

Discussion Questions

Episode 1. Chaos

- A. What is the difference between a “confederation” and a “nation”?
- B. As a delegate to the Constitutional Convention, you have been instructed by your state legislature merely to “*revise*” the Articles of Confederation. But you see that is not working. Will you then support the motion to create a *new national government*, superseding rather than simply revising the Articles?
- C. Research: What about Florida and Quebec? Geographically, they neighbor the 13 rebellious colonies, so why didn’t they join the others in creating a new nation? And why isn’t Maine included in the list of original states?
- D. Imagine forming a group with 13 people. Initially, you all agree on the ground rules. But if 12 of the 13 then want to *change* those rules, should a single person have the power to say no? Or three people? Five people? Where would you draw the line? Try to think of a situation in which one person alone has that right. Now think of a situation in which a simple majority is sufficient to change the rules.
- E. Two of the convention’s rules are highlighted in the video:
- “Every member, rising to speak, shall *address* the *president*, and whilst he shall be speaking, *none* shall pass between them ... or hold discourse with another ... or read a book, pamphlet, or paper.”
- “A member shall *not* speak *oftener* than twice, without *special leave* upon the same question ... and not the *second* time, before *every other member*, who had been silent, shall have been heard, if he choose to speak upon the subject.”
- What do you think was the reason for each one? Do you think they are beneficial for a meeting this size, 55 people?

Episode 2. We the People.

Elaborate on any of the Constitution's stated purposes. Why is each so important?

*"form **a more perfect Union**"*

*"establish **Justice**"*

*"insure **domestic Tranquility**"*

*"provide for the **common defence**"*

*"promote the **general Welfare**"*

*"secure the **Blessings of Liberty**"*

Episode 3: Cobbler & Congress

A. This episode lists several powers the Constitution grants to Congress. Select one, and address this question: Today, or in recent times, is Congress *exercising* this power? If not, who is? What *should* happen if Congress fails to exercise it?

B. Congress is composed of two bodies: House of Representatives—representing the people—and Senate—significantly smaller, and representing the states.

(NOTE: Initially, representatives were elected directly by the people, while senators were chosen by their state legislatures.) Which body must *originate* any spending bill? Why do you think the framers insisted on this?

C. Which body of Congress must approve treaties negotiated by the President? What was the reasoning here?

D. Which body of Congress must approve presidential appointments? What was the reasoning here?

E. In 1787, the population of the largest state, Virginia, was 13 times that of Delaware, which was the least populous. Yet each was represented by two senators. Today, the population of California is 68 times that of Wyoming—yet each still has two, and only two, senators. This gives a person in Wyoming much more of a say in national politics. The framers could not predict this. If they were alive today, do you think they would want to change it?

F. Only an amendment to the Constitution could balance this political playing field. Today, how many states would have to approve any amendment? In our highly partisan environment, do you think this is possible?

Episode 4: What about a President? Should there even be one?

A. Instead of a single chief executive, the framers might have opted for an “executive council.” What might that be? Three people? Five? What would be gained ... or lost?

B. According to Roger Sherman, the executive (whether single or plural) should be nothing more than “an institution for carrying the will of the Legislature into effect.” The legislature, he believed, is “*the depositary of the supreme will of Society*,” and the executive should literally “execute” that will. What might be gained ... or lost ... by this system?

C. The Convention has just voted in favor of a single executive officer. Imagine you are a delegate to the Convention, starting from scratch.

Who do you think should **choose** this officer?

How long should he **serve**? (They never imagined a woman becoming president back then.)

What **authority** will he exercise?

Who can **check** his power?

D. Alexander Hamilton said: “The monarch must have proportional strength. He ought to be hereditary, and to have so much power, that it will not be in his interests to risk much to acquire more. The advantage of a monarch is this — he is above corruption — he must always intend, in respect to foreign nations, the true interest and glory of the people.” Do you agree or disagree, and why?

E. Benjamin Franklin worried: “There is a natural inclination in mankind to Kingly Government. It sometimes relieves them from Aristocratic domination. They had rather have one tyrant than five hundred. It gives more of the appearance of equality among Citizens, and that they like. I am apprehensive therefore, perhaps too apprehensive, that the Government of these States, may in future times, end in a Monarchy.” Do you think there’s any truth in this? Do people sometimes *prefer* being ruled by a single person? Are Franklin’s remarks relevant today?

Episode 5: Electoral College

A. When James Wilson suggested that the president be chosen directly by the *people*, he found no support. Given their time, the late 18th Century, why do you think the framers resisted popular elections?

B. In theory, how does the system of “special electors” address their concern?

C. But the framers did not foresee that “pledged” electors would quickly undermine their intentions. Research the elections of 1796 and 1800, after president Washington retired. How did each of those hotly contested races turn out? Note: the election of 1800 was particularly messy!

D. What do you think the framers of the Constitution would say now about “pledged” electors?

E. Today, in 48 of the 50 states, whichever candidate gets most votes gets *all* of that state’s electors, no matter what the margin of victory. Is this fair? Should the margin of victory—whether a candidate wins by a single vote or by a million votes—somehow be taken into account?

F. What do you think the framers would say today about “winner-take-all” for each state?

G. In Maine and Nebraska, each congressional district chooses one elector, and whoever gets most votes *statewide* gets the final elector. Do you think this system is better than winner-take-all for each state?

H. The *winner* of the popular vote has *lost* the presidential election five times. Would you change this if you could?
Why, politically, do you think our country has *not* changed this system?

Episode 6: Presidential Powers & Responsibilities

A. The framers *required* the president to take an oath of office. Why? And why do you think they concluded with this obligation: “preserve, protect and defend the Constitution of the United States”?

B. Why do you think the framers made the president “Commander in Chief” of the army and navy? What might happen if he weren’t?

C. But why do you think they empowered Congress, not the president, to “declare war?”

D. *Research:* The United States fought lengthy wars in Korea, Vietnam, Iraq, and Afghanistan *without* Congress declaring war. Choose one of these and investigate the *politics* of that time. Why didn’t Congress declare war?

E. Why do you think the framers prohibited a president from receiving any gift or “emolument”?

H. Do you think a president has the responsibility to lead all of the people, even those of a competing political party?

Episode 7: Supreme Court

A. Article II, Section 1 of the Constitution says the president “shall hold his office during the term of four years.” Imagine that the political party of a sitting president controls both chambers of Congress. Now Congress passes a bill that cancels the next scheduled presidential election. The president signs that bill to make it official. The president then continues in office beyond his constitutionally mandated four-year term! What would happen if the Supreme Court could **not** declare that law unconstitutional?

B. Delegate John Dickinson said: “I strongly oppose the power of judges to set aside a law. No such power ought to exist. But at the same time, I’m at a loss what expedient to substitute.” Do you see some *other* way to make sure Congress, the president, or state governments don’t take actions that violate the United States Constitution?

C. Why do *you* think the framers did not *explicitly* empower the Supreme Court to declare laws unconstitutional?

D. Historically, the Supreme Court has weighed in on controversial issues of the times. Research both the context and the implications of these historical court rulings:

Slavery: *Dred Scott* (1857)

Racial segregation: *Plessy v. Ferguson* (1896) and *Brown v. Board of Education* (1954)

Gun control: *Heller* (1963) and *Bruen* (2022)

Abortion: *Roe v. Wade* (1973) and *Dobbs v. Jackson Women’s Health Organization* (2022)

Episode 8: Checks & Balances

A. The framers gave the president a check on Congress, so they let him **veto**, or negate, congressional legislation. But why have a Congress at all if by the stroke of a pen, a president can cancel whatever it does? So at the outset, on June 4—the third day of deliberation—the framers decided that Congress could *override* a presidential veto with a *two-thirds* majority. But on August 15, they *raised* the hurdle for a veto override to *three-quarters*. And finally, on September 12, just five days before they adjourned, they *lowered* it back down to two-thirds. Finding the right “check” in “checks and balances” was very tricky business. Historically, there have been 2,576 presidential vetoes since the Constitution took effect in 1789. Of these, Congress has been able to override the veto only 111 times, or 4.3%. Why do you think this is so?

[Possible response: In a two-party system, one of the political parties in Congress will be the same as the president's party.]

B. Discuss Alexander Hamilton's comment: “History will teach us that of those men who have overturned the liberties of republics, the greatest number have begun their career by paying an obsequious court to the people; commencing demagogues, and ending tyrants.” What is a “demagogue”? What is a “tyrant”? Worldwide, can you think of historical or contemporary examples?

C. Gouverneur Morris worried about the power of wealthy people: “The rich will have the same effect here as elsewhere if we do not keep them within their proper sphere. We should remember that the people never act from reason alone. The rich will take advantage of their passions & make these the instruments for oppressing them. They always did. They always will.” What are your thoughts on this? Does mass media now play a role? What about social media? Has social media empowered “the people” or merely heightened their “*passions*”?

Episode 9: Done Deal! Ratification

A. Today, our nation is split into opposing political factions, much like the Federalists and Anti-Federalists were. But are there differences between “then” and “now”? Does “now” carry more risks? Does the so-called “echo chamber” effect of social media play into this? Will people compromise if they only hear one side of a debate?

B. The first session of Congress immediately proposed amendments to the Constitution ... the states ratified them ... and we had a Bill of Rights after all! Those who had signed a constitution that didn’t grant such rights now got them. Ever since, the constitution has evolved with the times. Cite other historical examples of amendments that were crucial to our nation’s evolution.

C. Discuss Mason’s concerns over presidential powers. Did he have reason to fear presidential overreach?

D. In hindsight, are there provisions in the Constitution that *you* find troublesome? Are any of these deal-killers? And if they *did* kill the deal ... no constitution at all ... what might come of *that*? Can you imagine each state, whether large or small, remaining independent of the others ... temporally or forever?

E. Discuss the meaning and relevance of our nation’s official seal: “E Pluribus Unum” — “Out of Many, One.” Where does this appear in your everyday life? [Ask students to check their wallets!] Are we living up to this motto today?