A PEOPLE WHO MEAN TO BE THEIR OWN GOVERNORS MUST ARM THEMSELVES WITH THE POWER WHICH KNOWLEDGE GIVES

THE PHILADELPHIA CONVENTION

A PLAY FOR MANY READERS

BY CATHERINE MCGREW JAIME

THE FEDERALIST PAPERS PROJECT
The Philadelphia Convention

A Play for Many Readers

Catherine McGrew Jaime
Other Educational Materials by Catherine Jaime

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Creative Learning Connection
8006 Old Madison Pike, Suite 11-A
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Notes

Too often we brush over the Constitution and how much went into the writing and ratification of it when we are studying U.S. History or U.S. Government. And yet the document itself, and the history of that document, are critical parts of both U.S. History and Government.

My desire here is to make the people and the debates involved in the Constitutional Convention come alive for students. The following play can be read aloud in a class of any size, or read silently by one or more students. If you have fewer students than the “characters” shown here – simply combine parts as needed. I divided this play into acts and scenes since it is so long. You may want to read aloud only selected scenes, depending on your schedule. You could still assign your students the remaining portions for independent reading, since it is written as a very accurate look at the important work of the Constitutional Convention.

The first scene is an introduction to what took place between the American Revolution and the Philadelphia Convention. If you have already covered those details in-depth (as we had the first time I did this reading with my highschoolers), you may want to start with the second scene. In our readings, I have found that we cover anywhere from ten to eighteen pages in an hour, depending on how many questions arise during the reading. We made the readings part of numerous classes.

Most of the lines from the play come from James Madison’s massive notes on the Constitution. I have modernized much of his spelling, but I have retained most of the vocabulary of the day and much of his punctuation.¹

Resources

If you are looking for more information on the Continental Congress there are two books I strongly recommend:

For a more narrative view: Catherine Brinker Bowen’s Miracle at Philadelphia
For even more of the debate itself:
    James Madison’s Notes of Debates in the Federal Convention of 1787

If you are not convinced of the importance of the Constitution in our history/government, I can also recommend my book: Understanding (and Teaching) the United States Constitution. In that book I really go into the history of our Constitution, and the many other documents that paved the way for it.

¹ Madison capitalized many nouns that were not proper nouns, but that served to show the importance of the concepts.


**Characters** in this Play:

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Narrator One: “When the British finally head home at the end of the American Revolution, we have a new country, and a new governing document, the Articles of Confederation. We have won the war, but now we must learn to survive as a country.”

Narrator Two: “The government formed by the Articles of Confederation is really a federal government, bringing together thirteen states in the form of a working friendship. Congress can deliberate on laws but can’t enforce them. States are actually in charge, printing money when they need it, restricting trade between neighboring states, and generally trampling the rights of minorities with the desires of the majorities.”

Narrator Three: “The Continental Congress is in dire straits. Oftentimes it cannot even get enough delegates present to conduct federal business. When the Peace Treaty arrives from France in 1784, there are not even enough states with delegates present to have a quorum. Delegates from two states have to be sent to Annapolis, Maryland so that Congress can ratify the treaty. When hearing this, Benjamin Rush states: ‘The American war is over, but the American Revolution is far from over.’”

Narrator Four: “The ink on the Peace Treaty with England is barely dry when the new United States start having difficulty with Spain. Spain has blockaded the Mississippi River, a critical trade route for the new country.”

Narrator Five: “The Continental Congress relocates to New York City in 1785 where they struggle with how to deal with the current war debt. With the trickle of money coming into the treasury, they can’t even keep up with the interest on the new country’s debt. With the high inflation, and the effects of each state printing their own money, continental dollars have become worthless, and are no longer in circulation.”

Narrator One: “Hoping to discuss commerce and common waterway issues, delegates from Maryland travel to Alexandria, Virginia to meet with delegates from Pennsylvania and Virginia. Pennsylvania delegates never receive word of the meeting, and George Washington offers Mount Vernon as a more suitable location for the gathering. The three representatives from Maryland and two others from Virginia hold the Mount Vernon Conference with George Washington presiding. At the conclusion of the conference, they draw up the Mount Vernon Compact. Virginia and Maryland are happy with the results of their work on interstate commerce.”

Narrator Two: “The success of the Mount Vernon Conference gives the Virginia General Assembly motivation to invite the other twelve states to join them in Annapolis a year later for the Annapolis Convention.”

Narrator Three: “Between the Mount Vernon Conference and the Annapolis Convention things have gone from bad to worse in Massachusetts. Many in Western Massachusetts are losing their lands or going to jail because they can’t afford to pay their taxes. They storm several courthouses to prevent action. 600 armed men, mostly farmers, under Daniel Shays and other Revolutionary War veterans, force the Massachusetts State Supreme Court to close.”

Narrator Four: “The Massachusetts Governor tries to call out the militia, but without a standing army, it is difficult to put down ‘Shay’s Rebellion.’ Eventually the governor forms an army with 4,000 mercenaries to put an end to the insurrection.”
Narrator Five: “Early the following year only the five middle states send delegates to the Annapolis Convention. Twelve delegates gather for the ‘Meeting of Commissioners to Remedy Defects of the Federal Government.’ Delegates include James Madison of Virginia and Alexander Hamilton of New York. Those present are especially concerned about trade barriers between states that exist under the current Articles of Confederation. But with such limited attendance, there is little they can accomplish.”

Narrator One: “Sensitive to what is happening to the north the delegates meet in Annapolis for four days. Hamilton prepares a report for Congress and the individual states. Attendance is requested by delegates from all thirteen states at another Convention. This one will be held in Philadelphia ‘to take into consideration the trade and commerce of the United States.’”

Narrator Two: “Largely in fear of seeing a repeat of Shay’s Rebellion, Congress approves the Philadelphia Convention the following May.”

Narrator Three: “James Madison immediately writes Thomas Jefferson, who is currently the United States ambassador to France to request any books from him on government. Jefferson obliges Madison by sending him over 100 volumes on the subject.”

Narrator Four: “Madison will have two main goals throughout that winter, to read and prepare as much as possible for the Convention and to convince George Washington to accept his nomination as one of Virginia’s delegates to the Convention. Washington had first refused on the basis of his failing health, and then refused on account of the meeting of the Society of the Cincinnati, which would also be meeting in May in Philadelphia. Washington had already turned down the Society’s invitation to attend their meeting. Against his wishes, Washington had been made president of the Cincinnati, and was extremely concerned that the veteran’s organization could pose a future political threat to his country.”

Narrator Five: “Even though Madison spends the winter assuring other potential delegates that George Washington will indeed be present at the Philadelphia Convention, Washington does not actually commit to attend until March or April. Whilst in Philadelphia, Washington will stay at the home of Robert Morris, one of the financiers of the American Revolution.”
Act 1, Scene 2
The Virginia Plan

Narrator One: “By May of 1787, a total of 74 delegates have been named to the Convention in Philadelphia. Some will travel from their home states; others are being sent from Congress in New York. Time will tell how many will actually make it to the Convention. James Madison is one of the first to arrive, followed quickly by other members of the Virginia delegation and seven of the eight Pennsylvania delegates. Having continued his studies on forms of government all winter, Madison brings with him a fairly extensive plan for making a new constitution.”

Narrator Two: “The plan had been to begin the Convention on Monday, May 14, with the objective of revising the Articles of Confederation as the delegates present determine best. But at the appointed day, too few have arrived in Philadelphia, and the decision is made to wait until more delegates arrive. The seven Virginians take advantage of the time to write out fifteen resolutions to present at the Convention when the time comes.”

Friday, May 25

Narrator Three: “After two additional weeks, enough delegates have arrived to have a quorum of seven states present. Mr. Madison chooses a seat close to the presiding officer’s seat, prepared to take notes on all that is said here in the Convention.”

Robert Morris (Pennsylvania): “One of the first orders of business is to choose a presiding officer for our proceedings. On behalf of all the delegates of Pennsylvania, I rise to propose George Washington as President of the Convention.”

John Rutledge (South Carolina): “I second the motion, and can only imagine that the choice of General Washington as President will be unanimous.”

Narrator Four: “It is indeed a unanimous vote, and General Washington moves to take the presiding chair at the front of the room.”

George Washington (Virginia): “I thank you all for the honor you have conveyed on me, and lament that I am not better qualified to fill this position. I request indulgence from the delegates for any involuntary errors my inexperience may cause.”

Narrator Five: “The next order of business is introduction of the delegates that are present on this, the first day of the Convention. As they are introduced, they read the credentials they brought from their state legislatures.”

William Pierce (Georgia), reading: “…sent by the State of Georgia, by the grace of God, free, Sovereign and Independent…”

Rufus King (Massachusetts), reading: “For the sole and express purpose of revising the Articles.”

Roger Sherman (Connecticut), reading: “Whereas the Congress of the United States by their Act of the twenty first of February 1787 have recommended that on the second Monday of May instant, a Convention
of Delegates, who shall have been appointed by the several States, be held at Philadelphia for the sole and express purpose of revising the Articles of Confederation.”

Luther Martin (Maryland), reading: “Be it enacted by the General Assembly of Maryland, that the Honorable James McHenry, Daniel of St. Thomas Jenifer, Daniel Carroll, John Francis Mercer, and Luther Martin, Esquires, be appointed and authorized to assemble in Convention at Philadelphia, for the purpose of revising the federal system, and to join with them in considering such alterations and further provisions as may be necessary to render the Federal Constitution adequate to the needs and demands of the Union.”

John Langdon (New Hampshire), reading the additional portions of their credentials: “…Whereas it was not possible in the infant state of our Republic to devise a system which in the course of time and experience would not manifest imperfections that it would be necessary to reform. And whereas this state hath ever been desirous to act upon the liberal system of the general good of the United States, be it therefore enacted…”

George Washington (Virginia), reading a portion of the Virginia credentials: “The crisis is arrived at which the good people of America are to decide the solemn question whether they will by just and magnanimous efforts reap the just fruits of that independence which they have so gloriously acquired and of that union which they have cemented with so much of their common blood, or whether by giving way to unmanly jealousies and prejudices or to partial and transitory interests they will furnish our enemies with cause to triumph.”

Gunning Bedford, Jr. (Delaware), reading a portion of their credentials: “Our credentials are very specific, requiring that, ‘equal voting for each state as established under Article Five of the Articles of Representation must not be changed.’ With that understanding, I take my seat, and concur to the appointment of Major Jackson as our secretary.”

George Washington (Virginia): “With the appointments of presiding officer and secretary, the readings of the credentials, and the appointment of a committee to prepare standing rules and orders, we stand adjourned until Monday morning.”

Monday, May 28

George Wythe (Virginia): “Representing the Rules and Orders committee, I submit our report for the operation of the Convention.”

Rufus King (Massachusetts): “I object to the rule authorizing the recording of yeas and nays in the minutes of the Convention. It is imperative that the acts of the convention do not bind the constituents; therefore it is unnecessary to exhibit this evidence of the votes. Changes of opinion can be expected to be frequent in the course of the business at hand.”

George Mason (Virginia): “I second Mr. King’s objection since such a record would be an obstacle for members to change their opinions.”

Secretary William Jackson: “It has been agreed upon that for the house to do business deputies of no less than seven states must be present; and all questions shall be decided by the greater number of these states which shall be represented. It has also been agreed that whilst a member is speaking, none shall pass between them, or hold discourse with another, or read a book, pamphlet or paper. A member shall not
speak oftener than twice, without special leave, upon the same question; and not the second time, before every other, who had been silent, shall have been heard, if he choose to speak upon the subject.”

Gouverneur Morris (Pennsylvania): “Before we adjourn for the day, I would like to present a letter from merchants in the State of Rhode Island who are unhappy with their legislature’s decision to not attend the Convention. It reads in part, ‘Deeply affected with the evils of the present unhappy times, we convey our respect and best wishes for a favorable outcome of the meetings there in Philadelphia. It is our earnest hope that Rhode Island will not suffer commercial loss from Sister States on the account of her absence.’”

Tuesday May 29

George Wythe (Virginia): “In addition to the aforementioned rules, it is moved that nothing spoken in the House be printed, or otherwise published or communicated without leave.”

Narrator One: “On agreement of this point of secrecy, Governor Randolph rises to open the main business they have gathered for. He has been tasked with delivering the Virginia Plan, rather than its main author, James Madison. The plan is given as a mere sketch, or agenda, on which to build. It lacks most of the specific details.”

Edmund Randolph (Virginia): “I regret that it should fall on me, rather than those who are of longer standing in life and political experience, to open the great subject of our mission. We are in the midst of a difficult crisis and must prevent the fulfillment of the prophecies of the American downfall. In gathering here to revise the federal system of government we ought to inquire into the properties which such a government out to possess, the defects of the confederation, the danger of our situation, and the remedy.”

Narrator Two: “Randolph goes on to remind the others that the character of such a government ought to secure against foreign invasion, against dissensions between members of the Union, to procure to the several states various blessings, of which an isolated situation was incapable, and to be able to defend itself against encroachment.”

Edmund Randolph (Virginia): “When I speak of the defects of the confederation, it is not without great respect for its authors. They have done all that patriots could do, in the then infancy of the science, of constitutions, and confederacies, when the inefficiency of requisitions was unknown; no commercial discord had risen among any states; no rebellion had yet appeared as in Massachusetts; foreign debts had not become urgent; the havoc of paper money had not been foreseen; treaties had not been violated. In fact, perhaps nothing better could have been obtained at the time from the jealousy of the states with regard to their sovereignty.”

Narrator Three: “Randolph continues to speak of the defects that have been found under the current confederation, including that, ‘the Confederation has produced no security against foreign invasion; Congress is not permitted to prevent a war nor to support it by their own authority.'”

Edmund Randolph (Virginia): “Therefore I propose the following resolutions: That the Articles of Confederation ought to be so corrected and enlarged as to accomplish the objects proposed by their institution: namely, ‘common defense, security of liberty and general welfare.’ The rights of suffrage in the National Legislature ought to be proportioned to the quotas of contribution, or to the number of free inhabitants, as the one or the other may seem best in different cases. That the National Legislature ought to consist of two branches. That the members of the first branch of the National Legislature ought to be
elected by the people of the several states. That the members of the second branch ought to be elected by those of the first. That a National Executive be instituted; to be chosen by the National Legislature. That a National Judiciary be established to consist of one or more supreme tribunals. That provision ought to be made for the amendment of the Articles of Union whenever it shall seem necessary.”

**Narrator Four:** “With the conclusion of his three hour presentation of the Virginia Plan, Randolph gives an exhortation to ‘not suffer the present opportunity of establishing general peace, harmony, happiness in the United States to pass away unimproved,’ and then Randolph finally sits down.”

**Charles Pinckney (South Carolina):** “I have reduced my ideas of a new government to a system which is grounded on the same principle as of the previous resolutions, though more federal in its nature. I have also drawn mine up with more details, including articles and sections.”

**Narrator Five:** “Mr. Pinckney reads his draft, but with the lateness of the hour, the meeting is adjourned for the day, with debates to begin in the morning.”

**Wednesday, May 30**

**Narrator One:** “The decision has been made for the House to go into a Committee of the Whole for the sake of discussions and debates. Mr. Gorham is elected as Chairman of the Committee of the Whole, and General Washington will join the other Virginia delegates at the tables during these Committee sessions. Initial votes will be recorded by state, but will not be binding.”

**Narrator Two:** “Attention is turned first to Mr. Randolph’s propositions in the Virginia Plan. Initial consideration is given to three of his ideas. One, that a Union of the States merely federal will not accomplish the objects proposed by the Articles of Confederation, namely common defense, security of liberty, and general welfare; two, that no treaties among the whole or part of the states, as individual sovereignties will be sufficient; and three, that a national government ought to be established consisting of a supreme Legislative, Executive, and Judiciary. The three branches portion goes over well, the attempt to form a national government rather than a federal one does not.”

**Charles Pinckney (South Carolina):** “Does Mr. Randolph mean to abolish the state governments altogether?”

**Edmund Randolph (Virginia):** “No, sir, that is not my intent. These general propositions are merely to introduce the outlines of the system we have in mind.”

**Gouverneur Morris (Pennsylvania):** “Is this government to be over men or over imaginary beings called states? Individuals are the objects of governmental care. And when the powers of the national government clash with the states, only then must the states yield.”

**Pierce Butler (South Carolina):** “I have not made up my mind on the subject, and would like to hear discussion on the topic, so that more light can be shed on it. I have opposed the idea of granting powers to Congress in the past because the whole power was vested in one body. The proposed distribution of the powers into different bodies of the Legislative, Executive, and Judiciary changes the case, and induces me to go to great lengths, though I would like to be shown the need for a national government.”

**John Dickinson (Delaware):** “But we are a nation!”
General Charles C. Pinckney (South Carolina): “I do not believe that the act of Congress that authorized this convention nor the commissions that brought each of us to it authorize a discussion of a system that is founded on different principles from the federal constitution.”

Elbridge Gerry (Massachusetts): “We are a nation consisting of parts or states. But I have to agree with General Pinckney. We are going beyond the task we were sent to accomplish. We should establish a federal legislative, judicial, and executive branch.”

Gouverneur Morris (Pennsylvania): “A federal government is a mere compact, resting on the good faith of the parties; whereas a national, supreme government is a complete and compulsive operation. In all communities there must be one supreme power, and one only.”

George Mason (Virginia): “The present confederation is deficient because it does not provide for coercion and punishment against delinquent states.”

Roger Sherman (Connecticut): “I must agree that the Confederation has not given sufficient power to Congress. Additional powers are necessary, particularly that of raising money, which is involved in so many other powers. But we must be careful not to make too great of changes to the current system.”

George Read (Delaware): “I move that we table the current discussion and move on to a vote on the following proposition, ‘Resolved that in order to carry into execution the design of the states in forming this convention, and to accomplish the objects proposed by the Confederation, a more effective government consisting of a Legislative, Executive and Judiciary ought to be established.’”

Narrator Three: “The vote on having a legislative, executive, and judicial branch passes with six states voting in favor of it, New York dividing, and Connecticut voting against. Discussion moves to the resolution about rights of suffrage in the National Legislature.”

Alexander Hamilton (New York): “I move to alter the resolution so it reads that ‘the rights of suffrage in the national Legislature ought to be proportioned to the number of free inhabitants.’”

Narrator Four: “Sensing that the current wording is going to cause difficulties, James Madison decides the problem should be solved in small steps.”

James Madison (Virginia): “I move that the wording be changed to ‘That the equality of suffrage established by the articles of Confederation ought not to prevail in the national Legislature, and that an equitable ratio of representation ought to be substituted.’”

Narrator Five: “Morris seconds Madison’s motion, and the entire group looks ready to accept it, until Mr. Reed speaks up.”

George Read (Delaware): “The deputies from Delaware are restrained by their commission from assenting to any change of the rule of suffrage. If this change is made, it might be necessary for the Delaware delegates to retire from the Convention.”

Gouverneur Morris (Pennsylvania): “It is of grave concern that we should lose an entire delegation this early on; but, we must deal with the fundamental issue of suffrage.”
James Madison (Virginia): “In the time of a federal government, equality of suffrage was reasonable, but it must cease when a national government should be put into place.”

Narrator One: “While most still seem in favor of Mr. Madison’s motion, the decision is made to postpone the vote, rather than cause difficulty for the Delaware delegates so early in the process.”

Thursday, May 31

Narrator Two: “A motion is made to vote on the resolution that ‘the national Legislature ought to consist of two branches.”

Gouverneur Morris (Pennsylvania): “We of Pennsylvania agree with Doctor Franklin that a single House of Legislation is preferred over two branches.”

Narrator Three: “All except Pennsylvania agree to the resolution for two branches with no further debate or dissent. Attention is then turned to whether the first branch of the National Legislature ought to be elected by the people of the several states.”

Roger Sherman (Connecticut): “I am opposed to the election by the people. The election of the members of the first branch ought to be done by the State Legislatures. The people should have as little to do as may be about the government. They lack information and are constantly liable to be misled.”

Elbridge Gerry (Massachusetts): “The evils we experience flow from the excess of democracy, not the lack of it. The people do not lack virtue, but are the dupes of pretended patriots. In Massachusetts it has been fully confirmed by experience that they are daily misled into the most baneful measures and opinions by the false reports circulated by designing men, and which no one on the spot can refute. I have been too republican heretofore, I am still republican. But I have been taught by experience the danger of the leveling spirit.”

George Mason (Virginia): “I disagree strongly with the previous delegate. The first house of the National Legislature is to be the grand depository of the democratic principle of the Government; to be, so to speak, our House of Commons. It ought to know and sympathize with every part of the community. We have been too democratic, but we should not incautiously run into the opposite extreme. We ought to attend to the rights of every class of the people, to provide no less carefully for the happiness of the lowest than of the highest order of citizens.”

James Wilson (Pennsylvania): “It is critical that we draw the most numerous branch of the Legislature immediately from the people. This branch will be the basis of our federal pyramid, and thus needs to be as broad as possible. No government can long subsist without the confidence of the people. We do no good thing by increasing the weight of the State Legislatures by making them the electors of the national Legislature. On examination it would be found that the opposition of States to federal measures has proceeded much more from the officers of the states than from the people at large.”

James Madison (Virginia): “The popular election of one branch of the National Legislature is essential to every plan of free government. I would be an advocate for the policy of refining the popular appointments by successive filtrations, but think it may be pushed too far. The great fabric of government will be more stable and durable if it should rest on the solid foundation of the people themselves. The plan being digested now will decide forever the fate of republican government.”
Elbridge Gerry (Massachusetts): “I do not like the election by the people. We might better devise a plan where the people might nominate a certain number out of which the State Legislatures should be bound to choose.”

Pierce Butler (South Carolina): “An election by the people is an impracticable mode.”

Narrator Four: “With that, the discussion on the matter comes to an end. Six states are in favor of the resolution to have the first branch elected by the people, two states are divided, and two states are against it.”

Narrator Five: “Discussion then proceeds to the resolution that the second branch of the National Legislature ought to be chosen by the first branch, out of persons nominated by the State Legislatures.”

Pierce Butler (South Carolina): “Taking so many powers out of the hands of the States as has been proposed will tend towards destroying all the balance and security of interests among the States which it is necessary to preserve. Since Mr. Randolph moved for this resolution, I would like to hear him explain the particulars that he has in mind.”

Edmund Randolph (Virginia): “I moved this general proposition at a time when details were not yet necessary. If I was to give an opinion as to the number of the second branch, I would say that it ought to be much smaller than that of the first, so small as to be exempt from the passionate proceedings of which numerous assemblies are liable. Our general object here is to provide a cure for the evils under which the United States labors. In tracing these evils to their origin every man has found it in the turbulence and follies of democracy. Some check therefore is to be sought against this tendency of our governments. A good Senate seems most likely to answer the purpose.”

James Wilson (Pennsylvania): “I oppose both the nomination by the State Legislatures, and an election by the first branch of the national Legislature, because the second branch of the latter ought to be independent of both. I strongly believe that both branches of the National Legislature ought to be chosen by the people.”

James Madison (Virginia): “Mr. Wilson’s method would destroy the influence of the smaller States.”

Roger Sherman (Connecticut): “I favor an election of one member of the Senate by each of the State Legislatures.”

Narrator One: “When the vote is taken on the question of electing the first branch out of the nominations by the State Legislatures, it fails by a vote of three to seven.”

Narrator Two: “Attention is then turned to whether each branch should have the ability to originate laws. There is unanimous affirmative without debate on this issue. Then the delegates turn their attention to how much power the National Legislature will have.”

Edmund Randolph (Virginia): “I have no intention of giving indefinite powers to the national Legislature.”

James Madison (Virginia): “I brought with me into the Convention a strong bias in favor of an enumeration and definition of the powers necessary to be exercised by the national Legislature; but I also have doubts concerning its practicability. While my wishes remain unaltered, my doubts have become
stronger. But I will shrink from nothing which should be found essential to such a form of government as would provide for the safety, liberty and happiness of the community.”

Narrator Three: “Soon after the House adjourns for the evening.”

Friday, June 1

Narrator Four: “The next day begins with a discussion of a national Executive.”

Charles Pinckney (South Carolina): “I am for a vigorous Executive, but am afraid the Executive powers of the existing Congress might extend to peace and war, which would rend the Executive a monarchy.”

James Wilson (Pennsylvania): “I move that the Executive consist of a single person.”

Charles Pinckney (South Carolina): “I second the motion.”

Chairman Nathaniel Gorham (Massachusetts): “Hearing no discussion, are we ready to put the question to a vote?”

Dr. Benjamin Franklin (Pennsylvania): “This is a point of great importance. I wish the gentlemen will deliver their sentiments on it before the question is put.”

James Wilson (Pennsylvania): “Energy, dispatch and responsibility are prime necessities for the executive branch. Vigor and dispatch would best be found in a single person.”

John Rutledge (South Carolina): “I am for vesting the Executive power in a single person, though I am not for giving him the power of war and peace. A single man would feel the greatest responsibility and administer the public affairs best.”

Roger Sherman (Connecticut): “The Executive magistracy is nothing more than an institution for carrying the will of the Legislature into effect, therefore the person or persons ought to be appointed by and accountable to the Legislature only, which is the depository of the supreme will of the society.”

James Wilson (Pennsylvania): “The powers of the Executive will only consist of those of executing the laws and appointing officers, therefore I still prefer a single magistrate for the Executive.”

Elbridge Gerry (Massachusetts): “It is best that we annex a Council to the Executive in order to give weight and inspire confidence.”

Edmund Randolph (Virginia): “I cannot say enough how strenuously I oppose a unity in the Executive magistracy. The people would never be brought to have confidence in any one man. We have the motive to be governed by the British Government as our prototype. I do not see why the great requisites for the Executive of vigor, dispatch and responsibility cannot be found in three men as well as in one man. It is an opposition I believe I shall continue to feel as long as I live. I am in favor of three members of the Executive to be drawn from different portions of the country.”

James Wilson (Pennsylvania): “Unity in the Executive would be the best safeguard against tyranny. Plurality in the executive would probably produce a tyranny as bad as the thirty tyrants of Athens.”
Narrator Five: “As the Committee seems unprepared for any decision on it yet, the only vote taken on the resolution at this time is the clause ‘that a National Executive be instituted.’”

James Madison (Virginia): “It would be proper before we make a choice between a unity and a plurality in the Executive, to fix the extent of the Executive authority. I suggest the words ‘with power to carry into effect the national laws, to appoint to offices in cases not otherwise provided for’ be added to the portion of the resolution calling for ‘a National Executive be instituted.’”

James Wilson (Pennsylvania): “I second the motion”

Narrator One: “This portion of the resolution is affirmed by all the states excepting Connecticut, which divides on the issue. Discussion moves to other aspects of the Executive branch.”

James Wilson (Pennsylvania): “I am for the election of the Executive by the people, at least in theory.”

Roger Sherman (Connecticut): “I strongly believe the appointment of the Executive needs to be made by the Legislature. An independence of the Executive from the Supreme Legislature is, in my opinion, the very essence of tyranny.”

James Wilson (Pennsylvania): “I move that the blank for the term of duration should be filled with three years.”

Charles Pinckney (South Carolina): “I move for a seven year term.”

Roger Sherman (Connecticut): “A three year term.”

George Mason (Virginia): “Seven years, at least, and a prohibition on re-election after that.”

Gunning Bedford, Jr. (Delaware): “Seven years is too long a term. Please consider the situation the country would be in, in case the first magistrate should be saddled on it for such a period and it should be found on trial that he did not possess the qualifications ascribed to him. An impeachment would be no cure for this evil. I move for three year terms and ineligibility after a period of nine years.”

Narrator Two: “A vote is taken on the question of seven years. Five states vote in favor, four states vote against it, and Massachusetts divides on the issue. After debating whether that means a majority have voted in the affirmative, the Chairman decides it is an affirmative vote. Discussion soon ends and the House adjourns for the evening.”

Saturday, June 2

Narrator Three: “Attention turns back to the mode of appointing the Executive.”

James Wilson (Pennsylvania): “I again contend that an appointment by the people is the best. Both branches of the Legislature and the Executive should be from the people, to make them as independent as possible. This mode will produce more confidence among the people. We should consider that we are providing a Constitution for future generations and not merely for the circumstances of the moment.”
George Mason (Virginia): “While I am for the idea of selection by the people, I find the application of it to be impracticable.”

Elbridge Gerry (Massachusetts): “I join Mr. Wilson in opposition to election by the national legislature. Under that system there would be a constant intrigue kept up for the appointment. Instead we could let the Legislatures nominate and electors appoint.”

Hugh Williamson (North Carolina): “I can see no advantage in the introduction of electors chosen by the people who would stand in the same relation to them as the State Legislatures, while the expedient would be attended with great trouble and expense.”

Narrator Four: “Discussion moves to compensation for the services of the Executive.”

Dr. Benjamin Franklin (Pennsylvania): “I move that the necessary expenses of the Executive shall be defrayed, but that there shall be no salary, stipend or reward whatsoever for their services.”

Narrator Five: “At this point Dr. Franklin requests permission to read the thoughts he has written out, rather than relying on his memory.”

Dr. Benjamin Franklin’s written thoughts: “…Sir, there are two passions which have a powerful influence on the affairs of men. These are ambition and avarice; the love of power, and the love of money. Separately each of these has great force in prompting men to action; but when united in view of the same object, they have in many minds the most violent effects. Place before the eyes of such men a post of honor that shall be at the same time a place of profit, and they will move heaven and earth to obtain it. And of what kind are the men that will strive for this profitable pre-eminence? It will not be the wise and moderate; the lovers of peace and good order, the men fittest for the trust. It will be the bold and the violent, the men of strong passions and tireless activity in their selfish pursuits. These will thrust themselves into your government and be your rulers…There is scarce a king in a hundred who would not, if he could, follow the example of Pharaoh, get first all the people’s money, then all their lands, and then make them and their children servants forever.”

Narrator One: “Colonel Hamilton seconds Franklin’s motion of no salary out of respect to the author, but no debate ensues, and the proposition is postponed for later consideration of the members.”

Monday, June 4

Narrator Two: “After taking Sunday off, the delegates resume debate on whether the Executive should be held by one person or more than one.”

James Wilson (Pennsylvania): “All know that a single magistrate is not a King. All the thirteen states though agreeing in scarce any other instance, agree in placing a single magistrate at the head of the government. The idea of three heads has taken place in none. The degree of power is indeed different; but there are no coordinate heads. Among three equal members there would be nothing but uncontrolled, continued, and violent animosities; which would only interrupt the public administration. If the members are to be unequal in power the principle of the opposition to the unity is given up. If equal the making them an odd number would not be a remedy. In courts of justice there are two sides only to a question. In the Legislative and Executive department questions have commonly many sides. Each member therefore might espouse a separate one and no two agree.”

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Roger Sherman (Connecticut): “This matter is of great importance and ought to be well considered before it is determined. Mr. Wilson has said he observed in each state a single magistrate was placed at the head of the government. But then it should also be remarked that in all the states there was a council of advice, without which the first magistrate could not act.”

Elbridge Gerry (Massachusetts): “I am at a loss to discover the policy of three members for the Executive. It would be extremely inconvenient in many instances, particularly in military matters, whether relating to the militia, an army, or a navy. It would be a general with three heads.”

Narrator Three: “A vote is finally taken on the resolution for a single Executive, a measure that passes with seven ayes and three nays. Debate moves on to the proposition that the National Executive shall have a right to negate any Legislative act which shall not be passed afterwards by some amount of each branch of the national Legislature, with the amount to be filled in by the delegates.”

James Wilson (Pennsylvania): “I don’t believe any amount of the national Legislature should be able to overrule. The Executive ought to have an absolute negative. Without such a self-defense the Legislature can at any moment sink the Executive into non-existence.”

Alexander Hamilton (New York): “There is no danger of such a power being too much exercised.”

Elbridge Gerry (Massachusetts): “There is no necessity for so great a control over the legislature as the best men in the community would be comprised in the two branches of it.”

Dr. Benjamin Franklin (Pennsylvania): “I am very sorry to differ from my colleague for whom I have a very great respect, but I cannot help it on this. I have some experience of this check in the Executive on the Legislature, under the proprietary Government of Pennsylvania. The negative of the Governor was constantly made use of to extort money. No good law whatever could be passed without a private bargain with him.”

Roger Sherman (Connecticut): “I am against enabling any one man to stop the will of the whole. No one man can be found so far above all the rest in wisdom. We ought to avail ourselves of his wisdom in revising the laws, but not permit him to overrule the decided and cool opinions of the Legislature.”

James Madison (Virginia): “If a proper proportion of each branch should be required to overrule the objections of the Executive, it would answer the same purpose as an absolute negative.”

James Wilson (Pennsylvania): “The negating power of the Executive would seldom be used. The Legislature would know that such a power existed and would refrain from such laws, as it should be sure to defeat. Its silent operation would therefore preserve harmony and prevent mischief. The case of Pennsylvania is very different from the present case.”

Pierce Butler (South Carolina): “It has been long observed that in all countries the Executive power is in a constant course of increase. Why might not a Cromwell arise in this country as well as in others?”

Gunning Bedford, Jr. (Delaware): “I am opposed to every check on the Legislative even the Counsel of Revision first proposed. It should be sufficient to mark out in the Constitution the boundaries to the Legislative Authority, which would give all the requisite security to the rights of the other departments. The Representatives of the people are the best judges of what is for their interest, and ought to be under no
external control whatever. The two branches would produce a sufficient control within the Legislature itself.”

**George Mason (Virginia):** “I observe that a vote has already passed while I was out for vesting the executive powers in a single person. With such a measure, we are not constituting a British Government, but a more dangerous monarchy, an elective one. Do gentlemen mean to pave the way to hereditary Monarchy? Do they flatter themselves that the people will ever consent to such an innovation? If they do I venture to tell them, they are mistaken. Notwithstanding the oppressions and injustice experienced among us from democracy, the genius of the people is in favor of it, and the genius of the people must be consulted.”

**Dr. Benjamin Franklin (Pennsylvania):** “The first man put at the helm will be a good one. Nobody knows what sort may come afterwards. The Executive will be always increasing as elsewhere, till it ends in a Monarchy.”

**Narrator Four:** “On a question for enabling two thirds of each branch of the Legislature to overrule the revisionary check, it passes in the affirmative with no more debate.”

**Tuesday, June 5**

**James Wilson (Pennsylvania):** “I am opposed to the appointment of judges by the National Legislature. Experience shows the impropriety of such appointments by numerous bodies. Intrigue, partiality, and concealment are the necessary consequences. A principle reason for unity in the Executive is that the officers might be appointed by a single, responsible person.”

**John Rutledge (South Carolina):** “I am by no means disposed to grant so great a power to any single person. The people will think we are leaning too much towards Monarchy. We are laying the foundation for a great empire, we ought to take a permanent view of the subject and not look at the present moment only.”

**Dr. Benjamin Franklin (Pennsylvania):** “Two modes of choosing the judges have been mentioned, to wit, by the Legislature and by the Executive. I wish such other modes might be suggested as might occur to other gentlemen, it being a point of great importance.”

**Roger Sherman (Connecticut):** “The existing state courts would serve the same purpose as those being proposed. A new set of federal courts would be a needless additional expense.”

**Rufus King (Massachusetts):** “I humbly disagree. These courts would save money by preventing needless appeals.”

**James Madison (Virginia):** “I dislike the election of the judges by the Legislature or any numerous body. I am rather inclined to give it to the Senatorial branch, as numerous enough to be confided in, but not so numerous as to be governed by the motives of the other branch, and as being sufficiently stable and independent to follow their deliberate judgments.”

**Narrator Five:** “With little more discussion on the topic for the moment, the Delegates go on to hear the proposition that ‘provision ought to be made for hereafter amending the system now to be established, without requiring the assent of National Legislature.’”
Charles Pinckney (South Carolina): “I doubt the propriety or necessity of it.”

Elbridge Gerry (Massachusetts) “I favor the proposition. The novelty and difficulty of the experiment requires periodical revision. The prospect of such a revision would give intermediate stability to the Government.”

Narrator One: “The proposition is postponed for further consideration and the proposition for ‘recommending conventions under appointment of the people to ratify the new constitution’ is taken up.”

Roger Sherman (Connecticut): “Such a popular ratification is unnecessary. The Articles of Confederation provide for changes and alterations with the assent of Congress and the ratification of State Legislatures.”

James Madison (Virginia): “This provision is essential. The Articles of Confederation themselves were defective in this respect, resting in many of the states on the Legislative sanction only. I suggest that as far as the articles of Union are to be considered as a treaty only of a particular sort, among the Governments of independent States, the doctrine might be set up that a breach of any one article, by any of the parties, absolved the other parties from the whole obligation. For these reasons and others it is indispensible that the new Constitution should be ratified in the most unexceptionable form, and by the supreme authority of the people themselves.”

Elbridge Gerry (Massachusetts): “In the Eastern States the Confederation was sanctioned by the people themselves. But the people in that quarter have at this time the wildest ideas of Government in the world.”

Rufus King (Massachusetts): “The last article of the Articles of Confederation rendered the legislature competent to the ratification. The people of the Southern States where the federal articles had been ratified by the Legislatures only, have since impliedly given their sanction to it. Notwithstanding that, there might be policy in varying the mode. A Convention being a single house, the adoption may more easily be carried through it than through the Legislatures where there are several branches. The Legislature also being to lose power, will be most likely to raise objections. The people having already parted with the necessary powers, it is immaterial to them, by which Government they are possessed, provided they be well employed.”

James Wilson (Pennsylvania): “If we require ratification by the States, our work might be defeated by the inconsiderate or selfish opposition of a few states. Therefore, I hope the provisions for ratifying will be put on such a footing as to admit of such a partial union, with a door open for the accession of the rest.”

Charles Pinckney (South Carolina): “I hope that in case the ratification experiment should not unanimously take place that nine States might be authorized to unite under the same Government.”

Narrator Two: “The proposition is postponed for the time being and discussion changes to the inferior tribunals of a Judiciary.”

James Madison (Virginia): “An effective Judiciary establishment commensurate to the legislative authority is essential. A government without a proper Executive and Judiciary would be the mere trunk of a body, without arms or legs to act or move.”

John Dickinson (Delaware): “If there is to be a national Legislature, there ought to be a national Judiciary.”
James Wilson (Pennsylvania): “I move that the words ‘the National Legislature be empowered to institute inferior tribunals’ be added to the resolution.”

Pierce Butler (South Carolina): “Even if tribunals were useful, the Convention should not venture on it. The people will not bear such innovations. The states will revolt at such encroachments. We must follow the example of Solon who gave the Athenians not the best government he could devise; but the best they would receive.”

Wednesday, June 6

Charles Pinckney (South Carolina): “I move that the first branch of the national Legislature be elected by the State Legislatures. The people are less fit judges in such a case, and that Legislatures would be less likely to promote the adoption of the new Government if they were to be excluded from all share in it.”

John Rutledge (South Carolina): “I second the motion.”

Elbridge Gerry (Massachusetts): “Much depends on the mode of the election. In England the people will probably lose their liberty from the smallness of the proportion having a right of suffrage. Our danger arises from the opposite extreme: Hence in Massachusetts the worst men get into the Legislature. Several members of that Body have lately been convicted of infamous crimes. It is necessary on the one hand that the people should appoint one branch of the government in order to inspire them with the necessary confidence. But I wish the election on the other to be so modified as to secure more effectually a just preference of merit. My idea is that the people should nominate certain persons in certain districts, out of whom the State Legislatures should make the appointment.”

John Dickinson (Delaware): “But we must beware of the most dangerous influence of those multitudes without property and without principle with which our country, like all others, will soon abound.”

James Wilson (Pennsylvania): “I wish for vigor in the Government, but wish that vigorous authority to flow immediately from the legitimate source of all authority. The Government ought to possess not only the force but secondly the mind or sense of the people at large. The Legislature ought to be the most exact transcript of the whole Society. Representation is made necessary only because it is impossible for the people to act collectively. The opposition is to be expected from the Governments, not from the Citizens of the States. The latter has parted with all the necessary powers, and it is immaterial to them, by whom they are exercised, if well exercised. The State officers are to be the losers of power. The people will be more attached to the national Government than to the State Government as being more important in itself, and more flattering to their pride.”

Roger Sherman (Connecticut): “If it is in view to abolish the State Government the elections ought to be by the people. If the State Governments are to be continued, it is necessary in order to preserve harmony between the National and State Government that the elections to the National should be made by the State. The right of participating in the National Government would be sufficiently secured to the people by their election of the State Legislatures. The objects of the Union are few: defense against foreign danger; defense against internal disputes; treaties with foreign nations; regulating foreign commerce; and drawing revenue from it. These and perhaps a few lesser objects alone render a Confederation of the States necessary. All other matters civil and criminal would be much better in the hands of the States.”
George Mason (Virginia): “Under the existing Confederacy, Congress represents the States, not the people of the States; their acts operate on the States, not on the individuals. The case will be changed in the new plan of Government. The people will be represented; they ought therefore to choose the Representatives. I am persuaded there is a better chance for proper elections by the people, if divided into large districts, than by the State Legislatures. Paper money has been issued by the latter (State) when the former (people) were against it. Is it supposed that the State Legislatures then would not send to the National Legislature patrons of such projects, if the choice depended on them?”

James Madison (Virginia): “An election of at least one branch of the Legislature by the people immediately is a clear principle of free Government. I differ from the gentleman from Connecticut in thinking the objects mentioned to be all the principle ones that require a National Government. Those are certainly important and necessary objects; but with them the necessity of providing more effectually for the security of private rights and the steady dispensation of Justice. Interferences with these were evils which had, more perhaps than anything else, produced this convention. Is it to be supposed that republican liberty can long exist under the abuses of it practiced in some of the States? In all cases where a majority are united by a common interest or passion, the rights of the minority are in danger. What motives are to restrain them? A prudent regard to the maxim that honesty is the best policy is found by experience to be as little regarded by bodies of men as by individuals. Respect for character is always diminished in proportion to the number among whom the blame or praise is to be divided. The lesson we are to draw from the whole is that where a majority are united by a common sentiment, and have an opportunity, the rights of the minor party become insecure. In a Republican Government the Majority if united have always an opportunity. The only remedy is to enlarge the sphere and thereby divide the community into so great a number of interests and parties, that in the first place a majority will not be likely at the same moment to have a common interest separate from that of the whole or of the minority; and in the second place, that in case they should have such an interest, they may not be apt to unite in the pursuit of it. It is incumbent on us then to try this remedy, and with that view to frame a republican system on such a scale and in such a form as will control all the evils which have been experienced.”

John Dickinson (Delaware): “It is as essential that one branch of the Legislature should be drawn immediately from the people; and as expedient that the other should be chosen by the Legislatures of the States. In the formation of the Senate we ought to carry it through such a refining process as will assimilate it as near as may be to the House of Lords in England. I am for a strong national Government but for leaving the States a considerable agency in the system.”

George Read (Delaware): “Too much attachment is betrayed to the State Government. We must look beyond their continuance. A national Government must soon of necessity swallow all of them up. They will soon be reduced to the mere office of electing the National Senate. I am against patching up the old federal system; I hope that idea will be dismissed. It would be like putting new cloth on an old garment. The confederation was founded on temporary principles. It cannot last; it cannot be amended. If we do not establish a good Government on new principles, we must either go to ruin, or have the work to do over again. The people at large are wrongly suspected of being averse to a general government. The state governments must be swept away. We had better speak out.”

William Pierce (Georgia): “I am for an election by the people as to the first branch and by the States as to the second branch; by which means the Citizens of the States would be represented both individually and collectively.”

General Charles C. Pinckney (South Carolina): “I wish to have a good National Government and at the same time to leave a considerable share of power in the States. I differ from the gentlemen who think that a
choice by the people would be a better guard against bad measures, than by the Legislatures. A majority of the people in South Carolina were notoriously for paper money as a legal tender; the Legislature had refused to make it a legal tender. The reason was that the Legislature had some sense of character and were restrained by that consideration. The State Legislatures also would be more jealous and more ready to thwart the National Government if excluded from a participation in it. The idea of abolishing these Legislatures will never go down.”

**James Wilson (Pennsylvania):** “I would not have spoken again, except for hearing the idea that preserving the State Government ought to be abandoned. I see no incompatibility between the National and State Government, provide that the latter (State) are restrained to certain local purposes; nor any probability of their being devoured by the former (National).”

**Narrator Three:** “A vote is then taken on the question of electing the first branch by the State Legislatures. All but two of the states vote down the idea.”

**James Wilson (Pennsylvania):** “I move we reconsider the vote excluding the Judiciary from a share in the revision of the laws.”

**James Madison (Virginia):** “I second the motion. In a Republic personal merit alone could be the ground of political exaltation, but it will rarely happen that this merit will be so preeminent as to produce universal acquiescence. The Executive Magistrate would be envied and assailed by disappointed competitors: His firmness therefore would need support.”

**George Mason (Virginia):** “I am for giving all possible weight to the revisionary institution. The Executive power ought to be well secured against Legislative usurpation on it. The purse and the sword ought never to get into the same hands whether Legislative or Executive.”

**John Dickinson (Delaware):** “Secrecy, vigor and dispatch are not the principal properties required in the Executive. Important as these are, that of responsibility is more so, which can only be preserved by leaving it singly to discharge its functions. A junction of the Judiciary to it involves an improper mixture of powers.”

**Hugh Williamson (North Carolina):** “I am in favor of substituting a clause requiring two-thirds vote for every effective act of the Legislature, in place of the revisionary provision.”

**Narrator Four:** “When a vote is taken on whether to join the Judges to the Executive in the revisionary business, there are only three states in favor and eight states against.”

**Thursday, June 7**

**John Dickinson (Delaware):** “I now move that the members of the second branch ought to be chosen by the individual Legislatures.”

**Roger Sherman (Connecticut):** “I second the motion. The particular States would thus become interested in supporting the national Government and help maintain a due harmony between the two Governments. The two ought to have separate and distinct jurisdictions, but that they ought to have a mutual interest in supporting each other.”
John Dickinson (Delaware): “The sense of the States would be better collected through their Governments than immediately from the people at large. I wish the Senate to consist of the most distinguished characters, distinguished for their rank in life and their weight of property, and bearing as strong a likeness to the British House of Lords as possible. The legislature of a numerous people ought to be a numerous body.”

Hugh Williamson (North Carolina): “I prefer a small number of Senators, but wish that each State should have at least one.”

Pierce Butler (South Carolina): “I am anxious to know the ratio of representation before I give any opinion.”

James Wilson (Pennsylvania): “If we are to establish a national Government, that Government ought to flow from the people at large. If one branch of it should be chosen by the Legislatures and the other by the people, the two branches will rest on different foundations and dissensions will naturally arise between them. I wish for the Senate to be elected by the people as well as the other branch, and the people might be divided into proper districts for the purpose.”

George Read (Delaware): “I propose that the Senate should be appointed by the Executive Magistrate out of a proper number of persons to be nominated by the individual legislatures.”

Narrator Five: “Read’s proposition is neither seconded nor supported.”

James Madison (Virginia): “If Mr. Dickenson’s motion should be agreed to, we must either depart from the doctrine of proportional representation; or admit into the Senate a very large number of members. The first is inadmissible, being evidently unjust. The second is inexpedient. The use of the Senate is to consist in its proceeding with more coolness, with more system, and with more wisdom, than the popular branch. Enlarge their number and you communicate to them the vices which they are meant to correct. It appears to me that their weight would be in an inverse ratio to their number. The example of the Roman Tribunes is applicable. They lost their influence and power, in proportion as their number was augmented. When the weight of a set of men depends merely on their personal characters, the greater the number the greater the weight.”

Elbridge Gerry (Massachusetts): “Four modes of appointing the Senate have been mentioned. First, by the first branch of the National Legislature. This would create a dependence contrary to the end proposed. Second, by the National Executive. This is a stride towards monarchy that few will approve of. Third, by the people. Fourth, by the Individual Legislatures. The elections being carried through this refinement will be most likely to provide some check in favor of the commercial interest against the landed; without which oppression will take place, and no free Government can last long where that is the case. I am, therefore, in favor of this last.”

John Dickinson (Delaware): “The preservation of the States in a certain degree of agency is indispensable. It will produce that collision between the different authorities which should be wished for in order to check each other. To attempt to abolish the States altogether would degrade the councils of our country, which would be impracticable, and would be ruinous. The proposed National System can be compared to the Solar System, in which the States are the planets, and ought to be left to move freely in their proper orbits. Mr. Wilson wishes to extinguish these planets. If the State Governments are excluded from all agency in the national one, and all power drawn from the people at large, the consequence would be that the national Government would move in the same direction as the State Governments now do, and would run into all
the same mischiefs. The reform would only unite the thirteen small streams into one great current pursuing the same course without any opposition whatever.”

James Wilson (Pennsylvania): “The subject that must be owned is surrounded with doubts and difficulties. But we must surmount them. The British Government cannot be our model. We have not materials for a similar one. I do not see a danger of the States being devoured by the National Government. On the contrary, I wish to keep them from devouring the national Government. I am not however for extinguishing these planets as is supposed by Mr. Dickinson; neither do I, on the other hand, believe that they would warm or enlighten the sun. Within their proper orbits they must still be suffered to act for subordinate purposes for which their existence is made essential by the great extent of our Country. I therefore propose that the Senate be elected by the people.”

James Madison (Virginia): “The true question is in what mode the best choice would be made? If an election by the people or through any other channel than the State Legislatures promises as uncorrupt and impartial a preference of merit, there would surely be no necessity for an appointment by those Legislatures. Nothing can be more contradictory than to say that the National Legislature without a proper check will follow the example of the State Legislatures, and in the same breath, that the State Legislatures are the only check.”

George Mason (Virginia): “Whatever power may be necessary for the National Government a certain portion must necessarily be left in the States. It is impossible for one power to pervade the extreme parts of the United States so as to carry equal justice to them. The State Legislatures also ought to have some means of defending themselves against encroachments of the National Government. In every other department we have studiously endeavored to provide for its self-defense. Shall we leave the States alone unprovided with the means for the purpose? And what better means can we provide than giving them some share in, or rather to make them a constituent part of, the National Establishment?”

Narrator One: “A vote is taken on Mr. Dickinson’s motion for an appointment of the Senate by the State Legislatures. The motion is approved by all ten states.”

Friday, June 8

Narrator Two: “Discussion continues on a reconsideration of the clause giving the National Legislature a negative on such laws of the States as might be contrary to the articles of Union, or treaties with foreign nations.”

Charles Pinckney (South Carolina): “I move that the National Legislature should have authority to negate all laws which they should judge to be improper. Such a universality of the power is indispensably necessary to render it effectual; the States must be kept in due subordination to the nation. If the States are left to act of themselves in any case, it would be impossible to defend the national prerogative, however extensive they may be on paper. This universal negative is in fact the cornerstone of an efficient national Government.”

James Madison (Virginia): “I second the motion. I cannot but regard an indefinite power to negative legislative acts of the States as absolutely necessary to a perfect system. Experience has evinced a constant tendency in the States to encroach on the federal authority; to violate national Treaties; to infringe the rights and interests of each other; to oppress the weaker party within their respective jurisdictions. A negative is
the mildest expedient that can be devised for preventing these mischiefs. The negative would render the use of force unnecessary.”

**Hugh Williamson (North Carolina):** “As we continue our debates on the new form of government for our country, a very large field presents to our view without a single straight or eligible road that has been trodden by the feet of nations. But I am against giving a power that might restrain the States from regulating their internal police.”

**Elbridge Gerry (Massachusetts):** “I cannot see the extent of such a power, and am against every power that is not necessary. I think a remonstrance against unreasonable acts of the States will reclaim them. If it should not, force might be resorted to. The National Legislature with such a power may enslave the States. Such an idea as this will never be acceded to.”

**Roger Sherman (Connecticut):** “The cases in which the negative ought to be exercised might be defined.”

**James Wilson (Pennsylvania):** “However novel it might appear the principle of it, when viewed with a close and steady eye, is right. Federal liberty is to States what civil liberty is to private individuals. A definition of the cases in which the Negative should be exercised is impracticable. We are now one nation of brethren. We must bury all local interests and distinctions. To correct the vices of the Articles of Confederation is the business of this convention. One of its vices is the want of an effectual control in the whole over its parts. What danger is there that the whole will unnecessarily sacrifice a part? But reverse the case, and leave the whole at the mercy of each part, and will not the general interest be continually sacrificed to local interests?”

**John Dickinson (Delaware):** “We must either subject the States to the danger of being injured by the power of the National Government or the latter to the danger of being injured by that of the States. I believe the danger greater from the States. To leave the power doubtful would be opening another spring of discord, and I am for shutting as many of them as possible.”

**Gunning Bedford, Jr. (Delaware):** “I find this measure meant to strip the small States of their equal right of suffrage. Will not these large States crush the small ones whenever they stand in the way of their ambitious or interested views? Are state laws to be suspended until they can be sent seven or eight hundred miles from home, and then undergo the deliberations of a body which might be incapable of judging local interests? Is the national legislature to sit continually in order to revise the laws of the states?”

**James Madison (Virginia):** “If the large states possess the greed and ambition with which they are charged, will the small ones in their neighborhood be more secure when all control of a general government is withdrawn? And what will be the consequence to the small states of a dissolution of the union?”

**Pierce Butler (South Carolina):** “I am strongly against the Negative in the proposed extent, as cutting off all hope of equal justice to the distant States. The people there would not give it a hearing, of that I am sure. Will a man throw afloat his property and confide it to a government a thousand miles distant?”

**Narrator Three:** “On the question of extending the negative power to all cases as proposed, the vote is three in favor, seven against, and one state divides.”
Saturday, June 9

Elbridge Gerry (Massachusetts): “I move that the National Executive should be elected by the Executives of the States whose proportion of votes should be same with that allowed to the States in the election of the Senate. I do not see any objection against letting the Executive be appointed by the Executives of the States. The Executives would be most likely to select the fittest men, and that it would be in their interest to support the man of their own choice.”

Edmund Randolph (Virginia): “Mr. Gerry’s mode of appointing the National Executive is inexpedient. The confidence of the people would not be secured by it to the National magistrate. The small States would lose all chance of an appointment from within themselves.”

Narrator Four: “A vote is taken on referring the appointment of the National Executive to the State Executives as proposed. One state divides on the issue, and the other nine are against it.”

William Patterson (New Jersey): “I move that the Committee resume the clause relating to the rule of suffrage in the National Legislature.”

David Brearley (New Jersey): “I second the motion. I am very sorry that any question on this point has been brought into view. It was much agitated in Congress at the time of forming the Confederation, and was then rightly settled by allowing to each sovereign State an equal vote. Otherwise the smaller States must have been destroyed instead of being saved. There will be three large states (Massachusetts, Pennsylvania, and Virginia) that will carry everything before them. I came to the convention with a view of being as useful as I could in giving energy and stability to the federal Government. Is it fair then it will be asked that Georgia should have an equal vote with Virginia? I would not say it is. What remedy then? One only; that a map of the United States be spread out, that all the existing boundaries be erased, and that a new partition of the whole be made into thirteen equal parts.”

William Patterson (New Jersey): “I consider the proposition for a proportional representation as striking at the existence of the lesser States. The amendment of the confederacy was the object of all the laws and commissions on the subject. The articles of the Confederation are therefore the proper basis of all the proceedings of the Convention. We ought to keep within its limits, or we shall be charged by our constituents with usurpation. The Commissions under which we act are not only the measure of our power; they denote also the sentiments of the States on the subject of our deliberation. We are met here as the deputies of thirteen independent, sovereign states, for federal purposes. Can we consolidate their sovereignty and form one nation, and annihilate the sovereignties of our states who have sent us here for other purposes? The people of America are sharpsighted and not to be deceived.”

Narrator Five: “As Mr. Patterson’s tone heats up in his tirade of national versus federal, those from the large states look unhappy.”

William Patterson (New Jersey): “The idea of a national Government as contradistinguished from a federal one, never entered in the mind of any of them, and to the public mind we must accommodate ourselves. We have no power to go beyond the federal scheme, and if we had the people are not ripe for any other. We must follow the people; the people will not follow us. A confederacy supposes sovereignty in the members composing it and sovereignty supposes equality. If we are to be considered as a nation, all State distinctions must be abolished, the whole must be thrown into hotchpot. The small States would never agree to it. Let the large States unite if they please, but let them remember that they have no authority to compel the others to unite. New Jersey will never confederate on the plan before the Committee. She will
not be swallowed up. I would rather submit to a monarch, to a despot, than to such a fate. I would not only oppose the plan but on my return home would do everything in my power to defeat it there.”

James Wilson (Pennsylvania): “As all authority is derived from the people, equal numbers of people ought to have an equal number of representatives. This principle was improperly violated in the Confederation, owing to the urgent circumstances of the time. Shall New Jersey have the same right or council in the nation with Pennsylvania? I say no! It is unjust! If the small States will not confederate on this plan, Pennsylvania and I assume some other States, will not confederate on any other. If no state will part with any of its sovereignty it is in vain to talk of a national government.”

Monday, June 11

Roger Sherman (Connecticut): “I propose that the proportion of suffrage in the first branch of the national Legislature should be according to the respective numbers of free inhabitants; and that in the second branch or Senate, each State should have one vote and no more. The House of Lords have an equal vote with the House of Commons that they may be able to defend their rights. In this way, we too, will be able to protect the small states.”

John Rutledge (South Carolina): “The proportion of suffrage in the first branch should be according to the quotas of contribution.”

Pierce Butler (South Carolina): “Yes, I concur, since money is power.”

John Dickinson (Delaware): “I concur with the idea of the actual contributions of the States as the rule of their representation and suffrage in the first branch. By thus connecting the interest of the States with their duty, the latter will be sure to be performed.”

Rufus King (Massachusetts): “It is uncertain what mode might be used in levying a national revenue; but it is probable that imposts would be one source of it. If the actual contributions are to be the rule, the non-importing States, such as Connecticut and New Jersey, will be in a bad situation indeed. It might so happen that they would have no representation.”

Narrator One: “Dr. Franklin presents his thoughts to the Congress via another written speech.”

Dr. Benjamin Franklin’s written thoughts: “We are sent here to consult, not to contend, with each other. I do not at present clearly see what advantage the greater States could propose to themselves by swallowing the smaller, and therefore do not apprehend they would attempt it. The greater States are naturally as unwilling to have their property left in the disposition of the smaller, as the smaller are to have theirs in the disposition of the greater. An honorable gentleman has, to avoid this difficulty, hinted a proposition of equalizing the States. It appears to me an equitable one, and I should, for my own part, not be against such a measure, if it might be found practicable. I beg leave to propose for the consideration of the Committee another mode, which appears to me, to be as equitable, more easily carried into practice, and more permanent in its nature. Let the weakest State say what proportion of money or force it is able and willing to furnish for the general purposes of the Union. Let all the others oblige themselves to furnish each an equal proportion. If these joint and equal supplies should on particular occasion not be sufficient, let Congress make requisitions of the richer and more powerful States for farther aids, to be voluntarily afforded.”

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Elbridge Gerry (Massachusetts): “Why should the blacks, who are property in the South, be in the rule of representation more than the cattle and horses of the North?”

Roger Sherman (Connecticut): “I move that a question be taken whether each State shall have one vote in the second branch. Everything depends on this. The smaller States will never agree to the plan on any other principle than an equality of suffrage in this branch.”

Alexander Hamilton (New York): “I move that the right of suffrage in the second branch ought to be according to the same rule as in the first branch.”

Narrator Two: “The vote for this motion is six in favor, five against. Attention moves to a resolution for amending the national Constitution in the future without the national Legislature.”

George Mason (Virginia): “The plan now to be formed will certainly be defective, as the Confederation has been found on trial to be. Amendments therefore will be necessary, and it will be better to provide for them, in an easy, regular and Constitutional way than to trust to chance and violence. It would be improper to require the consent of the National Legislature, because they may abuse their power, and refuse their consent on that very account.”

Narrator Three: “The words ‘without requiring the consent of the National Legislature’ are postponed. The other provision in the clause passes without further discussion and attention is turned to the resolution requiring oaths from the members of the State Government to observe the National Constitution and laws.”

Roger Sherman (Connecticut): “I oppose this resolution as it unnecessarily intrudes into the State jurisdictions.”

Edmund Randolph (Virginia): “It is necessary to prevent that competition between the National Constitution and laws and those of the particular States, which has already been felt. The officers of the States are already under oath to the States. They ought to be equally bound to the National Government. The National authority needs every support we can give it.”

Elbridge Gerry (Massachusetts): “I do not like the clause. There is as much reason for requiring an oath of fidelity to the States, from national officers, as vice versa.”

Narrator Four: “Mr. Randolph’s resolution passes six to five, ending the day’s discussions.”

Tuesday, June 12

Narrator Five: “The first vote of the day is on the resolution to refer the new system to the people of the States for ratification. It passes with six ayes, three negatives, and two states splitting.”

Roger Sherman (Connecticut): “Mr. Ellsworth and I move to fill the blank left in the fourth resolution for the periods of electing the members of the first branch with the words ‘every year’.”

John Rutledge (South Carolina): “I propose a two year term.”

James Madison (Virginia): “I second a motion for three years. Instability is one of the great vices of our republics to be remedied. Three years will be necessary in a Government so extensive for members to form
any knowledge of the various interests of the States to which they do not belong. One year will be consumed in preparations and travelling to and from the seat of national business.”

**Elbridge Gerry (Massachusetts):** “The people of New England will never give up the point of annual elections, since they are the only defense of the people against tyranny. I am as much against this as against a hereditary Executive. It is necessary to consider what the people will approve.”

**James Madison (Virginia):** “If the opinions of the people are to be our guide, it will be difficult to say what course we ought to take. No member of the Convention can say what the opinions of his Constituents are at this time; much less could he say what they would think if possessed of the information and lights possessed by the members here. We ought to consider what is right and necessary in itself for the attainment of a proper Government. The respectability of this convention will give weight to their recommendation of it. Experience will be constantly urging the adoption of it, and all the most enlightened and respectable citizens will be its advocates. Should we fall short of the necessary and proper point, this influential class of Citizens will be turned against the plan, and little support in opposition to them can be gained to it from the unreflecting multitude.”

**Narrator One:** “The vote is taken on the question of triennial election for the first branch. The resolution passes seven to four.”

**James Madison (Virginia):** “I move that the words ‘and fixed’ be inserted after the phrase ‘liberal compensation for members’. It would be improper to leave members of the National Legislature to be provided for by the State Legislature because it would create an improper dependence. To leave them to regulate their own wages is an indecent thing, and might in time prove a dangerous one.”

**George Mason (Virginia):** “I second the motion. It would be improper for other reasons to leave the wages to be regulated by the States.”

**Narrator Two:** “On the question of inserting the words ‘and fixed’, the vote is eight in favor.”

**Dr. Benjamin Franklin (Pennsylvania):** “I approve the amendment just made for rendering the salaries as fixed as possible; but dislike the word ‘liberal.’ I would prefer the word moderate if it is necessary to substitute any other.”

**Narrator Three:** “The word ‘liberal’ is struck out with no debate. A motion is made to fill the blank for the duration of second branch of the National Legislature with the words ‘seven years.’”

**Roger Sherman (Connecticut):** “Seven years is too long. If they do their duty well, they will be reelection. If they act amiss, an earlier opportunity should be allowed for getting rid of them. I prefer five years which would be between the terms of the first branch and of the executive.”

**William Pierce (Georgia):** “I would support a term of three years. Seven would raise an alarm.”

**Edmund Randolph (Virginia):** “I concur on seven year terms.”

**James Madison (Virginia):** “Seven year terms are by no means too long. What we wish is to give to the Government that stability which is everywhere called for.”

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Narrator Four: “On the question of seven years for the term for the second branch, the vote is eight states in favor, one against, and two states divided.”

John Rutledge (South Carolina): “I propose that the members of the second branch should be entitled to no salary or compensation for their services.”

Narrator Five: “A vote is taken on the proposition of no compensation. Seven states vote no.”

Wednesday, June 13

Edmund Randolph (Virginia): “Mr. Madison and I move the following resolution respecting a National Judiciary, that 'the jurisdiction of the National Judiciary shall extend to cases, which respect the collection of the national revenue, impeachments of any national officers, and questions which involve the national peace and harmony.'”

Elbridge Gerry (Massachusetts): “I move to restrain the Senatorial branch from originating money bills. The other branch is more immediately the representatives of the people, and it is a maxim that the people ought to hold the purse-strings.”

Pierce Butler (South Carolina): “I see no reason for such discrimination.”

James Madison (Virginia): “The Senate will generally be a more capable set of men, so it would be wrong to disable them from any preparation of the business, especially that which is most important.”

Charles Pinckney (South Carolina): “The question is premature. If the Senate should be formed on the same proportional representation as it stands at present, they should have equal power, otherwise if different, a different principle should be introduced.”

Narrator One: “As the day draws to a close, Chairman Gorham rises to give a report on the work the Committee of the Whole has accomplished on Madison’s Virginia Plan, from May 29 through June 13. The next day work will begin on Patterson’s New Jersey Plan.”
Act 2, Scene 1
The New Jersey Plan

Thursday, June 14

William Patterson (New Jersey): “It is the wish of several members, particularly those of New Jersey, that further time might be allowed us to contemplate the plan reported yesterday from the Committee of the Whole. We hope to have an alternative plan, purely federal, and contradistinguished from the previous plan, ready by tomorrow to be laid before the Convention.”

Narrator One: “At this request, the Convention adjourns for the day.”

Friday, June 15

Narrator Two: “As promised, Mr. Patterson lays before the Convention the plan that he and several other delegates have promised.”

William Patterson (New Jersey): “We wish that this plan be substituted for the one proposed by Mr. Randolph.”

Narrator Three: “Discussion ensues as to the most proper method of giving the new plan a fair deliberation. It is decided that both plans will be laid together before the Committee as a Whole for discussion and comparison.”

John Lansing, Jr. (New York): “We propose that discussion begin tomorrow instead of today, to allow friends of the plan further time to prepare their explanations, and to allow the other members time to take note of the plan.”

Narrator Four: “Mr. Patterson’s plan involves nine propositions, beginning with: ‘The articles of Confederation ought to be corrected and enlarged, as to render the federal Constitution adequate to the needs and demands of Government, and the preservation of the Union.’ As requested, discussion is postponed until the next day, and the meeting is adjourned early.”

Saturday, June 16

John Lansing, Jr. (New York): “I call for the reading of the first resolution of each plan, which I believe involve principles directly in contrast. Mr. Patterson’s (New Jersey) Plan sustains the sovereignty of the respective States, and that of Mr. Randolph (Virginia Plan) destroys it. I ground my preference of Mr. Patterson’s plan chiefly because Mr. Randolph’s exceeds the power of the Convention to discuss and propose it, and because of the improbability of its being adopted. I am decidedly of the opinion that the power of the Convention is restrained to amendments of a federal nature. And this limitation marks the opinion of the States. New York would never have concurred to sending deputies to the convention, if she had supposed the deliberations were to turn on a consolidation of the States and a national Government. Additionally, the States will never feel a sufficient confidence in a general Government to give it a negative on their laws. The Scheme is itself totally novel. There is no parallel to it to be found. The authority of Congress, on the other hand, is familiar to the people, and an augmentation of the powers of Congress will be readily approved by them.”
William Patterson (New Jersey): "I prefer the new plan because it is accorded with the powers of the Convention and with the sentiments of the people. If the Confederacy is radically wrong, let us return to our States and obtain larger powers, not assume them of ourselves. I came here not to speak of my own sentiments, but the sentiments of those who sent me. Our object is not such a Government as may be best in itself, but such a one as our Constituents have authorized us to prepare, and as they will approve. If we can argue the matter on the supposition that no Confederacy at present exists, it cannot be denied that all the States stand on the footing of equal sovereignty. The fifth article of the Articles of Confederation gives each State a vote, and the thirteenth article declares that no alteration shall be made without unanimous consent. This is the nature of all treaties. What is unanimously done must be unanimously undone. It has been observed that the larger States gave up this point, not because it was right, but because the circumstances of the moment urged the concession. Be it so. Are they for that reason at liberty to take it back? Can the donor resume his gift without the consent of the donee? This doctrine may be convenient, but it is a doctrine that will sacrifice the lesser States. The large States acceded readily to the confederacy. It was the small ones that came in reluctantly and slowly."

Narrator Five: “Mr. Patterson continues to list the problems he has with Mr. Randolph’s plan, including the undue expense it would cause.”

William Patterson (New Jersey): “In the present deranged state of our finances, can so expensive a system be seriously thought of? By enlarging the powers of Congress, the greatest part of this expense will be saved and all purposes will be answered. At least a trial ought to be made.”

James Wilson (Pennsylvania): “I see several differences between the two plans, including that a majority of the people of the United States must prevail in one and in the other a minority may prevail. With regard to the power of the Convention, I conceive myself authorized to conclude nothing, but to be at liberty to propose any thing. In this particular I find myself perfectly indifferent to the two plans. With regard to the sentiments of the people, I conceive it difficult to know precisely what they are. Those of the particular circle in which one moves are commonly mistaken for the general voice. I cannot persuade myself that the State Governments and Sovereignties are so much the idols of the people, nor a national Government so obnoxious to them, as some suppose. Why should a National Government be unpopular? Has it less dignity? Will each Citizen enjoy under it less liberty or protection? Will a Citizen of Delaware be degraded by becoming a Citizen of the United States? Where do the people look at present for relief from the evils of which they complain? Is it from an internal reform of their Governments? No, sir. It is from the National Councils that relief is expected.”

Narrator One: “The delegates from the smaller states do not look happy at Mr. Wilson’s remarks. But he continues with his comparisons between the two plans.”

James Wilson (Pennsylvania): “It would be with extreme reluctance indeed that I could ever consent to give more powers to Congress, since as a Legislative body it does not stand on the people, and because it is a single body. Despotism comes on mankind in different shapes, sometimes in an Executive, sometimes in a Military one. Is there no danger of a Legislative despotism? Theory and practice both proclaim it. If the Legislative authority be not restrained, there can be neither liberty nor stability; and it can only be restrained by dividing it within itself, into distinct and independent branches. In a single House there is no check, but the inadequate one, of the virtue and good sense of those who compose it. Additionally, the New Jersey Plan vests the Executive powers in a plurality. In order to control the Legislative authority, you must divide it. In order to control the Executive you must unite it. One man will be more responsible than three. Three will contend among themselves till one becomes the master of his colleagues. In the triumvirates of Rome first Caesar, then Augustus, are witnesses of this truth.”
Charles Pinckney (South Carolina): “The whole comes to this. Give New Jersey an equal vote, and she will dismiss her scruples, and concur in the National system. I think the Convention is authorized to go to any length in recommending that which it finds necessary to remedy the evils which produced this Convention.”

Edmund Randolph (Virginia): “When the salvation of the Republic is at stake, it would be treason to our trust not to propose what we find necessary. We are in great danger if we delay a substantial reform. I will not, as far as depends on me, leave anything that seems necessary undone. The present moment is favorable, and is probably the last that will be offered. The true question is whether we shall adhere to the federal plan or introduce the national plan. The insufficiency of the federal has been fully displayed by the trial already made. There are but two modes by which the end of a General Government can be attained; the first is by coercion as proposed by Mr. Patterson’s new plan, the second by real legislation as proposed by the first plan. Coercion is impracticable, expensive, and cruel to individuals. We must resort therefore to a National Legislation over individuals, for which Congress is unfit. A provision must be made: for harmony among the States, as in trade and naturalization; for crushing rebellion whenever it may rear its crest; and for certain other general benefits. The powers for these purposes can never be given to a body as inadequate as Congress is in point of representation, elected in the mode in which it is. A National Government alone, properly constituted, will answer the purpose. I beg it to be considered that the present is the last moment for establishing one. After this select experiment, the people will yield to despair.”

Narrator Two: “On that negative note, the Convention adjourns for the rest of the weekend.”

Monday, June 18

Alexander Hamilton (New York): “I must declare myself unfriendly to both plans. I am particularly opposed to the New Jersey Plan, as it will leave the States in possession of their Sovereignty, and therefore cannot answer the problems we have come here to address. I believe too much is being made over what we have power to accomplish here at the Convention. We were sent here to provide for the current problems of the Union. Therefore the great question is what provision shall be made for the happiness of our country?”

Narrator Three: “Mr. Hamilton goes on to explain the problems he has with both plans, and to lay out the plan he might best support. By time he is done speaking, everyone in the room is tired of listening, and the Convention is adjourned for the day.”

Tuesday, June 19

James Madison (Virginia): “Much stress has been laid by some on the want of power in the Convention to propose any other than a federal plan. Mr. Patterson has also stated that a proper plan would preserve the Union and would provide a Government that will remedy the current evils felt by the States. But does Mr. Patterson’s new plan promise satisfaction in these respects? The existing Confederacy does not sufficiently provide against this evil and the proposed amendment does not supply the omission. It leaves the will of the States as uncontrolled as ever. Will Mr. Patterson’s plan prevent encroachments on the federal authority? Will it prevent trespasses of the States on each other? No, Mr. Patterson’s plan doesn’t even give a negative on the acts of the States, leaving them as much at liberty as ever to execute their unrighteous projects against each other. Will it secure the internal tranquility of the States themselves? Will it secure a good internal legislation and administration to the particular States? Mr. Patterson’s plan contains no remedy for this
dreadful class of evils. Will it secure the Union against the influence of foreign powers over its members? No, the plan of Mr. Patterson does not give to the general councils any negative on the will of the particular States. The smaller States, so attached to Mr. Patterson’s plan, need to consider the situation in which it would leave them.”

James Wilson (Pennsylvania): “A National Government would not swallow up the State Governments as some others seem to believe. I am certainly for preserving the latter (State Governments). But, contrary to Colonel Hamilton’s opinion, I believe the State Governments and National Government can exist on friendly terms with each other.”

Alexander Hamilton (New York): “I was not properly understood yesterday. I was not calling for the total abolition of the States, but merely meant that no boundary could be drawn between the National and State Legislatures; that the former (National) must therefore have indefinite authority.”

Rufus King (Massachusetts): “The terms ‘States,’ ‘Sovereignty,’ ‘national,’ and ‘federal’ are being used often and applied in discussions inaccurately. The States are not ‘sovereigns’ in the sense contended for by some. They do not possess the peculiar features of sovereignty. They cannot make war, nor peace, nor alliances, nor treaties. Considering them as political beings, they are dumb, for they cannot speak to any foreign sovereign whatever. They are deaf, for they cannot hear any propositions from such Sovereigns. A Union of the States is a Union of the men composing them, from whence a national character results. Congress can act alone without the States – they can act and their acts will be binding against the instructions of the States. No acts of the States can vary the situation or prevent the judicial consequences. If the States therefore retain some portion of their sovereignty, they have certainly divested themselves of other portions of it. If they form a Confederacy in some respects – they form a Nation in others.”

Luther Martin (Maryland): “The separation from Great Britain placed the 13 states in a state of Nature towards each other. They would have remained in that state till this time, but for the confederation. They entered into the confederation on the footing of equality; they meet now to amend it on the same footing. I can never accede to a plan that would introduce an inequality and lay ten states at the mercy of Virginia, Massachusetts, and Pennsylvania.”

James Wilson (Pennsylvania): “I cannot admit the doctrine that when the colonies became independent of Great Britain, they became independent also of each other.”

Alexander Hamilton (New York): “A circumstance renders the smaller states secure under a National Government in which they might lose the equality of rank they now hold: The local situation of the three largest States. They are separated from each other by distance of place, and equally so, by all the peculiarities which distinguish the interests of one State from those of another. No combination thereof can be dreaded.”

Narrator Four: “When a vote is taken over which plan is preferable, seven states vote in favor of the Virginia Plan, three vote in favor of the New Jersey Plan, and Maryland divides. Attention will go back to the details of the Virginia Plan, though the small states are far from done fighting.”
Act 2, Scene 2
After the New Jersey Plan

Wednesday, June 20

Oliver Ellsworth (Connecticut): “I move to alter our words to say ‘that the Government of the United States ought to consist of a supreme legislative, executive and judiciary.’ This alternative drops the word national, and retains the proper title, ‘the United States.’ I also wish the plan of the Convention to go forth as an amendment to the articles of Confederation, since under this idea the authority of the Legislatures can ratify it. If they are unwilling, the people will be so too.”

John Lansing, Jr. (New York): “Mr. Wilson contends that as the Convention is only to recommend, we might recommend what we please. I differ much from Mr. Wilson. It cannot be expected that those possessing Sovereignty could ever voluntarily part with it. It is not to be expected from any one State, much less from thirteen.”

George Mason (Virginia): “The principle objections against Mr. Randolph’s plan are the want of power and the want of practicability. Is it to be thought that the people of America, so watchful over their interests, so jealous of their liberties, will give up their all, will surrender both the sword and the purse, to the same body, and that too not chosen immediately by themselves? They never will. They never ought. Much has been said of the unsettled state of mind of the people. I believe the mind of the people of America, as elsewhere, is unsettled as to some points; but settled as to others. In two points I am sure it is well settled. First in an attachment to Republican Government. Second in an attachment to more than one branch in the Legislature. Their constitutions accord so generally in both these circumstances that they seem almost to have been preconcerted. This must either have been a miracle, or have resulted from the genius of the people. But in the end, the Convention, though comprising so many distinguished characters, cannot be expected to make a faultless Government. I would prefer trusting to posterity the amendments of its defects, rather than to push the experiment too far.”

Luther Martin (Maryland): “I agree with Colonel Mason as to the importance of the State Governments. I would support them at the expense of the general government. At the separation from the British Empire, the people of America preferred the establishment of themselves into thirteen separate sovereignties instead of incorporating themselves into one: to these they look up for the security of their lives, liberties and properties: to these they must look up.”

Roger Sherman (Connecticut): “I admit that two branches are necessary in the State Legislatures, but see no necessity for them in a Confederacy of States. The examples are all of a single Council. Congress carried us through the war, and perhaps as well as any government could have done. The complaints at present are not that the views of Congress are unwise or unfaithful; but that their powers are insufficient for the execution of their views. The national debt and the want of power to draw forth the National resources are the great matters that press. If another branch were to be added to Congress to be chosen by the people, it would serve to embarrass. The disparity of the States in point of size is the main difficulty. But the large States have not yet suffered from the equality of votes enjoyed by the small ones. In all great and general points, the interests of all the States were the same. The State of Virginia notwithstanding the equality of votes, ratified the Confederation without proposing any alteration. Massachusetts also ratified without any material difficulty. In none of the ratifications is the want of two branches noticed or complained of.”

James Wilson (Pennsylvania): “The two branches are a necessity. If a proper model is not to be found in other Confederacies it is not to be wondered at. I have been six years in the twelve since the
commencement of the Revolution, a member of Congress, and have felt all its weaknesses. The success of the Revolution was owing to other causes, rather than the Constitution of Congress.”

Thursday, June 21

William Samuel Johnson (Connecticut): “On a comparison of the two plans, it appears that the peculiarities which characterize the New Jersey Plan are being calculated to preserve the individuality of the States. The plan from Virginia does not profess to destroy this individuality altogether, but is charged with such a tendency. One gentleman alone, Colonel Hamilton, contends for an abolition of the State Governments. Mr. Wilson wishes to leave the States in possession of a considerable, though a subordinate jurisdiction. If it could be shewn in such a manner as to satisfy the patrons of the New Jersey propositions that the individuality of the States would not be endangered, many of their objections would no doubt be removed.”

James Wilson (Pennsylvania): “My respect for Doctor Johnson, added to the importance of the subject leads me to attempt, unprepared as I am, to solve the difficulty which has been started. It was asked how the General Government and individuality of the particular States could be reconciled to each other; and how the States are to be secured against the General Government? If a security be necessary on one side, it would seem reasonable to demand it on the other. But taking the matter in a more general view, I see no danger to the states from the General Government. The General Government will be as ready to preserve the rights of the States as the States are to preserve the rights of individuals. I cannot discover, therefore any danger whatever on the side from which it has been apprehended. On the contrary, I conceive that in spite of every precaution the general Government would be in perpetual danger of encroachment from the State Governments.”

James Madison (Virginia): “I am also of the opinion that there is less danger of encroachment from the General Government than from the State Governments and that the mischief from encroachments would be less fatal if made by the former (General Government), than if made by the latter (States). All the examples of other confederacies prove the greater tendency in such systems to anarchy than to tyranny.”

Narrator Five: “A vote is taken on the question resolving that the Legislatures ought to consist of two Branches. The vote is seven in favor, three against, and one state divided.”

General Charles C. Pinckney (South Carolina): “I move that the first branch instead of being elected by the people should be elected in such manner as the Legislature of each State should direct.”

Luther Martin (Maryland): “I second the motion.”

Alexander Hamilton (New York): “This motion transfers the election from the people to the State Legislatures, which would essentially void the plan. It would increase that State influence which could not be too watchfully guarded against.”

George Mason (Virginia): “I urge the necessity of retaining the election by the people.”

Roger Sherman (Connecticut): “I would like an election by the Legislatures best, but I am content with the plan as it stands.”
James Wilson (Pennsylvania): “I consider the election of the first branch by the people not only as the cornerstone, but as the foundation of the fabric.”

Narrator One: “General Pinkney moves to substitute election of the first branch in such mode as the Legislatures should appoint instead of its being elected by the people. Only three states vote in favor of the motion. General Pinkney then moves that the first branch should be elected by the people in the mode that the Legislatures should direct. Nine states vote in favor of his second motion. Consideration then moves to the election being for the term of three years.”

Edmund Randolph (Virginia): “I move to strike out three years and insert two years. I am sensible that annual elections are a source of great mischiefs in the States, yet it was the want of such checks against the popular intemperance as are now proposed that render them so mischievous. The people are attached to frequency of elections. All the Constitutions of the States except that of South Carolina have established annual elections.”

John Dickinson (Delaware): “The idea of annual elections is borrowed from the ancient usage of England, a country much less extensive than ours. I suppose biennial would be inconvenient. I prefer triennial: and in order to prevent the inconveniency of an entire change of the whole number at the same moment, suggest a rotation, by an annual election of one third.”

Oliver Ellsworth (Connecticut): “I am opposed to three years, supposing that even one year is preferable to two years. The people are fond of frequent elections and might be safely indulged in one branch of the Legislature. I move for one year.”

James Wilson (Pennsylvania): “I am for making the first branch an effectual representation of the people at large, and I also prefer an annual election of it. This frequency is most familiar and pleasing to the people.”

James Madison (Virginia): “I am persuaded that annual elections would be extremely inconvenient and apprehensive that biennial would be too much so also. I do not mean inconvenient to the electors, but to the representatives. It must be supposed that the members from the most distant States would travel backwards and forwards at least as often as the elections should be repeated.”

Roger Sherman (Connecticut): “I prefer annual elections, but would be content with biennial. I think the Representatives ought to return home and mix with the people. By remaining at the seat of Government they would acquire the habits of the place which might differ from those of their Constituents.”

George Mason (Virginia): “I observe that as the States being differently situated such a rule ought to be formed as would put them as nearly as possible on a level. If elections were annual the middle States would have a great advantage over the extreme ones. I wish them to be biennial.”

Alexander Hamilton (New York): “I urge the necessity of three years. There ought to be neither too much nor too little dependence, on the popular sentiments.”

Narrator Two: “A vote is taken to strike out three years and insert two years. The question is approved by seven states.”
Narrator Three: “The resolution to receive fixed stipends to be paid out of the National Treasury is considered.”

Oliver Ellsworth (Connecticut): “I move to substitute payment by the States out of their own Treasuries: since the manners of different States are very different in the style of living and in the profits accruing from the exercise of like talents.”

Hugh Williamson (North Carolina): “I favor the idea. I remind the House of the prospect of new States to the Westward. They would be poor – would pay little into the common Treasury – and would have a different interest from the old States. I do not think therefore that the latter ought to pay the expenses of men who would be employed in thwarting their measures and interests.”

Nathaniel Gorham (Massachusetts): “I wish not to refer the matter to the State Legislatures who are always paring down salaries in such a manner as to keep out of offices men most capable of executing the functions of them. Let the National Legislature provide for their own wages from time to time; as the State Legislatures do. I have not seen this part of their power abused, nor do I apprehend an abuse of it.”

Edmund Randolph (Virginia): “I fear that we are going too far, in consulting popular prejudices. If the States were to pay the members of the National Legislature, a dependence would be created that would weaken the whole system. The whole nation has an interest in the attendance and services of the members. The National Treasury therefore is the proper fund for supporting them.”

Rufus King (Massachusetts): “I urge the danger of creating a dependence on the States by leaving to them the payment of the members of the National Legislature.”

Roger Sherman (Connecticut): “I contend for referring both the quantum and the payment of it to the State Legislatures.”

James Wilson (Pennsylvania): “I am against fixing the compensation as circumstances would change and call for a change of the amount. I think it of great importance that the members of the National Government should be left as independent as possible of the State Governments in all respects.”

James Madison (Virginia): “I concur in the necessity of preserving the compensations for the National Government independent of the State Governments but at the same time I approve of fixing them by the Constitution. I dislike particularly the policy suggested by Mr. Williamson of leaving the members from the poor States beyond the Mountains, to the precarious and stingy support of their constituents.”

Alexander Hamilton (New York): “I am strenuously against making the National Council dependent on the Legislative rewards of the States. Those who pay are the masters of those who are paid.”

James Wilson (Pennsylvania): “I move that the salaries of the first branch be ascertained by the National Legislature and be paid out of the National Treasury.”

James Madison (Virginia): “I think the members of the Legislation too much interested to ascertain their own compensation. It would be indecent to put their hands into the public purse for the sake of their own pockets.”
Narrator Four: “Mr. Ellsworth moves striking out payment by the ‘National Treasury.’”

Alexander Hamilton (New York): “I renew my opposition to Mr. Ellsworth’s motion. We must remember the distinction between the State Governments and the people.”

Oliver Ellsworth (Connecticut): “If we are jealous of the State Governments they will also be so of us. If on going home I tell them we gave the General Government such powers because we cannot trust them, will they adopt it?”

George Mason (Virginia): “I move to insert twenty-five years of age as a qualification for the members of the first branch. It is absurd that a man today should not be permitted by the law to make a bargain for himself, and tomorrow should be authorized to manage the affairs of a great nation. It is the more extraordinary as every man carries with him in his own experience a scale for measuring the deficiency of young politicians; since he would if interrogated be obliged to declare that his political opinions at the age of twenty-one were too crude and erroneous to merit an influence on public measures. It has been said that Congress has proved a good school for our young men. It might be so for anything I know but if it were, I chose that they should bear the expense of their own education.”

James Wilson (Pennsylvania): “There is no more reason for incapacitating youth than age, where the requisite qualifications are found.”

Narrator Five: “On the question of inserting twenty-five years, seven states vote in favor.”

Saturday, June 23

Narrator One: “Discussion continues on Saturday about whether members of the Legislature should be allowed to hold other government jobs at the same time.”

Monday, June 25

Charles Pinckney (South Carolina): “The people of the United States are perhaps the most singular of any we are acquainted with. Among them there are fewer distinctions of fortune and less of rank, than among the inhabitants of any other nation. Every freeman has a right to the same protection and security; and a very moderate share of property entitles them to the possession of all the honors and privileges the public can bestow; hence arises a greater equality, than is to be found among the people of any other country, and an equality which is more likely to continue. We have unwisely considered ourselves as the inhabitants of an old instead of a new country. We have adopted the maxims of a State full of people and manufactures and established in credit. The people of this country are not only very different from the inhabitants of any State we are acquainted with in the modern world; but I assert that their situation is distinct from either the people of Greece or Rome, or of any State we are acquainted with among the ancients. Our true situation appears to me to be this – a new extensive Country containing within itself the materials for forming a Government capable of extending to its citizens all the blessings of civil and religious liberty – capable of making them happy at home. This is the great end of Republican Establishments. We mistake the object of our Government, if we hope or wish that it is to make us respectable abroad. Conquest or superiority among other powers is not or ought not ever to be the object of republican systems. The question is what kind of Government is best suited to them. Will it be the British Government? No. We must suit our Government to the people it is to direct. These are I believe as active,
intelligent and susceptible of good Government as any people in the world. No position appears to me more true than this; that the General Government cannot effectually exist without reserving to the States the possession of their local rights.”

Nathaniel Gorham (Massachusetts): “I am inclined to a compromise as to the rule of proportion. I think there was some weight in the objections of the small States.”

James Wilson (Pennsylvania): “The question is shall the members of the second branch be chosen by the Legislatures of the States? When I consider the amazing extent of our Country – the immense population which is to fill it, the influence which the Government we are to form will have, not only on the present generation of our people and their multiplied posterity, but on the whole Globe, I am lost in the magnitude of the object. Both Governments were derived from the people – both meant for the people – both therefore ought to be regulated on the same principles. The same train of ideas which belongs to the relation of the Citizens to their State Government are applicable to their State Governments and in forming the latter, we ought to proceed by abstracting as much as possible from the idea of State Government. The General Government is not an assemblage of States, but of individuals for certain political purposes – it is not meant for the States, but for the individuals composing them; the individuals therefore, not the States, ought to be represented in it.”

Oliver Ellsworth (Connecticut): “I see no reason for departing from the mode contained in the Report based on the Plan from Virginia. The only chance of supporting a General Government lies in engraving it on that of the individual States.”

William Samuel Johnson (Connecticut): “I urge the necessity of preserving the State Governments, which would be at the mercy of the General Government on Mr. Wilson’s plan.”

Hugh Williamson (North Carolina): “I profess myself to be a friend to such a system as would secure the existence of the State Government.”

George Mason (Virginia): “It has been agreed on all hands that an efficient Government is necessary that to render it such it ought to have the faculty of self-defense, that to render its different branches effectual each of them ought to have the same power of self-defense. I do not wonder that such an agreement should have prevailed in these points. I only wonder that there should be any disagreement about the necessity of allowing the State Government the same self-defense. If they are to be preserved as I conceive to be essential, they certainly ought to have this power, and the only mode left of giving it to them, is by allowing them to appoint the second branch of the National Legislature.”

Narrator Two: “Discussion turns to the length of terms for the second branch.”

Nathaniel Gorham (Massachusetts): “I suggest a term of four years, one fourth to be elected every year.”

Edmund Randolph (Virginia): “I support the idea of rotation, as favorable to the wisdom and stability of the Corps, which might possibly be always sitting, and aiding the Executive. I also move after seven years to add ‘to go out in fixed proportion.”

Hugh Williamson (North Carolina): “I suggest six years as more convenient for rotation than seven years.”

George Read (Delaware): “I propose that they should hold their offices ‘during good behavior.’”
General Charles C. Pinckney (South Carolina): “I propose four years. A longer term would fix them at the seat of Government. They would acquire an interest there, perhaps transfer their property and lose sight of the States they represent. Under these circumstances the distant States would labor under great disadvantages.”

Tuesday, June 26

Narrator Three: “Discussion continues on the term of the second branch.”

Nathaniel Gorham (Massachusetts): “I move to fill the blank with six years, one third of the members to go out every second year.”

General Charles C. Pinckney (South Carolina): “I oppose six years in favor of four years. The States have different interests. Those of the South, and of South Carolina in particular, are different from the Northern. If the Senators should be appointed for a long term, they would settle in the State where they exercised their functions; and would in a little time be rather the representatives of that than of the State appointing them.”

George Read (Delaware): “I move that the term be nine years. This would admit of a very convenient rotation, one third going out triennially. I would still prefer ‘during good behavior,’ but being little supported in that idea, I am willing to take the longest term that could be obtained.”

James Madison (Virginia): “In order to judge of the form to be given to this institution, it will be proper to take a view of the ends to be served by it. These are first to protect the people against their rulers: secondly to protect the people against the transient impressions into which they themselves might be led. A people deliberating in a temperate moment, and with the experience of other nations before them, on the plan of Government most likely to secure their happiness, would first be aware, that those charged with the public happiness, might betray their trust. An obvious precaution against this danger would be to divide the trust between different bodies of men, who might watch and check each other. It would next occur to such a people, that they themselves are liable to temporary errors, through want of information as to their true interest, and that men chosen for a short term, and employed but a small portion of that in public affairs, might err from the same cause. This reflection would naturally suggest that the Government be so constituted, as that one of its branches might have an option of acquiring a competent knowledge of the public interests. It ought finally to occur to a people deliberating on a Government for themselves, that as different interests necessarily result from the liberty meant to be secured, the major interest might under sudden impulses be tempted to commit injustice on the minority. In framing a system which we wish to last for ages, we should not lose sight of the changes which ages will produce. Symptoms of a leveling spirit, as we have understood, have sufficiently appeared in certain quarters to give notice of the future danger. How is this danger to be guarded against on republican principles? Among other means by the establishment of a body in the Government sufficiently respectable for its wisdom and virtue, to aid on such emergencies, the preponderance of justice by throwing its weight into that scale. I do not conceive that the term of nine years could threaten any real danger. We ought only to provide every guard to liberty that its preservation could require.”

Roger Sherman (Connecticut): “Government is instituted for those who live under it. It ought therefore to be so constituted as not to be dangerous to their liberties. The more permanency it has the worse if it be a bad Government. Frequent elections are necessary to preserve the good behavior of rulers. They also tend to give permanency to the Government, by preserving that good behavior, because it ensures their
reelection. I wish to have provision made for steadiness and wisdom in the system to be adopted. But I think six or four years would be sufficient. I would be content with either.”

George Read (Delaware): “I wish it to be considered by the small States that it is with their interest that we should become one people as much as possible. State attachments should be extinguished as much as possible. The Senate should be so constituted as to have the feelings of Citizens of the whole.”

Alexander Hamilton (New York): “I concur with Mr. Madison in thinking we are now to decide forever the fate of Republican Government; and that if we do not give to that form due stability and wisdom, it would be disgraced and lost among ourselves, disgraced and lost to mankind forever. I profess myself to be as zealous an advocate for liberty as any man whatever, and trust I should be as willing a martyr to it.”

Elbridge Gerry (Massachusetts): “I wish we could be united in our ideas concerning a permanent Government. All aim at the same end, but there are great differences as to the means. The Convention ought to be extremely cautious in what they hold out to the people. If the plan should be of such a nature as to rouse a violent opposition, it is easy to foresee that discord and confusion will ensue, and it is even possible that we may become a prey to foreign powers. I do not deny the position of Mr. Madison, that the majority will generally violate justice when they have an interest in so doing. But I do not think there is any such temptation in this Country. I admit that the evils arising from a frequency of elections. I would agree to give the Senate a duration of four or five years. A longer term would defeat itself. It will never be adopted by the people.”

James Wilson (Pennsylvania): “I do not mean to repeat what has fallen from others, but would add an observation or two which I believe has not yet been suggested. Every nation may be regarded in two relations, first to its own citizens, second to foreign nations. It is therefore not only liable to anarchy and tyranny within, but has wars to avoid and treaties to obtain from abroad. The Senate will probably be the depository of the powers concerning the latter objects. It ought therefore to be made respectable in the eyes of foreign Nations.”

Narrator Four: “A vote is taken on the idea of nine year terms, with one third going out triennially. Only three states vote in favor of nine year terms, and then a vote is taken on the question of six year terms, with one third going out biennially. Seven states vote in favor of six year terms.”

General Charles C. Pinckney (South Carolina): “I propose that no salary should be allowed for the Senate branch. As this branch is meant to represent the wealth of the Country, it ought to be composed of persons of wealth; and if no allowance was to be made the wealthy alone would undertake the service.”

Dr. Benjamin Franklin (Pennsylvania): “I second the motion.”

Narrator Five: “Six states vote in favor of the idea of no salary for the Senate, and five states vote against the idea. A new motion to change the expression into these words instead, ‘to receive a compensation for the devotion of their time to the public Service,’ is approved by all the States except South Carolina.”

Oliver Ellsworth (Connecticut): “I move to strike out ‘to be paid out of the national Treasury’ and insert ‘to be paid by their respective States.’ If the Senate is meant to strengthen the Government, it ought to have the confidence of the States. The States will have an interest in keeping up a representation, and will make such provision for supporting the members as will ensure their attendance.”
Jonathan Dayton (New Jersey): “I consider the payment of the Senate by the States as fatal to their independence. I am for paying them out of the National Treasury.”

Narrator One: “On the question for payment of the Senate to be left to the States, as moved by Mr. Ellsworth, five States vote for it, and five States vote against it.”

George Mason (Virginia): “I do not rise to make any motion, but to hint an idea which seems to be proper for consideration. One important object in constituting the Senate is to secure the rights of property. To give them weight and firmness for their purpose, a considerable duration in office is thought necessary. But a longer term than six years, would be of no avail in this respect, if needy persons should be appointed. I suggest therefore the propriety of annexing to the office a qualification of property. I thing this would be very practicable; as the rules of taxation would supply a scale for measuring the degree of wealth possessed by every man.”

Narrator Two: “A question is then taken whether the words ‘to be paid out of the public treasury’ should stand. Five states vote in favor of that, and six vote against it.”

Wednesday, June 27

Luther Martin (Maryland): “I contend at great length and with great eagerness that the General Government is meant merely to preserve the State Governments; not to govern individuals; that is powers ought to be kept within narrow limits. If too little power is given to it, more might be added; but if too much, it can never be resumed. An equal vote in each State is essential to the federal idea, and is founded in justice and freedom, not merely in policy: that though the States may give up this right of sovereignty, yet that have not and ought not. The States being equal cannot treat or confederate so as to give up an equality of votes without giving up their liberty: the propositions on the table are a system of slavery for ten States. The States, particularly the smaller, will never allow a negative to be exercised over their laws. No State in ratifying the Confederation objected to the equality of votes. Instead of a junction of the small States as a remedy, a division of the large States would be more eligible.”

Narrator Three: “After speaking for more than three hours, Mr. Martin decides he is too exhausted to finish his remarks, and reminds the House that he should resume them the next day.”

Thursday, June 28

Luther Martin (Maryland): “I contend that the Great Government ought to be formed for the States, not the individuals. If in such a case the three great States should league themselves together, the other ten could do so too: and that I had rather see partial confederacies take place, than the plan on the table.”

John Lansing, Jr. (New York): “I move to strike out ‘not,’ so that the seventh article might read that the rules of suffrage in the first branch ought to be according to the rule established by the Confederation.”

Hugh Williamson (North Carolina): “I think that if any political truth could be grounded on mathematical demonstration, it is that if the States are equally sovereign now, and part with equal proportions of sovereignty, that they would remain equally sovereign. I cannot comprehend how the smaller States would be injured in the case.”
James Madison (Virginia): “I am much disposed to concur in any expedient not inconsistent with fundamental principles that could remove the difficulty concerning the rule of representation. Is a combination of the large ones dreaded? This must arise either from some interest common to Virginia, Massachusetts, and Pennsylvania and distinguishing them from the other States or from the mere circumstance of similarity of size. Does any such common interest exist? In point of situation they cannot be more effectually separated from each other by the most jealous citizen of the most jealous State. Is a combination to be apprehended from the mere circumstance of equality of size? Experience suggests no such danger. The journals of Congress do not present any peculiar association of these States in the votes recorded. Are the large States formidable singly to their smaller neighbors? On this supposition the smaller states ought to wish for such a general Government as will operate with equal energy on the former as on themselves. The more lax the band, the more liberty the larger will have to avail themselves of their superior force. Give to the General Government sufficient energy and permanency, and you remove the objection.”

Roger Sherman (Connecticut): “The question is not what rights naturally belong to men; but how they may be most equally and effectually guarded in Society. And if some give up more than others in order to attain this end, there can be no room for complaint. To do otherwise, to require an equal concession from all, if it would create danger to the rights of some, would be sacrificing the end to the means. The rich man who enters into Society along with the poor man gives up more than the poor man, yet with an equal vote he is equally safe.”

Dr. Benjamin Franklin (Pennsylvania): “The small progress we have made after four or five weeks close attendance and continual reasonings with each other – our different sentiments on almost every question, several of the last producing as many noes as ayes, is methinks a melancholy proof of the imperfection of the Human Understanding. We indeed seem to feel our own want of political wisdom, since we have been running about in search of it. In this situation of this Assembly, groping as it were in the dark to find political truth, and scarce able to distinguish it when presented to us, how has it happened, Sir, that we have not hitherto once thought of humbly applying to the Father of lights to illuminate our understandings? In the beginning of the Contest with Great Britain, when we were sensible of danger we had daily prayer in this room for the divine protection. Our prayers, Sir, were heard, and they were graciously answered. All of us who were engaged in the struggle must have observed frequent instances of a superintending providence in our favor. To that kind providence we owe this happy opportunity of consulting in peace on the means of establishing our future national felicity. And have we now forgotten that powerful friend? Or do we imagine that we no longer need his assistance? I have lived, Sir, a long time, and the longer I live, the more convincing proofs I see of this truth – that God governs in the affairs of men. And if a sparrow cannot fall to the ground without His notice, is it probable that an empire can rise without his aid? We have been assured, Sir, in the sacred writings that ‘except the Lord build the House they labor in vain that build it.’ I firmly believe this; and I also believe that without His concurring aid we shall succeed in this political building no better than the Builders of Babel: We shall be divided by our little partial local interests; our projects will be confounded and we ourselves shall become a reproach and bye word down to the future ages. I therefore beg leave to move that henceforth prayers imploring the assistance of Heaven and its blessings on our deliberations, be held in this Assembly every morning before we proceed to business, and that one or more of the Clergy of this City be requested to officiate in that Service.”

Alexander Hamilton (New York): “I am apprehensive that however proper such a resolution might have been at the beginning of the convention, it might at this late day lead the public to believe that the embarrassments and dissensions within the Convention had suggested this measure.”
Dr. Benjamin Franklin (Pennsylvania): “The past omission of a duty cannot justify a further omission. The alarm out of doors that might be excited for the state of things within would at least be as likely to do good as ill.”

Hugh Williamson (North Carolina): “The true cause of the omission cannot be mistaken. The Convention has no funds.”

Edmund Randolph (Virginia): “I propose that in order to give a favorable aspect to the measure, that a sermon be preached at the request of the convention on July 4th, the anniversary of Independence; and thenceforward prayers be used in the Convention every morning.”

Dr. Benjamin Franklin (Pennsylvania): “I second this motion.”
William Samuel Johnson (Connecticut): “The controversy must be endless whilst Gentlemen differ in the grounds of their arguments; those on one side considering the States as districts of people composing one political society. The fact is that the States do exist as political Societies, and a Government is to be formed for them in their political capacity, as well as for the individuals composing them. Does it not seem to follow, that if the States as such are to exist they must be armed with some power of self-defense? On the whole I think that as in some respects the States are to be considered in their political capacity, and in others as districts of individual citizens, the two ideas embraced on different sides, instead of being opposed to each other, ought to be combined; that in one branch the people ought to be represented; in the other the States.”

Nathaniel Gorham (Massachusetts): “The States as now confederated have no doubt a right to refuse to be consolidated, or to be formed into any new system. But I wish the small States which seems most ready to object, to consider which are to give up most, they or the larger ones? I conceive that a rupture of the Union would be an event unhappy for all, but surely the large States would be least unable to take care of themselves, and to make connections with one another. The weak therefore should be most interested in establishing some general system for maintaining order. On the whole I consider a Union of the States as necessary to their happiness, and a firm General Government as necessary to their Union.”

Oliver Ellsworth (Connecticut): “I do not despair. I still trust that some good plan of Government will be devised and adopted.”

George Read (Delaware): “I should have no objection to the system if it were truly national, but it has too much of a federal mixture in it. I am not however so selfish as not to wish for a good General Government. In order to obtain one, the whole States must be incorporated.”

James Madison (Virginia): “I agree with Doctor Johnson, that the mixed nature of the Government ought to be kept in view; but think too much stress is laid on the rank of the States as political societies.”

Alexander Hamilton (New York): “Some of the consequences of a dissolution of the Union and the establishment of partial confederacies have been pointed out. I would add another of a most serious nature. It has been said that respectability in the eyes of foreign Nations is not the object at which we aim; that the proper object of republican Government is domestic tranquility and happiness. This is an ideal distinction. No Government can give us tranquility and happiness at home which does not possess sufficient stability and strength to make us respectable abroad. This is the critical moment for forming such a Government. It is a miracle that we are now here exercising our tranquil and free deliberations on the subject. It would be madness to trust to future miracles. A thousand causes must obstruct a reproduction of them.”

William Pierce (Georgia): “State distinctions must be sacrificed as far as the general good requires, but without destroying the States. Though from a small State, I feel myself a Citizen of the United States.”

Elbridge Gerry (Massachusetts): “I urge that we never were independent States, not such now, and never can be even on the principles of the Confederation. The States and the advocates for them are intoxicated with the idea of their sovereignty. I was a member of Congress at the time the federal articles were formed. The injustice of allowing each State an equal vote is long insisted on. I voted for it, but it was against my Judgment. The fate of the Union will be decided by this Convention. If we do not agree on something, few
delegate will be appointed to Congress. If they do, Congress will be kept up till the new System should be adopted. I lament that instead of coming here like a band of brothers, belonging to the same family, we seem to have brought with us the spirit of political negotiators.

Narrator Four: “On the motion to agree to the clause as reported, ‘that the rule of suffrage in the first branch ought not to be according to that established by the articles of Confederation, six States vote in favor.”

Oliver Ellsworth (Connecticut): “I move that the rule of suffrage in the second branch be the same as that established by the Articles of Confederation. I am sorry on the whole that the vote just passed has determined against this rule in the first branch. I hope it will become a ground of compromise with regard to the second branch. We are partly national, partly federal. The proportional representation in the first branch is conformable to the national principle and would secure the large States against the small. An equality of voices is conformable to the federal principle and is necessary to secure the Small States against the large. I trust that on this middle ground a compromise can take place. I do not see that it can on any other. And if no compromise shall take place, our meeting will not only be in vain, but worse than in vain. I can never admit that there is no danger of combinations among the large States. They will be like individuals to find and avail themselves of the advantage to be gained by it. Let a strong Executive, and Judiciary and Legislative power be created, but let not too much be attempted, by which all may be lost. I am not in general a half-way man, yet I prefer doing half the good we can, rather than do nothing at all. The other half may be added, when the necessity shall be more fully experienced.”

Abraham Baldwin (Georgia): “I could have wished that the powers of the General Legislature had been defined, before the mode of constituting it had been agitated. I shall vote against the motion of Mr. Ellsworth, though I do not like the Resolution as it stands in the Report of the Committee of the whole. I think the second branch ought to be the representation of property. I concur with those who think it will be impossible for the General Legislature to extend its cares to the local matters of the States.”

Saturday, June 30

David Brearley (New Jersey): “I move that the President write to the Executive of New Hampshire, informing it that the business before the Convention is of such a nature as to require the immediate attendance of the deputies of that State. In support of my motion, I observe that the difficulties of the subject and the diversity of opinions call for all the assistance we can possibly obtain.”

John Rutledge (South Carolina): “I cannot see either the necessity nor propriety of such a measure. They are not unapprised of the meeting, and can attend if they choose. Rhode Island might as well be urged to appoint and send deputies. Are we to suspend the business until their deputies arrive?”

Rufus King (Massachusetts): “I have written more than once as a private correspondent, and the answers give me every reason to expect that New Hampshire will be represented very shortly, if it should be so at all. A letter can have no effect.”

James Wilson (Pennsylvania): “I wish to know whether it would be consistent with the rule or reason of secrecy, to communicate to New Hampshire that the business is of such a nature as the motion describes. It would spread a great alarm. Besides, I doubt the propriety of soliciting any State on the subject; the meeting being merely voluntary.”
Narrator Five: “A vote is taken on the motion of Mr. Brealy. Only two States vote in favor of it. Attention then returns to Mr. Ellsworth’s motion for allowing each State an equal vote in the second branch.”

James Wilson (Pennsylvania): “Can we forget for whom we are forming a Government? Is it for men, or for the imaginary beings called States? Will our honest constituents be satisfied with metaphysical distinctions? The rule of suffrage ought on every principle to be the same in the second as in the first branch. If the Government be not laid on this foundation, it can be neither solid nor lasting. Any other principle will be local, confined and temporary. Bad Government are of two sorts: That which does too little and that which does too much. That which fails through weakness, and that which destroys through oppression. Under which of these evils do the United States at present groan? Under the weakness and inefficiency of its Government. To remedy this weakness we have been sent to this Convention. If Mr. Ellsworth’s motion shall be agreed to, we shall leave the United States fettered precisely as heretofore. I lament that such a disagreement should prevail on the point of representation, as I do not foresee that it would happen on the other point most contested, the boundary between the General and the local authorities. I think the States necessary and valuable parts of a good system.”

Oliver Ellsworth (Connecticut): “The capital objection of Mr. Wilson that the minority will rule the majority is not true. The power is given to the few to save them from being destroyed by the many. No instance of a Confederacy has existed in which an equality of voices has not been exercised by the members of it. We are running from one extreme to another. We are razing the foundations of the building when we need only repair the roof. If security be all that the great States wish for, the first branch secures them. I appeal again to the obligations of the federal pact which is still in force, and which has been entered into with so much solemnity; persuading myself that some regard will still be paid to the faith under which each State small as well as great, holds an equal right of suffrage in the general Councils.”

James Madison (Virginia): “These two causes concur in forming the great division of interest in the United States. It does not lie between the large and small States. It lies between the Northern and Southern, and if any defensive power is necessary, it ought to be mutually given to these two interests. The one which has occurred is that instead of proportioning the votes of the States in both branches to their respective numbers of inhabitants by computing the slaves in the ratio of 5 to 3, they should be represented in one branch according to the number of free inhabitants only; and in the other according to the whole number counting the slave as if free. By this arrangement the Southern Scale would have the advantage in one House, and the Northern in the other. I have been restrained from proposing this expedient by two considerations: one is my unwillingness to urge any diversity of interests on an occasion where it is but too apt to arise of itself; the other is the inequality of powers that must be vested in the two branches, and which would destroy the equilibrium of interests.”

Oliver Ellsworth (Connecticut): “I assure the House that whatever might be thought of the Representatives of Connecticut, the State is entirely federal in her disposition. I appeal to her great exertions during the war, in supplying both men and money. The muster rolls would show she had more troops in the field than Virginia. If she has been Delinquent, it has been from inability, and not more so than other States.”

Roger Sherman (Connecticut): “Congress is not to blame for the faults of the States. Their measures have been right, and the only thing wanting has been a further power in Congress to render them effectual.”

William Richardson Davie (North Carolina): “I am much embarrassed and wish for explanations. I think that in general there are extremes on both sides. We are partly federal, partly national in our Union,
and I do not see why the Government might not in some respects operate on the States, in others on the people.”

Dr. Benjamin Franklin (Pennsylvania): “The diversity of opinions turn on two points. If a proportional representation takes place, the small States contend that their liberties will be in danger. If an equality of votes is to be put in its place, the large States say their money will be in danger. When a broad table is to be made, and the edges of planks do not fit, the artist takes a little from both, and makes a good joint. In like manner both sides must part with some of their demands, in order that they may join in some accommodating proposition. I have prepared one which I will read, that it might lie on the table for consideration: ‘That the Legislatures of the several States shall choose and send an equal number of Delegates to compose the second branch of the General Legislature, where each State shall have equal suffrage.”

Rufus King (Massachusetts): “I observe that the simple question is whether each State should have an equal vote in the second branch. I conceive this is to be the last opportunity of providing for its liberty and happiness. I cannot therefore but repeat my amazement that when a just Government founded on a fair representation of the people of America is within our reach, we should renounce the blessing, from an attachment to the ideal freedom and importance of States.”

Jonathan Dayton (New Jersey): “When assertion is given for proof, and terror substituted for argument, I presume they will have no effect however eloquently spoken. It should have been shewn that the evils we have experienced have proceeded from the equality we now object to: and that the seeds of dissolution for the State Governments are not sown in the General Government. I consider the system on the table as a novelty, an amphibious monster, and am persuaded that it never would be received by the people.”

Luther Martin (Maryland): “I will never confederate if it cannot be done on just principles.”

Gunning Bedford, Jr. (Delaware): “I contend that there is no middle way between a perfect consolidation and a mere confederacy of the States. The first is out of the question, and in the latter they must continue if not perfectly, yet equally sovereign. If political Societies possess ambitious avarice, and all the other passions which render them formidable to each other, ought we not to view them in this light here? Will not the same motives operate in America as elsewhere? If any gentleman doubts it let him look at the votes. Have they not been dictated by interest, by ambition? Are not the large States evidently seeking to aggrandize themselves at the expense of the small? They think no doubt that they have right on their side, but interest has blinded their eyes. It is not true that the people will not agree to enlarge the powers of the present Congress. The Language of the people has been that Congress ought to have the power of collecting an impost, and of coercing the States when it may be necessary. The Large States dare not dissolve the Confederation. If they do the small ones will find some foreign ally of more honor and good faith, who will take them by the hand and do them justice. I do not mean by this to intimidate or alarm.”

Oliver Ellsworth (Connecticut): “Under a National Government I should participate in the National Security, as remarked by Mr. King, but that is all. What I want is domestic happiness. The National Government cannot descend to the local objects on which this depends. It can only embrace objects of a general nature. I turn my eyes therefore for the preservation of my rights to the State Governments. From these alone I can derive the greatest happiness I expect in this life. My happiness depends on their existence, as much as a newborn infant on its mother for nourishment.”
**Rufus King (Massachusetts):** “I am for preserving the States in a subordinate degree, and as far as they can be necessary for the purposes stated by Mr. Ellsworth. For myself, whatever might be my distress, I would never court relief from a foreign power.”

**Monday, July 2**

**Narrator One:** “On the question for allowing each state one vote in the second branch as moved by Mr. Ellsworth, six states vote in favor of it, four states vote against, and one state divides. Even though the vote has been taken, discussion on the topic continues.”

**Charles Pinckney (South Carolina):** “I think an equality of votes in the second branch is inadmissible. I am extremely anxious that something should be done, considering this as the last appeal to a regular experiment. Congress has failed in almost every effort for an amendment of the federal System. Nothing has prevented a dissolution of it, but the appointment of this Convention, and I cannot express my alarm for the consequences of such an event. My motion is to form the States into classes, with an apportionment of Senators among them. I do not approve the motion entirely, favoring Doctor Franklin’s previous motion. However, some compromise seems to be necessary: the States being exactly divided on the question for an equality of votes in the second branch. I propose that a Committee consisting of a member from each State should be appointed to devise and report some compromise.”

**Roger Sherman (Connecticut):** “I agree. We are now at a full stop, and nobody I suppose, means that we should break up without doing something. A committee is most likely to hit on some expedient.”

**Gouverneur Morris (Pennsylvania):** “The mode of appointing the second branch tends to defeat the object of it. What is this object? To check the precipitation, changeableness, and excesses of the first branch. What qualities are necessary to constitute a check in this case? Abilities and virtue are equally necessary in both branches. Something more is now wanted. The second branch must have great personal property, it must have the aristocratic spirit. It should be independent and as firm as the democratic branch. If the second branch is to be dependent we are better without it. I am also against paying the Senators. They will pay themselves if they can. If they cannot they will be rich and can do without it. A firm Government alone can protect our liberties.”

**Hugh Williamson (North Carolina):** “I approve of the Commitment, supposing that as the Committee will be a smaller body, a compromise will be pursued with more coolness.”

**John Lansing, Jr. (New York):** “I will not oppose the commitment, though I expect little advantage from it.”

**James Madison (Virginia):** “I oppose the commitment. I have rarely seen any other effect than delay from such Committees in Congress. Any scheme of compromise that could be proposed in the Committee might as easily be proposed in the House; and the report of the Committee when it contains merely the opinion of the Committee will neither shorten the discussion, nor influence the decision of the House.”

**Elbridge Gerry (Massachusetts):** “I am for the Commitment, something must be done, or we shall disappoint not only America, but the whole world. I suggest a consideration of the state we should be thrown into by the failure of the Union. We should be without an Umpire to decide controversies and must be at the mercy of events. What too is to become of our treaties – what of our foreign debts, what of our domestic? We must make concessions on both sides.”
Narrator Two: “On the question for committing generally, nine States vote in favor. On the question for committing to a member from each State, ten States vote in favor. The Committee elected by ballot includes Gerry, Ellsworth, Patterson, Franklin, Mason, and six others.”

Thursday, July 5

Elbridge Gerry (Massachusetts): “The report from the Committee is as follows. ‘The subsequent propositions are recommended to the Convention on condition that both shall be generally adopted. First, that in the first branch of the Legislature each of the States now in the Union shall be allowed one member for every forty thousand inhabitants; that each State not containing that number shall be allowed one member. Additionally, all bills for raising or appropriating money, and for fixing the Salaries of the officers of the Government of the United States, shall originate in the first branch of the Legislature, and shall not be altered or amended by the second branch. And finally, in the second branch each State shall have an equal vote.’”

James Wilson (Pennsylvania): “I object. The Committee has exceeded their powers.”

Luther Martin (Maryland): “I am in favor of taking the question on the entire report.”

James Wilson (Pennsylvania): “I am for a division of the question; otherwise it would be a leap in the dark.”

James Madison (Virginia): “I conceive that the Convention is reduced to the alternative of either departing from justice in order to conciliate the smaller States, and the minority of the people of the United States, or of displeasing these by justly gratifying the larger States and the majority of the people. The Convention with justice and the majority of the people on their side, has nothing to fear. With injustice and the minority on their side, they have everything to fear. It is in vain to purchase concord in the Convention on terms which would perpetuate discord among their Constituents. The Convention ought to pursue a plan which would bear the test of examination, which would be espoused and supported by the enlightened and impartial part of America, and which they can themselves vindicate and urge. Harmony in the Convention is no doubt much to be desired. Satisfaction to all the Sates, in the first instance, still more so.”

Pierce Butler (South Carolina): “I cannot let down my idea of the people of America so far as to believe they would from mere respect to the Convention adopt a plan so evidently unjust.”

Gouverneur Morris (Pennsylvania): “The form as well as the matter of the Report is objectionable. I conceive the whole aspect of it to be wrong. I came here as a Representative of America; I flatter myself that I came here in some degree as a Representative of the whole human race, for the whole human race will be affected by the proceedings of this Convention. I wish gentlemen to extend their views beyond the present moment of time; beyond the narrow limits of place from which they derive their political origin. Much has been said of the sentiments of the people, they are unknown. They cannot be known. All that we can infer is that if the plan we recommend be reasonable and right, all who have reasonable minds and sound intentions will embrace it. This Country must be united. If persuasion does not unite it, the sword will. How far foreign powers would be ready to take part in the confusions I cannot say. Threats that they will be invited have it seems been thrown out. But returning to the Report, I cannot think it in any respect calculated for the public good. As the second branch is now constituted, there will be constant disputes and appeals to the States which will undermine the General Government and control and annihilate the first branch. State attachments and State importance have been the bane of this Country. We cannot annihilate, but we may
perhaps take out the teeth of the serpents. And after all, how little can be the motive yielded by such a policy? Who can say whether I myself, much less, whether my children, will the next year be an inhabitant of this or that State?"

**Gunning Bedford, Jr. (Delaware):** “I find that what I said as to the small States being taken by the hand has been misunderstood. I do not mean that the small States would court the aid and interposition of foreign powers. I mean that they would not consider the federal compact as dissolved until it should be so by the Acts of the large States. In this case the consequence of the breach of faith on their part, and the readiness of the small States to fulfill their engagements, would be that foreign Nations having demand on this Country would find it in their interest to take the small States by the hand, in order to do themselves justice. This is what I meant. The condition of the United States requires that something should be immediately done. It will be better that a defective plan should be adopted, than that none should be recommended. I see no reason why defects might not be supplied by meetings 10, 15, or 20 years hence.”

**Oliver Ellsworth (Connecticut):** “I did not attend the proceedings of the Committee, but am ready to accede to the compromise they have reported. Some compromise is necessary; and I see none more convenient or reasonable.”

**Hugh Williamson (North Carolina):** “I do not conceive that Mr. Morris means that the sword ought to be drawn against the smaller States. I only pointed out the probable consequences of anarchy in the United States. I am ready to hear the Report discussed; but think the propositions contained in it the most objectionable of any I have yet heard.”

**Elbridge Gerry (Massachusetts):** “Though I assented to the Report in the Committee, I have very material objections to it. We are, however, in a peculiar situation. We are neither the same Nation nor different Nations. If no compromise should take place, what will be the consequence? A secession will take place; for some gentlemen seem decided on it.”

**George Mason (Virginia):** “The Report is meant not as specific propositions to be adopted; but merely as a general ground of accommodation. There must be some accommodation on this point, or we shall make little further progress in the work. I would bury my bones in this City, rather than expose my Country to the Consequences of a dissolution of the Convention without anything being done.”

**Narrator Three:** “The first proposition in the report for fixing the representation in the first branch, one member for every 40,000 inhabitants, being taken up.”

**Gouverneur Morris (Pennsylvania):** “I object to that scale of apportionment. I think property ought to be taken into the estimate as well as the number of inhabitants. Life and liberty are generally said to be of more value, than property. An accurate view of the matter is nevertheless proof that property is the main object of Society. If property then is the main object of Government, certainly it ought to be one measure of the influence due to those who are to be affected by the Government. I think the rule of representation ought to be so fixed as to secure to the Atlantic States a prevalence in the National Councils. The new States will know less of the public interest than these, and will have an interest in many respects different.”

**John Rutledge (South Carolina):** “The gentleman last up has spoken some of my sentiments precisely. Property is certainly the principle object of Society. I move that the first proposition in the report be postponed in order to take up the following, ‘that the suffrages of the several States be regulated and proportioned according to the sums to be paid towards the general revenue by the inhabitants of each State respectively.’”
George Mason (Virginia): “The case of new States is not unnoticed in the Committee. But it is thought, and I myself am decidedly of that opinion, that if they be made a part of the Union, they ought to be subject to no unfavorable discriminations. Obvious considerations require it.”

Edmund Randolph (Virginia): “I concur with Colonel Mason.”

Narrator Four: “Only one state votes in favor of Mr. Rutledge’s motion before they adjourn for the evening.”

Friday, July 6

Gouverneur Morris (Pennsylvania): “I move to commit so much of the Report as relates to ‘1 member for every 40,000 inhabitants.’ My view is that we might absolutely fix the number for each State in the first instance; leaving the Legislature at liberty to provide for changes in the relative importance of the States, and for the case of new States.”

James Wilson (Pennsylvania): “I second the motion; but with a view of leaving the Committee under no implied shackles.”

Nathaniel Gorham (Massachusetts): “I apprehend great inconveniency from fixing directly the number of Representatives to be allowed to each State. A part of Virginia is now on the point of a separation. In the province of Maine a Convention is at this time deliberating on a separation from Massachusetts. In such events the number of representations ought certainly to be reduced. I hope to see all the States made small by proper divisions, instead of their becoming formidable as is apprehended to the Small States.”

Elbridge Gerry (Massachusetts): “I do not think with my Colleague that the large States ought to be cut up. I favor the Commitment and think that Representation ought to be in the combined ratio of numbers of Inhabitants and of wealth, and not of either singly.”

Pierce Butler (South Carolina): “I concur with those who think some balance is necessary between the old and new States. I contend strenuously that property is the only just measure of representation. This is the great object of Government; the great cause of war; the great means of carrying it on.”

Charles Pinckney (South Carolina): “The value of land has been found on full investigation to be an impracticable rule. The number of inhabitants appear to me the only just and practicable rule. I think the blacks ought to stand on an equality with whites: But we agree to the ratio settled by Congress. I also contend that the Congress has no right under the Articles of Confederation to authorize the admission of new States.”

Narrator Five: “Mr. Morris’ motion for Representation in the House passes with seven states in favor, three against, and Maryland dividing.”

James Wilson (Pennsylvania): “I move to postpone the clause relating to money bills in order to take up the clause relating to an equality of votes in the second branch.”

Narrator One: “Mr. Wilson’s motion passes with eight states in favor, and three opposed.”
Dr. Benjamin Franklin (Pennsylvania): “I observe that this question cannot be properly put by itself, the Committee having reported several propositions as mutual conditions of each other. I cannot vote for it if separately taken, but should vote for the whole together.”

George Mason (Virginia): “I perceive the difficulty and suggest a reference of the rest of the Report of the Committee just appointed, that the whole might be brought into one view.”

Edmund Randolph (Virginia): “I dislike the reference to that Committee, as it consists of members from States opposed to the wishes of the smaller States, and cannot therefore be acceptable to the latter.”

Narrator Two: “The first clause relating to the originating of money bills is then resumed.”

Gouverneur Morris (Pennsylvania): “I am opposed to a restriction of this right in either branch.”

George Mason (Virginia): “The first branch would be the immediate representatives of the people, the second would not. Should the latter have the power of giving away the people’s money, they might soon forget the source from whence they received it. I am a friend to proportional representation in both branches; but suppose that some points must be yielded for the sake of accommodation.”

Gouverneur Morris (Pennsylvania): “As to the alarm sounded of an aristocracy, my creed is that there never was, nor ever will be, a civilized Society without an aristocracy. My endeavor is to keep it as much as possible from doing mischief.”

Dr. Benjamin Franklin (Pennsylvania): “As it has been asked what would be the use of restraining the second branch from meddling with money bills, I cannot but remark that it is always of importance that the people should know who has disposed of their money, and how it has been disposed of. It is a maxim that those who feel, can best judge. This end will, I think, be best attained, if money affairs are to be confined to the immediate representatives of the people.”

Saturday, July 7

Nathaniel Gorham (Massachusetts): “Shall the clause be taken up allowing each State one vote in the second branch?”

Elbridge Gerry (Massachusetts): “This is the critical question. I had rather agree to it than have no accommodation.”

Roger Sherman (Connecticut): “I suppose that it is the wish of everyone that some General Government should be established. An equal vote in the second branch would, I think, be most likely to give it the necessary vigor. In the large States it will be most difficult to collect the real and fair sense of the people. If they vote by States in the second branch, and each State has an equal vote, there must be always a majority of States as well as a majority of the people on the side of public measures, and the Government will have decision and efficacy.”

Elbridge Gerry (Massachusetts): “I think it would be proper to proceed to enumerate and devise the powers to be vested in the General Government before a question on the report should be taken, as to the rule of representation in the second branch.”
James Madison (Virginia): “I observe that it would be impossible to say what powers can be safely and properly vested in the Government before it is known in what manner the States are to be represented in it. I am apprehensive that if a just representation is not the basis of the Government, it will happen, as it did when the Articles of Confederation were depending, that every effectual prerogative would be withdrawn or withheld, and the New Government would be rendered as impotent and as short-lived as the old.”

William Patterson (New Jersey): “I will not decide whether the privilege concerning money bills are a valuable consideration or not. But I consider the mode and rule of representation in the first branch as fully so, and that after the establishment of that point, the small States would never be able to defend themselves without an equality of votes in the second branch. There is no other ground of accommodation. My resolution is fixed. I will meet the large States on that Ground and no other. For myself I should vote against the Report, because it yields too much.”

Gouverneur Morris (Pennsylvania): “It has been said by Mr. Gerry that the new Government would be partly national, partly federal; that it ought in the first quality to protect individuals; in the second, the States. But in what quality is it to protect the aggregate interest of the whole? Among the many provisions which have been urged, I have seen none for supporting the dignity and splendor of the American Empire. It has been one of our greatest misfortunes that the great objects of the nation have been sacrificed constantly to local views; in like manner as the general interests of States has been sacrificed to those of the Counties. On the Declaration of Independence a Government was to be formed. The small States aware of the necessity of preventing anarchy, and taking advantage of the moment, extorted from the large ones an equality of votes. Standing now on that ground, they demand under the new system greater rights as men, than their fellow Citizens of the large States. The proper answer to them is that the same necessity of which they formerly took advantage, does not now exist, and that the large States are at liberty now to consider what is right, rather than what may be expedient.”

Monday, July 9

Narrator Three: “Mr. Daniel Carroll from Maryland is welcomed into the Convention.”

Roger Sherman (Connecticut): “I wish to know on what principles or calculations the Report was founded. It does not appear to correspond with any rule of numbers, or of any requisition hitherto adopted by Congress.”

Nathaniel Gorham (Massachusetts): “Some provision of this sort is necessary. Two objections prevailed against the rate of one member for every 40,000 inhabitants. The first was that the Representation would soon be too numerous: the second that the Western States who may have a different interest, might be admitted on that principle by degrees, outvote the Atlantic. Both these objections are removed.”

Luther Martin (Maryland): “I wish to know whether the Committee was guided in the ration, by the wealth or number of inhabitants of the States, or by both; noting its variations from former apportionments by Congress.”

Gouverneur Morris (Pennsylvania): “I move to postpone the first paragraph relating to the number of members to be allowed each State in the first instance, and to take up the second paragraph authorizing the Legislation to alter the number from time to time according to wealth and inhabitants.”
Roger Sherman (Connecticut): “I move to refer the first part apportioning the Representatives to a Committee of a member from each State.”

Gouverneur Morris (Pennsylvania): “I second the motion; this is the only case in which such Committees are useful.”

Hugh Williamson (North Carolina): “I think it is necessary to return to the rule of numbers, but the Western States stand on different footing. If their property shall be rated as high as that of the Atlantic States, then their representation ought to hold a like proportion.”

Gouverneur Morris (Pennsylvania): “The Report is little more than a guess. Wealth is not altogether disregarded by the Committee. The Committee meant little more than to bring the matter to a point for the consideration of the House.”

George Read (Delaware): “Why is Georgia allowed two members, when her number of inhabitants has stood below that of Delaware?”

Gouverneur Morris (Pennsylvania): “Such is the rapidity of the population of that State that before the plan takes effect, it will probably be entitled to two Representatives.”

Edmund Randolph (Virginia): “I dislike the report of the committee, but have been unwilling to object to it. I am apprehensive that the number is not to be changed till the National Legislature should please. I am in favor of the commitment to a member from each State.”

William Patterson (New Jersey): “I consider the proposed estimate for the future according to the combined rule of numbers and wealth as too vague. For this reason New Jersey is against it. I cannot regard Negro slaves in any light but as property. They are not free agents, have no personal liberty, no faculty of acquiring property but on the contrary are themselves property, and like other property entirely at the will of the Master. Has a man in Virginia a number of votes in proportion to the number of his slaves? And if Negroes are not represented in the States to which they belong, why should they be represented in the General Government? What is the true principle of Representation? It is an expedient by which an assembly of certain individuals chosen by the people is substituted in place of the inconvenient meeting of the people themselves. If such as meeting of the people was actually to take place, would the slaves vote? They would not. Why then should they be represented? I am also against such an indirect encouragement of the slave trade; observing that Congress in their act relating to the change of the eight Articles of Confederate had been ashamed to use the term ‘slaves’ and had substituted a description.”

James Madison (Virginia): “I remind Mr. Patterson that his doctrine of Representation must forever silence the pretensions of the small States to an equality of votes with the large ones. They ought to vote in the same proportion in which their citizens would do, if the people of all the States were collectively met. I suggest as a proper ground of compromise that in the first branch the States should be represented according to their number of free inhabitants; and in the second, according to the whole number, including slaves.”

Rufus King (Massachusetts): “I have always expected that as the Southern States are the richest, they would not league themselves with the Northern unless some respect is paid to their superior wealth. If the latter expect those preferential distinctions in Commerce and other advantages which they will derive from the connection they must not expect to receive them without allowing some advantages in return. Eleven
out of thirteen of the States have agreed to consider Slaves in the apportionment of taxation; and taxation and representation ought to go together.”

**Narrator Four:** “On the question for committing the first paragraph of the Report to a member from each State, nine States vote in favor. The Committee includes eleven members, including Mr. Madison, Mr. Reed, and Mr. Rutledge.”

**Tuesday, July 10**

**Rufus King (Massachusetts):** “Yesterday’s Committee suggests that the first meeting of the General Legislature should be represented by 65 members, with Virginia with ten members, Massachusetts and Pennsylvania with eight members each, Maryland and New York with six each, Connecticut North Carolina, and South Carolina with five members each, New Jersey with four, New Hampshire and Georgia with three each, and Rhode Island with one.”

**John Rutledge (South Carolina):** “I move that New Hampshire should be reduced from three to two members. Her numbers do not entitle her to three, and it is a poor State.

**Rufus King (Massachusetts):** “New Hampshire has probably more than 120,000 inhabitants and has an extensive Country of tolerable fertility. Its inhabitants may therefore be expected to increase quickly. The four Eastern States, having 800,000 souls, have one third fewer representatives than the four Southern States, having not more than 700,000 souls (when rating the blacks as 5 for 3). The Eastern people will turn their attention to these circumstances, and be dissatisfied. I believe them to be very desirous of uniting with their Southern brethren, but do not think it prudent to rely so far on that disposition as to subject them to any gross inequality. I am fully convinced that the question concerning a difference of interests do not lie where it had hitherto been discussed, between the great and small States; but between the Southern and Eastern. For this reason I have been ready to yield something in the proportion of representatives for the security of the Southern. No principle would justify giving them a majority. They are brought as near an equality as is possible. I am not averse to giving them a still greater security, but do not see how it can be done.”

**General Charles C. Pinckney (South Carolina):** “The previous report was more favorable to the Southern States than as it now stands. If they are to form so considerable a minority, and the regulation of trade is to be given to the General Government, they will be nothing more than overseers for the Northern States. I do not expect the Southern States to be raised to a majority of representatives, but wish them to have something like an equality. At present, by the alterations of the Committee in favor of the Northern States, they are removed farther from it than they were before. One member has indeed been added to Virginia which I am glad of, as I consider her a Southern State. I am also glad that the members of Georgia are increased.”

**Hugh Williamson (North Carolina):** “I am not for reducing New Hampshire from three to two, but for reducing some others. The Southern Interest must be extremely endangered by the present arrangement. The Northern States are to have a majority in the first instance and the means of perpetuating it.”

**Jonathan Dayton (New Jersey):** “The line between the Northern and Southern interest has been improperly drawn. Pennsylvania is the dividing State, there being six on each side of her.”
General Charles C. Pinckney (South Carolina): “I urge the reduction. The Superior States have superior wealth, and insist they have their due weight in the Government.”

Gouverneur Morris (Pennsylvania): “I regret the turn of the debate. The States have many Representatives on the floor. Few I fear are to be deemed the Representatives of America. I think the Southern States have by the report more than their share of the weight. If the Southern States are to supply money, the Northern States are to spill their blood. Besides, the probable revenue to be expected from the Southern States has been greatly overrated. I am therefore against reducing New Hampshire’s representation.”

Narrator Five: “Eight states vote against reducing New Hampshire’s representation from three members to two members.”

General Charles C. Pinckney (South Carolina): “I move that six Representatives should be allowed for North Carolina, instead of five.”

Narrator One: “Seven States vote against Pinkney’s motion and against a similar motion to reduce South Carolina’s representation.”

James Madison (Virginia): “I move that the number allowed to each State be doubled. A majority of a Quorum of 65 members is too small a number to represent the whole inhabitants of the United States. They would not possess enough of the confidence of the people, and would be too sparsely taken from the people, to bring with them all the local information which would be frequently wanted. Double the number will not be too great, even with the future additions from New States.”

Oliver Ellsworth (Connecticut): “I urge the objection of expense and that the greater the number, the more slowly would the business proceed; and the less probably be decided as it ought.”

Roger Sherman (Connecticut): “I would have preferred 50 to 65. The great distance they will have to travel will render their attendance precarious and will make it difficult to prevail on a sufficient number of fit men to undertake the service. The expected increase from New States also deserves consideration.”

Elbridge Gerry (Massachusetts): “I am for increasing the number beyond 65. The larger the number, the less the danger of their being corrupted. The people are accustomed to and fond of a numerous representation, and will consider their rights as better secured by it.”

George Read (Delaware): “Rhode Island and Delaware should have but a single member if the aggregate number should remain at 65, and in case of accident to either of these, one State would have no representative present to give explanations or information of its interests or wishes. The people would not place their confidence in so small a number. I hope the objects of the General Government would be much more numerous than seems to be expected by some gentlemen, and that they would become more and more so. As to New States the highest number of Representations for the whole might be limited, and all danger of excess thereby prevented.”

John Rutledge (South Carolina): “I oppose the motion. The Representatives are too numerous in all the States. I suppose the General Legislature would not sit more than six or eight weeks in the year.”

Narrator Two: “Nine states vote against the motion to double the number of representatives.”
Edmund Randolph (Virginia): “I move as an amendment to the report of the Committee ‘that in order to ascertain the alterations in the population and wealth of the several States the Legislature should be required to cause a census, an estimate to be taken within one year after the first meeting; and every so often afterwards, the Legislature should arrange the Representation accordingly.’”

Gouverneur Morris (Pennsylvania): “I am opposed to fettering the Legislature too much. Advantage may be taken of it in time of war or the apprehension of it, or by new States to extort particular favors. I am always against such Shackles on the Legislature. It is objected that if the Legislature are left at liberty, they will never readjust the Representation. I admit that this is possible; but I do not think it probable unless the reasons against a revision of it are very urgent and in this case it ought not to be done.”

Wednesday, July 11

Roger Sherman (Connecticut): “I am also against shackling the Legislature too much. We ought to choose wise and good men, and then confide in them.”

George Mason (Virginia): “From the nature of man we may be sure that those who have power in their hands will not give it up while they can retain it. On the contrary we know they will always increase it when they can. If the Southern States therefore should have three fourths of the people of America within their limits, but the Northern hold fast the majority of Representatives, one fourth will govern the three fourths. Objections have been drawn from the danger to the Atlantic interests from new Western States. Ought we to sacrifice what we know to be right, lest it should prove favorable to States which are not yet in existence? If the Western States are to be admitted into the Union as they arise, they must, be treated as equals, and subjected to no degrading discriminations. It has been said they will be poor, and unable to make equal contributions to the general Treasury. I do not know but that in time they would be both more numerous and more wealthy than their Atlantic brethren. I urge that numbers of inhabitants; though not always a precise standard of wealth, is sufficiently so for every substantial purpose.”

Hugh Williamson (North Carolina): “I am for making it the duty of the Legislature to do what is right and not leave it at liberty to do or not do it. I move that Mr. Randolph’s proposition be postponed in order to consider the following ‘that in order to ascertain the alterations that may happen in the population and wealth of the several States, a census shall be taken of the free white inhabitants and three fifths of those other descriptions on the first year after this Government shall have been adopted and every so many years thereafter; and that the Representation be regulated accordingly.’”

Edmund Randolph (Virginia): “I agree that Mr. Williamson’s proposition should stand in the place of mine. Congress has pledged the public faith to New States, that they shall be admitted on equal terms. They never nor ought to accede on any other. The census must be taken under the direction of the General Legislature. The States will be too much interested to take an impartial one for themselves.”

Pierce Butler (South Carolina): “I insist that Blacks be included in the rule of Representation equally with the Whites; and for that purpose move that the words ‘three fifths’ be struck out.”

Nathaniel Gorham (Massachusetts): “This ratio was fixed by Congress as a rule of taxation. It is urged by the Delegates representing the States having slaves that the blacks are still more inferior to freemen. At present when the ratio of representation is to be established, we are assured that they are equal to freemen. The arguments on the former occasion have convinced me that three fifths was pretty near the just proportion and I should vote according to the same opinion now.”
Pierce Butler (South Carolina): “The labor of a slave in South Carolina is as productive and valuable as that of a freeman in Massachusetts. Consequently an equal representation ought to be allowed for them in a Government which is instituted principally for the protection of property, and is itself to be supported by property.”

George Mason (Virginia): “I cannot agree to the motion, notwithstanding it is favorable to Virginia, because I think it unjust. It is certain that the slaves are valuable, as they raise the value of land, increasing the exports and imports, and of course the revenue, would supply the means of feeding and supporting an army, and might in cases of emergency become themselves soldiers. As in these important respects that are useful to the community at large, they ought not to be excluded from the estimate of Representation. I cannot, however, regard them as equal to freemen and cannot vote for them as such.”

Hugh Williamson (North Carolina): “I remind Mr. Gorham that if the Southern States contended for the inferiority of blacks to whites when taxation is in view, the Eastern States on the same occasion contended for their equality. I do not however, either then or now, concur in either extreme, but approve of the ratio of three fifths.”

Pierce Butler (South Carolina): “I motion for considering blacks as equal to whites in the apportionment of Representation.”

Narrator Three: “Only three states vote in favor of Mr. Butler’s motion.”

Gouverneur Morris (Pennsylvania): “I have several objections to Mr. Williamson’s proposition. First it fetters the Legislature too much. Second it would exclude some States altogether who would not have a sufficient number to entitle them to a single Representative. Third it will not consist with the Resolution passed on Saturday last authorizing the Legislature to adjust the Representation from time to time on the principles of population and wealth or with the principles of equity. If slaves are to be considered as inhabitants, not as wealth, then the second Resolution will not be pursued. If as wealth, then why is no other wealth but slaves included? These objections may perhaps be removed by amendments. My great objection is that the number of inhabitants is not a proper standard of wealth. Numbers might with greater propriety be deemed a measure of strength, than of wealth, yet the late defense made by Great Britain against her numerous enemies proves in the clearest manner that it is entirely fallacious even in this respect.”

John Rutledge (South Carolina): “I contend for the admission of wealth in the estimate by which Representation should be regulated. The Western States will not be able to contribute in proportion to their numbers; they should not therefore be represented in that proportion. The Atlantic States will not concur in such a plan.”

Roger Sherman (Connecticut): “I think the number of people alone the best rule for measuring wealth as well as representation. I was at first for leaving the matter wholly to the discretion of the Legislature; but I have been convinced by the observations of Mr. Randolph and Mr. Mason that the periods and the rule of revising the Representation ought to be fixed by the Constitution.”

George Read (Delaware): “I think the Legislature ought not to be too much shackled. It would make the Constitution like Religious Creeds, embarrassing to those bound to conform to them and more likely to produce dissatisfaction and schism than harmony and union.”

Gouverneur Morris (Pennsylvania): “The argument of others and my own reflections have led me to a very different conclusion. If we can’t agree on a rule that will be just at this time, how can we expect to find
one that will be just in all times to come? I cannot persuade myself that numbers would be a just rule at any time. If the Western people get the power into their hands they will ruin the Atlantic interests. Another objection against admitting the blacks into the census is that the people of Pennsylvania would revolt at the idea of being put on a footing with slaves. They would reject any plan that is to have such an effect. The best course that could be taken would be to leave the interests of the people to the Representatives of the people.”

James Madison (Virginia): “I am not a little surprised to hear this implicit confidence urged by a member who on all occasions has inculcated so strongly the political depravity of men and the necessity of checking one vice and interest by opposing to them another vice and interest. If the Representatives of the people will be bound by the ties I have mentioned, what need is there of a Senate? What of a Revisionary power? But the reasoning is not only inconsistent with the former reasoning, but also with itself. At the same time that I recommend this implicit confidence to the Southern States in the Northern Majority, I am still more zealous in exhorting all to a jealousy of Western Majority. To reconcile the gentleman with himself, it must be imagined that he determines the human character by the points of the compass. The truth is that all men having power ought to be distrusted to a certain degree. With regard to the Western States, I am clear and firm in opinion that no unfavorable distinctions are admissible either in point of justice or policy.”

Narrator Four: “On the question on the first clause of Mr. Williamson’s motion as to take a census of the free inhabitants, it passes six states to four. Attention turns to how to count the slaves in the Southern States.”

Rufus King (Massachusetts): “I am much opposed to fixing numbers as the rule of representation, and particularly so on account of the blacks. I think the admission of them along with whites at all would excite great discontents among the States having no slaves.”

Roger Sherman (Connecticut): “South Carolina has not more beyond her proportion than New York and New Hampshire, nor either of them more than was necessary in order to avoid fractions or reducing them below their proportion. Georgia has more, but the rapid growth of that State seems to justify it. In general the allotment might not be just, but considering all circumstances, I am satisfied with it.”

Nathaniel Gorham (Massachusetts): “I support the propriety of establishing numbers as the rule.”

James Wilson (Pennsylvania): “I do not well see on what principle the admission of blacks in the proportion of three fifths can be explained. Are they admitted as Citizens? Then why are they not admitted on an equality with White Citizens? Are they admitted as property? Then why is not other property admitted into the computation? These are difficulties however which I think might be overruled by the necessity of compromise.”

Gouverneur Morris (Pennsylvania): “I am compelled to declare myself reduced to the dilemma of doing injustice to the Southern States or to human nature, and I must therefore do it to the former. For I can never agree to give such encouragement to the slave trade as would be given by allowing them a representation for their negroes, and I do not believe those States would ever confederate on terms that would deprive them of that trade.”

Narrator Five: “On the question for agreeing to include three fifths of the blacks in the count in the Southern States, only four States vote in favor of it.”
Thursday, July 12

Narrator One: “Mr. Morris moves to add the clause empowering the Legislature to vary the Representation according to the principles of wealth and number of inhabitants a ‘proviso that taxation shall be in proportion to Representation.’”

Pierce Butler (South Carolina): “I contend against Representation according to the full number of inhabitants including all the blacks; while admitting the justice of Mr. Morris’ motion.”

General Charles C. Pinckney (South Carolina): “I like the idea. I think it is so just that it cannot be objected to. But I foresee that if the revision of the census is left to the discretion of the Legislature, it will never be carried into execution. The rule must be fixed, and the execution of it enforced by the Constitution. I am alarmed at what was said yesterday concerning the Negroes. I am now again alarmed at what has been thrown out concerning the taxing of exports. I hope a clause will be inserted in the system, restraining the Legislature from taxing Exports.”

Gouverneur Morris (Pennsylvania): “I recommend that direct taxation ought to be proportioned to representation.”

William Richardson Davie (North Carolina): “It is now high time to speak out. I see that it is meant by some gentlemen to deprive the Southern States of any share of Representation for their blacks. North Carolina will never confederate on any terms that do not rate them as least as three fifths. If the Eastern States mean therefore to exclude them altogether, the business is at end.”

William Samuel Johnson (Connecticut): “Wealth and population are the true equitable rule of representation; but I conceive that these two principles resolve themselves into one; population being the best measure of wealth.”

Gouverneur Morris (Pennsylvania): “It is high time to speak out. I came here to form a compact for the good of America. I am ready to do so with all the states. I hope and believe that all will enter into such a Compact. If they will not I am ready to join with any States that will. But as the Compact is to be voluntary, it is in vain for the Eastern States to insist on what the Southern States will never agree to. It is equally vain for the latter to require what the other States can never admit; and I verily believe the people of Pennsylvania will never agree to a representation of Negroes.”

Oliver Ellsworth (Connecticut): “In order to carry into effect the principle established, I move to add to the last clause adopted by the House the following words ‘and that the rule of contribution by direct taxation for the support of the Government of the United States shall be the number of white inhabitants, and three fifths of every other description in the several States, until some other rule that shall more accurately ascertain the wealth of the several States can be devised and adopted by the Legislature.”

Edmund Randolph (Virginia): “I am not satisfied with the motion. I propose in lieu of Mr. Ellsworth’s motion, ‘that in order to ascertain the alterations in Representation that may be required from time to time by changes in the relative circumstances of the States, a census shall be taken within two years from the meeting of the first meeting of the General Legislature of the United States.’ I lament that such a species of property exists. But as it does exist the holders of it would require this security.”

Narrator Two: “Mr. Ellsworth withdraws his motion and seconds that of Mr. Randolph.”
Rufus King (Massachusetts): “If the Southern States threaten to separate now in case injury shall be done them, will their threats be less urgent or effectual, when force shall back their demands? Even in the intervening period there will no point of time at which they will not be able to say, do us justice or we will separate.”

General Charles C. Pinckney (South Carolina): “I move to amend Mr. Randolph’s motion so as to make ‘blacks equal to the whites in the ratio of representation.’ This is nothing more than justice. The blacks are the laborers, the peasants of the Southern States; they are as productive as any in the Northern States. They add equally to the wealth, and considering money as the sinew of war, to the strength of the nation. It will also be a politic with regard to the Northern States, as taxation is to keep pace with Representation. I also move to insert six years instead of two, as the period computing from the first meeting of the Legislature within which the first census should be taken.”

Narrator Three: “Five states vote in favor of the change to six years, four vote against, and Delaware is divided. A vote is taken on having the periodical census every twenty years. Only three states vote in favor of it. When the time period between regular censuses is made at ten years, eight states vote in favor of it. Then a vote is taken on rating blacks as equal to whites in determining representation, only two states vote in favor of it.”

Friday, July 13

Oliver Ellsworth (Connecticut): “The number of representatives should not be set until an actual census should be made. After that, taxation and representation may be precisely proportioned according to the principle established, to the number of inhabitants.”

Gouverneur Morris (Pennsylvania): “If Negroes are to be viewed as inhabitants, they ought to added in their entire number, and not in the proportion of three-fifths.”

Pierce Butler (South Carolina): “The security the Southern States want is that their Negroes may not be taken from them, which some gentlemen within or without these doors have a very good mind to do. It is not supposed that North Carolina, South Carolina, and Georgia would have more people than all the other States, but many more relatively to the other States than they now have. The people and strength of America are evidently bearing Southwardly and Southwesterly.”

James Wilson (Pennsylvania): “The majority of people wherever found ought in all questions to govern the minority. If the interior Country should acquire this majority, it will not only have the right, but will avail themselves of it whether we will or no. This jealousy misled the policy of Great Britain with regard to America. The fatal maxims espoused by her were that the Colonies were growing too fast, and that their growth must be stinted in time. What were the consequences? First, enmity on our part, then actual separation. Like consequences will result on the part of the interior settlements, if like jealousy and policy be pursued on ours. Again, I cannot agree that property is the sole or the primary object of Government and society.”

Saturday, July 14

Luther Martin (Maryland): “I call for the question on the whole report, including the parts relating to the origination of money bills, and the equality of votes in the second branch.”
Elbridge Gerry (Massachusetts): “I wish before the question shall be put, that the attention of the House might be turned to the dangers apprehended from Western States. I am for admitting them on liberal terms, but not for putting ourselves into their hands. They will if they acquire power like all men, abuse it. They will oppress commerce, and drain our wealth into the Western Country. To guard against these consequences, it is necessary to limit the number of new States to be admitted into the Union, in such a manner, that they should never be able to outnumber the Atlantic States.”

Roger Sherman (Connecticut): “I think there is no probability that the number of future States would exceed that of the existing States. If the event should ever happen, it is too remote to be taken into consideration at this time. Besides, we are providing for our posterity, for our children and our grandchildren, who would be as likely to be citizens of new Western States as of the old States. On this consideration alone, we ought not to make any such discrimination as is proposed.”

Elbridge Gerry (Massachusetts): “If some of our children should remove, others will stay behind, and it is incumbent on us to provide for their interests.”

Narrator Four: “On the question for agreeing to Mr. Gerry’s motion, five states vote against it, four vote for it, and Pennsylvania divides.”

John Rutledge (South Carolina): “I propose to reconsider the two propositions touching the originating of money bills in the first and the equality of votes in the second branch.”

Roger Sherman (Connecticut): “I am for the question on the whole at once. It is a conciliatory plan. It has been considered in all its parts. A great deal of time has been spent on it, and if any part should now be altered, it will be necessary to go over the whole ground again.”

Luther Martin (Maryland): “I urge the question on the whole. I do not like many parts of it. I do not like having two branches nor the inequality of votes in the first branch. I am willing however to make trial of the plan, rather than do nothing.”

James Wilson (Pennsylvania): “I am not surprised that those who say that a minority is more than the majority should say that the minority is stronger than the majority. I suppose the next assertion will be that they are richer also; though I hardly expect it would be persisted in when the States shall be called on for taxes and troops.”

Luther Martin (Maryland): “The States that please to call themselves large are the weakest in the Union. Look at Massachusetts. Look at Virginia. Are they efficient States? I am for letting a separation take place if they desire it. I had rather there should be two Confederacies than one founded on any other principle than an equality of votes in the second branch at least.”

Elbridge Gerry (Massachusetts): “I do not approve of a reconsideration of the clause relating to money bills. It is of great consequence. It is the cornerstone of the accommodation. If any member of the Convention has the exclusive privilege of making propositions, would anyone say that it would give him no advantage over other members? The Report is not altogether to my mind. But I would agree to it as it stands rather than throw it out altogether.”

Charles Pinckney (South Carolina): “I move that instead of an equality of votes, the States should be represented in the second branch by a total of thirty-six members, with each State having between one and five delegates each.”
Jonathan Dayton (New Jersey): “The smaller States can never give up their equality. For myself I would in no event yield that security for our rights.”

James Madison (Virginia): “I concur with Mr. Pinckney’s motion as a reasonable compromise.”

Elbridge Gerry (Massachusetts): “I should like the motion, but can see no hope of success. An accommodation must take place, and it is apparent from what has been seen that we cannot do so on the ground of the motion. I am utterly against a partial confederacy, leaving other States to accede or not accede; as has been intimated.”

Rufus King (Massachusetts): “It is always with regret that I differ from my colleagues, but it is my duty to differ from Mr. Gerry on this occasion. I consider the proposed Government as substantially and formally, a General and National Government over the people of America. There never will be a case in which it will act as a federal Government on the States and not on the individual Citizens. And is it not a clear principle that in a free Government those who are to be the objects of a Government ought to influence the operations of it? What reason can be assigned why the same rule of representation should not prevail in the second branch as in the first? I can conceive none. Two objections have been raised against it; drawn first from the terms of the existing compact and second from a supposed danger to the smaller States. As to the first objection I think it inapplicable. As to the second objection, I think it of as little weight. The General Government can never wish to intrude on the State Governments. There can be no temptation. None has been pointed out. According to the idea of securing the State Government there ought to be three distinct legislative branches. The second is admitted to be necessary, and is actually meant to check the first branch, to give more wisdom, system, and stability to the Government and ought clearly as it is to operate on the people to be proportioned to them. For the third purpose of securing the States, there ought then to be a third branch, representing the States as such, and guarding by equal votes their rights and dignities. I am sure that no Government can last that is not founded on just principles. I prefer the doing of nothing, to an allowance of an equal vote to all the States. It would be better to submit to a little more confusion and convulsion than to submit to such an evil.”

Caleb Strong (Massachusetts): “The Convention has been divided in opinion. In order to avoid the consequences of it, an accommodation has been proposed. A committee has been appointed; and though some of the members of it are averse to an equality of votes, a Report has been made in favor of it. It is agreed on all hands that Congress is nearly at an end. If no Accommodation takes place, the Union itself must soon be dissolved. From this view of the matter, I am compelled to give my vote for the Report taken altogether.”

James Madison (Virginia): “I am apprehensive that if the proper foundation of Government is destroyed, by substituting an equality in place of a proportional Representation, no proper superstructure will be raised. If the small States really wish for a Government armed with the powers necessary to secure their liberties, and to enforce obedience on the larger members as well as on themselves, I cannot help thinking them extremely mistaken in their means. It has been said that the Government would in its operation be partly federal, partly national; that in the latter respect the Representatives of the people ought to be in proportion to the people; yet in the former it ought to be according to the number of States. In all cases where the General Government is to act on the people, let the people be represented and the votes be proportional. In all cases where the Government is to act on the States as such, in like manner as Congress now act on them, let the States be represented and the votes be equal. I continue to object against an equality of votes in the second branch, notwithstanding the proportional representation in the first. First, the minority could negate the will of the majority of the people. Second, they could extort measures by making them a condition of their assent to other necessary measures. Third, the evil instead of being cured by time, would increase with
James Wilson (Pennsylvania): “If equality in the second branch is an error that time can correct, I should be less anxious to exclude it, being sensible that perfection is unattainable in any plan. But being a fundamental and a perpetual error it ought by all means to be avoided. That the States ought to be preserved I admit. But does it follow that an equality of votes is necessary for the purpose? The great fault of the existing confederacy is its inactivity. It has never been a complaint against Congress that they governed overmuch. The complaint has been that they have governed too little. To remedy this defect we are sent here. Shall we affect the cure by establishing an equality of votes as is proposed? No, this very equality carries us directly to Congress, to the system which it is our duty to rectify. Is then the object of the Convention likely to be accomplished in this way? Will our Constituents say, ‘We sent you to form an efficient Government and you have given us one more complex indeed, but having all the weakness of the former Government.’ I am anxious for uniting all the States under one Government. I know there are more respectable men who prefer three confederacies, united by offensive and defensive alliances. Many things may be plausibly said, some things may be justly said, in favor of such a project. I cannot however concur in it myself; but I think nothing so pernicious as bad first principles.”

Oliver Ellsworth (Connecticut): “I have a question of Mr. Wilson, whether he has ever seen a good measure fail in Congress for want of a majority of States in its favor? I have myself never known such an instance. The other of Mr. Madison whether a negative lodged with the majority of the States, even the smallest, could be more dangerous than the qualified negative proposed to be lodged in a single Executive Magistrate, who must be taken from some one State?”

Monday, July 16

Narrator Five: “On the question for agreeing to the whole Report as amended including the equality of votes in the second branch, five states vote in favor, four against, and Massachusetts divides. After eleven days of debate, the Connecticut Compromise has passed, though details still need to be worked out.”

Narrator One: “The Report is read, including the portion that says, ‘The National Legislature ought to possess the Legislative Rights vested in Congress by the Confederation. And moreover to legislate in all cases to which the separate States are incompetent; or in which the harmony of the United States may be interrupted by the exercise of individual legislation,’ being read for a question.”

Pierce Butler (South Carolina): “I would like an explanation of the extent of this particular power, particularly of the word incompetent. The vagueness of the terms render it impossible for any precise judgment to be formed.”

Nathaniel Gorham (Massachusetts): “The vagueness of the terms constitutes the propriety of them. We are now establishing general principles, to be extended hereafter into details which will be precise and explicit.”
Edmund Randolph (Virginia): “The vote this morning involving an equality of suffrage in the second branch has embarrassed the business extremely. All the powers given in the Report are founded on the supposition that a Proportional representation is to prevail in both branches of the Legislature. When I came here this morning my purpose was to offer some propositions that might have united a great majority of votes, and particularly might provide against the danger suspected on the part of the smaller States, by enumerating the cases in which it might lie, and allowing an equality of votes in such cases. But finding from the preceding vote that they persist in demanding an equal vote in all cases, and that New York if present would probably be on the same side, I cannot but think we are unprepared to discuss this subject further. It will be in vain to come to any final decision with a bare majority on either side. For these reasons I wish the Convention might adjourn, that the large States might consider the proper steps to be taken in the present solemn crisis of the business, and that the small States might also deliberate on the means of conciliation.”

William Patterson (New Jersey): “With Mr. Randolph I agree that it is high time for the Convention to adjourn, that the rule of secrecy ought to be rescinded, and that our Constituents should be consulted. No conciliation can be admissible on the part of the smaller States on any other ground than that of an equality of votes in the second branch. If Mr. Randolph would prefer to form his motion for an adjournment sine die, I would second it with all my heart.”

General Charles C. Pinckney (South Carolina): “I wish to know of Mr. Randolph whether he means an adjournment sine die, or only an adjournment for the day. If the former is meant, it differs much from my idea. I cannot think of going to South Carolina and returning again to this place.”

Edmund Randolph (Virginia): “I have never entertained an idea of an adjournment sine die; and am sorry that my meaning has been so readily and strangely misinterpreted. I have in view merely an adjournment till tomorrow, in order that some conciliatory experiment might if possible be devised, and that in case the smaller States should continue to hold back, the larger might then take such measures, I cannot say what, as might be necessary.”

William Patterson (New Jersey): “I second the adjournment till tomorrow, as an opportunity seems to be wished by the larger States to deliberate further on conciliatory expedients.”

Narrator Two: “On the question for adjourning till tomorrow, the States are equally divided.”

Elbridge Gerry (Massachusetts): “I observe that Massachusetts is opposed to an adjournment because they see no new ground of compromise. But as it seems to be the opinion of so many States that a trial should be made, the State would now concur in the adjournment.”

John Rutledge (South Carolina): “I can see no need of an adjournment because I can see no chance of a compromise. The little States are fixed. They have repeatedly and solemnly declared themselves to be so. All that the large States then have to do is to decide whether they will yield or not. For my part, I conceive that although we cannot do what we think best, we ought to do something. Had we not better keep the Government up a little longer, hoping that another Convention will supply our omissions, than abandon everything to hazard?”

Edmund Randolph (Virginia): “I renew the motion to adjourn till tomorrow.”

Narrator Three: “Seven States vote in favor of the adjournment.”
Narrator Four: “Before the hour of the Convention a number of the members from the larger States meet to consult on the proper steps to be taken in consequence of the vote in favor of an equal Representation in the second branch, and the apparent inflexibility of the smaller States on that point. Several suppose that no good Government can or will be built on that foundation. Others seem inclined to yield to the smaller States.”

Roger Sherman (Connecticut): “I observe that it will be difficult to draw the line between the powers of the General Legislatures, and those to be left with the States. I do not like the definition contained in the Resolution, and propose we insert the words ‘to make laws binding on the people of the United States in all cases which may concern the common interests of the union; but not to interfere with the Government of the individual States.’”

Narrator Five: “A vote is taken on Mr. Sherman’s motion. Only two States vote for it.”

Gunning Bedford, Jr. (Delaware): “I move that the second member of Resolution number six be so altered as to read ‘and moreover to legislate in all cases for the general interests of the Union and also in those to which the States are separately incompetent or in which the harmony of the United States may be interrupted by the exercise of individual Legislation.’”

Edmund Randolph (Virginia): “This is a formidable idea indeed. It involves the power of violating all the laws and constitutions of the States, and of intermeddling with their police. The last portion of the sentence is also unnecessary, being included in the first.”

Gunning Bedford, Jr. (Delaware): “It is no more extensive or formidable than the clause as it now stands: ‘no State being separately competent to legislate for the general interest of the Union.’”

Narrator One: “After more discussion, Mr. Bedford’s motion passes.”

James Madison (Virginia): “I consider the negative on the laws of the States as essential to the effectiveness and security of the General Government. The necessity of a general Government proceeds from the inclination of the States to pursue their particular interests in opposition to the general interest. Nothing short of a negative on their laws will control it. Confidence cannot be put in the State Tribunals as guardians of the National authority and interests. In all the States these are more or less dependent on the Legislatures. In Georgia they are appointed annually by the Legislature. In Rhode Island the Judges who refuse to execute an unconstitutional law are displaced, and others substituted, by the Legislature. A power of negating the improper laws of the States is at once the most mild and certain means of preserving the harmony of the system. Its utility is sufficiently displayed in the British System.”

Gouverneur Morris (Pennsylvania): “I am more and more opposed to the negative. The proposal of it will disgust all the States. A law that ought to be negated will be set aside in the Judiciary and if that security should fail; may be repealed by a national law.”

Narrator Two: “Mr. Pinckney urges the necessity of the Negative and then a vote is taken. Only three states agree with Pinckney’s position.”
Luther Martin (Maryland): “I move that we add the words, ‘All treaties made and ratified under the authority of the United States shall be the supreme law of the respective States, as far as those acts or treaties shall relate to the said States, or their Citizens and inhabitants, and that the Judiciaries of the several States shall be bound thereby in their decisions, anything in the respective laws of the individual States to the contrary notwithstanding.’”

Narrator Three: “Martin’s motion passes without debate and then a resolution is made that the National Executive should consist of a single person, which is also agreed to with no further debate.”

Gouverneur Morris (Pennsylvania): “I am against choosing the Executive by the National Legislature. He will be the mere creature of the legislature if appointed and impeachable by that body. He ought to be elected by the people at large, by the freeholders (land owners) of the Country. I move to strike out ‘National Legislature’ and insert ‘citizens of the United States.’”

Roger Sherman (Connecticut): “I think that the sense of the Nation would be better expressed by the Legislature than by the people at large. The people will never be sufficiently informed of characters, and besides will never give a majority of votes to any one man. They will generally vote for some man in their own State, and the largest State will have the best chance for the appointment.”

Gouverneur Morris (Pennsylvania): “It is said that in case of an election by the people the populous States will combine and elect whom they please. Just the reverse. The people of such States cannot combine. If there be any combination it must be among their representatives in the Legislature. It is said the people will be led by a few designing men. This might happen in a small district. It can never happen throughout the continent. It is said the multitude will be uninformed. It is true they would be uninformed of what passes in the Legislative Conclave, if the elections are to be made there; but they will not be uninformed of those great and illustrious characters which merit their esteem and confidence. Appointments made by numerous bodies are always worse than those made by single responsible individuals or by the people at large.”

George Mason (Virginia): “It is curious to remark the different language held at different times. At one moment we are told that the Legislature is entitled to through confidence and to indefinite power. At another, that it will be governed by intrigue and corruption, and cannot be trusted at all. But not to dwell on this inconsistency, I observe that a Government which is to last ought at least to be practicable. Would this be the case if the proposed election is left to the people at large? I conceive it will be as unnatural to refer the choice of a proper character for Chief Magistrate to the people as it would to refer a trial of colors to a blind man. The extent of the Country renders it impossible that the people can have the requisite capacity to judge of the respective pretensions of the Candidates.”

Luther Martin (Maryland): “I move that the Executive be chosen by Electors appointed by the several Legislatures of the individual States.”

Narrator Four: “Mr. Martin’s motion fails with eight States voting against it. The next vote is taken on the question of choosing the Electors by the National Legislature. It passes unanimously.”

William Houston (Georgia): “I move to strike out the words ‘to be ineligible for a second term.’”

Gouverneur Morris (Pennsylvania): “The ineligibility clause tends to destroy the great motive to good behavior, the hope of being rewarded by a reappointment. It says to me, ‘Make hay while the sun shines.’”
Narrator Five: “Six States vote in favor of Mr. Houston’s motion to strike out ineligibility for a second term.”

Jacob Broom (Delaware): “I am against a seven year term for the Executive Magistrate now that he is eligible for reelection. I would have preferred a longer term without reelection.”

James McClurg (Virginia): “I move to strike out seven years, and insert ‘during good behavior.’ By striking out the words declaring him not re-eligible, he is put into a situation that would keep him dependent forever on the Legislature. The independence of the Executive is equally essential with that of the Judiciary department.”

Roger Sherman (Connecticut): “Such a tenure is by no means safe or admissible. As the Executive Magistrate is now re-eligible, so he will be on good behavior as far as will be necessary. If he behaves well he will be continued; if otherwise, displaced on a succeeding election.”

James Madison (Virginia): “If it is essential to the preservation of liberty that the Legislature, Executive, and Judiciary powers be separate, it is essential to a maintenance of the separation that they should be independent of each other. The Executive cannot be independent of the Legislature if dependent on the pleasure of that branch for a reappointment. Why is it determined that the Judges should not hold their places by such a tenure? Because they might be tempted to cultivate the Legislature by an undue cooperation, and thus render the Legislature the virtual interpreter, as well as the maker, of the laws. In like manner a dependence of the Executive on the Legislature would render it the Executor as well as the maker of laws; and then according to the observation of Montesquieu, tyrannical laws may be made that they may be executed in a tyrannical manner. I conceive it to be absolutely necessary to a well constituted Republic that the first two should be kept distinct and independent of each other.”

George Mason (Virginia): “This motion was made some time ago, and negated by a very large majority. I trust that it will be again negative. It would be impossible to define the misbehavior in such a manner as to subject it to a proper trial; and perhaps still more impossible to compel so high an offender holding his office by such a tenure to submit to a trial. I consider an Executive during good behavior as a softer name only for an Executive for life. And the next would be an easy step to hereditary Monarchy. If the motion succeeds, I might live to see such a Revolution. If not, it is probable my children or grandchildren will. I trust there are few men in this House who wish for it. No State I am sure has so far revolted from Republican principles as to have the least bias in its favor.”

James Madison (Virginia): “I am not apprehensive of being thought to favor any step towards monarchy. The real object with me is to prevent its introduction. Experience has proved a tendency in our governments to throw all power into the Legislative vortex.”

Gouverneur Morris (Pennsylvania): “I am as little a friend to monarchy as any gentleman. I concur in the opinion that the way to keep out monarchical Government is to establish such a Republican Government as would make the people happy and prevent a desire of change.”

James McClurg (Virginia): “I am not so much afraid of the shadow of monarchy as I am unwilling to approach it; nor so wedded to Republican Government as not to be sensible of the tyrannies that have been and may be exercised under that form. It is an essential object with me to make the Executive independent of the Legislature; and the only mode left for affecting it, after the vote destroying his ineligibility a second time, is to appoint him during good behavior.”
Narrator One: “A vote to insert ‘during good behavior’ fails when only four States favor it.”

Wednesday, July 18

Narrator Two: “The resolution that a national Judiciary be established to consist of one supreme tribunal is agreed to without debate. Attention turns to whether these Judges will be appointed by the second branch of the National Legislature.”

Nathaniel Gorham (Massachusetts): “I would prefer an appointment by the second branch to an appointment by the whole Legislature; but I think even that branch too numerous, and too little responsible, to ensure a good choice. I suggest that the Judges be appointed by the Executive with the advice and consent of the second branch, in the mode prescribed by the constitution of Massachusetts. This mode has been long practiced in that State, and is found to answer perfectly well.”

James Wilson (Pennsylvania): “I still prefer an appointment by the Executive; but if that cannot be attained, I would prefer in the next place, the mode suggested by Mr. Gorham. It is my duty to move that the Judges be appointed by the Executive.”

Luther Martin (Maryland): “I am strenuous for an appointment by the second branch. Being taken from all the States it would be best informed of characters and most capable of making a fit choice.”

George Mason (Virginia): “The mode of appointing the Judges may depend in some degree on the mode of trying impeachments of the Executive. If the Judges are to form a tribunal for that purpose, they surely ought not to be appointed by the Executive.”

James Madison (Virginia): “I suggest that the Judges might be appointed by the Executive with the concurrence of at least one third of the second branch. This would unite the advantage of responsibility in the Executive with the security afforded in the second branch against any incautious or corrupt nomination by the Executive.”

Roger Sherman (Connecticut): “I am for an election by the Senate. It would be composed of men nearly equal to the Executive, and would have on the whole more wisdom. They would bring into their deliberations a more diffusive knowledge of characters. It would be less easy for candidates to intrigue with them, than with the Executive Magistrate. For these reasons I think there would be a better security for a proper choice in the Senate than in the Executive.”

Gunning Bedford, Jr. (Delaware): “There are solid reasons against leaving the appointment to the Executive. It would put it in his power to gain over the larger States by gratifying them with a preference of their Citizens. The responsibility of the Executive so much talked of is misleading. He could not be punished for mistakes.”

Nathaniel Gorham (Massachusetts): “The Senate could have no better information than the Executive. They must, like him, trust to information from the members belonging to the particular State where the Candidates reside. The Executive would certainly be more answerable for a good appointment, as the whole blame of a bad one would fall on him alone.”
Narrator Three: “A vote is taken on the question of referring the appointment of the Judges to the Executive instead of the second branch. Only two States vote in favor of the Executive’s appointment of the Judges.”

Gouverneur Morris (Pennsylvania): “Additionally, the Legislature should be at liberty to increase salaries as circumstances might require. This will not create any improper dependence in the Judges.”

Dr. Benjamin Franklin (Pennsylvania): “I am also in favor of the Legislature’s ability to increase salaries. Money may not only become more plentiful, but the business of the department may increase as the Country becomes more populous.”

Gouverneur Morris (Pennsylvania): “The value of money may not only alter but the state of Society may alter. The Amount of salaries must always be regulated by the manners and the style of living in a Country. The increase of business cannot be provided for in the supreme tribunal in the way that has been mentioned. All the business of a certain description must be done in that single tribunal. Additional compensation therefore ought not to be prohibited.”

Narrator Four: “Debate moves on to a resolution that the National Legislature should be empowered to appoint inferior tribunals.”

Pierce Butler (South Carolina): “I cannot see any necessity for such tribunals. The State Tribunals might do the business.”

Luther Martin (Maryland): “I concur. They will create jealousies and oppositions in the State tribunals with the jurisdiction of which they will interfere.”

Nathaniel Gorham (Massachusetts): “There are in the States already federal Courts with jurisdiction for trial of piracies committed on the Seas. No complaints have been made by the States or the Courts of the States. Inferior tribunals are essential to render the authority of the National Legislature effectual.”

Edmund Randolph (Virginia): “The Courts of the States cannot be trusted with the administration of the National laws. The objects of jurisdiction are such as will often place the General and local policy at variance.”

George Mason (Virginia): “Many circumstances might arise not now to be foreseen, which might render such a power absolutely necessary.”

Narrator Five: “The resolution empowering the National Legislature to appoint ‘inferior tribunals’ is agreed to with no further debate. Discussion moves to the question of whether Congress ought to be continued till all the States should adopt the reform.”

James Wilson (Pennsylvania): “I do not entirely approve of the manner in which the clause relating to the engagement of Congress is expressed; but some provision on the subject would be proper in order to prevent any suspicion that the obligations of the Confederacy might be dissolved along with the Government under which they were contracted.”

Narrator One: “Only three States vote in favor of continuing Congress and debate moves to whether a Republican Constitution and its existing laws ought to be guaranteed to each State by the United States.”
**Gouverneur Morris (Pennsylvania):** “This last resolution is very objectionable. I should be very unwilling that such laws as exist in Rhode Island should be guaranteed.”

**James Wilson (Pennsylvania):** “The object is merely to secure the States against dangerous commotions, insurrections, and rebellions.”

**George Mason (Virginia):** “If the General Government should have no right to suppress rebellions against particular States, it will be in a bad situation indeed. As Rebellions against itself originate in and against individual States, it must then remain a passive Spectator of its own subversion.”

**Edmund Randolph (Virginia):** “The Resolution has two objects. The first is to secure Republican Government and the second is to suppress domestic commotions. I urge the necessity of both these provisions.”

**James Madison (Virginia):** “I move to substitute ‘that the Constitutional authority of the States shall be guaranteed to them respectively against domestic as well as foreign violence.’”

**William Houston (Georgia):** “I am afraid of perpetuating the existing Constitutions of the States. That of Georgia is a very bad one, and I hope will be revised and amended. It may also be difficult for the General Government to decide between contending parties each of which claims the sanction of the Constitution.”

**Luther Martin (Maryland):** “I am for leaving the States to suppress Rebellions themselves.”

**Nathaniel Gorham (Massachusetts):** “It is strange that a Rebellion should be known to exist in the Empire, and the General Government should be restrained from interposing to subdue it. At this rate an enterprising Citizen might erect the standard of Monarchy in a particular State, might gather together partisans from all quarters, might extend his views from State to State, and threaten to establish a tyranny over the whole and the General Government be compelled to remain an inactive witness of its own destruction. With regard to different parties in a State; as long as they confine their disputes to words, they will be harmless to the General Government and each other. If they appeal to the sword, it will then be necessary for the General Government, however difficult it may be to decide on the merits of their contest, to interpose and put an end to it.”

**Edmund Randolph (Virginia):** “I move to add an amendment to the motion, ‘that no State be at liberty to form any other than a Republican Government.’”

**John Rutledge (South Carolina):** “It is unnecessary to insert any guarantee. No doubt can be entertained but that Congress has the authority, if they have the means to cooperate with any State in subduing a rebellion. It is, and should be, involved in the nature of the thing.”

**James Wilson (Pennsylvania):** “I move that a better expression of the idea is, ‘a Republican form of Government shall be guaranteed to each State and that each State shall be protected against foreign and domestic violence.’”

**Narrator Two:** “Mr. Wilson’s motion is well received. Mr. Madison and Mr. Randolph withdraw their propositions and Mr. Wilson’s motion is passed with no further debate.”
Thursday, July 19

Luther Martin (Maryland): “I move to reinstate the words ‘to be ineligible a second time,’ into the section on electing the Executive.”

Gouverneur Morris (Pennsylvania): “It is necessary to take into one view all that relates to the establishment of the Executive; on the due formation of which must depend the efficacy and utility of the Union among the present and future States. It has been a maxim in Political Science that Republican Government is not adapted to a large extent of Country, because the energy of the Executive Magistracy cannot reach the extreme parts of it. Our Country is an extensive one. We must either then renounce the blessings of the Union, or provide an Executive with sufficient vigor to pervade every part of it. One great object of the Executive is to control the Legislature. The Legislature will continually seek to enlarge their sphere and perpetuate themselves, and will seize those critical moments produced by war, invasion, or convulsion for that purpose. It is necessary then that the Executive Magistrate should be the guardian of the people, even of the lower classes, against Legislative tyranny, against the Great and the wealthy who in the course of things will necessarily compose the Legislative body. Wealth tends to corrupt the mind and to nourish its love of power, and to stimulate it to oppression. What effect will there be from making the Executive not re-eligible? It will destroy the great incitement to merit public esteem by taking away the hope of being rewarded with a reappointment. The love of fame is the great spring to noble and illustrious actions.”

Edmund Randolph (Virginia): “I urge the passing of Mr. Martin’s motion for making the Executive ineligible a second time.”

Rufus King (Massachusetts): “I do not like the ineligibility. He who has proved himself to be most fit for an office ought not to be excluded by the constitution from holding it. I would therefore prefer any other reasonable plan that can be substituted.”

James Wilson (Pennsylvania): “It seems to be the unanimous sense that the Executive should not be appointed by the Legislature, unless he be rendered in-eligible a second time. I perceive with pleasure that the idea is gaining ground.”

James Madison (Virginia): “If it be a fundamental principle of free government that the Legislative, Executive, and Judiciary powers should be separately exercised, it is equally so that they be independently exercised. There is the same and perhaps greater reason why the Executive should be independent of the Legislature, than why the Judiciary should: A coalition of the two former powers would be more immediately and certainly dangerous to public liberty.”

Elbridge Gerry (Massachusetts): “If the Executive is to be elected by the Legislature he certainly ought not to be re-eligible. This would make him absolutely dependent. I am against a popular election. The people are uninformed, and would be misled by a few designing men. I urge the expediency of an appointment of the Executive by Electors to be chosen by the State Executives. The people of the States will then choose the first branch: The legislatures of the States, the second branch of the National Legislature, and the Executives of the State, the National Executive. This will form a strong attachment in the States to the National System. The popular mode of electing the chief Magistrate would certainly be the worst of all.”

William Patterson (New Jersey): “I propose that the Executive should be appointed by Electors to be chosen by the States in a ratio that would allow one elector to the smallest and three to the largest States.”
Oliver Ellsworth (Connecticut): “I move to strike out the appointment by the National Legislature, and insert to be chosen by electors appointed by the Legislatures of the States.”

John Rutledge (South Carolina): “I am opposed to all the modes except the appointment by the National Legislature. He will be sufficiently independent, if he be not re-eligible.”

Luther Martin (Maryland): “I move that the Executive be ineligible a second time.”

Hugh Williamson (North Carolina): “I second the motion. I have no great confidence in the Electors to be chosen for the special purpose. They would not be the most respectable citizens; but persons not occupied in the high offices of Government. They would be liable to undue influence, which might the more readily be practiced as some of them will probably be in appointment six or eight months before the object of it comes on.”

Oliver Ellsworth (Connecticut): “I suppose any persons might be appointed Electors, excepting members of the National Legislature.”

Narrator Three: “Only two States vote in favor of ineligibility a second time. And after further discussion of lengths of terms, only three States vote in favor of a seven year term.”

Rufus King (Massachusetts): “I am afraid we will shorten the term too much.”

Gouverneur Morris (Pennsylvania): “I am for a short term, in order to avoid impeachment, which might otherwise be necessary.”

Pierce Butler (South Carolina): “I am against a frequency of the elections. Georgia and South Carolina are too distant to send electors often.”

Oliver Ellsworth (Connecticut): “I am for a six year term. The expense will be considerable and ought not to be unnecessarily repeated. If the Elections are too frequent, the Executive will not be firm enough. There must be duties which will make him unpopular for the moment. There will be outs as well as ins. His administration therefore will be attacked and misrepresented.”

Hugh Williamson (North Carolina): “I am also for a six year term. If the Elections are too frequent, the best men will not undertake the service and those of an inferior character will be liable to be corrupted.”

Narrator Four: “Nine States vote in favor of a six year term for the Executive.”

Friday, July 20

Narrator Five: “The delegates take up the ratio of Electors that would be used for appointing the Executive.”

James Madison (Virginia): “One Elector for each State whose inhabitants do not exceed 100,000, and going up from there, would make in time all or nearly all the States equal. Since there are few States that would not in time contain the number of inhabitants entitling them to three Electors. This ratio ought either to be made temporary or so varied as that it would adjust itself to the growing population of the States.”
Narrator One: “A debate ensues as to how to actually allot the Electors.”

Jacob Broom (Delaware): “I move to postpone the question of allotting Electors, leaving a fit ratio to be reported by the Committee to be appointed for detailing the Resolutions.”

William Richardson Davie (North Carolina): “If the Executive be not impeachable whilst in office, he will spare no efforts or means whatever to get himself re-elected. I consider this as an essential security for the good behavior of the Executive.”

James Wilson (Pennsylvania): “I concur in the necessity of making the Executive impeachable whilst in office.”

George Mason (Virginia): “No point is of more importance than that the right of impeachment should be continued. Shall any man be above Justice? Above all, shall that man be above it, who can commit the most extensive injustice?”

Gouverneur Morris (Pennsylvania): “I admit corruption and some few other offences to be such as ought to be impeachable, but think the cases ought to be enumerated and defined.”

James Madison (Virginia): “The limitation of the period of the chief Magistrate’s service is not a sufficient security. He might lose his capacity after his appointment. He might pervert his administration into a scheme of oppression. He might betray his trust to foreign powers.”

Charles Pinckney (South Carolina): “I still do not see the necessity of impeachments.”

Elbridge Gerry (Massachusetts): “I urge the necessity of impeachments. A good magistrate will not fear them. A bad one ought to be kept in fear of them. I hope the maxim will never be adopted here that the chief magistrate can do no wrong.”

Rufus King (Massachusetts): “It has been said that the Judiciary would be impeachable. But it should be remembered at the same time that the Judiciary hold their places not for a limited time, but during good behavior. It is necessary therefore that a forum should be established for trying misbehavior. The Executive is to hold his place for a limited term like the members of the Legislature. Like them therefore, he ought to be subject to no intermediate trial by impeachment.”

Edmund Randolph (Virginia): “The propriety of impeachments is a favorite principle with me. Guilt wherever found ought to be punished. The Executive will have great opportunities of abusing his power; particularly in time of war when the military force, and in some respects the public money, will be in his hands.”

James Wilson (Pennsylvania): “I observe that if the idea is to be pursued, the Senators who are to hold their places during the same term with the Executive ought also to be subject to impeachment and removal.”

Gouverneur Morris (Pennsylvania): “My opinion has been changed by the arguments in this discussion. I am now sensible of the necessity of impeachments if the Executive is to continue for any time in office.”
Elbridge Gerry (Massachusetts): “I move with Mr. Morris ‘that the Electors of the Executive shall not be members of the National Legislature, nor officers of the United States, nor shall the Electors themselves be eligible to the supreme magistracy.’”

Narrator Two: “Morris and Gerry’s motion is agreed to without debate.”

Saturday, July 21

Gouverneur Morris (Pennsylvania): “Some check being necessary on the Legislature, the question is in what hands it should be lodged? On one side it is contended that the Executive alone ought to exercise it. I do not think that an Executive appointed for six years and impeachable whilst in office would be a very effectual check. On the other side, it is urged that he ought to be reinforced by the Judiciary department. Against this it is objected that Expositors of laws ought to have no hand in making them, and arguments in favor of this have been drawn from England. What weight is due to them might be easily determined by an attention to facts. The truth is that the Judges in England have a great share in the Legislation. They are consulted in difficult and doubtful cases. I concur in thinking the public liberty in greater danger from Legislature usurpations than from any other source. It has been said that the Legislature ought to be relied on as the proper Guardians of liberty. The answer is short and conclusive. Either bad laws will be pushed or they will not. On the latter supposition no check will be wanted. On the former a strong check will be necessary.”

Elbridge Gerry (Massachusetts): “I would rather give the Executive an absolute negative for its own defense than thus to blend together the Judiciary and Executive departments. It will bind them together in an offensive and defensive alliance against the Legislature, and render the latter unwilling to enter into a contest with them.”

Charles Pinckney (South Carolina): “I am for placing the appointment in the second branch exclusively. The Executive will possess neither the requisite knowledge of characters, nor confidence of the people, for so high a trust.”

Elbridge Gerry (Massachusetts): “The appointment of the Judges like every other part of the Constitution should be so modeled as to give satisfaction both to the people and to the States.”

Monday, July 23

James Wilson (Pennsylvania): “I am never fond of oaths, considering them as a left handed security only. A good Government does not need them, and a bad one ought not to be supported.”

Narrator Three: “Discussion moves on to the Resolution ‘referring the new Constitution to Assemblies to be chosen by the people for the express purpose of ratifying it.’”

Oliver Ellsworth (Connecticut): “I move that it be referred to the Legislature of the States for ratification instead.”

George Mason (Virginia): “I consider a reference of the plan to the authority of the people as one of the most important and essential of the Resolutions. The Legislatures have no power to ratify it. They are the mere creatures of the State Constitutions, and are not greater than their creators. I know of no power in any
of the Constitutions that would be competent to this object. Whither then must we resort? To the people with whom all power remains that has not been given up in the constitutions derived from them. This doctrine should be cherished as the basis of free Government.”

Nathaniel Gorham (Massachusetts): “I am against referring the plan to the Legislatures.”

Oliver Ellsworth (Connecticut): “If there be any Legislatures who should find themselves incompetent to the ratification, I should be content to let them advise with their constituents and pursue such a mode as would be competent. I think more is to be expected from the Legislatures than from the people.”

Hugh Williamson (North Carolina): “The Resolution so expressed might be submitted either to the Legislatures or to Conventions recommended by the Legislatures. I observe that some Legislatures are evidently unauthorized to ratify the system. I think the Conventions are to be preferred as more likely to be composed of the ablest men in the States.”

Gouverneur Morris (Pennsylvania): “Mr. Ellsworth’s amendment erroneously supposes that we are proceeding on the basis of the Confederation. This Convention is unknown to the Confederation.”

James Madison (Virginia): “It is clear that the Legislatures are incompetent to the proposed changes. These changes would make essential inroads on the State Constitutions, and it would be a novel and dangerous doctrine that a Legislature could change the constitution under which it holds its existence. There might indeed be some Constitutions within the Union which have given a power to the Legislature to concur in alterations of the federal Compact. But there are certainly some which have not, and in the case of these a ratification must of necessity be obtained from the people. I consider the difference between a system founded on the Legislatures only, and one founded on the people, to be the true difference between a league or treaty, and a Constitution.”

Narrator Four: “On the question of Mr. Ellsworth’s motion to refer the plan to the Legislatures of the States, only three states vote Aye.”

Gouverneur Morris (Pennsylvania): “I move the reference of the plan be made to one general Convention, chosen and authorized by the people to consider, amend, and establish the same.”

Narrator Five: “There is no second to Mr. Morris’ motion, so a vote is taken on the previous mode of ratification suggested, to refer the Constitution to assemblies in each State chosen by the people. This motion passes, with nine states in favor, and only Delaware opposed. Then discussion moves to how many members from each State should make up the second Branch.”

Gouverneur Morris (Pennsylvania): “I wish the Senate to be made up of three members from each State, making the Senate a more numerous body.”

Nathaniel Gorham (Massachusetts): “I prefer either two or three members. A small number is most convenient for deciding on peace, war, etc., which I expect will be vested in the second Branch. The number of States will also increase. Kentucky, Vermont, Maine, and Franklin will probably be added to the present number soon. And some of the largest States may be divided. The strength of the General Government will lie not in the largeness, but in the smallness of the States.”

George Mason (Virginia): “Three from each State including new States will make the second branch too numerous. Besides other objections, the additional expense ought to be considered.”
Hugh Williamson (North Carolina): “If the number is too great, the distant States will not be on equal footing with the nearer States. The latter can more easily send and support their ablest Citizens.”

Narrator One: “Only one State votes for making the number of Senators from each State three. When the number is changed to two, all States agree with no further discussion.”

Tuesday, July 24

Narrator Two: “Attention returns to appointing the Executive by Electors.”

William Houston (Georgia): “I move that the Executive be appointed by the National Legislature instead of by Electors. It is improbable that capable men will undertake the service of Electors from the more distant States.”

Elbridge Gerry (Massachusetts): “I am opposed to it. I move that the Legislatures of the States should vote by ballot for the Executive in the same proportions as it has been proposed they should choose electors.”

Narrator Three: “Mr. Houston’s motion is approved, with seven States voting for it, and four voting against it.”

Luther Martin (Maryland): “I move to reinstate the ineligibility of the Executive a second time.”

Oliver Ellsworth (Connecticut): “With many this appears a natural consequence of his being elected by the Legislature. It is not the case with me. The Executive should be reelected if his conduct proves him worthy of it. And he will be more likely to render himself worthy of it if he be rewardable with it. The most eminent characters will also be more willing to accept the trust under this condition.”

Luther Martin (Maryland): “I suspend my motion for ineligibility, moving instead that the appointment of the Executive shall continue for eleven years.”

Elbridge Gerry (Massachusetts): “I suggest fifteen years.”

Rufus King (Massachusetts): “I would prefer twenty years; this is the medium life of princes.”

William Richardson Davie (North Carolina): “Eight years would be plenty.”

James Wilson (Pennsylvania): “The difficulties and perplexities into which the House is thrown proceed from the election by the Legislature which I am sorry has been reinstated. The inconveniency of this mode is such that I would agree to almost any length of time in order to get rid of the dependence which must result from it.”

Elbridge Gerry (Massachusetts): “We seem entirely at a loss on this head. Perhaps the Committee may be able to hit on something that may unite the various opinions which have been thrown out.”

James Wilson (Pennsylvania): “As the great difficulty seems to spring from the mode of election, I would suggest a mode which has not yet been suggested: That the Executive be elected for six years by a small number, not more than fifteen, of the National Legislature, to be drawn from it by lot, making the election
immediately after they are drawn. By this mode intrigue will be avoided, and the dependence will be diminished.”

**Gouverneur Morris (Pennsylvania):** “Of all possible modes of appointment, that by the Legislature is the worst. If the Legislature is to appoint and to impeach or to influence the impeachment, the Executive will be the mere creature of it. Something has been said of the danger of Monarchy. If a good government should not now be formed, if a good organization of the Executive should not be provided, I doubt whether we shall not have something worse than a limited Monarchy. The expedient of making him ineligible a second time has been devised. This is as much to say that we should give him the benefit of experience, and then deprive ourselves of the use of it. I prefer a short term and a re-eligibility, but a different mode of election.”

**Rufus King (Massachusetts):** “As no one seems to be satisfied with the various modes of electing the Executive, I move the matter be postponed.”

**Narrator Four:** “The question of postponement is agreed to with no further discussion or debate.”

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**Wednesday, July 25**

**Elbridge Gerry (Massachusetts):** “I repeat my concern that an election of the Executive by the National Legislature is radically and incurably wrong. I move that the Executive be appointed by the Governors and Presidents of the States with advice of their Councils.”

**James Madison (Virginia):** “There are objections against every mode that has been, or perhaps can be, proposed. The election must be made either by some existing authority under the National or State Constitutions, or by some special authority derived from the people, or the people themselves. The best options before us lie between an appointment by Electors chosen by the people and an immediate appointment by the people. The former mode is free from many of the objections which have been urged against it, and is greatly preferable to an appointment by the National Legislature. As the electors would be chosen for the occasion would meet at once and proceed immediately to an appointment, there would be very little opportunity for corruption. I only take note of two difficulties which I admit to have weight. The first arises from the disposition in the people to prefer a Citizen of their own State, and the disadvantage this would throw on the smaller States. Great as this objection might be, I do not think it equal to such as lay against every other which has been proposed. And I think some expedient may be hit upon that would resolve it.”

**Oliver Ellsworth (Connecticut):** “The objection drawn from the different sizes of the States is unanswerable. The Citizens of the largest States would invariably prefer the Candidate within the State, and the largest States would invariably have the man.”

**Pierce Butler (South Carolina):** “The two great evils to be avoided are conspiracy at home and influence from abroad. It will be difficult to avoid either if the Election is made by the National Legislature. On the other hand, the government should not be made so complex and unwieldy as to disgust the States. This will be the case if the election is referred to the people. I like best an election by electors chosen by the Legislatures of the States. I am against a re-eligibility at all events. I am also against a ratio of votes in the states. An equality should prevail in this case. The reasons for departing from it do not hold in the case of the Executive as in that of the Legislature.”

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Hugh Williamson (North Carolina): “I am sensible that strong objections lay against an election of the Executive by the Legislature, and that it opens a door for foreign influence. The principle objection against an election by the people seems to be the disadvantage under which it would place the smaller states. I suggest as a cure for this difficulty, that each man should vote for three candidates. One of these would probably be of his own State, the other two of some other States; and as probably of a small as a large one.”

Gouverneur Morris (Pennsylvania): “I like the idea. I suggest an amendment that each man should vote for two persons, at least one of whom is not from his own state.”

Elbridge Gerry (Massachusetts): “A popular election in this case is radically vicious. The ignorance of the people would put it in the power of some one set of men acting in Concert to delude them into any appointment. I observe that such a Society of men exists in the Order of the Cincinnati. They are respectable, united, and influential. They will in fact elect the chief Magistrate in every instance, if the election be referred to the people. My respect for the characters composing this society cannot blind me to the danger and impropriety of throwing such a power into their hands.”

John Dickinson (Delaware): “I have long leaned towards an election by the people, which is the best and purest source. The greatest difficulty seems to arise from the partiality of the States to their respective Citizens. But, might not this very partiality be turned to a useful purpose? Let the people of each State chose its best Citizen. Out of the thirteen names thus selected, an Executive Magistrate may be chosen either by the National Legislature, or by Electors appointed by it.”

Thursday, July 26

George Mason (Virginia): “The difficulty of the subject and the diversity of the opinions concerning it have given rise to difficulty in every stage. After reviewing all these various modes, I am led to conclude that an election by the National Legislature, as originally proposed, is the best. If it is liable to objections, it is liable to fewer than any other. I conceive at the same time that a re-election ought to be absolutely prohibited. Having for my primary object, for the polar star of my political conduct, the preservation of the rights of the people, I hold it as an essential point that the great officers of State, and particularly the Executive, should at fixed periods return to that mass from which they were at first taken, in order that they may feel and respect those rights and interests, which are again to be personally valuable to them.”

Dr. Benjamin Franklin (Pennsylvania): “It seems to have been imagined by some that the returning to the mass of the people is degrading the magistrate. This is contrary to republican principles. In free governments the rulers are the servants and the people their superiors and sovereigns. For the former therefore to return among the latter is not to degrade but to promote them. And it would be imposing an unreasonable burden on them to keep them always in a state of servitude, and not allow them to become again one of the masters.”

Narrator Five: “Seven states vote in favor of Mr. Mason’s motion to elect the Executive from the National Legislature. Then six states vote in favor of the motion to have the National Executive consist of a single person, and be ineligible for a second term.”

George Mason (Virginia): “I move that the Committee of Detail be instructed to receive a clause requiring certain qualifications of landed property and citizenship of the United States in members of the legislature, and disqualifying persons having unsettled accounts with, or being indebted to, the United States from being members of the National Legislature.”
Gouverneur Morris (Pennsylvania): “If qualifications are proper, I would prefer them in the electors rather than the elected. As to debtors of the United States they are but few. As to persons having unsettled accounts, I believe them to be many. However, such a discrimination would be both odious and useless, and in many instances unjust and cruel. The delay of settlement has been more the fault of the public than of the individuals. What will be done with those patriotic Citizens who have lent money or services or property to their Country without having yet been able to obtain a liquidation of their claims? Are they to be excluded?”

James Madison (Virginia): “I move to strike out the word ‘landed,’ before the word ‘qualifications.’ Landed possessions are no certain evidence of real wealth. Many enjoy them to a great extent who are more in debt than they are worth.”

George Mason (Virginia): “Moving on, it is proper that some provision should be made in the Constitution against choosing for the seat of the General Government the city or place at which the seat of any State Government might be fixed. I move that the committee be instructed to receive a clause to prevent the seat of the National Government being in the same City or town with the Seat of the Government of any State longer than until the necessary public buildings can be erected.”

Gouverneur Morris (Pennsylvania): “I do not dislike the idea, but am apprehensive that such a clause might make enemies of Philadelphia and New York which have expectations of becoming the seat of the general government.”

Elbridge Gerry (Massachusetts): “It is the general sense of America that neither the seat of a State Government nor any large commercial City should be the seat of the General Government.”

Charles Pinckney (South Carolina): “I think the seat of a State Government ought to be avoided, but a large town or its vicinity would be proper for the Seat of the General Government.”

George Mason (Virginia): “I do not mean to press the motion at this time nor to excite any hostile passions against the system. I am content to withdraw the motion for the present.”

Pierce Butler (South Carolina): “I am for fixing by the Constitution the place, and a central one, for the seat of the National Government.”

Narrator One: “At this point the recent proceedings are referred to the Committee of Detail and the Convention adjourns until Monday, August 6, to give the committee of Detail time to prepare and report the Constitution.”
Act 4, Scene 1
Powers of Congress

Monday, August 6

Narrator Two: “Rutledge delivers a printed copy of the Committee of Detail’s seven page report to each member. A motion is made to adjourn until Wednesday, in order to give each member time to leisurely examine the report, but only three states are in favor of further delay, so the House adjourns only until tomorrow morning.”

Tuesday, August 7

Narrator Three: “Anxious to move forward, discussion begins on the Report in the full Convention, rather than the Committee of the Whole. The preamble and the first two articles are agreed to without discussion.”

George Mason (Virginia): “I doubt the propriety of giving each branch a negative on the other ‘in all cases,’ as is stated in Article 3. There are some cases in which it is not intended to be given, as in the case of balloting for appointments.”

Gouverneur Morris (Pennsylvania): “I move to insert ‘legislative acts’ instead of ‘all cases.’”

James Madison (Virginia): “I wish to know the reasons of the Committee for fixing by the Constitution the meeting for the Legislature. I suggest that it be required only that at least one meeting should be held every year, leaving the time to be fixed or varied by law.”

Gouverneur Morris (Pennsylvania): “I move to strike out the sentence. It is improper to tie down the Legislature to a particular time, or even to require a meeting every year. The public business might not require it.”

Nathaniel Gorham (Massachusetts): “If the time be not fixed by the Constitution, disputes will arise in the Legislature; and the States will be at a loss on how to adjust the times of their elections.”

Oliver Ellsworth (Connecticut): “I am against striking out the words. The Legislature will not know till they are met whether the public interest requires their meeting or not. I can see no impropriety in fixing the day, as the Convention can judge of it as well as the Legislature.”

James Wilson (Pennsylvania): “I think on the whole it would be best to fix the day.”

Rufus King (Massachusetts): “I cannot think there would be a necessity for a meeting every year. A great vice in our system is that of legislating too much. The most numerous objects of legislation belong to the States. Those of the National Legislature are but few. The chief of them are commerce and revenue.”

James Madison (Virginia): “I think one annual meeting ought to be required; but do not wish to make two unavoidable.”

George Mason (Virginia): “An annual meeting ought to be required as essential to the preservation of the Constitution. The extent of the Country will supply business.”
Gouverneur Morris (Pennsylvania): “I move to strike out December and insert May. It might frequently happen that our measures ought to be influenced by those in Europe, which are generally planned during the Winter and of which intelligence would arrive in the Spring.”

James Madison (Virginia): “I second the motion. I prefer May to December because the latter would require the travelling to and from the seat of Government in the most inconvenient seasons of the year.”

James Wilson (Pennsylvania): “I disagree, the Winter is the most convenient season for business.”

Oliver Ellsworth (Connecticut): “The summer will interfere too much with private business, that of almost all the probable members of the Legislature being more or less connected with agriculture.”

Narrator Four: “On the question of changing the required meeting from December to May, only two States vote in favor of the change.”

Gouverneur Morris (Pennsylvania): “I have long learned not to be the dupe of words. The sound of Aristocracy therefore has no effect on me. It is the thing, not the name, to which I am opposed, and one of my principle objections to the Constitution as it is now before us, is that it threatens this Country with an Aristocracy. The aristocracy will grow out of the House of Representatives. Give the votes to people who have no property, and they will sell them to the rich who will be able to buy them. We should not confine our attention to the present moment. The time is not distant when this Country will abound with mechanics and manufacturers who will receive their bread from their employers. Will such men be the secure and faithful Guardians of liberty? I am as little duped by the association of the words ‘taxation and Representation.’ The man who does not give his vote freely is not represented.”

George Mason (Virginia): “We all feel too strongly the remains of ancient prejudices, and view things too much through a British medium. A Freehold is the qualification in England, and hence it is imagined to be the only proper one. The true idea in my opinion is that every man having evidence of attachment to and permanent common interest with the Society ought to share in all its rights and privileges. Is this qualification restrained to freeholders? Does no other kind of property but land evidence a common interest in the proprietor? Does nothing besides property mark a permanent attachment? Ought the merchant, the monied man, the parent of a number of children whose fortunes are to be pursued in his own Country, to be viewed as suspicious characters, and unworthy to be trusted with the common rights of their fellow Citizens?”

James Madison (Virginia): “The right of suffrage is certainly one of the fundamental articles of Republican Government, and ought not to be left to be regulated by the Legislature.”

Dr. Benjamin Franklin (Pennsylvania): “It is of great consequence that we should not depress the virtue and public spirit of our common people; of which they displayed a great deal during the war, and which contributed principally to the favorable issue of it.”

John Mercer (Maryland): “The Constitution is objectionable in many points, but in none more than the present section. I object to the footing on which the qualification is put, but particularly to the mode of election by the people. The people cannot know and judge of the characters of Candidates. The worse possible choice will be made. The case of the Senate in Virginia as an example in point. The people in Towns can unite their votes in favor of one favorite; and by that means always prevail over the people of the Country, who being dispersed will scatter their votes among a variety of candidates.”
John Rutledge (South Carolina): “The idea of restraining the right of suffrage to the freeholders is a very unadvised one. It would create division among the people and make enemies of all those who are excluded.”

Wednesday, August 8

Narrator Five: “Discussion continues from the day before on who should be allowed the vote.”

John Mercer (Maryland): “I dislike the whole plan, and my opinion is that it never can succeed.”

Nathaniel Gorham (Massachusetts): “I have never seen any inconvenience from allowing such as were not freeholders to vote, though it has long been tried. The elections in Philadelphia, New York, and Boston, where the Merchants and Mechanics vote are at least as good as those made by freeholders only. The people have been long accustomed to this right in various parts of America, and will never allow it to be abridged.”

John Mercer (Maryland): “I do not object so much to an election by the people at large including such as are not freeholders, as to their being left to make their choice without any guidance. Candidates ought to be nominated by the State Legislatures.”

George Mason (Virginia): “Turning to eligibility, I am for opening a wide door for emigrants; but do not choose to let foreigners and adventurers make laws for us and govern us. Citizenship for three years is not enough for ensuring that local knowledge is possessed by the would-be Representatives. This is the principle ground of my objection to so short a term. It might also happen that a rich foreign Nation, for example Great Britain, might send over her tools who might bribe their way into the Legislature for insidious purposes. I move that ‘seven’ years instead of ‘three’ be inserted.”

Narrator One: “On the question proposed by Mason all States agree to it except Connecticut.”

Roger Sherman (Connecticut): “I move to strike out the word ‘resident’ and insert ‘inhabitant’ as less liable to misconstruction.”

James Madison (Virginia): “I second the motion. Both are vague, but the latter least so.”

James Wilson (Pennsylvania): “I prefer the term ‘inhabitant’ also.”

Gouverneur Morris (Pennsylvania): “I am opposed to both and for requiring nothing more than a freehold. There have been great disputes in New York occasioned by these terms which are decided by the arbitrary will of the majority. Such a regulation is not necessary. People rarely choose a nonresident.”

John Rutledge (South Carolina): “I urge and move a residence of seven years should be required in the State wherein the Member should be elected. An emigrant from New England to South Carolina or Georgia would know little of its affairs and cannot be supposed to acquire a thorough knowledge in less time.”

George Read (Delaware): “I remind you that we are now forming a National Government and such a regulation would correspond little with the idea that we are one people.”

Oliver Ellsworth (Connecticut): “Seven years of residence is by far too long a term; but some fixed term of previous residence would be proper. I think one year would be sufficient, but would also have no objection to three years.”
James Wilson (Pennsylvania): “If a short term should be decided on, so strict an expression might be construed to exclude the members of the Legislature, who could not be said to be actual residents in their States whilst at the Seat of the General Government.”

George Mason (Virginia): “Seven years is too long, but I would never agree to part with the principle. It is a valuable principle.”

Oliver Ellsworth (Connecticut): “I move to insert ‘one year’ for the required term of previous inhabitancy.”

Hugh Williamson (North Carolina): “I like the Report the way it stands. ‘Resident’ is a good enough term, and I am against requiring any period of previous residence. New residents if elected will be most zealous to conform to the will of their constituents, as their conduct will be watched with a more jealous eye.”

Pierce Butler (South Carolina): “I move three years instead of one year for the previous inhabitancy.”

Narrator Two: “Two States vote in favor of a three year residency requirement, and then three States vote in favor of a one year requirement. Discussion moves on to how representatives to the House will be allotted.”

James Madison (Virginia): “I object to one representative for every 40,000 inhabitants as a perpetual rule. The future increase of population if the Union should be permanent will render the number of Representatives excessive.”

Nathaniel Gorham (Massachusetts): “It is not to be supposed that the Government will last so long as to produce this effect. Can it be supposed that this vast Country including the Western territory will 150 years hence remain one nation?”

Oliver Ellsworth (Connecticut): “If the Government should continue so long, alternations may be made in the Constitution in the manner purposed in a subsequent article.”

Roger Sherman (Connecticut): “I move to insert the words ‘not exceeding’ before the words ‘One for every 40,000’

Narrator Three: “Sherman’s motion is agreed to without debate.”

Gouverneur Morris (Pennsylvania): “I move to insert ‘free’ before the word inhabitants. Much would depend on this point. I never can concur in upholding domestic slavery. It is a nefarious institution. It is the curse of heaven on the States where it prevails. Upon what principle is it that the slaves shall be computed in the representation? Are they men? Then make them Citizens and let them vote. Are they property? Why then is no other property included? The admission of slaves into the Representation when fairly explained comes to this: that the inhabitants of Georgia and South Carolina who go to the Coast of Africa, and in defiance of the most sacred laws of humanity, tear away their fellow creatures from their dearest connections and condemn them to the most cruel bondages, shall have more votes in a Government instituted for protection of the rights of mankind, than the Citizen of Pennsylvania or New Jersey who views with a laudable horror, so nefarious a practice.”
Charles Pinckney (South Carolina): “I consider the fisheries and the Western frontier as more burdensome to the United States than the slaves. I think this could be demonstrated if the occasion is a proper one.”

Narrator Four: “Only one state votes to insert ‘free’ in front of inhabitants.”

John Dickinson (Delaware): “I suggest the words ‘provided that each State shall have at least one representative’ be added to the clause about representation.”

Narrator Five: “Dickenson’s suggestion is agreed to without debate.”

Charles Pinckney (South Carolina): “If the Senate can be trusted with the many great powers proposed, it surely may be trusted with that of originating money bills. I do not like giving that power to the House of Representatives alone.”

Nathaniel Gorham (Massachusetts): “I am against allowing the Senate to originate, they should only amend.”

Gouverneur Morris (Pennsylvania): “It is particularly proper that the Senate should have the right of originating money bills. They will sit constantly, will consist of a smaller number, and will be able to prepare such bills with due correctness.”

George Mason (Virginia): “I am unwilling to travel over this ground again. To strike out this section is to unhinge the compromise of which it made a part. The duration of the Senate makes it improper. I do not object to that duration. On the Contrary I approve it. But joined with the smallness of the number, it is an argument against adding this to the other great powers vested in that body. Aristocracy is the government of the few over the many. An aristocratic body, like the screw in mechanics, working its way by slow degrees, and holding fast whatever it gains, should ever be suspected on an encroaching tendency. The purse strings should never be put into its hands.”

Oliver Ellsworth (Connecticut): “I do not think the clause of any consequence, but as it is thought of consequence by some members from the larger States, I am willing it should stand.”

Narrator One: “Seven states vote to strike out the clause limiting money bills to starting in the House of Representatives.”

Thursday, August 9

Edmund Randolph (Virginia): “I am dissatisfied with yesterday’s disagreement concerning money bills. It endangers the success of the plan, and is extremely objectionable in itself. I shall move for a reconsideration of yesterday’s vote striking out the section.”

Hugh Williamson (North Carolina): “I have formed a like intention.”

James Wilson (Pennsylvania): “I am giving notice that I would also move to reconsider the vote to require seven instead of three years of Citizenship as a qualification of candidates for the House of Representatives.”
Dr. Benjamin Franklin (Pennsylvania): “I consider the two clauses concerning the originating of money bills and the equality of votes in the Senate as essentially connected by the compromise which has been agreed to.”

Hugh Williamson (North Carolina): “The State of North Carolina has agreed to an equality in the Senate merely in consideration that money bills should be confined to the other House: and I am surprised to see the Smaller States forsaking the condition on which they have received their equality.”

Gouverneur Morris (Pennsylvania): “I move to insert 14 instead of 4 years citizenship as a qualification for Senators: urging the danger of admitting strangers into our public Councils.”

Oliver Ellsworth (Connecticut): “I am opposed to the motion as discouraging meritorious aliens from immigrating to this Country.”

Charles Pinckney (South Carolina): “As the Senate is to have the power of making treaties and managing our foreign affairs, there is peculiar danger and impropriety in opening its door to those who have foreign attachments. Look at the jealousy of the Athenians on this subject who made it death for any stranger to intrude his voice into their Legislative proceedings.”

George Mason (Virginia): “I highly approve of the policy of the motion. Were it not that many non-natives of this Country have acquired great merit during the revolution, I should be for restraining the eligibility into the Senate to natives alone.”

James Madison (Virginia): “This restriction is improper because it will discourage the most desirable class of people from immigrating to the United States. Should the proposed Constitution have the intended effect of giving stability and reputation to our Government, great numbers of respectable Europeans, men who love liberty and wish to partake its blessings, will be ready to transfer their fortunes hither.”

Pierce Butler (South Carolina): “I am decidedly opposed to the admission of foreigners without a long residence in the Country. They bring with them not only attachments to other Countries, but ideas of Government so distinct from ours that in every point of view they are dangerous. If I myself had been called into public life within a short time after coming to America, my foreign habits, opinions, and attachments would have rendered me an improper agent in public affairs.”

Dr. Benjamin Franklin (Pennsylvania): “I am not against a reasonable time, but should be very sorry to see anything like narrow-mindedness inserted into the Constitution. The people in Europe are friendly to this Country. Even in the Country with which we have been lately at war, we have now, and had during the war, a great many friends not only among the people at large but in both houses of Parliament. In every other Country in Europe all the people are our friends. We found in the course of the Revolution that many strangers served us faithfully – and that many natives took part against their Country. When foreigners after looking about for some other country in which they can obtain more happiness, give a preference to ours, it is a proof of attachment which ought to excite our confidence and affection.”

Edmund Randolph (Virginia): “It might be problematical whether emigrations to this Country are on the whole useful or not; but I can never agree to the motion for disabling them for fourteen years from participation in the public honors. I remind the Convention of the language held by our patriots during the Revolution, and the principles laid down in all our American Constitutions. Many foreigners have fixed their fortunes among us under the faith of these invitations. All persons under this description, with all others
who would be affected by such a regulation, would enlist themselves under the banners of hostility to the proposed System. I can go as far as seven years, but no farther.”

**Gouverneur Morris (Pennsylvania):** “The lesson we are taught is that we should be governed as much by our reason, and as little by our feelings as possible. What is the language of reason on this subject? We should not be polite at the expense of prudence. There is a moderation necessary in all things. Emigrants would enjoy many privileges among us, though they be deprived of being eligible to the great offices of Government. They would exceed the privileges allowed to foreigners in any part of the world. As every Society from a great nation down to a club has the right of declaring the conditions on which new members should be admitted, there can be no room for complaint. As to those philosophical gentlemen, those Citizens of the World as they call themselves, I do not wish to see any of them in our public Councils. I would not trust them. The men who can shake off their attachments to their own Country can never love any other.”

**Narrator Two:** “Only four States vote in favor of making the time period 14 years, 13 years, or 10 years.”

**John Rutledge (South Carolina):** “Seven years of Citizenship have been required for the House of Representatives. Surely a longer term is requisite for the Senate, which will have more power.”

**Edmund Randolph (Virginia):** “I will agree to nine years with the exception that it be reduced to seven if Mr. Wilson’s motion to reconsider the vote fixing seven years for the House of Representatives should produce a reduction of that period.”

**Narrator Three:** “Six States vote in favor of a nine year period, and then the term of ‘resident’ is replaced with ‘inhabitant’ with no further discussion.”

**Friday, August 10**

**Charles Pinckney (South Carolina):** “The Committee was instructed to report the proper qualifications of property for the members of the National Legislature; instead of which they have referred the task to the National Legislature itself. Should it be left on this footing, the first Legislature will meet without any particular qualifications of property; and if should happen to consist of rich men they might fix such qualifications as may be too favorable to the rich; if of poor men, an opposite extreme might be run into. I am opposed to the establishment of an undue aristocratic influence in the Constitution, but I think it essential that the members of the Legislature, the Executive, and the Judges, should be possessed of competent property to make them independent and respectable.”

**Oliver Ellsworth (Connecticut):** “The different circumstances of different parts of the United States and the probable difference between the present and future circumstances of the whole, render it improper to have either uniform or fixed qualifications. Make them so high as to be useful in the Southern States, and they will be inapplicable to the Eastern States. Suit them to the latter, and they will serve no purpose in the former. In like manner what may be accommodated to the existing state of things among us may be very inconvenient in some future state of them. For these reasons it is better to leave this matter to the Legislative discretion than to attempt a provision for it in the Constitution.”

**Dr. Benjamin Franklin (Pennsylvania):** “I dislike everything that tends to debase the spirit of the common people. If honesty is often the companion of wealth and if poverty is exposed to peculiar temptation, it is no less true that the possession of property increases the desire of more property. Some of
the greatest rogues I am acquainted with are the richest rogues. We should remember the character which the Scripture requires in Rulers, that they should be men hating covetousness. This Constitution will be much read and attended to in Europe, and if it should betray a great partiality to the rich, will not hurt us in the esteem of the most liberal and enlightened men there, but discourage the common people from removing into this Country.”

James Madison (Virginia): “The British Parliament possess the power of regulating the qualifications both of the electors, and the elected, and the abuse they have made of it is a lesson worthy of our attention.”

Narrator Four: “Mr. Wilson moves to replace the requirement of seven years of citizenship with three. The motion passes, with six States voting in favor of it, and five voting against.”

John Mercer (Maryland): “In respect of Quorum, I am for leaving the Legislature to fix the Quorum, as in Great Britain, where the requisite number is small and no inconveniency has been experienced.”

George Mason (Virginia): “This is a valuable and necessary part of the plan. In this extended Country, embracing so great a diversity of interests, it would be dangerous to the distant parts to allow a small number of members of the two Houses to make laws. The Central States could always take care to be on the Spot and by meeting earlier than the distant ones, or wearing their patience, and outstaying them, could carry such measures as they pleased. I think the Constitution is now founded on sound principles, and I am disposed to put into it extensive powers. At the same time I wish to guard against abuses as much as possible.”

Rufus King (Massachusetts): “I have prepared a motion which instead of fixing the numbers proposed by Mr. Morris as quorums, make those the lowest numbers, leaving the Legislature at liberty to increase them or not. I think the future increase of members render a majority of the whole extremely cumbersome.”

Oliver Ellsworth (Connecticut): “I am opposed to it. It would be a pleasing ground of confidence to the people that no law or burden can be imposed on them by a few men.”

Saturday, August 11

John Rutledge (South Carolina): “I move with Mr. Madison ‘that each House shall keep a journal of its proceedings, and shall publish the same from time to time, except such part of the proceedings of the Senate as may be judged to require secrecy.’”

Narrator Five: “All the states except Virginia vote against Madison and Rutledge’s motion.”

James Wilson (Pennsylvania): “The people have a right to know what their Agents are doing or have done, and it should not be in the option of the Legislature to conceal their proceedings. Besides as this is a clause in the existing confederation, not retaining it would furnish the adversaries of the reform with a pretext by which weak and suspicious minds may be easily misled.”

Monday, August 13

James Wilson (Pennsylvania): “I move with Mr. Randolph to strike out ‘seven years’ and insert ‘four years’ as the requisite term of Citizenship to qualify for the House of Representatives.”
Elbridge Gerry (Massachusetts): “I wish that in the future the eligibility might be confined to natives. Foreign powers will intermeddle in our affairs and spare no expense to influence them. Persons having foreign attachments will be sent among us and into our councils in order to make them instruments for their purposes. Everyone knows the vast sums laid out in Europe for secret services. I am not singular in these ideas; a great many of the most influential men in Massachusetts reason in the same manner.”

Hugh Williamson (North Carolina): “I move to insert nine years instead of seven. I wish this Country to acquire as fast as possible national habits. Wealthy emigrants do more harm by their luxurious examples, than good by the money they bring with them.”

Alexander Hamilton (New York): “I am against embarrassing the Government with minute restrictions. There is on the one side the possible danger that has been suggested. On the other side the advantage of encouraging foreigners is obvious and admitted. Persons in Europe of moderate fortunes will be fond of coming here where they will be on a level with the first Citizens. I move that the section be so altered as to require merely citizenship and inhabitancy. The right of determining the rule of naturalization will then leave a discretion to the Legislature on this subject which will answer every purpose.”

James Madison (Virginia): “I second the motion. I wish to maintain the character of liberality which has been professed in all the Constitutions and publications of America. I wish to invite foreigners of merit and republication principles among us. America is indebted to emigrations for her settlement and prosperity. That part of America that has encouraged them most has advanced most rapidly in population, agriculture and the arts. I admit there is a possible danger that men with foreign predispositions might obtain appointments but it is by no means probable that it would happen in any dangerous degree. For the same reason that they would be attached to their native Country, our own people would prefer natives of this Country to them. Experience proves this to be the case. Instances are rare of a foreigner being elected by the people within any short space after his coming among us. If bribery is to be practiced by foreign powers, it will not be attempted among the electors, but among the elected; and among natives having full Confidence of the people, not among strangers who would be regarded with a jealous eye.”

James Wilson (Pennsylvania): “Pennsylvania is a proof of the advantage of encouraging emigrations. It is perhaps the youngest (except Georgia) settlement on the Atlantic; yet it is at least among the foremost in population and prosperity. Almost all the General officers of the Pennsylvania line of the late army were foreigners. And no complaint has ever been made against their fidelity or merit. Three of her deputies to the Convention are not natives. I have no objection to Colonel Hamilton’s motion and will withdraw the one I made.”

Pierce Butler (South Carolina): “I am strenuous against admitting foreigners into our public Councils.”

Narrator One: “Only four States vote in favor of Hamilton’s motion.”

John Mercer (Maryland): “It is necessary to prevent a disfranchisement of persons who have become Citizens under and according to the laws and Constitution from being on level in all respects with natives.”

Nathaniel Gorham (Massachusetts): “When foreigners are naturalized it would seem as if they stand on an equal footing with natives. I doubt the propriety of giving a retrospective force to the restriction.”

Gouverneur Morris (Pennsylvania): “I consider the case of persons under 25 years as very different from that of foreigners. No faith can be pleaded by the former in bar of the regulation. No assurance has ever been given that persons under that age should be in all cases on a level with those above it. But with regard
to foreigners among us, the faith has been pledged that they should enjoy the privileges of Citizens. If the restriction as to age has been confined to natives, and has left foreigners under 25 years eligible in this case, the discrimination would be equal injustice on the other side.”

George Mason (Virginia): “I am struck not with the peculiarity, but the propriety of the doctrine of Mr. Sherman. The States have formed different qualifications themselves, for enjoying different rights of citizenship. Greater caution will be necessary in the outset of the Government than afterwards. All the great objects would then be provided for. Everything would be then set in motion. If persons among us attached to Great Britain should work themselves into our Councils, a turn might be given to our affairs and particularly to our Commercial regulations which might have deadly consequences. The great Houses of British Merchants will spare no pains to introduce the instruments of their views into the Government.”

Edmund Randolph (Virginia): “Going back to the clause on money bills, I move that it be altered so as to read, ‘Bills for raising money for the purpose of revenue or for appropriating the same shall originate in the House of Representatives and shall not be amended or altered by the Senate.’ I will not repeat my reasons, but remind the members from the smaller States of the compromise by which the larger States are entitled to this privilege.”

George Mason (Virginia): “The Senate does not represent the people, but the States, in their political character. It is improper therefore that it should tax the people. Notwithstanding the superiority of the Republican form over every other, it has its evils. The chief ones are the danger of the majority oppressing the minority, and the mischievous influence of radicals. The House of Representatives will insert other things in money bills, and by making them conditions of each other, destroy the deliberative liberty of the Senate. I should be equally opposed if the right was to be exclusively vested in the Senate. With regard to the purse strings, it is to be observed that the purse is to have two strings, one of which is in the hands of the House of Representatives, the other in those of the Senate. War, Commerce, and Revenue are the great objects of the General Government. All of them are connected with money. The restriction in favor of the House of Representatives would exclude the Senate from originating many other bills.”

James Madison (Virginia): “It would be proper to allow the Senate to at least amend so as to diminish the sum to be raised. Why should they be restrained from checking the extravagance of the other House? One of the greatest evils incident to Republican Government is the spirit of contention and faction.”

John Dickinson (Delaware): “Experience must be our only guide. Reason may mislead us. And has not experience verified the utility of restraining money bills to the immediate representatives of the people.”

Edmund Randolph (Virginia): “We have numerous and monstrous difficulties to combat. Surely we ought not to increase them. When the people behold in the Senate the countenance of an aristocracy, and in the president, the form of a little monarch, will not their alarm be sufficiently raised without taking from their immediate representatives a right which has been so long appropriated to them? The Executive will have more influence over the Senate than over the House of Representatives. Allow the Senate to originate in this case and that influence will be sure to mix itself in their deliberations and plans. The Declaration of War ought not to be in the Senate composed of 26 men only, but rather in the other House. As to Commercial regulations which may involve revenue, the difficulty may be avoided by restraining the definition to bills, for the mere or sole purpose of raising revenue. The Senate will be more likely to be corrupt than the House of Representatives and should therefore have less to do with money matters. My principle objective however is to prevent popular objections against the plan and to secure its adoption.”
Narrator Two: “On the question of originating money bills exclusively in the House of Representatives, only four States vote aye. The same four States vote in favor of originating by the House of Representatives and allowing the Senate to amend.”

Tuesday, August 14

Charles Pinckney (South Carolina): “Making the members ineligible to offices is degrading to them. Additionally, it is inconvenient, because the Senate might be supposed to contain the fittest men.”

George Mason (Virginia): “In the present state of American morals and manners, few friends will be lost to the plan by the opportunity of giving premiums to a mercenary and depraved ambition.”

John Mercer (Maryland): “Elective Government necessarily becomes aristocratic because the rulers being few can and will draw gain for themselves from the many. The Government of America will become aristocracies. They are so already. The public measures are calculated for the benefit of the Governors, not of the people. Government can only be maintained by force or influence. The Executive has not force, deprive him of influence by rendering the members of the Legislature ineligible to Executive offices, and he becomes a mere phantom of authority. The aristocratic part will not even let him in for a share of the plunder.”

Elbridge Gerry (Massachusetts): “I would like to read a resolution of the Massachusetts’ Legislature in which her deputies are instructed not to depart from the rotation established in the fifth article of Confederation, nor to agree in any case to give to the members of Congress a capacity to hold offices under the Government. If men will not serve in the Legislature without a prospect of such offices, our situation is deplorable indeed. If our best Citizens are actuated by such mercenary views, we had better choose a single despot at once. According to the idea of Mr. Mercer, our Government seems to be a Government of plunder. We cannot be too circumspect in the formation of this System. It will be examined on all sides and with a very suspicious eye. The People who have been so lately in arms against Great Britain for their liberties will not easily give them up. Is it to be presumed that the people will ever agree to such a system? I move to render the members of the House of Representatives as well as of the Senate ineligible not only during, but for one year after, the expiration of their terms.”

Gouverneur Morris (Pennsylvania): “I am against rendering the members of the Legislature ineligible to offices.”

Hugh Williamson (North Carolina): “I have scarcely seen a single corrupt measure in the Legislature of North Carolina which cannot be traced up to office hunting.”

Roger Sherman (Connecticut): “The Constitution should lay as few temptations as possible in the way of those in power. Men of abilities will increase as the Country grows more populous and the means of education are more diffused.”

Charles Pinckney (South Carolina): “No State has rendered the members of the Legislature ineligible to offices. In South Carolina the Judges are eligible into the Legislature. It can be supposed then that the motion will be offensive to the people.”
James Wilson (Pennsylvania): “I cannot approve of the Section as it stands. The State of Pennsylvania, which has gone as far as any State into the policy of fettering power, has not rendered the members of the Legislature ineligible to offices of Government.”

Oliver Ellsworth (Connecticut): “I do not think the mere postponement of the reward would be any material discouragement of merit. Ambitious minds will serve two years or seven years in the Legislature for the sake of qualifying themselves for other offices.”

John Mercer (Maryland): “I am extremely anxious on this point. What led to the appointment of this Convention? The corruption and mutability of the Legislative Councils of the States. If the plan does not remedy these, it will not recommend itself; and we shall not be able in our private capacities to support and enforce it; nor will the best part of our Citizens exert themselves for the purpose. It is a great mistake to suppose that the paper we are to propose will govern the United States. It is the men whom it will bring into the Government and interest in maintaining it that is to govern them. The paper will only mark out the mode and the form. Men are the substance and must do the business. All Government must be by force or influence. If the members of the Legislature should be ineligible to offices of State, such a disqualification would determine all the most influential men to stay at home, and prefer appointments within their respective States.”

James Wilson (Pennsylvania): “I am by no means satisfied with the answer given by Mr. Ellsworth. The members must either go a second time into the Legislature and disqualify themselves, or say to their Constituents, we served you before only from the mercenary view of qualifying ourselves for offices, and having answered this purpose we do not choose to be again elected.”

Edmund Randolph (Virginia): “I have been and should continue uniformly opposed to the striking out of the clause; as opening a door for influence and corruption.”

Pierce Butler (South Carolina): “I urge a general postponement of this section till it should be seen what powers will be vested in the Senate, when it would be easier to judge of the expediency of allowing the officers of State to be chosen out of that body.”

Narrator Three: “The postponement is agreed to with no debate, and attention is turned to whether members of Congress should be paid by their respective States.”

Oliver Ellsworth (Connecticut): “On reflecting on this subject I have been satisfied that too much dependence on the States would be produced by this mode of payment. I move to strike out ‘their respective States’ and replace with ‘paid out of the Treasury of the United States.’”

Gouverneur Morris (Pennsylvania): “If the members are to be paid by the States it will throw an unequal burden on the distant States, which would be unjust as the Legislature is to be a national Assembly. I move that the payment be out of the National Treasury; leaving the amount to the discretion of the National Legislature. There can be no reason to fear that they would overpay themselves.”

Pierce Butler (South Carolina): “I contend for payment by the States; particularly in the case of the Senate, who will be so long out of their respective States, that they will lose sight of their Constituents unless dependent on them for their support.”
**John Langdon (New Hampshire):** “I am against payment by the States. There will be some difficulty in fixing the sum; but it would be unjust to oblige the distant States to bear the expense of their members in travelling to and from the Seat of Government.”

**Elbridge Gerry (Massachusetts):** “There are difficulties on both sides. The observation of Mr. Butler has weight in it. On the other side, the State Legislatures may turn out the Senators by reducing their salaries. Such things have been practiced.”

**Jacob Broom (Delaware):** “I can see no danger in trusting the General Legislature with the payment of themselves. The State Legislatures have this power, and no complaint has been made of it.”

**Roger Sherman (Connecticut):** “I am not afraid that the Legislature would make their own wages too high, but too low, so that men ever so fit could not serve unless they are at the same time rich. I think the best plan would be to fix a moderate allowance to be paid out of the National Treasury and let the States make such additions as they judge fit.”

**Daniel Carroll (Maryland):** “I am much surprised at seeing this clause in the Report. The dependence of both Houses on the State Legislatures is complete; especially as the members of the former are eligible to State offices. The States can now say, if you do not comply with our wishes, we will starve you: if you do, we will reward you. The new Government in this form is nothing more than a second edition of Congress in two volumes, instead of one, and perhaps with very few amendments.”

**John Dickinson (Delaware):** “I take it for granted that all are convinced of the necessity of making the General Government independent of the prejudices, passions, and improper views of the State Legislatures. I propose that an Act should be passed every 12 years by the National Legislature settling the quantum of their wages. If the General Government should be left dependent on the State Legislatures, it would be happy for us if we had never met in this Room.”

**Luther Martin (Maryland):** “As the Senate is to represent the States, the members of it ought to be paid by the States.”

**Daniel Carroll (Maryland):** “The Senate is to represent and manage the affairs of the whole and not to be the advocates of State interests. They ought then not to be dependent on nor paid by the States.”

**Narrator Four:** “A vote is taken on whether to pay the members of the Legislature out of the National Treasury. Nine of eleven States vote Aye.”

**John Dickinson (Delaware):** “I propose that the wages of the members of both houses should be required to be the same.”

**Nathaniel Gorham (Massachusetts):** “This would be unreasonable. The Senate will be detained longer from home and will be obliged to remove their families, and in time of war perhaps to sit constantly. Their allowance should certainly be higher. The members of the Senates in the States are allowed more than those of the other house.”

**John Dickinson (Delaware):** “I withdraw my motion.”
Wednesday, August 15

Caleb Strong (Massachusetts): “I move to amend the article so as to read, ‘Each House shall possess the right of originating all bills, except bills for raising money for the purposes of revenue, or for appropriating the same and for fixing the salaries of the officers of the Government which shall originate in the House of Representatives; but the Senate may propose or concur with amendments as in other cases.”

Hugh Williamson (North Carolina): “I think this restriction on the Senate essential to liberty, but others think of it of no importance. Why should not the former be indulged? The friends of the Senate would therefore lose more than they would gain by refusing to gratify the other side. I move to postpone the subject till the powers of the Senate are gone over.”

John Mercer (Maryland): “The Senate ought not to have the power of treaties. This power belongs to the Executive department. Treaties will not be final so as to alter the laws of the land till ratified by legislative authority.”

James Madison (Virginia): “I move that all acts should be submitted to both the Executive and Supreme Judiciary Departments before they become laws. If either of these should object, two thirds of each House should be necessary to overrule the objections, and if both (Executive and Judiciary) should object, three fourths of each House will be necessary.”

Charles Pinckney (South Carolina): “I oppose the interference of the Judges in the Legislative business.”

John Mercer (Maryland): “I heartily approve the motion. It is an axiom that the Judiciary ought to be separate from the Legislative; but equally so that it ought to be independent of that department.”

Narrator Five: “Only three States vote in favor of Mr. Madison’s motion.”

Gouverneur Morris (Pennsylvania): “I regret that something like the proposed check could not be agreed to. Public credit is important and it will be difficult to support it without some strong barrier against the instability of legislative assemblies. I suggest requiring three fourths of each house to repeal laws where the President should not concur. Though not a complete remedy, this would prevent the hasty passage of laws, and the frequency of those repeals, which destroy faith in the public, and which are among our greatest calamities.”

John Dickinson (Delaware): “I do not believe Judges should have the power to set aside the law.”

Gouverneur Morris (Pennsylvania): “I suggest the expedient of an absolute negative in the Executive.”

Roger Sherman (Connecticut): “Can one man be trusted better than all the others if they all agree? This is neither wise nor safe. I disapprove of Judges meddling in politics and parties.”

Daniel Carroll (Maryland): “I wish the consideration of the matter be postponed.”

Nathaniel Gorham (Massachusetts): “I see no end to these difficulties and postponements. Some cannot agree to the form of Government before the powers are defined. Others cannot agree to the powers till it is seen how the Government is to be formed.”
James Wilson (Pennsylvania): “Where the Executive is really formidable, King and Tyrant, are naturally associated in the minds of people; not legislature and tyranny. But where the Executive is not formidable, the two last are most properly associated.”

John Rutledge (South Carolina): “These proceedings are becoming long and tedious; I am strenuously against postponing.”

Oliver Ellsworth (Connecticut): “I concur with Mr. Rutledge. We grow more and more skeptical as we proceed. If we do not decide soon, we shall be unable to come to any decision.”

Narrator One: “Only Delaware and Maryland vote in favor of a postponement.”

Hugh Williamson (North Carolina): “I move to change ‘two-thirds of each House’ to ‘three-fourths’ as requisite to overrule the dissent of the President. I see no danger in this.”

Narrator Two: “Six States vote in favor of Mr. Williamson’s motion.”

Thursday, August 16

Daniel Carroll (Maryland): “I remind the Convention of the great difference of interests among the States, and doubt the propriety in that point of view of letting a quorum be simply a majority.”

George Mason (Virginia): “I urge the necessity of connecting with the power of levying taxes, duties, etc., the prohibition that no tax shall be laid on exports. I am unwilling to trust to its being done in a future article. I hope the Northern States do not mean to deny the Southern this security.”

Gouverneur Morris (Pennsylvania): “Such a proviso is inadmissible anywhere. It is so radically objectionable that it might cost the whole system the support of some members. I contend that it would not in some cases be equitable to tax imports without taxing exports, and that taxes on exports would often be the most easy and proper of the two.”

James Madison (Virginia): “The power of taxing exports is proper in itself and as the States cannot with propriety exercise it separately, it ought to be vested in them collectively. We are not providing for the present moment only, and time will equalize the situation of the States in this matter. For these reasons, I am against the motion.”

Hugh Williamson (North Carolina): “I consider the clause proposed against taxes on exports as reasonable and necessary.”

Oliver Ellsworth (Connecticut): “I am against taxing exports.”

James Wilson (Pennsylvania): “I am decidedly against prohibiting general taxes on exports.”

Gouverneur Morris (Pennsylvania): “ Taxes on exports are a necessary source of revenue. For a long time the people of America will not have money to pay direct taxes. Seize and sell their effects and you push them into Revolts.”
John Mercer (Maryland): “I am strenuously opposed to giving Congress power to tax exports. It has been said that the Southern States have most need of naval protection. The reverse is the case. Were it not for promoting the carrying trade of the Northern States, the Southern States could let their trade go into foreign bottoms, where it would not need our protection.”

Roger Sherman (Connecticut): “To examine and compare the States in relation to imports and exports will be opening a boundless field. The complexity of the business in America would render an equal tax on exports impracticable.”

Daniel Carroll (Maryland): “I am surprised that any objection should be made to an exception of exports from the power of taxation.”

Narrator Three: “The decision is made to leave the topic of exports and move on to regulating commerce with foreign nations, coining money, and fixing the standard of weights and measures, all of which are agreed to without debate.”

Elbridge Gerry (Massachusetts): “I move to add post-roads to the section on ‘establishing post offices.’”

Narrator Four: “Six States vote in favor of Mr. Gerry’s motion.”

Gouverneur Morris (Pennsylvania): “I move to strike out ‘and emit bills on the credit of the United States.’ If the United States has credit, such bills will be unnecessary; if they have none, it is unjust and useless.”

George Mason (Virginia): “Congress will not have the power unless it is expressed. Though I have a mortal hatred to paper money, I cannot foresee all emergencies, and am unwilling to tie the hands of the Legislature. The late war could not have been carried on had such a prohibition existed.”

John Mercer (Maryland): “I am a friend to paper money, though in the present style and temper of America, I should neither propose nor approve of such a measure. I am consequently opposed to a prohibition of it altogether.”

Oliver Ellsworth (Connecticut): “This is a favorable moment to shut and bar the door against paper money. Paper money can in no case be necessary. The power may do harm, never good.”

James Wilson (Pennsylvania): “It will have a most salutary influence on the credit of the United States to remove the possibility of paper money.”

Pierce Butler (South Carolina): “Paper is a legal tender in no country in Europe. I am urgent for disarming the Government of such a power.”

George Mason (Virginia): “I am still averse to tying the hands of the Legislature altogether.”

George Read (Delaware): “The words, if not struck out, would be as alarming as the mark of the Beast in Revelations.”

John Langdon (New Hampshire): “I had rather reject the whole plan than retain the three words, ‘and emit bills.’”
Narrator Five: “Nine states vote in favor of striking out the clause on emitting bills.”

Friday, August 17

Narrator One: “Attention turns to who will appoint the Treasurer, who will punish piracies and felonies, and who will have the authority to make war.”

George Mason (Virginia): “I am opposed to Mr. Read’s motion to leave the appointment of the Treasurer to the Executive. I desire it might be considered to whom the money would belong; if to the people, the legislature representing the people ought to appoint the keepers of it.”

Gouverneur Morris (Pennsylvania): “I think it would be necessary to extend the authority farther, so as to provide for the punishment of counterfeiting in general.”

Charles Pinckney (South Carolina): “I am opposed to vesting this power in the Legislature. Its proceedings are too slow. It would meet but once a year. The House of Representatives would be too numerous for such deliberations. The Senate would be the best depository, being more acquainted with foreign affairs, and most capable of proper resolutions.”

Pierce Butler (South Carolina): “The objections against the Legislature lie in great degree against the Senate. I am for vesting the power to make war in the President, who will have all the requisite qualities, and will not make war but when the Nation will support it.”

Elbridge Gerry (Massachusetts): “I move with Mr. Madison to make it ‘declare war’ rather than ‘make war,’ leaving to the Executive the power to repeal sudden attacks.”

Oliver Ellsworth (Connecticut): “There is a material difference between the cases of making war and making peace. It should be easier to get out of war, than into it. War is also a simple and overt declaration. Peace is attended with intricate and secret negotiations.”

George Mason (Virginia): “I am against giving the power of war to the Executive who is not safely to be trusted with it, or to the Senate, because not so constructed as to be entitled to it. I am for clogging, rather than facilitating, war; but for facilitating peace. I prefer ‘declare’ to ‘make.’”

Narrator Two: “Seven states vote in favor of inserting ‘declare’ in place of ‘make’ war.”

Saturday, August 18

George Mason (Virginia): “I would like to introduce the subject of regulating the militia. I think such a power is necessary to be given to the General Government. I hope there will be no standing army in time of peace, unless it might be for a few garrisons. The Militia ought therefore to be the more effectually prepared for the public defense. Thirteen States will never concur in any one system, if the disciplining of the Militia be left in their hands. If they will not give up the power over the whole, they may over a part such as a select Militia. I move as an addition to the propositions just referred to the Committee of detail, and to be referred in like manner, ‘a power to regulate the Militia.’”

Elbridge Gerry (Massachusetts): “Some provision ought to be made in favor of public securities.”
George Mason (Virginia): “I am much attached in the principle, but am afraid such a fetter might be dangerous in time of war. I suggest the necessity of preventing the danger of perpetual revenue which must of necessity subvert the liberty of any Country.”

Oliver Ellsworth (Connecticut): “I observe that a Council has not yet been provided for the President. I conceive there ought to be one. My proposition is that it should be composed of the President of the Senate, the Chief Justice, and the ministers as they might be established for the departments of foreign and domestic affairs, war, finance, and marine, who should advise, but not conclude the President.”

Elbridge Gerry (Massachusetts): “I am against letting the heads of the departments, particularly of finance, have anything to do in business connected with legislation. I mention the Chief Justice also as particularly exceptionable. These men will also be so taken up with other matters as to neglect their own proper duties.”

John Dickinson (Delaware): “I urge that the great appointments should be made by the Legislature, in which case they might properly be consulted by the Executive, but not made by the Executive himself.”

Elbridge Gerry (Massachusetts): “I take notice that there is no check here against standing armies in time of peace. I think an army dangerous in time of peace and can never consent to a power to keep up an indefinite number. I move, with Mr. Martin, that there shall not be kept up in time of peace more than two or three thousand troops.”

General Charles C. Pinckney (South Carolina): “So no troops are ever to be raised until an attack is made on us?”

Jonathan Dayton (New Jersey): “Preparations for war are generally made in peace, and a standing force of some sort may, for ought we know, become unavoidable. I should object to no restrictions consistent with these ideas.”

Narrator Three: “Mr. Gerry and Mr. Martin’s motion fails with no further debate.”

George Mason (Virginia): “I move an additional power ‘to make laws for the regulation and discipline of the militia of the several States reserving to the States the appointment of the officers.’ I consider uniformity as necessary in the regulation of the Militia throughout the Union.”

General Charles C. Pinckney (South Carolina): “During the war a dissimilarity in the militia of different States has produced the most serious mischiefs. Uniformity is essential. The States would never keep up a proper discipline of their militia.”

Oliver Ellsworth (Connecticut): “I am for going as far in submitting the militia to the General Government as might be necessary, but think the motion of Mr. Mason goes too far.”

John Dickinson (Delaware): “I am come now to a most important matter, that of the sword. My opinion is that the States never would nor ought to give up all authority over the Militia. I propose to restrain the general power to one fourth part at a time, which by rotation would discipline the whole Militia.”

Pierce Butler (South Carolina): “I urge the necessity of submitting the whole Militia to the general Authority, which has the care of the general defense.”
George Mason (Virginia): “I withdraw my original motion, and move a power ‘to make laws for regulating and disciplining the militia, not exceeding one tenth part in any one year, and reserving the appointment of officers to the States.’”

James Madison (Virginia): “I think the regulation of the Militia naturally appertains to the authority charged with the public defense. It does not seem in its nature to be divisible between two distinct authorities. If the States would trust the General Government with a power over the public treasure, they would from the same consideration of necessity grant it the direction of the public force.”

General Charles C. Pinckney (South Carolina): “The power is such a one as cannot be abused, and that the States would see the necessity of surrendering it. I have however but a scanty faith in Militia. There must also be a real military force. This alone can effectually answer the purpose.”

Roger Sherman (Connecticut): “The States might want their Militia for defense against invasions and insurrections, and for enforcing obedience to their laws. They will not give up this point. In giving up that of taxation, they retain a concurrent power of raising money for their own use.”

Monday, August 20

Narrator Four: “The new week begins with discussions on a variety of topics.”

Elbridge Gerry (Massachusetts): “I move ‘that the Committee be instructed to report proper qualifications for the President, and mode of trying the Supreme Judges in cases of impeachment.’”

Oliver Ellsworth (Connecticut): “The best remedy is to enforce taxes and debts. As far as the regulation of eating and drinking can be reasonable, it is provided for in the power of taxation.”

Gouverneur Morris (Pennsylvania): “I am for giving the Union an exclusive right to declare what should be treason. In case of a contest between the United States and a particular State, the people of the latter must, under the disjunctive terms of the clause, be traitors to one or other authority.”

Edmund Randolph (Virginia): “The clause is defective in adopting the words ‘in adhering’ only. The British State adds ‘giving them aid and comfort’ which has a more extensive meaning.”

John Dickinson (Delaware): “The addition of ‘giving aid and comfort’ is unnecessary and improper, being too vague and extending too far.”

William Samuel Johnson (Connecticut): “I consider ‘giving aid and comfort’ as explanatory of ‘adhering’ and that something should be inserted in the definition concerning overt acts. I contend that Treason cannot be both against the United States and individual States, being an offense against the Sovereignty which can be but one in the same community.”

James Madison (Virginia): “As the definition here is of treason against the United States, it would seem that the individual States would be left in possession of a concurrent power to define and punish treason particularly against themselves, which might involve double punishment.”
George Mason (Virginia): “The United States will have a qualified sovereignty only. The individual States will retain a part of the Sovereignty. An Act may be treason against a particular State which is not so against the United States. The Rebellion of Bacon in Virginia is an illustration of the doctrine.”

William Samuel Johnson (Connecticut): “That case would amount to Treason against the Supreme Sovereign, the United States.”

Narrator Five: “When it is moved to strike out ‘against United States’ after ‘treason’ so as to define treason generally, only Virginia and North Carolina vote against it.”

Rufus King (Massachusetts): “I move to insert before the word ‘power’ the word ‘sole’ giving the United States the exclusive right to declare the punishment of Treason.”

James Wilson (Pennsylvania): “In cases of general nature, treason can only be against the United States, and in such they should have the sole right to declare the punishment, yet in many cases it may be otherwise. The subject is however intricate and I distrust my present judgment on it.”

Narrator One: “Only five out of eleven States vote in favor of inserting the word ‘sole.’”

James Wilson (Pennsylvania): “The clause is ambiguous now. ‘Sole’ ought either to have been inserted or ‘against the United States’ to be reinstated.”

Roger Sherman (Connecticut): “Resistance against the laws of the United States, as distinguished from resistance against the laws of a particular State, forms the line.”

Oliver Ellsworth (Connecticut): “The United States are sovereign on their side of the line dividing the jurisdictions – the States on the other – each ought to have power to defend their respective Sovereignties.”

John Dickinson (Delaware): “War or insurrection against a member of the Union must be so against the whole body; but the Constitution should be made clear on this point.”

Narrator Two: “The clause is reconsidered with no further debate.”

James Wilson (Pennsylvania): “Mr. Ellsworth and I move to reinstate ‘against the United States’ after ‘Treason.’”

Narrator Three: “Six States vote for Mr. Wilson’s motion and five states vote against it.”

James Madison (Virginia): “I am not satisfied with the footing on which the clause now stands. As Treason against the United States involves treason against particular States, and vice versa, the same act may be twice tried and punished by the different authorities.”

Narrator Four: “Mr. Madison moves, and Mr. Morris seconds, amending the sentence to read, ‘Treason against the United States shall consist only in levying war against them, or in adhering to their enemies.’ The motion is agreed to.”

Oliver Ellsworth (Connecticut): “I move to require the first census to be taken within ‘three’ instead of ‘six’ years from the first meeting of the Legislature.”
Narrator Five: “Only South Carolina and Georgia vote against Mr. Ellsworth’s motion.”

Elbridge Gerry (Massachusetts): “I move to add the following clause, ‘That from the first meeting of the Legislature of the United States until a Census shall be taken, all monies for supplying the public Treasury by direct taxation shall be raised from the several States according to the number of their Representatives respectively in the first branch.’”

Rufus King (Massachusetts): “What is the precise meaning of direct taxation?”

John Langdon (New Hampshire): “This would bear unreasonably hard on New Hampshire and I must be against it.”

Daniel Carroll (Maryland): “I oppose it. The number of Representatives does not admit of a proportion exact enough for a rule of taxation.”

Narrator One: “The House adjourns before any other votes are taken.”

Tuesday, August 21

Narrator Two: “Mr. Livingston delivers the report from the Committee of Eleven.”

George Mason (Virginia): “I wish to know how the proposed amendment as to the money bills will be decided, before I agree to any further points.”

Elbridge Gerry (Massachusetts): “My proposal is been that direct taxation be proportioned on the States according to the number of Representatives.”

Oliver Ellsworth (Connecticut): “This rule is unjust; there is a great difference between the number of Representatives and the number of inhabitants as a rule in this case.”

Narrator Three: “Mr. Gerry’s motion fails, with only South Carolina and Massachusetts voting in favor of it. Attention turns to taxing exports.”

John Langdon (New Hampshire): “By this section the States are left at liberty to tax exports. New Hampshire will be subject with other non-exporting States to be taxed by the States exporting their produce. This cannot be admitted. It seems to be feared that the Northern States will oppress the trade of the South. This may be guarded against by requiring the concurrence of two-thirds or three-fourths of the legislature in such cases.”

Oliver Ellsworth (Connecticut): “It is best as it stands. The power of regulating trade between the States will protect them against each other. Should this not be the case, the attempts of one to tax the produce of another passing through its hands will force a direct exportation and defeat themselves. There are solid reasons against Congress taxing exports with the final reason being that the taxing of exports would engender incurable jealousies.”

Hugh Williamson (North Carolina): “I will never agree to this power. Should it take place, it will destroy the last hope of an adoption of the plan.”
Gouverneur Morris (Pennsylvania): “These local considerations ought not to impede the general interest.”

Pierce Butler (South Carolina): “I am strenuously opposed to a power over exports; as unjust and alarming to the Staple-States.”

John Dickinson (Delaware): “The power of taxing exports may be inconvenient at present; but it must be of dangerous consequence to prohibit it with respect to all articles and forever. I think it would be better to except particular articles from the power.”

Roger Sherman (Connecticut): “It is best to prohibit the National Legislature in all cases. The States will never give up all power over trade. All enumeration of particular articles will be difficult and improper.”

George Mason (Virginia): “If I were for reducing the States to mere corporations as seems to be the tendency of some arguments, I should be for subjecting their exports as well as imports to a power of general taxation. I concur with the principle that ‘a majority when interested will oppress the minority.’ This maxim has been verified by our own Legislature of Virginia. The case of exports is not the same as with that of imports. The latter are the same throughout the States; the former very different.”

George Clymer (Pennsylvania): “Every State might reason with regard to its particular productions in the same manner as the Southern States. The middle States may apprehend an oppression of their wheat flour, provisions, etc., and with more reason, as these articles are exposed to competition in foreign markets not incident to Tobacco, rice, etc. They may also apprehend combinations against them between the Eastern and Southern States as much as the latter can apprehend them between the Eastern and Middle. I move as a qualification of the power of taxing Exports that it should be restrained to regulations of trade, by inserting after the word ‘duty’ the words ‘for the purpose of revenue.’”

Narrator Four: “Only four States vote in favor of Mr. Clymer’s motion, but a vote on the section as far as ‘no tax should be laid on exports’ passes with only four States voting against it.”

Luther Martin (Maryland): “I propose a variance to Article Seven so as to allow a prohibition or tax on the importation of slaves.”

John Rutledge (South Carolina): “I do not see how the importation of slaves can be encouraged by this Section.”

Oliver Ellsworth (Connecticut): “I am for leaving the clause as it now stands; to leave every State to import what it pleases. The morality or wisdom of slavery are considerations belonging to the States themselves. What enriches a part enriches the whole, and the States are the best judges of their particular interest. The old confederation has not meddled with this point, and I do not see any greater necessity for bringing it within the policy of the new one.”

Charles Pinckney (South Carolina): “South Carolina can never receive the plan if it prohibits the slave trade. In every proposed extension of the powers of the Congress, that State has expressly and watchfully excepted that of meddling with the importation of negroes.”
**Wednesday, August 22**

**Roger Sherman (Connecticut):** “I am for leaving the clause in Article 7 as it now stands. I disapprove of the slave trade; yet as the States are now possessed of the right to import slaves, as the public good does not require it to be taken from them, and as it is expedient to have as few objections as possible to the proposed scheme of Government, I think it best to leave the matter as we find it. The abolition of Slavery seems to be going on in the United States, and the good sense of the several States will probably by degrees complete it.”

**George Mason (Virginia):** “This infernal traffic originated in the avarice of British Merchants. The British Government constantly checked the attempts of Virginia to put a stop to it. The present question concerns not the importing States alone, but the whole Union. The evil of having slaves was experienced during the late war. Had slaves been treated as they might have been by the Enemy, they would have proved dangerous instruments in their hands. The Western people are already calling out for slaves for their new lands, and will fill that Country with slaves if they can be got through South Carolina and Georgia. Slavery discourages arts and manufactures. The poor despise labor when performed by slaves. They prevent the immigration of Whites, who really enrich and strengthen a Country. Every master of slaves is born a petty tyrant. They bring the judgment of heaven on a country. As nations cannot be rewarded or punished in the next world, they must be in this. By an inevitable chain of causes and effects providence punishes national sins by national calamities. I lament that some of our Eastern brethren have from a lust of gain embarked in this nefarious traffic. As to the States being in possession of the right to import, this is the case with many other rights, now to be properly given up. It is essential in every point of view that the General Government should have power to prevent the increase of slavery.”

**Oliver Ellsworth (Connecticut):** “As I have never owned a slave I cannot judge of the effects of slavery on character. However, if it is to be considered in a moral light, we ought to go farther and free those already in the Country. As slaves multiply so fast in Virginia and Maryland it is cheaper to raise than import them, whilst in the sickly rice swamps foreign supplies are necessary. If we go no further than is urged, we shall be unjust towards South Carolina and Georgia. Let us not intermeddle. As the population increases, poor laborers will be so plentiful as to render slaves useless. Slavery in time will not be a speck in our Country. Provision is already made in Connecticut for abolishing it. And the abolition has already taken place in Massachusetts. As to the danger of insurrections from foreign influence, that will become a motive to kind treatment of the slaves.”

**Charles Pinckney (South Carolina):** “If slavery be wrong, it is justified by the example of the world. In all ages one half of mankind have been slaves. If the Southern States were let alone they would probably of themselves stop importations. I would myself, as a Citizen of South Carolina vote for it. An attempt to take away the right as proposed will produce serious objections to the Constitution which I wish to see adopted. South Carolina and Georgia cannot do without slaves. As to Virginia she will gain by stopping the importations. Her slaves will rise in value, and she has more than she wants. It would be unequal to require South Carolina and Georgia to confederate on such unequal terms.”

**Abraham Baldwin (Georgia):** “If left to herself, Georgia will probably put a stop to the evil.”

**James Wilson (Pennsylvania):** “If South Carolina and Georgia were themselves disposed to get rid of the importation of slaves in a short time as has been suggested, they would never refuse to Unite because the importation might be prohibited. As the Section now stands all articles imported are to be taxed. Slaves alone are exempt. This is in fact a bounty on that article.”
Elbridge Gerry (Massachusetts): “I think we have nothing to do with the conduct of the States as to Slaves, but ought to be careful not to give any sanction to it.”

John Dickinson (Delaware): “It is inadmissible on every principle of honor and safety that the importation of slaves should be authorized to the States by the Constitution. The true question is whether the national happiness would be promoted or impeded by the importation, and this question ought to be left to the National Government, not to the States particularly interested.”

John Langdon (New Hampshire): “I am strenuous for giving the power to the General Government. I cannot with a good conscience leave it with the States who could then go on with the traffic, without being restrained by the opinions here given, that they will themselves cease to import slaves.”

John Rutledge (South Carolina): “If the Convention thinks that North Carolina, South Carolina, and Georgia will ever agree to the plan, unless their right to import slaves be untouched, the expectation is vain. The people of those States will never be such fools as to give up so important an interest. I am strenuously against striking out the Section, and second the motion of General Pinckney for a commitment.”

Oliver Ellsworth (Connecticut): “I am for taking the plan as it is. This widening of opinions has a threatening aspect. If we do not agree on this middle and moderate ground, I am afraid we should lose two States, while such others as may be disposed to stand aloof, should fly into a variety of shapes and directions, and most probably into several confederations, and not without bloodshed.”

Elbridge Gerry (Massachusetts): “Moving on, I recommend with Mr. McHenry to insert after the second section of Article 7, the following clause, ‘The Legislature shall pass no bill of attainder (singling out specific groups of people) nor any ex post facto (after the fact) law.’ I urge the necessity of this prohibition because the number of members in the National Legislature will be fewer than in the State Legislatures, and so should be more feared.”

Gouverneur Morris (Pennsylvania): “I think the precaution as to the ex post facto laws unnecessary; but the portion forbidding bills of attainder is essential.”

Oliver Ellsworth (Connecticut): “I contend that there is no lawyer, or no civilian, who cannot say that ex post facto laws are void of themselves. It cannot then be necessary to prohibit them.”

Daniel Carroll (Maryland): “Experience overrules all other calculations. It has been proved that in whatever light they might be viewed by civilians or others, the State Legislatures have passed ex post facto laws, and they have taken affect.”

Narrator Five: “All states vote in favor of prohibiting the passing of bills of attainders and seven states vote in favor of prohibiting ex post facto laws.”

Thursday, August 23

Narrator One: “The Report of the Committee of Eleven is taken up, beginning with the clause ‘to make laws for organizing, arming and disciplining the Militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively, the appointment of the officers, and authority of training the militia according to the discipline prescribed.’”
Oliver Ellsworth (Connecticut): “I move with Mr. Sherman to postpone the second clause in favor of the following ‘to establish a uniformity of arms, exercise and organization for the Militia, and to provide for the Government of them when called into the service of the United States.’ With this proposition we would refer the plan for the Militia to the General Government but leave the execution of it to the State Government.”

John Langdon (New Hampshire): “I cannot understand the jealousy expressed by some Gentlemen. The General and State Governments are not enemies to each other, but different institutions for the good of the people of America. As one of the people, I can say, the National Government is mine, and the State Government is mine. In transferring power from one to the other, I only take out of my left hand what it cannot so well use, and put it into my right hand where it can be better used.”

Elbridge Gerry (Massachusetts): “It is rather taking out of the right hand and putting it into the left. Will any man say that liberty will be as safe in the hands of eighty or a hundred men taken from the whole continent, as in the hands of two or three hundred taken from a single State?”

Jonathan Dayton (New Jersey): “I am against so absolute a uniformity. In some State there ought to be a greater proportion of cavalry than in others. In some places rifles would be most proper, in others muskets, etc.”

James Madison (Virginia): “The discipline of the Militia is evidently a National concern, and ought to be provided for in the National Constitution.”

Luther Martin (Maryland): “I am confident that the States would never give up the power over the Militia; and that, if they were to do so, the Militia would be less attended to by the General than by the State Governments.”

Narrator Two: “Nine States vote in favor of the clause.”

James Madison (Virginia): “I move to amend the next part of the clause so as to read ‘reserving to the States respectively, the appointment of the officers under the rank of General officers.’”

Roger Sherman (Connecticut): “This is absolutely inadmissible. If the people should be so far asleep as to allow the most influential officers of the Militia to be appointed by the General Government, every man of discernment would rouse them by sounding the alarm.”

Elbridge Gerry (Massachusetts): “The Convention should not push the experiment too far. Some people will support a plan of vigorous Government at every risk. Others of a more democratic cast will oppose it with equal determination, and a Civil war may be produced by the conflict.”

James Madison (Virginia): “As the greatest danger is that of disunion of the States, it is necessary to guard against it by sufficient powers to the Common Government and as the greatest danger to liberty is from large standing armies, it is best to prevent them by an effectual provision for a good Militia.”

Narrator Three: “Only three States vote for Mr. Madison’s motion. But when the vote changes to the question of ‘reserving to the States the appointment of the officers,’ the vote is unanimously in favor.”
Charles Pinckney (South Carolina): “I move to add as an additional power to be vested in the Legislature of the United States, ‘To negate all laws passed by the several States interfering in the opinion of the Legislature with the general interests and harmony of the Union.’”

James Madison (Virginia): “I agree this should be committed. I have from the beginning been a friend to the principle, but think the modification might be made better.”

George Mason (Virginia): “I wish to know how the power is to be exercised. Are all laws whatever to be brought up? Is no road nor bridge to be established without the sanction of the General Legislature? Is it to sit constantly in order to receive and revise the State Laws? I do not mean by these remarks to condemn the expedient, but I am apprehensive that great objections would lie against it.”

Hugh Williamson (North Carolina): “This clause is unnecessary, and having been already decided, a revival of the question is a waste of time.”

James Wilson (Pennsylvania): “This is as the key-stone needed to complete the wide arch of Government we are raising.”

John Rutledge (South Carolina): “Will any State ever agree to be bound hand and foot in this manner? It is worse than making mere corporations of them whose by-laws would not be subject to this shackle.”

Narrator Four: “Six States vote against Mr. Pinckney’s motion to give this additional power to the National Legislature and then attention moves to the section giving the Senate power to make treaties, and to appoint ambassadors, and judges of the Supreme Court.”

James Madison (Virginia): “The Senate represents the States alone, and for this as well as other obvious reasons, it is proper that the President should be an agent in Treaties.”

Gouverneur Morris (Pennsylvania): “I do not know that I could agree to referring the making of treaties to the Senate at all, but for the present would move to add, as an amendment to this section, ‘but no treaty shall be binding on the United States which is not ratified by a law.’”

James Madison (Virginia): “It would be quite inconvenient to require a legal ratification of treaties of alliance for the purpose of war, etc.”

Nathaniel Gorham (Massachusetts): “Many other disadvantages must be experienced if treaties of peace and all negotiations are to be previously ratified, and if not previously, the Ministers would be at a loss how to proceed. What would be the case in Great Britain if the King were to proceed in this manner?”

Gouverneur Morris (Pennsylvania): “In general I am not solicitous to multiply and facilitate treaties. The more difficulty in making treaties, the more value will be set on them.”

James Wilson (Pennsylvania): “Under the clause, without the amendment, the Senate alone can make a treaty, requiring all the rice of South Carolina be sent to some one particular port.”

John Dickinson (Delaware): “I concur that the amendment is most safe and proper, though I am sensible it is unfavorable to the little states who would otherwise have an equal share in making treaties.”
Edmund Randolph (Virginia): “Almost every Speaker has made objections to the clause as it stands. I move in order for a further consideration of the subject, that the motion of Mr. Morris should be postponed.”

Friday, August 24

Narrator Five: “Mr. Livingston presents the report from the Committee of Eleven on several clauses.”

Pierce Butler (South Carolina): “I move that the clause on the discharge of debts be reconsidered tomorrow.”

Edmund Randolph (Virginia): “I wish for a reconsideration in order to better the expression, and to provide for the case of the State debts as is done by Congress.”

Narrator One: “Seven States vote to move this discussion until the next day. Discussion moves on to other topics.”

John Rutledge (South Carolina): “This provision for deciding controversies between the States is necessary under the Confederation, but will be rendered unnecessary by the National Judiciary now to be established, and so I move to strike it out.”

Hugh Williamson (North Carolina): “I am for postponing, rather than striking out, in order to consider whether this might not be a good provision, in cases where the Judiciary is interested or too closely connected with the parties.”

Nathaniel Gorham (Massachusetts): “I have doubts as to striking it out. The Judges might be connected with the States being parties. I am inclined to think the mode proposed in the clause would be more satisfactory than to refer such cases to the Judiciary.”

Narrator Two: “Only three States vote to postpone the discussion on this section. Then a motion is made to strike out the section, since the Judiciary is a better provision. That motion passes with eight states voting in favor of it. Then attention is turned to the executive power being vested in a single person, which is agreed to without debate.”

John Rutledge (South Carolina): “I move to insert ‘joint’ before the word ‘ballot’ as the most convenient mode of electing.”

Roger Sherman (Connecticut): “I object to it as it deprives the States represented in the Senate of the negative intended them in that house.”

Nathaniel Gorham (Massachusetts): “It is wrong to be considering at every turn whom the Senate would represent. The public good is the true object to be kept in view. Great delay and confusion would ensue if the two Houses should vote separately, each having a negative on the choice of the other.”

Jonathan Dayton (New Jersey): “It might be well for those not to consider how the Senate is constituted whose interest it is to keep it out of sight. If the amendment should be agreed to, a joint ballot would in fact give the appointment to one House. I could never agree to the clause with such an amendment. There can
be no doubt of the two Houses separately concurring in the same person for a President. The importance and necessity of the case would ensure a concurrence.”

Daniel Carroll (Maryland): “I move to strike out the phrase ‘by the Legislature’ and insert ‘by the people.’”

Narrator Three: “Only Pennsylvania and Delaware vote in favor of Mr. Carroll’s motion.”

David Brearley (New Jersey): “I am opposed to the motion for inserting the word ‘joint.’ The argument that the small States should not put their hands into the pockets of the large ones does not apply in this case.”

John Langdon (New Hampshire): “The general officers ought to be elected by the joint and general voice. In New Hampshire the mode of separate votes by the two Houses will produce great difficulties. The negative of the Senate would hurt the feelings of the man elected by the votes of the other branch. I am for inserting ‘joint.’”

Charles Pinckney (South Carolina): “I move to insert after the word ‘Legislature’ the words ‘to which election a majority of the votes of the members present shall be required.’”

Narrator Four: “All the States except New Jersey vote in favor of Mr. Pinckney’s motion.”

George Read (Delaware): “I move that ‘in case the numbers for the two highest in votes should be equal, then the President of the Senate shall have an additional casting vote.’”

Narrator Five: “Mr. Read’s motion fails with no further discussion.”

Gouverneur Morris (Pennsylvania): “I oppose the election of the President by the Legislature. There becomes a danger of rendering the Executive uninterested in maintaining the rights of his Station, as leading to Legislative tyranny. If the Legislature have the Executive dependent on them, they can perpetuate and support their usurpations by the influence of tax-gatherers and other officers, by fleets, armies, etc. To guard against all these evils I move that the President ‘shall be chosen by Electors to be chosen by the People of the several States.’”

Narrator One: “Five States vote in favor of the motion and five vote against it.”

Roger Sherman (Connecticut): “I object to the sentence ‘and shall appoint officers in all cases not otherwise provided for by this Constitution.’ I admit it to be proper that many officers in the Executive Department should be so appointed, but contend that many ought not, as general officers in the army in time of peace, etc. Herein lies the corruption in Great Britain. If the Executive can model the army, he may set up an absolute Government; taking advantage of the close of a war and an army commanded by his creatures. James the Second is not obeyed by his officers because they have been appointed by his predecessors not by himself. I move to insert ‘or by law’ after the word ‘Constitution.’”

Narrator Two: “Only Connecticut votes in favor of Mr. Sherman’s motion.”
Saturday, August 25

**George Mason (Virginia):** “I object to the term ‘shall’ fulfill the engagements and discharge the debts as too strong. It may be impossible to comply with. I am afraid also the word ‘shall’ might extend to all the old continental paper.”

**John Langdon (New Hampshire):** “I wish to do no more than leave the Creditors in the status quo.”

**Edmund Randolph (Virginia):** “I move to postpone the clause in favor of the following, ‘All debts contracted and engagements entered into, by or under the authority of Congress shall be as valid against the United States under this constitution as under the Confederation.’”

**William Samuel Johnson (Connecticut):** “The debts are debts of the United States of the great body of America. Changing the Government cannot change the obligation of the United States which devolves of course on the new government. Nothing therefore is necessary to be said. If anything, it should be a mere declaration, as that moved by Mr. Randolph.”

**Narrator Three:** “All the States except Pennsylvania vote in favor of Mr. Randolph’s motion.”

**General Charles C. Pinckney (South Carolina):** “I move to strike out the words ‘the year eighteen hundred’ as the year limiting the importation of slaves, and to insert the words ‘the year eighteen hundred and eight.’”

**James Madison (Virginia):** “Twenty years will produce all the mischief that can be apprehended from the liberty to import slaves. So long a term will be more dishonorable to the National character than to say nothing about it in the Constitution.”

**Narrator Four:** “Only four states vote against General Pinckney’s motion, and it passes.”

**Gouverneur Morris (Pennsylvania):** “I am for making the clause read ‘importation of slaves into North Carolina, South Carolina, and Georgia shall not be prohibited until the year eighteen hundred and eight.’”

**George Mason (Virginia):** “I am not against using the term ‘slaves’ but against naming those three states, lest it should give offense to the people of those states.”

**Roger Sherman (Connecticut):** “I like a description better than the term proposed, which has been declined by the old Congress and is not pleasing to some people.”

**Hugh Williamson (North Carolina):** “Both in opinion and practice I am against slavery, but think it more in favor of humanity, from a view of all circumstances, to let in South Carolina and Georgia on those terms, than to exclude them from the Union.”

**Narrator Five:** “At that, Mr. Morris withdraws his motion and a vote is taken on the clause to not prohibit the migration or importation of such people by the Legislature prior to the year 1808. Only four states vote against it.”

**Roger Sherman (Connecticut):** “I am against the second part of the clause, as it acknowledges men to be property, by taxing them as such under the character of slaves.”
George Mason (Virginia): “Not to tax will be the equivalent to a bounty on the importation of slaves.”

Nathaniel Gorham (Massachusetts): “Mr. Sherman should consider the duty not as implying that slaves are property, but as a discouragement to the importation of them.”

Roger Sherman (Connecticut): “I observe that the smallness of the duty shows revenue to be the object, not the discouragement, of the importation.”

James Madison (Virginia): “It is wrong to admit in the Constitution the idea that there can be property in men. The reason of duties does not hold, as slaves are not like merchandise.”

Narrator One: “Attention then turns to the power to grant reprieves and pardons.”

Roger Sherman (Connecticut): “I move to amend the ‘power to grant reprieves and pardon’ so as to read ‘to grant reprieves until the ensuing session of the Senate, and pardons with consent of the Senate.’”

Narrator Two: “Only Connecticut votes in favor of Mr. Sherman’s motion.”

Monday, August 27

Luther Martin (Maryland): I move to insert the words ‘after conviction’ after the words ‘reprieves and pardons.’”

James Wilson (Pennsylvania): “I object. A pardon before conviction might be necessary in order to obtain the testimony of accomplices. In the case of forgeries this might particularly happen.”

Luther Martin (Maryland): “I withdraw my motion.”

Roger Sherman (Connecticut): “I move to amend the clause giving the Executive the command of the militia to read, ‘and of the Militia of the Several States when called into the actual service of the United States.’”

Narrator Three: “Sherman’s amended clause passes, with two states voting against it, and two states abstaining.”

Hugh Williamson (North Carolina): “I suggest that the Legislature ought to have power to provide for occasional successors and move that the last clause relating to a provisional successor to the President be postponed.”

John Dickinson (Delaware): “I second the postponement. The clause is too vague. What is the extent of the term ‘disability’ and who is to be the judge of it?”

Narrator Four: “The postponement is agreed to with no further debate.”

George Mason (Virginia): “I move with Mr. Madison to add to the oath to be taken by the supreme Executive ‘and will to the best of my judgment and power preserve, protect, and defend the Constitution of the United States.’”
Narrator Five: “Madison and Mason’s motion passes, with Delaware voting against it, and Massachusetts and North Carolina abstaining.”

Gouverneur Morris (Pennsylvania): “It is a contradiction in terms to say that the Judges should hold their offices during good behavior, and yet be removable without a trial. Besides it is fundamentally wrong to subject Judges to so arbitrary an authority.”

Edmund Randolph (Virginia): “I oppose the motion as weakening too much the independence of the Judges.”

John Dickinson (Delaware): “I am not apprehensive that the Legislative composed of different branches constructed on such different principles, would improperly unite for the purpose of displacing a Judge.”

General Charles C. Pinckney (South Carolina): “The importance of the Judiciary will require men of the first talents; large salaries will therefore be necessary, larger than the United States can allow in the first instance. I am not satisfied with the expedient mentioned by Colonel Mason. I do not think it would have a good effect or a good appearance, for new Judges to come in with higher salaries than the old ones.”

James Madison (Virginia): “Mr. Morris and I move to strike out the beginning of the third section. ‘The jurisdiction of the supreme court’ and to insert the words ‘the Judicial power’.”

Narrator One: “Their addition is agreed to unanimously with no discussion.”

Tuesday, August 28

Charles Pinckney (South Carolina): “I urge the propriety of securing the benefit of Habeas corpus (judicial proof that the prisoner is being held properly) in the most ample manner, and thus move ‘that it should be suspended but on the most urgent occasions, and then only for a limited time, not exceeding twelve months.’”

John Rutledge (South Carolina): “I am for declaring Habeas Corpus incapable of being violated. I do not conceive that a suspension could ever be necessary at the same time through all the States.”

Gouverneur Morris (Pennsylvania): “I move that ‘the privilege of the writ of Habeas Corpus shall not be suspended, except in cases of rebellion or invasion where the public safety may require it.’”

James Wilson (Pennsylvania): “I also doubt with Mr. Rutledge whether in any case a suspension could be necessary, as the discretion now exists with Judges, in most important cases, to keep a prisoner in jail or to admit to bail.”

Narrator Two: “Mr. Morris’ motion is agreed to.”

Roger Sherman (Connecticut): “I move with Mr. Wilson to insert after the words ‘coin money’ the words ‘nor emit bills of credit, nor make anything but gold and silver coin a tender in payment of debts’ making these prohibitions absolute, instead of making the measure allowable ‘with the consent of the Legislature of the United States.’”
Nathaniel Gorham (Massachusetts): “The purpose would be as well secured by the provision which makes the consent of the General Legislature necessary, and in that mode, no opposition would be excited; whereas an absolute prohibition of paper money would rouse the most desperate opposition from its partisans.”

Roger Sherman (Connecticut): “This is a favorable crisis for crushing paper money. If the consent of the Legislature can authorize emissions of it, the friends of paper money would make every exertion to get into the Legislature in order to license it.”

Narrator Three: “The first part of the question is voted on, ‘nor emit bills of credit.’ Virginia votes against the clause, Maryland divides, and the other eight states favor it. The remaining part of Mr. Sherman and Mr. Wilson’s motion passes unanimously.”

Rufus King (Massachusetts): “I move to add, in the words used in the Ordinance of Congress establishing new States, a prohibition on the States to interfere in private contracts.”

Gouverneur Morris (Pennsylvania): “This would be going too far. There are a thousand laws which affect contracts. The Judicial power of the United States will be a protection in cases within their jurisdiction, and within the State itself a majority must rule, whatever may be the mischief done among themselves.”

Roger Sherman (Connecticut): “Why then prohibit bills of credit?”

George Mason (Virginia): “This is carrying the restraint too far. Cases will happen that cannot be foreseen, where some kind of interference will be proper and essential. Is it proper to tie the hands of the States from making provision in such cases?”

James Wilson (Pennsylvania): “The answer to these objections is that only retrospective interferences are to be prohibited.”

James Madison (Virginia): “Is not that already done by the prohibition of ex post facto laws, which will oblige the Judges to declare such interferences null and void?”

John Rutledge (South Carolina): “I move instead of Mr. King’s motion to insert, ‘nor pass bills of attainder nor retrospective laws.’”

Narrator Four: “Only three states vote against Mr. Rutledge’s motion.”

James Madison (Virginia): “I move to insert after the word ‘reprisal’ in Article 12 the words ‘nor lay embargoes.’ Such acts by the States would be unnecessary, impolitic, and unjust.”

Roger Sherman (Connecticut): “The States ought to retain this power in order to prevent suffering and injury to their poor.”

George Mason (Virginia): “The amendment would be not only improper but dangerous, as the General Legislature would not sit constantly and therefore could not interpose at the necessary moments. I appeal to the necessity of sudden embargoes during the war, to prevent exports, particularly in the case of a blockade.”

Narrator Five: “Only three states vote in favor of Mr. Madison’s motion.”
Roger Sherman (Connecticut): “I move to add after the word ‘exports’ the words ‘nor with such consent but for the use of the United States,’ so as to carry the proceeds of all State duties on imports and exports into the common Treasury.”

Gouverneur Morris (Pennsylvania): “The regulation is necessary to prevent the Atlantic States from endeavoring to tax the Western States and promote their interest by opposing the navigation of the Mississippi. That would drive the Western people into the arms of Great Britain.”

George Clymer (Pennsylvania): “The encouragement of the Western Country is suicide on the old States. If the States have such different interests that they cannot be left to regulate their own manufactures without encountering the interests of other States, it is a proof that they are not fit to compose one nation.”

Narrator One: “Only Massachusetts and Maryland vote against Mr. Sherman’s motion.”

Pierce Butler (South Carolina): “Mr. Pinckney and I move to ‘require fugitive slaves and servants to be delivered up like criminals.’”

James Wilson (Pennsylvania): “This would oblige the Executive of the State to do it at the public expense.”

Roger Sherman (Connecticut): “I see no more propriety in the public seizing and surrendering a slave or servant, than a horse.”

Pierce Butler (South Carolina): “I withdraw my proposition in order that some particular provision might be made apart from this article.”

Wednesday, August 29

Charles Pinckney (South Carolina): “I move to postpone the report in favor of the following proposition, ‘That no act of the Legislature for the purpose of regulating the commerce of the United States with foreign powers, or among the several States, shall be passed without the assent of two thirds of the members of each House.’ It is proper that no fetters should be imposed on the power of making commercial regulations. My constituents, though prejudiced against the Eastern States, will be reconciled to this liberality. I myself, had prejudices against the Eastern States before I came here, but will acknowledge that I have found them as liberal and candid as any men whatever.”

George Clymer (Pennsylvania): “The diversity of commercial interests of necessity creates difficulties which ought not to be increased by unnecessary restrictions. The Northern and middle States will be ruined, if not enabled to defend themselves against foreign regulations.”

Roger Sherman (Connecticut): “The diversity of interests is itself a security, to require more than a majority to decide a question is always embarrassing, as has been experienced in cases requiring the votes of nine States in Congress.”

Hugh Williamson (North Carolina): “I am in favor of making two thirds instead of a majority requisite, as more satisfactory to the Southern people. No useful measure has been lost in Congress for want of nine votes. As to the weakness of the southern States, I am not alarmed on that account. The sickliness of their climate for invaders would prevent their being made an object. I acknowledge that I do not think the motion requiring two thirds necessary in itself, because if a majority of Northern States should push their
regulations too far, the Southern States would build ships for themselves; but I know the Southern people are apprehensive on this subject and would be pleased with the precaution.”

**Pierce Butler (South Carolina):** “I differ from those who consider the rejection of the motion as no concession on the part of the Southern States. I consider the interests of these and of the Eastern States to be as different as the interest of Russia and Turkey. Being notwithstanding desirous of conciliating the affections of the Eastern States, I should vote against requiring two-thirds instead of a majority.”

**George Mason (Virginia):** “If the Government is to be lasting, it must be founded in the confidence and affections of the people, and must be so constructed as to obtain these. The majority will be governed by their interests. The Southern States are the minority in both houses. Is it to be expected that they will deliver themselves bound hand and foot to the Eastern States, and exclaim, in the words of Cromwell on a certain occasion, ‘the Lord hath delivered them into our hands?’”

**John Rutledge (South Carolina):** “I am against the motion of my colleague. It does not follow from a grant of the power to regulate trade that it would be abused. At the worst a navigation act could bear hard a little while only on the Southern States. As we are laying the foundation for a great empire, we ought to take a permanent view of the subject and not look at the present moment only. I remind the House of the necessity of securing the West India trade to this country. That is the great object, and a navigation act is necessary for obtaining it.”

**Edmund Randolph (Virginia):** “There are features so odious in the constitution as it now stands, that I doubt whether I shall be able to agree to it. A rejection of this motion would complete the deformity of the system. I take notice of the argument in favor of giving the power over trade to a majority, drawn from the opportunity foreign powers would have of obstructing retaliating measures, if two thirds are made requisite. I do not think there is weight in that consideration. The difference between a majority and two thirds does not afford room for such an opportunity. Foreign influence would also be more likely to be exerted on the President who can require three fourths by his negative. I do not mean however to enter into the merits. What I have in view is merely to pave the way for a declaration which I might hereafter be obliged to make if an accumulation of obnoxious ingredients should take place that I cannot give my assent to the plan.”

**Nathaniel Gorham (Massachusetts):** “If the Government is to be so fettered as to be unable to relieve the Eastern States what motive can they have to join in it, and thereby tie their own hands from measures which they can otherwise take for themselves? The Eastern States are not led to strengthen the Union by fear for their own safety. I deprecate the consequences of disunion, but if it should take place it is the Southern part of the Continent that has the most reason to dread it. I urge the improbability of a combination against the interest of the Southern States, the different situations of the Northern and Middle States begin a security against it. It is moreover certain that foreign ships would never be altogether excluded, especially those of Nations in treaty with us.”

**Narrator Two:** “The Report of the Committee for striking out the section requiring two thirds of each House to pass a navigation act is then agreed to with no further discussion.”

**Gouverneur Morris (Pennsylvania):** “I move to strike out the last two sentences of this next section that says new States shall be admitted on the same terms with the original states. I do not wish to bind down the Legislature to admit Western States on the terms here stated.”

**James Madison (Virginia):** “The Western States neither would nor ought to submit to a union which degrades them from an equal rank with other states.”
George Mason (Virginia): “If it was possible by just means to prevent emigrations to the Western Country, it might be good policy. But go the people will as they find it for their interest, and the best policy is to treat them with that equality which will make them friends not enemies.”

Gouverneur Morris (Pennsylvania): “I do not mean to discourage the growth of the Western Country. I know that to be impossible. I do not wish however to throw the power into their hands.”

Roger Sherman (Connecticut): “I am against the motion, and for fixing an equality of privileges by the Constitution.”

John Langdon (New Hampshire): “I am in favor of the Motion. Circumstances might arise which will render it inconvenient to admit new States on terms of equality.”

Hugh Williamson (North Carolina): “The existing small States enjoy an equality now, and for that reason are admitted to it in the Senate. This reason is not applicable to new Western States.”

Narrator Three: “All the States but Maryland and Virginia vote for Mr. Morris’ motion to strike out equal admittance of new states.”

Gouverneur Morris (Pennsylvania): “I now move the following proposition, “New States may be admitted by the Legislature, but no new State shall be erected within the limits of any of the present States, without the consent of the Legislature of such State, as well as of the General Legislature.””

Narrator Four: “The first part of Mr. Morris’ new motion is voted for with no debate.”

Luther Martin (Maryland): “I oppose the latter part of the motion. Nothing would so alarm the limited States as to make the consent of the large States claiming the Western lands necessary to the establishment of new States within their limits. Shall Vermont be reduced by force in favor of the States claiming it? Frankland and the Western country of Virginia are in a like situation.”

Narrator Five: “Six states vote against Mr. Morris’ motion.”

Roger Sherman (Connecticut): “I am against it. I think it unnecessary. The Union cannot dismember a State without its consent.”

Gouverneur Morris (Pennsylvania): “On the contrary, the small States will be pleased with the regulation, as it holds up the idea of dismembering the large States.”

Pierce Butler (South Carolina): “If new States are to be erected without the consent of the dismembered States, nothing but confusion would ensue. Whenever taxes should press on the people, radicals would set up their schemes of new States.”

James Wilson (Pennsylvania): “When the majority of a State wishes to divide they can do so. The aim of those in opposition to the article, I perceive, is that the General Government should abet the minority, and by that means divide a State against its own consent.”

Gouverneur Morris (Pennsylvania): “If the forced division of States is the object of the new System, and is to be pointed against one or two States, I expect the Gentleman from these would pretty quickly leave us.”
Thursday, August 30

**Daniel Carroll (Maryland):** “I move to strike out so much of the article as requires the consent of the State to its being divided. I am aware that the object of this prerequisite might be to prevent domestic disturbances. But such was our situation with regard to the Crown lands, and the sentiments of Maryland on that subject, that I perceive we should again be at sea, if no guard is provided for the right of the United States to the back lands. I suggest it might be proper to provide that nothing in the Constitution should affect the Right of the United States to lands ceded by Great Britain in the treaty of peace. I assure the House that this is a point of a most serious nature. It is desirable above all things that the act of the Convention might be agreed to unanimously. But should this point be disregarded, I believe that all risks will be run by a considerable minority.”

**John Rutledge (South Carolina):** “It is not to be supposed that the States are to be cut up without their own consent. The case of Vermont will be particularly provided for. There can be no room to fear that Virginia or North Carolina would call on the United States to maintain their Government over the Mountains.”

**Hugh Williamson (North Carolina):** “North Carolina is well disposed to give up her western lands, but attempts at compulsion is not the policy of the United States. I am for doing nothing in the Constitution in the present case, and leaving the whole matter in status quo.”

**James Wilson (Pennsylvania):** I am against Mr. Carroll’s motion. Unanimity is of great importance, but not to be purchased by the majority’ yielding to the minority. I should have no objection to leaving the case of new States as heretofore. I know of nothing that would give greater or just alarm than the doctrine that a political society is to be torn asunder without its own consent.”

**Roger Sherman (Connecticut):** “I move we take up the following amendment, ‘The Legislature shall have power to admit other States into the Union, and new States are to be formed by the division or junction of States now in the Union with the consent of the Legislature of such States.”

**Gouverneur Morris (Pennsylvania):** “I move to strike out the word ‘limits’ in the substitute, and insert the word ‘jurisdiction.”’

**Narrator One:** “All but four states vote in favor of Mr. Sherman’s motion, as amended by Mr. Morris.”

**Luther Martin (Maryland):** “I urge the unreasonableness of forcing and guaranteeing the people of Virginia beyond the Mountains, the Western people, of North Carolina, and of Georgia, and the people of Maine, to continue under the States now governing them, without the consent of those States to their separation. Even if they should become the majority, the majority of countries, as in Virginia may still hold fast the dominion over them. Again the majority may place the seat of Government entirely among themselves and for their own conveniency, and still keep the injured parts of the States in subjection, under the guarantee of the General Government against domestic violence. I wish Mr. Wilson had thought a little sooner of the value of political bodies. In the beginning, when the rights of the small States were in question, they were phantoms, ideals beings. Now when the great States are to be affected, political societies are of a sacred nature. It is unreasonableness to require the small States to guarantee the western claims of the large ones.”
Daniel Carroll (Maryland): “I move to add ‘provided nevertheless that nothing in this Constitution shall be construed to affect the claim of the United States to vacant lands ceded to them by the Treaty of peace.’ This might be understood as relating to lands not claimed by any particular States, but I have in view also some of the claims of particular States.”

James Wilson (Pennsylvania): “I am against the motion. There is nothing in the Constitution affecting one way or the other the claims of the United States and it best to insert nothing, leaving everything on that litigated subject in status quo.”

James Madison (Virginia): “I consider the claim of the United States as in fact favored by the jurisdiction of the judicial power of the United States over controversies to which they should be parties. I think it best on the whole to be silent on the subject. I do not view the proviso of Mr. Carroll as dangerous, but to make it neutral and fair, it ought to go farther and declare that the claims of particular States shall also not be affected.”

Roger Sherman (Connecticut): “The proviso is harmless, especially with the addition suggested by Mr. Madison in favor of the claims of particular States.”

Narrator Two: “No decision is made and discussion moves to other responsibilities of the Legislature.”

John Dickinson (Delaware): “It is of essential importance to the tranquility of the United States that they should in all cases suppress domestic violence.”

Narrator Three: “Mr. Morris suggests that the Legislature should be left at liberty to call a Convention whenever they please. This portion is agreed to unanimously.”

General Charles C. Pinckney (South Carolina): “I move to add to the article ‘but no religious test shall ever be required as a qualification to any office or public trust under the authority of the United States.’”

Roger Sherman (Connecticut): “It is unnecessary, since the prevailing liberality is a sufficient security against such tests.”

Narrator Four: “In spite of Mr. Sherman’s comments, General Pinckney’s motion is passed unanimously.”

James Wilson (Pennsylvania): “I propose that seven states shall be the required number of states to ratify the Constitution.”

Roger Sherman (Connecticut): “The States being now confederated by Articles which require unanimity in changes, I believe the ratification in this case of at least ten States ought to be required.”

Edmund Randolph (Virginia): “I am for making the number nine, that being a respectable majority of the whole.”

James Wilson (Pennsylvania): “Eight states would be preferable.”

James Madison (Virginia): “If the amount of states required to ratify the Constitution is set at seven, eight, or nine, the Constitution might be put in force over the whole body of the people, though less than a majority of them should ratify it.”
James Wilson (Pennsylvania): “As the Constitution stands, only the States which ratify can be bound. We must in this case go to the original powers of Society. The House on fire must be extinguished, without a scrupulous regard to ordinary rights.”

Pierce Butler (South Carolina): “I am in favor of ‘nine.’ I revolt at the idea that one or two States should restrain the rest from consulting their safety.”

Daniel Carroll (Maryland): “I move to require all thirteen states, unanimity being necessary to dissolve the existing confederacy which was unanimously established.”

Friday, August 31

Roger Sherman (Connecticut): “I doubt the propriety of authorizing less than all the States to execute the Constitution, considering the nature of the existing Confederation. Perhaps all the States may concur, and on that supposition it is needless to hold out a breach of faith.”

Gouverneur Morris (Pennsylvania): “I move to strike out ‘Conventions of the’ after ‘ratifications,’ leaving the States to pursue their own modes of ratification.”

Rufus King (Massachusetts): “Striking out ‘Conventions’ as the requisite mode is equivalent to giving up the business altogether. Conventions alone, which will avoid all the obstacles from the complicated formation of the Legislatures, will succeed, and if not positively required by the plan, its enemies will oppose that mode.”

Gouverneur Morris (Pennsylvania): “I mean to facilitate the adoption of the plan, by leaving the modes approved by the several State Constitutions to be followed.”

Nathaniel Gorham (Massachusetts): “Conventions would be the most expedient means of ratifying.”

Luther Martin (Maryland): “I insist on a reference to the State Legislatures. There is a danger of commotions from resorting to the people. I am apprehensive of no such consequences in Maryland, whether the Legislature or the people should be appealed to. Both of them would generally be against the Constitution.”

Narrator Five: “Mr. Morris’ motion to strike out ‘Conventions of the’ is only supported by four states and discussion goes back to how many states will be needed to ratify, with only Maryland being for the idea of requiring all thirteen states.”

Jonathan Dayton (New Jersey): “I move with Mr. Sherman to require ten states for ratification.”

George Mason (Virginia): “We should preserve ideas familiar to the people in this manner. Nine states have been required in all great cases under the Confederation and that number is on that account preferable.”

Narrator One: “A vote is first taken on requiring ten states, only four states vote in favor. On the number of nine states, all vote in favor, except Virginia, North Carolina, and South Carolina.”
Gouverneur Morris (Pennsylvania): “Requiring state conventions is the best method of ratifying, in order to prevent enemies to the plan from giving it the go by.”

Luther Martin (Maryland): “I am also for state conventions, but for a different reason than Mr. Morris. I believe the people will not ratify it unless hurried into it by surprise.”

Narrator Two: “Only four states accept the idea of requiring state conventions, and the motion fails.”

George Mason (Virginia): “I would sooner chop off my right hand than put it to the Constitution as it now stands. I wish to see some points not yet decided brought to a decision, before being compelled to give a final opinion on the current portion. Should these points be improperly settled, my wish would be to bring the whole subject before another general Convention.”

Gouverneur Morris (Pennsylvania): “I have long wished for another Convention; one with the firmness to provide a vigorous Government, which we seem afraid to do.”

Edmund Randolph (Virginia): “My idea is, in case the final form of the Constitution should not permit me to accede to it, that the State Conventions should be at liberty to propose amendments to be submitted to another General Convention which may reject or incorporate them, as shall be judged proper.”

Gouverneur Morris (Pennsylvania): “I move to strike out the words ‘choose the President of the United States’ as we have not yet determined this point.”

James Madison (Virginia): “On the clause ‘or oblige vessels bound to or from any State to enter clear or pay duties in another,’ I believe this restriction will be inconvenient in many places, as on the River Delaware.”

Saturday, September 1

Narrator Three: “Mr. Brearley brings a partial report from the Committee of Eleven. After receiving the reports, the House adjourns until 10:00 a.m. on Monday morning.”

Monday, September 3

Charles Pinckney (South Carolina): “I am strenuously opposed to an ineligibility of members to office, and therefore wish to restrain the proposition to a mere incompatibility.”

Abraham Baldwin (Georgia): “The example of the States in regards to office eligibility is not applicable. The Legislatures there are so numerous that an exclusion of their members would not leave proper men for offices. The case would be otherwise in the General Government.”

George Mason (Virginia): “Instead of excluding merit, the ineligibility will keep out corruption, by excluding office-hunters.”

Charles Pinckney (South Carolina): “The first Legislature will be composed of the ablest men to be found. The States will select such to put the Government into operation. Should the Report of the committee or even the amendment be agreed to, the great offices, even those of the Judiciary Department
which are to continue for life, must be filled whilst those most capable of filling them will be under a disqualification.”

**Tuesday, September 4**

**Nathaniel Gorham (Massachusetts):** “I disapprove of making the next highest after the President, the Vice-President, without referring the decision to the Senate in case the next highest should have less than a majority of votes. As the regulation now stands, a very obscure man with very few votes may arrive at that appointment.”

**Abraham Baldwin (Georgia):** “The plan is not so objectionable when well considered, as at first view. The increasing exchanges between the people of the States will render important characters less and less unknown; and the Senate will consequently be less and less likely to have the eventual appointment thrown into their hands.”

**James Wilson (Pennsylvania):** “I think the plan on the whole a valuable improvement on the former. It clears the way also for a discussion of the question of re-eligibility on its own merits, which the former mode of election seems to forbid.”

**Edmund Randolph (Virginia):** “I prefer the former mode of constituting the Executive, but if the change is to be made, I wish to know why the eventual election is referred to the Senate and not to the House? I see no necessity for this and many objections to it. I am also apprehensive that the advantage of the eventual appointment would fall into the hands of the States near the Seat of Government.”

**Narrator Four:** “The further consideration of the Report is postponed so each member might read the remainder of it.”

**Charles Pinckney (South Carolina):** “I move that ‘each House should be judge of the privilege of its own members.’”

**Edmund Randolph (Virginia):** “I am doubtful as to the propriety of giving such a power and wish for postponement.”

**Gouverneur Morris (Pennsylvania):** “The idea is so plain a case that no postponement can be necessary.”

**James Madison (Virginia):** “There is a distinction between the power of judging privileges previously and duly established, and the effect of the motion which would give a discretion to each House as to the extent of its own privileges. It would be better to make provision for ascertaining by law, the privileges of each House, than to allow each House to decide for itself. We should also consider what privileges ought to be allowed to the Executive.”

**Wednesday, September 5**

**Elbridge Gerry (Massachusetts):** “I cannot conceive a reason for an army for two years instead of one. It implies that there is to be a standing army, which is dangerous to liberty, and unnecessary even for so great an extent of Country as this. And if necessary, some restriction on the number and duration ought to be provided. Nor is this a proper time for such an innovation. The people will not bear it.”

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Roger Sherman (Connecticut): “The appropriations are permitted only, not required, to be for two years. As the Legislature is to be biennially elected, it will be inconvenient to require appropriations to be for one year, as there might be no session within the time necessary to renew them. I would like a reasonable restriction on the number and continuance of an army in time of peace.”

Elbridge Gerry (Massachusetts): “The power to exercise like authority over all places purchased for forts, etc. might be made use of to enslave any particular State by buying up its territory. The strongholds proposed will be a means of awing the State into an undue obedience to the General Government.”

Rufus King (Massachusetts): “The provision is unnecessary, the power being already involved. I would move to insert after the word ‘purchased’ the words ‘by the consent of the Legislature of the State.’ This would certainly make the power safe.”

Hugh Williamson (North Carolina): “The number of Representatives fixed in the article is too small. I wish to allow Rhode Island more than one, as due to her probable number of people, and as proper to stifle any pretext arising from her absence on the occasion.”

Charles Pinckney (South Carolina): “I renew my opposition to the mode of appointing the Executive. The electors will not have sufficient knowledge of the fittest men, and will be swayed by an attachment to the eminent men of their respective States. Hence the dispersion of the votes would leave the appointment with the Senate, and as the President’s reappointment will thus depend on the Senate, he will be the mere creature of that body. This change in the mode of election is meant to get rid of the ineligibility of the President a second time, whereby he will become fixed for life under the auspices of the Senate.”

Elbridge Gerry (Massachusetts): “I do not object to this plan of constituting the Executive in itself, but will be governed in my final vote by the powers that may be given to the President.”

John Rutledge (South Carolina): “I am much opposed to the plan reported by the Committee. It will throw the whole power into the Senate. I am also against a re-eligibility. I move to postpone the Report under consideration and take up the original plan of appointment by the Legislature to wit: ‘He shall be elected by joint ballot by the Legislature to which election a majority of the votes of the members present shall be required; and he shall hold his office during the term of seven years; but shall not be elected a second term.’”

George Mason (Virginia): “There are objections to an appointment by the Legislature as originally planned. I have not yet made up my mind, but also have objections to the mode proposed by the Committee.”

Hugh Williamson (North Carolina): “I cannot agree to the clause without some modification.”

George Mason (Virginia): “Those who think there is no danger of there not being a majority for the same person in the first instance, ought to give up the point to those who think otherwise.”

Roger Sherman (Connecticut): “I remind the opponents of the new mode proposed that if the small states have the advantage in the Senate deciding among the five highest candidates, the large states would in fact have the nomination of these candidates.”
James Madison (Virginia): “I am apprehensive that the proposed alteration would turn the attention of the large states too much to the appointment of candidates, as the large states would predominate in the House which would then have the final choice out of the Candidates.”

Edmund Randolph (Virginia): “We have in some revolutions of this plan made a bold stroke for monarchy. We are now doing the same for an aristocracy. Such an influence in the Senate over the election of the President, in addition to its other powers, would convert that body into a real and dangerous aristocracy.”

Elbridge Gerry (Massachusetts): “I suggest that the election should be made by six Senators and Seven Representatives chosen by joint ballot of both Houses.”

John Dickinson (Delaware): “I move, in order to remove ambiguity from the intention of the clause as explained, to add, after the words, ‘if such a number be a majority of the whole number of the Electors’ the word ‘appointed.’”

Narrator Five: “Only Virginia and North Carolina vote against Mr. Dickenson’s motion.”

George Mason (Virginia): “As the mode of appointment is now regulated, I cannot forebear expressing my opinion that it is utterly inadmissible. I would prefer the government of Prussia to one which will put all power into the hands of seven or eight men, and fix an Aristocracy worse than absolute monarchy.”

Thursday, September 6

Elbridge Gerry (Massachusetts): “I propose, as the President is to be elected by the Senate out of the five highest candidates, that if he should not at the end of his term be re-elected by a majority of the Electors, and no other candidate should have a majority, the eventual election should be made by the Legislature. This would relieve the President from his particular dependence on the Senate for his continuance in office.”

James Wilson (Pennsylvania): “I have weighed carefully the report of the Committee for remodeling the constitution of the Executive; and on combining it with other parts of the plan, I am obliged to consider the whole as having a dangerous tendency to aristocracy; as throwing a dangerous power into the hands of the Senate. They are to make treaties, and they are to try all impeachments. In allowing them thus to make the Executive and Judiciary appointments, to be the Court of impeachments, and to make treaties which are to be the laws of the land, the Legislative, Executive and Judiciary powers are all blended in one branch of the Government. According to the plan as it now stands, the President will not be the man of the people as he ought to be, but the Minion of the Senate.”

Alexander Hamilton (New York): “I have been restrained from entering into the discussions by my dislike of the scheme of Government in General; but as I mean to support the plan to be recommended, as better than nothing, I wish in this place to offer a few remarks. I like the new modification, on the whole, better than that in the printed Report.”

Richard Dobbs Spaight (North Carolina): “I move with Mr. Williamson to insert ‘seven’ instead of ‘four’ years for the term of the President.”
Narrator One: “Only New Hampshire, Virginia, and North Carolina vote in favor of their motion, at which point they move for a ‘six’ year term. Only North and South Carolina vote in favor of that motion.”

Narrator Two: “Those votes are followed immediately by a vote on the clause for appointing the President by electors. Only North and South Carolina vote against that motion.”

Richard Dobbs Spaight (North Carolina): “If the election by Electors is to be crammed down, I would prefer their meeting altogether and deciding finally without any reference to the Senate.”

Narrator Three: “A motion is then made that the Electors should meet at the seat of the General Government. Only North Carolina votes in favor of the motion. Then a motion is made to add the words ‘the election shall be on the same day throughout the United States’ after the words ‘transmit their votes.’ Only Massachusetts, New Jersey, and Delaware vote against the new motion.”

Roger Sherman (Connecticut): “I move to strike out the words, ‘The Senate shall immediately choose…’ and insert ‘The House of Representatives shall immediately choose by ballot one of them for President, the members from each State having one vote.’”

George Mason (Virginia): “I like this latter mode best as it lessens the aristocratic influence of the Senate.”

Narrator Four: “Only Delaware votes against Mr. Sherman’s motion.”

Friday, September 7

Narrator Five: “Attention returns to the mode of constituting the Executive.”

Edmund Randolph (Virginia): “I move to insert in the first section, ‘The Legislature may declare by law what officer of the United States shall act as President in case of the death, resignation, or disability of the President and Vice-President; and such officer shall act accordingly until the time of electing a President shall arrive.’”

James Madison (Virginia): “As worded this would prevent a supply of the vacancy by an intermediate election of the President, and I move to substitute ‘until such disability be removed, or a President shall be elected.’”

Narrator One: “Mr. Randolph’s motion, as amended by Mr. Madison, is agreed to by all. The section requiring that the President should be a natural-born citizen, of at least 35 years of age, and have been a resident for at least fourteen years, is also agreed to unanimously.”

Elbridge Gerry (Massachusetts): “I oppose the regulation that the Vice President shall be the ex-officio President of the Senate. We might as well put the President himself at the head of the Legislature. The close intimacy that must subsist between the President and the Vice President makes it absolutely improper. In fact, I am against even having a Vice President.”

Gouverneur Morris (Pennsylvania): “The Vice President then shall be the first heir apparent that ever loved his father. If there should be no Vice President, the President of the Senate would be temporary successor, which would amount to the same thing.”
Roger Sherman (Connecticut): “I see no danger in the case. If the Vice President is not to be President of the Senate, he will be without employment, and some member by being made President must be deprived of his vote, unless when an equal division of votes might happen in the Senate, which would be but seldom.”

Hugh Williamson (North Carolina): “Such an officer as Vice President is not wanted. He was introduced only for the sake of a valuable mode of election which requires two to be chosen at the same time.”

George Mason (Virginia): “The office of Vice President is an encroachment on the rights of the Senate.”

Narrator Two: “After a lengthy suggestion for an alternative by Mr. Mason, a vote is taken on the question of whether the Vice President shall be the ex officio President of the Senate. Only New Jersey and Massachusetts vote against the original clause.”

Roger Sherman (Connecticut): “Changing to making treaties, the only question that can be made is whether the power can be safely trusted to the Senate. I think it can, and that the necessity of secrecy in the case of treaties forbids a reference of them to the whole Legislature.”

Narrator Three: “Only Pennsylvania votes in favor of giving the House the ability to make treaties along with the Senate. Then the original clause about making treaties is agreed to without further debate.”

Charles Pinckney (South Carolina): “I am against joining the Senate in these appointments, except in the instance of Ambassadors, whom I think ought not to be appointed by the President.”

Gouverneur Morris (Pennsylvania): “As the President is to nominate there would be responsibility, and as the Senate is to concur, there would be security. As Congress now makes appointments, there is no responsibility.”

Rufus King (Massachusetts): “I am of the opinion that the people will be alarmed at the unnecessary creation of new responsibilities which might increase the expense as well as influence of the Government.”

James Madison (Virginia): “Moving on to treaties, the Senate shall make treaties of peace without the concurrence of the President. The President will necessarily derive so much power and importance from a state of war that he might be tempted, if authorized, to impede a treaty of peace.”

Nathaniel Gorham (Massachusetts): “The precaution is unnecessary, as the means of carrying on the war would not be in the hands of the President, but of the Legislature.”

Gouverneur Morris (Pennsylvania): “The power of the President in this case is harmless. And no peace ought to be made without the concurrence of the President, who is the general Guardian of the National interests.”

Pierce Butler (South Carolina): “I am strenuous for the motion, as a necessary security against ambitious and corrupt Presidents.”

Elbridge Gerry (Massachusetts): “In treaties of peace a greater rather than less proportion of votes is necessary, than in other treaties. In Treaties of peace the dearest interests will be at stake. In treaties of peace, there is also more danger to the extremities of the Continent being sacrificed than on any other occasions.”
Narrator Four: “Only South Carolina, Georgia, and Massachusetts agree with Madison’s motion. The original clause concerning treaties is approved by all the states except Pennsylvania, New Jersey, and Georgia. Attention moves to a council of the President.”

George Mason (Virginia): “In rejecting a council to the President we are about to try an experiment on which the most despotic Governments have never ventured. I move to postpone the consideration of the current clause in order to take up the following, ‘to establish an Executive Council as a Council of State, for the President of the United States, to consist of six members, two from the Eastern states, two from the middle, and two from the Southern.’

Dr. Benjamin Franklin (Pennsylvania): “We seem to fear danger in appointments by a number, and to have too much confidence in those of single persons. A Council would not only be a check on a bad President but be a relief to a good one.”

Gouverneur Morris (Pennsylvania): “The question of a Council was considered in the Committee, where it was judged that the President, by persuading his Council to concur in his wrong measures, would acquire their protection for them.”

Narrator Five: “Only Maryland, South Carolina, and Georgia vote in favor of Mr. Mason’s motion.”

Saturday, September 8

Rufus King (Massachusetts): “I move to strike out the ‘exception of Treaties of peace’ from the general clause requiring two thirds of the Senate for making treaties.”

James Wilson (Pennsylvania): “If two thirds are necessary to make peace, the minority may perpetuate war, against the sense of the majority.”

James Madison (Virginia): “I move that a quorum of the Senate consist of two thirds of all the members.”

Gouverneur Morris (Pennsylvania): “This will put it in the power of one man to break up a Quorum.”

James Madison (Virginia): “This may happen to any Quorum.”

Narrator One: “Six states vote against Madison’s motion, and five states vote in favor of it. Then attention turns to the trial of impeachments against the President for Treason and bribery.”

George Mason (Virginia): “Why is the provision restrained to Treason and bribery only? Treason as defined in the Constitution will not reach many great and dangerous offences. Attempts to subvert the Constitution may not be Treason as defined. I move to add ‘bribery’ or ‘maladministration.’”

James Madison (Virginia): “So vague a term will be equivalent to a tenure during pleasure of the Senate.”

Gouverneur Morris (Pennsylvania): “It will not be put in force and can do no harm. An election of every four years will prevent maladministration.”

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George Mason (Virginia): “I withdraw the term ‘maladministration’ and substitute ‘other high crimes and misdemeanors against the State.”

Narrator Two: “On the altered motion, only New Jersey, Pennsylvania, and Delaware vote against.”

James Madison (Virginia): “I object to a trial of the President by the Senate, especially as he is to be impeached by the other branch of the Legislature, and for any act which might be called a misdemeanor. The President under these circumstances is improperly dependent. I prefer the Supreme Court for the trial of impeachments, or rather a tribunal of which that should form a part.”

Gouverneur Morris (Pennsylvania): “No other tribunal than the Senate can be trusted. The Supreme Court is too few in number and might be warped or corrupted. I am against a dependence of the Executive on the Legislature as I consider the Legislative tyranny the greatest danger to be apprehended. But there can be no danger that the Senate would say untruly on their oaths that the President is guilty of crimes or facts, especially as in four years he can be turned out.”

Charles Pinckney (South Carolina): “I disapprove of making the Senate the Court of Impeachments, as it renders the President too dependent on the Legislature. If he opposes a favorite law, the two Houses will combine against him, and under the influence of heat and faction throw him out of office.”

Hugh Williamson (North Carolina): “There is much more danger of too much lenity than too much rigor towards the President, considering the number of cases in which the Senate is associated with the President.”

Roger Sherman (Connecticut): “The Supreme Court is improper to try the President, since the Judges will be appointed by him.”

Narrator Three: “The clause is changed to say ‘misdemeanors against the United States’ in order to remove ambiguity. In its amended form, all the states vote in favor of it, excepting Pennsylvania.”

Narrator Four: “The section on impeachment is amended by the addition of the phrase ‘The Vice President and other civil officers of the United States shall be removed from office on impeachment and conviction as aforesaid.’”

Narrator Five: “The postponed section of the report dealing with bills for raising revenue is brought back up. A vote is taken on the portion stating that all bills for raising revenue shall originate in the House of Representatives. Only Delaware and Virginia vote nay.”

Narrator One: “A Committee is appointed by ballot to revise the style and arrange the articles which have been agreed to by the House. The committee consists of Mr. Johnson, Mr. Hamilton, Mr. Morris, Mr. Madison, and Mr. King.”

Monday, September 10

Elbridge Gerry (Massachusetts): “I move to reconsider the portion ‘On the application of the Legislatures of two thirds of the States in the union, for an amendment of this Constitution, the Legislature of the United States shall call a Convention for that purpose.’ This Constitution is to be paramount to the State Constitutions. It follows, hence, from this article that two thirds of the States may obtain a
Convention, a majority of which can bind the Union to innovations that may subvert the State Constitutions altogether. Is this situation proper to be run into?”

**James Madison (Virginia):** “The term ‘call a Convention for the purpose’ is too vague. This is sufficient reason for reconsidering the article. How is a Convention to be formed? By what rule decided? What is the force of its acts?”

**Narrator Two:** “New Jersey votes against Mr. Gerry’s motion, and New Hampshire divides. All the other states vote in favor of it.”

**James Madison (Virginia):** “I move we consider the following, ‘The Legislature of the United States whenever two thirds of both Houses shall deem necessary, or on the application of two thirds of the Legislatures of the several States, shall propose amendments to this Constitution, which shall be valid to all intents and purposes as part thereof, when the same shall have been ratified by at least three fourths of the Legislatures of the several States, or by Conventions in three fourths thereof, as one or the other mode of ratification may be proposed by the Legislature of the United States.”

**John Rutledge (South Carolina):** “I never can agree to give a power by which the articles relating to slaves might be altered by the States not interested in that property and prejudiced against it.”

**Narrator Three:** “In order to counter this objection, these words are added to the proposition, ‘provided that no amendments may be made prior to the year 1808.’ All the states vote in favor of Mr. Madison’s amended motion, except Delaware and New Hampshire.”

**Elbridge Gerry (Massachusetts):** “I object to proceeding to change the Government without the approval of Congress, as being improper and giving insult to that body.”

**Alexander Hamilton (New York):** “I concur with Mr. Gerry that it is improper to require the approval of Congress. This is a necessary ingredient in the transaction. It is also wrong to allow nine States to institute a new Government on the ruins of the existing one. I would propose a better modification that the plan should be sent to Congress in order that the same if approved by them, it may then be communicated to the State Legislatures, that they may refer it to State Conventions. If the Conventions of the States among nine ratifying States approve, the same shall take effect accordingly.”

**Nathaniel Gorham (Massachusetts):** “Some States will say that nine States shall be sufficient to establish the plan, others will require unanimity for the purpose. And the different and conditional ratifications will defeat the plan altogether.”

**Alexander Hamilton (New York):** “No Convention convinced of the necessity of the plan will refuse to give it effect on the adoption by nine States. I think this mode less exceptionable than the one proposed in the article, and would attain the same end.”

**Edmund Randolph (Virginia):** “If no change is made in this part of the plan, I shall be obliged to dissent from the whole of it. I have from the beginning been convinced that radical changes in the system of the Union are necessary. Under this conviction I brought forward a set of republican propositions as the basis and outline of a reform. These Republican propositions have, however, much to my regret, been widely, and in my opinion irreconcilably departed from. In this state of things I propose that the State Conventions should be at liberty to offer amendments to the plan; and that these should be submitted to a second
General Convention, with full power to settle the Constitution finally. I do not expect to succeed in this proposition, but the discharge of my duty in making the attempt, will give quiet to my mind.”

James Wilson (Pennsylvania): “I am against a reconsideration for any of the purposes which have been mentioned.”

Rufus King (Massachusetts): “It would be more respectful to Congress to submit the plan generally to them; than in such a form as expressly and necessarily to require their approbation or disapprobation. The assent of nine States is sufficient; and it is more proper to make this a part of the Constitution itself, than to provide for it by a supplemental or distinct recommendation.”

Elbridge Gerry (Massachusetts): “I urge the indecency and pernicious tendency of dissolving in so slight a manner, the solemn obligations of the articles of Confederation. If nine out of thirteen can dissolve the compact, six out of nine will be just as able to dissolve the new one hereafter.”

Roger Sherman (Connecticut): “I am in favor of Mr. King’s idea of submitting the plan generally to Congress. I think nine States ought to be made sufficient; but that it would be best to make it a separate act and in some such form as that intimated by Colonel Hamilton, than to make it a particular article of the Constitution.”

Narrator Four: “Seven states vote in favor of reconsidering.”

Alexander Hamilton (New York): “I move to postpone Article 21 in order to take up the ideas I previously expressed, particularly that the foregoing plan of the Constitution will be transmitted to the United States in Congress assembled. If the same shall be agreed to by them, it may be communicated to the Legislatures of the several States. They may provide for its final ratification by referring the same to the Consideration of a Convention of Deputies in each State to be chosen by the people thereof.”

James Wilson (Pennsylvania): “It is necessary now for me to speak freely. I am strongly opposed to the expedient just proposed, particularly suspending the plan of the Convention on the approbation of Congress. It is worse than folly to rely on the concurrence of the Rhode Island members of Congress in the plan. Maryland has voted on this floor for requiring the unanimous assent of the thirteen States to the proposed change in the federal system. New York has not been represented for a long time past in the Convention. Many individual deputies from other States have spoken much against the plan. Under these circumstances can it be safe to make the assent of Congress necessary? After spending four or five months in the laborious and arduous task of forming a Government for our Country, we are ourselves at the close throwing insurmountable obstacles in the way of its success.”

George Clymer (Pennsylvania): “The mode proposed by Mr. Hamilton would fetter and embarrass Congress as much as the original one, since it equally involves a breach of the Articles of Confederation.”

Rufus King (Massachusetts): “I concur with Mr. Clymer. If Congress can accede to one mode, they can to the other. If the approbation of Congress be made necessary, and they should not approve, the State Legislatures will not propose the plan to Conventions; or if the States themselves are to provide that nine States shall suffice to establish the System, that provision will be omitted, everything will go into confusion, and all our labor be lost.”

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Narrator Five: “Mr. Randolph takes the opportunity to state his objections, at which point Colonel Mason urges his motion to lie on the table for a day or two to see what steps might be taken with regard to the parts of the system objected to by Mr. Randolph.”

Tuesday, September 11

Narrator One: “Since the Report of the Committee of Style is not available yet, the House adjourns for the entire day.”

Wednesday, September 12

Narrator Two: “Dr. Johnson, from the Committee of Style reports a digest of the plan. Printed copies of the report are ordered for the members, and a letter to accompany the plan to Congress is included.”

Narrator Three: “The letter to Congress begins, ‘We have now the honor to submit to the consideration of the United States in Congress assembled, that Constitution which has appeared to us the most advisable.’”

Narrator Four: “The letter continues, ‘In all our deliberations on this subject we kept steadily in our view, that which appears to us the greatest interest of every true American, the consolidation of our union, in which is involved our prosperity, felicity, safety, perhaps our national existence.’”

Narrator Five: “And the letter ends with: ‘That the Constitution will meet the full and entire approval of every State is not perhaps to be expected; but each will doubtless consider that had her interest alone been consulted, the consequences might have been particularly disagreeable or injurious to others. That it is liable to as few exceptions as could reasonably have been expected, we hope and believe, that it may promote the lasting welfare of that country so dear to us all, and secure her freedom and happiness, is our most ardent wish.’”

Hugh Williamson (North Carolina): “I move to reconsider the clause requiring three fourths of each House to overrule the negative of the President, in order to strike out three fourths and insert two thirds. I myself proposed three fourths originally, but have since been convinced that the latter proportion is the best. The former puts too much in the power of the President.”

Roger Sherman (Connecticut): “I am of the same opinion. The States would not like to see so small a minority and the President prevailing over the general voice. In making laws regard should be had to the sense of the people, who are to be bound by them, and it is more probable that a single man should mistake or betray this sense than the Legislature.”

Gouverneur Morris (Pennsylvania): “Considering the difference between the two proportions numerically, it amounts in one House to two members only, and in the other to not more than five, according to the numbers of which the Legislature is at first to be composed. It is the interest moreover of the distant States to prefer three fourths as they will be oftenest absent and need the interposing check of the President. The excess rather than the deficiency of laws is to be dreaded.”

Alexander Hamilton (New York): “In New York two thirds has been ineffectual.”
Elbridge Gerry (Massachusetts): “It is necessary to consider the danger on the other side also. The primary object of the revisionary check of the President is not to protect the general interest, but to defend his own department.”

Hugh Williamson (North Carolina): “I am less afraid of too few than of too many laws. I am most of all afraid that the repeal of bad laws might be rendered too difficult by requiring three fourths to overcome the dissent of the President.”

George Mason (Virginia): “My leading view is to guard against too great an impediment to the repeal of laws.”

James Madison (Virginia): “When three fourths was agreed to, the President was to be elected by the Legislature and for seven years. He is now to be elected by the people and for four years. We must compare the danger from the weakness of two thirds with the danger from the strength of three fourths. On the whole the weakness is greater.”

Narrator One: “On the question of inserting three fourths in place of two thirds, six states vote in favor, four states vote against, and one divides.”

Hugh Williamson (North Carolina): “I observe that no provision is yet made for juries in civil cases, and this is critically necessary.”

Elbridge Gerry (Massachusetts): “Juries are necessary to guard against corrupt Judges. The Committee last appointed should be directed to provide a clause for securing the trial by juries.”

George Mason (Virginia): “I perceive the difficulty mentioned by Mr. Gorham. I wish the plan had been prefaced with a Bill of Rights, and would second a motion if made for the purpose. It would give great quiet to the people, and with the aid of the State declarations, a bill might be prepared in a few hours.”

Elbridge Gerry (Massachusetts): “I concur with Mr. Mason’s idea and move the Committee to prepare a Bill of Rights.”

Roger Sherman (Connecticut): “I am for securing the rights of the people where requisite. The State Declarations of Rights are not repealed by this Constitution; and being in force are sufficient.”

Narrator Two: “No states vote for preparing a Bill of Rights at this point.”

George Mason (Virginia): “I would like the clause relating to Exports to be reconsidered.”

James Madison (Virginia): “I second the motion. It would at least be harmless and might have the good effect of restraining the States. Though perhaps the best guard against an abuse of the power of the States on this subject is the right in the General Government to regulate trade between States.”

Gouverneur Morris (Pennsylvania): “I see no objection to the motion.”

Jonathan Dayton (New Jersey): “I am afraid the proviso would enable Pennsylvania to tax New Jersey under the idea of Inspection duties.”
John Langdon (New Hampshire): “There will be no security if the proviso is agreed to, for the States exporting through other States, against the oppressions of the latter. How is redress to be obtained in case duties shall be laid beyond the purpose expressed?”

James Madison (Virginia): “There will be the same security as in other cases. The jurisdiction of the supreme Court must be the source of redress.”

Thursday, September 13

Narrator Three: “The day begins with Mr. Mason’s continued push for restraining the State Governments to prevent abuse of other States through inspection laws. Seven states vote in favor of Mr. Mason’s new motion to allow Congress to revise and control any such regulations.”

Narrator Four: “Then attention turns to the Report from the Committee of Style and Arrangement.”

Narrator Five: “Mr. Dickenson, Mr. Wilson, Mr. Morris, and Mr. Madison each make motions for small changes to the report. A number of members quickly grow impatient and call for the question, but the vote is pushed off until the next day.”

Friday, September 14

Hugh Williamson (North Carolina): “I move to reconsider the number of Representatives fixed for the first Legislature. My purpose is to make an addition of one half generally to the number allotted to the respective States, and to allow the smallest States two.”

Narrator One: “Six states vote against Mr. Williamson’s motion and those made by many, many more members, including Mr. Madison, Mr. Rutledge, and Mr. Morris. Eventually the day ends, with very little accomplished for their troubles.”

Saturday, September 15

Daniel Carroll (Maryland): “I remind the House that no address to the people has yet been prepared. It is of great importance that one should accompany the Constitution. The people have been accustomed to such on great occasions, and would expect it on this. I move that a committee be appointed for the special purpose of preparing such an address.”

John Rutledge (South Carolina): “I object on account of the delay it would produce and the impropriety of addressing the people before it is known whether Congress will approve and support the plan. Congress, if an address be thought proper, can prepare as good a one. The members of the Convention can also explain the reasons of what has been done to their respective Constituents.”

Narrator Two: “Only four states vote in favor of Mr. Carroll’s motion.”

John Langdon (New Hampshire): “Some gentlemen have been very uneasy that no increase of the number of Representatives has been admitted. It has in particular been thought that one more ought to be
allowed in North Carolina. I am of the opinion that an additional one is due both that State and Rhode Island and move to reconsider for that purpose.”

Narrator Three: “On the motion to reconsider, eight states vote Aye.”

Rufus King (Massachusetts): “I am against any change whatever as opening the door for more delays. There has been no official proof that the numbers of North Carolina are greater than before estimated, and I never can sign the Constitution if Rhode Island is to be allowed two members. That is one fourth of the number allowed to Massachusetts, which will be known to be unjust.”

Charles Pinckney (South Carolina): “I urge the propriety of increasing the number of representatives allotted to North Carolina.”

Gunning Bedford, Jr. (Delaware): “I contend for an increase for Rhode Island and Delaware.”

Narrator Four: “On the question of allowing two representatives to Rhode Island, only five states vote in favor of it and it fails. More discussions follow on several more motions to strike out, add, or amend small portions of the Report. After another long day of debating and discussing the various small portions, the Constitution is finally voted on as it stands. All States vote in favor of the Constitution (though not all the individual members vote Aye).”

Monday, September 17

Narrator Five: “The engrossed Constitution is read aloud to the members and Dr. Franklin stands up to make a rare speech.”

Dr. Benjamin Franklin (Pennsylvania): “Mr. President, I confess that there are several parts of this constitution which I do not at present approve, but I am not sure I shall never approve them. For having lived long, I have experienced many instances of being obliged by better information, or fuller consideration, to change opinions even on important subjects, which I once thought right, but found to be otherwise. The older I grow, the more apt I am to doubt my own judgment, and to pay more respect to the judgment of others. In these sentiments, Sir, I agree to this Constitution with all its faults, if they are such; because I think a general Government necessary for us, and there is no form of Government but what may be a blessing to the people if well administered. I doubt too whether any other Convention we can obtain may be able to make a better Constitution.”

Narrator One: “Dr. Franklin catches his breath and continues to speak to the delegates.”

Dr. Benjamin Franklin (Pennsylvania): “For when you assemble a number of men to have the advantage of their joint wisdom, you inevitably assemble with those men, all their prejudices, their passions, their errors of opinion, their local interests, and their selfish views. From such an assembly can a perfect production be expected? It therefore astonishes me, Sir, to find this system approaching so near to perfection as it does, and I think it will astonish our enemies who are waiting with confidence to hear that our councils are confounded like those of the builders of Babel. Thus I consent, Sir, to this Constitution because I expect no better, and because I am not sure that it is not the best. The opinions I have had of its errors, I sacrifice to the public good. Within these walls they were born, and here they shall die. I move that the Constitution be signed by the members and offer the following as a convenient form, ‘Done in
Convention by the unanimous consent of the States present the 17th of September, etc., in witness whereof we have hereunto subscribed our names.”

Nathaniel Gorham (Massachusetts): “If it is not too late I could wish, for the purpose of lessening objections to the Constitution that the clause declaring ‘the number of Representatives shall not exceed one for every 40,000’ which has produced so much discussion, might yet be reconsidered, in order to strike out 40,000 and insert 30,000. This would not establish that as an absolute rule, but only give Congress a greater latitude, which cannot be thought unreasonable.”

George Washington (Virginia): “Although my situation as President has hitherto restrained me from offering my sentiments on questions depending in the House, and it might be thought, ought now to impose silence on me, yet I cannot forebear expressing my wish that the alteration proposed might take place. It is much to be desired that the objections to the plan recommended might be made as few as possible. The smallness of the proportion of Representatives has been considered by many members of the Convention an insufficient security for the rights and interest of the people. I acknowledge that it has always appeared to myself among the exceptionable parts of the plan, and late as the present moment is for admitting amendments, I think this is of so much consequence that it would give much satisfaction to see it adopted.”

Narrator Two: “No opposition is made to Mr. Gorham’s motion and it is agreed to unanimously.”

Edmund Randolph (Virginia): “I apologize for my refusal to sign the Constitution today. Notwithstanding, the vast majority and venerable names there will give sanction to its wisdom and its worth. I do not mean by this refusal to oppose the Constitution’s ratification. I mean only to keep myself free to be governed by my duty as it should be prescribed by my future judgment. I refuse to sign, because I think the object of the Convention will be frustrated by the alternative which it presents to the people. Nine states will fail to ratify the plan and confusion must ensue. With such a view of the subject, I ought not, I cannot, by pledging myself to support the plan, restrain myself from taking such steps as might appear to me most consistent with the public good.”

Gouverneur Morris (Pennsylvania): “I too have objections, but considering the present plan as the best that is to be attained, I shall take it with all its faults. The majority has determined in its favor, and by that determination I shall abide. The moment this plan goes forth all other considerations will be laid aside, and the great question will be, shall there be a National Government or not? And this must take place or a general anarchy will be the alternative.”

Hugh Williamson (North Carolina): “The signing should be confined to the letter accompanying the Constitution to Congress, which might perhaps do nearly as well, and would I believe, be satisfactory to some members who dislike the Constitution. For myself, I do not think a better plan is to be expected and have no scruples against putting my name to it.”

Alexander Hamilton (New York): “I am anxious that every member should sign. A few characters of consequence, by opposing, or even refusing to sign the Constitution, might do infinite mischief by kindling the latent sparks which lurk under an enthusiasm in favor of the Convention which may soon subside. No man’s ideas are more remote from the plan than mine are known to be, but is it possible to deliberate between anarchy and convulsion on one side, and the chance of good to be expected from the plan on the other?”
Dr. Benjamin Franklin (Pennsylvania): “I have a high sense of obligation to Mr. Randolph for having brought forward the plan in the first instance, and for the assistance he has given in its progress, and hope that he will yet lay aside his objections, and by concurring with his brethren, prevent the great mischief which the refusal of his name might produce.”

Edmund Randolph (Virginia): “In refusing to sign the Constitution, I take a step which might be the most awful of my life, but it is dictated by my conscience, and it is not possible for me to hesitate, much less, to change.”

Elbridge Gerry (Massachusetts): “I rise with painful feelings and embarrassment to offer further observations on the subject which has been decided. I now feel bound as I am disposed to treat it with the respect due to the Act of the Convention. I hope I shall not violate that respect in declaring on this occasion my fears that a civil war may result from the present crisis of the United States. In Massachusetts I particularly see the danger of this calamitous event. In that State, there are two parties, one devoted to Democracy, the worst I think of all political evils, the other as violent in the opposite extreme. From this collision, confusion is greatly to be feared.”

General Charles C. Pinckney (South Carolina): “I shall sign the Constitution with a view to support it with all my influence, and wish to pledge myself accordingly.”

Dr. Benjamin Franklin (Pennsylvania): “It is too soon to pledge ourselves before Congress and our Constituents shall have approved the plan.”

Rufus King (Massachusetts): “I suggest that the journals of the Convention should either be destroyed, or deposited in the custody of the President. I think if suffered to be made public, a bad use would be made of them by those who would wish to prevent the adoption of the Constitution.”

James Wilson (Pennsylvania): “I prefer the second expedient. I had at one time liked the first best, but as false suggestions may be propagated it should be made impossible to contradict them.”

Narrator Three: “The question of depositing the journals and other papers of the Convention in the hands of the President is put to a vote. All states vote in favor of the question except Maryland.”

Narrator Four: “The members proceed to signing the Constitution.”

Dr. Benjamin Franklin (Pennsylvania): “As I watch the last member signing the Constitution, I see the back of the President’s Chair, at the back of which a sun happens to be painted. Painters have found it difficult to distinguish in their art a rising from a setting sun. I have often in the course of the Sessions, looked at the sun behind the President without being able to tell whether it is rising or setting. But, now at length, I have the happiness to know that it is a rising and not a setting sun.”

Narrator Five: “With the signing of the Constitution by all members present except Mr. Randolph, Mr. Mason, and Mr. Gerry, the Convention dissolves itself by an adjournment sine die.”