

The North Carolina Constitutional Convention of 1835

Overview

Students will explore the reasons North Carolina Constitution of 1776 needed reform, noting the changes to the NC Constitution that were made in the Constitutional Convention of 1835. Students will then apply what they have learned by assuming the role of North Carolina Governor David L. Swain and delivering a persuasive speech to the NC legislature on why the 1835 Constitutional Convention is necessary.

North Carolina Essential Standards for Civics & Economics

- CE.C&G.2.4 - Compare the Constitutions and the structures of the United States and North Carolina governments (e.g., the various NC Constitutions, Bill of Rights, Declaration of Rights, Preambles, the organization of, the powers of, responsibilities, etc.)
- CE.C&G.2.6 - Evaluate the authority federal, state and local governments have over individuals' rights and privileges (e.g., Bill of Rights, Delegated Powers, Reserved Powers, Concurrent Powers, Pardons, Writ of habeas corpus, Judicial Process, states' rights, Patriot Act, etc.)
- CE.C&G.2.7 - Analyze contemporary issues and governmental responses at the local, state, and national levels in terms of how they promote the public interest and/or general welfare (e.g., taxes, immigration, naturalization, civil rights, economic development, annexation, redistricting, zoning, national security, health care, etc.)
- CE.C&G.3.8 - Evaluate the rights of individuals in terms of how well those rights have been upheld by democratic government in the United States.

Essential Questions

- Why was reform to the NC Constitution of 1776 needed?
- What changes were made to the NC Constitution at the 1835 Constitutional Convention?
- What impact did Constitutional reform have on the eastern and western regions of North Carolina?
- Who was David L. Swain, and in what ways did he advocate for Constitutional reform?

Materials

- North Carolina History textbook or other reading on the Constitutional Convention of 1835, such as *The Constitution of 1835* by the NC History Project (<http://www.northcarolinahistory.org/encyclopedia/32/entry>) or ANCHOR's digital textbook chapter at <https://www.ncpedia.org/anchor/1835-amendments-north>
- The North Carolina Constitutional Convention of 1835, handout and key attached
- A Persuasive Speech by North Carolina's David L. Swain, 1834, assignment attached

Duration

60 minutes plus homework time

Procedure

The North Carolina Constitution of 1776

1. As a warm-up, write or project the following statements where all students can view them:
 - North Carolina governors will serve a term of 1 year and will be elected by members of the General Assembly, not the people.
 - Only people of certain religions, such as Protestants, can hold office in North Carolina.
 - You must own at least 100 acres of land to be able to vote.
2. Give students a moment to read the statements then ask them to share their opinions:

- Do you take issue with any of these statements? If so, why?
 - Are any of these statements unfair? If so, to whom?
 - What affect would these statements have on North Carolina citizens?
 - Does anyone know where these statements come from?
3. Next, explain to students that when the North Carolina Constitution was created in 1776, it actually contained the above guidelines. However, by the early 1800s, citizens were taking more and more issue with what they felt were unfair terms in the State Constitution. People demanded the North Carolina State Constitution be reformed, and finally in 1835, they got their wish.

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4. Assign a reading on the Constitutional Convention of 1835 from the text book or provide a reading from the Internet, such as *The Constitution of 1835* by the NC History Project: <http://www.northcarolinahistory.org/encyclopedia/32/entry>. Give students the attached handout for note taking. Either individually or in partners, students should fill in changes made in the noted areas on the worksheet as they read. Once students have finished, go over their notes and discuss further:
- Why do you think the governor’s term was changed from one year to two years? What would the benefits be of a governor having a two year term? What might be drawbacks?
 - In what ways was the previous selection process for North Carolina representatives unfair? How did the 1835 Convention address this? In what ways would expanding the number of members to the House of Commons benefit the people living in the western counties of the state? (Probe students to remember what they have learned about Archibald Murphey.)
 - How did the Convention address religion? Do you agree or disagree with religion being a qualifying factor for our representatives? Explain.
 - Of all the changes made in 1835 to the 1776 North Carolina Constitution, which do you think is most important and why?
 - Were all of the changes in 1835 positive ones? Explain.
 - Students should discuss the abolishment of free Black suffrage; they might also address the connection between the election of Senators and the amount of taxes paid from a county
 - Why was the Constitutional Convention of 1835 an important event in North Carolina?
 - It allowed people from both the eastern and western parts of the state to play a role in government and state policies; it lead to progress in North Carolina, arousing it from its ‘Rip Van Winkle’ sleep.

David L. Swain: Instigating Change in NC

5. Tell students that while most of the Constitutional reforms may have been helpful to NC, they were not easily brought about. Point out that the original NC Constitution was developed in 1776, and not changed until 1835, meaning it took 59 years for any change to occur. Also, many North Carolinians, particularly easterners, opposed the changes. The West found that it needed a voice, a leader, who could urge the legislature to call the Convention. That voice became **David L. Swain**, a popular lawyer, judge, and legislator who became governor of the state in 1832. Explain to students that as governor, Swain spoke often in the cause of the west, and constitutional reform became the chief goal of his administration. In his address to the legislature in 1834, Swain urged the legislature to call a convention to amend the 1776 constitution. His message helped to make it possible for the west finally to win the first victory for constitutional reform in North Carolina since 1776.
6. Hand out the attached “A Persuasive Speech by North Carolina’s David L. Swain” assignment and tell students that they will be assuming the personality of David L. Swain and composing a persuasive speech to the legislature in which they advocate for a constitutional convention and reform of the 1776 NC Constitution. Go over the speech expectations, giving the appropriate due dates. Allow students to start

brainstorming, accepting questions as needed. If students need assistance on speech writing, direct them to <http://teacher.scholastic.com/writewit/speech/index.htm>.

7. On the due date, have students deliver their David Swain speeches to the class (or in small groups.) While listening, students (as legislators) should take notes on the reasons they hear each Swain give for holding a constitutional convention and/or reforming the 1776 NC Constitution. After each speech, students should give positive feedback to the speaker (“What I liked”). At the end of the speeches, the class can vote on which speeches most persuaded them and why.

Name: _____

The North Carolina Constitutional Convention of 1835

Note the changes that occurred in the following areas:

VOTING

ELECTION OF THE GOVERNOR

RELIGION

AFRICAN AMERICANS

REPRESENTATION

OTHER

The North Carolina Constitutional Convention of 1835 – KEY

VOTING

Previously only men owning 100+ acres could vote according to the 1776 NC Constitution; this was reformed so that all male taxpayers of European descent 21 and older could vote

ELECTION OF THE GOVERNOR

The Governor could now serve a two year term (rather than the previously stated one year term) and would be elected by the people, rather than by the assembly members.

RELIGION

Religious qualifications for office holding that were outlined in the 1776 Constitution were relaxed; whereas previously only “Protestants” could hold certain offices, that word was changed to “Christian”

AFRICAN AMERICANS

Where as the 1776 Constitution did not deny free African men the right to vote, unfortunately the 1835 NC Constitution did.

REPRESENTATION

The Amendments of 1835 fixed the membership of the Senate and House at their present levels, 50 and 120. The new House apportionment formula gave one seat to each county and distributed the remainder of the seats based on county population. From 1836 until 1868, Senators were elected from districts laid out according to the amount of taxes paid to the State from the respective counties, thus effecting senatorial representation in proportion to property values. This means that because the east was wealthier and paid more taxes, the majority of Senate members would come from the east. However, the House of Commons was to have 120 members representing counties based on their population. Thus, the west would have a majority of House members, equaling out the representation between the West and East.

OTHER

- prohibited the General Assembly from granting divorces, legitimating persons, or changing personal names by private act
- specified procedures for the impeachment of state officers and the removal of judges for disability
- made legislative sessions biennial instead of annual
- provided methods of amending the Constitution

Name: _____

A Persuasive Speech by North Carolina's David L. Swain, 1834

You are David L. Swain, a popular lawyer, judge, and legislator. You became Governor of North Carolina in 1832. Currently, the year is 1834 and you are two years into your term. Your state is divided on a very important issue:

Should the North Carolina legislature call a convention to amend the 1776 North Carolina Constitution?

You are scheduled to address the legislature at the next meeting, and you must prepare a speech that will persuade the legislature that constitutional reform is a necessity. The pressure is on...many North Carolinians, particularly Westerners, feel that you are their only hope for achieving equal representation in the government.

Your speech must:

- Get people's attention in the first few lines
 - Focus on two or three major reasons why the legislature should agree to a Constitutional Convention in which the 1776 Constitution will be revised; these reasons should be based on what you learned in class and should be described thoroughly
 - Be persuasive, creative, and organized
 - Have an exciting ending that summarizes why the legislators should agree to reform the 1776 Constitution
- The first draft of your speech is due in class on: _____
- The final draft of your speech is due in class on: _____

Delivering your speech:

- Use a clear, loud voice when speaking.
 - Vary your tone for emphasis when needed.
 - Do not fidget or shift back and forth.
 - Rehearse at home as much as possible.
 - Remember your audience (the NC legislature in 1834) and convince us to agree to a constitutional convention.
 - Have fun!
 - *Extra credit points will be given to anyone attempting a time appropriate costume.
- You will deliver your speech in front of classmates on: _____

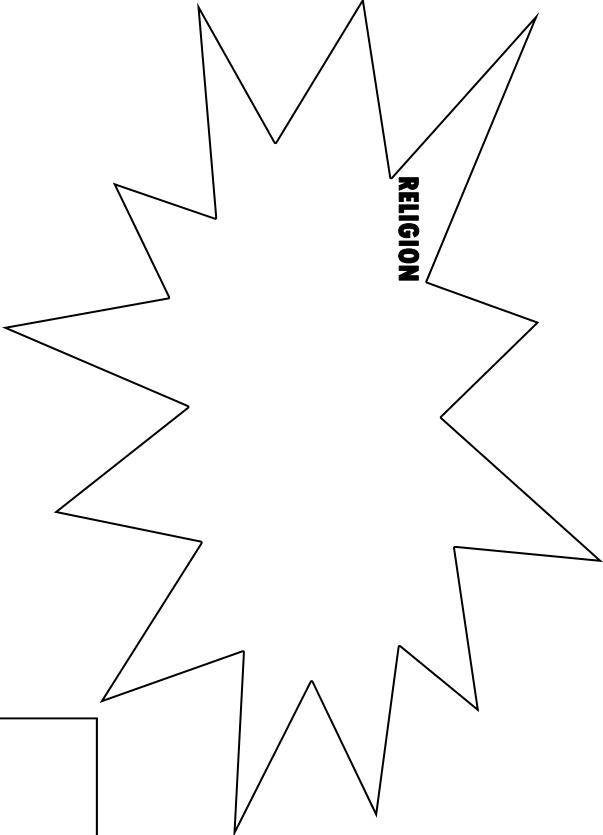
Name: _____

THE NORTH CAROLINA CONSTITUTIONAL CONVENTION OF 1835

VOTING

AFRICAN AMERICANS

ELECTION OF THE NC GOVERNOR



OTHER

REPRESENTATION