

## BUILDING CONSENSUS

Consensus building is not easy; it means that you have to stand by what you believe is right, and, simultaneously, let go of things you may want. When successful, the process may end with solutions that meet the needs of the larger community but may not be everything you want as an individual. Consensus building begins with establishing rules, norms, and assigning roles for discussion of the issue at hand.

The role of a member of Congress is to craft laws that are consistent with the Constitution and that promote the common good. However, the Constitution itself lays out a demanding process—one that slows politics down, promotes deliberation and debate, and (often) requires compromise. In this activity, you will explore what the Constitution says about how Congress works and get to experience how a bill becomes a law.

Because of the Constitution's demanding lawmaking process, members of Congress have to work with other representatives to ensure that new laws are crafted in a way that draws broad support. This often requires representatives to balance the concerns of their own constituents—the members of their own community—and those held by voters in other communities. Many conversations (and debates) go into this process. To succeed, representatives must use this process to learn about the concerns of the other representatives, negotiate any factional divisions in Congress, reach a compromise, and build a law that attracts broad support. They must also ensure that their new law is consistent with the Constitution. This process is slow. This process takes time. However, the founders predicted that it would lead to better laws. Overall, the goal of the system is to ensure the passage of (good) laws that serve the common good and the rejection of bad ones that are the product of factional interests.

The process of this activity, where we create a new law, includes:

1. Assign each group a region of the country to represent.
2. Establish roles.
3. Identify an issue.
4. Paraphrase.
5. Discuss in small groups (committees).
6. Research (Constitution check).
7. Develop solutions (draft legislation).
8. Work in committees.
9. Discuss in a large group.
10. Send it to the president for signature.

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#### ASSIGNING GROUPS

Your teacher will assign you a group and let you know which region of the country you will be representing.

#### ESTABLISHING ROLES

Now that you have been assigned your group, work with one another to assign each member of the group a role—each role will come with a task to complete during the exercise.

1. Recorder: Completes KWL (described below), drafts group consensus on issue.
2. Facilitator: Keeps conversation moving within small groups.
3. Spokesperson: Summarizes group consensus and presents during small and whole group discussion.
4. Moderator: Facilitates whole group discussion.

#### ISSUE

Select the issue that your group will focus on. Think about a problem facing the country, or a program that you'd like to see implemented.

#### PARAPHRASE THE ISSUE IN YOUR OWN WORDS:

Clearly and transparently state the issue at hand. For this assignment, we will be examining constitutional issues. Remember, the constitutionality of our proposal will turn on whether the Constitution grants Congress the power to address the issue.

- Paraphrase it in your own words to ensure your individual understanding of the problem.
- Next, share with your small group; each member should check that they agree with the paraphrase. Is everyone saying the same thing?

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#### DISCUSS:

Now it's time to discuss the issue. This can be fun, but it can also be taxing on participants, as issues of national importance are often complex and having strongly held views is normal. To help, use the KWL tool below to guide you as you share your thoughts, ideas, and questions about the issue at hand.

<b>Know</b> What I know	<b>Want</b> What I want to know	<b>Learned</b> What I learned

#### RESEARCH: CONSTITUTION CHECK

Focus on how to fix the issue at hand. Again, think about how you address the issue and proposed solutions through a constitutional lens.

We begin by asking questions about the issue's connection to the powers that the Constitution grants to Congress.

1. Where does the Constitution grant Congress the power to address this issue?
2. Does our approach conflict with any constitutional limits on the powers of the national government (e.g., the Bill of Rights, previous Supreme Court decisions)?

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3. Do we need to amend the Constitution to address this issue? What are the prospects of building a broad enough base of support to secure the ratification of a new constitutional amendment?

Research past cases, congressional proposals, state laws, and policy proposals that others have offered in the past. What has worked, and where did they stall? Were there any constitutional arguments offered on either side of the issue? In small deliberative group sessions, discuss ideas and options that you want to propose for the larger group.

#### SOLUTIONS

As a small group, you will begin to write your proposed bill. Get started by summarizing how your legislation will address the issue that you identified earlier in the assignment. Most legislation is pretty long, but a brief 3–5 point outline will work for this assignment.

Next, write a short persuasive paragraph summarizing why your proposal is consistent with the Constitution and the best solution to the problem. (Hint: Cite the specific constitutional text/clause that grants Congress the power to address this issue.) Include a list of the other options that the group considered, and why they were abandoned.

#### COMMITTEE PHASE: COMBINE GROUPS

Generally speaking, before a bill is voted on by the full Senate, it first goes through the committee process. This is a smaller group of senators focused on a specific area of legislation. Your fellow committee members are there to debate your bill, offer amendments, and decide whether to recommend it to the full Senate.

Work with another group, preferably one working on a similar issue. Share your solution with them and ask them for two to three ideas that could help improve it. If possible, try to combine the group's individual solutions into a single bill.

#### LARGE GROUP DISCUSSION

Now it's time to bring your bill before the full Senate! Reconvene for a full class discussion. Share the solutions that your smaller groups decided to propose. Explain why they are consistent with the Constitution. Listen to the proposals from the other groups.

As a large group, your new goal is to narrow the list of proposals and identify bills that earn enough votes to pass both houses of Congress.

Begin by aligning solutions that are similar, and compare and contrast the unique solutions. Combine the most popular ideas, and cut anything that is not gaining consensus. This will give you the best chance of creating a strong bill. Analyze the proposal(s) and ensure that they are consistent with the Constitution.

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#### CONSTITUTIONAL LENS

Where does the Constitution grant Congress the power to address this issue?	Does our approach conflict with any constitutional limits on the powers of the national government? (e.g., the Bill of Rights, previous Supreme Court decisions)	Do we need to amend the Constitution to address this issue?

#### RESEARCH

Past Cases	State Laws	Former Ideas/Past Congressional Proposals

#### SOLUTIONS NOTES

NATIONAL CONSTITUTION CENTER

★ [constitutioncenter.org](https://constitutioncenter.org) ★

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