



The Unfinished Business of the Federal Convention

Jeffery D. Nokes

jeff_nokes@byu.edu

Brigham Young University
Constitutional Literacy Institute

June 27, 2025

Discussion Agenda

Good Ideas for Teaching

Recurring Questions for Each Generation

They Say, You Say, I Say, We Say

Safeguards for Teaching Controversies

Constitutional Interpretation for youth

- Freedom of speech
- Freedom of press
- Right to privacy
- Due process

No more than two
middle school aged
kids can enter the
store at a time
during school hours.

Constitutional Interpretation for youth

- Freedom of speech
- Freedom of press
- Right to privacy
- Due process



The Salt Lake Tribune

Is my school allowed to monitor or censor my online activity outside of school?

What about using my school-provided chromebook at home?

Can I get in trouble at school for something I text, email or post online while I'm there?

Can my school force me to log in to my personal social accounts or add someone to my contacts?

Can my school's cloud service sell my personal data?

Can my school take my phone? If school officials confiscate my phone, are they allowed to search it?

Can I get in trouble for "sexting"?

What are the laws regarding cyberbullying?

Good Ideas For Teaching: Wave Blurt

- Students think of a single word answer to a question.
- Teacher waves his/her hand across the class.
- Students blurt out the word when the teacher points toward their section of the class.
- Students listen for others calling out the same word or different words.

Which right in the Bill of Rights should be interpreted most liberally?

Good Ideas For Teaching: Power Grab Patrol

- Wanting to “keep it in the family,” the president appoints his/her 13 year old grandson, a recent graduate of 7th grade, to fill a vacancy on the Supreme Court.
- The Senate and House pass a law that requires Supreme Court justices to disclose any gift or service they receive that exceeds \$20 in value. The president signs the law. The Supreme Court justices, not wanting to disclose such information, declare the law unconstitutional as a violation of their right to privacy.

Good Ideas For Teaching: Federalism Application

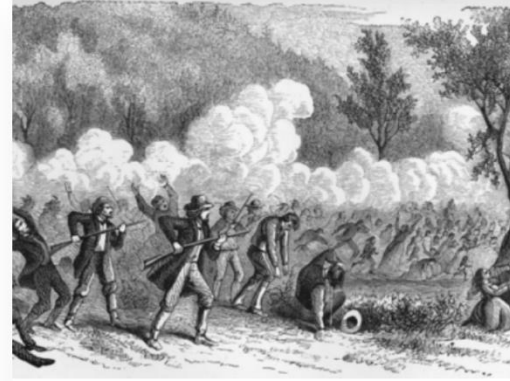
- Choose a problem that you feel strongly about that government officials have stewardship over.
 - Stray dogs chasing you as you ride your bike in one part of town
 - Maasai being drive from Ngorongoro Conservation Area in Tanzania
 - Draining of Lake Powell
- Conduct research on the issue and identify potential solutions to the problem.
- Identify the level of government and the officials who have stewardship over the issue.
- Send emails to government officials explaining the problem and your suggestions for the problem.



Ancestral Pueblo



Pioneer Day



**The Mountain
Meadows Massacre**



**The Bear River
Massacre**



**The Scofield Mine
Disaster**



**Joe Hill and Labor
Unions**

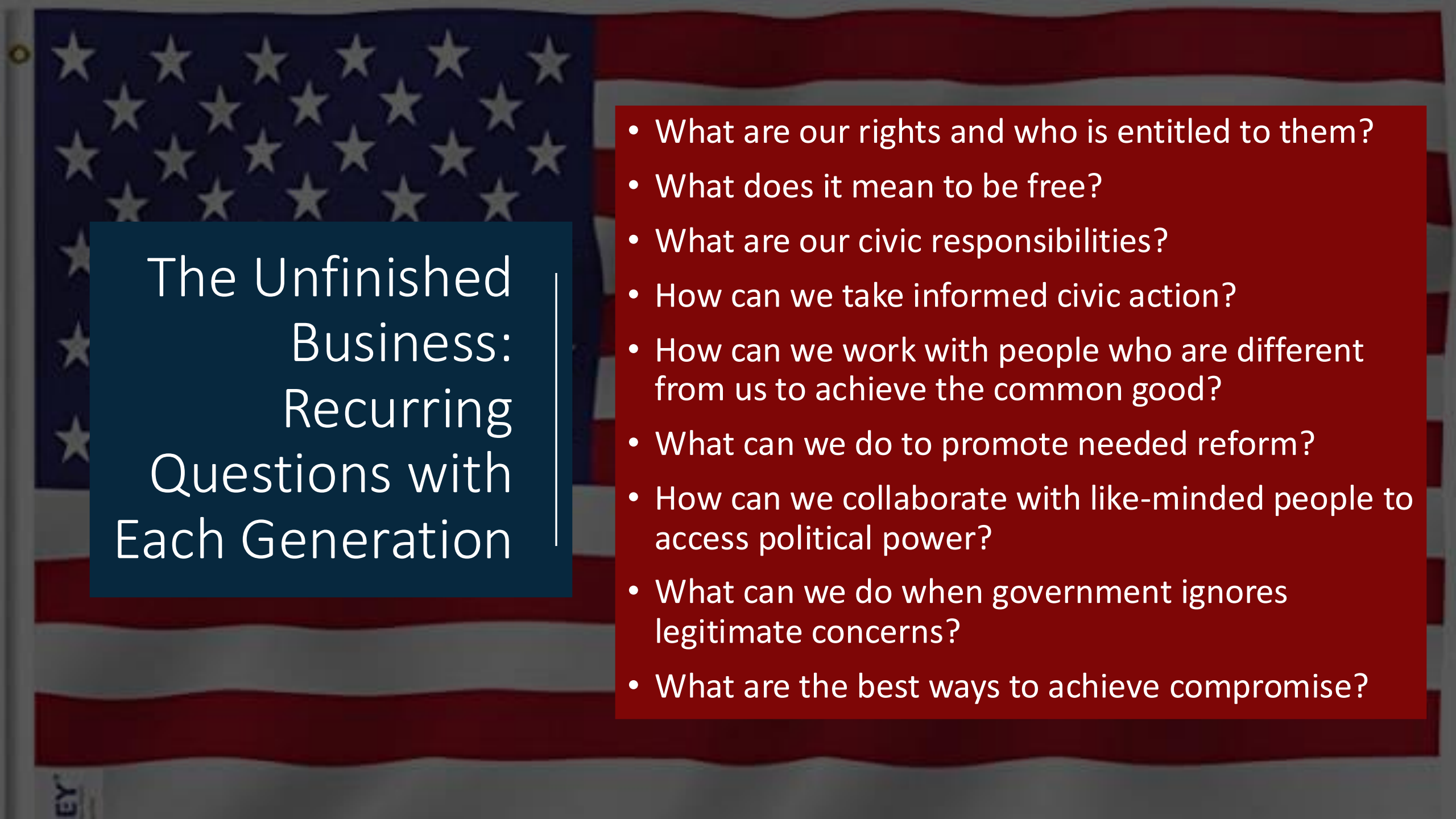
Discussion Agenda

Good Ideas for Teaching

Recurring Questions for Each Generation

They Say, You Say, I Say, We Say

Safeguards for Teaching Controversies

The background of the slide is a stylized American flag with a dark blue field of white stars on the left and red and white wavy stripes on the right. A dark blue rectangular box is overlaid on the star field, containing the title text in white. A red rectangular box is overlaid on the stripes, containing a list of questions in white.

The Unfinished Business: Recurring Questions with Each Generation

- What are our rights and who is entitled to them?
- What does it mean to be free?
- What are our civic responsibilities?
- How can we take informed civic action?
- How can we work with people who are different from us to achieve the common good?
- What can we do to promote needed reform?
- How can we collaborate with like-minded people to access political power?
- What can we do when government ignores legitimate concerns?
- What are the best ways to achieve compromise?

Discussion Agenda

Good Ideas for Teaching

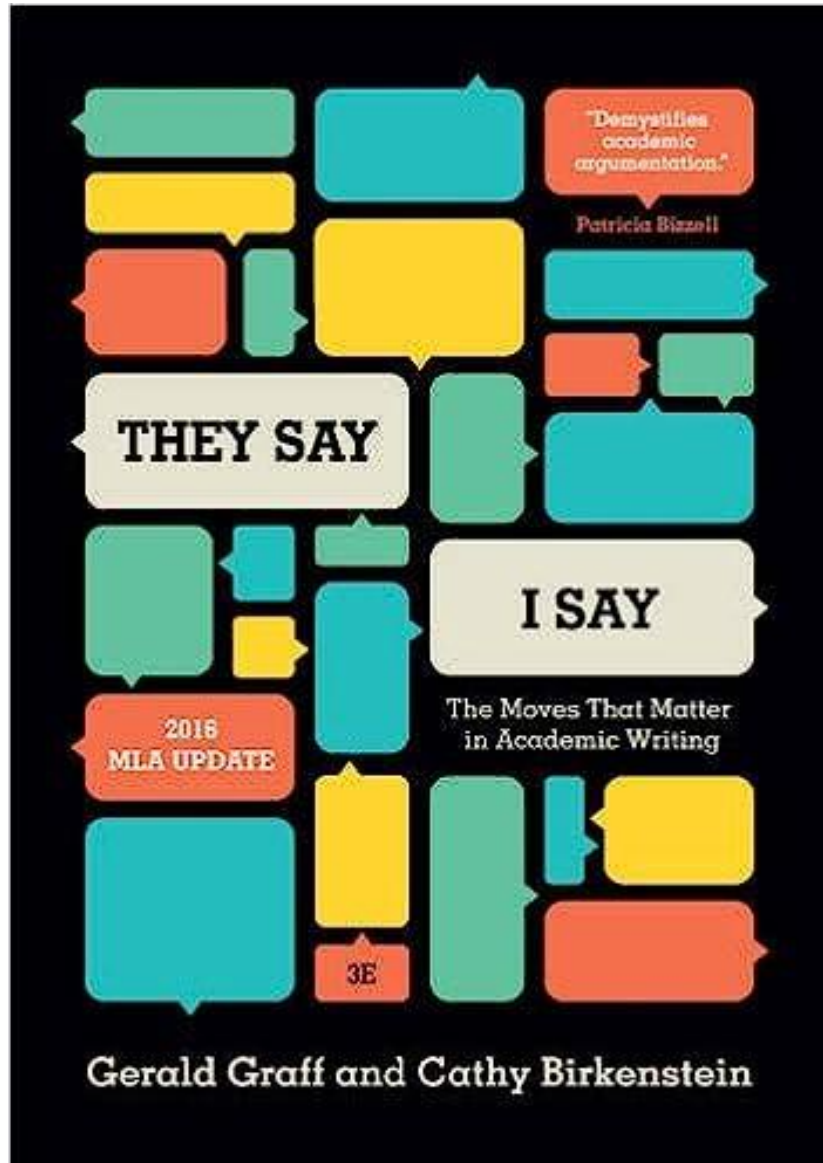
Recurring Questions for Each Generation

They Say, You Say, I Say, We Say

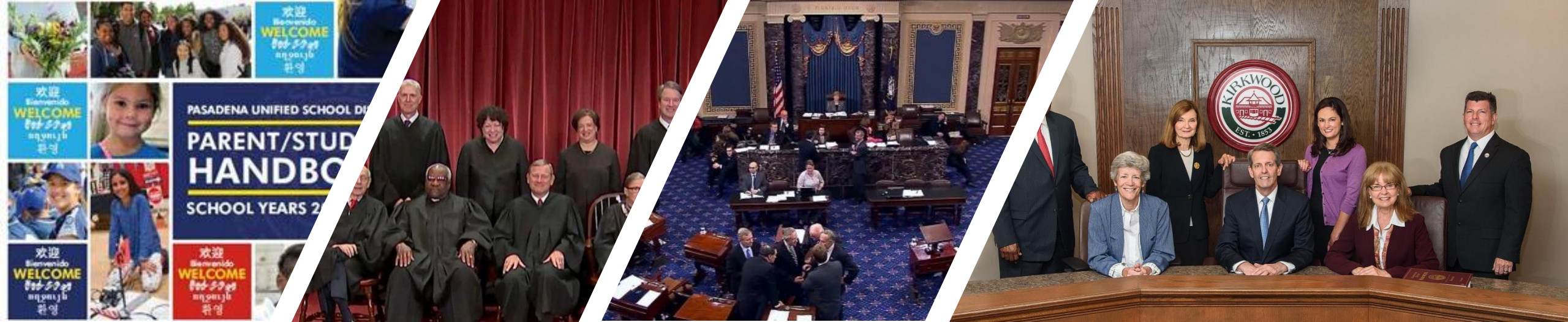
Safeguards for Teaching Controversies

The background is a movie poster for 'Captain America: Civil War'. It features a split image of Tony Stark (Robert Downey Jr.) on the right and Bucky Barnes (Sebastian Stan) on the left. The Stark side is red and smoky, while the Barnes side is blue and rainy. Large, bold text at the bottom reads 'CIVIL WAR'. Above it, in smaller text, is 'PRESIDENTIAL AVENGERS'. In the top left, 'CAPTAIN AMERICA' is partially visible, and in the top right, 'TRUMP' is visible. The title 'Teaching Explicitly about Civility and Civic Charity in Classrooms and in Civic Engagement' is centered in white text.

Teaching Explicitly about Civility and Civic Charity in Classrooms and in Civic Engagement



**THEY SAY, YOU SAY,
I SAY, WE SAY: THE
MOVES THAT
MATTER IN
CLASSROOM-BASED
CIVIC ENGAGEMENT**



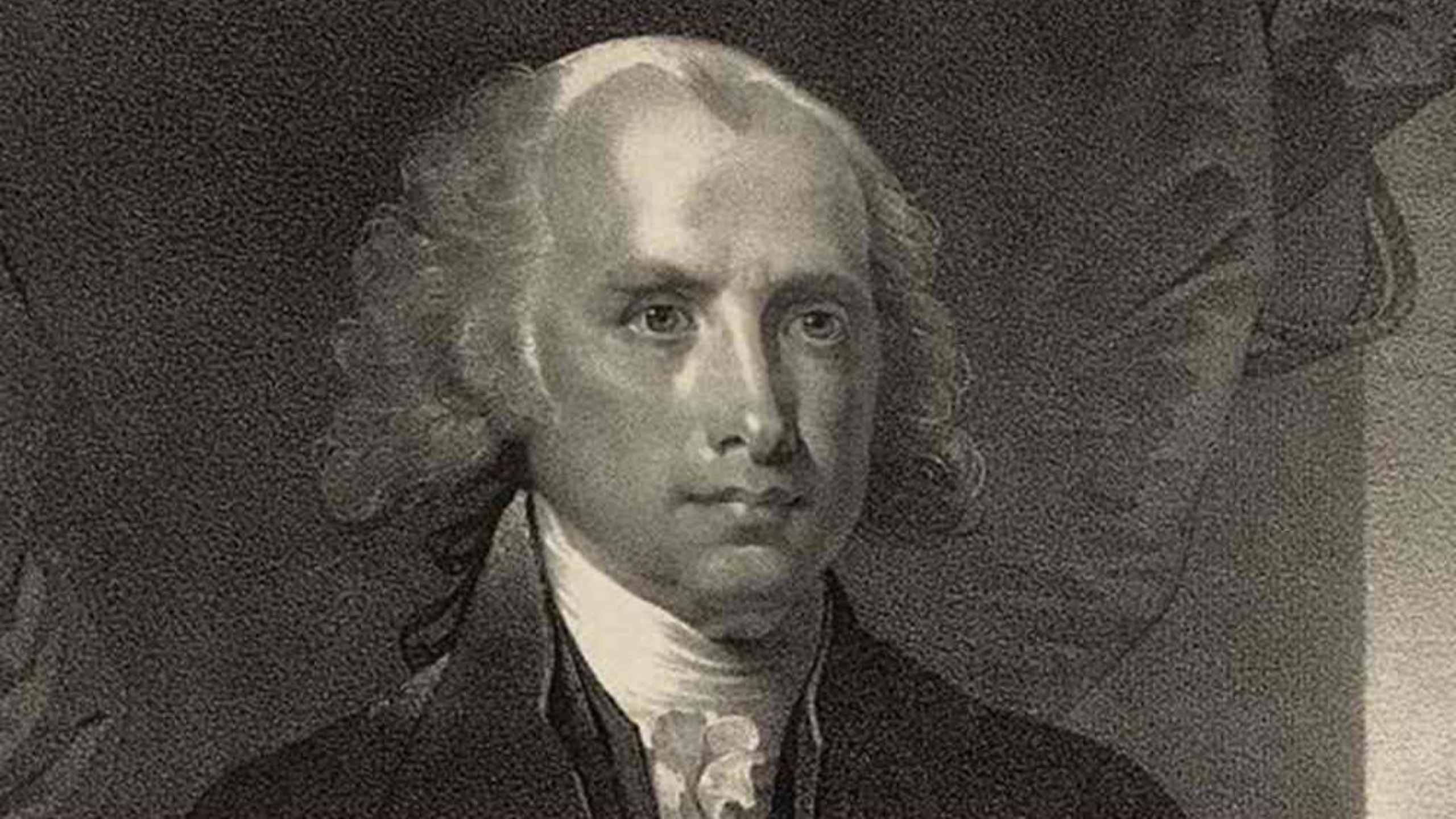
THEY SAY, you say, I say, we say...

What are people outside of our classroom saying about this issue?





THEY SAY, You Say, I Say, We Say



They Say...

- Historical characters
- Other communities with similar issues
- Special interest groups
- Courts
- People like me
- People different from me



They Say (researching)

- Assume good will until proven otherwise
- Identify the level of government (federal, state, or local) that has primary responsibility for an issue.
- Identify the specific authorities who have stewardship over the issue.
- Research how courts have interpreted related Constitutional rights and other legal issues.
- Find out how other nations, states, or communities have addressed this problem.
- Research relevant statistics, facts, and ethical issues.
- Find out special interest groups' (representing multiple perspectives) responses.

ap tweets, too...
a bad translation from
original Russian?
2. What the heck is he
liking about?
There was, after all, no
mention of agricultural
products in the statement
of agreement. And Mex-
ico, while a big buyer of
U.S. farm goods, is a mar-
ket economy: Private busi-
nesses, not government
officials, decide how much

Trump -
one side and thus
how much events like the
Mexican standoff weaken
America's position in the
world.
To be a great power, of
course you need the mate-
rial basis for power - a big
economy, a military big
enough to make you a force
to be reckoned with. But

amount...
all three parties
they won't arbitrarily
impose new barriers to
cross-border trade.
Then Trump went ahead
and threatened major new
tariffs on Mexico, not be-
cause it had violated its

be sure of it...
happens, Trump will...
to have achieved a great
victory.
In the case of the Mex-

LETTERS TO THE EDITOR

growing economy; Trump
- trade war leading to
government bailouts, tax
cuts for rich and largest
trade deficit ever. Let's
change the picture in
2020.

emergency vehicles? I've
observed too many con-
fused drivers who do not
know what to do when
they see an emergency
vehicle approaching from
either direction. If you
publish something about
these rules and the law, it
just might save a life - the
life of a foolish driver - or
the life of the person who

evidence of adultery has
surfaced many times. By
her own reasoning isn't
Bennett's "bound" to en-
force this law?
This is corrupt. Motiva-
tion is purely political and
driven by helping ISP save
face at the cost of the
freedom of three men. ISP
is a professional agency.
Troopers acted in good
faith, but were wrong. It is
a disgrace. Time to police

this, but it's not a relaxing
place anymore.

YOUR OPINION
WANT YOUR SAY?
We accept signed or
letters/opinions the
address and day's
number for veri-
fication.
Letters: 200-
month per writ-
be published in
majority in pr
Guest Opini-
one per the
selected t
of public
How to
• Or



They say, YOU SAY, I say, we say



They Say, YOU SAY, I Say, We Say

Resources (11)

Hamilton Plan (Draft) - (text)

Hamilton's papers contain his draft notes for his speech of 18 June 1787, where he laid out his plan for a constitution. Farrand included these in his volume, along with the various reports of what Hamilton said, recorded by Madison, King, Lansing,...

Hamilton Plan (Madison's Version) - (text)

APPENDIX F: THE HAMILTON PLAN Farrand writes: "In connection with his important speech of June 18, Hamilton read a sketch of a plan of government which "was meant only to give a more correct view of his ideas, and to suggest the amendments which he...

Hamilton Plan (Redraft) - (text)

APPENDIX F: THE HAMILTON PLAN Farrand writes: "In connection with his important speech of June 18, Hamilton read a sketch of a plan of government which "was meant only to give a more correct view of his ideas, and to suggest the amendments which he...

New Jersey Plan - (text)

APPENDIX E: THE NEW JERSEY PLAN OR PATERSON RESOLUTIONS Farrand writes: "When the Convention, in Committee of the Whole was evidently coming to a favorable conclusion in its consideration of the Virginia Plan, various representatives of the...

New Jersey Plan (Draft) - (text)

APPENDIX E: THE NEW JERSEY PLAN OR PATERSON RESOLUTIONS Farrand writes: "When the Convention, in Committee of the Whole was evidently coming to a favorable conclusion in its consideration of the Virginia Plan, various representatives of the...

Pinckney Plan (Documentary History Version) - (text)

Margie Burns’s article ‘The Mystery of Charles Pinckney's Draft of the U.S. Constitution Revisited’, The South Carolina Historical Magazine, Vol. 117, No. 3 (2016), argues that the long searched for original of Pinckney’s Plan was published at the end...

Pinckney Plan (Recreated Original) - (text)

APPENDIX D: THE PINCKNEY PLAN Farrand writes: "On May 29, after Randolph had presented the Virginia Plan to the Convention, "Mr. Charles Pinckney . . . laid before the House for their consideration, the draught of a foederal government to be agreed...

Pinckney Plan (Redraft) - (text)

APPENDIX D: THE PINCKNEY PLAN Farrand writes: On May 29, after Randolph had presented the Virginia Plan to the Convention, "Mr. Charles Pinckney . . . laid before the House for their consideration, the draught of a foederal government to be agreed...

Randolph’s Suggestion for Conciliating the Small States - (text)


Farrand includes the following from the Madison Papers, XII, 60. Printed in Documentary History of the Constitution, V, 437-438: "Communicated by Mr. Randolph, July 10. as an accomodating proposition to small States"

Sherman's Proposals - (text)

Farrand writes: "Among the Sherman papers was found a document containing a series of propositions, which has been

Virginia Plan (Madison's Version) - (text)

APPENDIX C: THE VIRGINIA PLAN OR RANDOLPH RESOLUTIONS. Farrand writes: "As their state had taken the

A group of approximately 15 students and one adult woman are sitting in a circle on a classroom floor. The students are of various ages, mostly pre-teens and teenagers. One student is wearing a Santa hat. The teacher, a woman with long brown hair, is sitting in the center of the circle. The background shows a classroom with desks, papers, and a whiteboard. A large white text box is overlaid on the center of the image.

What are other students saying about this issue?

You say (listening)

- Wait until your turn to speak. Don't interrupt.
- Listen and think carefully about what the person says.
- Take notes as they speak so you can remember their main ideas and evidence.
- Ask clarifying questions and restate their ideas to them to make sure you understand.
- Look for points of agreement between you and them.
- Think about why their ideas make sense from their perspective.
- Acknowledge their evidence and humbly evaluate it with an open mind.
- Try not to be offended, focusing on their ideas and intent rather than specific words.
- Identify how their ideas might improve or even replace your ideas.
- Invite everyone's perspective



Dear President Obama,
 Is there any thing to stop Iceland
 from killing the Fin whales and Minke
 whales? If someone dosint do something the
 Fin whales may be ~~extinct~~ extinct! Please can
 you help tell them to stop!
 Sincerely, ~~Sincerely~~,
 Ava
 P.S. Whales are endangered!
 P.P.S We REALY NEED YOU!

They say, you say, I SAY, we say



They Say, You Say, I SAY, We Say

From Madison's notes...

Mr. MADISON, moved, in order to get over the difficulties, the following resolution-"that the equality of suffrage established by the [articles of Confederation](#) ought not to prevail in the national Legislature, and that an equitable ratio of representation ought to be substituted." This was 2ded. by Mr. Govr. MORRIS, and being generally relished, would have been agreed to; when,

Mr. REED moved that the whole clause relating to the point of Representation be postponed; reminding the Come. that the deputies from Delaware were restrained by their commission from assenting to any change of the rule of suffrage, and in case such a change should be fixed on, it might become their duty to retire from the Convention.



What can I say about
this issue?

I say (speaking)

- Start by sincerely thanking others for sharing their ideas.
- Acknowledge how others' ideas have improved your ideas.
- Explain your opinion even if it is not the same as theirs.
- Respectfully challenge other people's ideas that you think are flawed, but never make personal attacks.
- Remember that others may have strong feelings and choose words that show sensitivity.
- Give and explain evidence that supports your opinion.
- Talk about points of agreement and disagreement between you and others.
- Respond to others' questions without viewing questions as an attack but by helping others understand your ideas.

Words...

I will try very hard to use the right words.
When I make a mistake, please forgive me
and kindly correct me. In this learning
process, please consider carefully my ideas as
well as my words.



They say, you say, I say, WE SAY



What can we say together
about this issue?



They Say, You Say, I Say, WE SAY



I confess that there are several parts of this constitution which I do not at present approve, but I am not sure I shall never approve them: For having lived long, I have experienced many instances of being obliged by better information, or fuller consideration, to change opinions even on important subjects, which I once thought right, but found to be otherwise. It is therefore that the older I grow, the more apt I am to doubt my own judgment, and to pay more respect to the judgment of others....

In these sentiments, Sir, I agree to this Constitution with all its faults, if they are such; because I think a general Government necessary for us, and there is no form of Government but what may be a blessing to the people if well administered, and believe farther that this is likely to be well administered for a course of years, and can only end in Despotism, as other forms have done before it, when the people shall become so corrupted as to need despotic Government, being incapable of any other. I doubt too whether any other Convention we can obtain, may be able to make a better Constitution. For when you assemble a number of men to have the advantage of their joint wisdom, you inevitably assemble with those men, all their prejudices, their passions, their errors of opinion, their local interests, and their selfish views. From such an assembly can a perfect production be expected? It therefore astonishes me, Sir, to find this system approaching so near to perfection as it does; and I think it will astonish our enemies, who are waiting with confidence to hear that our councils are confounded...



The opinions I have had of its errors, I sacrifice to the public good. I have never whispered a syllable of them abroad. Within these walls they were born, and here they shall die. If every one of us in returning to our Constituents were to report the objections he has had to it, and endeavor to gain partisans in support of them, we might prevent its being generally received, and thereby lose all the salutary effects & great advantages resulting naturally in our favor among foreign Nations as well as among ourselves, from our real or apparent unanimity. Much of the strength & efficiency of any Government in procuring and securing happiness to the people, depends, on opinion, on the general opinion of the goodness of the Government, as well as of the wisdom and integrity of its Governors. I hope therefore that for our own sakes as a part of the people, and for the sake of posterity, we shall act heartily and unanimously in recommending this Constitution... wherever our influence may extend, and turn our future thoughts & endeavors to the means of having it well administered.

On the whole, Sir, I can not help expressing a wish that every member of the Convention who may still have objections to it, would with me, on this occasion doubt a little of his own infallibility, and to make manifest our unanimity, put his name to this instrument.-

We say (seeking consensus)

- Start the processes with optimism, even if it seems like opinions are very different.
- View others, even those whose ideas are contrary, as moral and intelligent people.
- Do not view differences of opinion as personal attacks.
- Identify common ground that can be established without compromise.
- Search for ways to compromise.
- Stay humble, willing to change our minds in the face of strong evidence.
- Continue to work together on this and other issues, even if we cannot reach an immediate agreement.

Discussion Agenda

Good Ideas for Teaching

Recurring Questions for Each Generation

They Say, You Say, I Say, We Say

Safeguards for Teaching Controversies

Protecting Yourself when Teaching Controversial Topics



Some Tips on Teaching Controversial Topics

1. Have standards-related instructional objectives for the lesson
2. Be transparent with parents
3. Maintain a balanced perspective
4. Set ground rules for discussions
5. Teach strategies for civil dialog
6. Frequently ask students to seek consensus rather than merely debating
7. Maintain a safe/brave classroom environment
8. Vet controversial lesson plans with colleagues and administrators
9. Follow district guidelines for teaching controversy

The
unfinished
work



