

First Congress Unit – Lesson 2: How Does Congress Represent Us?

The Representative Role of Congress: Should There Be a Right to “Instruct?”

One of the most significant roles of Congress that needs to be investigated by students prior to engaging in a mock legislative simulation focuses on the role that members of Congress play in representing the people. The central questions are **(1)** does Congress have an obligation to legislate or act according to the will of the people (i.e. instructed-delegate theory) or, **(2)** should Congress consider itself a body that has been elected to make decisions for the people (i.e., trustee theory)? In this lesson, students will debate one of the proposed amendments to the Constitution with a focus on the motion that the people retain the right to “instruct” their representatives.

Targeted Audience: Students of early American history and government.

Goals: This lesson is designed to help students understand **(a)** the roles that Congress plays in representing constituents, **(b)** the role that Congress plays in amending the Constitution, and **(c)** the role that the First Congress played in creating a federal government with limited powers in which the rights of the people were protected.

Focus Questions

- What role does Congress play in the amendment process?
- What guidelines should members of Congress follow in deciding how to weigh the opinions of their constituents?

Time to Complete: 1-2 class periods.

Standards Addressed

1. Delaware

- **History 1 (6-8):** Examine historical materials relating to a particular...society...and analyze change over time.
- **History 2 (6-8):** Examine historical documents...and other materials, and analyze them in terms of credibility, as well as the purpose, perspective, or point of view for which they were constructed.
- **Civics 2 (6-8):** Understand the principles and content of major American state papers, such as the Bill of Rights.

2. National

- **Civics Standard III, B, 1 (Grades 9-12):**
 - Students should evaluate the extent to which each branch of the government reflects the people’s sovereignty.
 - Students should explain how and why beliefs about the purposes and functions of the national government have changed over time.
 - Students should evaluate current issues concerning representation.
- **Civics Standard II, D, 2 (Grades 6-8):**
 - Students should be able to evaluate, take, and defend positions on issues in which fundamental values and principles are in conflict.

Materials Needed

- Copies of Handout 1, and Handouts 2-2 through 2-4 (see **Unit Resources**)
- Class set of sticky notes.
- Optional - Copies of the portraits of the following members of the First Federal Congress: James Madison, Elbridge Gerry, Thomas Tudor Tucker, Thomas Hartley, Roger Sherman, Michael Jenifer Stone (see Margaret C. S. Christman’s *The First Federal Congress: 1789-1791*).

Prior Knowledge Needed

- The proposal to add a bill of rights was unanimously rejected at the Constitutional Convention.
- Pressure on the First Congress to add amendments, including a bill of rights, became a central issue during the ratification debates and the first federal elections.

Terms to Know: amendment, ratify, bill of rights, instruct, constituent.

Procedures

1. Entry Activity: Display the following prompt on the board or overhead. Pass out index cards to the students as they enter the room and ask them to respond to the prompt on an index card (as shown below).

A homeroom representative addresses the homeroom one day with the intent of taking a poll to see if students want a DJ or a band for the end of year dance. Twenty-four out of the 29 students indicate that they want a band. The homeroom representative explains how costly a band will be and points out that they will not be able to satisfy the varied tastes of those who attend the dance.

The day after the poll was taken, the students learn that student council voted for a DJ and that their homeroom representative did as well.

Were the actions of the homeroom representative justified? Explain.

After you have collected the cards, ask students to volunteer their responses. (The purpose of this prompt is to get the students thinking about the responsibilities of a leader in the decision-making process.)

2. Lesson Description: Tell the students that this lesson is designed to help them understand how changes to the Constitution are made and to get them thinking about the roles that members of Congress play in representing the people.

3. Think-Pair-Share: Begin by asking students to define the word “amendment.” Be sure that they understand the term’s meaning. Distribute copies of Handout 2-2 (Graphically Organizing Article V of the Constitution - see **Unit Resources**). Have the students read Article V then ask them to complete the chart found on the handout with their partners. This chart asks students to organize the steps in the Amendment process in chart form.

4. Debrief: Ask the students what role Congress plays in the Amendment process?

5. Tell the students that they are now going to debate one of the amendments introduced at the First Federal Congress to help them understand the nature of the Bill of Rights and the role that Congress played in creating the protections found therein. Remind the students that they are about to engage in a weeklong role-play and that they are expected to debate within their roles while the mock Congress is “in session.”

6. Parliamentary Rules: Distribute copies of Handout 1 (“Simplified Parliamentary Procedures” - see **Unit Resources**) so that the students can refer to them during the debates.

7. Distribute or display the top portion of Handout 2-3 (“Proposed Amendment” - see **Unit Resources**). Ask the students to read the proposal, then open debates on it.

8. Chair Introduces a Motion: At some point in the debates, announce that a motion has been delivered to the chair that requires immediate attention. Congressman Tucker is proposing the following (display the bottom portion of Handout 2-3 "Motion from Mr. Tucker" - see **Unit Resources**) on the overhead. Have students read the motion. Ask them what they think it means and clarify to the degree that it is possible.

(Note: Tucker’s motion is suggesting that the eventual bill of rights ought to include a statement that the people have a right to “instruct” members of Congress. Just

what this meant is uncertain. Would it mean that the people have the right to make recommendations to members of Congress? Or would it be interpreted to suggest that the members of Congress would be bound by the will of the majority of their constituents? The initial interpretation by members of Congress was that the motion would bind them as "instructed delegates" to the will of the majority, thereby denying them the freedom to exercise their independent judgment as "trustees." This motion raised a fundamental question about the role that members of Congress play in representing their constituents and led to a very interesting debate.)

9. Sticky Poll: Ask the students to step outside of their roles for a few moments. Take a poll of the students. Ask them to consider the following: "Members of Congress should be required to base their decisions on the opinions of the majority of their constituents." Give each student a sticky note. Ask them to write their name on the sticky note. While the students are writing, put the words "Instructed Delegate" and "Trustee" at opposite ends of the chalkboard. Explain the difference between the "instructed delegate" and "trustee" theories. Tell the students to think of the space in between as part of a continuum. Invite students to walk up to the chalkboard and place their sticky notes on a point on the continuum that best identifies where they stand in terms of their support for the theories (and Mr. Jackson's resolution).

(Note: It is possible that some students will take a position in between "instructed delegate" and "trustee." Political scientists refer to a person who swings between "instructed delegate" and "trustee" as a "politico" (see O'Connor and Sabato, 150-151). If you post this position too early in the lesson, however, students may gravitate toward the center. Therefore, you may want to post and explain the label "politico" near the end of the lesson, i.e. after the students have identified their own positions and have debated the merits of the two extremes.)

10. Reopen Debates: After all of the students have placed their notes on the board, reopen debates on the motion. Allow the students to debate and vote on the motion as well as the amendment itself.

11. Thinking Historically: Tell students that the way we think today may be very different from the way people thought 200 years ago. Remind them that one of the purposes of studying history is to gain access to ideas that can inform the decisions we make today. In this activity, we are going to read about how the members of the First Federal Congress felt about the issue of "instructing" members of Congress.

12. Group Jigsaw: Divide the class into 5 groups. Give each student in each group one of the excerpts from the historical document found in Handout 2- 4 ("The Daily Advertiser.") The members of each group should receive the same excerpts but each group should receive different excerpts. Tell each group to read the excerpt that they have given and interpret the argument(s) embedded within each document. Ask them to decide where their Congressman would fit on the continuum that appears on the board. Tell one student in each group to write the name (or use the portrait) of the Congressman whose opinion(s) they read on their piece of paper. Invite one person from each group to

walk up to the board and put that Congressman's name or portrait on the continuum where the group concluded he stood on Mr. Jackson's motion. Have that student explain the point of view and argument(s) put forth by their Congressman at the First Federal Congress. Invite the rest of the class to comment on the strength and credibility of each argument.

13. Change or Continuity? While looking at the continuum that appears on the board, have students compare their 21st Century points of view with the points of view expressed by the members of the First Federal Congress in 1789. Ask them if the evidence suggests that the opinions of the American people have changed or remained the same over the course of 200 years. If they note change, ask why this change may have occurred. Finally, ask the students if the "voices of the past" had any influence on their position regarding how members of Congress ought to view their role as representatives.

14. Invite students who have changed their original positions **to go up to the board and relocate their sticky note** to illustrate how their opinions have changed.

15. Debrief: Reflect. Ask students:

- what were some of the rights that Congress intended to protect under the "Proposed Amendment?"
- which minorities in America would be protected under the "Proposed Amendment?" How would they be protected?
- what did you learn about the role that members of Congress play in representing their constituents?
- if they think, given who they represent, that members of the House and Senate should embrace different theories of representation?

Extension Activities

Have your class develop a brief survey focusing on the issue of Congressional representation. For example, the students might ask:

- Do you abide by the will of the people whom you represent (i.e., constituents) when considering legislative action or do you act according to your own best judgment? Please explain.
- Do you have any general rules that you follow when deciding whether to abide by the will of the people? If so, what are they? Or, are you guided by personal judgment?

Have the students contact their representatives in Congress and submit the questions or invite them into your room for a discussion on the topic.

Teaching Tips

The terms "instructed delegate," "trustee," and "politico" are terms used in modern times by some political scientists. They were not in use at the time that the First Congress was in session and students should be aware of this. Although the terms may

convey certain skeptical connotations in the minds of older audiences, they are presented as descriptive terms and are not meant to be interpreted or presented in a judgmental manner.

Recommended Readings/Sources Cited

- Bickford, Charlene Bangs and Bowling, Kenneth R. *Birth of the Nation: The First Federal Congress 1789-1791*. (1989) Madison House Publishers. Madison, WI.
- Christman, Margaret C. S. *The First Federal Congress: 1789-1791*. (1989). Washington; Smithsonian Institution Press.
- DiClerico, Robert E. and Hammock, Allan S. (1998). *Points of View: Readings in American Government and Politics*. McGraw-Hill. Boston, MA.
- O'Connor, Karen and Sabato, Larry J. (2000). *The Essentials of American Government: Continuity and Change*. Longman. New York.
- Veit, Helen E., Bickford, Charlene Bangs and Bowling, Kenneth R. *Creating the Bill of Rights: The Documentary Record from the First Federal Congress*. (1991) The John Hopkins University Press. Baltimore, MD.