

Activity One: Plans for Representation and the Question of Authorization

Student Name _____ Date _____

Reading Set A. Plans of Representation

1. Articles of Confederation (ratified 1781)

<http://www.yale.edu/lawweb/avalon/artconf.htm>

Article V. For the most convenient management of the general interests of the United States, delegates shall be annually appointed in such manner as the legislatures of each State shall direct, to meet in Congress on the first Monday in November, in every year, with a power reserved to each State to recall its delegates, or any of them, at any time within the year, and to send others in their stead for the remainder of the year.

No State shall be represented in Congress by less than two, nor more than seven members...

In determining questions in the United States in Congress assembled, each State shall have one vote.

2. The Virginia Plan (introduced by Edmund Randolph, 29 May 1787)

<http://www.yale.edu/lawweb/avalon/debates/529.htm>

1. Resolved that the Articles of Confederation ought to be so corrected & enlarged as to accomplish the objects proposed by their institution; namely, "common defence, security of liberty and general welfare."

2. Resd. therefore that 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 rule may seem best in different cases.

3. Resd. that the National Legislature ought to consist of two branches.

4. Resd. that the members of the first branch of the National Legislature ought to be elected by the people of the several States...

5. Resold. that the members of the second branch of the National Legislature ought to be elected by those of the first, out of a proper number of persons nominated by the individual Legislatures...

3. The New Jersey Plan (introduced by William Paterson, 15 June 1787)

<http://www.yale.edu/lawweb/avalon/debates/615.htm>

1. Resd. that the articles of Confederation ought to be so revised, corrected & enlarged, as to render the federal Constitution adequate to the exigencies of Government, & the preservation of the Union.

2. Resd. that in addition to the powers vested in the U. States in Congress, by the present existing articles of Confederation, they be authorized to pass acts for raising a revenue, by levying a duty or duties on all goods or merchandizes of foreign growth or manufacture, imported into any part of the U. States...

4. The Hamilton Plan (introduced by Alexander Hamilton, 18 June 1787)

<http://www.yale.edu/lawweb/avalon/debates/618.htm>

I. "The Supreme Legislative power of the United States of America to be vested in two different bodies of men; the one to be called the Assembly, the other the Senate who together shall form the Legislature of the United States with power to pass all laws whatsoever subject to the Negative hereafter mentioned.

II. The Assembly to consist of persons elected by the people to serve for three years.

III. The Senate to consist of persons elected to serve during good behaviour; their election to be made by electors chosen for that purpose by the people: in order to this the States to be divided into election districts. On the death, removal or resignation of any Senator his place to be filled out of the district from which he came...

5. U.S. Constitution (as recommended by the Convention, 17 September 1787)

http://www.archives.gov/national-archives-experience/charters/constitution_transcript.html

Article. I.

Section. 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section. 2. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature...

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons...The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative...

Section. 3. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof for six Years; and each Senator shall have one Vote.

Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one third may be chosen every second Year...

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Directions: Read the documents that accompany Activity 1 Reading Set A and answer the following questions.

Question	Answer
1. Explain how the states were represented under the Articles of Confederation.	
2. How are the Articles of Confederation and the Virginia plan different?	
3. How are the Virginia Plan and Hamilton Plan different?	
4. How is the original U.S. Constitution (as recommended by the Convention) different from both the Articles of Confederation and the Virginia Plan?	

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Reading Set B. Debate over the Virginia Plan: Were the Delegates Authorized to Establish Proportional Representation?

1. Constitutional Convention, 30 May 1787

<http://www.yale.edu/lawweb/avalon/debates/530.htm>

Mr. CHARLES PINKNEY wished to know of Mr. Randolph whether he meant to abolish the State Governments altogether. Mr. R. replied that he meant by these general propositions merely to introduce the particular ones which explained the outlines of the system he had in view...

Genl. PINKNEY expressed a doubt whether the act of Congress recommending the Convention, or the Commissions of the Deputies to it, could authorize a discussion of a System founded on different principles from the federal Constitution.

Mr. GERRY seemed to entertain the same doubt.

Mr. Govr. MORRIS explained the distinction between a federal and national, supreme, Government; the former being a mere compact resting on the good faith of the parties; the latter having a complete and compulsive operation. He contended that in all Communities there must be one supreme power, and one only.

Mr. MASON observed that the present confederation was not only deficient in not providing for coercion & punishment against delinquent States; but argued very cogently that punishment could not in the nature of things be executed on the States collectively, and therefore that such a Government was necessary as could directly operate on individuals, and would punish those only whose guilt required it.

Mr. SHERMAN who took his seat today, admitted that the Confederation had not given sufficient power to Congress and that additional powers were necessary; particularly that of raising money which he said would involve many other powers...He seemed however not to be disposed to make too great inroads on the existing system...

Col. HAMILTON moved to alter the resolution so as to read "that the rights of suffrage in the national Legislature ought to be proportioned to the number of free inhabitants. Mr. SPAIGHT 2d. the motion. It was then moved that the Resolution be postponed, which was agreed to.

Mr. RANDOLPH and Mr. MADISON then moved the following resolution-"that the rights of suffrage in the national Legislature ought to be proportioned." It was moved and 2d. to amend it by adding "and not according to the present system"-which was agreed to. It was then moved and 2d. to alter the resolution so as to read "that the rights of suffrage in the national Legislature ought not to be according to the present system." It was then moved & 2d. to postpone the Resolution moved by Mr. Randolph & Mr. Madison, which being agreed to:

Mr. MADISON, moved, in order to get over the difficulties, the following resolution-"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." This was 2d. by Mr. Govr. MORRIS, and being generally relished, would have been agreed to; when,

Mr. REED moved that the whole clause relating to the point of Representation be postponed; reminding the Committee that the deputies from Delaware were restrained by their commission from assenting to any change of the rule of suffrage, and in case such a change should be fixed on, it might become their duty to retire from the Convention.

Mr. Govr. MORRIS observed that the valuable assistance of those members could not be lost without real concern, and that so early a proof of discord in the Convention as a secession of a State, would add much to the regret; that the change proposed was however so fundamental an article in a national Govt. that it could not be dispensed with.

Mr. MADISON observed that whatever reason might have existed for the equality of suffrage when the Union was a federal one among sovereign States, it must cease when a national Governmt. should be put into the place. In the former case, the acts of Congs. depended so much for their efficacy on the cooperation of the States, that these had a weight both within & without Congress, nearly in proportion to their extent and importance. In the latter case, as the acts of the Genl. Govt. would take effect without the intervention of the State legislatures, a vote from a small State wd. have the same efficacy & importance as a vote from a large one, and there was the same reason for different numbers of representatives from different States, as from Counties of different extents within particular States.

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Directions: Read the document that accompanies Activity 1 Reading Set B and answer the following questions.

Question	Answer
<p>1. In this debate, which of the delegates are skeptical of the Virginia Plan, and which seem to support it? After you have made your list of those for or against, identify the state that each represents.</p>	
<p>2. Why do some delegates believe that the Virginia Plan would establish a “national” government, and do away with the “federal” government under the Articles of Confederation?</p>	
<p>3. Why do George Mason and James Madison believe that a national rather than federal government is necessary?</p>	
<p>4. Why are General Pinckney, Roger Sherman and George Read (Reed) inclined to oppose the scheme of representation in the Virginia Plan?</p>	

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Reading Set C. Debate over the Virginia Plan: Paterson's critique of proportional representation

1. Constitutional Convention, 9 June 1787

<http://www.yale.edu/lawweb/avalon/debates/609.htm>

Mr. PATTERSON moves that the Committee resume the clause relating to the rule of suffrage in the Natl. Legislature.

Mr. BREARLY seconds him...

Mr. PATTERSON considered the proposition for a proportional representation as striking at the existence of the lesser States. He wd. premise however to an investigation of this question some remarks on the nature structure and powers of the Convention. The Convention he said was formed in pursuance of an Act of Congs. that this act was recited in several of the Commissions, particularly that of Massts. which he required to be read: that the amendment of the confederacy was the object of all the laws and commissions on the subject; that the articles of the Confederation were therefore the proper basis of all the proceedings of the Convention. We ought to keep within its limits, or we should be charged by our Constituents with usurpation, that the people of America were sharp-sighted and not to be deceived. But the Commissions under which we acted were not only the measure of our power, they denoted also the sentiments of the States on the subject of our deliberation. The idea of a national Govt. as contradistinguished from a federal one, never entered into 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... It has been said that if a Natl. Govt. is to be formed so as to operate on the people and not on the States, the representatives ought to be drawn from the people. But why so? May not a Legislature filled by the State Legislatures operate on the people who choose the State Legislatures? or may not a practicable coercion be found. He admitted that there was none such in the existing System. -He was attached strongly to the plan of the existing confederacy, in which the people choose their Legislative representatives; and the Legislatures their federal representatives. No other amendments were wanting than to mark the orbits of the States with due precision, and provide for the use of coercion, which was the great point... N. Jersey will never confederate on the plan before the Committee. She would be swallowed up. He had rather submit to a monarch, to a despot, than to such a fate. He would not only oppose the plan here but on his return home do every thing in his power to defeat it there.

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Directions: Read the document that accompanies Activity 1 Reading Set C and answer the following questions.

Question	Answer
<p>1. In this passage, William Paterson (Patterson) of New Jersey argues against the Virginia Plan. What is it that he particularly does not like about the Virginia Plan?</p>	
<p>2. Why does Paterson believe that the Convention should not adopt proportional representation?</p>	
<p>3. Why do you think Paterson said the following? "We must follow the people; the people will not follow us."</p>	
<p>4. What does Paterson say will happen if the Virginia Plan is approved?</p>	

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Student Name _____ Date _____

Reading Set D. Debate over the New Jersey Plan: Will it be enough to fix the Articles of Confederation?

1. Constitutional Convention, 16 June 1787

<http://www.yale.edu/lawweb/avalon/debates/616.htm>

Mr. LANSING called for the reading of the 1st. resolution of each plan, which he considered as involving principles directly in contrast; that of Mr. Patterson says he sustains the sovereignty of the respective States, that of Mr. Randolph destroys it...He grounded his preference of Mr. P.'s plan, chiefly on two objections agst. that of Mr. R. 1. want of power in the Convention to discuss & propose it. 2 the improbability of its being adopted.

1. He was decidedly of opinion that the power of the Convention was restrained to amendments of a federal nature, and having for their basis the Confederacy in being. The Act of Congress The tenor of the Acts of the States, the Commissions produced by the several deputations all proved this. And this limitation of the power to an amendment of the Confederacy, marked the opinion of the States, that it was unnecessary & improper to go farther. He was sure that this was the case with his State. N. York would never have concurred in sending deputies to the convention, if she had supposed the deliberations were to turn on a consolidation of the States, and a National Government...

Mr. PATTERSON, said as he had on a former occasion given his sentiments on the plan proposed by Mr. R. he would now avoiding repetition as much as possible give his reasons in favor of that proposed by himself. He preferred it because it accorded 1. with the powers of the Convention, 2 with the sentiments of the people. If the confederacy was radically wrong, let us return to our States, and obtain larger powers, not assume them of ourselves. I came here not to speak my own sentiments, but the sentiments of those who sent me. Our object is not such a Governmt. as may be best in itself, but such a one as our Constituents have authorized us to prepare, and as they will approve...

Mr. WILSON entered into a contrast of the principal points of the two plans so far he said as there had been time to examine the one last proposed. These points were 1. in the Virga. plan there are 2 & in some degree 3 branches in the Legislature: in the plan from N. J. there is to be a single legislature only- 2. Representation of the people at large is the basis of the one: -the State Legislatures, the pillars of the other-3. proportional representation prevails in one: -equality of suffrage in the other...

With regard to the power of the Convention, he conceived himself authorized to conclude nothing, but to be at liberty to propose any thing. In this particular he felt himself perfectly indifferent to the two plans.

With regard to the sentiments of the people, he conceived it difficult to know precisely what they are. Those of the particular circle in which one moved, were commonly mistaken for the general voice. He could not persuade himself that the State Govts. & Sovereignties were so much the idols of the people, nor a Natl. Govt. so obnoxious to them, as some supposed. Why sd. a Natl. Govt. 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 Govts.? no, Sir. It is from the Natl. Councils that relief is expected. For these reasons he did not fear, that the people would not

follow us into a national Govt. and it will be a further recommendation of Mr. R.'s plan that it is to be submitted to them, and not to the Legislatures, for ratification...

Mr. PINKNEY, the whole comes to this, as he conceived. Give N. Jersey an equal vote, and she will dismiss her scruples, and concur in the Natil. system. He thought the Convention authorized to go any length in recommending, which they found necessary to remedy the evils which produced this Convention...

Mr. RANDOLPH, was not scrupulous on the point of power. When the salvation of the Republic was at stake, it would be treason to our trust, not to propose what we found necessary. He painted in strong colours, the imbecility of the existing Confederacy, & the danger of delaying a substantial reform...The true question is whether we shall adhere to the federal plan, or introduce the national plan. The insufficiency of the former has been fully displayed by the trial already made...We must resort therefore to a National Legislation over individuals, for which Congs. are unfit...If the Union of these powers heretofore in Congs. has been safe, it has been owing to the general impotency of that body. Congs. are moreover not elected by the people, but by the Legislatures who retain even a power of recall. They have therefore no will of their own, they are a mere diplomatic body, and are always obsequious to the views of the States, who are always encroaching on the authority of the U. States. A provision for harmony among the States, as in trade, naturalization &c.-for crushing rebellion whenever it may rear its crest-and for certain other general benefits, must be made. The powers for these purposes, can never be given to a body, inadequate as Congress are in point of representation, elected in the mode in which they are, and possessing no more confidence than they do: for notwithstanding what has been said to the contrary, his own experience satisfied him that a rooted distrust of Congress pretty generally prevailed. A Natl. Govt. alone, properly constituted, will answer the purpose; and he begged it to be considered that the present is the last moment for establishing one. After this select experiment, the people will yield to despair.

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Directions: Read the document that accompanies Activity 1 Reading Set D and answer the following questions.

Question	Answer
<p>1. In this debate, which of the delegates are opposed to the New Jersey Plan, and which support it? After you have made your list of those for or against, identify the state they are representing.</p>	
<p>2. Why do John Lansing and William Paterson (Patterson) prefer the New Jersey Plan over the Virginia Plan?</p>	
<p>3. How does James Wilson respond to Paterson's claim that the people will never approve the Virginia Plan?</p>	
<p>5. Why does Edmund Randolph argue that the New Jersey Plan will not be enough to remedy the problems under the Articles of Confederation?</p>	