and by respecting the inherent rights of their subjects. It also enshrined the concept of consent as the major means to the end of protecting these rights. According to Penn and his contemporaries, this system of government—protecting as it did the “unparallel’d
Priviledge [sic] of Liberty and Property”—had made the English nation “more free and happy than any other People in the World.”

The Founders imbibed this view of English rights through the legal training that was common for elites in the eighteenth-century Anglo-American world. This legal education also made them aware of the history of England in the seventeenth century, a time when the Stuart kings had repeatedly threatened their subjects’ rights. In response, many Englishmen drew on the common law to argue that all political power, even that of a monarch, should be limited by law. Colonial Americans in the eighteenth century viewed the defeat of the Stuarts and the subsequent triumph of Parliament (which was seen as the representative of subjects’ rights) in the Glorious Revolution of 1688 as a key moment in English history. They believed that it had enshrined in England’s unwritten constitution the rule of law and the sanctity of subjects’ rights. This awareness of English history instilled in the Founders a strong fear of arbitrary power and a consequent desire to create a constitutional form of government that limited the possibility of rulers violating the fundamental liberties of the people.

The seriousness with which the colonists took these ideas can be seen in their strong opposition to Parliament’s attempt to tax or legislate for them without their consent in the 1760s and 1770s. After the Revolution, when the colonists formed their own governments, they wrote constitutions that included many of the legal guarantees that Englishmen had fought for in the seventeenth century as a means of limiting governmental power. As a consequence, both the state and federal constitutions typically contained bills of rights that enshrined core English legal rights as fundamental law.

Natural Rights
The seventeenth century witnessed a revolution in European political thought, one that was to prove profoundly influential on the political ideas of the American Founders. Beginning with the Dutch writer Hugo Grotius in the early 1600s, several important European thinkers began to construct a new understanding of political theory that argued that all men by nature had equal rights, and that governments were formed for the sole purpose of protecting these natural rights.

The leading proponent of this theory in the English-speaking world was John Locke (1632–1704). Deeply involved in the opposition to the Stuart kings in the 1670s and 1680s, Locke wrote a book on political theory to justify armed resistance to Charles II and his brother James. “To understand political power right,” Locke wrote, “and derive it from its original, we must consider, what state all men are naturally in, and that is, a state of perfect freedom to order their actions, and dispose of their possessions and persons, as they think fit, within the bounds of the law of nature, without asking leave, or depending upon the will of any other man.” For Locke, the state of nature was “a state also of equality, wherein all the power and jurisdiction is reciprocal, no one having more than another.”

Although this pregovernmental state of nature was a state of perfect freedom, Locke contended that it also lacked an impartial judge or umpire to regulate disputes among men. As a result, men in this state of nature gathered together and consented to create a government in order that their natural rights would be better secured. Locke further argued that, because it was the people who had created the government, the people had a right to resist its authority if it violated their rights. They could then join together and exercise their collective or popular sovereignty to create a new government of their own devising. This revolutionary political theory meant that ultimate political authority belonged to the people and not to the king.

This idea of natural rights became a central component of political theory in the American colonies in the eighteenth century, appearing in numerous political pamphlets, newspapers, and sermons. Its emphasis on individual freedom and government by consent combined powerfully with the older idea of common law rights to shape the political theory of the Founders. When faced with the claims of the British Parliament in the 1760s and 1770s to legislate for them without their consent, American patriots invoked both the common law and Locke’s natural rights theory to argue that they had a right to resist Britain.

Thomas Jefferson offers the best example of the impact that these political ideas had on the founding. As he so eloquently argued in the Declaration of Independence: “We hold these
truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed. That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or abolish it, and to institute new Government, laying its foundations on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness.”

This idea of natural rights also influenced the course of political events in the crucial years after 1776. All the state governments put this new political theory into practice, basing their authority on the people, and establishing written constitutions that protected natural rights. As George Mason, the principal author of the influential Virginia Bill of Rights (1776), stated in the document's first section: "All men are by nature equally free and independent, and have certain inherent rights, of which, when they enter into a state of society, they cannot, by any compact, deprive or divest their posterity; namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.” The radical implications of this insistence on equal natural rights would slowly become apparent in postrevolutionary American society as previously downtrodden groups began to invoke these ideals to challenge slavery, argue for a wider franchise, end female legal inequality, and fully invoke these ideals to challenge slavery, argue for a wider franchise, end female legal inequality, and fully separate church and state.

In 1780, under the influence of John Adams, Massachusetts created a mechanism by which the people themselves could exercise their sovereign power to constitute governments: a special convention convened solely for the purpose of writing a constitution, followed by a process of ratification. This American innovation allowed the ideas of philosophers like Locke to be put into practice. In particular, it made the people's natural rights secure by enshrining them in a constitution which was not changeable by ordinary legislation. This method was to influence the authors of the new federal Constitution in 1787.

**Religious Toleration and the Separation of Church and State**

A related development in seventeenth-century European political theory was the emergence of arguments for religious toleration and the separation of church and state. As a result of the bloody religious wars between Catholics and Protestants that followed the Reformation, a few thinkers in both England and Europe argued that governments should not attempt to force individuals to conform to one form of worship. Rather, they insisted that such coercion was both unjust and dangerous. It was unjust because true faith required voluntary belief; it was dangerous because the attempts to enforce religious beliefs in Europe had led not to religious uniformity, but to civil war. These thinkers further argued that if governments ceased to enforce religious belief, the result would be civil peace and prosperity.

Once again the English philosopher John Locke played a major role in the development of these new ideas. Building on the work of earlier writers, Locke published in 1689 _A Letter Concerning Toleration_, in which he contended that there was a natural right of conscience that no government could infringe. As he put it: “The care of Souls cannot belong to the Civil Magistrate, because his Power consists only in outward force; but true and saving Religion consists in the inward persuasian [sic] of the Mind, without which nothing can be acceptable to God. And such is the nature of the Understanding, that it cannot be compell’d to the belief of any thing by outward force. Confiscation of Estate, Imprisonment, Torments, nothing of that nature can have any such Efficacy as to make Men change the inward Judgment that they have formed of things.”

These ideas about the rights of conscience and religious toleration resonated powerfully in the English colonies in America. Although the Puritans in the seventeenth century had originally attempted to set up an intolerant commonwealth where unorthodox religious belief would be prohibited, dissenters like Roger Williams challenged them and argued that true faith could not be the product of coercion. Forced to flee by the Puritans, Williams established the colony of Rhode Island, which offered religious toleration to all and had no state-supported church. As the Puritan Cotton Mather sarcastically remarked,
Rhode Island contained “everything in the world but Roman Catholics and real Christians.” In addition, Maryland, founded in the 1630s, and Pennsylvania, founded in the 1680s, both provided an extraordinary degree of religious freedom by the standard of the time.

In the eighteenth century, as these arguments for religious toleration spread throughout the English-speaking Protestant world, the American colonies, becoming ever more religiously pluralistic, proved particularly receptive to them. As a result, the idea that the government should not enforce religious belief had become an important element of American political theory by the late eighteenth century. After the Revolution, it was enshrined as a formal right in many of the state constitutions, as well as most famously in the First Amendment to the federal Constitution.

**Classical Republicanism**

Not all the intellectual influences on the Founders originated in the seventeenth century. Because many of the Founders received a classical education in colonial colleges in the eighteenth century, they were heavily influenced by the writings of the great political thinkers and historians of ancient Greece and Rome.

Antiquity shaped the Founders’ political thought in several important ways. First, it introduced them to the idea of republicanism, or government by the people. Ancient political thinkers from Aristotle to Cicero had praised republican self-government as the best political system. This classical political thought was important for the Founders as it gave them grounds to dissent from the heavily monarchical political culture of eighteenth-century England, where even the common law jurists who defended subjects’ rights against royal power believed strongly in monarchy. By reading the classics, the American Founders were introduced to an alternate political vision, one that legitimized republicanism.

The second legacy of this classical idea of republicanism was the emphasis that it put on the moral foundations of liberty. Though ancient writers believed that a republic was the best form of government, they were intensely aware of its fragility. In particular, they argued that because the people governed themselves, republics required for their very survival a high degree of civic virtue in their citizenry. Citizens had to be able to put the good of the whole (the res publica) ahead of their own private interests. If they failed to do this, the republic would fall prey to men of power and ambition, and liberty would ultimately be lost.

As a result of this need for an exceptionally virtuous citizenry, ancient writers also taught that republics had to be small. Only in a small and relatively homogeneous society, they argued, would the necessary degree of civic virtue be forthcoming. In part, it was this classical teaching about the weakness of large republics that animated the contentious debate over the proposed federal Constitution in the 1780s.

In addition to their reading of ancient authors, the Founders also encountered republican ideas in...
the political theory of a group of eighteenth-century English writers called the “radical Whigs." These writers kept alive the republican legacy of the English Civil War at a time when most Englishmen believed that their constitutional monarchy was the best form of government in the world. Crucially for the Founding, these radical Whigs combined classical republican thought with the newer Lockean ideas of natural rights and popular sovereignty. They thus became an important conduit for a modern type of republicanism to enter American political thought, one that combined the ancient concern with a virtuous citizenry and the modern insistence on the importance of individual rights.

These radical Whigs also provided the Founders with an important critique of the eighteenth-century British constitution. Instead of seeing it as the best form of government possible, the radical Whigs argued that it was both corrupt and tyrannical. In order to reform it, they called for a written constitution and a formal separation of the executive branch from the legislature. This classically inspired radical Whig constitutionalism was an important influence on the development of American republicanism in the late eighteenth century.

**Conclusion**

Drawing on all these intellectual traditions, the Founders were able to create a new kind of republicanism in America based on equal rights, consent, popular sovereignty, and the separation of church and state. Having set this broad context for the Founding, we now turn to a more detailed examination of important aspects of the Founders' political theory, followed by detailed biographical studies of the Founders themselves.

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**Suggestions for Further Reading**

ADDITIONAL CLASSROOM ACTIVITIES

Visual Assessment

1. **Founders Posters**—Have students create posters for either an individual Founder, a group of Founders, or an event. Ask them to include at least one quotation (different from classroom posters that accompany this volume) and one image.

2. **Coat of Arms**—Draw a coat of arms template and divide into 6 quadrants (see example). Photocopy and hand out to the class. Ask them to create a coat of arms for a particular Founder with a different criterion for each quadrant (e.g., occupation, key contribution, etc.). Include in the assignment an explanation sheet in which they describe why they chose certain colors, images, and symbols.

3. **Individual Illustrated Timeline**—Ask each student to create a visual timeline of at least ten key points in the life of a particular Founder. In class, put the students in groups and have them discuss the intersections and juxtapositions in each of their timelines.

4. **Full Class Illustrated Timeline**—Along a full classroom wall, tape poster paper in one long line. Draw in a middle line and years (i.e., 1760, 1770, 1780, etc.). Put students in pairs and assign each pair one Founder. Ask them to put together ten key points in the life of the Founder. Have each pair draw in the key points on the master timeline.

5. **Political Cartoon**—Provide students with examples of good political cartoons, contemporary or historical. A good resource for finding historical cartoons on the Web is [http://www.boondocksnet.com/gallery/political_cartoons.html](http://www.boondocksnet.com/gallery/political_cartoons.html). Ask them to create a political cartoon based on an event or idea in the Founding period.

Performance Assessments

1. **Meeting of the Minds**—Divide the class into five groups and assign a Founder to each group. Ask the group to discuss the Founder’s views on a variety of pre-determined topics. Then, have a representative from each group come to the front of the classroom and role-play as the Founder, dialoguing with Founders from other groups. The teacher will act as moderator, reading aloud topic questions (based on the pre-determined topics given to the groups) and encouraging discussion from the students in character. At the teacher’s discretion, questioning can be opened up to the class as a whole. For advanced students, do not provide a list of topics—ask them to know their character well enough to present him properly on all topics.

2. **Create a Song or Rap**—Individually or in groups, have students create a song or rap about a Founder based on a familiar song, incorporating at least five key events or ideas of the Founder in their project. Have students perform their song in class. (Optional: Ask the students to bring in a recording of the song for background music.)

Web/Technology Assessments

1. **Founders PowerPoint Presentation**—Divide students into groups. Have each group create a PowerPoint presentation about a Founder or event. Determine the number of slides, and assign a theme to each slide (e.g., basic biographic information, major contributions, political philosophy, quotations, repercussions of the event, participants in the event, etc.). Have them hand out copies of the slides and give the presentation to the class. You may also ask for a copy of the
presentation to give you the opportunity to combine all the presentations into an end-of-semester review.

2. Evaluate Web sites—Have students search the Web for three sites related to a Founder or the Founding period (you may provide them with a “start list” from the resource list at the end of each lesson). Create a Web site evaluation sheet that includes such questions as: Are the facts on this site correct in comparison to other sites? What sources does this site draw on to produce its information? Who are the main contributors to this site? When was the site last updated? Ask students to grade the site according to the evaluation sheet and give it a grade for reliability, accuracy, etc. They should write a 2–3 sentence explanation for their grade.

3. Web Quest—Choose a Web site(s) on the Constitution, Founders, or Founding period. (See suggestions below.) Go to the Web site(s) and create a list of questions taken from various pages within the site. Provide students with the Web address and list of questions, and ask them to find answers to the questions on the site, documenting on which page they found their answer. Web site suggestions:

- The Avalon Project <http://www.yale.edu/lawweb/avalon/avalon.htm>
- The Founders’ Constitution <http://press-pubs.uchicago.edu/founders/>
- Founding.com <http://www.founding.com/>
- National Archives Charters of Freedom <http://www.archives.gov/national_archives_experience/charters.html>
- The Library of Congress American Memory Page <http://memory.loc.gov/>
- Our Documents <http://www.ourdocuments.gov/>
- Teaching American History <http://www.teachingamericanhistory.org/>

A good site to help you construct the Web Quest is: <http://trackstar.hprtec.org>

Verbal Assessments

1. Contingency in History—In a one-to-two page essay, have students answer the question, “How would history have been different if [Founder] had not been born?” They should consider repercussions for later events in the political world.

2. Letters Between Founders—Ask students to each choose a “Correspondence Partner” and decide which two Founders they will be representing. Have them read the appropriate Founders essays and primary source activities. Over a period of time, the pair should then write at least three letters back and forth (with a copy being given to the teacher for review and feedback). Instruct them to be mindful of their Founders’ tone and writing style, life experience, and political views in constructing the letters.

3. Categorize the Founders—Create five categories for the Founders (e.g., slaveholders vs. non-slaveholders, northern vs. southern, opponents of the Constitution vs. proponents of the Constitution, etc.) and a list of Founders studied. Ask students to place each Founder in the appropriate category. For advanced students, ask them to create the five categories in addition to categorizing the Founders.

4. Obituaries and Gravestones—Have students write a short obituary or gravestone engraving that captures the major accomplishments of a Founder (e.g., Thomas Jefferson’s gravestone). Ask them to consider for what the Founder wished to be remembered.

5. “I Am” Poem—Instruct students to select a Founder and write a poem that refers to specific historical events in his life (number of lines at the teacher’s discretion).
Each line of the poem must begin with “I” (i.e., “I am…,” “I wonder…,” “I see…,” etc.). Have them present their poem with an illustration of the Founder.

6. **Founder’s Journal**—Have students construct a journal of a Founder at a certain period in time. Ask them to pick out at least five important days. In the journal entry, make sure they include the major events of the day, the Founder’s feelings about the events, and any other pertinent facts (e.g., when writing a journal about the winter at Valley Forge, Washington may have included information about the troops’ morale, supplies, etc.).

7. **Résumé for a Founder**—Ask students to create a resume for a particular Founder. Make sure they include standard resume information (e.g., work experience, education, skills, accomplishments/honors, etc.). You can also have them research and bring in a writing sample (primary source) to accompany the resume.

8. **Cast of Characters**—Choose an event in the Founding Period (e.g., the signing of the Declaration of Independence, the debate about the Constitution in a state ratifying convention, etc.) and make a list of individuals related to the incident. Tell students that they are working for a major film studio in Hollywood that has decided to make a movie about this event. They have been hired to cast actors for each part. Have students fill in your list of individuals with actors/actresses (past or present) with an explanation of why that particular actor/actress was chosen for the role. (Ask the students to focus on personality traits, previous roles, etc.)

**Review Activities**

1. **Founders Jeopardy**—Create a Jeopardy board on an overhead sheet or handout (six columns and five rows). Label the column heads with categories and fill in all other squares with a dollar amount. Make a sheet that corresponds to the Jeopardy board with the answers that you will be revealing to the class. (Be sure to include Daily Doubles.)
   a. Possible categories may include:
      - Thomas Jefferson (or the name of any Founder)
      - Revolutionary Quirks (fun Founders facts)
      - Potpourri (miscellaneous)
      - Pen is Mightier (writings of the Founders)
   b. Example answers:
      - This Founder drafted and introduced the first formal proposal for a permanent union of the thirteen colonies. Question: Who is Benjamin Franklin?
      - This Founder was the only Roman Catholic to sign the Declaration of Independence. Question: Who is Charles Carroll?

2. **Who Am I?**—For homework, give each student a different Founder essay. Ask each student to compile a list of five-to-ten facts about his/her Founder. In class, ask individuals to come to the front of the classroom and read off the facts one at a time, prompting the rest of the class to guess the appropriate Founder.

3. **Around the World**—Develop a list of questions about the Founders and plot a “travel route” around the classroom in preparation for this game. Ask one student to volunteer to go first. The student will get up from his/her desk and “travel” along the route plotted to an adjacent student’s desk, standing next to it. Read a question aloud, and the first student of the two to answer correctly advances to the next stop on the travel route. Have the students keep track of how many places they advance. Whoever advances the furthest wins.

**Founders and the Constitution: In Their Own Words—Volume 1**
**Common Good:** General conditions that are equally to everyone’s advantage. In a republic, held to be superior to the good of the individual, though its attainment ought never to violate the natural rights of any individual.

**Democracy:** From the Greek, *demos*, meaning “rule of the people.” Had a negative connotation among most Founders, who equated the term with mob rule. The Founders considered it to be a form of government into which poorly-governed republics degenerated.

**English Rights:** Considered by Americans to be part of their inheritance as Englishmen; included such rights as property, petition, and trials by jury. Believed to exist from time immemorial and recognized by various English charters as the Magna Carta, the Petition of Right of 1628, and the English Bill of Rights of 1689.

**Equality:** Believed to be the condition of all people, who possessed an equality of rights. In practical matters, restricted largely to land-owning white men during the Founding Era, but the principle worked to undermine ideas of deference among classes.

**Faction:** A small group that seeks to benefit its members at the expense of the common good. The Founders discouraged the formation of factions, which they equated with political parties.

**Federalism:** A political system in which power is divided between two levels of government, each supreme in its own sphere. Intended to avoid the concentration of power in the central government and to preserve the power of local government.

**Government:** Political power fundamentally limited by citizens’ rights and privileges. This limiting was accomplished by written charters or constitutions and bills of rights.

**Happiness:** The ultimate end of government. Attained by living in liberty and by practicing virtue.

**Inalienable Rights:** Rights that can never justly be taken away.

**Independence:** The condition of living in liberty without being subject to the unjust rule of another.

**Liberty:** To live in the enjoyment of one’s rights without dependence upon anyone else. Its enjoyment led to happiness.

**Natural Rights:** Rights individuals possess by virtue of their humanity. Were thought to be “inalienable.” Protected by written constitutions and bills of rights that restrained government.

**Property:** Referred not only to material possessions, but also to the ownership of one’s body and rights. Jealously guarded by Americans as the foundation of liberty during the crisis with Britain.
**Reason:** Human intellectual capacity and rationality. Believed by the Founders to be the defining characteristic of humans, and the means by which they could understand the world and improve their lives.

**Religious Toleration:** The indulgence shown to one religion while maintaining a privileged position for another. In pluralistic America, religious uniformity could not be enforced so religious toleration became the norm.

**Representation:** Believed to be central to republican government and the preservation of liberty. Citizens, entitled to vote, elect officials who are responsible to them, and who govern according to the law.

**Republic:** From the Latin, *res publica,* meaning “the public things.” A government system in which power resides in the people who elect representatives responsible to them and who govern according to the law. A form of government dedicated to promoting the common good. Based on the people, but distinct from a democracy.

**Separation of Church and State:** The doctrine that government should not enforce religious belief. Part of the concept of religious toleration and freedom of conscience.

**Separation of Powers/Checks and Balances:** A way to restrain the power of government by balancing the interests of one section of government against the competing interests of another section. A key component of the federal Constitution. A means of slowing down the operation of government, so it did not possess too much energy and thus endanger the rights of the people.

**Slavery:** Referred both to chattel slavery and political slavery. Politically, the fate that befell those who did not guard their rights against governments. Socially and economically, an institution that challenged the belief of the Founders in natural rights.

**Taxes:** Considered in English tradition to be the free gift of the people to the government. Americans refused to pay them without their consent, which meant actual representation in Parliament.

**Tyranny:** The condition in which liberty is lost and one is governed by the arbitrary will of another. Related to the idea of political slavery.

**Virtue:** The animating principle of a republic and the quality essential for a republic’s survival. From the Latin, *vir,* meaning “man.” Referred to the display of such “manly” traits as courage and self-sacrifice for the common good.
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
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.