Constitutional Convention Harkness **Name\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**  
Applied Government  
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Many students wrongly believe that the US Constitution was a foregone conclusion by the time we declared our independence on July 4, 1776. Not only was this not the case, barely passing in most states, but it was not even our first governing document (Articles of Confederation). The debate regarding the Constitution was robust both during the Philadelphia Convention in which it was created in 1787, and afterwards when it was ratified. In fact, the ratification debate was in such doubt that, that Alexander Hamilton, James Madison, and John Jay penned a series of essay called the *Federalist Papers* to allay the fears of the opponents of the Constitution (The end of chapter 2 even goes so far as to imply that many of those fears were eventually realized).

Students, similarly, believe that the Constitution is an infallible document that should be viewed with reverence and perfection incarnate. The Constitution, however, has been modified 27 times (the first ten as the Bill of rights). In a letter written to James Madison from Paris just after the French Revolution had broken out, [**Thomas Jefferson**](https://oll.libertyfund.org/person/thomas-jefferson) argues that any Constitution expires after 19 years and must be renewed if it is not to become “an act of force and not of right”:

*The question Whether one generation of men has a right to bind another, seems never to have been started either on this or our side of the water… (But) between society and society, or generation and generation there is no municipal obligation, no umpire but the law of nature. We seem not to have perceived that, by the law of nature, one generation is to another as one independent nation to another… On similar ground it may be proved that no society can make a perpetual constitution, or even a perpetual law. The earth belongs always to the living generation… Every constitution, then, and every law, naturally expires at the end of 19. years. If it be enforced longer, it is an act of force and not of right.*

In this letter to [James Madison](https://oll.libertyfund.org/person/james-madison), Jefferson asks whether or not “one generation of men has a right to bind another,” either in the form of a financial debt or a political obligation to obey a constitution of laws not contracted by that individual. He concludes that any constitution has to lapse roughly after every generation since it was first signed and ratified. The Constitution, therefore, should lapse and become null and void in 1808. Jefferson believed in the principle that “the earth belongs to the living and not to the dead” which meant that previous generations could not bind the current generation to pay their debts, or require them to work in their father’s occupation, or to accept the laws and constitution drawn up by their ancestors. In his mind, “no society can make a perpetual constitution, or even a perpetual law”. The only “umpire” between the generations was the law of nature.”

Although few would go as far as Jefferson with continuous conventions and short-lived constitutions, many argue that a convention should be held to make necessary changes to the document to bring the Constitution into the 21st Century. The goal of this Harkness will be a modern-day convention, similar to what is discussed on page 46 of your textbook) to which you are all delegates articulating our positions on contemporary issues with each of you proposing your own 28th Amendment (or more than one). Your job, as a delegate to this convention will be to address changes that you believe are necessary to accommodate the great changes that have occurred in society both through beliefs and innovation. Every week, there are examples of proposed changes that hit the national media. Just over the weekend Supreme Court Justice Stephen Breyer argued against court packing but seemingly endorsed term limits for justices on the Supreme Court. Don’t reinvent the wheel, see what changes scholars, pundits, politician, and others are advocating. Make sure to address the specific part of the constitution that will be affected and how. Consider the fears of the Anti-federalists, the desire to bring to fruition the ideas within the Declaration, and/or the needs of the nation today. Look at potential negatives, at a recent “convention” students argued 5-year term limits for Senators but federal elections are every even-numbered year. To help you begin to contemplate ideas for change read former Supreme Court Justice John Paul Stevens’ ideas for Constitutional reform at the back of your notes packet and the following examples:

* **Ex. Eliminate the Electoral College and replace it with a nation-wide popular vote to elect the president**
* **Ex. Include a Equal Rights Amendment (ERA)**
* **Ex. FDR’s 2nd Bill of Rights**
* **Ex. Congressional Term Limits**
* **Ex. popular election of Supreme Court Justices**
* **Ex. English as our National Language**
* **Ex. Eliminate Citizenship by Soil**

The first day of our convention will be in small groups to share each proposed amendment and advance only those with wide-spread support. Modifications may be made those that have consensus support for the idea but need tweaks or edits. Those that pass the small groups will be shared in the whole class discussion with all amendments being adopted or rejected.

James Madison is known as the “Father of the U.S. Constitution” mostly because he arrived to Philadelphia early and with specific proposals that ultimately became the framework for the final document. Like James Madison, come prepared and ready to build coalitions; have much of the groundwork laid before our convention begins. Listen to the NCC ‘Constitution Drafting Project” to get in the mood and then get drafting.

**DIRECTIONS: Read through each category and its criteria***. Complete either or both columns to give yourself an accurate grade.*   
  
In the LEFT column: Place a check plus next to those you completed in an exceptional manner, a check plus/check mark if it was only completed well, a check mark next to the criteria in which you completed okay, a check mark/check minus if it was completed okay but not great, a and a check minus that you completed but not very well, and place an X next to the criteria not completed at all.   
  
In the RIGHT column: Place the appropriate grade in the space to the immediate left of EACH criteria required by determining those areas you performed or were lacking and based upon the point value listed. Place a N/A or “not applicable next to any criterion not required for your specific role. Average the points together in place that score in the “your estimate” blank.   
 ***\*\*\*Remember, a perfect grade should reflect perfect work and only be used when the work done had no deficiencies & could not have been performed any better***.\*\*

* **PREPARATION AND RESEARCH (1-25):**

\_\_\_\_\_ \_\_\_\_\_**Read, Highlighted or Underlined**, and took notes on the information from the packet

\_\_\_\_\_ \_\_\_\_\_Completed Chapter Notes (and utilized that information to understand the focus question) pg. 42-45 & pg. 46-47 What would you do, Learning Objectives  
\_\_\_\_\_ \_\_\_\_\_Listened to and took notes from the NCC PODCAST “The Constitution Drafting Project”  
\_\_\_\_\_ \_\_\_\_\_Came up with an original and innovative idea for the Harkness/Conducted research on your chosen “28th Amendment”   
\_\_\_\_\_ \_\_\_\_\_**Discussed with one or both** Parents**, grandparent, and/or adult in one’s life about your innovative idea**  
\_\_\_\_\_ \_\_\_\_\_Gathered information to be effective in deliberation & Attached and turned in Research Notes with rubric and other documents

**Your Average** \_\_\_\_\_\_/25

* **CONTENT COVERED/PERSUASIVENESS/PARTICIPATION/OVERALL PERFORMANCE (1-15):**

\_\_\_\_\_ \_\_\_\_\_Cited information from research and employed insight of the issues surrounding the Revolution/Constitution during the Harkness

\_\_\_\_\_ \_\_\_\_\_Made reference to individual research including data, state, etc found or anecdotes and opinions from parents, peers, etc  
\_\_\_\_\_ \_\_\_\_\_Referred to the readings, your chapter notes, ‘The American Revolution” book, other to support your ideas

**\_\_\_\_\_ \_\_\_\_\_**Kept ungrounded opinions (those that could not be substantiated and backed up by data/evidence to prove one’s case) out of discussion   
\_\_\_\_\_ \_\_\_\_\_Got material across in a way that was informative and easily understood; use of anecdotes was to reinforce NOT as sole rationale for position

\_\_\_\_\_ \_\_\_\_\_Did not simply echo the thoughts of others or make irrelevant comments just to fulfill participation

\_\_\_\_\_ \_\_\_\_\_Asked questions of the interpretation of others and Utilized ***clarification*** questions to gain information   
\_\_\_\_\_ \_\_\_\_\_When asked a question, showed ability to think on feet providing clear main arguments and an understanding of the material \_\_\_\_\_ \_\_\_\_\_Was a **Frequent** Participant (spoke at least 5 times) **BUT** did not hog the conversation

\_\_\_\_\_ \_\_\_\_\_Clearly outlined your position on the question proposed or asked Questions to develop a position

\_\_\_\_\_ \_\_\_\_\_Performed to the best of your abilities and was an attribute, not detriment to this simulation; Felt good about your performance  
\_\_\_\_\_ \_\_\_\_\_In Peers evaluation, they will recognize your research and background knowledge regarding the issue discussed

\_\_\_\_\_ \_\_\_\_\_In Peers evaluation, they will have positive comments about your performance   
  
 **Your Average** \_\_\_\_\_\_/15

* **RESPECTFUL/RESPONSIBLE BEHAVIOR/REFLECTION AND SELF-EVALUATION (1-10):**

\_\_\_\_\_ \_\_\_\_\_Professional and Attentively listened by looking at speakers. did not interrupt peers, and followed proceedings- taking notes   
\_\_\_\_\_ \_\_\_\_\_**Attached your notes to this self-evaluation**   
\_\_\_\_\_ \_\_\_\_\_Was Respectful to Peers both verbally and through mannerisms; Avoided ad hominin attacks   
\_\_\_\_\_ \_\_\_\_\_Let others speak before we spoke again **(general rule to follow: at least 3 people spoke before I spoke again)**

\_\_\_\_\_ \_\_\_\_\_Did not interrupt peers or tell them “they could not argue that”  
\_\_\_\_\_ \_\_\_\_\_Had a positive Attitude during Harkness and Played Well with Others  
\_\_\_\_\_ \_\_\_\_\_Read and followed direction when completing rubric: Placed the appropriate mark next to EACH category  
\_\_\_\_\_ \_\_\_\_\_Did not just use whole numbers and only gave yourself a 10 if your performance was PEFERCT and a model for future classes  
\_\_\_\_\_ \_\_\_\_\_Answered reflection questions with deep thought and provided honest feedback  
\_\_\_\_\_ \_\_\_\_\_Answered reflection questions with MINIMALLY three sentences for each question  
\_\_\_\_\_ \_\_\_\_\_In Peers evaluation, they will acknowledge you as an attribute, not a detriment to the simulation

**Your Average** \_\_\_\_\_\_/10

**TOTAL\_\_\_\_\_\_\_\_\_\_\_/50**

**REFLECTION QUESTIONS\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

Complete the following questions re-capping the conversation with your classmates, your parent(s), guardian(s), adult(s) in your life about what you heard and reflect deeply on what was discussed.  **Answer each question with deep thought and in as much detail as necessary.**

QUESTION #1. Explain the basis for choosing your Amendment(s). How has your (and if time, your loved ones) initial thoughts on the Amendment(s) evolved and/or become more nuanced through this exercise?

QUESTION #2. List and describe the most meaningful idea(s), concept(s), and/or principle(s) learned through this project.

QUESTION #3. What classmate has the most original or thought provoking Amendment(s? Explain. What classmate(s) were most persuasive? Explain. What classmate was the most prepared for the Harkness? Explain

QUESTION #4. What did you like and dislike about **the Harkness**? What can be done to improve the process to make it more meaningful for future classes? How would you rank the value of the project (1-10)? Justify the ranking.  
  
QUESTION #5. **OVERALL PERFORMANCE:** Explain what you did well on the project. Explain what could you could have done differently and would change if you were to complete this project again? How would you rate **your overall project performance** (1-10) based upon your preparation, knowledge and understanding of the issue, and performance in regards to your prior projects and your peers? Justify the ranking. Did the rubric give you the correct grade? Explain. If the overall score determined through the rubric is different from the grade you believe you deserve explain why and the grade you believe is warranted.