

Example of a Transcript Revised for a Reader's Theater Reading



An example of an original debate transcript and a second version revised for student interpretation are provided below. As shown, students should be allowed to make any or all of the following changes, wherever appropriate, in order to reach a better understanding of the passages:

- Convert the text into the first person.
- Convert the text into the present tense.
- Create a narration.
- Modernize and make consistent the spelling, punctuation and grammar, as necessary.
- Add text (but as little as possible) for clarity.
- Modernize and/or simplify the vocabulary (on a limited basis only).

From Madison's Debates for July 11, 1787: The Original Transcript

On Mr. Butler's motion for considering blacks as equal to Whites in the apportionmt. of Representation: Massts., no; Cont., no.; [N.Y. not on floor] N.J., no; Pa., no; Del., ay; Md., no; Va., no; N.C., no; S.C., ay; Geo., ay.

Mr. Govr. MORRIS said he had several objections to the proposition of Mr. Williamson. 1. It fettered the Legislature too much. 2. It would exclude some States altogether who would not have a sufficient number to entitle them to a single Representative. 3. It will not consist with the Resolution passed on Saturday last authorising the Legislature to adjust the Representation from time to time on the principles or population and wealth or with the principles of equity. If slaves were to be considered as inhabitants, not as wealth, then the sd. Resolution would not be pursued. If as wealth, then why is no other wealth but slaves included? These objections may perhaps be removed by amendments. His great objection was that the number of inhabitants was not a proper standard of wealth. The amazing difference between the comparative numbers and wealth of different Countries, rendered all reasoning superfluous on the subject. Numbers might with greater propriety be deemed a measure of strength, than of wealth, yet the late defence made by G. Britain, agst. her numerous enemies proved in the clearest manner, that it is entirely fallacious even in this respect.

Mr. KING thought there was great force in the objections of Mr. Govr. Morris: he would however accede to the proposition for the sake of doing something.

Mr. RUTLIDGE contended 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 shd. not therefore be represented in that proportion. The Atlantic States will not concur in such a plan. He moved that "at the end of years after the 1st. meeting of the Legislature, and of every years thereafter, the Legislature shall proportion the Representation according to the principles of wealth and population."

Mr. SHERMAN thought the number of people alone the best rule for measuring wealth as well as representation; and that if the Legislature were to be governed by wealth, they would be obliged to estimate it by numbers. He was at first for leaving the matter wholly to the discretion of the Legislature; but he had been convinced by the observations of Mr. Randolph and Mr. Mason that the periods and the rule, of revising the Representation ought to be fixt by the Constitution.

Mr. REID thought 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 scism, than harmony and union.

Mr. MASON objected to Mr. Rutledge motion, as requiring of the Legislature something too indefinite and impracticable, and leaving them a pretext for doing nothing.

Mr. WILSON had himself no objection to leaving the Legislature entirely at liberty. But considered wealth as an impracticable rule.

Mr. GHORUM: If the Convention who are comparatively so little biassed by local views are so much perplexed, how can it be expected that the Legislature hereafter under the full biass of those views, will be able to settle a standard. He was convinced by the arguments of others and his own reflections that the Convention ought to fix some standard or other.

Mr. Govr. MORRIS: The argts. of others and his own reflections had led him 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. Surely those who come after us will judge better of things present, than we can of things future. He could not persuade himself that numbers would be a just rule at any time.

Transcript Prepared for Reader's Theater

NARRATOR: On Mr. Butler's motion for considering blacks as equal to Whites in the apportionment of Representation, the vote was as follows: Massachusetts, no; Connecticut, no; New York was not represented and did not cast a vote; New Jersey, no; Pennsylvania, no; Delaware, yes; Maryland, Virginia and North Carolina, no; South Carolina and Georgia, yes.

MR. MORRIS: I have several objections to the proposition of Mr. Williamson. 1. It fetters the Legislature too much. 2. It would exclude some States altogether who would not have a sufficient number to entitle them to a single representative. 3. It is not consistent with the Resolution passed last Saturday authorizing the Legislature to adjust the Representation from time to time on the principles or population and wealth or with the principles of equity. If slaves were to be considered as inhabitants, not as wealth, then the said Resolution would not be pursued. If as wealth, then why is no other wealth but slaves included? These objections may perhaps be removed by amendments. My greatest objection is that the number of inhabitants is not a proper standard of wealth. The amazing difference between the comparative numbers and wealth of different Countries, renders all reasoning superfluous on the subject. Numbers might with greater propriety be deemed a measure of strength, than of wealth, yet the late defense made by G. Britain, against her numerous enemies proves in the clearest manner, that it is entirely fallacious even in this respect.

MR. KING: I think there is great force in the objections of Mr. Govr. Morris. I would however accede to the proposition for the sake of doing something.



MR. RUTLIDGE: I contend that we should admit wealth as part of the estimate by which Representation will be regulated. The Western States will not be able to contribute tax revenues in proportion to their numbers; they should not therefore be represented in that proportion. The Atlantic States will not concur in such a plan. I move that "at the end of years after the 1st. meeting of the Legislature, and of every years thereafter, the Legislature shall proportion the Representation according to the principles of wealth and population."

MR. SHERMAN: I think the number of people alone the best rule for measuring wealth as well as representation; and that if the Legislature were to be governed by wealth, they would be obliged to estimate it anyway. 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.

MR. REID: 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.

MR. MASON: I object to Mr. Rutledge's motion, as requiring of the Legislature something too indefinite and impracticable, and leaving them a pretext for doing nothing.

MR. WILSON: I have no objection to leaving the Legislature entirely at liberty. But, I do consider wealth an impracticable way of determining representation.

MR. GHORUM: If the members of this Convention, who are comparatively so little biased by local views, are so much perplexed, how can it be expected that the Legislature, hereafter under the full bias of those views, will be able to settle a standard? I have become convinced by the arguments of others and my own reflections that the Convention ought to fix some standard or other.

MR. MORRIS: The arguments 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? Surely those who come after us will judge better of things present, than we can of things future. I cannot persuade myself that numbers would be a just rule at any time.

Name _____ Date _____

Madison Debates for May 30, 1787



In this section of the debate, the delegates discuss the distinction between a federal and a national government. Should the governing principle be a union of states, as under the Articles of Confederation, or “a national Government . . . consisting of a supreme Legislative, Executive and Judiciary” with power over the states?

NOTE: Translations of some text into more conversational speech are provided in a bold-faced font. A name followed by a colon (:) indicates which character should speak; the name itself should not be read aloud. The complete text for the May 30th debates is available at <http://www.yale.edu/lawweb/avalon/debates/530.htm>.

The propositions of Mr. RANDOLPH which had been referred to the Committee being taken up. He moved on the suggestion of Mr. G. Morris, that the first of his propositions to wit “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 & general welfare: -should be postponed, in order to consider the 3 following:

NARRATOR: Now that the propositions of Mr. RANDOLPH, which had been referred to the Committee, are being taken up, he made a motion on the suggestion of Mr. G. Morris, that the first of his propositions: “Resolved that the Articles of Confederation ought to be so corrected & enlarged, as to accomplish the objects proposed by their institution; namely, common defense, security of liberty & general welfare” should be postponed, in order to consider the 3 following:

1. that a Union of the States merely federal will not accomplish the objects proposed by the articles of Confederation, namely common defence, security of liberty, & genl. welfare.

1. that a Union of the States merely federal, merely a confederation of states, will not accomplish the objects proposed by the Articles of Confederation, namely common defense, security of liberty, and general welfare.

2. that no treaty or treaties among the whole or part of the States, as individual Sovereignities, would be sufficient.

2. that no treaty or treaties among the whole or part of the States, acting like individual independent countries of their own, would be sufficient.

3. that a national Government ought to be established consisting of a supreme Legislative, Executive & Judiciary.

3. that a national government ought to be established consisting of supreme legislative, executive, and judiciary branches.

The motion for postponing was seconded by Mr. Govr. MORRIS and unanimously agreed to.

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Some verbal criticisms were raised against the first proposition, and it was agreed on motion of Mr. BUTLER seconded by Mr. RANDOLPH, to pass on to the third, which underwent a discussion, less however on its general merits than on the force and extent of the particular terms national & supreme. **Some verbal criticisms were raised against the first proposition, and it was agreed on motion of Mr. BUTLER and seconded by Mr. RANDOLPH, to pass on to the third, which underwent a discussion, less however on its general merits than on the meaning of the terms “national” and “supreme.”**

Mr. CHARLES PINKNEY wished to know of Mr. Randolph whether he meant to abolish the State Governrs. altogether.

MR. CHARLES PINKNEY: I wish to know of Mr. Randolph whether he means 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.

MR. RANDOLPH: I mean by these general propositions merely to introduce the particular propositions that will explain the outlines of the system I have in view.

Mr. BUTLER said he had not made up his mind on the subject, and was open to the light which discussion might throw on it. After some general observations he concluded with saying that he had opposed the grant of powers to Congs. heretofore, because the whole power was vested in one body. The proposed distribution of the powers into different bodies changed the case, and would induce him to go great lengths.

MR. BUTLER: I have not made up my mind on the subject, and I am open to the light that discussion might throw on it. I conclude by saying I am opposed to the granting of powers to Congress as it has been discussed before, because the whole power was vested in one body. The proposed distribution of power into different bodies changes the case, and would induce me to go great lengths toward changing my position.

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

GENERAL PINKNEY: I doubt whether the act of the Continental Congress, which recommended this Convention in the first place (or, at least, the Commissions of the Deputies to it), authorizes any discussion of a system founded on different principles from the federal Constitution we already have—namely, the Articles of Confederation.

Mr. GERRY seemed to entertain the same doubt.

MR. GERRY: I have the same doubts.

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

MR. GOVERNOR MORRIS: Let me explain the distinction between a federal and national supreme government. The former is merely an agreement resting on the good faith of the parties; the latter has its own complete and constantly functioning operation. I contend 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 agst. 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 Govt. was necessary as could directly operate on individuals, and would punish those only whose guilt required it.

MR. MASON: The present confederation—under the Articles of Confederation—is not only unable to coerce and punish delinquent states, but punishment should and could never, in the nature of things, ever be executed on all of the states collectively. Therefore, such government is necessary as can directly affect individual states, and punish those whose guilt requires it.

Mr. SHERMAN who took his seat today, admitted that the Confederation had not given sufficient power to Congs. and that additional powers were necessary; particularly that of raising money which he said would involve many other powers. He admitted also that the General & particular jurisdictions ought in no case to be concurrent. He seemed however not be disposed to make too great inroads on the existing system; intimating as one reason that it would be wrong to lose every amendment, by inserting such as would not be agreed to by the States.

NARRATOR: Mr. Sherman, who took his seat only today, spoke.

MR. SHERMAN: I admit that the Confederation never gave sufficient power to Congress, and that additional powers are necessary—particularly that of raising money, which, I admit, would involve many other powers. I admit also that the nation and the states should never have jurisdiction over the same area. However, I am not disposed to make too many changes to the existing system. For one thing, it would be wrong to waste our time here when every suggestion for an amendment to the Articles of Confederation will lose because virtually every amendment takes power away from the states—something that would never be agreed to by the States.



Madison Debates for May 31, 1787

In this section of the debate, the delegates discuss whether or not the members of the “larger branch” of the legislature (now known as the House of Representatives) should be elected directly by the people. Shay’s Rebellion is on the mind of some of the delegates.

NOTE: Translations of some text into more conversational speech are provided in a bold-faced font. A name followed by a colon (:) indicates which character should speak; the name itself should not be read aloud. The complete text for the May 31st debates is available at <http://www.yale.edu/lawweb/avalon/debates/531.htm>.

Mr. SHERMAN opposed the election by the people, insisting that it ought to be by the State Legislatures. The people he said, immediately should have as little to do as may be about the Government. They want information and are constantly liable to be misled.

MR. SHERMAN: I oppose election by the people; I insist that any electing ought to be done by the state legislatures. The people should have as little to do as possible with the government. They lack information and are constantly liable to be misled.

Mr. GERRY. The evils we experience flow from the excess of democracy. The people do not want virtue, but are the dupes of pretended patriots. In Massts. it had 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. One principal evil arises from the want of due provision for those employed in the administration of Governmt. It would seem to be a maxim of democracy to starve the public servants. He mentioned the popular clamour in Massts. for the reduction of salaries and the attack made on that of the Govr. though secured by the spirit of the Constitution itself. He had he said been too republican heretofore: he was still however republican, but had been taught by experience the danger of the levilling spirit.

MR. GERRY: The evils we area experiencing now flow from the excess of democracy! The people do not lack virtue, but are the dupes of pretended patriots. In Massachusetts, it has been fully confirmed by experience that the people are daily misled into the worst measures and opinions by the false reports circulated by designing men, and which no one on the spot can refute. One principal evil arises from the lack of decent wages for those employed in the administration of government. It would seem to be a maxim of democracy to starve the public servants. Let me mention the popular clamor in Massachusetts for the reduction of salaries and the attack made on the salary of the governor, though his salary is secured by the spirit of the Constitution itself. I think I was too much of a republican before now, someone who believed the people should rule. I am still a republican, but have been taught by experience the danger of putting everyone on the same level.

Mr. MASON, argued strongly for an election of the larger branch by the people. It was to be the grand depository of the democratic principle of the Govtt. It was, so to speak, to be our House of Commons-It ought to know & sympathise with every part of the community; and ought therefore to be taken not only from different parts of the whole republic, but also from different districts of the larger members of it, which had in several instances particularly in Virga., different interests and views arising from difference of produce, of habits &c &c. He admitted that we had been too democratic but was afraid we sd. incautiously run into the opposite extreme. We ought to attend to the rights of every class of the people. He had often wondered at the indifference of the superior classes of society to this dictate of humanity & policy; considering that however affluent their circumstances, or elevated their situations, might be, the course of a few years, not only might but certainly would, distribute their posterity throughout the lowest classes of Society. Every selfish motive therefore, every family attachment, ought to recommend such a system of policy as would provide no less carefully for the rights and happiness of the lowest than of the highest orders of Citizens.

MR. MASON: I argue strongly for an election of the larger branch by the people. It will be the grand depository of the democratic principle of our government. It will be, so to speak, our House of Commons, the branch that represents the common people. It ought to know and sympathize with every part of the community; and ought, therefore, to be taken not only from different parts of the whole country, but also from different districts of the larger members of it, which has in several instances, particularly in Virginia (where I come from), different interests and views arising from various parts of the state due to differences in produce, in habits, and so on and so on. I admit that we have been too democratic, but I am afraid we should be cautious about running to the opposite extreme. We ought to attend to the rights of every class of the people. I have often wondered at the indifference of the wealthier classes of society to this dictate of humanity and policy, that is, attending to the rights of every class of people; considering that however affluent their circumstances, or elevated their situations might be, it is possible that, in the course of a few years, circumstances might (not only might but almost certainly will) distribute their wealth throughout the lowest classes of society. Every selfish motive, therefore, every family attachment, ought to recommend such a system of policy as would provide no less carefully for the rights and happiness of the lowest than of the highest orders of citizens.

Mr. WILSON contended strenuously for drawing the most numerous branch of the Legislature immediately from the people. He was for raising the federal pyramid to a considerable altitude, and for that reason wished to give it as broad a basis as possible. No government could long subsist without the confidence of the people. In a republican Government this confidence was peculiarly essential. He also thought it wrong to increase the weight of the State Legislatures by making them the electors of the national Legislature. All interference between the general and local Governmts. should be obviated as much as possible. On examination it would be found that the opposition of States to federal measures had proceeded much more from the officers of the States, than from the people at large.

MR. WILSON: I contend strenuously for election of the most numerous branch of the legislature directly from the people. I am for raising the federal pyramid to a considerable altitude, that is, for giving the central government great power, and for that reason, I wish also to give it as broad a base as possible. No government can long subsist without the confidence of the people. In a republic, this confidence is peculiarly essential. I also think it is wrong to increase the power of the state legislatures by making them the electors of the national legislature. All interference between the national and local governments should be decreased as much as possible. On

examination it would be found that the opposition of states to measures the central government has been trying to pass and enforce have proceeded much more from the officials of the States than from the people at large.

Mr. MADISON considered the popular election of one branch of the National Legislature as essential to every plan of free Government. He observed that in some of the States one branch of the Legislature was composed of men already removed from the people by an intervening body of electors. That if the first branch of the general legislature should be elected by the State Legislatures, the second branch elected by the first—the Executive by the second together with the first; and other appointments again made for subordinate purposes by the Executive, the people would be lost sight of altogether; and the necessary sympathy between them and their rulers and officers, too little felt. He was an advocate for the policy of refining the popular appointments by successive filtrations, but though it might be pushed too far. He wished the expedient to be resorted to only in the appointment of the second branch of the Legislature, and in the Executive & judiciary branches of the Government. He thought too that the great fabric to be raised would be more stable and durable, if it should rest on the solid foundation of the people themselves, than if it should stand merely on the pillars of the Legislatures.

MR. MADISON: I consider the popular election of one branch of the national legislature as essential to every plan of free government. I have observed that in some of the states, one branch of the legislature is composed of men already removed from the people by having been chosen by an intervening body of electors instead of directly by the people. If the first branch of the national legislature is going to be elected by the state legislatures, and the second branch elected by the first, and the executive by the second together with the first; and if other appointments made for lower level government jobs are done by the executive, the people will be lost sight of altogether; and the necessary sympathy between them and their rulers and officers will be too little felt. I advocate the policy of refining the election process by using electors, but think it can be pushed too far. I wish the that the use of electors, instead of direct election, will be resorted to only in the appointment of the second branch of the legislature, and in the executive and judicial branches of the government. I think, too, that the great fabric of this new government to be raised will be more stable and durable if it should rest on the solid foundation of the people themselves, than if it should stand merely on the pillars of the legislatures.

Mr. GERRY did not like the election by the people. The maxims taken from the British constitution were often fallacious when applied to our situation which was extremely different. Experience he said had shewn that the State legislatures drawn immediately from the people did not always possess their confidence. He had no objection however to an election by the people if it were so qualified that men of honor & character might not be unwilling to be joined in the appointments. He seemed to think the people might nominate a certain number out of which the State legislatures should be bound to choose.

MR. GERRY: I don't like election by the people. Comparisons with the British constitution are often fallacious when applied to our situation, which is extremely different. Experience has shown that the state legislatures, elected directly by the people, do not always possess the support of the people. I have no objection, however, to an election by the people if it were designed so that men of honor and character would be willing to have a hand in the appointments as well. Perhaps the people should be allowed to nominate a certain number out of which the state legislatures should be bound to choose.

Mr. BUTLER thought an election by the people an impracticable mode.

MR. BUTLER: I think an election by the people is highly impractical.

On the question for an election of the first branch of the national Legislature by the people. Massts. ay. Connect. divid. N. York ay. N. Jersey no. Pena. ay. Delawe. divid. Va. ay. N. C. ay. S. C. no. Georga. ay.

NARRATOR: On the question of direct election of the first branch of the national legislature by the people: Massachusetts voted aye; Connecticut's delegates were divided; New York voted aye; New Jersey voted no; Delaware's delegates were divided; Virginia voted aye; North Carolina voted aye; South Carolina voted no; and Georgia voted aye.

Name _____ Date _____

Madison Debates for June 1, 1787



<http://edsitement.neh.gov>

In this section of the debate, the delegates discuss the nature of the executive (now known as the president) of the government. Should the executive be one person or a council? Should it be explicitly stated that the executive has any powers not otherwise reserved for the legislature or judiciary?

NOTE: Translations of some text into more conversational speech are provided in a bold-faced font. A name followed by a colon (:) indicates which character should speak; the name itself should not be read aloud. The complete text for the June 1st debates is available at <http://www.yale.edu/lawweb/avalon/debates/601.htm>.

William Houston from Georgia took his seat. The Committee of the whole proceeded to Resolution 7. "that a national Executive be instituted, to be chosen by the national Legislature-for the term of ----- years &c to be ineligible thereafter, to possess the executive powers of Congress &c."

NARRATOR: William Houston from Georgia took his seat at the Convention for the first time today. The Committee of the whole proceeded to a discussion of Resolution 7, which states "that a national Executive be instituted, to be chosen by the national Legislature, for the term of X amount of years and to be ineligible thereafter, to possess the executive powers of Congress and so on and so on."

Mr. PINKNEY was for a vigorous Executive but was afraid the Executive powers of the existing Congress might extend to peace & war &c., which would render the Executive a monarchy, of the worst kind, to wit an elective one.

MR. PINKNEY: I am for a strong executive, but I am afraid that if the executive powers of the existing Congress are given to the executive, they might extend to peace and war, which would make the executive virtually a monarchy, a monarchy of the worst kind—to wit, an elected one.

Mr. WILSON moved that the Executive consist of a single person.

MR. WILSON: I move that the executive consist of a single person.

Mr. C PINKNEY seconded the motion, so as to read "that a National Ex. to consist of a single person, be instituted.

MR. PINKNEY: I second the motion, so that the resolution, which reads "that a national executive to consist of a single person," be instituted.

A considerable pause ensuing and the Chairman asking if he should put the question, Doctr. FRANKLIN observed that it was a point of great importance and wished that the gentlemen would deliver their sentiments on it before the question was put.

NARRATOR: A considerable pause ensued, and the Chairman asked if he should put the question to a vote.

DR. FRANKLIN: This is a point of great importance, and I wish that the gentlemen assembled here would each let us know their opinions on it before the question is put.

Mr. RUTLIDGE animadverted on the shyness of gentlemen on this and other subjects. He said it looked as if they supposed themselves precluded by having frankly disclosed their opinions from afterwards changing them, which he did not take to be at all the case. He said he was for vesting the Executive power in a single person, tho' he was not for giving him the power of war and peace. A single man would feel the greatest responsibility and administer the public affairs best.

MR. RUTLIDGE: I am disappointed with the shyness of the gentlemen here on this and other subjects. It looks as if they suppose themselves precluded—once they have frankly disclosed their opinions—from changing them sometime afterwards, which I do not take to be at all the case. 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 will feel the greatest responsibility and administer the public affairs best.

Mr. SHERMAN said he considered the Executive magistracy as nothing more than an institution for carrying the will of the Legislature into effect, that the person or persons ought to be appointed by and accountable to the Legislature only, which was the depository of the supreme will of the Society. As they were the best judges of the business which ought to be done by the Executive department, and consequently of the number necessary from time to time for doing it, he wished the number might not be fixed but that the legislature should be at liberty to appoint one or more as experience might dictate.

MR. SHERMAN: I consider the chief executive as nothing more than an institution for carrying the will of the legislature into effect, that 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 whole society. As they—that is, the legislators—are the best judges of the business that ought to be done by the executive department and, consequently, of the number necessary from time to time for doing it, I wish the number of chief executives not be fixed, but, instead, that the legislature should be left at liberty to appoint one or more as experience might dictate.

Mr. WILSON preferred a single magistrate, as giving most energy dispatch and responsibility to the office. He did not consider the Prerogatives of the British Monarch as a proper guide in defining the Executive powers. Some of these prerogatives were of Legislative nature. Among others that of war & peace &c. The only powers he conceived strictly Executive were those of executing the laws, and appointing officers, not appertaining to and appointed by the Legislature.

MR. WILSON: I prefer a single chief executive, as affording most efficiency and responsibility to the office. I do not consider the prerogatives of the British monarch as a proper guide in defining the executive powers we should have in our government. Some of these prerogatives were of a legislative nature—law making—and the monarch can make decisions about war and peace and so on. The only powers I conceive of as strictly executive are those of executing the laws and appointing any officers not related to or already appointed by the legislature.

Mr. GERRY favored the policy of annexing a Council to the Executive in order to give weight & inspire confidence. Mr. RANDOLPH strenuously opposed a unity in the Executive magistracy. He regarded it as the foetus of monarchy. We had he said no motive to be governed by the British Governmt. as our prototype. He did not mean however to throw censure on that Excellent fabric. If we were in a situation to copy it he did not know that he should be opposed to it; but the fixt genius of the people of America required a

different form of Government. He could not see why the great requisites for the Executive department, vigor, despatch & responsibility could not be found in three men, as well as in one man. The Executive ought to be independent. It ought therefore in order to support its independence to consist of more than one.

MR. GERRY: I favor the policy of the chief executive working with a council in order to give weight to and inspire confidence in the executive office.

MR. RANDOLPH: I strenuously oppose having a single chief executive. I regard that as the birth of a new monarchy. I have no motive to be governed by the British form of government as our prototype, though I do not mean however to completely criticize that excellent fabric. If we were in a situation to copy it, I do not know that I would be opposed to it; but the fixed genius of the people of America requires a different form of government. I cannot see why the great requisites for our executive department—namely, vigor, efficiency, and responsibility—could not be found in three men, as well as in one man. The executive ought to be independent. It ought, therefore, in order to support its independence, to consist of more than one.

Mr. WILSON said that unity in the Executive instead of being the fetus of monarchy would be the best safeguard against tyranny. He repeated that he was not governed by the British Model which was inapplicable to the situation of this Country; the extent of which was so great, and the manners so republican, that nothing but a great confederated Republic would do for it. Mr. Wilson's motion for a single magistrate was postponed by common consent, the Committee seeming unprepared for any decision on it; and the first part of the clause agreed to, viz—"that a National Executive be instituted."

MR. WILSON: Having a single executive, instead of being the birth of a new monarchy, would be the best safeguard against such tyranny. I repeat that I am not governed by the British model, which was so inapplicable to the situation of this country, the extent of which is so great, and the manners of the people so republican, that nothing but a great confederated republic will do for it.

NARRATOR: Mr. Wilson's motion for a single magistrate was postponed by common consent, the Committee seeming unprepared for any decision on it; and the first part of the clause was agreed to, that is, "that a National Executive be instituted."

Mr. MADISON thought it would be proper, before a choice shd. be made between a unity and a plurality in the Executive, to fix the extent of the Executive authority; that as certain powers were in their nature Executive, and must be given to that departmt. whether administered by one or more persons, a definition of their extent would assist the judgment in determining how far they might be safely entrusted to a single officer. He accordingly moved that so much of the clause before the Committee as related to the powers of the Executive shd. be struck out & that after the words "that a national Executive ought to be instituted" there be inserted the words following viz. "with power to carry into effect the national laws, to appoint to offices in cases not otherwise provided for, and to execute such other powers "not Legislative nor Judiciary in their nature," as may from time to time be delegated by the national Legislature." The words "not legislative nor judiciary in their nature" were added to the proposed amendment in consequence of a suggestion by Genl. Pinkney that improper powers might otherwise be delegated.

MR. MADISON: I think it would be proper, before a choice should be made between a unity and a plurality in the executive, to fix the extent of the executive's authority; that as certain powers are in their nature executive, and must be given to that department, whether administered by one or by more than one person, a definition of their power would assist us in determining how



far such powers might be safely entrusted to a single officer. I accordingly move that all of the clause before the committee as related to the powers of the executive should be struck out and that after the words “that a national executive ought to be instituted,” we insert the words “with power to carry into effect the national laws, to appoint to offices in cases not otherwise provided for, and to execute such other powers not legislative nor judiciary in their nature, as may from time to time be delegated by the national legislature.”

NARRATOR: The words “not legislative nor judiciary in their nature” were added to the proposed amendment in consequence of a suggestion by General Pinkney that improper powers might otherwise be delegated.

Mr. WILSON seconded this motion-

MR. WILSON: I second this motion.

Mr. PINKNEY moved to amend the amendment by striking out the last member of it; viz: “and to execute such other powers not Legislative nor Judiciary in their nature as may from time to time be delegated.” He said they were unnecessary, the object of them being included in the “power to carry into effect the national laws.”

MR. PINKNEY: I move to amend the amendment by striking out the last part of it, that is, “and to execute such other powers not legislative nor judiciary in their nature as may from time to time be delegated.” I feel such words are unnecessary, because the same sense is already included in the words “power to carry into effect the national laws.”

Mr. RANDOLPH seconded the motion.

MR. RANDOLPH: I second the motion.

Mr. MADISON did not know that the words were absolutely necessary, or even the preceding words-“to appoint to offices &c. the whole being perhaps included in the first member of the proposition. He did not however see any inconveniency in retaining them, and cases might happen in which they might serve to prevent doubts and misconstructions.

MR. MADISON: I do not know that the words “and to execute such other powers not legislative nor judiciary in their nature as may from time to time be delegated” are absolutely necessary, or even the preceding words, “to appoint to offices...” and so on, since the sense of all of that is perhaps included in the first part of the proposition. I do not, however, see any inconvenience in retaining them, and cases might happen in which they might serve to prevent doubts and misconstructions.

In consequence of the motion of Mr. Pinkney, the question on Mr. Madison’s motion was divided; and the words objected to by Mr. Pinkney struck out;

NARRATOR: In consequence of the motion of Mr. Pinkney, the question on Mr. Madison’s motion was divided; and the words objected to by Mr. Pinkney were struck out.

Name _____ Date _____

Elliot's Debates for June 4, 1787



In this section of the debate, the delegates discuss the executive office for the new government. Should it consist of one person or a council? Should the executive have veto powers?

NOTE: Translations of some text into more conversational speech are provided in a bold-faced font. A name followed by a colon (:) indicates which character should speak; the name itself should not be read aloud. The complete text for the June 4th debates may be accessed by searching on "June 4, 1787" at <http://memory.loc.gov/ammem/hlawquery.html>.

Met pursuant to adjournment. Mr. PINCKNEY moved, that the blank in the 7th resolve, "consisting of" be filled up with "an individual."

NARRATOR: The delegates met again after the recent adjournment.

MR. PINCKNEY: I move that the blank in the 7th resolve, "consisting of X members," be filled up with "an individual."

Mr. WILSON, in support of the motion, asserted, that it would not be obnoxious to the minds of the people, as they, in their state governments, were accustomed and reconciled to a single executive. Three executives might divide, so that two could not agree in one proposition. The consequence would be anarchy and confusion.

MR. WILSON: I support the motion and assert that it would not be obnoxious to the minds of the people to have a single executive, as they, in their state governments, are accustomed and reconciled to a single executive, the governor. Were we to have three executives, they might have a divided opinion, so that even two could not agree on one proposition. The consequence would be anarchy and confusion.

Mr. SHERMAN thought there ought to be one executive, but that he ought to have a council. Even the king of Great Britain has his privy council.

MR. SHERMAN: I think there ought to be one executive, but that he ought to have a council. Even the king of Great Britain has his private council.

Mr. GERRY was for one executive. If otherwise, it would be absurd to have it consist of three. Numbers equal in rank would oddly apply to a general or admiral.

MR. GERRY: I am for one executive. It would be absurd to have it consist of three people. Can you imagine how odd it would be for the position of general or admiral to consist of three people?

Question put--7 states for, and 3 against. New York against it.

NARRATOR: The question was put to a vote with 7 states for it and 3 against. New York was against it.

The 8th resolve, "That the executive and a number of the judicial officers ought to compose a council of revision."

NARRATOR: The delegates now took up the 8th resolve, "That the executive and a number of the judicial officers ought to compose a council of revision," that is, a council with the right to revise actions of the legislature.

Mr. GERRY objects to the clause--moves a postponement in order to let in a motion, "that the right of revision should be in the executive only."

MR. GERRY: I object to the clause and move that we postpone the vote in order to let in a new motion, "that the right of revision should be in the executive only."

Mr. WILSON contends that the executive and judicial ought to have a joint and full negative--they cannot otherwise preserve their importance against the legislature.

MR. WILSON: I contend that the executive and judicial ought to have a joint and full negative, total veto power--they cannot otherwise preserve their power against the legislature.

Mr. KING was against the interference of the judicial. They may be biased in the interpretation. He is therefore to give the executive a complete negative.

MR. KING: I am against such interference by the judicial branch. They may be biased in their interpretation. I am therefore in favor of giving the executive a complete negative, total veto power.

Carried to be postponed--6 states against 4. New York for it.

NARRATOR: The motion to postpone was passed--6 states to 4. New York was for it.

The next question, that the executive have a complete negative; and it was therefore moved to expunge the remaining part of the clause.

NARRATOR: The next question, that the executive have complete veto power, was brought up; and it was therefore moved to take out the remaining part of the clause.

Dr. FRANKLIN against the motion. The power dangerous, and would be abused, so as to get money for passing bills.

DR. FRANKLIN: I am against the motion. Such power is dangerous, and would be abused, so as to get money for passing bills.

Mr. MADISON against it, because of the difficulty of an executive venturing on the exercise of this negative, and is therefore of opinion that the revisional authority is better.

MR. MADISON: I am against it, because of the difficulty the executive would have in actually exercising this negative, and I am therefore of the opinion that the power to revise is better than veto power.

Mr. BEDFORD is against the whole, either negative or revisional. The two branches are sufficient checks on each other; no danger of subverting the executive, because his powers may by the Convention be so well defined, that the legislature cannot overleap the bounds.

MR. BEDFORD: I am against the whole, either veto or revision. Having two branches already provides sufficient checks on each branch; there is no danger that the power of the executive will be subverted because we will make sure his powers will, by the Convention, be so well defined, that the legislature will not be able to overleap the bounds of the executive's authority.



Mr. MASON against the negative power in the executive, because it will not accord with the genius of the people.

MR. MASON: I am against the negative power in the executive, because it doesn't allow the people to decide.

On this question was put and carried, nem. con., against expunging part of the clause, so as to establish a complete negative.

NARRATOR: This question was put and carried, that is, the vote was against expunging part of the clause, so that, in effect, established the executive's power of a complete veto.

Mr. BUTLER then moved that all acts passed by the legislature be suspended for the space of days by the executive. Unanimously in the negative.

MR. BUTLER: I move that any act passed by the legislature could be suspended for the space of a few days by the executive, that is, not allowed to take effect immediately.

NARRATOR: The motion was unanimously defeated.

It was resolved and agreed, that the blank be filled up with the words "two thirds of the legislature." Agreed to.

NARRATOR: It was resolved and agreed that the blank concerning what majority of the legislature it should take to override a veto of the executive be filled up with the words "two-thirds of the legislature." It was agreed to.

The question was then put on the whole of the resolve as amended and filled up. Carried--8 states for, 2 against. New York for it.

NARRATOR: The question was then put up for a vote on the entire resolution, as amended with the blanks filled in. The motion carried--8 states for, 2 against. New York was for it.

Mr. WILSON then moved for the addition of a convenient number of the national judicial to the executive as a council of revision. Ordered to be taken into consideration to-morrow. Adjourned until to-morrow.

MR. WILSON: I move for the selection of a convenient number of representatives of the national judicial to serve the executive as a council of revision.

NARRATOR: It was ordered that the motion be taken into consideration tomorrow. The meeting was adjourned until tomorrow.



Madison Debates for June 13, 1787

In this section of the debate, the delegates discuss the judicial and legislative branches of the government. How powerful should a national judiciary be? How should judges be appointed? What powers should the legislative branch have, especially over financial decisions? Should representation in the Senate be proportional?

NOTE: Translations of some text into more conversational speech are provided in a bold-faced font. A name followed by a colon (:) indicates which character should speak; the name itself should not be read aloud. The complete text for the June 13th debates is available at <http://www.yale.edu/lawweb/avalon/debates/613.htm>.

Mr. RANDOLPH & Mr. MADISON, then moved the following resolution respecting a National Judiciary, viz “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” which was agreed to.

MR. RANDOLPH and MR. MADISON: We move for discussion of the following resolution concerning a National Judiciary, that is “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.”

NARRATOR: The motion was agreed to.

Mr. PINKNEY & Mr. SHERMAN moved to insert after the words “one supreme tribunal” the words “the Judges of which to be appointed by the national Legislature.”

MR. PINKNEY and MR. SHERMAN: We move to insert after the words “one supreme tribunal” the words “the Judges of which to be appointed by the national Legislature.”

Mr. MADISON, objected to an appt. by the whole Legislature. Many of them were incompetent Judges of the requisite qualifications. They were too much influenced by their partialities. The candidate who was present, who had displayed a talent for business in the legislative field, who had perhaps assisted ignorant members in business of their own, or of their Constituents, or used other winning means, would without any of the essential qualifications for an expositor of the laws prevail over a competitor not having these recommendations, but possessed of every necessary accomplishment. He proposed that the appointment should be made by the Senate, which as a less numerous & more select body, would be more competent judges, and which was sufficiently numerous to justify such a confidence in them.

MR. MADISON: I object to an appointment by the whole legislature. Many of them would be incompetent judges of the requisite qualifications. They are too much influenced by their partialities. The candidate who simply happens to be present, or who has displayed a talent for business in the legislative field, or who has perhaps assisted ignorant members in business of their own, or is one of their constituents, or who uses other winning means, would—without any of the essential qualifications to be an interpreter of the law—tend to prevail over a competitor not

having these recommendations, but possessed of every necessary accomplishment. I propose that appointments should be made by the Senate, which as a less numerous and more select body, would be more competent to judge, and whose membership is still sufficiently numerous to justify such confidence in them.

Mr. SHARMAN & Mr. PINKNEY withdrew their motion, and the appt. by the Senate was agd. to nem. con.

MR. SHERMAN and MR PINKNEY: We withdraw our motion

NARRATOR: The appointment of judges by the Senate was agreed to.

Mr. GERRY. moved to restrain the Senatorial branch from originating money bills. The other branch was more immediately the representatives of the people, and it was a maxim that the people ought to hold the purse-strings. If the Senate should be allowed to originate such bills, they wd. repeat the experiment, till chance should furnish a sett of representatives in the other branch who will fall into their snares.

MR. GERRY: I move to restrain the Senatorial branch from originating money bills. The other branch more directly represents the people, and it is a maxim that the people ought to hold the purse-strings. If the Senate is allowed to originate such bills, they will keep repeating any experiment in a money bill they want, till chance should furnish a set of representatives in the other branch who will fall into their snares.

Mr. BUTLER saw no reason for such a discrimination. We were always following the British Constitution when the reason of it did not apply. There was no analogy between the H. of Lords and the body proposed to be established. If the Senate should be degraded by any such discriminations, the best men would be apt to decline serving in it in favor of the other branch. And it will lead the latter into the practice of tacking other clauses to money bills.

MR. BUTLER: I see no reason for such a discrimination. We keep following the precedent of the British Constitution even when it does not apply to our situation. There is no analogy between the House of Lords and the Senate we are proposing. If the Senate should be degraded by any such decline in its power, the best men will be apt to decline serving in it in favor of the other branch. And it will lead the other branch into the practice of tacking other clauses to money bills to force passage of the other clauses when the other branch needs the money bill passed.

Mr. MADISON observed that the Commentators on the Brit: Const: had not yet agreed on the reason of the restriction on the H. of L. in money bills. Certain it was there could be no similar reason in the case before us. The Senate would be the representatives of the people as well as the 1st. branch. If they sd. have any dangerous influence over it, they would easily prevail on some member of the latter to originate the bill they wished to be passed. As the Senate would be generally a more capable sett of men, it wd. be wrong to disable them from any preparation of the business, especially of that which was most important, and in our republics, worse prepared than any other. The Gentleman in pursuance of his principle ought to carry the restraint to the amendment, as well as the originating of money bills, since, an addition of a given sum wd. be equivalent to a distinct proposition of it.

MR. MADISON: Even scholars who comment on the British Constitution have not yet agreed on the reason behind the restriction against the House of Lords to originate money bills. Certain it is there could be no similar reason in the case before us. The Senate will be just as much the representatives of the people as will the 1st branch. If the Senate should happen to have any dangerous influence over the other branch, they could easily prevail on some member of the



latter to originate the bill they wished to be passed anyway. As the Senate would be generally a more capable set of men, it would be wrong to disable them from any preparation of the business, especially of that which is most important, and in our republics, often worse prepared than any other. The gentleman from Massachusetts, Mr. Gerry—if he truly believes in the principle of limiting the power of the Senate—ought to add restraints to the Senate’s power to amend money bills, as well as its ability to originate money bills, since, if the Senate were to add a given sum to a bill, it would be virtually the same as having proposed a bill in the first place.

Mr. KING differed from Mr. GERRY, and concurred in the objections to the proposition.

MR. KING: I beg to differ with Mr. Gerry also, and concur in the objections to the proposition.

Mr. READ favored the proposition, but would not extend the restraint to the case of amendments.

MR. READ: I favor the proposition, but would not extend the restraint of power to the case of amendments to money bills.

Mr. PINKNEY thinks the question premature. If the Senate shd. be formed on the same proportional representation as it stands at present, they sd have equal power, otherwise if a different principle sd. be introduced.

MR. PINKNEY: I think the question is premature. If the Senate should be formed on the same proportional representation as it stands at present, they would have equal power anyway; otherwise, an entirely different principle of delegation of powers to the two houses should be introduced.

Mr. SHERMAN. As both branches must concur, there can be no danger whichever way the Senate be formed. We establish two branches in order to get more wisdom, which is particularly needed in the finance business-The Senate bear their share of the taxes, and are also the representatives of the people. What a man does by another, he does by himself is a maxim. In Cont. both branches can originate in all cases, and it has been found safe & convenient. Whatever might have been the reason of the rule as to The H. of Lords, it is clear that no good arises from it now even there.

MR. SHERMAN: As both branches must agree, there can be no danger whichever way the Senate is formed. We establish two branches in order to get more wisdom, which is particularly needed in the finance business. The Senate will bear their share of the responsibility for taxes, and are also the representatives of the people. What a man does by another, he does by himself is a maxim. In my home state of Connecticut, both branches can originate all kinds of laws, and it has been found safe and convenient. Whatever might have been the reason of the rule as to the House of Lords, it is clear that no good arises from it now even there.

Genl. PINKNEY. This distinction prevails in S. C. & has been a source of pernicious disputes between ye. 2 branches. The Constitution is now evaded, by informal schedules of amendments handed from ye. Senate to the other House.

GENERAL PINKNEY: This distinction between the ability of the two houses to originate money bills prevails in my home state of South Carolina and has been a source of pernicious disputes between the two branches. That clause of the South Carolina Constitution is now bypassed, by the informal passing from the Senate to the other House of amendments it wants brought up.





Rufus King Debates for June 18, 1787

In this section of the debate, the delegates discuss the nature of the government. Will there be a national government with power over the states? Should a national legislature consist of two houses or one?

NOTE: Translations of some text into more conversational speech are provided in a bold-faced font. A name followed by a colon (:) indicates which character should speak; the name itself should not be read aloud. The complete text for the June 18th debates is available at <http://www.yale.edu/lawweb/avalon/const/king.htm#june18>.

Wilson. I do not apprehend that the General Govt. will swallow up that of the States-the States and their separate Governments must be preserved-they will harmonize with the Genl. Govt. The U. S. are too extensive for one & a free Govt. No Despot has governed a Country so extensive. Persia is divided into 20 subordinate Govts. and the Roman Empire & Republic was divided between the Proconsuls. Alfred divided England into societies of 10. persons, 100 persons & into Towns and Counties.

MR. WILSON: I do not suspect that the national government will swallow up that of the states. The states and their separate governments must be preserved—they will harmonize with the national government. The United States are too extensive for one government free to act on its own. No despot has ever successfully governed a country so extensive. Persia is divided into 20 subordinate governments, and the Roman Empire and Republic was divided between the pro-consuls. King Alfred divided England into societies of 10 persons, 100 persons and into towns and counties.

Mason-The Powers are sufficient-and were they not so, we should imitate the Amer. Ministers who negotiated the Treaty of Peace & did so without full Powers, trusting to the Congress to ratify.

Moreover the proposed System is not impracticable-the public opinion is not opposed to it-the Impost was opposed because the Congress consisted of a single Branch, possessing Legislative, judicial and executive powers. They were unworthy of being entrusted with additional Powers,-the People would not rest satisfied with the secret Journals of a Conclave.

The whole People agree in two points-first, that the Government should be Republican-Second, that the Legialature shd. consist of two Branches.

That two branches shd. be unanimously adopted, must have happened by a miracle, or by a fixed and universal opinion of the People.

The Gentlemen from N. Jersey adhere to the plan of the Confederation, and think that Requisition, after all experience, may be made on the State, and, if requisite, executed by military Force. I think that this cannot be accomplished. We can no more execute civil Regulations by the Militia, than we can unite opposite Elements, mingle fire with water-besides military coercion does not distinguish between the innocent and the guilty-and it would therefore be unjust. I will nevr consent to abolish the State Govts., because no General Govt. can perform their Duties. We may proceed a certain length in favor of the Genl. Govt., but

for myself, I will take equal care of the State Govts. We cannot make a perfect System, there will after doing our best be faults in the work and we can trust our successors with further Amendments.

MR. MASON: The powers given to the national government are sufficient, and were they not so, we should imitate the American foreign ministers who negotiated the Treaty of Peace and did so without full powers, trusting that Congress would ratify it.

Moreover, the proposed system is not impractical—public opinion is not opposed to it—taxes under the Articles of Confederation were opposed because the Congress consisted of a single Branch, possessing legislative, judicial, and executive powers. They were unworthy of being entrusted with additional powers. The people would not rest satisfied with what seemed to be the secret operations of its ruling body.

The whole people agree in two points—first, that the government should be republican; second, that the legislature should consist of two branches.

That two branches should be unanimously adopted must either have happened by a miracle or by the fixed and universal opinion of the people.

The gentlemen from New Jersey continue to adhere to the original plan of the Articles of Confederation, and think that requisition—for money, for example—can, even after all the bad experiences we have had, be made on a state, and, if necessary, executed by military force. I think that this cannot be accomplished. We can no more execute civil regulations by the militia, than we can unite opposite elements or mingle fire with water. Besides, military coercion does not distinguish between the innocent and the guilty, and it would therefore be unjust. I will never consent to abolish the state governments because no national government can perform their duties. We may proceed a certain length in favor of the national government, but for myself, I will take equal care of the state governments. We cannot make a perfect system. There will—even after doing our best—be faults in the work and we can trust our successors to make further amendments.

Martin—The Confederation was formed for the safety & Protection of the particular States, and not for the safety & protection of the union. I cannot support the Genl. Govt. at the Expencc of the State Govts., but will contend for the Safety and Happiness of the particular States at the expense of the U. S.

MR. MARTIN: The Confederation was formed for the safety and protection of the particular states, and not for the safety and protection of the union. I cannot support a national government at the expense of the state governments, but will contend for the safety and happiness of the particular states at the expense of the United States.

Sherman. Two Branchs not requisite, one is sufficient and most fit for a Confederation. No example can be given of two Branches in a federal Govt. - Increase the powers of Congress—preserve the States and avoid a Consolidation of them. Our Treaties would become void by the abandonment of the Articles of Confederation—these were formed by & with the U. S. of N. H., Mass., &c.

MR. SHERMAN: Two branches is not a requirement—one is sufficient and most fit for a confederation. No example can be given of two branches in a federal government in any other place. Increase the powers of Congress, if necessary, preserve the states, and avoid a consolidation of them. Our treaties will become void if we abandon the Articles of Confederation—these were formed by and with all of the United States.



Wilson. It is made a question whether the Legislature shall be composed of one of two bodies-whether it shall be elected by the States, or by the People,- and whether the States shall be equally represented, or in proportion to their respective wealth & numbers.-The antient Confederacies were formed in the infancy of Politicks and soon fell victims to the inefficacy of their organization. Because they had only a single body, it is not therefore expedient that we shd. follow their example.

The Dutch & Swiss Confederacies have been preserved by external balances-The German League is kept by the predominance of the imperial House. Our equality of Votes was an occasional Compact, produced in a crisis of our Affairs. The Great States conducted like the true mother in the controversy of the Harlots- they like her, in the claim of her child, gave their sovereignty to the small States, rather than it shd. be destroyed by the British King.

MR. WILSON: We are questioning whether the legislature should be composed of one of two bodies, whether it should be elected by the state legislatures or directly by the people, and whether the states shall be equally represented or in proportion to their respective wealth and populations. There have been precedents of ancient confederacies formed in the infancy of politics that soon fell victim to the inefficiency of their organization because they had only a single body; it is not therefore expedient that we should follow their example.

The Dutch and Swiss Confederacies have been preserved by external balances. The German League is kept together by the predominance of the King. Our equality of votes for each state was a temporary agreement, produced during a crisis of our affairs. The larger states, in agreeing to that arrangement of equal votes, gave up their sovereignty to the small states temporarily, rather than let the new nation be destroyed by the British King.



Madison Debates for July 12, 1787

In this section of the debate, the delegates discuss issues of representation and proportionality in the legislature. The difficult question of how slaves should be counted (if at all) is discussed.

NOTE: Translations of some text into more conversational speech are provided in a bold-faced font. A name followed by a colon (:) indicates which character should speak; the name itself should not be read aloud. The complete text for the July 12th debates is available at <http://www.yale.edu/lawweb/avalon/debates/712.htm>.

Mr. Govr. MORRIS moved to add to the clause empowering the Legislature to vary the Representation according to the principles of wealth & number of inhabts. a "proviso that taxation shall be in proportion to Representation."

MR. GOVERNOR MORRIS: I move to add to 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."

Mr. BUTLER contended again that Representation Shd.. be according to the full number of inhabts. including all the blacks; admitting the justice of Mr. Govr. Morris's motion.

MR. BUTLER: I contend again that representation should be according to the full number of inhabitants, including all the blacks, admitting the justice of Mr. Governor Morris's motion.

General PINKNEY liked the idea. He thought it so just that it could not be objected to. But foresaw that if the revision of the census was left to the discretion of the Legislature, it would never be carried into execution. The rule must be fixed, and the execution of it enforced by the Constitution. He was alarmed at what was said yesterday, [FN*] concerning the negroes. He was now again alarmed at what had been thrown out concerning the taxing of exports. S. Carola. has in one year exported to the amount of 600,000 Sterling all which was the fruit of the labor of her blacks. Will she be represented in proportion to this amount? She will not. Neither ought she then to be subject to a tax on it. He hoped a clause would be inserted in the system, restraining the Legislature from a taxing Exports.

GENERAL PINKNEY: I like the idea. I think it so just that it could not be objected to. But I do 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 concerning the census must be fixed, and the execution of it enforced by the Constitution. I was 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. South Carolina has in one year exported to the amount of 600,000 Sterling, all which was the fruit of the labor of her blacks. Will she be represented in proportion to this amount? She will not. Neither ought she then be subject to a tax on it. I hope a clause will be inserted in the system restraining the legislature from taxing exports.

Mr. WILSON approved the principle, but could not see how it could be carried into execution; unless restrained to direct taxation.

MR. WILSON: I approve the principle, but cannot see how it will be carried into execution, unless restrained to direct taxation only.

Mr. Govr. MORRIS having so varied his Motion by inserting the word "direct." It passd. nem. con. as follows—"provided the always that direct taxation ought to be proportioned to representation."

MR. GOVERNOR MORRIS: I agree to change my motion by inserting the word "direct."

NARRATOR: The motion passed as follows—"provided the always that direct taxation ought to be proportioned to representation."

Mr. DAVIE, said it was high time now to speak out. He saw that it was meant by some gentlemen to deprive the Southern States of any share of Representation for their blacks. He was sure that N. Carola. would never confederate on any terms that did not rate them at least as $\frac{3}{5}$. If the Eastern States meant therefore to exclude them altogether the business was at an end.

MR. DAVIE: It's high time now for me 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. I am sure that North Carolina will never join any confederation on any terms that do not rate them at least as three-fifths. If the northeastern states mean therefore to exclude slaves from the count altogether, then this convention is at an end.

Dr. JOHNSON, thought that wealth and population were the true, equitable rule of representation; but he conceived that these two principles resolved themselves into one; population being the best measure of wealth. He concluded therefore that ye. number of people ought to be established as the rule, and that all descriptions including blacks equally with the whites, ought to fall within the computation. As various opinions had been expressed on the subject, he would move that a Committee might be appointed to take them into consideration and report thereon.

DR. JOHNSON: I think that wealth and population are the true, equitable way to determine representation in the first branch of the legislature, but I believe that these two principles resolve themselves into one, with population being the best measure of wealth. I conclude, therefore, that the number of people ought to be established as the rule, and that all descriptions, including blacks equally with the whites, ought to fall within the computation. As various opinions have been expressed on the subject, I move that a Committee might be appointed to take them into consideration and report thereon.

Mr. Govr. MORRIS. It has been said that it is high time to speak out, as one member, he would candidly do so. He came here to form a compact for the good of America. He was ready to do so with all the States. He hoped & believed that all would enter into such a Compact. If they would not he was ready to join with any States that would. But as the Compact was to be voluntary, it is in vain for the Eastern States to insist on what the Southn. States will never agree to. It is equally vain for the latter to require what the other States can never admit; and he verily believed the people of Pena. will never agree to a representation of Negroes. What can be desired by these States more than has been already proposed; that the Legislature shall from time to time regulate Representation according to population & wealth.

MR. GOVERNOR MORRIS: It has been said that it is high time to speak out; as one member, I will candidly do so. I came here to form a compact for the good of America. I am ready to do so with all the states. I hoped and believed that all the states would enter into such an agreement,

such a compact. If they will not, I am ready to join with any states that will. But as the compact was to be voluntary, it is in vain for the northeastern 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. What can be desired by these states more than has been already proposed—that the legislature shall from time to time regulate representation according to population and wealth?

Genl. PINKNEY desired that the rule of wealth should be ascertained and not left to the pleasure of the Legislature; and that property in slaves should not be exposed to danger under a Govr. instituted for the protection of property.

The first clause in the Report of the first Grand Committee was postponed.

GENERAL PINKNEY: I desire that the rule of wealth should be established and not left to the pleasure of the legislature, and that property in slaves should not be exposed to danger under a government instituted for the protection of property.

NARRATOR: The first clause in the report of the first Grand Committee was postponed.

Mr. ELSEWORTH. In order to carry into effect the principle established, moved to add to the last clause adopted by the House the words following “and that the rule of contribution by direct taxation for the support of the Government of the U. 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.”

MR. ELSEWORTH: In order to carry into effect the principle established, I move to add to the last clause adopted by the House the words following “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.”

Mr. BUTLER seconded the motion in order that it might be committed.

MR. BUTLER: I second the motion in order that it might be committed.

Mr. RANDOLPH was not satisfied with the motion. The danger will be revived that the ingenuity of the Legislature may evade or pervert the rule so as to perpetuate the power where it shall be lodged in the first instance. He proposed in lieu of Mr. Elseworth’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 1st. meeting of the Genl. Legislature of the U.S., and once within the term of every year afterwards, of all the inhabitants in the manner & according to the ratio recommended by Congress in their resolution of the 18th day of Apl. 1783; [rating the blacks at 3/5 of their number] and, that the Legislature of the U.S. shall arrange the Representation accordingly.”-He urged strenuously that express security ought to be provided for including slaves in the ratio of Representation. He lamented that such a species of property existed. But as it did exist the holders of it would require this security. It was perceived that the design was entertained by some of excluding slaves altogether; the Legislature therefore ought not to be left at liberty.

MR. RANDOLPH: I am satisfied with the motion. The danger will be revived that the ingenuity of the legislature may evade or pervert the rule so as to perpetuate the power where it shall be lodged in the first instance. I propose instead of Mr. Elseworth’s motion, “that in order to ascer-



tain 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 1st meeting of the General Legislature of the U.S., and once within the term of every year afterwards, of all the inhabitants in the manner and according to the ratio recommended by Congress in their resolution of the 18th day of April, 1783, rating the blacks at three-fifths of their number and, that the legislature of the U.S. shall arrange the representation accordingly.” I urge strenuously that express security ought to be provided for including slaves in the ratio of representation by establishing this as the firm rule. I lament that such a species of property as slaves exists at all. But as it does exist, the holders of it will require this security. The design has been entertained by some of excluding slaves altogether; the legislature therefore ought not to be left at liberty to make such a change at some point in the future.

Mr. ELSEWORTH withdraws his motion & seconds that of Mr. Randolph.

MR. ELSEWORTH: I withdraw my motion and second that of Mr. Randolph.

Mr. WILSON observed that less umbrage would perhaps be taken agst. an admission of the slaves into the Rule of representation, if it should be so expressed as to make them indirectly only an ingredient in the rule, by saying that they should enter into the rule of taxation: and as representation was to be according to taxation, the end would be equally attained. He accordingly moved & was 2ded. so to alter the last clause adopted by the House, that together with the amendment proposed the whole should read as follows-provided always that the representation ought to be proportioned according to direct taxation, and in order to ascertain the alterations in the direct taxation which may be required from time to time by the changes in the relative circumstances of the States. Resolved that a census be taken within two years from the first meeting of the Legislature of the U. States, and once within the term of every years afterwards of all the inhabitants of the U.S. in the manner and according to the ratio recommended by Congress in their Resolution of April 18. 1783; and that the Legislature of the U. S. shall proportion the direct taxation accordingly.”

MR. WILSON: Less umbrage would perhaps be taken against an admission of the slaves into the rule of representation, if it should be so expressed as to make them indirectly only an ingredient in the rule, by saying that they should enter into the rule of taxation; and as representation is to be according to taxation, the same end will be equally attained. I accordingly move and I see I am seconded so as to alter the last clause adopted by the House, that together with the amendment proposed the whole should read as follows: “provided always that the representation ought to be proportioned according to direct taxation, and in order to ascertain the alterations in the direct taxation which may be required from time to time by the changes in the relative circumstances of the states, resolved that a census be taken within two years from the first meeting of the legislature of the United States, and once within the term of every X years afterwards of all the inhabitants of the United States in the manner and according to the ratio recommended by Congress in their Resolution of April 18, 1783, and that the legislature of the United States shall proportion the direct taxation accordingly.”

Mr. KING. Altho’ this amendment varies the aspect somewhat, he had still two powerful objections agst. tying down the Legislature to the rule of numbers. 1. they were at this time an uncertain index of the relative wealth of the States. 2. if they were a just index at this time it can not be supposed always to continue so. He was far from wishing to retain any unjust advantage whatever in one part of the Republic. If justice was not the basis of the connection it could not be of long duration. He must be shortsighted



indeed who does not foresee that whenever the Southern States shall be more numerous than the Northern, they can & will hold a language that will awe them into justice. If they 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. He urged the necessity of placing confidence to a certain degree in every Govt. and did not conceive that the proposed confidence as to a periodical readjustment, of the representation exceeded that degree.

MR. KING: Although this amendment varies the aspect somewhat, I have still two powerful objections against tying down the legislature to the rule of population: (1) it is at this time an uncertain index of the relative wealth of the states, and (2) if it were a just index at this time, it cannot be supposed always to continue so. I am far from wishing to retain any unjust advantage whatever in one part of the Republic. If justice is not the basis of the connection, it will not be of long duration. He must be shortsighted indeed who does not foresee that whenever the southern states shall be more numerous than the northern, they can and will hold up this language and use it against the north. 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 be no point of time at which they will not be able to say, do us justice or we will separate. I urge the necessity of placing confidence to a certain degree in every government and do not believe people will have that confidence in a periodical readjustment of the representation rules.

Mr. PINKNEY moved to amend Mr. Randolph's motion so as to make "blacks equal to the whites in the ratio of representation." This he urged was nothing more than justice. The blacks are the labourers, the peasants of the Southern States: they are as productive of pecuniary resources as those of 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 politic with regard to the Northern States, as taxation is to keep pace with Representation.

MR. PINKNEY: I move to amend Mr. Randolph's motion so as to make "blacks equal to the whites in the ratio of representation." This, I urge, is nothing more than justice. The blacks are the laborers, the peasants of the southern states: they are as productive in producing resources as the peasants of the northern states. They add equally to the wealth, and money is considered the muscle of war, the strength of the nation. It will also be prudent with regard to the northern states, as taxation is to keep pace with representation.

Genl. PINKNEY moves to insert 6 years instead of two, as the period computing from 1st. meeting of ye. Legis-within which the first census should be taken. On this question for inserting six instead of "two" in the proposition of Mr. Wilson, it passed in the affirmative

GENERAL PINKNEY: I move to insert six years instead of two, as the period computing from 1st meeting of the legislature within which the first census should be taken.

NARRATOR: This motion for inserting "six" instead of "two" in the proposition of Mr. Wilson, passed in the affirmative.



Name _____ Date _____

Examples of Rather Odd Statements from the Constitutional Debates



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1. From the Debates in the Several State Conventions on the Adoption of the Federal Constitution (Elliot's Debates), June 6:

Gen. PINCKNEY wished to have a good national government, and, at the same time, to leave a considerable share of power in the states. An election of either branch by the people, scattered as they are in many states, particularly in South Carolina, was totally impracticable.

2. From the Debates in the Several State Conventions on the Adoption of the Federal Constitution (Elliot's Debates), June 7:

Mr. READ proposed, "that the Senate should be appointed by the executive magistrate, out of a proper number of persons to be nominated by the individual legislatures."

3. From the Debates in the Several State Conventions on the Adoption of the Federal Constitution (Elliot's Debates), June 7:

Mr. PINCKNEY and Mr. RUTLEDGE moved to add to the fourth resolution, agreed to by the committee, the following, viz.: "that the states be divided into three classes; the first class to have three members, the second two, and the third one member, each; that an estimate be taken of the comparative importance of each state at fixed periods, so as to ascertain the number of members they may from time to time be entitled to."

4. From the Madison Debates, July 14:

Mr. SHERMAN thought there was no probability that the number of future States would exceed that of the Existing States.

Name _____ Date _____



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Chart for Statements in Documents

Statement	Speaker/State	What was an Alternative?	Where is this issue discussed in the Constitution?
<p>"Mr. MASON argued strongly for an election of the larger branch by the people. It was to be the grand depository of the democratic principle of the Govt. It was, so to speak, to be our House of Commons."</p>	<p>Mason / Virginia</p>	<p>"Mr. SHERMAN opposed the election by the people, insisting that it ought to be by the State Legislatures. The people, he said, immediately should have as little to do as may be about the Government."</p>	<p>Article I, Section 2 The House of Representative s shall be composed of Members chosen every second Year by the People of the several States.</p>

Name _____ Date _____



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Chart for Odd Statements

Statement	Speaker/State	Why is it odd?	Where is this issue discussed in the Constitution?
"There was no probability that the number of future States would exceed that of the Existing States."	Sherman / Connecticut	We now have 50 states.	Article IV, Section 3 New States may be admitted by the Congress into this Union;