

Master of American History and Government
Ashland University

AHG 502A:
The American Founding
Sunday, July 1 to Friday, July 6, 2007

Instructors: Christopher Burkett and Gordon Lloyd

Course focus: This course is an intensive study of the constitutional convention, the struggle over ratification of the Constitution, and the creation of the Bill of Rights. It will include a close examination of the *Federalist Papers* and the Antifederalist 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 structure of the Federalist Papers.
 - Some of the main arguments in the Federalist Papers.
 - The place of the Federalist Papers in the Ratification debates of 1787-1788.
 - The Ratification Debates of 1787-1788.
 - The Bill of Rights.
2. To enhance the ability of participants to teach about:
 - The Constitutional Convention.
 - The Federalist Papers.
 - The Ratification Debates.
 - The Bill of Rights.
 - The American Founding.
3. To equip participants to make use of the Constitutional Convention Website for studying and teaching about the Constitutional Convention.
4. To prepare participants to answer and to use over 300 questions about the texts and subjects studied.

Requirements:

- A final examination, which will consist of 100 multiple choice questions. The exam questions will be selected from a Study Guide consisting of 300 possible questions. The Study Guide will be distributed at the beginning of the first 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.

Required Texts

- Philip B. Kurland and Ralph Lerner, eds. *The Founders' Constitution*. Chicago: The University of Chicago Press, 1987. ISBN: 0865973024. Also available on-line at: <http://press-pubs.uchicago.edu/founders/>
- Alexander Hamilton, *et al.* *The Federalist*. Clinton Rossiter, ed., New York, New York: New American Library, 1999. ISBN: 0451628810.
- James Madison, *Notes of Debates in the Federal Convention of 1787*. New York: W.W. Norton & Company, 1987. ISBN: 0393304051.
- Gordon Lloyd and Margie Lloyd, eds. *The Essential Bill of Rights: Original Arguments and Fundamental Documents*. Lanham, Maryland: University Press of America, 1998. ISBN: 0761810765
- William B. Allen and Gordon Lloyd, eds. *The Essential Antifederalist: Second Edition*. Lanham, Maryland: Rowman and Littlefield, 2002. ISBN: 0742521885.
- Websites: <http://publicpolicy.pepperdine.edu/academics/faculty/lloyd/> ;
<http://www.ashbrook.org/constitution/> ;
<http://www.TeachingAmericanHistory.org/convention/>.
- Ashbrook Center Declaration/Constitution booklet. ISBN: 1878802232. On line at: <http://www.ashbrook.org/constitution/>

Schedule

Sunday, July 1

4:30 pm – 6:00 pm: Introduction and Session 1: Introduction to this Institute with Chris Burkett and Gordon Lloyd (*Ashbrook Center, 8th Floor, Ashland University Library*)

Professor Burkett

Topic: The "American Mind" and the American Founding

Focus:

- Thomas Jefferson wrote that in drafting the Declaration of Independence he meant to give expression to "the American mind." What does the Declaration tell us about the American mind as it relates to the foundations, forms, and purposes of the first political institutions established in the newly sovereign United States of America?

Reading:

- Declaration of Independence (Declaration/Constitution booklet, p. 3)
- Selection from Thomas Jefferson letter to Henry Lee (Declaration/Constitution booklet, p. 51)
- Selection from Thomas Jefferson letter to Roger Weightman (Declaration/Constitution booklet, p. 52)
- Alexander Hamilton, "The Farmer Refuted," February 23, 1775 (*The Founders' Constitution*, Chapter 3, Document 5)
- Abraham Lincoln, Gettysburg Address (Declaration/Constitution booklet, p.54)
- Abraham Lincoln, Fragment on the Constitution and Union (Declaration/Constitution booklet, p. 58)
- Thomas Jefferson, Notes on Debates in Congress (*The Founders' Constitution*, Chapter 15, Document 18) (also found in *The Essential Bill of Rights*, pp. 175-180)
- Martin Luther King, Jr., "I have a Dream," speech delivered at the Lincoln Memorial, Washington, D.C., August 28, 1963 (Ashbrook Website at <http://www.teachingamericanhistory.com/library/index.asp?document=40>)

7:00 – 8:30 pm Institute Lecture

Monday, July 2

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

Topic: Crisis of the American Mind 1780-1787

Focus:

- What defects or vices did Americans discover between 1776 and 1787, in the new governments they had instituted and in the principles on which the foundations of those governments had been laid? How did these defects threaten the "safety and happiness" of the American people?
- What remedies were suggested that seemed more likely to effect Americans' safety and happiness?

Assigned Reading:

- Virginia Declaration of Rights, June 12, 1776 (*The Founders' Constitution*, 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 (*The Founders' Constitution*, Chapter 1, Document 6)
- Articles of Confederation, March 1, 1781 (*The Founders' Constitution*, Chapter 1, Document 7)
- Alexander Hamilton to James Duane, September 3, 1780, on "the defects of our present system" (*The Founders' Constitution*, Chapter 5, Document 2)
- Gouverneur Morris to John Jay, January 1, 1783 (*The Founders' Constitution*, Chapter 5, Document 4) (recommended)
- James Madison, Notes on Debates in Congress, January 28, 1783 (*The Founders' Constitution*, Chapter 5, Document 5)
- James Madison, Notes on Debates in Congress, February 21, 1783 (*The Founders' Constitution*, Chapter 5, Document 6)
- Robert Morris to the President of Congress, March 17, 1783 (*The Founders' Constitution*, Chapter 5, Document 7) (recommended)
- George Washington to James Warren, October 7, 1785 (*The Founders' Constitution*, Chapter 5, Document 9)
- Rufus King to Elbridge Gerry, April 30, 1786 (*The Founders' Constitution*, Chapter 5, Document 10) (recommended)
- George Washington to John Jay, August 1, 1786 (*The Founders' Constitution*, Chapter 5, Document 11)
- John Jay to Thomas Jefferson, October 27, 1786 (*The Founders' Constitution*, Chapter 5, Document 13) (recommended)
- James Madison, Vices of the Political System of the United States, April, 1787 (*The Founders' Constitution*, Chapter 5, Document 16)
- *The Federalist* No. 15 (third and fourth paragraphs only)

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

Topic: Constitutional Convention I: The Alternative Plans

Focus:

- Of what significance were the rules adopted by the convention?
- 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 different principles animate the New Jersey and Virginia Plans and the Hamilton Proposal? Why were they even introduced?
- What are the arguments for representation of the states, as opposed to the people, in the federal government?
- Consider the discussions of the executive power, bicameralism, and the role of the judiciary in the context of “republican principles.” What do “republican principles” say about the sources of power, the powers, and the structure of the federal government? Is Madison's extended republic argument a departure from republican principles?

Reading:

- James Madison, Vices of the Political System of the United States (*The Essential Bill of Rights*, p. 246-253)
- James Madison, *Notes of Debates in the Federal Convention of 1787*, May 29, 31, June 6, 11, 13, 15, and 18

1:30 pm – 3:00 pm Session 5 Professor Lloyd

Topic: Constitutional Convention II: The Connecticut Compromise

Focus:

- 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?
- When and how did the Connecticut Compromise emerge as a viable alternative? How did the “partly national, partly federal” concept enter the discussion?
- Why did Madison argue that the issue facing the delegates was not small states vs. large states but the slavery question?
- 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?

- What else, besides the representation issue, was discussed during this part of the Convention?

Reading:

- James Madison, *Notes of Debates in the Federal Convention of 1787*, June 26, June 29-30, July 2, 5, and 16

Tuesday, July 3

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

Topic: Constitutional Convention 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?
- Who was elected to the Slave Trade Committee and what had they said about slavery up to that point? How did the slavery provisions undergo changes during the deliberations?

Reading:

- James Madison, *Notes of Debates in the Federal Convention of 1787*, August 6, 13, 16-25.

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

Topic: Constitutional Convention 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?

Reading:

- James Madison, *Notes of Debates in the Federal Convention of 1787*, September 4-8, 10, 12, 15, and 17

1:30 pm - 3:00 pm: Session 8 DBQ Seminar Professor Burkett/Professor Lloyd

Wednesday, July 4

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

Topic: How to Read *The Federalist*

Focus:

- Why is it important to read *The Federalist*? What kind of a book is *The Federalist*? What is the audience of *The Federalist*? What does *The Federalist* try to accomplish? What is the structure of the argument of *The Federalist*?
- What does Publius assume about human nature and the "course of human events," and how do these assumptions affect the arguments of *The Federalist*? Is there any place, any need, or any provision for civic virtue in the *Federalist* plan of government? What is the role of self-interest and passion as opposed to civic virtue, statesmanship, and reason in the *Federalist* frame of government?
- What improvements in "the science of politics" did Publius think necessary to make the republican form of government defensible?
- What is *Federalist* 10's republican remedy for the problem of faction? Consider Madison's reasoning in *Vices* and in his June 6 speech at the convention and Publius' reasoning in *Federalist* 10 and 51.
- What are the defects of the Confederation, according to Publius? Why is there "an absolute necessity for an entire change in the first principles of the system"?
- How did the proposed union provide necessary protection against external and internal dangers? What is the "utility of the Union" according to *The Federalist*? What are the "objects" of the proposed Union, according to Publius?

Reading:

- *The Federalist*, 1-36, especially 1, 6, 9, 10, 14, 15, 23, 35, 36

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

Topic: *The Federalist*, A New Beginning: The General Form of the Proposed Government

Focus:

- What is the place of "moderation" in Publius' argument? To what extent is the new constitution founded on "reflection and choice," to what extent on "accident and force"? What "inducements to candor" and to the "spirit of moderation" does Publius present in *Federalist* 37-38?

- What were the difficulties “inherent in the very nature of the undertaking referred to the [constitutional] Convention”? Why is it difficult to combine stability and energy with liberty and the republican form?
- What are (some of) the ingredients of republican government? of good government? What are the sources of “vague and incorrect definitions”? What examples does Publius use to explain these sources? To what part of the plan are these lessons applied? How does it induce moderation to acknowledge the various interests probably influencing the convention?
- What are “the distinctive characters of the Republican form,” according to Publius in *Federalist* 39? How is the proposed government both federal and national according to Publius in *Federalist* 39?
- How, in *Federalist* 40, does Publius answer the question of “how far the convention were authorized to propose such a government”?

Reading:

- *The Federalist*, 37-40

1:30 pm - 3:00 pm: Session 11 DBQ Seminar Professor Burkett/Professor Lloyd

Thursday, July 5

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

Topic: *The Federalist*, The Sum of Power and the Separation of Powers

Focus:

- Outline of *Federalist* 41-46 and 47-51.
- What is “delicate” about the two questions raised at the end of *Federalist* 43? “The time has been when it was incumbent on us all to veil the ideas which this paragraph exhibits. The scene is now changed, and with it, the part which the same motives dictate.” What does Publius mean by this last sentence in the penultimate paragraph of 43?
- What articles and clauses of the Constitution are discussed in 43 and 44? How, in *Federalist* 43, does Publius defend the Convention's proposal to supersede the Confederation “without the unanimous consent of the parties to it”?
- Why, in the American representative republic, should the people “indulge all their jealousy and exhaust all their precautions” against the legislative branch?
- What are Publius’ criticisms of Thomas Jefferson’s suggestions for maintaining the separation of powers?
- Why does Publius think that it is necessary to have the “prejudices of the community” on the side of even the most rational government? What kinds of prejudices is he thinking of?
- “[I]t is the reason of the public alone that ought to controul and regulate the government. The passions ought to be controuled and regulated by the government.”

- How does Publius reconcile this principle with the republican principle that government “derives all its powers directly or indirectly from . . . the people”?
- Why would “an extinction of parties necessarily [imply] either a universal alarm for the public safety, or an absolute extinction of liberty”?
 - What is the principle of Separation of Powers? What is the greatest threat in the American republic to Separation of Powers, and why is this the greatest threat?

Reading:

- *The Federalist*, 41-51.

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

Topic: *The Federalist*, Legislative, Executive, and Judicial Branches

Focus:

- What qualities did Publius expect or take for granted in the American people who would be living under the proposed new constitution? In what ways was the constitution a response to these qualities?
- What qualities did Publius expect in the people who would serve respectively in the House of Representatives, the Senate, the office of President, and the Supreme Court? How did the functioning of each of these branches and of the constitution as a whole involve the operation of these qualities?
- What are the relations of the composition, powers, mode of selection, and tenure of office of the House of Representatives, Senate, Executive, and Judiciary to the political purposes these offices were meant to serve and to the overall purposes to be served by the constitution? How, in particular, do any of these elements contribute to the effective functioning of the separation of powers?

Reading:

- *The Federalist*, 52-85, especially 52, 55, 57, 62, 63, 67-72, 77, 78, 84, 85

1:30 pm - 3:00 pm: Session 14 Professor Lloyd

Topic: Ratification

Focus:

- What is the enduring significance of the nine month campaign to secure ratification of the Constitution? Just how closely did the Constitution come to not being ratified? Who were the main actors in the ratification struggle and what were their arguments?
- Why did James Madison agree to introduce a Bill of Rights in the First Congress? What were the arguments in favor and against the adoption of the Bill of Rights?
- How reliable are the original documents surrounding ratification and the adoption of the Bill of Rights?

Reading:

- Brutus essays (*The Essential Antifederalist*)
- State Ratifying Conventions (*The Essential Bill of Rights*, p. 301-319)
- James Wilson, October 6, 1787 Speech (*The Essential Bill of Rights*, p. 283-286)
- *The Federalist*, 84
- Jefferson-Madison Correspondence (*The Essential Bill of Rights*, p. 319-324)

Friday, July 6

9:00 am - 10:30 am: Session 15 Professor Lloyd

Topic: Bill of Rights

Focus:

- How did Madison propose to adopt “moderate” and “proper” amendments that would not alter the structure and power of the newly formed government? Did Madison and Jefferson change their minds concerning the importance of a Bill of Rights?
- 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?
- What changes were made to Madison’s June 8 proposals?

Reading:

- Jefferson-Madison Correspondence (*The Essential Bill of Rights*, p. 324-331)
- James Madison Speech, June 8, 1789 (*The Essential Bill of Rights*, p. 331-344)
- Time-line from *The Essential Antifederalist*
- Congressional History of the Bill of Rights (*The Essential Bill of Rights*, p. 344-357)

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

1:30 pm - 3:00 pm: Session 17 Final Comprehensive Exam