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## Debates Within the Constitutional Convention

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Author: Pierce Butler

Date: 1787

### Annotation:

For three and a half months during a hot, muggy Philadelphia summer, the delegates debated remarkably sensitive issues: among them were whether the national government should be allowed to veto state laws and whether the states should be eliminated altogether. To encourage the delegates to speak candidly, the Constitutional Convention took extraordinary steps to insure secrecy. Sentries were posted at the doors of Independence Hall, and no copies of the journal were permitted. Delegates were urged to burn their notes.

Nevertheless, some of the notes kept by delegates survive, including those of Pierce Butler (1744-1822) of South Carolina. Here, Butler, a wealthy planter who was also a champion of backcountry interests in South Carolina (calling for greater representation for western interests and moving the state capital westward) summarizes a plan for the new government presented by delegates from Virginia. The Virginia Plan, written by James Madison but presented by Edmund Randolph (1753-1813), proposed a national legislature divided into two houses, the House of Representatives and the Senate. Voters in each state would elect members of the House of Representatives. Under the Virginia Plan, population would determine the number of representatives a state would have in the House.

Under Madison's plan, the House of Representatives would select members of the Senate from candidates suggested by state legislatures. The House would also choose members of the judiciary and a President, who would serve for seven years. Congress would have the power to override state legislation.

Many delegates objected to the authority over state laws that the Virginia Plan gave Congress. Delegates from small states protested that the plan would give larger states too much power in the national government. New Jersey proposed that all states have an equal number of representatives. Under the New Jersey Plan, which strongly resembled the government under the Articles of Confederation, Congress would consist of only one house, to be elected by the state legislatures, not directly by the people.

Delegates rejected both the Virginia and New Jersey plans. Connecticut delegates offered a compromise proposal that became known as the Connecticut Compromise or the Great Compromise. Like the Virginia Plan, it provided for a Congress with two houses. This plan provided for equal state representation in the Senate, along with representation in proportion to population in the House of Representatives. Voters in each state would elect members of the House of Representatives to two-year terms, while state legislatures would choose senators for six-year terms.

To foster rational debate and to insure that the people would elect representatives whose outlook transcended narrow local interests, the convention kept the House of Representatives small. The first House had only 65 members, fewer than many state legislatures, which meant that representatives had to win support from large constituencies.

**Document:**

State of the resolutions submitted to the consideration of the House by the honorable Mr. [Edmund] Randolph [of Virginia], as altered, amended, and agreed to in a Committee of the whole House.

1 Resolved that is the opinion of this Committee that a national government ought to be established consisting of a Supreme Legislative, Judiciary, and Executive

2 Resolved that he national legislature ought to consist of two branches.

3 Resolved 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

to receive fixed stipends by which they may be compensated for the devotion of their time to public service

to be paid out of the National Treasury to be ineligible to any office established by a particular State or under the authority of the United States (except those peculiarly belonging to the functions of the first branch) during the term of service, and under the national government, for the space of one year after its expiration

4 Resolved 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 of years sufficient to ensure their

independency namely seven years

to receive fixed stipends, by which they may be compensated for the devotion of their time in public service

to be paid out of the national treasury

to be ineligible to any office established by a particular state, or under the authority of the United States (except those peculiarly belonging to the functions of the second branch) during the term of service, and under the national government, for the space of one year after its expiration

5 Resolved that each branch ought to possess the right of originating acts

6 Resolved that the national Legislature ought to be empowered to enjoy the legislative rights vested in Congress by the confederation--and moreover 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 articles of union, or any treaties subsisting under the authority of the union

7 Resolved that the right of suffrage in the first branch of the national Legislature ought not be according to the rule established in the articles of confederation but according to some

equitable ratio of representation, namely, in proportion to the whole number of white and other free citizens and inhabitants, of every age, sex, and condition including those bound to servitude for a term of years, and three fifths of all other persons [slaves] not comprehended in the foregoing description except Indians, not paying taxes in each State

8 Resolved that the right of suffrage in the second branch of the national Legislature ought to be according to the rule established for the first

9 Resolved 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

to appoint to offices in cases not otherwise provided for

to be ineligible a second time--and

to be removable on impeachment and conviction of malpractice or neglect of duty

to receive a fixed stipend by which he may be compensated for the devotion of his time to public service

to be paid out of the national Treasury

10 Resolved 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

11 Resolved 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 behaviour: and to receive, punctually at stated times, a fixed compensation for their services: in which no increase or diminution shall be made, so as to affect the persons actually in office at the time of such increase or diminution

12 Resolved that the national Legislature be empowered to appoint inferior Tribunals

13 Resolved that the jurisdiction of the national Judiciary shall extend to cases which respect the collection of the national revenue; impeachment of any national officers; and questions which involve the national peace and harmony

14 Resolved that provision ought to be made for the admission of states, lawfully arising within the limits of the United States, whether from a voluntary junction of government and territory, or otherwise, with the consent of a number of voices in the national Legislature less than the whole

15 Resolved that provision ought to be made for the continuance of Congress and their authorities and privileges until a given day after the reform of the articles of union shall be adopted: and for the completion of all their engagements

16 Resolved that a republican constitution, and its existing laws, ought to be guaranteed to each state by the United States

17 Resolved that provision ought to be made for the amendments of the articles of union whensoever it shall seem necessary

18 Resolved that the Legislative, Executive, and Judiciary powers within the several states ought to be bound by oath to support the articles of union

19 Resolved that the amendments which shall be offered to the confederation by the Convention, ought at a proper time or times, after the approbation of Congress, to be submitted to an Assembly or Assemblies of representatives, recommended by the several Legislatures, to be expressly chosen by the people to consider and decide thereon

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