Course focus: This course is an intensive study of the constitutional convention and the struggle over ratification of the Constitution, including the creation of the Bill of Rights. It will include a close examination of *The Federalist* and the Anti-Federalist literature.

**Learning Objectives**

1. To increase participants' familiarity with and understanding of:
   - Some of the fundamental principles animating the American Founding.
   - The main structures and procedures of the new American government devised in the Constitutional Convention of 1787.
   - The deliberations in the Constitutional Convention.
   - Some of the most important framers who deliberated at the Constitutional Convention.
   - The articles and sections of the Constitution of 1787.
   - The struggle over ratification of the Constitution, including the main issues in dispute between the Federalists and Anti-Federalists.
   - Some of the main arguments in the Federalist Papers.
   - The Bill of Rights.

2. To equip participants to make use of websites on the Constitution for studying and teaching about the Constitutional Convention, the ratification debates, and the creation of the Bill of Rights.
Requirements:

• Attendance and participation in all class sessions.
• Completion of a comprehensive study guide consisting of multiple choice questions. The study guide will be distributed at the first class session and must be submitted at the final class session. Students may work on the study guide at any time outside of class sessions.
• A final examination, which will consist of one or more essay questions. The essay question(s) will be distributed at the beginning of the first session, and the exam will be administered during the final class session.

Students auditing the course as a part of a Teaching American History Grant program must complete the readings and fully participate in the seminars during the week.

IMPORTANT NOTES TO STUDENTS:

• It is strongly recommended that you complete as much of the reading as possible before the course begins.
• ACADEMIC INTEGRITY: Any willful plagiarism on papers or cheating on exams will result in an “F” for the course. For more information on what constitutes plagiarism, students should consult the Academic Integrity Policy in the Graduate Catalog, available at http://www.ashland.edu/registrar/.

Required Texts


• Course Packet (CP) of additional reading materials. These materials are required texts for your course (available online).

• Packet of reading excerpts from James Madison’ Notes of the Federal Convention (MNP). These materials are required texts for your course (available online).

Note: The Founders’ Constitution is abbreviated (FC) in this syllabus, and The Essential Antifederalist is abbreviated (EA).
4:30 pm – 6:00 pm: Introduction and Session 1: Professor Burkett

**Topic:** The Principles of the Founding and the Crisis of the Political System of the United States, 1776-1787

**Focus:**
- Consider Thomas Jefferson’s letters to Henry Lee and Roger Weightman, especially his statement that the Declaration was meant to be an “expression of the American mind.” What is the importance of the Declaration of Independence for understanding the principles of the first political institutions established in the newly sovereign United States of America?
- What are the basic principles of politics, according to the Declaration? How do we see these principles in the essay by Brutus as well as in the constitutions of Virginia and Massachusetts?
- What defects or vices did Americans discover between 1776 and 1787 in the new governments they had instituted? What remedies were suggested to improve our political situation?

**Required Reading:**
- Thomas Jefferson to Henry Lee (Declaration/Constitution booklet)
- Thomas Jefferson to Roger Weightman (Declaration/Constitution booklet)
- Declaration of Independence (Declaration/Constitution booklet)
- Brutus II (EA, 174-78)
- Virginia Declaration of Rights, June 12, 1776 (FC, Chapter 1, Document 3)
- Massachusetts Constitution: Preamble and Part the First. A Declaration of the Rights of the Inhabitants of the Commonwealth of Massachusetts, March 2, 1780 (FC, Chapter 1, Document 6, pp. 11-14 only)
- Articles of Confederation, March 1, 1781 (FC, Chapter 1, Document 7)
- Alexander Hamilton to James Duane, September 3, 1780 (FC, Chapter 5, Document 2)
- George Washington to James Warren, October 7, 1785 (FC, Chapter 5, Document 9)
- George Washington to John Jay, August 1, 1786 (FC, Chapter 5, Document 11)
- James Madison, Vices of the Political System of the United States, April 1787 (FC, Chapter 5, Document 16)

7:30 pm – 9:00 pm: Session 2 Institute Lecture - Attendance is mandatory.

Monday, June 24

9:00 am - 10:30 am: Session 3 Professor Lloyd

**Topic:** The Constitutional Convention Act I: the Alternative Plans

**Focus:**
• In what respects did the “Virginia Plan” represent a new constitution rather than a mere revision of the Articles? What were the delegates' initial reactions and questions concerning the Virginia Plan? What parts of the Plan were rejected or amended?
• What did the delegates mean when they spoke of a national government as opposed to a federal government? What are the arguments for representation of the states, as opposed to the people, in the federal government?
• What different principles animate the New Jersey and Virginia Plans and the Hamilton Proposal? Why were they even introduced? What accounts for the persistence of the New Jersey Plan supporters despite their defeat earlier?
• What are the arguments against the “legality” and “practicality” of the Amended Virginia Plan?

Required Reading:
• Madison’s Notes, May 29, 30 and 31, June 6, 11, 13, 15, and 18 (MNP p. 3)

10:50 am - 12:20 pm: Session 4 Professor Lloyd

Topic: The Constitutional Convention Act II: the Connecticut Compromise

Focus:
• When and how did the Connecticut Compromise emerge as a viable alternative? How did the “partly national, partly federal” concept enter the discussion?
• What is the significance of who was elected to the Gerry Committee?
• Who changed their minds and why during this month long discussion over representation? Who favored and who opposed the Connecticut Compromise?

Required Reading:
• Madison’s Notes, June 26, 29 and 30, July 2, 5, 11-13 and 16 (MNP p. 38)

1:45 pm – 3:15 pm: Session 5 Professor Lloyd

Topic: Constitutional Convention Act III: The Committee of Detail Report

Focus:
• Who was elected to the Committee of Detail and what has been their position so far with respect to the republican and federal issues?
• How does the Committee on Detail Report differ from the original and amended Virginia Plans? During their deliberations of the Report did the delegates let "experience be their guide"?
• What powers and what rights of Congress did the delegates suggest be enumerated? What was the status of the Executive and the Judiciary branches by the end of the discussions of the Report?
• How did the issue of slavery shape the debates at the Constitutional Convention?
Required Reading:

- Madison's Notes, July 23, August 6, 13, 16-18, 20-25 (MNP p. 78)
- Constitution of the United States, Article I section 2, Article I section 9, Article IV section 2 (Declaration/Constitution booklet)

Tuesday, June 25

9:00 am - 10:30 am: Session 6 Professor Lloyd

Topic: Constitutional Convention Act IV: “The End is in Sight”

Focus:

- The Brearley Committee was created to take care of “leftovers.” How did it handle the disputes concerning the Executive branch?
- Who was on the Committee of Style and how did the Report differ from the Committee of Detail Report? What last hour changes did the delegates make to the Report?
- Why did Randolph, Mason, and Gerry decide against signing the Constitution? Were their reasons similar? Did the delegates attempt to accommodate their objections?
- What is the significance of Franklin’s “Rising Sun” speech on the last day of the Convention?

Required Reading:

- Madison’s Notes, August 28-29, September 4-8, 10, 12, 15, and 17 (MNP p. 137)

10:50 am - 12:20 pm: Session 7 Professor Lloyd

Topic: Overview of the Constitutional Convention and the Ratifying Conventions

Focus:

- How is one able to make use of Madison’s Report and the other sources documenting the debates at the Constitutional Convention and at the state ratifying conventions?

Required Reading:

- http://www.teachingamericanhistory.org/convention/
- http://www.teachingamericanhistory.org/convention/attendance/
- http://www.teachingamericanhistory.org/ratification

1:45 pm – 3:15 pm: Session 8 Professor Burkett

Topic: Review / Q & A Session

- No required readings
Wednesday, June 26

9:00 am - 10:30 am: Session 9 Professor Burkett

**Topic:** The Debate Over the Constitution: “We the People of the United States”

**Focus:**
- How do we think about the place of Antifederalists among the American founders? Were the Antifederalists “coherent”? Are they relevant?
- What was at stake in the question of ratification, according to both Publius and Antifederalists?

**Required Reading:**
- George Mason, *Objections* (*EA*, pp. 16-18)
- *The Federal Farmer* I (*EA*, pp. 78-86)
- *The Federalist* nos. 1, 37 and 38

10:50 am - 12:20 pm: Session 10 Professor Burkett

**Topic:** The Debate Over the Constitution: “A More Perfect Union”

**Focus:**
- Why did Anti-Federalists oppose the creation of a large republic? How did their knowledge of history inform Antifederalist opposition to a large federation? How did Madison defend the large republic in *The Federalist* no. 10?

**Required Reading:**
- *Brutus* I (*EA*, pp. 105-115)
- *The Federalist* nos. 9, 10

1:45 pm – 3:15 pm: Session 11 Professor Burkett

**Topic:** The Debate over the Constitution: Federalism and Separation of Powers

**Focus:**
- How did Federalists like James Wilson attempt to persuade Antifederalists that the federalism of the proposed constitution would undermine the importance of the state governments?
- According to Patrick Henry, Centinel and *The Federal Farmer*, what kind of government would the Constitution create? Why are they wrong, according to *The Federalist* no. 39?
- What are the arguments of Brutus against the mix of powers in the Constitution? How does Madison respond in *The Federalist* nos. 47-48 and 51? According to
Madison, why, in the American representative republic, should the people “indulge all their jealousy and exhaust all their precautions” against the legislative branch?

**Required Reading:**
- James Wilson, “State House Address,” 6 October 6 1787 (CP p. 3)
- *Centinel I* (EA, pp. 96-105)
- *The Federal Farmer* XVII (EA, pp. 86-96)
- *Brutus* XVI (CP p. 7)
- *The Federalist* nos. 39, 47 (pp. 249-50 only), 48, and 51
- Patrick Henry, “Speech in the Virginia Ratifying Convention”, June 4-5, 1788 (EA, pp. 127-130)

**Thursday, June 27**

**9:00 am - 10:30 am: Session 12 Professor Burkett**

**Topic:** The Debate over the Constitution: Article I – Representation and the Powers of Congress

**Focus:**
- What is the significance of the vesting clause in Article I? What is the structure of Article I?
- What problems do Antifederalists see with representation under the proposed Constitution? According to Melancton Smith, what kind of person should (but will not) be a representative in Congress? What is the response Publius in *The Federalist*? What qualities did Publius expect in the people who would serve respectively in the House of Representatives and the Senate?
- What is wrong with the powers of Congress, according to *Brutus* V? How does *The Federalist* defend the powers of Congress in nos. 44 and 45? What is the greatest threat in the American republic to Separation of Powers, and why is this the greatest threat, according to both Federalists and Antifederalists?

**Required Reading:**
- Constitution, Article I
- *Brutus* IV (EA, pp. 178-85) and V (EA, pp. 115-121)
- *The Federalist* nos. 10 (pp. 46-47), 23, 35, 41, 44 (pp. 233-235), 45, 52, 57, 62 and 63

**10:50 am - 12:20 pm: Session 13 Professor Burkett**

**Topic:** The Debate over the Constitution: Articles II (The Executive) & III (The Judiciary)
Focus:

- What is the significance of the vesting clause in Article II? Consider the language of Article II: what are the major powers and duties of the president? Are these listed exhaustively?
- According to Cato and An Old Whig, why is the presidency outlined in Article II a dangerous office for a republic?
- How coherent and consistent is The Federalist’s defense of Article II in nos. 68-73?
- Consider Article III: In what way is the federal judiciary, especially the Supreme Court, independent?
- What is Brutus’ attack on the Supreme Court? How does Hamilton respond in The Federalist no. 78?

Required Reading:

- Constitution, Articles II and III
- Cato, no. 4 (CP p. 19)
- An Old Whig, no. 5 (CP p. 22)
- Brutus XI (EA, pp. 185-190), XII (EA, pp. 190-196) and XV (EA, pp. 196-200)
- The Federalist, nos. 68, 69, 70, 71, 72, 73, 78, 81 and 82
- Virginia Ratifying Convention, 18 June 1788 (EA, pp. 219-223)

1:45 pm – 3:15 pm: Session 14 Professor Burkett

Topic: The Debate over the Constitution: Articles IV, V, VI and VII

Focus:

- How does Article IV envision the relations among the states and between the states and the federal government?
- Article IV, sec. 4 guarantees a “Republican Form of Government” to each state. How does Madison defend this section in The Federalist no. 43 (pp. 225-226)?
- According to The Federalist no. 39, what are the “distinctive characters of the republican form”, and why does America require such forms?
- What is Patrick Henry’s attack on Article V? What is James Iredell’s response to such arguments?
- What is Thomas Jefferson’s argument in favor of frequent constitutional revision? How does Madison respond in The Federalist no. 49, especially to the idea of constitutional revision by popular convention?
- As exemplified in the speeches of George Mason and Timothy Bloodworth, what fears did Article VI raise? How do Iredell and The Federalist no. 44 reply?
- What were the Anti-Federalist arguments against the ratification process laid out in Article VII? What alternative did they propose? How does Madison respond in The Federalist nos. 40 and 43 on these “very delicate” issues?

Required Reading:

- Constitution, Articles IV, V, VI and VII
The absence of a bill of rights almost stopped ratification in PA, MA, and VA, yet Hamilton argued in *The Federalist* no. 84 that a bill of rights is unnecessary and dangerous? Why?

In his letter to Jefferson, how did Madison respond to Hamilton’s argument? In his letter to George Eve, why did Madison not embrace the need for amendments at the Philadelphia Convention (Letter to George Eve)?

In introducing a Bill of Rights in the First Congress, how did Madison propose to adopt “moderate” and “proper” amendments that would not alter the structure and power of the newly formed government?

What changes were made to Madison’s June 8 proposals by the House Select Committee?

Why did Sherman urge that the Bill of Rights be attached to the end of the original constitution and why did Madison object to this strategy?

**Required Reading:**

- *The Federalist* nos. 84 and 85 (third paragraph only)
- Madison, Letter to George Eve,” 2 January 1789 (*FC*, ch. 14, no. 48)
- Madison, Speech in the House of Representatives, 8 June 1789 (*FC*, ch. 14, No. 50)
• “Debate in the House of Representatives,” 13 August 1789 (FC, ch. 14, no. 52)
• Time-line in The Essential Antifederalist (EA)
• Congressional History of the Bill of Rights 1789-1791 (CP p. 60)

10:50 am - 12:20 pm: Session 16 Review and Final Questions Professor Burkett

1:00 pm - 2:30 pm: Session 17 Final Comprehensive Exam