



The Major Debates at the Constitutional Convention

In February 1787, Congress decided that a convention should be convened to revise the Articles of Confederation, the nation's first constitution. In May, 55 delegates came to Philadelphia, and the Constitutional Convention began. Debates erupted over representation in Congress, over slavery, and over the new executive branch. The debates continued through four hot and muggy months. But eventually the delegates reached compromises, and on September 17, they produced the U.S. Constitution, replacing the Articles with the governing document that has functioned effectively for more than 200 years.



Delegates at the Constitutional Convention wait their turns to sign the U.S. Constitution. (Library of Congress)

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In 1781 in the midst of the Revolutionary War, the 13 states had agreed to establish a new central government under the Articles of Confederation and Perpetual Union. The Articles created a confederation of states: Each state retained "its sovereignty, freedom, and independence." The weak central government consisted of Congress, a single house in which each state had only one vote. No other branch of government existed: no executive or judiciary. And the Congress had no power to regulate trade or to levy and collect taxes.

By 1787, debts from the Revolutionary War were piling up, and many states had fallen behind in paying what they owed. States were imposing tariffs on each other and fighting over borders. Britain was angry because pre-war debts were not being paid, and it was refusing to honor the treaty that had ended the war (the Paris Treaty of 1783). Recognizing that things were not going well, Congress declared, on February 21, 1787, "that there are defects in the present Confederation" and resolved that a convention should

be held in Philadelphia "for the sole and express purpose of revising the Articles of Confederation . . . and to render the Federal Constitution adequate to the exigencies of Government and the preservation of the Union."

(Continued on next page)

Building Democracy

The process of building democracy and democratic institutions is long and ongoing. Articles in this edition of *Bill of Rights in Action* examine historical and current examples of this process. The first article looks at the debates over the U.S. Constitution at the Constitutional Convention. The second article explores the medieval beginnings of Parliament, the first great body of representative government. The last article examines the history of American public schools and how we are preparing our young people to participate in our democracy.

U.S. History: The Major Debates at the Constitutional Convention

World History: King and Parliament in Medieval England
Current Issue: Every New Generation

Guest writer Lucy Eisenberg, Esq., contributed the article on the debates at the Constitutional Convention. Our longtime contributor Carlton Martz wrote on the beginnings of Parliament. CRF's vice president, Marshall Croddy, contributed the article on preparing young people for democracy.

On May 25, the convention went into session at the Philadelphia statehouse. George Washington was elected the presiding officer. The delegates quickly decided that their discussions should not be made public and that “nothing spoken in the House be printed, or otherwise published or communicated.” Because of the secrecy rule, the public knew little of what was happening inside the Philadelphia statehouse. And without the careful notes taken by James Madison, who attended every session and carefully transcribed the proceedings, today we would know little about how the Constitution came into being.

Before the convention officially began, Madison and the other delegates from Virginia had drafted a plan—the Virginia Plan—for correcting the Articles of Confederation. Their plan went well beyond amendments and corrections and actually laid out a completely new instrument of government. The plan provided for three separate branches of government: legislative, executive, and judicial. The legislative branch would have two houses, with the first house to be elected by the people of each state, and the second by the first house from a list created by the state legislatures.

Representation in Congress

The general outline of the Virginia plan was well received. But the question arose over how to elect the members of the two houses of Congress. For half the summer, the convention debated this issue. Some delegates strongly opposed having the people elect the lower house. Roger Sherman of Connecticut distrusted the notion of democracy. People, he said, “should have as little to do as may be about government” because they are “constantly liable to be misled.” Others spoke strongly in favor of popular vote, including George Mason of Virginia. Mason had faith in the common man and believed that the members of the lower house “ought to know and sympathize with every part of the community.”

The most difficult issue, however, was the question of how the states were to be represented in Congress. Should all the states have the same number of votes (as they did under the Articles of Confederation where each state had one vote)? Or should each state’s number of votes depend on the size of its population (or wealth) as proposed in the Virginia plan? This issue blocked the proceedings for many weeks. Representatives from small states believed that representation based on population would destroy their state’s rights. David Brearley of New Jersey said that representation based on population was unfair and unjust. “The large states,” he said, “will carry everything before them,” and the small states, like Georgia, “will be obliged to throw themselves constantly into the scale of some large one in order to have any weight at all.” Other delegates, like James Wilson of Pennsylvania, (one of the three big

states), argued that only representation based on population would be fair: For New Jersey, a state with about a third of the population of Pennsylvania, to have the same number of votes as Pennsylvania, “I say no! It is unjust.”

On June 30, the delegates from Connecticut proposed a compromise. According to Madison’s notes, they suggested that “the proportion of suffrage in the 1st branch should be according to the number of free inhabitants; and that in the second branch or senate, each state should have one vote and no more.” The proposal did not stop the bitter opposition and fierce debate. Some delegates began to leave in protest, and a sense of gloom settled over the statehouse. “It seems,” Sherman said, “that we have got to a point that we cannot move one way or another.” Washington wrote to Alexander Hamilton (who was away) that the crisis was so bad that he almost despaired of seeing a favorable outcome.

Intense debates lasted for two more weeks. Finally, the delegates came together and on July 16 agreed to the Connecticut compromise.

Representation in the lower house would be chosen by the people. The number of each state’s representatives would be based on the state’s total white population plus three fifths of its slave population. Each state would have one representative for every 40,000 inhabitants (later changed to one for every 30,000). Also each state would have at least one representative even if it did not have 40,000 inhabitants.

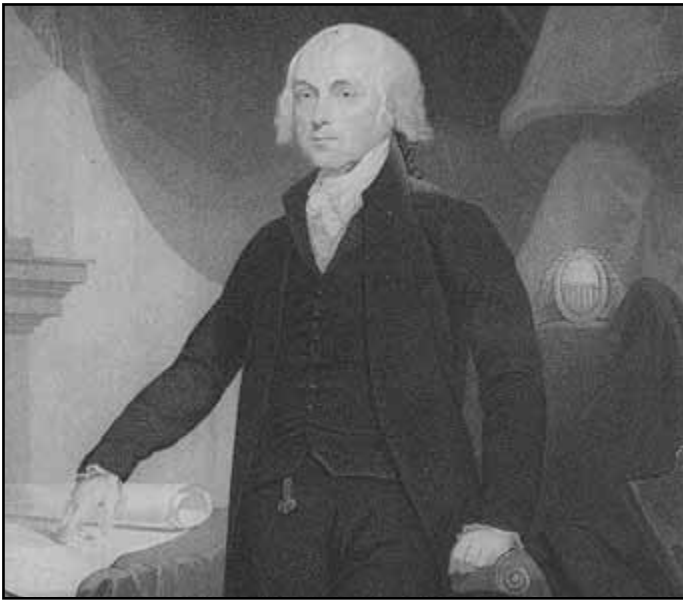
Each state would have two members in the Senate, chosen by the state legislature. The small states were jubilant, and the large states uncomfortable. But from then on, things moved more smoothly.

Giving Power to the President

After arriving at a compromise on electing the legislature, the convention addressed the other parts of the Virginia Plan. The plan called for a national executive but did not say how long the executive should serve. The executive would have “a general authority to execute the national laws.” The plan also resolved that the executive, working with a committee of judges, should have the power to review and veto laws passed by the Congress, “unless the act of the National Legislature be again passed.”

The delegates generally agreed on the need for a separate executive, independent of the legislature. (The executive would be called the “president.”) And they also agreed on giving the president the power to veto laws but only if his veto was subject to an override. As Madison noted:

Mr. Sherman was against enabling any one man to stop the will of the whole. No man could be found so far above all the rest in wisdom.



James Madison, the nation's fourth president, is often called the "father of the Constitution." He also drafted the Bill of Rights. (Library of Congress)

They came to a quick decision that the executive should have the power to veto legislation subject to a two-thirds override in both houses of the legislature. But they could not easily agree on how the executive should be elected.

Delegates proposed many different methods for electing the president. One alternative was direct election by the people, but this drew controversy. Some delegates did not trust the judgment of the common man. Others thought it was simply impractical in a country with many rural communities spread out over a huge area. George Mason of Virginia said:

... it would be as unnatural to refer the choice of a proper character for Chief Magistrate to the people, as it would be to refer a trial of colours to a blind man. The extent of the Country renders it impossible that the people can have the requisite capacity to judge of the respective pretensions of the Candidates.

Another alternative was to have the president chosen, either by the national or state legislatures. Some believed that an executive chosen by the national legislature would be a "mere creature" of the legislature without independent judgment.

Delegates voted more than 60 times before the method was chosen. The final agreement was to have the president elected by electors in each state who would be chosen "in such manner" as its legislature might "direct." Each elector would vote for two people (one of whom could not be an inhabitant of the same state.) The person with the most votes would become president. But if no person had a majority of the votes, the House of Representatives would choose the candidate from the top five (with each state's delegation casting one vote.)

Two more questions about the president also provoked intense debate: How long should the president's term be? And should limits be placed on the number of terms the president could serve? Underlying this debate was a fear of a monarchy, or of a despot, taking over the country. The convention finally decided on a four-year term, with no limit on how many times the president could be re-elected.

Stopping the Slave Trade

A deep disagreement arose over slavery. The economy of many of the Southern states depended almost entirely on agricultural products produced by slaves. To protect their economy, the Southern states insisted on two proposals. One was to ban Congress from taxing exports (to protect their agricultural exports). The second proposal was to forbid Congress from banning the importation of slaves. (In fact, the word "slave" was never used in the Constitution. The proposal was written to prohibit Congress from interfering with the importation "of such persons" as the states "shall think proper to admit.")

When the convention received the draft containing these proposals, another heated debate erupted. Opponents of the ban on exports objected on economic grounds. One delegate said that denying the power to tax exports would take away from the government "half of the regulation of trade." Another pointed out that taxing exports could become important "when America should become a manufacturing country."

Those opposed to slavery brought up issues of morality. Luther Martin of Maryland said that forbidding Congress from banning the importation of slaves was "inconsistent with the principles of the revolution and dishonorable to the American character." Gouverneur Morris of Pennsylvania said that slavery was a "nefarious institution" and a "curse of heaven on the states where it prevailed." George Mason of Virginia spoke at length about the horrors of slavery and criticized slave owners, who he called "petty tyrants," and the slave traders who, he said, "from a lust of gain embarked on this nefarious traffic."

Ultimately, the delegates who strongly opposed slavery realized that pressing against it would make it impossible for the states to come together. They worked out a compromise with the Southern states. They agreed that Congress could not tax exports and that no law could be passed to ban the slave trade until 1808. And in a final concession to the South, the delegates approved a fugitive slave clause. It required that any person "held to Service of Labour in one State" who escapes into another state "shall be delivered up on Claim of the Party to whom such Service or Labour may be due." (The requirement to return fugitive slaves was eliminated when the 13th Amendment abolished slavery.)



Benjamin Franklin, shown standing on the left in this engraving, was the oldest delegate to the Constitutional Convention. (Library of Congress)

Why No Bill of Rights?

The delegates had been meeting for almost four months when the Committee of Style presented a final draft of the Constitution on September 12. The draft contained a new provision, requiring trial by jury in criminal cases tried in the new federal court system. Trial by jury was considered one of many basic rights, and George Mason stood up and proposed including a full bill of rights, listing the basic individual rights that the government could not violate. He believed a bill of rights would “give great quiet to the people” and could be written up in just a few hours. Elbridge Gerry agreed and moved for a committee to prepare a bill of rights. Mason seconded his motion, but it was defeated, by a vote of 10 to 0. (Each state had one vote, and only 10 states were represented for that vote.)

It is not clear why the motion failed. Eight states already had constitutions that included a bill of rights, so one might have been drafted quickly. But Madison’s notes don’t explain the motion’s defeat. He quotes only the words of Roger Sherman who said that “the State Declarations of Rights are not repealed by this Constitution and, being in force, are sufficient.”

Three months after the Constitution was signed, Thomas Jefferson wrote to Madison saying that it had been a big mistake to omit a bill of rights. “A bill of rights,” he said, “is what the people are entitled to against every government on earth.” And many others agreed. When the Constitution was being ratified by the states, many people opposed the Constitution just because it did not contain a bill of rights. In Massachusetts, and in six other states, the ratifying conventions recommended adding a bill of rights

to the Constitution. And soon after the first Congress convened in 1789, it responded to the request of the seven states and approved constitutional amendments (drafted by James Madison). The states ratified 10 of the amendments, which became the Bill of Rights.

’Tis Done

On Monday, September 17, when the delegates met to sign the Constitution, Benjamin Franklin had prepared a speech. The Constitution may not be perfect, he said, but “I cannot help expressing a wish that every member of the Convention who may still have objections to it . . . to make manifest our unanimity, put his name to this instrument.” And all of the 44 delegates who were present did sign except for three, including Gerry of Massachusetts, who said that he feared “civil war” in his home state and wished that the plan had been put together “in a more mediating shape, in order to abate the heat and opposition of the parties.” The work was finished at 4 o’clock when, according to George Washington’s diary, the “members adjourned to the City Tavern, dined together and took a cordial leave of each other.”

When the document was presented to Congress and to the country, it surprised everyone. In fact, it provoked controversy in many states. But by July 1788, nine states had ratified it, and it went into effect. Elections were held, and on March 4, 1789, the first Congress and president, George Washington, took office under the new U.S. Constitution.

The Constitution was, as one commentator has said, “a bundle of compromises” that was designed to meet certain specific needs and to remedy the defects experienced under the Articles of Confederation. Compromises had been necessary at every point, and in some cases produced unforeseen results. But the Constitution succeeded beyond even the hopes of its strongest advocates. As Benjamin Rush wrote, after a celebration in Philadelphia: “’Tis done. We have become a nation.”

For Discussion and Writing

1. What were the Articles of Confederation? What problems did the Articles have?
2. Why do you think the delegates voted to keep their discussions secret? Do you think they should have? Explain.
3. What was the Virginia Plan? How did it differ from the Articles of Confederation?
4. What were the major debates over the Constitution? What compromises were reached in each? If you had been a delegate, would you have agreed to each of these compromises? Explain.

Should the Senate Be More Representative?

One of the major compromises in the Constitutional Convention was between the small states and big states. The small states wanted each state to have the same number of representatives in Congress. The big states wanted representation based on population. The compromise was to have one house of Congress (the House of Representatives) base its representation on population (with each state having at least one representative) and for each state to have two senators in the other house (the Senate) regardless of population.

This compromise has worked for more than 200 years. But critics claim that the Senate is undemocratic because it gives each state two senators regardless of population. Political writer Timothy Noah points out that “50 senators representing the 25 smallest states, and hence a mere 16 percent of the population, could . . . block passage of a bill favored by the other 84 percent of the population.”

Divide the class into small groups. Imagine that your group is a commission asked to make recommendations on the Senate. Do the following:

1. Read and discuss the section titled “Representation in Congress.”
2. Discuss what the advantages are to having the Senate as it is.
3. Discuss what the disadvantages are.
4. Decide on one of these options: (a) Leave the Senate as it is, (b) Make the Senate based on population, or (c) Make up your own option.
5. Be prepared to report your decision and reasons for it to the class.

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King and Parliament in Medieval England

The English Parliament evolved over hundreds of years. The first medieval English Parliaments took important steps toward a more representative and democratic government.

The English monarchy had been around for a long time before William the Conqueror led the French Norman invasion and occupation of England in A.D. 1066. After the conquest, a new line of Norman kings continued the English monarchy.

The English people believed God had blessed the king's right to rule. They also accepted that his successor, usually his eldest son, inherited that right.

But the king of England also owed duties to the people. At his coronation, he promised to preserve the unwritten "common law" passed down through the generations. He also had a duty to act with "right justice" and defend the realm by leading his army in battle.

From ancient times in England, the king was the only lawmaker and often acted above the law. But things began to change in 1215 when King John lost a war against his powerful barons who forced him to sign the Magna Carta.

WORLD HISTORY

This feudal document mainly guaranteed certain rights to the barons, who made up most of the landowning elite. But the Magna Carta also established that the king must obey the law and use only lawful means against his subjects.

Even at the height of their powers, English kings seldom acted without consulting important nobles and church leaders, the lords of the kingdom. After the Magna Carta, the king increasingly sought the advice and consent (agreement) of the lords in exchange for their supporting his government's policies and projects. This was the origin of Parliament.

The king created Parliament to serve his own purposes. But during its long evolution, the English Parliament changed dramatically and nibbled away at the king's powers until almost none remain today.

Advice and Consent of Parliament

King Henry III, the son of King John, began his reign in 1216. At first, he consulted with a small council of important lords, who were usually always around him. later, Henry began the practice of summoning an expanded group of lords from the entire kingdom. Known as a Great



Relations between King Henry III and Parliament grew so heated that a civil war broke out. (Wikimedia Commons)

Council, it included the major land-owning barons, other nobles, and the archbishops and bishops of the Catholic Church, the state religion. The king's judges and top government officials also attended. Henry summoned about 50 lords to a Great Council when he needed their advice and consent for such things as going to war, changing the law, or levying a new tax.

The Great Council Lords looked upon their advice and consent as both a duty to the king and a right that he was bound to honor. By ancient custom, the king was not supposed to change the law or impose taxes without the advice and consent of those affected.

At the Great Councils, the lords could discuss, debate, request changes, or seek exemptions from what the king wanted. The lords could attempt to change the king's mind, but in the end, they had a duty to consent to his desires.

By 1236, royal clerks used the word "parliament" to refer to the king's meetings with his Great Council. This term comes from the French verb "to talk or discuss." French, not English, was the language spoken by the kings and ruling elite, who were the descendants of the Norman conquerors.

King Henry III summoned his lords to Parliament when he wanted to meet with them. He found this was an

effective way to secure the advice and consent of his lords and to discuss important matters with them.

From the beginning, Parliament also acted as the highest court in the land. The lords handled trials of their fellow nobles, sat as an appeals court, and judged cases that were too difficult or controversial for the regular king's courts.

Toward the end of Henry III's reign, the barons grew frustrated with their limited power in Parliament. In 1258, Henry summoned Parliament to approve new taxes to pay his extravagant royal household expenses, foreign war debts, and a scheme to obtain the crown of Sicily for one of his sons.

The barons at Parliament balked and demanded that Henry agree to government reforms before they consented to a new tax. Among other things, the reforms called for Parliament to meet three times a year and for a committee of barons to serve as the king's chief advisers. Desperate for money, Henry agreed.

In 1262, Henry III denounced the reforms, saying they violated his rights as king. The conflict escalated into a civil war between Henry and the rebel barons led by Simon de Montfort, the king's brother-in-law. Montfort defeated Henry and his son, Edward, in battle, but they escaped. For a year, Montfort ruled the kingdom and summoned his own Parliament. But Henry and Edward rallied royalist supporters and finally won the war by defeating Montfort in 1265. During the battle, Henry sent a special assassination squad to kill Montfort and mutilate his body.

Representation in Parliament

Another factor in the evolution of Parliament was representation. At first, only the great lords, king's judges, and chief government officials met with the king in Parliament.

During the reign of King Henry III, most assumed that the lords in Parliament gave their advice and consent on behalf of everyone in the kingdom. The barons and Catholic Church were well represented in King Henry's Parliament. But lower-ranking nobles like knights, free yeoman farmers, town merchants, and the vast numbers of poor people had no direct representation. Yet the laws and taxes approved by Parliament applied to most of them.

While King Henry was away fighting in France, those he left in charge of the kingdom agreed to call a Parliament in 1254 that included elected knights, two from each English shire (county). Henry III felt this change violated his rights as king and never summoned the knights again.

When Simon de Montfort briefly ruled, his Parliament included elected shire knights and town representatives, called burgesses, along with the lords. As taxes increasingly fell on knights and townspeople, many believed that they also needed to give advice and consent to the king.

King Edward I, son of Henry, called his first Parliament in 1275. In addition to summoning the lords, he ordered the election of two knights from each shire and two burgesses from each city and town. Edward wanted their consent for new taxes to fund his military campaigns.

The knights and burgesses together made up a new group in Parliament called the Commons. The Commons was a body of "commoners" (non-nobles) in Parliament.

In 1295, King Edward called what later was dubbed the "Model Parliament." It included knights and burgesses and began the practice of including the Commons on a fairly regular basis. Still, the knights and burgesses represented only well-off property owners.

English Kings (1199–1399)

John (1199–1216)

Henry III (1216–1272)

Edward I (1272–1307)

Edward II (1307–1327)

Edward III (1327–1377)

Richard II (1377–1399)

By 1325, at the end of the reign of King Edward II, the Commons had won the right of representation at every Parliament. But the Commons was timid and usually did little but give consent to agreements reached by the king and the Lords.

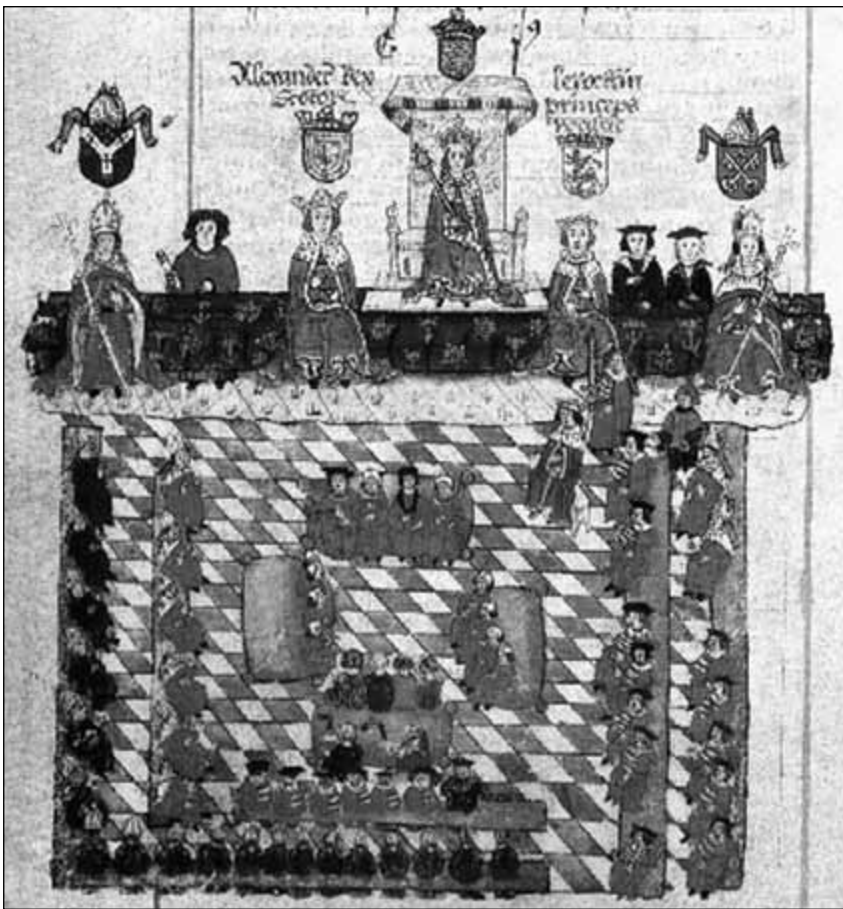
After Edward III became king in 1327, the Lords and Commons began to meet annually in two separate "houses" at Westminster Palace. This is the location of the current houses of Parliament in London.

About 50 barons, other nobles, archbishops, and bishops met in the House of Lords. They were a close-knit body that did not change membership until a lord died.

Owners of property worth a certain value elected about 200 knights and burgesses to Commons. These representatives often changed from one Parliament to another. Centuries would pass before all the English people would gain the right to vote and run for a seat in the House of Commons.

Parliament and Taxation

English kings summoned Parliament most often because they needed its consent for taxes. The king collected revenue through customs duties, taxes on people's possessions ("movable property" taxes), and even taxes on every adult over 14.



King Edward I was the first king to call commoners as well as lords to Parliament.
(Wikimedia Commons)

English medieval kings needed taxes to fund their almost continuous wars. For example, toward the end of his reign, King Edward I was frequently summoning Parliament for new taxes to pay his debts and finance his wars against France, Wales, and Scotland.

By 1297, Edward had grown desperate for money. Although Parliament was in session, he wanted a quick decision. Rather than asking Parliament, he simply got approval from his royal court to impose a new property tax. He also seized wool from merchants and food from the people.

Outraged, the barons in Parliament drew up a list of grievances against the king. A few months later, while Edward was on a military campaign, the officials he left in charge of the government agreed that new taxes and seizures would only take place “with the common consent of all the realm.”

Edward later agreed to this condition in exchange for a new property tax. But he resisted carrying out his promise. As a result, the Lords in Parliament withheld their consent for new taxes, and Edward ended his reign with a huge debt.

The threat of withholding their consent for taxes gave the

Lords a weapon they could use to extract concessions from the king. By the late 1300s, the House of Commons had acquired this power too. The king had to persuade a sometimes skeptical Parliament to consent to more taxes.

Lawmaking in Parliament

In 1236, King Henry III agreed to the first written law made by the lords in Parliament. Called the Statute of Merton, it set principles of land law. It also included a provision on children born out of wedlock, which reaffirmed the common law. Even if their parents later married, these children could not inherit their father’s property.

During the Parliament of 1278, King Edward I encouraged private individuals and groups, seeking a royal grant, pardon, or remedy for a grievance, to petition him. He and the lords in Parliament directly answered these written petitions or referred them to the appropriate government department.

Submitting petitions to King Edward when Parliament was in session became so popular that he and the Lords established special committees of royal clerks to receive, review, and answer most of them. Only the most important and controversial petitions went directly to the king. Sometimes the king would answer a petition by presenting a statute for the consent of the Lords.

During the reign of King Edward II, the Commons in Parliament took on the responsibility of receiving the petitions. But the members of the Commons had no role in making statutes.

Under King Edward III in the mid-1300s, “common petitions” that concerned a community or the entire kingdom gained importance. The House of Commons itself initiated most of these petitions, called “bills,” which were written in the form of proposed statutes. The Commons then submitted its bills to the House of Lords and king for their consent.

A bill or proposed statute soon became the necessary first step in making a written law, whether initiated by the king, House of Lords, or House of Commons. The elected Commons, however, still lacked the authority to give consent to bills presented by the king or House of Lords.

Under King Richard II in the late 1300s, taxes and statutes required the consent of both Lords and Commons in Parliament. There was also widespread agreement that statutes made in Parliament were the supreme law of the land, superior even to the unwritten common law and the will of the king.

King and Parliament Turned Upside Down

By the early 1400s, Parliament had begun its long slow growth toward democracy and representative government. Yet, even with the addition of the Commons, Parliament spoke for only a small fraction of the English people, mainly the nobles, church leaders, and property owners. Meanwhile, the king continued to get his way most of the time.

The medieval king created Parliament. He summoned it and set the agenda for its work. The House of Lords dominated Parliament with seats that had become hereditary by 1400. The Commons had gained representation in Parliament and the right to consent to taxes and statutes. But it had almost no role in governing the kingdom. Its members were merely “petitioners and demanders.”

Over the next 600 years, the House of Commons gradually gained control of the government at the expense of the king and House of Lords. This development turned the political situation that existed in medieval England upside down.

Today, voters elect the House of Commons members, who typically belong to political parties. The party that commands a majority of the seats in the Commons chooses the prime minister and cabinet to run the government. With rare exceptions, the prime minister and cabinet members also hold elected seats in the House of Commons.

Thus, the parliamentary system that operates today in the United Kingdom (England, Northern Ireland, Scotland, and Wales) unifies the executive and legislative functions of government. Prime ministers usually get their way because they have the votes in the House of Commons.

Elections take place every five years or sooner if the prime minister calls for them or loses a vote of confidence in the House of Commons. Losing a vote of confidence is rare since it means the majority party in the Commons disagrees with its own prime minister on an important issue.

Today, only the House of Commons chooses and operates the government. In addition, it originates all tax measures and can pass most bills into law without the consent of the Lords. The Lords cannot reject legislation passed by the Commons. But the House of Lords does debate bills and has some power to amend and delay them. Committees of Lords recommend reforms and investigate government misconduct.

In 1999, a law expelled all but about 90 hereditary lords from Parliament. The government appoints most of the remaining 600 or so lords for life terms. Recent proposals



Today, the House of Commons is the most powerful body in the British government. (UK Parliament)

have called for the election of the House of Lords or abolishing it altogether.

The monarch, now Queen Elizabeth II, has no real role in running the government except as a symbolic figurehead for the nation. Queen Elizabeth still opens the sessions of Parliament as in medieval days, but she merely reads the proposed government program prepared by the prime minister. The Queen continues to consent to acts of Parliament, but she has no authority to veto them.

The parliamentary system of the United Kingdom continues to evolve. The Constitutional Reform Act of 2005 removed the role of the House of Lords as the final appeals court and established a new independent Supreme Court of the United Kingdom, which began operation in October 2009.

For Discussion and Writing

1. What democratic ideas took root in medieval England between the reigns of King John and King Richard II?
2. What role did taxation play in the development of Parliament? Give examples from the article.
3. In what ways does today's parliamentary system in the United Kingdom turn England's medieval government system upside down?

For Further Reading

“The Evolution of Parliament.” UK Parliament. 10 July 2009. URL: www.parliament.uk/about/livingheritage/evolutionofparliament.cfm

Prestwick, Michael. *Plantagenet England, 1225–1360*. Oxford: Clarendon Press, 2005.

(Continued on next page)

A C T I V I T Y

Parliamentary or Presidential System?

Form small groups to role play advisers to a new democracy that is about to write its constitution. The advisers will study the United Kingdom's parliamentary and American presidential systems of government in the chart and recommend one of them or a new system that combines features of both. Each group will then report and defend its recommendation. For the purposes of this activity, the House of Lords in the British system has been excluded.

Features	U.K.'s Parliamentary System	American Presidential System
Structure	The executive and the legislature are unified in the House of Commons. The judiciary has recently become independent of Parliament. Checks and balances are weak.	Separate executive, legislative, and judiciary branches share powers of the federal government. Checks and balances are strong. States also have governments.
Executive	The prime minister and cabinet are members of the House of Commons and are chosen from that body by the majority party after elections. The term of the prime minister and House of Commons members is five years or earlier if elections are called by the prime minister or a vote of no confidence occurs. The prime minister is head of the government. The monarch is head of state and symbolizes the kingdom but is only a figurehead. Parliamentary systems in other countries sometimes elect a president to fill this symbolic role.	The president is elected to a four-year term by winning a majority of electoral college votes. The president may only be removed during a term by impeachment and trial. The president has significant powers in conducting foreign affairs and as commander in chief of the military. The president signs or vetoes bills passed by Congress, which may override a veto by a two-thirds majority. The president is head of the government and head of state. The president must be at least 35 and is limited to two terms.
Legislature	The House of Commons retains almost all power in choosing the government (prime minister and cabinet) and passing taxes and laws. The prime minister, who is a member of the House of Commons, must face questions there in public session, usually once a week. Since the prime minister and cabinet are usually members of the majority party in the House of Commons, legislation is relatively easy to pass. Minimum age for election to the House of Commons is 18.	Congress consists of the House of Representatives and Senate, elected to two and six-year terms, respectively. After the House and Senate pass a proposed tax or law, it goes to the president. The Senate votes its consent for the president's nominations of cabinet members, judges, and other top federal officers. The Senate also approves treaties, negotiated by the president, by a two-thirds vote. Legislation may be difficult to pass if the president and majority in Congress belong to different parties. Minimum age is 25 for the House and 30 for the Senate.
Judiciary	The Judicial Appointments Commission (JAC) selects most judges in the United Kingdom based on legal background and merit. The new Supreme Court began with justices from the House of Lords. The JAC will appoint future justices.	The president nominates and the Senate votes its consent for life-term federal judges and justices of the Supreme Court. There are no formal qualifications for federal court appointees.

Every New Generation

For a representative democratic system of government to work, citizens must be engaged. They must vote, be informed about issues, participate on juries, make their voices heard, and be willing to defend the Constitution. People are not born with these abilities. For this reason, the founders of this country believed that each new generation of Americans needed to be educated to become effective citizens. How are we doing with today's generation of young people? Are they prepared to be the citizens and leaders of tomorrow's America?

The founders of our country—George Washington, Benjamin Franklin, John Adams, Thomas Jefferson, Alexander Hamilton, and James Madison—all believed in education. They realized that each new generation would need to understand the principles of liberty and republican government. They also wanted to make sure that future Americans would know about their rights—and be prepared to fight for them, if necessary.

As early as 1779, Thomas Jefferson had authored a bill in Virginia proposing a system of public education and requiring that history be studied by all citizens. In 1806, he proposed a constitutional amendment to Congress to empower the federal government to support education. In 1817, he proposed a system of free public education in Virginia and the establishment of a state university.

All of these attempts met with failure, except the last. The Virginia legislature decided that a public education system would cost too much. But it did vote to establish a university. In 1818, Jefferson was appointed to the commission to plan the site for the new college.

Jefferson agreed to write the group's findings. He had no intention of limiting the report to a recommendation about location. Instead, he took the opportunity to propose a universal course of study and make another argument for public education. With the help of his old friend James Madison, the findings were soon published.

In his report, Jefferson proposed a system of elementary education to teach all citizens about their rights and duties to the community and to the country. He wanted students of higher education to be well-versed in political theory, have a strong knowledge of law and government, and



What is the best way to prepare young people to participate in American democracy? (CRF photo)

have the skills to reason and debate issues. Basically, among other things, he wanted high quality history and civic education.

The Virginia legislature accepted the commission's recommendation about the site of the university. But it took no further action on the other elements of Jefferson's plan. Universal public education in America would have to wait 100 years.

Until the 1840s, private schools provided most education in the United States, mainly to the wealthy. Some regions, particularly New England, did have public elementary grade schools. Reformers set out to improve the situation. Among the most prominent was Horace Mann of Massachusetts. He started a publication called the *Common School Journal*. In this journal, he advocated for what he called common schooling, a system offering education to all children.

Mann argued that public education would help create good and informed citizens, unite society, and help prevent poverty and crime. State legislative bodies around the country responded to these arguments. By 1918, 100 years after Jefferson proposed his idea for public education, all states had laws requiring children to have at least some education. Later, states increased the education required, most until a young person reached the age of 16.

The founders' hope for citizens to have at least a basic civic education came to pass.

(Continued on next page)

Are Young People Ready to Be Effective Citizens?

During the presidential campaign of 2008, most of the major candidates' parties courted the youth vote, those voters between 18 and 24. For example, the Obama campaign initiated a variety of social networking strategies to connect with young voters; the McCain campaign often highlighted youthful speakers at rallies and speeches. The youth vote proved crucial in the primaries when huge numbers of young voters turned out. And indeed, on Election Day itself, the percentage of youthful voters casting votes did increase to 48.5 percent up from 41.9 percent in 2004 presidential election. Still, young voters participated at a lower rate than any other age group. For example, voters in the age range 65 to 74 voted at a rate of 72.4 percent. This is not a new trend. Since 18 year olds got the right to vote, they have always voted at lower rates than older Americans.

A number of reasons account for the lower voter turnout among young voters. Many young people are focused on college and starting careers and families. Many have not yet settled in one area or own property, and they don't feel they have a real stake in what government does.

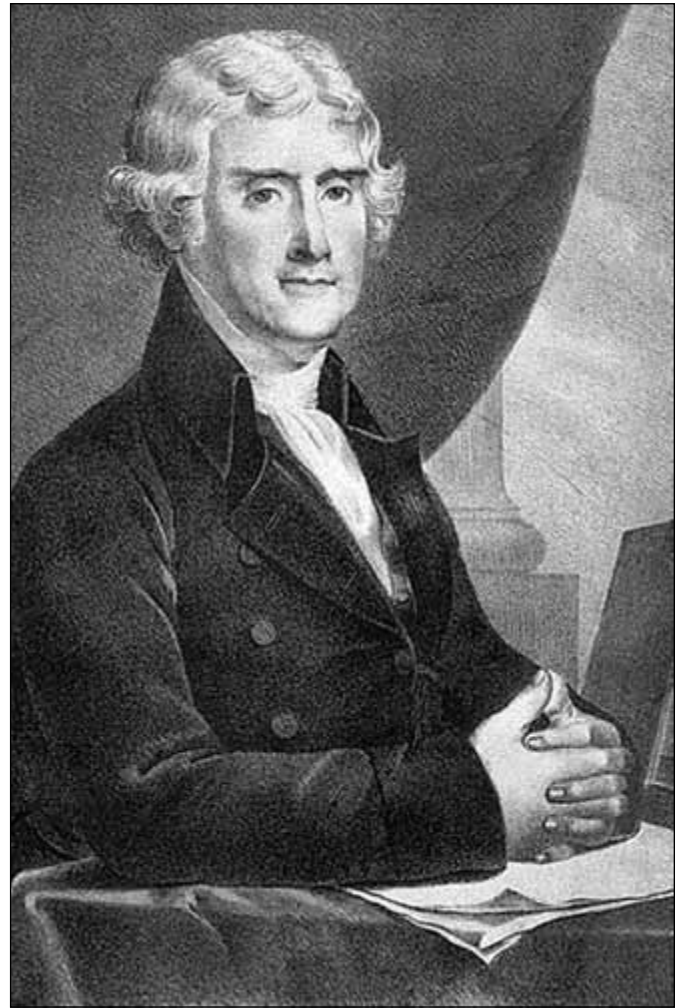
But voting is not the only factor that raises questions about whether young people are prepared to take the role of effective citizens.

On the 2006 National Assessment of Educational Progress (NAEP) in civics, two-thirds of all students scored below proficient, and 72 percent of eighth graders surveyed could not identify the historical purpose of the Declaration of Independence. These results showed little improvement over the 1996 assessment.

In a study conducted in California, a survey was given to graduating seniors who had recently completed a mandatory American government course. Although a high percentage of students reported that they intended to vote, the number declined when asked if they felt prepared to vote. Their confidence declined even more when asked about specific issues such as Iraq, the economy, or health care.

Only one-half of the students could identify the function of the Supreme Court. Thirty-three percent could not name one of California's two U.S. senators from a list of options. Forty-one percent did not know which of the two national parties was more conservative. The survey revealed that students overall only averaged a little above 60 percent correct on items designed to test civics content knowledge, a low "D" on common grading scales. (California Survey of Civic Education, 2005)

The survey also revealed that today's graduates are not prepared for, or inclined toward, effective participatory



Thomas Jefferson strongly believed that our democracy needed a system of public education to prepare people for citizenship. (Library of Congress)

citizenship. Less than half of the high school seniors believed that, "Being actively involved in state and local issues is my responsibility." Only 41 percent surveyed agreed with the statement that, "In order to be patriotic, one must be involved in the civic and political life of the country."

Given these findings, it should be no surprise that young people's trust in government is appallingly low. Only 33 percent of high school seniors trust "the people in government to do what is right for the country" and only 28 percent agreed with the statement, "I think that people in government care about what people like me and my family need."

There are other signs that today's young people are less prepared, or less willing, to assume the role of effective citizens. Voting rates of young people in presidential and congressional elections in the 1970s were generally higher than today. A survey of college freshmen, conducted since the mid-1960s by UCLA nationwide, shows a

steady decline over the last four decades in responses to civic engagement questions. For example, significantly fewer college freshmen discuss politics with their friends or think keeping up with politics is important.

There are good signs, too. On the California survey, 86 percent of the students surveyed agreed with the statement, “I try to help when I see people in need.” Only 5 percent disagreed. Also, 84 percent of all high school seniors reported that they volunteered while in high school. Other studies have shown that those in the 18–25 age group are more tolerant than older people. They are very supportive of free speech for diverse groups. They are also more likely to socialize across racial lines.

The Role of Schools

Until the 1960s, three courses in civics and government were common in American high schools. Civics explored the role of citizens, especially at the local and state level. It was often taught at the ninth grade. Problems of Democracy encouraged students to discuss current issues and events. U.S. Government focused on the structures and function of national government. Only the latter is common today.

Today’s public schools have many educational priorities. In recent years, federal and state policies have focused on increasing graduation rates, preparing students for college and the workplace, and improving reading, math, and science education. In some schools, this means fewer resources are available for social studies and civic education.

These trends have caused educators to question whether schools should strengthen their civic education programs.

In 2001, the Carnegie Foundation of New York and the Center for Information and Research on Civic Learning and Engagement (CIRCLE) brought together a distinguished group of educators, researchers, and scholars to study the problems of civic education. After extensive deliberations, the panel’s report described the goals of civic education as follows: To help prepare young people to become citizens who (1) are informed and thoughtful, (2) participate in their communities, (3) act politically, and (4) have moral and civic virtues.

With the help of educational researchers, the group also identified “promising approaches” that schools could use to improve civic education. Research has shown that these school practices increase students’ civic knowledge, skills, and interest in civic engagement. Schools should:

1. **Provide formal instruction in government, history, law, and democracy.** The most effective classes encourage open debate and active discussion of issues that affect students’ lives.

2. **Incorporate discussion of current local, national, and international issues and events into the classroom.** Active discussion of issues, especially those students care about, increases students’ civic and political knowledge and skills, improves civic attitudes, and increases political participation.
3. **Have students apply what they learn through community service linked to the curriculum and classroom instruction.** This helps students develop skills and encourages political and community participation.
4. **Offer extracurricular activities that involve students in their schools and communities.** The most effective activities involve students in decision making and problem solving.
5. **Encourage student voice and participation in school governance.** Studies have found that students who believe they can make a difference in how their school is run or that their student council affects school policies have more knowledge about politics and more interest in current affairs than other students.
6. **Encourage student participation in simulations of democratic processes and procedures.** Activities such as mock trials, moot courts, and legislative hearings increase civic and political knowledge and skills and improve civic attitudes.

No single promising approach addresses all positive civic outcomes. Some are better at helping students achieve knowledge gains. Others are better at building civic or positive attitudes. For this reason, experts argue that students should receive as many of these opportunities as possible during their time in school.

Debates Over Civic Education

Not everyone is convinced that more civic education in schools is a good idea. Some argue that civic education is best left to parents and families. They point out that more than anything students learn in school, what happens in the home is the biggest factor in determining whether one will vote, develop political knowledge and civic skills, and be interested and participate in politics. For example, research shows that students who regularly discuss politics with parents, or who have parents who are active in politics or in their community, are most likely to do these things themselves.

Others worry that certain kinds of civic education in classrooms could lead to problems. For example, if open discussion of controversial issues in the classroom were encouraged, would students expressing unpopular opinions or values learned in the home be subject to ridicule or attack? Or should young people be forced to participate in community service or service learning?

Finally, some argue that social studies education should be more traditional. It should focus on historical facts, not contemporary issues. It should be teacher-centered and not promote student-centered approaches such as open discussion of issues, simulations, or inquiry-based methods. They worry that at least some of the “promising approaches” either don’t work, are not appropriate for all students, or could lead to indoctrination.

Today, as at the time of the founders, questions and debates arise about how best to prepare young people to take over the role of leaders and citizens in our democratic republic. Our future depends on it.

For Discussion and Writing

1. Why might it be important for young people in a democracy to learn about the Constitution and our governmental and legal systems?
2. When you are eligible, will you vote? Do you feel prepared to vote wisely? Why or why not?
3. In your school career, have you experienced any of the “promising approaches” of civic education? If so, what effect did they have on you?
4. Should civic education have more emphasis in schools? Why or why not?

A C T I V I T Y

School Board

In this activity, students role play school board members deciding whether to adopt the six promising approaches for classes in the school district.

1. Divide students into small groups.
2. Each group will role play a committee of a school board charged with recommending whether to adopt the six promising approaches. Each group should:
 - a. Read and discuss the six promising approaches.
 - b. Decide whether these approaches should be adopted in the district. (The committee may choose to adopt all, some, none or to modify them or add other approaches.)
 - c. Be prepared to report its recommendations and reasons for them.
3. Have the committees report their recommendations, discuss them, and hold a vote as the school board on whether to adopt the promising approaches.

Opinion Poll

In this activity, students administer a civics poll on students from other classes. Each student should administer the poll to five students. Students can submit the results online to CRF’s web site (www.crf-usa.org/opinion252/), where the results will appear online along with those from students across the nation.

Civics Poll

1. When you are 18, do you intend to vote?
YES NO Unsure
2. Do you think you are prepared to vote?
YES NO Unsure

The next questions relate to your social studies classes (civics, history, and government).
3. Did you participate in simulations or role plays of democratic processes (such as mock trials, moot courts, and legislative hearings)?
YES NO Unsure
4. Did you have the opportunity to debate or discuss current issues or events?
YES NO Unsure

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Standards Addressed

Major Debates at Constitutional Convention

National High School U.S. History Standard 8: Understands the institutions and practices of government created during the Revolution and how these elements were revised between 1787 and 1815 to create the foundation of the American political system based on the U.S. Constitution and the Bill of Rights. (1) Understands influences on the ideas established by the Constitution (e.g., the ideas behind the distribution of powers and the system of checks and balances; the influence of 18th-century republican ideals and the economic and political interests of different regions on the compromises reached in the Constitutional Convention).

National High School Civics Standard 4: Understands the concept of a constitution, the various purposes that constitutions serve, and the conditions that contribute to the establishment and maintenance of constitutional government. (2) Understands how constitutions set forth the structure of government, give the government power, and establish the relationship between the people and their government.

National High School Civics Standard 8: Understands the central ideas of American constitutional government and how this form of government has shaped the character of American society. (1) Knows major historical events that led to the creation of limited government in the United States (e.g., . . . Articles of Confederation (1781), . . . United States Constitution (1787), Bill of Rights (1791) in the United States). (5) Understands the necessity for a written Constitution to set forth the organization of government and to grant and distribute its powers . . . (6) Understands how various provisions of the Constitution and principles of the constitutional system help to insure an effective government that will not exceed its limits.

National High School Civics Standard 15: Understands how the United States Constitution grants and distributes power and responsibilities to national and state government and how it seeks to prevent the abuse of power. (1) Understands how the overall design and specific features of the Constitution prevent the abuse of power . . .

California History Social Science Standard 8.2: Students analyze the political principles underlying the U.S. Constitution and compare the enumerated and implied powers of the federal government. (3) Evaluate the major debates that occurred during the development of the Constitution and their ultimate resolutions in such areas as shared power among institutions, divided state-federal power, slavery, the rights of individuals and states (later addressed by the addition of the Bill of Rights) . . .

California History Social Science Standard 11.1: Students analyze the significant events in the founding of the nation and its attempts to realize the philosophy of government described in the Declaration of Independence. (2) Analyze . . . the debates on the drafting and ratification of the Constitution, and the addition of the Bill of Rights.

California History Social Science Standard 12.1: Students explain the fundamental principles and moral values of American democracy as expressed in the U.S. Constitution and other essential documents of American democracy.

California History Social Science Standard 12.4: Students analyze the unique roles and responsibilities of the three branches of government as established by the U.S. Constitution.

Parliament

National High School World History Standard 20: Understands the redefinition of European society and culture from 1000 to 1300 CE. (2) Understands the development of English government and its legal and political system (e.g., the Magna Carta and its tenets of

the rule of the law and constitutional liberties; the structural differences, powers of, and participants in the representative governmental bodies of the English Parliament and French Estates-General)

National High School Civics Standard 5: Understands the major characteristics of systems of shared powers and of parliamentary systems. (1) Understands the major characteristics of systems of shared powers (e.g., in the United States and Brazil the executive, legislative, and judicial branches each have primary responsibility for certain functions and share some of the powers and functions of the other branches) (2) Understands the major characteristics of parliamentary systems (e.g., in the United Kingdom and Israel authority is held by Parliament and the party or parties that form the majority select the prime minister). (3) Understands the relative advantages and disadvantages of the various ways power is distributed, shared, and limited in systems of shared powers and parliamentary systems (e.g., in terms of effectiveness, prevention of the abuse of power, responsiveness to popular will, stability, ability to serve the purposes of constitutional government).

California History Social Science Standard 7.6: Students analyze the geographic, political, economic, religious, and social structures of the civilizations of Medieval Europe. (5) Know the significance of developments in medieval English legal and constitutional practices and their importance in the rise of modern democratic thought and representative institutions (e.g., Magna Carta, parliament, development of habeas corpus, an independent judiciary in England).

California History Social Science Standard 12.9: Students analyze the origins, characteristics, and development of different political systems across time, with emphasis on the quest for political democracy, its advances, and its obstacles. (2) Compare the various ways in which power is distributed, shared, and limited in systems of shared powers and in parliamentary systems, including the influence and role of parliamentary leaders (e.g., William Gladstone, Margaret Thatcher).

Every New Generation

National High School U.S. History Standard 17: Understands massive immigration after 1870 and how new social patterns, conflicts, and ideas of national unity developed amid growing cultural diversity. (2) Understands the influence of public education on American society after 1870 (e.g., the role of public and parochial schools in integrating immigrants into mainstream America, how the rise of public education and voluntary organizations promoted national unity and American values).

National High School U.S. History Standard 31: Understands economic, social, and cultural developments in the contemporary United States.

National High School Civics Standard 13: Understands the character of American political and social conflict and factors that tend to prevent or lower its intensity. (5) Knows how universal public education and the existence of a popular culture that crosses class boundaries have tended to reduce the intensity of political conflict (e.g., by creating common ground among diverse groups).

California History Social Science Standard 11.11: Students analyze the major social problems and domestic policy issues in contemporary American society.

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African Americans and the Civil War: A look at how African Americans struggled to be allowed to fight for the Union Army in the Civil War and the effect that black soldiers had on the war and the American people.

Rockefeller and the Standard Oil Monopoly: This lesson focuses on John D. Rockefeller, the Standard Oil Company that he created, and the growth of industrialism.

Immigrants and Education: This four-lesson unit focuses on immigration to America at the turn of the 20th century and issues of public education in the Progressive era.

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(More on page 15)

About Constitutional Rights Foundation

Constitutional Rights Foundation is a non-profit, non-partisan educational organization committed to helping our nation's young people to become active citizens and to understand the rule of law, the legal process, and their constitutional heritage.

Established in 1962, CRF is guided by a dedicated board of directors drawn from the worlds of law, business, government, education, and the media. CRF's program areas include the California State Mock Trial, History Day in California, youth internship programs, youth leadership and civic participation programs, youth conferences, teacher professional development, and publications and curriculum materials.

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