

# OUR CONSTITUTION: THE DOCUMENT THAT GAVE BIRTH TO A NATION

1 videocassette ..... 24 minutes

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## INTRODUCTION

In 1787, the thirteen states that comprised this very young nation were locked in quarreling dissension. States were feuding over boundaries, interstate commerce was a shambles, and many found themselves without work and in debt. The newly independent nation was in serious trouble.

Against this backdrop of disorganization and strife, 55 delegates from 12 states convened in Philadelphia in the summer of 1787. Their avowed task was to bring order to the nation by reworking the Articles of Confederation under which the states were organized. But they quickly discarded the old Articles as unworkable. They proceeded instead to forge an entirely new instrument of government, a Constitution that would unite the states under a strong Federal government.

Four months after the convention began, the new Constitution was written. On September 17, 1787, thirty-nine delegates signed the document that was to become the "Supreme Law of the Land." In July of 1788, eleven of the thirteen states had agreed to accept and abide by the Constitution, and the last two states would follow. In 1789, with the inauguration of George Washington as the first president, the new federal government was officially in place.

In 1786, the loosely joined states had been threatening to fall apart; by 1790, the Constitution had pulled them together. They had become the United States.

That so much was accomplished in so little time must have seemed a miracle. At the heart of the miracle was the hard work, dedication, and vision of the men who gathered in Philadelphia during those hot summer months to do nothing less than save the nation. Sequestered in stifling rooms, they debated for hours, reconciling opposing viewpoints in a spirit of compromise born of a sense of urgency. In the end, they emerged with a precise, beautifully written document that worked, and that continues to work for us today.

In the two hundred years that we have been governed by the Constitution it has served us well. Of course there have been changes — changes in the form of amendments to the Constitution, many of which have moved us closer to the ideal of "liberty and justice for all." The Constitution was meant

to be changed, and was designed so that it could incorporate changes while maintaining its basic structure. Over the years, it has proven both its strength and its flexibility, and continues to amaze us with its beauty, elegance, and durability. If they could see how well the Constitution has stood the test of time, its original framers surely would be pleased.

#### PREAMBLE TO THE CONSTITUTION

*"We, the People of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."*

#### PROGRAM SUMMARY

The video program *The Constitution* examines the history and the meaning of the document that forms the basis of our government and is "the Supreme Law of the Land." Against the backdrop of the bicentennial celebration in Philadelphia in 1987, the program harks back to the events in that same city in 1787, where 55 distinguished delegates convened to rescue the nation from its post-revolution disarray. It examines the conditions that led to the convention and gave it urgency: rivalry among the states, economic chaos, citizen unrest, and the threat of attack by outsiders hoping to take advantage of a young, weak nation.

The program describes some of the key participants in the convention: George Washington, James Madison, Benjamin Franklin. It details the major conflicts that arose among the delegates, and emphasized the spirit of compromise that allowed the delegates to settle these conflicts fairly. The structure of the government outlined in the Constitution is summarized: the three branches, legislative, executive, and judicial, with their separate but equal powers; and the system of checks and balances that prevents any one branch from gaining too much power. The program also discusses the Bill of Rights, contained in the first ten amendments to the Constitution, that guarantees our basic liberties.

Sprinkled throughout the program are mini-interviews with United States senators and congressmen who were present at the bicentennial celebration, as well as excerpts from speeches by Supreme Court Justice Warren Burger and actor James Earl Jones. Jones, and later Congressman Peter Kostmayer, point out that when the Constitution was written, many were excluded from enjoying its rights, which were extended only to free white males who owned property. Jones describes the constitutional amendments that abolished slavery and extended rights to nonwhites and to women. Congressman Kostmayer asserts that the Constitution is not a perfect thing engraved in stone but a flexible instrument that we continue to refine and through which we strive to realize our ideals.

Visually, the program combines footage of the 1987 bicentennial with old prints, artwork, and graphics. This blending of the historical and the contemporary throughout the program underscores the idea that while the structure of our government is the work of the founding fathers, the Constitution continues to be a vital document today. The inspired achievement of the delegates that summer of 1787 not only endures, but thrives.

## BEFORE STUDENTS VIEW THE PROGRAM

Before students view the program, it would be helpful for them to review some of the historical events that preceded the writing of the Constitution. They should briefly review the circumstances that led to the Revolutionary War, the major events of the war itself, and the war's immediate aftermath. In addition, they should:

- identify the thirteen colonies that became the first thirteen states (Massachusetts, Rhode Island, New Hampshire, Connecticut, New York, Pennsylvania, New Jersey, Maryland, Delaware, Virginia, North Carolina, South Carolina, and Georgia);
- understand in a general way what the Articles of Confederation were and what they provided for;
- be aware of leaders who were key figures in the Constitutional Convention, such as George Washington,

Benjamin Franklin, and James Madison.

## QUESTIONS FOR REVIEW

1. What festivities took place in Philadelphia in the summer of 1987?  
*[The 200th anniversary of the Constitution of the United States of America, was celebrated then.]*
2. What were the Articles of Confederation?  
*[The Articles of Confederation were a set of rules created by the thirteen colonies to coordinate the Revolutionary War. The Articles created a league of friendship among the colonies and allowed the Continental Congress to function.]*
3. In what ways was the Constitutional Congress lacking in authority?  
*[Its powers were very limited. It could levy taxes, but not force collection. It could declare war, but it could not require any state to participate.]*
4. What is the significance of the date: July 4, 1776?  
*[On this date, representatives of the 13 colonies attending the Continental Congress in Philadelphia declared that the colonies, then under the rule of George III of England, should be free and independent states. Their resolution was set forth in the document called the Declaration of Independence.]*
5. What battle and what treaty ended the Revolutionary War?  
*[The war's last battle was the Battle of Yorktown in 1781. The Treaty of Paris officially ended the war in 1783.]*
6. With the end of the Revolutionary War, what was the status of the new nation?  
*[The United States consisted of thirteen sovereign states, joined in a league of friendship, but not yet truly unified.]*

**7. What were some of the problems that existed among the states?**

*[Confusion and hostility marked dealings among the states. Each state printed its own paper money, which made interstate commerce difficult. In addition, states taxed each other's goods and boycotted each other.]*

**8. How did relations among the states affect farmers?**

*[Hindrances to commerce caused farmers to fall into debt and lose their farms.]*

**9. What was Shays' Rebellion?**

*[In Massachusetts, discontented and frustrated farmers led by Daniel Shay marched in revolt against the state.]*

**10. Where did Massachusetts turn for help in dealing with the rebellious farmers, and what was the result?**

*[Massachusetts turned to the Continental Congress for help, but the Continental Congress was too weak to offer any aid. This helped point out the need for a stronger central government.]*

**11. What was the original intent of the 55 delegates who met in Philadelphia in the summer of 1787, and how did they veer from that intent?**

*[Originally they meant to review the Articles of Confederation. Instead, they ended up scrapping the Articles of Confederation and creating a new document, the Constitution.]*

**12. What was the purpose of the founding fathers in writing a constitution for the nation?**

*[Their purpose was to unify the thirteen states by creating a strong central government.]*

**13. Who were three key leaders in the Constitutional Convention and what did each of them contribute to the proceedings?**

*[George Washington, the Revolutionary War general who would become the first President of the United States, presided over the convention. Benjamin Franklin, a multi-*

*talented leader, promoted compromise and unity with patience, humor, and wisdom. James Madison, known as the "Father of the Constitution," led in calling for the convention, had the clearest vision of the structure of the new government, and co-authored "The Federalist Papers" to explain and promote the new government. Madison was also a great advocate of basic human rights; he later became the fourth president]*

**14. What were some of the particular points that were hotly debated by the delegates?**

*[The term of office of the president was an issue — Alexander Hamilton wanted a president for life. Another issue was the division of power among the states. William Patterson of Hew Jersey believed smaller states should have as much power as larger ones; Edmund Randolph wanted power to be based on population, giving the larger states more power.]*

**15. What was the broad structure of the government that the delegates finally agreed on?**

*[The government was to be composed of three equal but separate branches of government: the legislative, the executive, and the judiciary. The ultimate power to control the government would rest with "the people."]*

**16. What is set forth in Article I of the Constitution?**

*[Article I describes the legislative branch of the government.]*

**17. What is the organization of the legislative branch?**

*[The legislative branch is called the Congress. It is made up of two houses: the Senate, in which each state is represented by two Senators; and the House of Representatives, in which the number of representatives per state is determined by the state's population. In order for a law to be passed, it must be approved by both houses of Congress.]*

**18. What is set forth in Article II of the Constitution?**

*[Article II describes the executive branch of government.]*

19. **How often is a president elected, and what are the powers of the president?**

*[A president is elected every four years. The president executes the laws of the land; serves as Commander in Chief of the Armed Services; and has the right to appoint judges.]*

20. **What departments are included in the executive branch?**

*[The executive branch includes the Departments of State; Agriculture; Health, Education, and Welfare; Transportation; the Treasury; and the Attorney General.]*

21. **What is set forth in Article III of the Constitution?**

*[Article III describes the judiciary branch of government.]*

22. **What is the highest court in the land; how is it structured; and what are its responsibilities?**

*[The Supreme Court, consisting of nine judges appointed for life, is the highest court. It has the final authority in interpreting the law and deciding whether the actions of people, including the president and the Congress, are in accordance with the Constitution. Under the Supreme Court are numerous lesser courts with lesser powers that apply justice through law.]*

23. **What is meant by "checks and balances" in the Constitution?**

*[Each of the three branches of government has certain checks, or restraints, that are put upon it by the other two branches. The courts check the President and Congress by making sure that they operate according to the laws of the constitution. The President can choose judges, but the Senate must approve the President's choices. The President can veto a law approved by Congress, but the Congress can override the veto by a  $\frac{2}{3}$  majority in both houses.]*

24. **What mechanism allows the voters to influence the Congress?**

*[Members of the House of Representatives are elected every two years, so the voters can quickly remove a Congressional representative who does not meet with their approval.]*

25. **Under the Constitution, are the states without power?**

*[No. The Constitution provides for the dispersal of power between the states and the Federal Government.]*

26. **The first three articles of the Constitution lay out the form of the Federal Government. What are the general provisions of the last four articles?**

*[These articles provide that each state honor the laws of the other states; that the Federal Government protect each state against violence or invasion; that changes or additions could be made to the Constitution; and that the Constitution be the supreme law of the land.]*

27. **After the delegates to the convention signed the Constitution in 1787, what steps were needed in order for it to be approved?**

*[The Constitution had to be accepted by 9 of the 13 states in order to become law. Each of the states held a convention where the delegates debated the merits of the Constitution and voted on whether or not to accept it.]*

28. **What was added to the Constitution very shortly after it was written?**

*[A Bill of Rights was added to the Constitution.]*

29. **Where in the Constitution is the Bill of Rights found, and what rights does it ensure?**

*[The Bill of Rights is in the first ten amendments to the Constitution. It guarantees freedom of religion, freedom of speech, freedom to travel, freedom to assembly, and freedom from unreasonable search and seizure, as well as from arbitrary arrest and punishment.]*

30. When the Constitution was written, who were included in the definition of "we the people"? To whom were rights granted?

*[Rights under the Constitution were extended only to white men who were landowners.]*

31. **How did some of the later amendments to the Constitution broaden the meaning of "we the people"?**

*[The thirteenth amendment abolishes slavery, the fourteenth amendment extends the right to equal protection under the law, and the fifteenth amendment gives black men the right to vote. The nineteenth amendment extends the voting right to women.]*

32. **What is the most recent amendment to Constitution?**

*[It is the 26th amendment, passed in 1971, which grants the right to vote to eighteen-year-olds.]*

## QUESTIONS FOR DISCUSSION

1. The program talks about the spirit of compromise at the Constitutional Convention. What is meant by "compromise"? Can you think of examples from your own experience of agreements reached by compromise? Can you imagine or do you know of situations in which compromise would not be an acceptable alternative?
2. What groups were not represented among the delegates of the Constitutional Convention? Do you think it would have made a difference if members of these groups had been included? Explain your answer.
3. In recent years there has been debate over the term of office for the President of the United States. Some advocate a six-year term rather than a four-year term, asserting that a four-year president barely has time to learn the job before he or she has to start running for reelection. What is your opinion? Can you think of arguments both for and against a six-year presidential term?

4. The proceedings of the Constitutional Convention in 1787 were carried on in absolute secrecy for a period of about four months. Do you think it would be possible to achieve this degree of secrecy today? Why or why not?
5. If your school has some form of student government, how is it organized? Are there any similarities between the student government and the government of the United States? How are the principles of the Constitution reflected in the student government?
6. It is noted in the program that not all governments in the world grant their citizens the rights that we have. What do you know about citizens' rights in other countries of the world? How might you find out more about rights in other countries?
7. Rights are theoretically "guaranteed" under the Constitution. Yet for many years after rights were extended to them by Constitutional amendments, black people were denied those rights, and achieved them only after years of struggle. What does this say to you about the Constitution? What is needed in order for the rights set forth in the Constitution to be enjoyed by those who are supposed to have them?
8. Do you believe that the United States has attained the ideal of "liberty and justice for all," or do you think there is more to be done? Explain your answer.

## TOPICS FOR FURTHER STUDY

1. The Articles of Confederation and the Continental Congress: What exactly did the Articles provide for, and how did the Congress function?
2. Shays' Rebellion: What were the details of this pivotal event? Who were the rebellious farmers, why did they rebel, what did they do, and what finally happened to them?

3. The founding fathers: Students could research the lives of key figures at the Constitutional Convention, including:
  - George Washington
  - James Madison
  - Benjamin Franklin
  - Alexander Hamilton
  - Edmund Randolph
  - William Paterson
  - Gouverneur Morris
4. The French influence on the founding fathers: Students could learn about the writers Rousseau and Voltaire, who articulated many of the ideas adopted by early leaders of the United States — ideas that were reflected in the Bill of Rights,
5. The British system of government: The organization of our own government was influenced by the system of government in England. Students could find out more about British government and how it compares with the government of the United States.
6. The presence of other nations in North America after the Revolutionary War: The British, the French, and the Spanish continued to stake out claims in North America after the war. Where in North America did these powers maintain a presence?
7. The issue of slavery in 1787: What divisions existed at that time between states that practiced slavery and those that did not? How did those divisions affect the framing of the Constitution?
8. The women's suffrage movement of the turn of the century: Students could learn more about the movement that won voting rights for women, and about the leaders of that movement, such as Susan B. Anthony, Elizabeth Cady Stanton, and Lucy Stone.

9. The growth of political parties in the United States: At the time the Constitution was written, there were no political parties. How did political parties come to be, and how was the Constitution amended to accommodate them?
10. Electing the president: What was the system for electing a president under the original Constitution, and how has it changed?
11. The presidency throughout our history: Has the nature of the presidency changed since the Constitution was written? How have individual presidents in our history interpreted the office in different ways?
12. The Supreme Court: Over the last two hundred years, the Supreme Court has varied in its interpretation of the Constitution as it applies to specific cases and issues. What have been some of the court's major decisions, and how have these decisions reflected the tone and ideology of their time?
13. The denial of equal rights to black Americans: The fourteenth and fifteenth amendments supposedly guaranteed rights to black Americans. However, it took many years for them to begin to realize these rights. How was it that the amendments did not produce equality for black Americans at the time they were adopted?

## SUGGESTED ACTIVITIES

1. Students could make maps showing the geographical configuration of the thirteen states in 1787. They could add to their maps details about the states: population, main industries, the names of the delegates that each state sent to the Constitutional Convention.

2. Students could also use their maps (from Activity #1, on previous page) to explore the extent of slavery in 1787, marking the maps to show which states practiced slavery and which did not. They could pursue the subject of finding out more about slavery and the slave trade in the nation's early years and how the question of slavery figured in the Constitutional Convention. They should report their findings to the group.
3. Students could explore the idea of what *a* constitution does by writing one of their own. Working individually or in small groups, they could formulate a constitution for their school, their class, their family, or a club or other organization. When constitutions are completed, they should be shared with the group, compared, and discussed.
4. What actually happened at the Constitutional Convention? Students could find out more about the proceedings at the convention and use their research to write brief sketches about some of the more controversial issues — for instance, the debate over the Virginia Plan vs. the New Jersey Plan. Sketches could be acted out for the group.
5. How did each of the state delegations contribute to the framing of the Constitution? Working individually or in small groups, students could choose a state and find out about the delegation from that state and how they took part in the proceedings.
6. What does it mean to reach a compromise? Students could write an essay on what they think is meant by the art of compromise, giving examples of compromise from their own experience and knowledge or from history. Finished essays could be shared and discussed.
7. Students might enjoy an opportunity to meet and talk with a Senator or Congressional representative from their state or district. If a member of Congress lives nearby, he or she could be invited to speak to the students

and discuss the work of Congress with them.

8. How does Constitutional law affect the judicial system as a whole? A local judge or lawyer might be invited to visit the class and speak about how the Constitution relates to the day-to-day handling of legal issues and problems.
9. There probably are people in the community old enough to remember when women enjoyed far fewer rights and privileges than they do now. It might be interesting to invite some elderly men and women to talk about the changes they have seen in the status of women in their lifetime.
10. It could also be interesting for students to speak with black people who remember the time before and during the civil rights movement of the sixties. They might come to class to describe and discuss their experiences and perceptions.
11. Students could choose one of the rights guaranteed under the Bill of Rights and study both its background and the ways in which it is being defined and tested today. For example, in studying freedom of the press, students might learn about the case of Peter Zenger and look at the recent court decision about the freedom of student newspapers to print without censorship. Similarly, the right to bear arms is at the center of the debate about gun control legislation.
12. Today, a proposed Constitutional amendment, the Equal Rights Amendment, is the focus of considerable controversy. Students could find out what the proposed amendment says and why it is so controversial. After they examine various arguments both for and against the amendment, they could debate on whether or not it should be adopted.

13. Below are twenty questions about the Constitution and the Constitutional Convention. Working individually or in small groups, students could research the answers to one or more of these questions. The school librarian could help by reserving books on the Constitution.

Finding the answers could become a competitive game. The class could race against the calendar, trying to get all the information within a certain number of days. Or small groups within the class could compete to see who can be the first to answer all the questions.

Twenty questions:

- 1) In Annapolis, Maryland, in September 1787, an event took place that set the stage for the Philadelphia convention. What was it?
- 2) Why did Rhode Island not send any delegates to Philadelphia in 1787?
- 3) George Washington almost chose not to go to the convention. Why was he reluctant, and why did he change his mind?
- 4) At the time of the Constitutional Convention, what city was the capital of the United States?
- 5) Who among the delegates to the convention had a peg leg?
- 6) Who was the youngest delegate to the convention? Who was the oldest?
- 7) What small creatures proved to be a source of discomfort and annoyance to the delegates?
- 8) What was the Virginia Plan?
- 9) What was the New Jersey Plan?
- 10) Edmund Randolph opposed the idea of having one president. What was his counterproposal?
- 11) Even in 1787, the issue of slavery was causing dissension. What disagreements concerning slavery arose among the delegates, and how were they resolved?
- 12) How did it happen, during the convention, that the number in the New York delegation fell from three to one?

- 13) What delegate was the chief author of the Constitution?
- 14) What decoration was painted on the back of George Washington's chair, and who made a speech about it?
- 15) Of the forty-two delegates present at the signing of the Constitution, which three did not sign, and what were their reasons?
- 16) What Virginia patriot of Revolutionary War renown not only refused to attend the convention, but actively opposed the ratification of the Constitution?
- 17) Which was the ninth state to ratify the Constitution, thus passing it?
- 18) Were there any states that did not ratify the Constitution?
- 19) When and how was the Bill of Rights added to the Constitution?
- 20) In 1861, a thirteenth amendment was proposed to Congress, but never ratified. What would this amendment have provided, had it become law?

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