

Becoming America: The Constitutional Convention of 1787

“The United States of America is the perfect idea; the United States is a work in progress.”

A unique blend of music, history and political thought

1. Overture Meet the co-hosts:

The Professor: Dr. Jo Ellen Chatham

The Judge: Judge Jim Gray (Retired)

The American: The Honorable Bijan Kian

“Becoming America’s” three co-hosts introduce the reasons they chose to create conversations about the Constitutional Convention of 1787 with leading experts, scholars, and authors and why the Constitution’s history is important to us today. They provide a general overview of history and purpose of the Convention.

What to listen for:

- *What were the Articles of Confederation?*
- *Why did the Founders believe the Articles were inadequate and needed to be amended or replaced?*
- *Why were the delegates divided and reluctant to agree on many issues?*

Thoughts to ponder:

- *Consider the meaning of the last version of the Preamble which stated, “We the People of the United States of America” compared to the original proposal which stated, “We the People of the States of New Hampshire, Massachusetts, Rhode Island....,” etc.*
- *Consider taking the Immigration test which all naturalized citizens must pass before being granted United States Citizenship -*
www.uscis.gov/sites/default/files/document/questions-and-answers/100q.pdf

Find the trivia:

- *Which State refused to attend the Constitutional Convention?*
- *Which State is the only one in which a majority of the people recently surveyed could pass the Citizenship Test?*
- *Which President visited Constitution Hall on the way to his inauguration in Washington, D. C. and later lay-in-state for two days after his death as his body was returned to his home State?*

2. Off To Philadelphia Concordia University Irvine Professor Bryan Santin discusses what life and politics were like in the 1780’s as delegates gathered in Philadelphia to improve the Union by amending the Articles of Confederation. Thirteen new, independent States stretched along 1200 miles from north to south and about two hundred miles east to west was home to approximately three million people

who considered their State to be their “country.” Travel, transportation, and lifestyles were among challenges to be overcome before “a more perfect union” could be established.

What to listen for:

- *How did living conditions, travel, occupations and even the size of the United States in 1787 differ from those in the United States in the 21st century.*
- *Did religious tolerance exist in the pre-Constitution era of thirteen colonies?*

Thoughts to ponder:

- *How do you view/judge history? From our position in our time or from the perspective of those living at the time of history we are studying? How do the Constitutional Convention and the Founders look from their own time? From our time? From the Middle Ages?*
- *How do you believe the Constitutional Convention would have operated in our time with modern modes of transportation and communication? Would it have been able to operate under rules of confidentiality?*

Find the trivia:

- *What was the largest city in America in 1787?*
- *What is a “necessary?”*
- *Who founded Rhode Island?*

3. Overthrow the Government Anti-Constitutionalists accused Constitutional Convention delegates of exceeding their power by proposing an entirely new form of government rather than merely amending the Articles of Confederation. Dr. Larry Arnn, historian and President of Hillsdale College, addresses whether such an accusation was warranted as well as whether the Constitution’s lack of a bill of rights was an impediment to its ratification.

What to listen for:

- *What were the major deficiencies in the Articles of Confederation that led to the call for the Constitutional Convention of 1787?*
- *What are “enumerated powers” and how do they limit the power of the federal (national) government?*
- *What was the stated purpose of the Constitutional Convention of 1787?*

Thoughts to ponder:

- *What is “virtue” and why did the Founders believe it is essential in a government “by the people?”*
- *If “we, the people” are the ultimate authority under the Constitution, what are the responsibilities of “the people?”*

Find the trivia:

- *Who was the first Secretary of the Treasury under the Constitution?*
- *What was Dr. Arnn's "action item?"*

4. If Men Were Angels James Madison wrote in *Essay #51 of The Federalist* that government is needed because men are not angels, and that because government is composed of men, it is essential to also place restraints on government. In this episode, President James Madison shares his role at the Convention, his relationships with other delegates, and why the Convention avoided as much as possible discussing the issue of slavery.

What to listen for:

- *How did James Madison prepare for the Constitutional Convention and why did he choose to take such detailed notes, especially since the Convention decided that its proceedings would be confidential?*
- *Why was George Washington reluctant to participate in the Constitutional Convention and how was he persuaded to do so?*
- *Even though the Constitution had already been ratified and the first Congress had convened for its first meeting, Madison chose to live up to the commitment to propose a Bill of Rights, even though he had opposed it at the Convention. Why did he do that?*

Thoughts to ponder:

- *How have the rights of Americans been protected by the Bill of Rights? After all, many countries, including Canada, do not have a bill of rights.*
- *Attempts to improve the government under the Articles of Confederation had failed, including the failed Annapolis Convention in 1786. Why was George Washington's presence at the Philadelphia Convention of 1787 so important?*

Find the trivia:

- *In addition to James Madison, who was instrumental in convincing George Washington to attend the Constitutional Convention in Philadelphia?*
- *New York sent three delegates to the Constitutional Convention. Two left early because they disagreed with the direction the Convention was taking. Who was the third delegate who remained?*
- *What was the Society of the Cincinnati?*

5. What About Me? Dr. William Barclay Allen, constitutional expert, professor of Political Science at Michigan State University, and past Chair of the United States Commission on Civil Rights provides important insights into the Founders views on liberty, their disagreement regarding the need for a bill of rights, and the evolution and expansion of rights during the decades and centuries following ratification of the Constitution.

What to listen for:

- *How did the Founders deal with slavery at the Constitutional Convention? What was the “three-fifths compromise” and why was it included in the Constitution?*
- *Some of the Founders believed a Bill of Rights was essential; others believed it was not only unnecessary but could actually be harmful. Why did they differ on this?*
- *What does the original Constitution say about voting rights? Who decides the qualifications for voting?*

Thoughts to ponder:

- *Were the drafters of the Constitution right or wrong in deferring the issue of slavery to the future? If they had addressed it head on, would Union have been possible? If not, what do you believe the “United States” would have looked like?*
- *Should we judge the past by our present understanding of issues? How should we evaluate the past in light of our own time, the time which we are studying, and the times leading up to the time we are studying?*

Find the trivia:

- *The African Methodist Episcopal (AME) Church was established in Philadelphia in 1787, about the same time as the Constitutional Convention. Who was its major Founder?*
- *In 1780, during the Revolutionary War, a female slave sued the government of Massachusetts for her freedom and won. Who was she?*
- *The Bill of Rights is a “direct descendant” of what historic document presented to England’s Charles I?*

6. Remember the Ladies As thirteen American colonies edged ever closer to declaring independence from Great Britain, Abigail Adams admonished her Patriot husband and revolutionary agitator John Adams to “remember the ladies.” Recognizing the significant role of the Supreme Court in expanding rights of women in the United States, former Congressman and law school dean Tom Campbell discusses the role of the judiciary and its checkered history regarding rights and liberty as well as diverse approaches to interpreting the Constitution, including “judicial activism” and “judicial restraint.”

What to listen for:

- *How have the courts influenced the changing role of women?*
- *What is the difference between “judicial restraint” and “judicial activism?” Why has the distinction become a prominent issue during confirmation proceedings of Justices to the Supreme Court?*
- *If the Constitution as originally written was “sex neutral,” why was it necessary to amend the Constitution to assure women’s right to vote?*

Thoughts to ponder:

- *Legislators make laws. Judges decide cases. Some observers have complained that at times the courts have been accused of being surrogates for policymakers. If this is true, can you think of examples? If true, does this “politicize” the court and impact the Founders’ creation of separation of powers?*
- *Members of the House of Representatives and the Senate are elected by a majority of the people. Supreme Court Justices are nominated by the President, confirmed by the Senate and serve “during good behavior,” without term limits. The Congress is a “democratic” institution. The Supreme Court is not. Why, then is the Supreme Court considered to be the protector of minority rights?*

Find the trivia:

- *Who was the Supreme Court Justice who personally abhorred burning of the American flag as a form of protest but upheld the right of people to do so?*
- *Who wrote the historical dissent in Plessy v. Ferguson which upheld the nefarious doctrine of “separate but equal”?*
- *Which State was the first to extend the right to vote to women?*

7. Our Country Is at Stake Few people are more qualified to share insights into the Constitutional Convention and ratification process than Dr. John Kaminski, founder and Director of the Center for the Study of the American Constitution at the University of Wisconsin Madison. He addresses the serious issues facing the delegates, the compromises they crafted, and how the debate over the Constitution unfolded during the often-acrimonious debates in the ratifying conventions.

What to listen for:

- *What were the key issues that divided the States at the Constitutional Convention?*
- *What was the “carrying trade” and how did it divide the States?*
- *What was the main unifying issue about which the delegates to the Constitutional Convention agreed?*
- *What was “the great compromise” and what issue did it settle?*

Thoughts to ponder:

- *Originally, when speaking of the United States, the phrase would be “the United States are; later, it would be “the United States is.” What does this change represent?*
- *What would the United States look like today if compromises had not been made? Would a “United States” even exist?*

Find the trivia:

- *In 1787, Virginia was much larger than it is today. Identify current States which were once a part of Virginia.*
- *Only one State instructed its delegates to the Constitutional Convention not to give up equality in the national government. Which State was that?*
- *Which State never sent money to the Confederation even when requested to do so?*

8. The Power of Hope Author of *Liberty's Secrets: The Lost Wisdom of America's Founders*, former Vice-Presidential speechwriter Joshua Charles shares his thoughts on religious freedom, virtue, and the role of religion in a constitutional republic. As the United States becomes increasingly diverse, has the role of religion in public discourse changed and is a common definition of "virtue" even possible?

What to listen for:

- *What were the complexities of religious freedom in the early United States? Some colonies were founded for religious freedom yet frequently limited religious freedom to those with differing religious beliefs.*
- *What are the roles of religion and virtue in a democracy?*
- *How did the Founders view religion and virtue? How did their opinions differ?*

Thoughts to ponder:

- *The First Amendment guarantees free exercise of religion and prohibits government from establishing religion. Some critics of contemporary politics claim that the Founders' belief in freedom of religion has been transformed into freedom from religion. What are your thoughts?*
- *What is likely to result when religion and politics – or church and state – become intertwined?*
- *Can democracy (self-government) succeed without virtue? What is virtue?*

Find the trivia:

- *What was the official state religion of Virginia until 1786?*
- *Which of the first five Presidents was accused of being an atheist during the presidential campaign?*
- *Which President actually re-wrote the Bible and eliminated the miracles of Jesus, even though he admired Jesus as a great teacher?*
- *How many newspapers existed in the United States in 1787?*

9. Do We Dare? Dr. Bryan Santin joins the conversation a second time to consider how the Constitutional Convention was organized and conducted its work, focusing on its rule of secrecy, its procedures, the most effective delegates, how delegates were selected, and other details that allowed the Convention to proceed.

What to listen for:

- *How did the Constitutional Convention actually operate? What were its rules and who devised the rules? Why did the delegates agree to operate in "secrecy" until their work was completed?*

- *Who were the delegates to the Convention and how were they chosen? Did all of them attend every session?*
- *What was the controversy over the Constitution's lack of a Bill of Rights and how was it resolved?*

Thoughts to ponder:

- *The Constitution provides that a national convention may be called to consider amendments. This process has never been used. Should a constitutional convention be called? Why or why not?*
- *What if opponents of the Constitution had not insisted on a Bill of Rights? Would the Constitution have been ratified? If it had been ratified without the promise of a Bill of Rights, would America be different today?*

Find the trivia:

- *Who were the only two men to sign the Declaration of Independence, the Articles of Confederation and the Constitution?*
- *How long did the Constitutional Convention of 1787 actually meet?*
- *Which delegate to the Constitutional Convention submitted a proposed plan of government and later claimed that James Madison deliberately left it out of his notes of the Convention?*
- *How long was the union created under the Articles of Confederation intended to last?*

10. My Country Needs Me A research fellow at the libertarian Cato Institute, Trevor Burrus gets specific about how the delegates to the Constitutional Convention had to grapple with the tension between a strong national government and the power of the individual States, relationships among the States, checks on a more “energetic” federal government, and whether individual liberties could be protected without a national bill of rights.

What to listen for:

- *When were the Articles of Confederation written and what were its original purposes? Why is it significant that the Articles represented the States and not the “people?”*
- *Why was the debate over the executive branch so divisive? What assorted options did the delegates to the Constitutional Convention consider regarding the executive branch?*
- *How did the delegates to the Constitutional Convention solve the major problem of how much power to assign to the national (federal) government and how much to leave to the States?*
- *What are the “checks and balances” used to keep each branch of government from exercising too much power?*
- *What were the main arguments against the Constitution during the ratification process and how was the country divided?*

Thoughts to ponder:

- *The Founders of the United States wanted to gain independence from Great Britain and preserve liberty. However, delegates to the Constitutional Convention were also concerned with unity and security. Was there tension between liberty and union or between liberty and security? Is there such a tension today?*
- *Have any of the three branches of government ceded too much power to other branches? If so, provide examples and suggest how to return to the originally proposed balance among the three branches.*

Find the trivia:

- *What was the population of Delaware in 1787?*
- *What was a "letter of marque?"*
- *Who was the person in whose handwriting the final draft of the Constitution was prepared for signature?*
- *Which State was the first to ratify the Constitution?*

11. Policy Wonk Aware that "the devil" is often "in the details," Tom Campbell returns to dive further into specific enumerated powers of the Congress, separation of powers, checks and balances, and other features of the Constitution designed to create a stronger national government while restraining it from exercising too much power. The conversation inquires into whether the Anti-Constitutionalists' fears of an overbearing federal government and an "administrative state" have been realized.

What to listen for:

- *How has Congress, the legislative branch of government, diluted its power by deferring to the executive branch of government? Has the judicial branch failed to play the role of "umpire" and keep the powers of each branch in check?*
- *What has been the role of the "interstate commerce clause" in Article I of the Constitution in expanding the power of the executive branch of government?*
- *What effects has the rise of the administrative state (executive agencies of the government) had on the Constitution's delicately balanced "separation of powers" and "checks and balances?"*
- *What are "executive orders," "executive agreements" and administrative regulations? How have they impacted the relative powers of the executive and legislative branches of government?*

Thoughts to ponder:

- *Hundreds of government agencies now make rules and regulations, enforce them, and determine whether or not individuals or groups have violated them. How has this affected the role of the citizens and their elected representatives?*
- *Is modern warfare limited to physical war on land, sea or air, or can it be waged economically or through "cyber" means? How does this kind of modern warfare impact the power of the President as Commander-in-Chief to defend the nation compared to the power of Congress to declare war?*

Find the trivia:

- Which delegate to the Constitutional Convention later brokered a deal for the new national government to assume the Revolutionary War debts of the States?
- Which Supreme Court Justice recused himself from participating in the case which forced President Richard Nixon to release certain documents pertaining to the Watergate controversy?
- Leaders of which party in Congress persuaded President Richard Nixon to resign? Republicans or Democrats?

12. The Studied Silence This conversation addresses “the eight-hundred-pound elephant” in the room that delegates to the Convention tried to ignore – slavery. While the issue was not finally resolved until the aftermath of the Civil War, slavery could not be completely ignored at the Convention, especially after two States resolved to leave the Convention and the Union if slavery as an institution was threatened. Major General James Williams (USMC Retired) joins the conversation to discuss race in America, concepts of justice, and how we should teach history to our children.

What to listen for:

- Why do some Americans, even today, believe the Constitution “does not work” for them? Why do they feel “left out?”
- Why is America so divided today? Are the differences based on political ideologies, race, or other considerations?
- Why have the divisions in America become so intense? How can we “lower the temperature” of political disagreement and return to civil discussions about our differences?

Thoughts to ponder:

- It has been said that “the United States of America is the perfect idea; the United States is a work in progress.” What progress has been made since the Constitution was ratified? Is there still progress to be achieved? If so, what?
- If you could amend the Constitution, what would you change and why? How would it change the balance of powers among the three branches of government or impact any other provisions of the Constitution (which includes all twenty-seven amendments)?
- Do you avoid difficult conversations because it is uncomfortable or might lead to an argument and impact a family or friend relationship? Do you avoid such conversations because you do not have sufficient information to support your viewpoint?

Find the trivia:

- In what year did the slave trade officially end in the United States?
- Where was the original Constitution housed until it was finally removed to the National Archives in Washington, D. C. in 1952?

13. It's Lonesome at the Top In a unique conversation, President George Washington shares his role as President of the Constitutional Convention, including his initial reluctance to participate and his thoughts on the Constitution itself as presented to the States for ratification. He provides a personal account of the numerous issues standing in the way of Union as well as the necessity and benefits of thirteen independent States coalescing into a united nation.

What to listen for:

- *What did George Washington believe were the greatest problems facing the United States in 1787 and why the Articles of Confederation needed to be amended?*
- *What was George Washington's role at the Constitutional Convention? Why did he choose to speak infrequently and not engage fully in the debates?*
- *During the interview, President Washington was reluctant to speak about his relationships with James Madison and Thomas Jefferson, with whom he been friends and allies in earlier years but whose relationships had become estranged in later years. Why did he not speak about these later differences in the interview? {You might want to read the early history of the United States to understand why these relationships deteriorated.}*

Thoughts to ponder:

- *What was it about George Washington's leadership and role in the life of the new United States that has caused him to be honored as "the Father of Our Country?" Are those qualities needed during our own time?*
- *George Washington and other Founders believed they were creating a form of government for posterity, not merely for their own time and circumstances. We also have a posterity. What will our generation leave to those who come after us?*

Find the trivia:

- *Who nominated George Washington to be Commander-in-Chief of the Continental Army in June 1775?*
- *What was Thomas Jefferson's father's name?*
- *Who was the Prussian military leader who joined George Washington at Valley Forge and helped to train the Continental Army?"*
- *Who informed George Washington that he had been elected President of the United States?*

14. Someone Has Got to Decide Dr. Gordon Lloyd, foremost Constitutional scholar and Senior Fellow at the Ashbrook Center, takes us back to the struggle for power between the States and the new government proposed in the Constitution, including discussion about broad phrases such as the "necessary and proper clause" and how their meaning is determined by federal courts, especially the Supreme Court.

What to listen for:

- *How important was compromise at the Constitutional Convention?*

- *What are the various kinds of “original sources” that can help us to understand the work of the delegates to the Constitutional Convention and the times in which they lived?*
- *What were The Federalist Papers and why are they so important to our understanding of the Constitution?*
- *How has the power of the national government grown over time? What are the sources of that growth?*
- *Why is Article IV of the Constitution important as it relates to the relationship among the individual States?*

Thoughts to ponder:

- *Under our constitutional system of federalism and separation of powers, consider the following questions: What should government be empowered to do? Which level of government should do it? Which branch of government should do it?*
- *What should be the role of the states versus the federal government? What should remain under the authority of the states and what powers should be assigned to the federal government? Would you recommend any changes from what currently exists? [Consider Article IV and the “full faith and credit” and “privileges and immunities” clauses.]*

Find the trivia:

- *What is the total number of members of the House of Representatives?*
- *What is the minimum number of members each State has in the House of Representatives?*
- *How many Senators represent each State?*

15. We the People Acknowledging that “We, the People” is the foundation upon which the authority of the Constitution rests, retired Federal District Court Judge Andrew Guilford shares his thoughts about what makes the United States different from other nations, why he believes the United States is “exceptional,” and how and why its founding principles are not only applicable to modern times but must be transmitted to our children.

What to listen for:

- *What are the purpose and value of the Preamble to the Constitution which begins with “We the People?” Why was it controversial during the ratification debates in the States?*
- *What is “American Exceptionalism” and why do many people believe America is an exceptional nation?*
- *Why does Judge Guilford believe the judiciary is the most important branch of government? Unlike the other two branches, the judiciary was designed to be non-political. What problems arise when the judiciary is perceived as becoming “political?”*
- *Judge Guilford notes that the role of religion in our constitutional system is important but necessarily limited. How does he describe this role?*

Thoughts to ponder:

- *Is America an exceptional nation? If yes, why? What makes it exceptional? If not, why not?*
- *Why do some observers complain that the Supreme Court has become too political in recent decades? What are the sources of those complaints, and do you tend to judge the court by the “political” nature of its decisions?*

Find the trivia:

- *As a judge, Judge Guilford claims to have a very unusual “boss,” which is significant. Who is Judge Guilford’s “boss?”*
- *Who chaired the Committee of Style at the Constitutional Convention and is credited with drafting the Preamble in its final form?*
- *Who famously said that “power tends to corrupt; absolute power corrupts absolutely?”*

16. Our Sun is Rising Harkening back to Benjamin Franklin’s famous quip that the carving on the back of the chair upon which George Washington sat as he presided during the Constitutional Convention – that Franklin believed the engraved sun was “rising,” not “setting” – seven Americans give their personal views on the Constitution and what it means to be an American.

What to listen for:

- *What does this group of individuals, many who are immigrants, think about the Constitution and what it means to be an American?*

Thoughts to ponder:

- *What do you believe it means to be an American? How do the Constitution and the government it created influence your beliefs about America?*
- *Why do some people believe the Constitution does not have meaning for them? Consider their opinions and experiences as well as whether you agree with them or how you would respond to their concerns.*
- *Leon Weinstein expressed a degree of pessimism about the future of our freedoms as guaranteed by the Constitution and the Bill of Rights. Do you agree or disagree with him? If you agree, what can Americans do to protect/restore those rights? If you disagree, why?*

Find the trivia:

- *What well-known restaurant chain did Charlie Zhang create?*
- *Thomas Jefferson had two copies of a very old book about a leader of ancient Persia. What was the leader and what is the name of the book about him?*
- *Kathy Tavoularis is a member of the city council of which city in southern California?*

17. You Are the We Protecting the original Constitution, the Bill of Rights and the Declaration of Independence is the responsibility of the Archivist of the United States, David Ferriero. On the final episode of “Becoming America,” Mr. Ferriero describes the work of the National Archives and challenges us to read and understand our founding documents and encourages increased and improved civic education for all Americans. Our co-hosts also provide their concluding thoughts and how these conversations will remind us of our Founders’ warning that the future of our prosperity and freedom will depend on our recognition that WE are now the “We, the People.”

What to listen for:

- *What are the major roles and responsibilities of the National Archives? What major documents does it protect and where were those documents housed before being collected and protected by the National Archives?*
- *What role does the National Archives play in the Electoral College and election of the President?*
- *How may ordinary citizens access documents held by the National Archives as well as the Library of Congress?*
- *How does the National Archives preserve old, historic documents so they survive over extended periods of time?*

Thoughts to ponder:

- *What are the major purposes and value of preserving not only our founding documents, but billions of government records from all branches and agencies of the federal government?*
- *How many of our founding documents or other historical documents (such as President Lincoln’s Second Inaugural Address; Frederick Douglass’s 1852 speech (“The Meaning of July 4 to the Negro”); or President Warren Harding’s October 1921 speech celebrating the semicentennial founding of the city of Birmingham, Alabama) have you read?*

Find the trivia:

- *In what year was the National Archives created?*
- *How many pages of historical documents are held in the National Archives?*
- *Where were the Declaration of Independence, the Constitution, and other important historical documents stored for safety during World War II?*
- *Who purchased from Ross Perot a 1297 version of Magna Carta which is now displayed in the Visitor’s Center of the National Archives?*