

The Question of Representation at the 1787 Convention

Student Name _____ Date _____

Activity Two: Bicameralism, Modes of Election and the “Rule of Suffrage” in Congress

Reading Set A. One House or Two?

1. [Constitutional Convention, 16 June 1787](#)

<http://www.teachingamericanhistory.com/convention/debates/0616.html>

Mr. PATTERSON, said as he had on a former occasion given his sentiments on the plan proposed by Mr. R. he would now avoiding repetition as much as possible give his reasons in favor of that proposed by himself... It is urged that two branches in the Legislature are necessary. Why? for the purpose of a check. But the reason of the precaution is not applicable to this case. Within a particular State, where party heats prevail, such a check may be necessary. In such a body as Congress it is less necessary, and besides, the delegations of the different States are checks on each other. Do the people at large complain of Congress? No, what they wish is that Congress may have more power. If the power now proposed be not enough, the people hereafter will make additions to it...

Mr. WILSON entered into a contrast of the principal points of the two plans so far he said as there had been time to examine the one last proposed. These points were 1. in the Virginia plan there are 2 & in some degree 3 branches in the Legislature: in the plan from N. J. there is to be a single legislature only...

[P]roceeding now to the 1st point on which he had contrasted the two plans, he observed that anxious as he was for some augmentation of the federal powers, it would be with extreme reluctance indeed that he could ever consent to give powers to Congress. he had two reasons either of which was sufficient. 1. Congress as a Legislative body does not stand on the people. 2. it is a single body.... Congress is a single Legislature. Despotism comes on Mankind in different Shapes, sometimes in an Executive, sometimes in a Military, one. Is there no danger of a Legislative despotism? Theory & practice both proclaim it. If the Legislative authority be not restrained, there can be neither liberty nor stability; and it can only be restrained by dividing it within itself, into distinct and independent branches. In a single House there is no check, but the inadequate one, of the virtue & good sense of those who compose it...

In order to controul the Legislative authority, you must divide it...

2. [Constitutional Convention, 20 June 1787](#)

<http://www.teachingamericanhistory.com/convention/debates/0620.html>

Col. MASON... Is it to be thought that the people of America, so watchful over their interests; so jealous of their liberties, will give up their all, will surrender both the sword and the purse, to the same body, and that too not chosen immediately by themselves? They never will. They never ought. Will they trust such a body, with the regulation of their trade, with the regulation of their taxes; with all the other great powers, which are in contemplation?...

Much has been said of the unsettled state of the mind of the people, he believed the mind of the people of America, as elsewhere, was unsettled as to some points; but settled as to others. In two points he was sure it was well settled. 1. in an attachment to Republican Government. 2. in an attachment to more than one branch in the Legislature. Their constitutions accord so generally in both these circumstances, that they seem almost to have been preconcerted. This must either have been a miracle, or have resulted from the genius of the people. The only exceptions to the establishmt. of two branches in the Legislatures are the State of Pa. & Congs. and the latter the only single one not chosen by the people themselves. What has been the consequence? The people have been constantly averse to giving that Body further powers...

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Directions: Read the documents that accompany Activity 2 Reading Set A and write a summary of the reasons each of the following delegates was either for or against a bicameral Congress:

Question	Answer
William Paterson	
James Wilson	
George Mason	

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Activity Two: Bicameralism, Modes of Election and the “Rule of Suffrage” in Congress

Reading Set B. Election by the people or state legislatures?

1. [Constitutional Convention, 31 May 1787](#)

<http://www.teachingamericanhistory.com/convention/debates/0531.html>

Resol: 4. first clause "that the members of the first branch of the National Legislature ought to be elected by the people of the several States" being taken up,

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. 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 Masss. 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...He had he said been too republican heretofore...

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 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...He admitted that we had been too democratic but was afraid we sd. incautiously run into the opposite extreme...

Mr. WILSON contended strenuously for drawing the most numerous branch of the Legislature immediately from the people...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. MADISON considered the popular election of one branch of the National Legislature as essential to every plan of free 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.

2. [Constitutional Convention, 6 June 1787](#)

<http://www.teachingamericanhistory.com/convention/debates/0606.html>

Mr. PINKNEY...moved "that the first branch of the national Legislature be elected by the State Legislatures, and not by the people." contending that the people were less fit Judges in such a case, and that the Legislatures would be less likely to promote the adoption of the new Government, if they were to be excluded from all share in it...

Mr. GERRY. Much depends on the mode of election...His idea was that the people should nominate certain persons in certain districts, out of whom the State Legislatures shd. make the appointment.

Mr. WILSON. He wished for vigor in the Govt., but he wished that vigorous authority to flow immediately from the legitimate source of all authority. The Govt. ought to possess not only 1st. the force, but 2dly. the mind or sense of the people at large. The Legislature ought to be the most exact transcript of the whole Society...

Mr. SHERMAN...The right of participating in the National Govt. would be sufficiently secured to the people by their election of the State Legislatures...

Col. MASON. Under the existing Confederacy, Congs. represent the States not the people of the States: their acts operate on the States, not on the individuals. The case will be changed in the new plan of Govt. The people will be represented; they ought therefore to choose the Representatives. The requisites in actual representation are that the Reps. should sympathize with their constituents; shd. think as they think, & feel as they feel; and that for these purposes shd. even be residents among them. Much he sd. had been alledged agst. democratic elections. He admitted that much might be said; but it was to be considered that no Govt. was free from imperfections & evils; and that improper elections in many instances, were inseparable from Republican Govts...

Mr. MADISON considered an election of one branch at least of the Legislature by the people immediately, as a clear principle of free Govt. and that this mode under proper regulations had the additional advantage of securing better representatives, as well as of avoiding too great an agency of the State Governments in the General one...

3. [Constitutional Convention, 21 June 1787](http://www.teachingamericanhistory.com/convention/debates/0621.html)

<http://www.teachingamericanhistory.com/convention/debates/0621.html>

Mr. MASON urged the necessity of retaining the election by the people. Whatever inconveniency may attend the democratic principle, it must actuate one part of the Govt. It is the only security for the rights of the people...

Mr. RUTLIDGE...An election by the Legislature would be more refined than an election immediately by the people: and would be more likely to correspond with the sense of the whole community...

Mr. WILSON considered the election of the 1st. branch by the people not only as the corner Stone, but as the foundation of the fabric...

Mr. KING enlarged on the same distinction. He supposed the Legislatures wd. constantly choose men subservient to their own views as contrasted to the general interest...

4. [Constitutional Convention, 25 June 1787](http://www.teachingamericanhistory.com/convention/debates/0625.html)

<http://www.teachingamericanhistory.com/convention/debates/0625.html>

Mr. WILSON. the question is shall the members of the 2d. branch be chosen by the Legislatures of the States?...

Mr. ELSEWORTH...Wisdom was one of the characteristics which it was in contemplation to give the second branch. Would not more of it issue from the Legislatures; than from an immediate election by the people...

On the question to agree "that the members of the 2d. branch be chosen by the indivl. Legislatures" Masts. ay. Cont. ay. N. Y. ay. N. J. ay. Pa. no. Del. ay. Md. ay. Va. no. N. C. ay. S. C. ay. Geo. ay.

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Activity Two: Bicameralism, Modes of Election and the “Rule of Suffrage” in Congress

Directions: Read the documents that accompany Activity 2 Reading Set B and write a summary of the reasons each of the following delegates supported or opposed either election by the people or election by state legislatures:

Question	Answer
Roger Sherman	
Elbridge Gerry	
George Mason	
James Wilson	

James Madison	
Charles Pinckney	
Oliver Ellsworth	

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Activity Two: Bicameralism, Modes of Election and the “Rule of Suffrage” in Congress

Reading Set C. Proportional or equal representation?

1. [Constitutional Convention, 9 June 1787](#)

<http://www.teachingamericanhistory.com/convention/debates/0609.html>

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

Mr. BREARLY seconds him. He was sorry he said that any question on this point was brought into view. It had been much agitated in Congs. at the time of forming the [Articles of Confederation] and was then rightly settled by allowing to each sovereign State an equal vote. Otherwise the smaller States must have been destroyed instead of being saved. The substitution of a ratio, he admitted carried fairness on the face of it; but on a deeper examination was unfair and unjust... There will be 3. large states, and 10 small ones. The large States by which he meant Massts. Pena. & Virga. will carry every thing before them... While Georgie with her Solitary vote, and the other little States will be obliged to throw themselves constantly into the scale of some large one, in order to have any weight at all. He had come to the convention with a view of being as useful as he could in giving energy and stability to the federal Government. When the proposition for destroying the equality of votes came forward, he was astonished, he was alarmed...

Mr. PATTERSON considered the proposition for a proportional representation as striking at the existence of the lesser States... He held up Virga. Massts. & Pa. as the three large States, and the other ten as small ones; repeating the calculations of Mr. Brearly as to the disparity of votes which wd. take place, and affirming that the small States would never agree to it... Give the large States an influence in proportion to their magnitude, and what will be the consequence? Their ambition will be proportionally increased, and the small States will have every thing to fear... N. Jersey will never confederate on the plan before the Committee. She would be swallowed up. He had rather submit to a monarch, to a despot, than to such a fate. He would not only oppose the plan here but on his return home do every thing in his power to defeat it there.

Mr. WILSON...entered elaborately into the defence of a proportional representation, stating for his first position that as all authority was derived from the people, equal numbers of people ought to have an equal no. of representatives, and different numbers of people different numbers of representatives. This principle had been improperly violated in the owing to the urgent circumstances of the time... If the small States will not confederate on this plan, Pena. & he presumed some other States, would not confederate on any other...

2. [Constitutional Convention, 14 July 1787](#)

<http://www.teachingamericanhistory.com/convention/debates/0714.html>

Mr. MADISON expressed his apprehensions that if the proper foundation of Govenmt-was destroyed, by substituting an equality in place of a proportional Representation, no proper superstructure

would be raised...He reminded them of the consequences of laying the existing confederation on improper principles. All the principal parties to its compilation, joined immediately in mutilating & fettering the Governmt. in such a manner that it has disappointed every hope placed on it...He enumerated the objections agst. an equality of votes in the 2d. branch, notwithstanding the proportional representation in the first. 1. the minority could negative the will of the majority of the people...

Mr. WILSON would add a few words only...The great fault of the existing confederacy is its inactivity. It has never been a complaint agst. Congs. that they governed overmuch. The complaint has been that they have governed too little. To remedy this defect we were sent here. Shall we effect the cure by establishing an equality of votes as is proposed? no: this very equality carries us directly to Congress: to the system which it is our duty to rectify. The small States cannot indeed act, by virtue of this equality, but they may controul the Govt. as they have done in Congs. This very measure is here prosecuted by a minority of the people of America. Is then the object of the Convention likely to be accomplished in this way? Will not our Constituents say? we sent you to form an efficient Govt. and you have given us one more complex indeed, but having all the weakness of the former Governmt...

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Directions: Read the documents that accompany Activity 2 Reading Set C and write a summary of the reasons each of the following delegates supported or opposed either proportional or equal representation in Congress:

Question	Answer
David Brearly	
William Paterson (Patterson)	
James Wilson	
James Madison	

BIOGRAPHY SHEETS FOR ACTIVITY TWO

David Brearly

State: New Jersey

Age at Convention: 42

Date of Birth: June 11, 1745

Date of Death: August 16, 1790

Occupation: Public Security and Interests, Lawyer, Chief Justice New Jersey Supreme Court

Convention Contributions: Arrived May 25, and except for two days, June 28 and July 5, was present through the signing of the Constitution.

Biography from the National Archives:

Brearly was 42 years of age when he participated in the Constitutional Convention. Although he did not rank among the leaders, he attended the sessions regularly. A follower of Paterson, who introduced the New Jersey Plan, Brearly opposed proportional representation of the states and favored one vote for each of them in Congress.



William Paterson

State: New Jersey (Born in Ireland, immigrated 1747)

Age at Convention: 41

Date of Birth: December 24, 1745

Date of Death: September 9, 1806

Occupation: Lawyer

Convention Contributions: Arrived May 25, departed August 6 but returned to sign the Constitution on September 17. He is best remembered for introducing the New Jersey Plan and arguing that the delegates had exceeded their authority.

Biography from the National Archives:

From 1783, when he moved into the city of New Brunswick, until 1787, Paterson devoted his energies to the law and stayed out of the public limelight. Then he was chosen to represent New Jersey at the Constitutional Convention, which he attended only until late July. Until then, he took notes of the proceedings. More importantly, he figured prominently because of his advocacy and coauthorship of the New Jersey, or Paterson, Plan, which asserted the rights of the small states against the large. He apparently returned to the convention only to sign the final document. After supporting its ratification in New Jersey, he began a career in the new government.



James Wilson

State: Pennsylvania (Born in Scotland, immigrated 1765)

Age at Convention: 45

Date of Birth: September 14, 1742

Date of Death: August 28, 1798

Occupation: Lawyer, Public Security Interests, Real Estate and Land Speculation, Latin Tutor at College of Philadelphia

Convention Contributions: Arrived May 25 and was present through the signing of the Constitution. He spoke often and with much fervor on behalf of a strong central government that nevertheless conformed to majoritarian principles.

Biography from the National Archives:

Wilson reached the apex of his career in the Constitutional Convention (1787), where his influence was probably second only to that of Madison. Rarely missing a session, he sat on the Committee of Detail and in many other ways applied his excellent knowledge of political theory to convention problems. Only Gouverneur Morris delivered more speeches.

**James Madison Jr.**

State: Virginia

Age at Convention: 36

Date of Birth: March 16, 1751

Date of Death: June 28, 1836

Occupation: Politician

Convention Contributions: Arrived May 25 and was present through the signing of the Constitution. He is best known for writing the Virginia Plan and defending the attempt to build a stronger central government. He kept copious notes of the proceedings of the Convention which were made available to the general public upon his death in 1836.

Biography from the National Archives:

Madison was clearly the preeminent figure at the convention. Some of the delegates favored an authoritarian central government; others, retention of state sovereignty; and most occupied positions in the middle of the two extremes. Madison, who was rarely absent and whose Virginia Plan was in large part the basis of the Constitution, tirelessly advocated a strong government, though many of his proposals were rejected. Despite his poor speaking capabilities, he took the floor more than 150 times, third only after Gouverneur Morris and James Wilson.



Roger Sherman

State: Connecticut (Born in Massachusetts)

Age at Convention: 66

Date of Birth: April 19, 1721

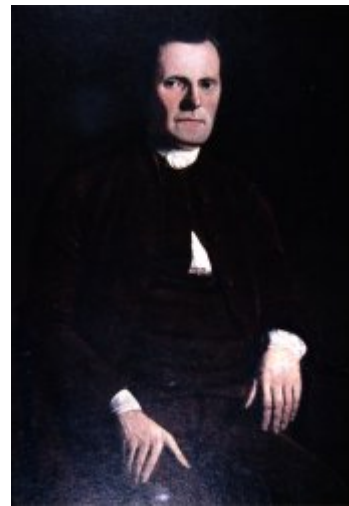
Date of Death: July 23, 1793

Occupation: Lawyer, Merchant, Public Security Interests, Cobbler

Convention Contributions: Arrived May 30, and except for a brief absence in late July, was present until he signed the Constitution. He debated with James Madison over the representation issue and was influential in securing the passage of the Connecticut Compromise.

Biography from the National Archives:

Although on the edge of insolvency, mainly because of wartime losses, Sherman could not resist the lure of national service. In 1787, he represented his state at the Constitutional Convention, and attended practically every session. Not only did he sit on the Committee on Postponed Matters, but he also probably helped draft the New Jersey Plan and was a prime mover behind the Connecticut, or Great, Compromise, which broke the deadlock between the large and small states over representation.



Elbridge Gerry

State: Massachusetts

Age at Convention: 43

Date of Birth: July 17, 1744

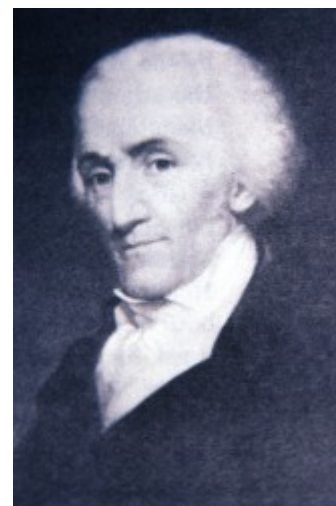
Date of Death: November 23, 1814

Occupation: Businessman, Public Security and Interests, Real Estate Land Speculation, Mercantile, Manufacturing and Shipping, Investor

Convention Contributions: Arrived May 29, was present through the signing of the Constitution. He chaired the committee that presented the Connecticut Compromise but did not think that the Constitution provided adequate protection for the rights of individuals and the rights of the States. He refused to sign the Constitution.

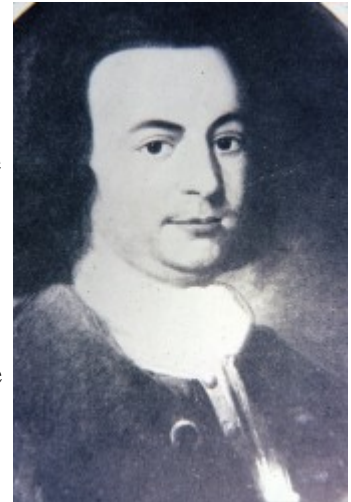
Biography from the National Archives:

Gerry was one of the most vocal delegates at the Constitutional Convention of 1787. He presided as chairman of the committee that produced the Great Compromise but disliked the compromise itself. He antagonized nearly everyone by his inconsistency and, according to a colleague, "objected to everything he did not propose." At first an advocate of a strong central government, Gerry ultimately rejected and refused to sign the Constitution because it lacked a bill of rights and because he deemed it a threat to republicanism.

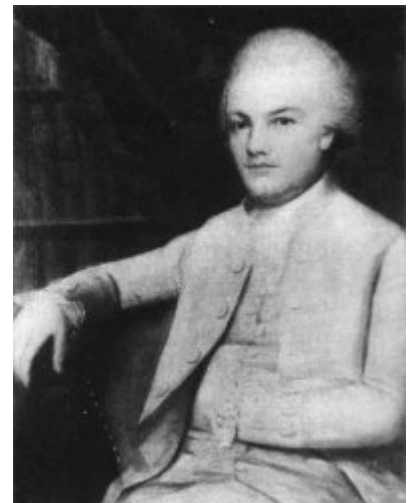


George Mason**State:** Virginia**Age at Convention:** 62**Date of Birth:** December 11, 1725**Date of Death:** October 7, 1792**Occupation:** Planter and Slave Holder, Lending and Investments, Real Estate Land Speculation, Public Security Investments, Land owner**Convention Contributions:** Arrived May 25 and was present through the signing of the Constitution, however he did not sign the Constitution. Initially Mason advocated a stronger central government but withdrew his support toward the end of the deliberations. He argued that the Constitution inadequately represented the interests of the people and the States and that the new government will "produce a monarchy, or a corrupt, tyrannical aristocracy."**Biography from the National Archives:**

At Philadelphia in 1787 Mason was one of the five most frequent speakers at the Constitutional Convention. He exerted great influence, but during the last 2 weeks of the convention he decided not to sign the document. Mason's refusal prompts some surprise, especially since his name is so closely linked with constitutionalism. He explained his reasons at length, citing the absence of a declaration of rights as his primary concern. He then discussed the provisions of the Constitution point by point, beginning with the House of Representatives. The House he criticized as not truly representative of the nation, the Senate as too powerful.

**Charles Pinckney****State:** South Carolina**Age at Convention:** 29**Date of Birth:** October 26, 1757**Date of Death:** October 29, 1824**Occupation:** Lawyer, Planter and Slave Holder, Lending and Investments, Public Security Interests**Convention Contributions:** Arrived May 25 and was present through the signing of the Constitution. He is best known for his proslavery position, as well as a strong proponent of a Bill of Rights. He was a warm supporter of Madison's attempt to build a stronger central government.**Biography from the National Archives:**

Pinckney's role in the Constitutional Convention is controversial. Although one of the youngest delegates, he later claimed to have been the most influential one and contended he had submitted a draft that was the basis of the final Constitution. Most historians have rejected this assertion. They do, however, recognize that he ranked among the leaders. He attended full time, spoke often and effectively, and contributed immensely to the final draft and to the resolution of problems that arose during the debates.



Oliver Ellsworth

State: Connecticut

Age at Convention: 42

Date of Birth: April 29, 1745

Date of Death: November 26, 1807

Occupation: Lawyer, Public Security Interests, Lending and Investments, Mercantilist

Convention Contributions: Arrived on May 28, Departed last week in August and never returned. On June 29, Ellsworth claimed "that we were partly national; partly federal," and introduced the Resolution which became known as the Connecticut Compromise.

Biography from the National Archives:

When the Constitutional Convention met in Philadelphia in 1787 Ellsworth once again represented Connecticut and took an active part in the proceedings. During debate on the Great Compromise, Ellsworth proposed that the basis of representation in the legislative branch remain by state, as under the Articles of Confederation.

