

## Chapter 16 -- A Framework For The Legislative Branch Is Achieved



**Dates:**  
1787

**Sections:**

- Finally A “Great Compromise” Is Struck Defining The Structure Of The Legislative Branch
- America’s New Government: A Republic, Not A Pure Democracy

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Time: July 16, 1787

### Finally A “Great Compromise” Is Struck Defining The Structure Of The Legislative Branch



The Senate Chamber, in Later Years

One final roadblock needs resolution before the Legislative branch plan is finalized. It involves fear among the larger states that “money bills” (taxing and spending) coming out of the “equalized Senate” might be tilted unfairly against them by the smaller states.

Ben Franklin steps forward with a solution that becomes known as the “Origination Clause” – stating that all money bills are to originate in the House and cannot be unilaterally changed by the Senate. In exchange for losing some financial powers,

the Senate will be given several important “advise and consent” assignments – approving certain judges and ambassadors, ratifying treaties, trying impeachment cases.

The Convention is well in need of good news, and on July 16 it arrives, in the form of “The Great Compromise”

- Mr. Sherman’s plan to structure the nation’s new bicameral Congress, aided by the Northwest Ordinance.

Henceforth the “will of the American people” is to be expressed through a House of Representatives, with members chosen state by state in direct elections and apportioned according to a population count which factors in slaves.

A second body, the Senate, will also weigh in, with large and small states each having two members, to be elected by local legislatures.

All new laws must pass in both chambers for approval.

Members in the House will be elected by the people to two year terms of office. To qualify they must be at least 25 years of age; citizens for a minimum of seven years, and residents of the state.

Senators will be named by state legislatures for six year terms. To qualify they must be at least 30 year old, nine years a citizen, and a state resident.

The Legislature must meet at least once a year, for sure on the first Monday in December. All members who participate will be paid out of the National Treasury with amounts ascertained by law.

**Final Plan For The New Legislature**

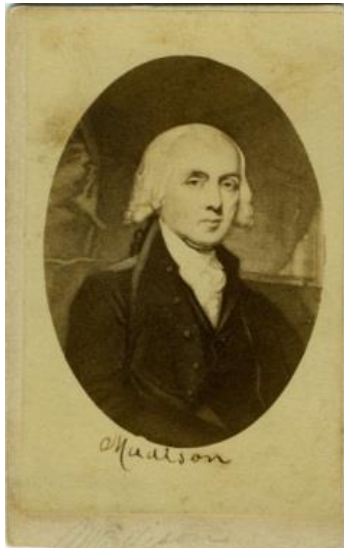
# of Chambers	2 - bicameral
# seats in House	Based on state population
# seats in Senate	Every state has 2

On July 16 then, the logjam is broken – and agreement is reached on the structure of the Legislative Branch.

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**America’s New Government: A Republic, Not A Pure Democracy**



James Madison (1751-1836)

The “Great Compromise” reflects the tensions felt by many delegates around “how far to trust” the will of the masses, and of the majority.

Clearly the new government intends to respond to the people’s will. Both James Madison and George Mason are crystal clear about this.

*The people are the fountain of all power... We must resort to the people...so this doctrine with supreme authority over the government. be cherished as the basis of free government.*

“Majority rules” will also be the norm, as Alexander Hamilton points out.

*The fundamental maxim of government...requires the sense that the majority should prevail.*

From these observations one might expect the Convention to have arrived at a “pure democracy” – with every future decision resolved through a direct poll of the people, on a winner-take-all basis.

But this is not what the delegates decide. Instead of a pure Democracy, their solution is a Republic.

*I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands.*

Between the people and the law stand “representatives,” charged with adding their own wisdom and experience to the mix.

The explanation for this goes beyond the geographical impracticality of direct polling, to underlying suspicions that “the people” can easily transform into a mob, inflamed by short-term passions, liable to act out of rashness rather than reason.

There is also fear that, left to their own devices, “the people” may be inclined to trample on the rights of various minorities within the population – for example, the landed gentry, as none other than Madison points out.

*In England, at this day, if elections were open to all classes of people, the property of landed proprietors would be insecure... Landholders ought to have a share in the government, to support these invaluable interests, and to balance and check the other. They ought to be so constituted as to protect the minority of the opulent against the majority. The Senate, therefore, ought to be this body; and to answer these purposes, they ought to have permanency and stability.*

For every Ben Franklin or George Mason in the hall expressing unequivocal faith in the intrinsic wisdom of the masses, there are others, like Alexander Hamilton and John Sherman, much less confident.

That committed democrat, Thomas Jefferson, is another. As he writes, the odds of “mischief” are high whenever men and motives are joined.

*In questions of power then, let no more be heard of confidence in man, but bind him down from mischief by the chains of the constitution.*

John Adams, so simultaneously unlike and like Jefferson, sees it the same way -- any body of men given too much power will become “ravenous beasts of prey.”

The message then from the worldly founders in Philadelphia is that governments are delicate in nature and prone to going off course, either through the masses as mobs, or individual men as dictators.

In turn, the path to preserving the values of self-government lies in a series of “checks and balances,” Jefferson’s “binding chains of the constitution.”

Representatives in the House will “check” the masses; the Senate will “check” the House. Together they will “balance” the wishes of the majority against the proper concerns of the minority.

With that much settled, the delegates turn their attention to the Executive Branch.