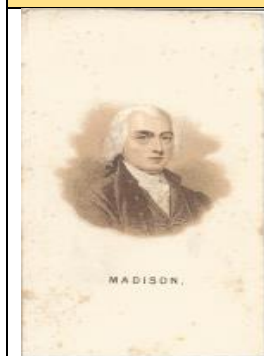


Chapter 13 -- Delegations Present Four Possible Macro Frameworks



Dates:
1787

Sections:

- The “Virginia Plan” Is Offered By Governor Edmund Randolph
- New Jersey Proposes A “Small State” Alternative
- Alexander Hamilton Announces His Revolutionary Option
- Roger Sherman Shares The “Connecticut Plan” In Committee

Time: May 30 to June 15, 1787

The “Virginia Plan” Is Offered By Governor Edmund Randolph



On May 30, Governor Edmund Randolph of Virginia gets things under way by proposing a series of nineteen “Resolves” to create a new central government, fundamentally different in scope and procedures from the Thirteen Articles of Confederation.

The primary author of the plan is James Madison.

The First Resolve argues that:

1. A national government ought to be established consisting of a supreme legislative, executive and judiciary.

James Madison (1751-1836)

This sentence alone strikes the Anti-Federalists in the hall like a thunderbolt, turning their most fundamental beliefs upside down. The Thirteen Articles guaranteed the “sovereignty” of the States, and now here comes a “national” government claiming “supremacy” to its laws over individual state laws.

Later comes another blow to “state sovereignty” in the Seventh Resolve. Under the Thirteen Articles, each State enjoys equal power -- “one vote” apiece -- in deciding on new legislation. The tiniest state of Delaware has as much say in the outcomes as the largest state, Virginia. But under Randolph’s proposal, the number of votes would vary according to the size of its population. Virginia might now have 13 votes against 1 for Delaware.

7. The national legislature ought to accord to some equitable ratio of representation – namely in proportion to the whole number of white and other free citizens...and 3/5ths of all other persons, except Indians...

The Second Resolve divides the national legislature into two chambers, a clever move that will eventually result in a House and a Senate, and yield crucial compromises with the Anti-Federalist and small state factions.

2. That the national legislature ought to consist of two branches.

The Third Resolve insures that legislators in the first chamber be chosen directly by the people – rather than being “named” by those already serving in the state’s legislature.

3. That the members of the first branch of the national Legislature ought to be elected by the People of the several States for the term of three years.

A Fourth defines the second legislative chamber, with presumably more senior figures serving seven year terms, chosen by state officials.

4. That the members of the second Branch of the national Legislature ought to be chosen by the individual Legislatures. to be of the age of thirty years at least. to hold their offices for a term sufficient to ensure their independency, namely seven years.

The Sixth Resolve lays out a broad scope for the new national legislature, covering issues “beyond the competence” of the individual states or where the “harmony” across all states is in play. It also grants the national body power to “negative” (i.e. overrule) state laws which violate the common interests of the nation.

6. To legislate in all cases to which the separate States are incompetent: or in which the harmony of the United States may be interrupted by the exercise of individual legislation. to negative all laws passed by the several States contravening, in the opinion of the national Legislature

The Executive Branch of the new government is profiled in the Ninth Resolve. Randolph calls here for one person, chosen by the national Legislature, serving 7 years, charged with seeing the laws are carried out, and at risk of being impeached for violations.

9. That a national Executive be instituted to consist of a single person. to be chosen by the National Legislature for the term of seven years with power to carry into execution the national Laws...and to be removable on impeachment and conviction of malpractice or neglect of duty.

The Tenth Resolve gives the Executive power to veto any legislative act, unless overturned by a 2/3rds vote.

10. That the national executive shall have a right to negative any legislative act: which shall not be afterwards passed unless by two third parts of each branch of the national Legislature

Resolves Eleven to Thirteen establish the Judicial Branch of government, along with various operating rules.

11. That a national Judiciary be established to consist of One Supreme Tribunal. The Judges of which to be appointed by the second Branch of the National Legislature to hold their offices during good behavior

The remaining eight Resolves fill in other considerations for the new government, among them, admission of new states to the union and future passage of amendments to the Constitution.

The “Virginia Plan” offered by Randolph on May 30 proves critical to the life of the Convention.

It serves as the starting point for the debates that follow – and, despite the appearance of other Plans, delegates always cycle back to its basic frameworks when decisions are required. Ironically the man who proposes the plan, Randolph, will be one of only three men who fail to sign the final document he has done so much to advance.

Time: June 15, 1787

New Jersey Proposes A “Small State” Alternative

Once the Virginia Plan is on the table, two things become immediately clear: a House of Representatives dealing with the nation’s important issues enjoys overwhelming support -- while the proposed composition of this House is intensely divisive.

The sticking point lies with the smaller states, who have no intention of surrendering their power in the new legislature to the larger states. If Virginia is to end up with 13 votes to every 1 for Delaware, based on population, then Delaware will never support the new Constitution.

After fifteen days of paralysis over this “apportionment” barrier, the Attorney General of New Jersey, William Patterson, offers the Convention his “small state alternative.”

What Patterson proposes on the Legislative Branch is that the unicameral approach existing under the Thirteen Articles be kept in place, with each State retaining its equal voting power.

Proposed Plans For The New Legislature

	Virginia Plan	New Jersey Plan
# of Chambers	2 - bicameral	1 - unicameral
Apportionment	Based on state population	Every state has 1 vote
Power Derived From	Popular voting in House	States Legislators

When this is put to a vote, the New Jersey alternative goes down, with only three states favoring it against seven for the Virginia Plan and two states divided.

While this loss is decisive, it fails to resolve the matter – with several small states threatening to go home rather than surrender their “sovereignty.”

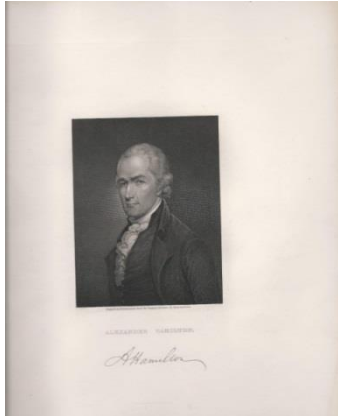
Despite this fundamental failure, the New Jersey Plan announces several other ideas that will become relevant as the sessions continue.

- Congress can raise funds by tariffs and taxes collected from the states.
- A federal Treasury will be set up to handle revenue and expenses and quality assure the money supply.
- Congress will regulate interstate and foreign commerce.
- The Executive branch will include several people, elected by Congress, for one term only.
- A Supreme Tribunal appointed by the Executive will resolve legal disputes (borders, treaties, impeachment).

- A standing army will be created, with States contributing troops in proportion to their population size.
- Military officers will be approved jointly by States and the Congress.

Time: June 18, 1787

Alexander Hamilton Announces His Revolutionary Option



Alexander Hamilton (1755-1804)

The next move belongs to Alexander Hamilton of New York, who has lobbied to hold this Convention over seven long years. On June 18 he addresses it in an impassioned six hour speech.

The 32 year old Hamilton is already a renowned Federalist, whose standing traces to his father-in-law, Major General Philip Schuyler of Revolutionary War fame, and to none other than George Washington, whom he has served as Chief of Staff during four years on the battlefield.

Despite these credentials, many view the British West Indies born Hamilton as a “foreigner” who, as Jefferson later writes, has been “bewitched and perverted by the British example.”

Indeed Hamilton’s speech is a paean to the British government, which he calls “the best in the world.”

He advises the Convention to adopt the core British principles, especially that of an all-powerful Executive. He proposes that this be a single person, titled “Governor,” but having power comparable to a monarch, and holding office for life.

He ought to be hereditary, and to have so much power, that it will not be in his interest to risk much to acquire more. The advantage of a monarch is this – he is above corruption – he must always intend, in respect to foreign nations, the true interest and glory of the people.

Like many others, Hamilton is very suspicious of a “pure democracy,” fearing its tendency toward momentary passions and mob-like swings in governance.

The voice of the people has been said to be the voice of God...but it is not true in fact.

Neither does he trust the States, who “will prefer their particular concerns to the general welfare.”

Now is the time, Hamilton argues, for American to act as one nation, unified and powerful, capable of taking its place alongside Britain, France and Spain on the world stage. This will be possible only if power is placed in the hands of responsible statesmen who will devote their lives to advancing the welfare of the nation.

Hamilton’s views are those of the Federalist faction writ large.

They are immediately rejected by his two fellow delegates from New York, Robert Yates and John Lansing, both pledged to the virulently Anti-Federalist Governor, George Clinton, now serving his fourth term in office.

Others in the room signal their displeasure toward Hamilton’s Plan in their silence.

Two days later, disheartened, Hamilton heads home for a two month hiatus from the Convention.

His fierce commitment to a powerful Union is appreciated by all, but his vision for an Executive is far too reminiscent of King George III for his audience.

Time: July 5, 1787

Roger Sherman Shares The “Connecticut Plan” In Committee

Another two weeks pass with progress stalled over the apportionment of seats in the new Legislature.

A committee is set up to deal with the matter, chaired by Elbridge Gerry of Massachusetts and including Roger Sherman of Connecticut -- “a man who never said a foolish thing” according to Jefferson.

On July 5 Sherman presents a compromise to Gerry’s Committee, intended to break the logjam.

- The Legislative branch will have two chambers (House and Senate), according to the Virginia plan.
- The number of House seats a state enjoys will be based on its population count in a Census.
- The number of Senate seats for each state will be set equally, at two.
- State legislatures will elect its two senators.
- To “pass” Congress, all bills must gain majorities in both chambers.

Proposed Plans For The New Legislature

	Virginia Plan	New Jersey Plan	Connecticut Plan
# of Chambers	2 - bicameral	1 - unicameral	2 - bicameral
# seats in House	Based on state population	Every state has 1	Based on state population
# seats in Senate	Based on state population	---	Every state has 2

Sherman’s proposal leaves the Virginia Plan untouched when it comes to having two chambers in the Legislature, and having apportionment in the House based on each state’s population count.

But in the Senate he restores the equality of the Thirteen Articles by allocating two seats to each state, regardless of their size.

This proposal becomes known as the “Connecticut Plan,” in honor of the three state delegates who have crafted it – Sherman, Dr. William Johnson, and Oliver Ellsworth.

Gerry supports the plan and promises to take it to the full assembly.