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Birth of American Democracy: Discourse, Debate and Compromise
Prepared by the University of Virginia Center for Politics

Purpose: In this exploration of American democracy students will follow the path to representative government by analyzing the tradition of discourse, debate, and compromise from Jamestown to Williamsburg and Philadelphia and finally to Washington. Students will determine the importance of debate and compromise for the development of a government by and for the people and also identify strategies for making their voices heard in government today.

Objectives:

1. Students will examine the form and function of the first assembly in order to establish Jamestown as the birthplace of American democracy.
2. Students will follow the process of establishing self-government in the United States in order to determine the extent to which debate, discourse, and compromise influenced the development of modern democracy.
3. Students will discuss the importance of discourse and disagreement in creating legislation in order to develop strategies for making their voices heard in a democracy and a pluralistic society.

Key Terms:

| | | | |
|---------------------------|-----------|-----------|------------|
| Articles of Confederation | Discourse | Burgess | Compromise |
| Filibuster | Blue Slip | Pluralism | Cloture |

Materials:

1. Teacher Transparency, *First Assembly, 1619*
2. Student Resource, *The First Legislative Assembly*
(www.nps.gov/colo/Jthanout/1stASSLY.html)
3. Student Resource, *Discourse, Debate and Compromise*
4. Article, *Battle of the Blue Slips*
5. Student Resource, *What is a Filibuster?*
6. Teacher Transparency, *Political Cartoon: The Filibuster*
7. Assessment, *Public Service Display: Discourse, Debate and Compromise*

Procedure:

1. **Warm Up/Motivation.** Ask students to list the characteristics of American democracy. Review the list with the students. Have students comment on the process by which those characteristics came to be associated with democracy.
2. Display the following list of challenges on the board. Ask the students to assume the role of the Virginia Company. In that role have the students brainstorm ideas for solving the problems faced by the Jamestown settlement in 1619.
 - Not enough settlers
 - Didn't find gold or a passage to Asia
 - Settlers were not motivated to work hard
 - Settlers were denied the rights of English citizensTo solve the problem of immigration to Jamestown the Virginia Company realized that it would need to allow the settlers to participate in the government of the colony. The Great Charter of 1619 established the House of Burgesses. The first meeting of the Burgesses took place on July 30th, 1619.
 - How did the problems facing Jamestown in 1619 lead to the development of modern American democracy?
3. Display the teacher transparency, *First Assembly, 1619*. Ask the students to hypothesize the issues that would have been discussed at this historic event. Have the students read *The First Legislative Assembly* which can be found at www.nps.gov/colo/Jthanout/1stASSLY.html and ask the students to comment on the following:
 - Why did the Virginia Company choose not to model the government of Jamestown after the English Parliament?
 - How important was open debate and discourse in 1619 Virginia? Why do you think this?
 - Why does John Pory warn the Council that they should enact the laws passed by the House of Burgesses?
 - What laws were drafted at this first session? What do they tell us about life at Jamestown?Inform students that only land-owning males over the age of 17 were permitted to vote. This meant that the majority of the population which was indentured servants and slaves had no hand in selecting representatives.
4. Have the students read the record of events from the first meeting of the assembly at Jamestown by visiting Virtual Jamestown: <http://extext.lib.virginia.edu/etcbin/jamestown-browse?id=J1036> (There is a modern spelling version in addition to the original.)

- Describe the House of Burgesses in 1619. Who was represented? What power did they have in making laws for the settlement?
- What characteristics of representative government trace their beginnings to Jamestown?
- Whose arguments and ideas were missing from the discussions within the House of Burgesses? How might this have affected the colony?
- What issues were debated or argued about at the first session? What was the result of this discourse?

5. Distribute the student resource sheet, ***Discourse, Debate and Compromise***. Divide the students into groups and assign them the task of researching one of the topics. Students are asked to find examples in each of compromise. Students should share their findings with the class. Students should be able to describe the importance of discourse, debate and compromise in a democracy.

Have students summarize the activity by asking them to place a mark on a continuum and justifying their response with evidence from their research.

How important is disagreement, debate and compromise to the survival of representative government?

| | | |
|---------------------|--------------------|---------------|
| Extremely Important | Somewhat Important | Not Important |
|---------------------|--------------------|---------------|

6. Ask students to respond to the statement.
Many Americans believe that the politicians spend too much time arguing and not enough time getting things done.

- Why do many Americans believe this?
- Is it true? Why or why not? If true, why do they do it?
- Does argument prevent things from getting done or is debate and discourse an important part of creating change?

Distribute student resource sheet, ***What is a Filibuster?*** Direct the students to read the short description and answer the guide questions included. Display the cartoon, ***The Filibuster***. Interpret the meaning of the cartoon by asking students:

- Who does the elephant represent? The donkey?
- Why is the donkey getting on the elephant's nerves?
- What is a filibuster? When do senators use a filibuster?
- Why does the elephant want the donkey to forgo using filibusters?
- What are the positive/negative results of filibusters?
- Are filibusters a form of debate or argument?

Distribute copies of the William Safire article, *Battle of the Blue Slips*. Ask the students to read the article and answer the summary questions.

- How is a *Blue Slip* similar to a filibuster?
- What is the purpose of using *Blue Slip* or filibusters in the Senate?
- To what extent is this practice an example of argument or disagreement that leads to compromise?

*If time permits have the students discuss the recent use of the filibuster in the Senate over Presidential court appointments. Students can research the compromise reached and discuss whether it solved the problem or made it worse. What will happen to the filibuster in the future? Should Senators have the right to block appointments or legislation that they do not agree with?

7. As an assessment of the lesson have the students find a current news story that highlights the importance of disagreement, debate and compromise in preserving a democracy. Some topics that lend themselves to this project include:

- Social Security Reform
- Health Care Reform
- Congressional Redistricting
- Foreign Policy: Terrorism

Once students have found their article have them create a public service display that focuses on the role of discourse, debate and compromise in the establishment and preservation of American Democracy. Use the assessment sheet, *Public Service Display: Discourse, Debate and Compromise* to evaluate student comprehension of the objectives in this lesson.

Extension Activity: Lesson Plan 2, *Democracy Corps, Basic Concepts of Democracy*.

The First Assembly at Jamestown 1619



- Why would the Virginia Company decide not to model the government at Jamestown on the English Parliament?
- Why does John Pory warn the Council that they should be “wary” of refusing to enact the laws passed by the Council?
- How important was open debate and discourse in the creation of laws in Jamestown? Why do you think this?
- What laws were drafted at this first session? What do they suggest about life in Jamestown in 1619?

THE FIRST LEGISLATIVE ASSEMBLY at Jamestown, Virginia

As citizens of the United States of America, it is important for us to rediscover the earlier expressions of our constitutional ideals in Colonial Virginia. Though many of our ideas about representative government developed from the English model of Parliament, the American tradition of representative government actually began in Jamestown. The experience there would later influence the political development of other English colonies in the New World.

We shall first briefly review some of the significant events leading up to the legislative assembly of 1619; second, we shall discuss the distinguishing features of that historic meeting, which took place in the church during the hot summer months of July and August; and finally, we shall comment on the significance of the first assembly as a precedent for many of the institutional values represented in the U.S. Constitution.

The first charter of the Virginia Company, signed by King James I on April 10, 1606, planted the first seed for the future evolution of our constitutional values. The charter proclaimed that:

all and everie the parsons being our subjects which shall dwell and inhabit within everie or anie of the saide severall Colonies and plantacions and everie or anie of their children . . . shall have and enjoy all liberties, franchises and immunities as if they had been abiding and borne within this our realme of England.

Indeed, one of the major grievances of our ancestors at the dawn of the Revolution was that England failed to grant the colonists the same rights as those enjoyed by the citizens residing in the mother country. In these simple words -- buried in a document concerned mostly with the rights of the proprietors -- lay the real authority for the first legislative assembly on the American continent to take place.

Between the years of 1606 and 1619, two significant trends were evolving that would later determine the political character of the colony. First was the growing recognition that a colonial settlement should be more than just a commercial enterprise. Unlike the Popham colony in present-day Maine (which was granted under the same charter of 1606), Jamestown showed promise of developing into a permanent settlement, and men such as Sir Edwin Sandys soon grasped the idea that in order to have a prosperous colony, one must also have a populated colony with women and children, and not just eager adventurers in constant need of supplies from home.

The second trend was that the power to make laws regulating the colony was becoming more and more decentralized. In 1609 the King, unwilling to shoulder the financial burden of the colony from the royal treasury, signed a second charter which allowed for the sale of company stocks to the public. James I thereby reluctantly surrendered his absolute control over the colony in an effort to solicit the support of as many investors as possible. This trend towards decentralization of power did not, at first, result in greater rights and privileges for the colonists. The rigid punitive code known as "Laws Divine,

Morall and Martiall," which began around 1611, was, if anything, a major setback. By 1618, however, martial law was abolished, the legislative assembly created, and some of the power of government finally trickled into the hands of the settlers. Together, the two trends explained above accelerated the overall trend towards a colony less commercial, and more political in character.

Thus in April 1619 Governor George Yeardley arrived, announcing that the Company, in an effort to improve the social conditions of the colony, had voted for the abolition of martial law and the creation of a legislative assembly. This assembly would be held no more than once a year, "wherat were to be present the Governor and Counsell with two Burgesses from each Plantation freely to be elected by the inhabitants thereof." The mandatory presence of the Governor and the appointed Council somewhat restricted freedom of debate.

The names of the settlements and their elected representatives were - **For James city:** *Captaine William Powell and Ensigne William Spense;* **For Charles city:** *Samuel Sharpe and Samual Jordan;* **For City of Henricus;** *Thomas Dowse and John Polentine;* **For Kiccowtan:** *Captaine William Tucker and William Capp;* **For Martin Brandon-Capt. John Martin's Plantation:** *Mr. Thomas Davis and Mr. Robert Stacy;* **For Smythe's Hundred:** *Captaine Thomas Graves and Mr. Walter Shelley;* **For Martin's Hundred:** *Mr. John Boys and John Jackson;* **For Argall's guiffe:** *Mr. (Captaine Thomas) Pawlett and Mr. (Edward) Gourgaing;* **For Flowerdieu Hundred:** *Ensigne (Edmund)Roffingham and Mr. (John)Jefferson;* **For Captaine Lawne's Plantation:** *Captaine Christopher Lawne and Ensigne Washer;* **For Captaine Warde's Plantation:** *Captaine Warde and Lieutenant Gibbes.*

Other members of this assembly included John Pory as Secretary and Speaker, John Twine as Clerk of the Assembly and Thomas Pierse as Sergeant at Armes. The Governor's Council consisted of the Governor, John Pory, Captain Frances West, John Rolfe, Captain Nathaniel Powell and Samuel Maycock.

The 22 burgesses, together with Governor Yeardley and the Council, met on July 30, 1619 in the church at Jamestown, because it was "the most convenient place . . . they could finde to sitt in." For the important role of Speaker the assembly elected John Pory, who had at one time served as a member of English Parliament.

The weather was unbearably hot and humid, and one burgess died during the session; nevertheless, the assembly did manage to cover several items on the agenda during its brief, six-day meeting. First, the assembly petitioned for some minor changes in the settlement of land tenure. Then, the assembly approved the "greate Charter" of 1618, which had allowed for its creation. Next, the assembly adopted measures against drunkenness, idleness, and gambling. Other legislation discussed on Monday, August 2, included protection against the Indians, baptizing the Indians, and planting trees and crops. On August 3, the assembly discussed "a thirde sorte of laws suche as might proceed out of every man's priviate conceipt." Here lies the power of the individual burgess to initiate legislation, and not simply to pass those laws proposed from above. The burgesses initiated and passed more legislation regulating relations with the Indians and the personal affairs of the colonists. The assembly even passed a law requiring

compulsory church attendance. Also on August 3 the assembly took on a judicial character as it tried one of the servants of a landowner for improper conduct. Finally, on August 4, the assembly approved its first tax law. This was a poll tax requiring that every man and servant in the colony pay the officers of the assembly "one pound of the best Tobacco" for their services during this hot, midsummer season.

As the assembly made preparations to close its first meeting, John Pory, in his final petition on behalf of the assembly, asked the Company in London to excuse the assembly for its rather abrupt decision to adjourn the meeting early. More importantly, in his letter one can detect a trace of ambition to expand the power of the assembly:

Their last humble suite is, that the said Counsell and Company would be pleased, so soon as they shall finde it convenient, to make good their promise sett downe at the conclusion of their commission for establishing the Counsel of Estate and the General Assembly, namely, that they will give us power to allowe or disallowe of their orders of Courte, as his Majesty hath given them power to allowe or to reject our laws.

He even went so far as to warn the Council and Company against the danger of rebellion and anarchy. Fully aware of the power of the Council to accept or reject the laws passed by the assembly, Pory pleaded with the Company "not to take it in ill parte of these laws which we have now brought to light . . . for otherwise this people would in shorte time growe so insolent, as they would shake off all government, and there would be no living among them."

Thus concluded the first legislative assembly ever to take place in English-speaking America. It was of course a modest beginning, and the capacity of the First Assembly to serve as a precedent for later constitutional developments in America was restricted in two ways: first, the assembly was not modeled after Parliament, but rather after the assembly of Virginia Company stockholders in London (similar to a board of directors); and second, any legislation passed by the assembly was subject to unrestrained Company veto.

The First Assembly, nevertheless, "inaugurated a new era in colonial government," one that would later blossom into a fully developed constitutional system in which the preservation of peace and order, as John Pory remarked, would lay in the foundations of representative government. Let us conclude with one of Thomas Jefferson's comments in a letter to James Madison, who, at that time, had just returned to Virginia from the Philadelphia Convention. The thrust of his statement somewhat resembles that of his predecessor, John Pory:

. . . And say, finally, whether peace is best preserved by giving energy to the government, or information to the people. This last is the most certain, and the most legitimate engine of government . . . Enable them to see that it is in their interest to preserve peace and order, and they will preserve them.

Courtesy of Colonial National Historical Park, National Park Service

www.nps.gov/colo/Jthanout/1stASSLY.html

Discourse, Debate, and Compromise

| Challenge | Issues argued, debated and discussed | Areas of Compromise | Final Result | Effect on Democracy |
|--|--------------------------------------|---------------------|--------------|---------------------|
| 1775- Pre-Revolution Continental Congress Philadelphia | | | | |
| 1787- Constitutional Convention/ Problems with the Articles of Confederation (Including slavery) | | | | |
| 1789 Ratifying the Constitution Federalists vs. Anti-Federalists | | | | |
| 1860 States' Rights vs. Federal ; Issue of slavery and its expansion into western territories | | | | |

Essay; Battle of the Blue Slips

By WILLIAM SAFIRE (NYT) 720 words

Published: May 10, 2001

In the slang of the Senate, a "blue slip" is like a private club's "blackball." When a senator opposes a president's nominee for a judgeship from that senator's home state, he or she deliberately fails to return the blue slip of approval to the chairman of the Judiciary Committee.

In olden times, the nomination then died. No hearing; no vote; the unreturned blue slip was a form of burial shroud. In the 80's, under the chairmanship of Ted Kennedy and later Joe Biden, a little wiggle room was allowed: a nominee, despite being blue-slipped by the home-state senator, could theoretically get a hearing provided the president begged the senator's permission in advance.

Through the Clinton years, that slightly modified veto remained in effect, and G.O.P. senators blocked his liberal nominees at about the same rate that Democrats blocked President Reagan's conservative choices. Chairman Orrin Hatch recently sought to weaken the single-senator's veto power, holding that it would take both offended senators from a home state to slam the door.

Here's how that works in practice. President Bush wants to nominate Representative Chris Cox of California to the notoriously left-leaning Ninth Circuit Court of Appeals. Cox, a former White House counsel, is a temperate, judicious lawmaker who now heads the House Policy Committee.

Senator Barbara Boxer, the liberal firebrand, can hardly wait to get the blue slip so she can burn it. But the other Democratic senator from California, Dianne Feinstein, would not guarantee to join Boxer in denying Cox any hearing. That uncertainty caused the Democratic leadership yesterday to adopt a lockstep policy: if one home-state senator blue-slips a nominee, all Democrats will oppose the nomination in committee or if it reaches the Senate floor.

That would amount to filibustering a judicial nominee, not the Senate's practice. Thus, to protect the blue-slip tradition -- to preserve any single senator's power to kill a nomination from his or her home state for no stated reason and with no hearings -- Democrats are prepared to tie up the Senate.

Are all Republicans up in arms about this? Are they outraged that a Republican president's power to nominate is trumped by a single senator's power to refuse to return a blue slip?

Not really. Before they are partisans, senators are senators; they like their prerogatives. Many on both sides of the aisle are convinced that it is better to stop one bad judge than to let a hundred good nominations go down the drain. That's why Democrats are confident they can preserve the anti-democratic blue-slip tradition -- at least until they control the White House and Senate again.

When Bush submitted 11 candidates yesterday for judicial posts, his strategy was to start off by making nice to Senate Democrats. You want diversity? Three are women, and of the eight men, two are black and one Hispanic. You want experience? Seven are sitting judges, including two previous Clinton appointees, and two others have been frequent advocates before the Supreme Court.

If senators were angels, to paraphrase James Madison, this meritorious and noncontroversial bunch would pass muster in a flash. But most of Bush's first round of choices are of a conservative bent, and two (shudder) have been associated with Strom Thurmond and Jesse Helms. The trial lawyers' senator, John Edwards of North Carolina, has already declared war on the one with the Helms connection, as the opening gun in his campaign for the 2004 Democratic presidential nomination.

In answer to Bush's plea for "the return of civility and dignity to the confirmation process," what's to be the Democrats' judicial strategy? As their refusal to give one more inch of wiggle room to the Republican chairman of Judiciary shows, their strategy is: Intimidate the president into sending up centrists or difficult-to-attack minorities or women. Advise and consent has become consult and delay -- until one Republican's demise or the election of 2002 delivers the Senate into Democratic hands.

That's why we will see Democrats cherry-pick only the least conservative of Bush's nominees, arguing that ideology is all. Republicans will hold that qualifications -- character, demonstrated integrity, legal merit -- should be the standard for senatorial consent. So long as the blue slip rules, ideology will prevail.

Summary Questions:

1. What is a "blue slip?" What is its purpose? How do Senators use it to exert power over the President?
2. What strategies can Senators use to block presidential appointees? What are the positive and negative aspects of these actions?
3. Why have filibusters been used more frequently in the past several years?
4. Why do legislators of either political persuasion support the use of filibusters and "blue slips?"
5. How are Presidential appointments an example of compromise according to the author?
6. What is the result of discourse, debate and compromise in terms of presidential appointments?

What is a Filibuster?

In a legislature or other decision making body, a **filibuster** is an attempt to obstruct a particular vote from being taken by using up the time available, typically through an extremely long speech. The term first came into use in the United States Senate, where senate rules permit a senator, or a series of senators, to speak for as long as they wish and on any topic they choose. Senators will filibuster in order to block a vote on certain legislation, in hopes that the legislation will be removed from consideration. It is an important tactic that allows a large minority to affect legislation.

In 1789, the First US Senate adopted rules allowing the Senate "to move the previous question," ending debate and proceeding to a vote. In 1806 this rule was eliminated, allowing the filibuster to become an option for delay and blocking of floor votes. In 1917 a rule allowing for the **cloture** of debate (ending a filibuster) was adopted. Today, the requirement to invoke cloture is three-fifths of the Senate.

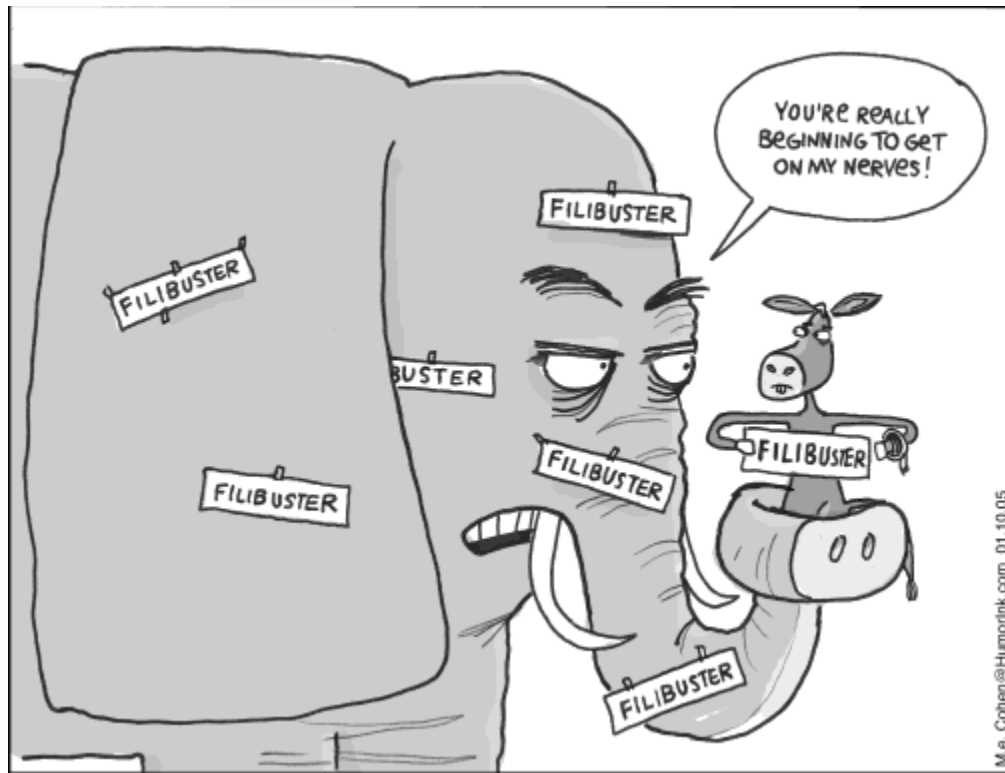
Under Senate rules, the speech need not be relevant to the topic under discussion, and there have been cases in which a senator has undertaken part of a speech by reading from a telephone directory. Senator Strom Thurmond (D-SC) set a record in 1957 by filibustering the Civil Rights Act of 1957 for 24 hours and 18 minutes, although the bill ultimately passed. Thurmond broke the previous record of 22 hours and 26 minutes set by Wayne Morse (I-OR) in 1953 protesting the Tidelands Oil legislation.

Preparations for a filibuster can be elaborate. Sometimes cots are brought into the hallways or cloakrooms for senators to sleep on. Strom Thurmond visited a steam room before his filibuster in order to dehydrate himself so he could drink without urinating. An aide stood by in the cloakroom with a pail in case of emergency.

Filibusters have become much more common in recent decades. Twice as many filibusters took place in the 1991-1992 legislative session as in the entire nineteenth century.

- What is a filibuster?
- What is its purpose?
- How can a Senator use a filibuster?
- Why does the Senate have the privilege of filibustering legislation?
- Do you think the filibuster helps or hinders the democratic process?

Political Cartoon The Filibuster



- Who does the elephant represent? The donkey?
- Why is the elephant larger than the donkey? Would the issues be different if the donkey were larger? Why or why not?
- Why is the donkey getting on the elephant's nerves?
- What is a filibuster? When do senators use a filibuster?
- Why does the elephant want the donkey to forgo using filibusters?
- What are the positive/negative results of filibusters?
- Are filibusters a form of debate or argument?

**Public Service Display:
Discourse, Debate and Compromise**

| Criteria | Possible Points | Points Earned |
|---|-----------------|---------------|
| Identified a current issue involving discourse, debate, and compromise | 5 | |
| Provided a connection between the issue and the beginnings of debate at Jamestown | 10 | |
| Demonstrated an understanding of the importance of debate to the democratic process | 15 | |
| Provided evidence of compromise in the democratic process | 15 | |
| Presented the importance of debating this issue to the future of the nation. | 10 | |
| Proposed strategies for public action in response to this issue | 15 | |
| Display was interesting and informative for the viewer. | 5 | |
| Total Points | 60 | |

Comments: