

Challenging the Constitution: Convening a Mock Constitutional Convention for American Government Students

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ABSTRACT Simulations are useful tools in the classroom for an assortment of pedagogical reasons. I have devised a mock constitutional convention for use in introductory American government courses to better engage students and spur critical thinking about the U.S. Constitution. This article details the particulars of the simulation and its outcomes.

Those of us who frequently teach sections of American government comprised mostly of students from other disciplines desperately try strategy after strategy to spark our students' interest. Part of the challenge stems from working with students in their first year of college or from disciplines outside of political science (cf. Clydesdale 2007), and part stems from the general level of apathy that young people direct toward government and politics (cf. Colby et al. 2007). I have devised a mock constitutional convention simulation for use in such classes that has been helpful in encouraging political engagement with American government students. Additionally, the mock constitutional convention challenges the reverence that Americans have for the Constitution and the resistance to its amendment that abounds (Sabato 2007; Levinson 2006; see also Dahl 2002; Lazare 1996). I have conducted a mock constitutional convention in five different American government classes at two different institutions. Each time, I have modified the simulation to better achieve student engagement and understanding, and I believe that the simulation's most recent incarnation is the most successful at attaining these ends.

RATIONALE FOR A MOCK CONSTITUTIONAL CONVENTION

The incorporation of a mock constitutional convention into my American government courses is the result of my efforts to address several issues. First, theories of learning and pedagogical literature encourage faculty to employ active learning and experiential models in our teaching for a host of reasons. Of the many models on which an instructor can draw, Kolb's experiential learning model (1984; 1988) is particularly applicable in political science

courses (Brock and Cameron 1999). Kolb divides the learning process into four stages: concrete experience, reflective observation, abstract conceptualization, and active experimentation.¹ These stages are manifested in the way that this simulation unfolds over the course of the semester. An initial discussion of the Constitution addressing its history, amendments, and ideas for amendments (e.g., Sabato 2007; Levinson 2006) provides the first concrete experience. After introducing ideas for amendments that are drawn from a common reading in class, students embark on discussion and reflection, marking the second stage, reflective observation. During the third phase, abstract conceptualization, students are tasked with developing their own ideas for constitutional amendments. Finally, in the active experimentation stage, the class engages in the mock constitutional convention.

Simulations have long been documented as an effective teaching strategy that can be employed in a range of settings (cf. Walcott and Walcott 1976; Dorn 1989; Smith and Boyer 1996). Using simulations as a teaching technique encourages students to do more than simply read about concepts and instead engage in actual experiences with them, increasing both students' motivation and interest (Dorn 1989, 4). Moreover, "enhanced cooperation, interaction, and communication between students are further articulated benefits of simulation games" (1989, 5). Smith and Boyer (1996) conclude that students are motivated by the real scenarios that the simulations emulate. The mock constitutional convention endeavors to bring the Constitution off the page and connect it to the lives of students while getting them to work successfully with one another.

Finally, Americans have a reverence for our Constitution that is appropriate at times and inappropriate at others. I do not mean to say that our Constitution is not brilliant or is flawed, as it has "inspired millions around the globe to seek a better society" (Sabato 2007, 4). Rather, "we have preferred to assume perfection in the original Constitution," and this assumption thwarts our ability to critically reflect on the document and any changes to it that might be necessary (Sabato 2007, 4). Both Sabato (2007) and Levinson (2006) use this premise as a starting point for proposing

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a host of constitutional amendments (see also Dahl 2002; Lazare 1996). I have found this reverence among both my colleagues and my fellow citizens, and I believe that this veneration can blind us from critically examining our Constitution. Indeed, Thomas Jefferson thought that the Constitution would be replaced every generation or so (quoted in Sabato 2007, 7). It is precisely this veneration that I aim to challenge in my simulation, not because I have any predisposition to overhaul the Constitution, but because this challenge stimulates the thinking and reflection that are often elusive among students and citizens. Indeed, the amendments that have been offered by Sabato, Levinson, and my students have run the gamut from good ideas to the nonsensical; however, regardless of the amendments' subjects, raising this issue stimulates critical thinking about the Constitution, which is the ultimate goal of the simulation.

MOCK CONSTITUTIONAL CONVENTION PARTICULARS

As previously noted, I have employed this simulation in one form or another in five different introductory American government classes and have refined it to a point at which I am pleased with its effectiveness. The class begins to talk about amending the Constitution at the beginning of the semester when we discuss the document and the course project, which is the mock constitutional convention. In addition to an American government text, I require students to obtain a copy of Larry Sabato's *A More Perfect Constitution*.² Throughout the semester, when we are covering the standard content from Congress and political institutions to campaigns and elections, I incorporate Sabato's relevant amendments into the reading assignments and discussion to encourage critical thinking about the given topic and the Constitution. For example, after discussing the basics of Congress, we discuss Sabato's proposal to increase the size of the House of Representatives from 435 to 1,000 members. I find that students are astounded by the present inefficiency of the House, and the introduction of Sabato's proposal to more than double the size of this body leaves them further exasperated. In other words, Sabato's amendments are frequently provocative enough to spur even the most disinterested student to express an opinion.

Sabato's amendments are not only thought-provoking, but they also keep students engaged in thinking about changes they would like to make to the Constitution, which is the ultimate goal for the course project. To promote research and work on writing skills, the semester project entails first writing a one-page constitutional amendment and then writing a brief research paper (typically seven to 10 pages in length) that supports the proposed amendment. During the semester, students are tasked with devising their own constitutional amendment on whatever topic or issue that they choose. Midway through the semester, students submit topics, and we work together to refine their amendments. Students are not permitted to use any of Sabato's amendments—they must come up with their own ideas—but his proposals often help them begin thinking.

About two-thirds of the way into the semester, students are required to write up their constitutional amendment and formally submit it. I sift through the stack of amendments and pick three or four, depending on the size of the class, for discussion during our convention.³ In selecting amendments, I look at the originality of topic, the likelihood of the topic provoking debate, and the overall quality of the amendment. Past amendments that have worked well range from those outlawing abortion, permit-

ting gay marriage, or abolishing the U.S. Postal Service to those eliminating the penny and lowering the drinking age.

After a slate of amendments has been selected, I circulate the amendments and ask students to rank them in terms of which they would like to research and present to their fellow delegates. Based on these rankings, I place the students in groups (typically about 10 students per group) for each amendment. Once in the groups, the students divide themselves into smaller groups to put together a brief presentation for or against each amendment. The small groups are required to do some minimal outside research, prepare an outline of their argument, and prepare the presentation. Perhaps most important, they must be prepared to field questions from the opposing group and their fellow delegates. I generally give the students some time in class to work in their groups, but I expect the groups to meet outside of class as well.

The mock constitutional convention is held in lieu of a more traditional, comprehensive final exam. Our university-scheduled exam block typically provides us with two hours for our constitutional convention, which is an ideal amount of time. Typical class periods ranging from 50 to 75 minutes are insufficient for this activity. Each small group has approximately 10 minutes to make its case for or against a proposed amendment. Students pose a variety of questions to the groups, and then more general debate ensues. To ensure the flow of the convention and remove myself from the activity as much as possible, the class nominates a convention president and vice-president to oversee the proceedings, recognize different delegates for questions and comments, and generally keep order. Students seem to really enjoy this role—indeed, I had one student who was so excited to be appointed the convention president that he attended the convention dressed in eighteenth-century garb! At the close of these proceedings, the delegates vote on each amendment.

There are several written components to the convention. To ensure that groups prepare for their arguments, I require each group to submit an outline of its argument at the time of the convention. I find this component to be helpful, because it requires students to work in advance and methodically prepare their arguments. Of course, it is not possible to anticipate every question or counterargument, but the preparation of the outline helps the groups organize their approach. Moreover, this assignment requires citations, which help me confirm that the groups conducted some outside research. In keeping with pedagogical strategies of employing group work effectively, I also require peer evaluations. Students not only evaluate their colleagues in their groups using a series of closed and open-ended questions, but they also evaluate themselves. The evaluation form asks about each group member's level of contribution and extent of participation, as well as for an overall grade for each group member. These evaluations provide insights into group dynamics and count for half of a student's grade for the convention portion of the project (the remaining half comes from my assessment of the group's argument and outline, observations of the individual during his or her presentation, and his or her handling of questions).

Other variations on this process have worked in the past and are worth mentioning. In some semesters, the convention addressed amendments offered by Sabato, because I had not fully integrated the course project with the constitutional convention. Working with selected amendments from Sabato's text was helpful, because students had some background material with which

to work, and the groups bore less of a research burden. However, using Sabato's proposals often resulted in groups doing minimal additional work in preparing their arguments, particularly those groups advocating Sabato's own position. Additionally, using Sabato's amendments did not encourage the students to really delve into a topic, because they had less personal investment in it.

Instead of having students work in small groups, I have also had them work independently (although only for classes with smaller enrollments) and argue for and against amendments individually during the convention. I prefer to have students work in groups, because despite groups' challenges, they force students to be more intentional in their preparation and avoid the inevitable question of who responds to questions from delegates when a number of students have individually prepared arguments. On a related note, when students prepare their arguments independently, one student inevitably has the same points to make that another student has already offered. Therefore, I have found group efforts to be far more productive and rewarding.

OUTCOMES

As with any pedagogical strategy, both positive outcomes and frustrations have accompanied the mock constitutional convention; however, in my experience, the positives far outweigh the challenges. Engagement, critical thinking, and collaboration with peers result from the exercise. Despite students' proclivity to passive

grading, I require the groups to submit a brief outline detailing their presentation during the convention. This assignment provides one way to assess the group's work and also helps the group organize its thoughts in advance of the convention. Despite these efforts, assigning grades for the actual convention can be challenging. I do my best to assess performance based on a student's participation in the convention, both in terms of his or her group's remarks and the questions that he or she fields. Moreover, I use group evaluations on which students evaluate colleagues in the group and themselves.

Another challenge that is perhaps more difficult to overcome is that this simulation oversimplifies the process of amending the Constitution. Thousands of constitutional amendments have been proposed since the ratification of the Constitution, but just over two dozen have actually navigated the grueling process of ratification. As Dorn (1989) notes, simulations tend to oversimplify reality, and the mock constitutional convention is no exception. Additionally, one foundational assumption of the simulation is that the Constitution needs amending, and such an assumption is debatable.

STUDENT REACTIONS

The last time that I conducted this simulation, in fall 2009, I gave the students a three-question, open-ended survey to complete after the simulation. Two of the questions asked: "What surprised you most about the mock constitutional convention?" and "Overall,

Despite students' proclivity to passive engagement, this simulation forces them to more actively engage in dialogue about the Constitution and consider how improvements might be made. Instead of reading the particulars of the Constitution in a textbook or considering classmates' comments about the document in its current form, students must offer their own amendment and consider other suggestions proposed by their classmates.

engagement, this simulation forces them to more actively engage in dialogue about the Constitution and consider how improvements might be made. Instead of reading the particulars of the Constitution in a textbook or considering classmates' comments about the document in its current form, students must offer their own amendment and consider other suggestions proposed by their classmates. In an unsolicited e-mail, one student wrote of this project: "I wanted to tell you that I love writing this paper and it's a really good idea. I love analyzing the American government and feel so smart researching and challenging it." While engaging with course material and considering the Constitution in a more critical manner, students also collaborate with their peers in developing arguments for and against particular amendments. As such, they foster skills associated with group work and refine their political debate skills.

As might be expected, some challenges are associated with this simulation that merit consideration. As Dorn (1989) notes, simulations are difficult to grade for many reasons. To mediate some of these concerns, students are required to submit their own individual papers, which provide me with a tangible product to assess. However, the group work done preparing for and during the constitutional convention provides a more significant challenge for

what was best about the convention?"⁴ Almost half of the student responses to the first question pertained to the amount of research that their colleagues conducted. One student wrote, "The groups seemed prepared and everyone had valuable information to present. I liked hearing both sides." Similarly, another student remarked that he or she was surprised with "the amount [of information] that I learned!" Students were also surprised by "the amount of debate that went on."

In terms of what students liked best about the simulation, the most frequent response related to the amount of debate and participation that occurred during the convention. Students liked that the simulation "encouraged debate" and enjoyed "when other students asked questions. It showed people were listening and wanted to know more information." Another student wrote that he or she enjoyed "hearing both sides of popular issues"⁵ Furthermore, he or she said, "I came into this class with strong views on many of these topics, but this convention made me reconsider them. The groups brought up facts and ideas I'd never considered. The convention is a great idea." I appreciated the student feedback that I collected more formally this last semester and plan to incorporate an evaluation instrument each time I conduct the simulation in the future.

RECOMMENDATIONS

As I indicated at the outset, I devised this simulation after some trial and error, and I feel that it works well. However, as with everything in the classroom, I have some recommendations for the future. First, it could be advantageous for students to submit their one-page amendments to the entire class anonymously and then have the class vote on which to include in the convention. This process would allow students greater say in the direction of the convention and permit them to focus on the amendments that they find most attractive. Second, the mock constitutional convention might be stretched over several class periods to allow deeper and fuller engagement from students while also creating time for reflection between sessions. This approach could further enrich students' experiences with the simulation.

Again, this most recent semester, I had students complete an open-ended evaluation of the convention, and I was most intrigued with their responses for improvements. In responding to the question "Overall, what would you change about [the convention]?" two ideas dominated. First, students wanted to see their colleagues "better prepared" and for them to "do more research in order to get more in depth." I was pleasantly surprised to see the students critique their level of research far more than I would have. Second, the most frequent suggestion was to establish a more formal, structured debate in which the groups *have* to question the other group working on the same amendment, and to even require all the convention delegates to ask more questions. I fully intend to embrace these ideas about the structure of the debate to encourage even more participation in the future.

FINAL THOUGHTS

In closing, I find this mock constitutional convention to be an engaging simulation for introductory American government students. Over the course of several semesters, students from a range of disciplines have had positive experiences with this exercise. From a pedagogical standpoint, the simulation has encouraged students to think more deeply about our Constitution and take a more active role in learning. Perhaps the best way for a teacher to know that he or she has found a strategy to encourage student engagement is when a student writes on an evaluation: "Overall, this was the first time I have done anything like this and I believe I really got a lot out of it." ■

NOTES

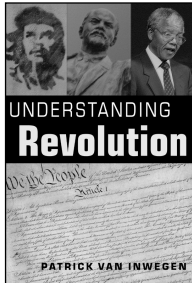
1. See Brock and Cameron (1999) and Smith and Kolb (1985) for additional insights into these stages.

2. I have previously noted that Sabato's book is only one of several books that propose various amendments to the Constitution. I have repeatedly elected to use Sabato's book over the others for the simple reason that I find it the most accessible to the abilities of my students. I am not privileging Sabato's proposed amendments over the amendments of others; rather, I find that my students are better able to understand Sabato's proposed amendments than those submitted by others.
3. I have conducted this simulation in both classes with 15 and 20 students and classes with 40 students. Since I try to limit the groups arguing one side of an amendment to four or five students, the class size determines the number of groups and the number of amendments that are considered. In the smaller classes, I decrease the group size to allow for discussion of more amendments.
4. The third question concerned changes to the simulation; those responses are discussed in the following section.
5. This convention focused on four amendments: abolishing the death penalty, allowing gay marriage, eliminating the U.S. Postal Service, and requiring all adults to complete 25 hours of community service.

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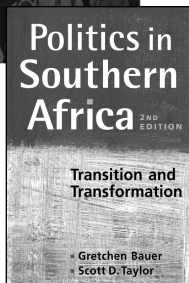
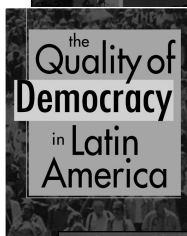
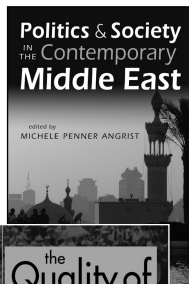
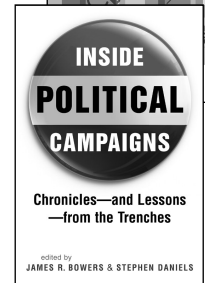
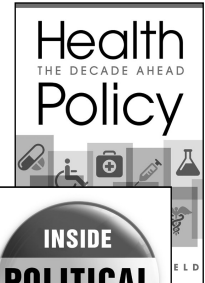
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