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PART TWO

THE FEDERAL
CONVENTION



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The Place and the People

THROUGHOUT THE SUMMER OF 1787 THE PEOPLE OF Philadelphia talked endlessly of two things: the weather and the Federal Convention.

The weather was brutal. Old-timers pronounced the summer the hottest and wettest since 1750. People had trouble breathing. "At each inhaling of air," a visitor from France wrote home, "one worries about the next one. The slightest movement is painful." Once in a while came a few hours of relief, of cool and drying breezes. More often the relief took the form of soaking rains that left the steaming city steamier than before. Dr. Benjamin Rush, coming and going from the homes of his many patients, likened existence in the Quaker City that summer to "living under Niagara Falls."

Slender, handsome Dr. Rush was not a delegate to the convention. That did not prevent him from talking about it. Neither did it stop his fellow townsmen, although none of them knew what the convention was doing.

A sentry stood at the closed door of its meeting hall. Its proceedings were secret. When Jefferson, still in Paris heard about the rule of secrecy, he was unhappy. Government by the people, he wrote Madison, should always be carried on in full view of the people.

Madison disagreed. He would say later that had the people been allowed to listen in on the convention their criticism would have discouraged the delegates from doing anything at all.

After all, they were not getting together to govern the country, but to find a government for it. They must feel free to think out loud, as it were, to say one thing today and something different tomorrow, without being denounced as "inconsistent" by a watching public. Only by trial and error and with much changing of the mind could they accomplish what their states had sent them to Philadelphia to do. As historian Carl Van Doren has written, the job of the members of the Federal Convention was "to find the best form of government they could agree on" and then let their fellow citizens decide whether they wanted it or not. It was Van Doren's impression that at least some of "the delegates thought of themselves as engaged in a process like that of a creative artist, who insists on finishing his work before he exhibits it. . . ."

One state, Rhode Island, refused to send delegates. Of the seventy-four men named by the other twelve states, nineteen never got to the convention. Today we speak of the fifty-five who did get there as the Founding Fathers—a misleading term, as it suggests a parcel of old men. As a matter of fact, seven of them were not yet thirty-two. Only six were over sixty and the average age was forty-three. Benjamin Franklin was the oldest at eighty-one, Jonathan Dayton of New Jersey the youngest at twenty-six. Madison had once objected to the low quality of the men being sent to the Confederation Congress. He could not so complain of those coming to the Federal Convention. Thirty-four were successful lawyers. Thirty-seven had served in the Congress. All had been active for years in the politics of their home states.

They met in the east chamber of the first floor of the Pennsylvania State House, except for a few weeks in July when noisy crowds, attending a session of the Pennsylvania Supreme Court across the hall, drove them upstairs. It was in their main meeting hall on the first floor that the Declaration of Independence had been signed. Delegates who had attended sessions in this handsome chamber—already popularly known as "Independence Room"—were struck by how little the years had changed it: the same low railing across the back, the same round tables covered with green baize, the same deeply carved panel behind the chair and desk of the presiding officer, the same high windows to either side, their slatted wooden blinds pulled tight shut during most of that sweltering summer of 1787.

But if Independence Room had changed little, the city around it had changed much. In recent years Philadelphia had become larger and noisier. One of the early acts of the Founding Fathers was to persuade the city authorities to lay Chestnut Street with gravel. The gravel deadened the clop-clop of passing horses and the rattle of carriages and drays.

Today we know much of what went on that summer behind the closed and guarded door of Independence Room. Although stiff and colorless, the official record penned by the secretary, Major William Jackson, outlines the proceedings. Nine personal records kept by members of the convention fill in the details.

These many records take us into convention hall. They let us hear the voices of arguing men, sometimes quiet and reasonable, other times quivering with rage or heavy with despair. They show us how more than once the convention came within a hair of collapsing. How for four months, for five to seven hours a day, the delegates labored. How almost down to the closing hour they wondered what if anything they could accomplish. How after they adjourned and went home, it was to wonder for an even longer period whether the American people would accept what they had accomplished.

Of the nine personal records the fullest and most revealing by far is the one kept by Madison. During the convention the Virginian was on his feet, taking part in the debate, 161 times. How, one wonders, did he manage to be so active and still keep so complete a record?

It nearly killed him, he confessed later. "I chose a seat in front of the presiding member," he explained, "with other members on my right and left . . . In this favorable position for hearing all that passed, I noted in terms legible and in abbreviations . . . intelligible to myself, what was read from the Chair or spoken by the members . . . I was not absent a single day, nor more than a casual fraction of any hour in any day. . . ."

Far shorter than Madison's personal notes, but highly useful, were the ones kept by William Pierce of Georgia.

Forty-seven-year-old Pierce had fought in the war as an artillery officer. Subsequently he had prospered as a merchant in Savannah, and in 1787 he was a member of both the Congress and the Federal Convention. Like Madison he came to Philadelphia from New York, but whereas Madison came early and remained to the end, Pierce came late and remained only a few weeks.

During his short stay his eyes and ears were alert. In Madison's personal record of the Federal Convention we hear the delegates; in Pierce's account we see them. The Georgian had a sharp eye for those outward features and traits that suggest so much about the inner person.

Pierce found two of his fellow delegates endlessly diverting: New York-born Gouverneur Morris of the Pennsylvania delegation (no relation to Robert Morris) and Roger Sherman of Connecticut. Pierce considered Gouverneur Morris the most brilliant member of the convention. Certainly he was the most talkative. He made more speeches—173—than any other delegate. Sometimes he angered his listeners. Sometimes he shocked them. But he never bored them.

No man was fonder of the good things of this earth. Morris loved fast horses, glittering social affairs, and pretty

women. A carriage accident had deprived him of his left leg. He stomped about now on a wooden peg, assisted by a thick cane.

For all his love of worldly pleasures, he was no fop. He was tall and heavy-set—the other delegates called him "the big boy"—with an unusual amount of face, glowing eyes, and a deep, throbbing voice.

Pierce considered Roger Sherman of Connecticut "the oddest shaped character I ever remembered to have met with," adding that the "oddity of his address, the vulgarisms that accompany his public speaking . . . make everything that is connected with him gross and laughable." But Pierce admitted that when the rough-hewn, square-faced Yankee got up to talk he made every bit as much sense as did the elegant Gouverneur Morris.

Fascinating to Pierce were the similar attitudes voiced by these two outwardly unlike men. Born at Morrisania, one of the largest of New York's huge estates, Morris was an aristocrat and made no bones about it. "No society can endure without an aristocracy," he announced. A rural shopkeeper and lawyer and the son of a poor shoemaker, Sherman did not believe the common people from whom he sprang had the knowledge needed to run a government and was never reluctant to say so.

Still, when it came down to scratch, both men readily put aside their conservative prejudices in what they considered to be the interest of the country as a whole. Like his friend Hamilton, Gouverneur Morris believed that a wide distribution of power was the secret of good government. Give all the power to the rich, he said, and they will oppress the poor. Give all to the poor and they will oppress the rich. Give an equal amount of power to both groups and they will check and control each other. Roger Sherman took a similar view. He offered no objections to putting into the Constitution clauses favorable to the common people, just so long as they were balanced by clauses equally favorable to the "uncommon people."

What most stands out about these remarkable men is their freedom from hypocrisy. On the floor of the conven-

tion Morris and Sherman said what they thought. Neither indulged in the practice, common to politicians, of giving democracy more lip service than support, of saying kind things about the poor while actually working for the rich.

Such honesty of speech seems to have been fairly widespread among the members of the Federal Convention.

One would have to search far to discover two more outspoken men than James Wilson of Pennsylvania and George Mason of Virginia. William Pierce would have been on solid ground had he given those two the same high marks for brilliance he gave Gouverneur Morris. Like James Madison, the thoughtful and swift-speaking Mason and the dry-speaking and dry-looking Wilson brought to the convention a deep understanding of the strengths, weaknesses, and problems of government by the people.

Not that they had the same things to say there. A native of Scotland and appropriately dour in manner, Wilson was an ardent Federalist. Some of the most eloquent arguments for "consolidated government"—meaning strong central government—would come from his lips during the course of the convention.

On the other hand, white-haired, spirited George Mason was an ardent Antifederalist. The sixty-two-year-old master of Gunston Hall plantation admitted that the Confederation needed strengthening. But as the convention got underway, indignation sprang from his very pores as it dawned on him that most of his fellow delegates were bent on replacing the Confederation with a consolidated national government.

In the end Mason would refuse to sign the Constitution. He would charge that it favored the "commercial interests" of the mercantile-shipbuilding North at the expense of the "landed interests" of the rice- and tobacco-growing South.

Mason was not the only prominent Antifederalist to be named to the Federal Convention. Willie Jones of North Carolina and Patrick Henry of Virginia were also elected, but both refused to serve. Both suspected the convention would move in the direction of consolidated government.

"I smell a rat" was how Patrick Henry put it when he decided not to attend.

In later years Antifederalist Richard Henry Lee would say that, had Jones and Henry attended the convention, they and a few others might have turned the tide. He could not make the same complaint about Mason. Mason accepted the challenge. At Philadelphia he put himself on the firing line, endlessly battling for his Antifederalist beliefs. Among the delegates who fought with him were Luther Martin of Maryland, Robert Yates and John Lansing, Jr., of New York, and Elbridge Gerry of Massachusetts. But Martin, Yates, and Lansing would leave Philadelphia in a huff before the convention was over. Only Mason and Gerry would stick it out to the end.

As was true of all gatherings in that era of difficult travel, the convention did not begin on time.

The members drifted slowly into Philadelphia. The convention would be half over before some of them got there. Most came from distant homes. A few, like Madison and Pierce, came down from New York City, temporarily abandoning their seats in Congress to participate in the convention.

Madison was the first to arrive, reaching the Quaker City on May 3, "eleven days early," his biographer writes, "for a convention that would begin eleven days late." For ten days he was the only delegate on hand other than the eight Pennsylvanians, all residents of the city.

Madison put the time to good use. He continued his study of the problems of republic government. He called on Dr. Benjamin Franklin.

No one of consequence came to Philadelphia without calling on the doctor. And no one came away from Franklin's comfortable house at the rear of a flower-bright courtyard off Market Street without feeling the fuller and the merrier for it.

In the opinion of his fellow citizens—indeed, in the opinion of the world—the doctor was the second man in America, second only to George Washington. Everyone knew

Franklin's story: how migrating to the Quaker City in his seventeenth year, a poor boy from Boston, he became within little more than a decade its leading citizen: owner-editor of its most popular newspaper and prime mover in the many civic improvements that made eighteenth-century Philadelphia one of the most civilized cities on earth.

The world of letters knew him as the founder, or one of the founders, of Philadelphia's first circulating library, of the American Philosophical Society, of what is now the University of Pennsylvania.

The world of science knew him as the man who, by putting a kite into the sky, discovered what many had long suspected but could not prove, that lightning is electricity. In 1782 he presented to a geologist-friend in France an amazingly accurate description of a startling scientific idea that would not be accepted until almost two hundred years later—the theory of plate tectonics, which explains how the surface of the globe has taken form and the causes of volcanoes and earthquakes.

The world of diplomacy knew him as the chief negotiator of the treaty that ended the Revolutionary War, as the spokesman for American interests in the courts of the Old World for thirty years in all.

Returning to Philadelphia in 1785, after his long stay abroad, Franklin reluctantly but cheerfully accepted the office of president (governor) of Pennsylvania. The years had exacted their price. He suffered now from gout and from what his doctors called "the stone." His ill's made walking difficult, riding in a carriage impossible. Going the one-eighth mile between his home and the State House, he traveled in a sedan chair, borne by four husky prisoners from the Walnut Street jail.

At home, finding hot water a comfort, he spent much of his time in a huge copper bathtub. Here he did his reading, his book perched on a movable attachment he himself had invented. Those visiting him in his house or under the spreading mulberry tree in his courtyard saw, as one of them wrote, "a short, fat, trunched old man in a plain Quaker dress, bald pate and short white locks."

The years had neither staled his mind nor bridled his humor. When the founders of a college named in his honor suggested he repay the compliment by giving them a bell, he sent them instead a trunkful of books. "What an institution of learning needs," he told them, "is not sound but sense."

From May 13 on, Madison was no longer the only out-of-town delegate in Philadelphia. On the afternoon of that hot, bright Sunday the other Virginians began coming into town.

Chiming bells and military ceremonies marked the arrival of Washington. The general had reserved quarters where Madison was staying, at the home of Mrs. Mary House at Fifth and Market Streets. But Washington's old friend, Robert Morris, one of Pennsylvania's delegates to the convention, would not hear of his staying there. "Warmly and kindly pressed by Mr. and Mrs. Morris to lodge with them," Washington noted in his diary, he accepted and had his luggage removed to their three-story brick house on Market Street near Sixth.

From here, on clear days, he would walk the one block to the State House, wearing a blue coat and a cocked hat, with his hair dressed in a queue and "crossed and powdered." Crowds gathered to watch him pass. In the eyes of most Americans the stately Virginian was a figure larger and more perfect than life. Few noticed how often a look of pain crossed his features, provoked by the ill-fitting false teeth a French doctor had made for him at Newburgh. One observer, a young man from New Jersey, did notice that the general "walked along . . . and seemed pressed down in thought."

On the official opening day of the convention—Monday, May 14—such delegates as were in town gathered at ten in the morning in Independence Room.

It was understood from the beginning, and would later be written into the rules, that no business would be conducted unless seven states had quorums on the floor. It was also understood that on all motions placed before the con-

vention, each state could cast one vote and that the votes of a majority of the states present would be enough to pass or reject any resolution. If a majority of the members of a quorum approved a motion, the vote of that states registered as "aye." If they disapproved, as "no." If there was an even number of them on hand and half voted aye and half voted no, the vote of the state registered as "divided," meaning that it cast no vote at all. As to when a state had a quorum, that depended on the instructions issued by its legislature. Four of Pennsylvania's eight delegates constituted a quorum. Three of Virginia's seven could cast the vote of that state.

Because on May 14 only two states, Virginia and Pennsylvania, had quorums, no record was kept of the official opening session. The delegates remained together about an hour, talking with one another and getting acquainted. Only one decision was reached—to do no business until seven quorums were on hand. Meanwhile, whatever delegates were in town were to report to the State House at ten o'clock each morning.

Thus matters stood for a week and a half. Madison made the most of the wait. As his fellow Virginians arrived, he brought them together at the Indian Queen, a coffeehouse and inn on Fourth Street between Market and Chestnut. There, each afternoon, they exchanged views. There, little by little, they put on paper their idea of the kind of government the country ought to have—a series of propositions soon to be known as the Virginia Plan.

It was during this period of marking time that Washington delivered the only speech he is known to have made at the Federal Convention. The general had seen the failure of too many efforts to improve the national government to be optimistic about this one. "It is too probable," he said, "that no plan we propose will be adopted." Even so, he hoped the delegates would not be guided by what they thought the people of the country wanted. He urged them to trust their own minds and consciences. "If to please the people," he said, "we offer what we ourselves disapprove,

how can we afterwards defend our work? Let us raise a standard to which the wise and honest can repair."

At last, on the morning of Friday, May 25, enough quorums were on hand for the delegates to close the door of their meeting hall and declare the convention in session.

Official act number one was to elect a chairman, a presiding officer. This was a mere formality. For that post every man in the room had the same person in mind. The plan had been for Franklin to nominate Washington, but a steady and droning rain had kept the ailing philosopher at home. Robert Morris did the honors for him, and Washington, unanimously elected, took the chair.

The convention then took other necessary steps. It framed the rules under which it would proceed. This took a few days. It named William Jackson to be the secretary for the body. Having taken his place on the platform, Major Jackson collected the credentials—the documents showing the right of the delegates to be there, along with the instructions given them by their state legislatures.

Thus began a governmental gathering unlike any ever attempted before. It was Charles Pinckney of South Carolina who one morning expressed in words two of the most noticeable characteristics of the Federal Convention: the abiding fear of its members that the American people might not approve of their work and the uniqueness of what they were trying to do.

"Our government," the bright and chipper South Carolinian said that morning, "must be suitable to the people, and we are perhaps the only people in the world who ever had sense enough to appoint delegates to establish a general government."



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The Virginia Plan versus the New Jersey Plan

BUT NOW THAT THE DELEGATES HAD COME TOGETHER, what sort of general government would they try to establish?

Would they bow to the demand by Congress that they meet for the sole and express purpose of revising the Articles of Confederation? Or would they draft what an angry Antifederalist later called "a frame of government as different from the Articles as Hell is different from Heaven"? Would they revise or would they create? When shortly after noon, Tuesday, May 29, the delegates finally turned to the business that had brought them together, that question was on every mind.

Edmund Randolph began the proceedings by reading and explaining the Virginia Plan, the series of propositions or resolutions that he and his fellow Virginians had formulated during their conferences at the Indian Queen coffee shop and inn.

Tall and uncommonly handsome, with richly molded features and expressive eyes, Edmund Randolph had crammed a lot of activity into his thirty-three years: aide-camp to Washington during the opening months of the war, member of the convention called to write his state's first constitution, attorney-general of Virginia for two terms, member of Congress for two terms, now governor of his state and leader of its delegation to the Federal Convention.

It is interesting that Randolph should have introduced a plan so many parts of which would find their way into what is now the United States Constitution. He himself was not sure that the country needed the strong government that the plan outlined. He had come to Philadelphia believing that a few changes in the Articles of Confederation would take care of matters. Reluctantly he had gone along with the ideas agreed to at the Indian Queen. Perhaps Madison worked on him. In his quiet way Madison could be persuasive.

The Virginia governor began his speech by listing some of the things he thought a general government should be able to do. It should be able to protect the country against foreign foes. It should be able to provide benefits, such as more and better roads and canals, that the individual states could not develop on their own. It should be able to regulate trade between the states. It should be strong enough to quiet quarrels between the states and to suppress "seditions," such as Shays's Rebellion, when they erupted within them.

The present government could not do these things. The weakness of the Confederation, Randolph declared, had encouraged the states to make "inroachments" upon it. He mentioned the frequency with which the states had taken unto themselves powers that only the general government was supposed to exercise. Only the Congress was entitled to make treaties, but Virginia had made a separate treaty of peace with England. Congress alone had the right to raise a navy, but nine states had navies of their own.

Four of the men who listened to Randolph that Tuesday afternoon had helped frame the Articles of Confederation.

One of them was Elbridge Gerry of Massachusetts. Gerry was a merchant and shipowner. He was a scrawny little man with a long, thin nose that he thrust now this way and now that, like an accusing finger, when he got up to speak. Politically he was given to blowing hot and cold on big issues. On balance, however, his sentiments were those of an Antifederalist. His face wore a worried look. When he was excited, which was most of the time, he squinched his eyes and stutered.

The other signers of the Articles in Randolph's audience were the two Morrises, Gouverneur and Robert, and John Dickinson, who had come to this gathering as the leader of the Delaware delegation.

Randolph did not want to offend the four men who had signed the Articles. He made a point of noting that the defects of the Articles could not be blamed on those who made them back in 1777. At that time, he said, the country was in "the infancy of the science of constitutions." No one could foresee then the troubles of the critical period. Now the time had come for Americans to learn from their mistakes and improve their general government accordingly.

Having made these and other points, Randolph read the Virginia Plan to the delegates in his fine and vibrant voice.

Filled with ideas Madison had been recommending for months, the plan suggested the creation of a national government to consist of three divisions: an executive, to be headed by one or more presidents; a judiciary, to consist of what are now the Supreme Court and the lesser federal or district courts; and a two-house legislature, to consist of what during the ensuing debate would be spoken of as "the first branch" (the House of Representatives) and the "second branch" (the Senate).

Several of the resolutions of the Virginia Plan suggested how the members of the three divisions of the government should be elected or appointed. Others listed the powers each division should be allowed to exercise—powers far more extensive than those exercised by the Confederation. When Randolph finished, the light was fading at the tall

windows. There was no time for a discussion of the Virginia Plan that day. In the few minutes left before adjournment two delegates, Charles Pinckney and Alexander Hamilton, asked permission of the presiding officer to take the floor.

Pinckney requested that a plan he himself had written be sent to Major Jackson's desk. To the desk it went, to be lost in the shuffle and never debated.

Alexander Hamilton made what seems to have been his first remarks at the Federal Convention. Poor Hamilton! His voice would be heard occasionally in the days to come, but his vote would never count.

The governor of New York, George Clinton, was a militant supporter of state sovereignty. So were most of the members of the New York legislature. Hamilton's fellow delegates—Robert Yates and John Lansing—were Antifederalists. On every issue coming before the convention, their votes for weak government would render Hamilton's vote for strong government of no moment. Even when Hamilton was the only New Yorker on the floor, he could do nothing. Under the instructions issued by the legislature of New York, two of its three delegates had to be there to cast the vote of that state.

When Hamilton rose it was to point out that the members of the convention faced an important decision. They could leave things as they were. In that case America would continue to be nothing more than "a league of states" and never become a true nation. Or they could scrap the Confederation, replace it with a "consolidated government," and become a nation.

Hamilton's voice was thin, but the earnestness with which he spoke compelled the others to heed him. Already full-blown in that brilliant mind was a vision of the kind of country he wanted his America to be. In later years his vision would clash with the different vision held by Thomas Jefferson. Jefferson looked forward to a happy America. Hamilton wanted a great and powerful America.

Standing at the New York table that Tuesday afternoon—a slight but impressive figure—the thirty-two-year-

old lawyer from New York expressed the hope that the Founding Fathers would invent a government under which the American people could achieve the high destiny he wanted them to have.

After he sat down, the delegates agreed to begin their discussion of the Virginia Plan on the following morning.

For almost three weeks the delegates discussed the Virginia Plan in an informal manner.

Many votes were cast. None was considered official because throughout this period the delegates met in what is known as the Committee of the Whole.

Suggestions placed before the Federal Convention were handled exactly as the Congress and the state legislatures handled such things. The process began with a vote to refer the proposal to a committee. The committee decided what should be done about the matter and reported its recommendation to "the House," meaning to the full membership meeting in its regular manner. Only the vote taken in the House was official.

For a proposal as important and complicated as the Virginia Plan, a different process was followed. Instead of being referred to a committee composed of some of the members, the Virginia Plan was referred to a committee composed of all the members.

This was the Committee of the Whole.

Invented centuries before by the British Parliament, the Committee of the Whole turned out to be a useful method for men come together to change a government. Every man realized that the votes taken in committee were only for the purpose of determining "the sense of the body." Every man knew that when the committee rose and the members again met as the House—in regular session, that is—he would have another chance to vote on every issue. He could then change his vote if meanwhile he had changed his mind.

Most important of all, ticklish issues—those on which agreement could not be reached in committee—could be put off in the hopes that by the time the official vote came up in the House agreement could be reached.

More often than not, agreement on ticklish matters was reached at the Federal Convention only after a great deal of what eighteenth-century American politicians called "out-of-doors work." The phrase "out-of-doors" went back to the early meeting of the Continental Congress, when the delegates found that the only way they could settle big arguments was to talk about them in small groups off the floor. Many of these informal conferences took place in the State House yard. Hence the practice of speaking of agreements arrived at behind the scenes as out-of-doors work.

Whenever the Federal Convention went into Committee of the Whole, Washington left the chair and sat at the Virginia table. Another member, elected by the delegates—Nathaniel Gorham of Massachusetts—occupied his place until the committee voted to meet again as the House. At that point Washington returned to the chair.

Shortly after ten o'clock Wednesday, then, Washington left the chair, Gorham took over the presiding officers duties, and the members formed themselves into a committee to debate the Virginia Plan.

Again Edmund Randolph got things started. Overnight he and other delegates had done some out-of-doors work. Randolph wanted to withdraw the opening resolution of the Virginia Plan, which he considered "too general," and replace it with certain "more specific" statements.

The original opening resolution, as read to the delegates the day before, said "the articles of Confederation ought to be so corrected . . . as to accomplish the objects proposed by their institution; namely, common defence, security of liberty and general welfare."

Gouverneur Morris, Randolph revealed, had argued that it was "absurd" to open the Virginia Plan with a call to revise the Articles of Confederation when all of the other resolutions of the plan called for the creation of a different kind of constitution.

Randolph thought Morris's objections to the opening resolution well grounded. He, therefore, wished to propose in

its place a resolution stating "that an Union of the States, merely foederal, will not accomplish the objects proposed by the articles . . . namely 'common defence, security of liberty, and general welfare.'"

Silence—strained and prolonged—greeted Randolph's words. The bewilderment on many faces revealed what every man in the room understood. Already, with the proceedings barely underway, the convention had reached a moment of decision.

Many seconds passed before Charles Cotesworth Pinckney of South Carolina broke the silence.

Eleven years older than his cousin Charles Pinckney, Charles Cotesworth was even more the elegant gentleman. Educated at Oxford University in England and trained for the bar in London, he practiced law in the mother country for a while before going on the "grand tour" of Europe. Coming back to his own country, he fought with the patriot armies and was captured when the British overran Charleston, the capital of his state.

During his captivity the British officers tried hard to win him over to their side. They assumed that because Charles Cotesworth Pinckney spoke and acted like an Englishman he thought like one. In truth, he was as republican in his sentiments as George Mason of Virginia. Even in an age when political orators went in for grand language and rhetorical flourishes, the speeches of Charles Cotesworth Pinckney stood out. "If I had a vein," he once declaimed, "which did not beat with the love of my country, I myself would open it. If I had a drop of blood that could flow dishonourably, I myself would let it out."

He meant every flanking word of it. And when he rose to comment of the newly proposed opening resolution of the Virginia Plan, he meant what he had to say about that, too.

Did Governor Randolph realize what he was asking the members of the convention to do? He was asking them to approve a resolution stating that no amount of fixing could make the Articles adequate to the needs of the country. But the United States, in Congress assembled had sent them to

Philadelphia "for the sole and express purpose" of making the Articles adequate. If they voted for a resolution saying that couldn't be done, then there was only one legal and honorable procedure for them to follow: they must adjourn for keeps, pack their bags, and go home!

Charles Cotesworth Pinckney's remarks loosed an avalanche of talk by the other delegates.

Gouverneur Morris said that the new opening resolution raised questions in his mind, even though he himself had suggested it. The resolution said that a "merely foederal" government, meaning the Confederation, could not run the country properly. In another of its resolutions the Virginia Plan suggested the establishment of a "supreme . . . national" government. But under the Confederation the state governments were supreme. How could a supreme national government be established unless at the same time the supreme state governments were abolished? For the life of him, Morris couldn't see how one country could have two supreme governments.

No problem there at all, said John Dickinson. He called Morris's attention to the solar system. The main body of that system was the Sun. Its satellites—Earth and the other planets—revolved around it. The Sun was supreme over all, but each of the planets was supreme within its own orbit.

Dickinson saw no reason why the general government and the states couldn't function in the same way. Let the national government, he said, be "supreme" over matters of interest to the country as a whole. Let each state be "supreme" over matters of interest to that state alone.

It remained for James Wilson to go to the heart of the problem. He felt that the delegates were wasting time arguing over the meaning of terms. In Wilson's opinion it didn't matter whether you called the general government "Foederal," "national," "supreme," or "consolidated." What mattered was how you set it up. To be effective, he said, the general government must not be compelled to operate on the states as the Confederation had to do. It must be empowered to operate directly on the people.

James Madison was quick to voice his approval of this view, having long ago come to the same conclusion.

Randolph, in his tactful way, ended the argument over the meaning of "federal," "national," and "supreme." Noting that these terms puzzles some of the delegates, he suggested that consideration of the new opening resolution of the Virginia Plan be postponed to some later date. Time would prove this maneuver a good one. The argument over terms would never come up again.

The suggestion put by Randolph having been agreed to, he moved that the delegates consider one of the other Virginia resolves—the one saying that the general government ought to have three "supreme" divisions: an executive, a legislature, and a judiciary.

Now the delegates were back on familiar ground. Several of the states already had three-part governments, and these were working well. After a brief and quiet debate, Randolph's motion "passed in the affirmative." Of the eight fully represented states on the floor, six voted for a three-part national government: Massachusetts, Pennsylvania, Delaware, Virginia and the two Carolinas. Only Connecticut voted no. New York, with two of its delegates present, divided. To no one's surprise, Federalist Hamilton voted aye and Antifederalist Yates voted no.

Rapidly the delegates moved on to other sections of the Virginia Plan. Several resolutions won almost instant approval. But the more important ones—those dealing with the legislature and the executive—gave birth to quarrels that would extend far into the summer and on one occasion threaten to send the Founding Fathers home with nothing to show for their pains.

So intense was the argument over the makeup of the legislature and how its members should be elected that from the beginning everyone saw that here were problems difficult to handle. Even after votes were taken to determine the sense of the body, everybody knew that when the Committee of the Whole rose and reported its recommendations to the House, these problems would have to be thrashed out all over again.

Much of the debate over the executive had to do with whether that department should be headed by one or more individuals. Many delegates balked at the idea of having a single president. They said it smacked of royalty. It took their minds back to their sufferings under a powerful one-man executive called King George III.

To these delegates the thought of giving all the might of the executive department to one person was frightening. What if a person named to the presidency turned out to be a bad man? What if he were incompetent? What if he had poor judgment and surrounded himself with evil or incompetent advisers?

Settling these matters would take time. Only after sixty votes and hours of talk would the delegates agree to put all the powers of the executive department into the hands of one person.

By what method should the president be elected?

Into the effort to settle that question, too, went many votes and much talk.

None of the delegates thought the people of the country should choose their chief executive directly. Direct election by the people, some of them believed, would subject every presidential election to interference by "foreign powers." The United States, during its early years, was more open to the influence of Europe than would be the case later. Never mind the three thousand miles of ocean between the New World and the Old. Adjoining the new republic on the north was Canada, owned and governed by Great Britain. To the south and west, Spain still controlled vast sections of what is now the United States. It was common knowledge that Britain, Spain, and other European nations would like to have a say in the affairs of the new American republic. Were the people allowed to vote directly for their chief executive, how easy it would be for some European nation to trick them into putting into the presidency a man secretly in the pay of a foreign power.

Another objection to direct election was that it might split the country into many political factions, each battling

for a different candidate. This situation would almost certainly give rise to turbulence and disorder.

No, said the delegates, direct election of the president would not do. Another way must be found.

One suggestion was that the national legislature choose the president. This idea was at once objected to on the grounds that a president so chosen would have no independence. He would be the creature of the legislative department.

It was James Wilson who suggested that the actual voting for the president be done by a small group of electors. Wilson believed, as did other delegates, that a small body of men would be in a better position than the people as a whole to examine the abilities and character of the various presidential candidates and choose the right one.

Wilson's idea caught on quickly, but it raised another argument. How should the electors be chosen? Some delegates thought the state governors ought to select them. Others wanted the people to do so.

On and on the debate ran. The convention would be almost over before the delegates agreed on a method for selecting the president. Into the Constitution would go a clause authorizing the creation of an electoral college. Each state would name a certain number of electors to this body, and each state would be allowed to decide how its electors were chosen.

The delegates had discussed every word of the Virginia Plan when, on the morning of June 14, William Paterson of New Jersey sprang a surprise on them.

Forty-two-year-old, Irish-born Paterson was a wisp of a man, only five feet two. His face was bland as an apple and he had the inward-looking eyes of a thinker. Getting to his feet, he told Chairman Gorham that before the Committee of the Whole rose he would like to place before the delegates another set of resolutions, to be known as the New Jersey Plan.

* * *

As revised by the Committee of the Whole the Virginia Plan opened thus:

"RESOLVED, That it is the opinion of this Committee, that a national government be established, consisting of a Supreme Legislative, Judiciary, and Executive."

As offered by Paterson on Friday, June 14, the New Jersey Plan opened:

"RESOLVED, That the articles of Confederation ought to be so revised, corrected and enlarged, as to render the federal Constitution adequate to the exigencies of Government, and the preservation of the Union."

The Virginia Plan called for the creation of a new government. The New Jersey Plan called for a revision of the old government.

For three days the delegates, still meeting as a committee, debated the New Jersey Plan.

It was a great moment for the Antifederalists. Yates and Lansing of New York could not lavish enough praise on the New Jersey Plan or enough scorn on the Virginia Plan. By diminishing the state governments, they argued, the Virginia Plan would diminish the liberties of the people. By keeping the state governments strong, the New Jersey Plan would keep those liberties.

To date, Alexander Hamilton had said little on the floor of the convention. But that feisty Federalist could not sit silent while this hymn of praise for state sovereignty fell from the lips of his fellow New Yorkers.

Suddenly Hamilton was on his feet. Once up he stayed there for almost six hours. He did not damn the New Jersey Plan. Neither did he praise the Virginia Plan. Hamilton thought the country should have a far stronger, a far more "high-toned" government than even the Virginia Plan proposed. Not caring for either plan, he suggested one of his own. Hamilton regarded the government of Great Britain as the finest in the world. He would like to see the Americans imitate it, but he was aware that they could not copy it exactly. To begin with, they hated the thought of a king. A sad state of affairs, he sighed, but not a hopeless one. Hamilton saw no reason why the Americans couldn't enjoy

the stability and order that he thought only a king could provide by putting at the head of their government a president elected for life.

In Hamilton's eyes England's House of Lords was a "noble institution." Tied to the interests of the nation by their large properties, he said, the members of the second branch of the British Parliament could be counted on to curb whatever rash and dangerous changes the first branch, the House of Commons, chanced to propose.

Could the Americans create a House of Lords? Of course not, said Hamilton. They wanted no peerage, no titled class. No dukes or earls for them. Even so, he pointed out, they could discourage rash and dangerous changes by the first branch of their legislature (the House of Representatives) by letter the persons elected to the second branch (the Senate) stay in office for life, like the president.

Perhaps some of the delegates frowned at Hamilton's remarks. Perhaps not. Most of them, especially the older delegates, listened indulgently to this fascinating young man from New York. They knew that once he had got his monarchical ideas off his chest, they could simply ignore them and go on with their business.

That's what happened. No attempt was made to debate the "Hamilton Plan" and a few days later its author left Philadelphia to stay for a while in New York—saddened at the failure of the Founding Fathers to take his advice, but comforted by the knowledge that he had done all one man could to save the republic from what he later spoke of as the "poison" of democracy.

On the afternoon of Tuesday, June 19, the Committee of the Whole rose. When the delegates came back together on the morrow, they would do so as the House, sitting in their regular manner, with Washington in the chair.

In their last important vote that day they agreed to submit a revised version of the Virginia Plan to the House. This action had the effect of rejecting the New Jersey Plan.

Now all of the delegates knew the path the convention was going to follow. The Founding Fathers were not going

to try to patch up the Articles of Confederation, as suggested by the New Jersey Plan. They were going to try to write a new constitution along the lines outlined in the Virginia Plan.

All of them also knew that it was going to take a lot of work to unravel the snarls already come to light. In the near offing lay the great crisis of the Federal Convention—the battle between the little states and the large states.