

Chapter 7

Representation: By State or by Population?

One of the major issues delegates to the Convention had to resolve was how many votes each state should have. Under the Articles of Confederation, each state had one vote, regardless of size. The states were considered equals. At the Convention, each state had one vote, even though some delegations consisted of three or four people and others only one or two.

Some delegates, particularly those from larger states, thought it unfair for each state to have the same number of votes. They thought the states' votes should be divided according to population, with the more populous states having more votes than the less populous. That way, the people within the states would be equal. The following statistics (displaying the populations of the various states at the time of the Convention) demonstrate the colonies' differing populations.



Delegates from smaller states opposed this plan, believing that the states had entered the Articles as equals and should not be deprived of this equality. The issue was important because it would affect the number of delegates each state would send to Congress and therefore the power of each state in the new government. What follows is an adaptation of speeches on this topic given at the Constitutional Convention:

State	Total population	Slave population	Number in legislature•
Virginia	821,000	292,000	16
Massachusetts	475,000	Negligible	9
Pennsylvania	434,000	3,700	8
North Carolina	429,000	100,000	8
New York	340,000	21,000	6
Maryland	319,000	103,000	6
South Carolina	249,000	107,000	5
Connecticut	231,000	2,670	5
New Jersey	184,000	11,420	3
Georgia	82,000	29,000	2

The Debate

• Based on 1 representative for every 50,000 people (both free and slave) living in state.

Mr. Madison of Virginia: *The equality of suffrage established by the Articles of Confederation ought not to prevail in the national Legislature, and an equal ratio of representation based on population ought to be substituted.*

Mr. Read of Delaware: *I move that the whole motion on the question of representation be postponed. May I take this opportunity to remind the convention that the delegates from Delaware received explicit orders from the state not to allow any changes in the method of representation? If such a change is made and agreed upon, Delaware may have to leave the Convention.*

Mr. Madison of Virginia: *Whatever reason there may have been for equal votes by states under the Articles of Confederation, it must change with the creation of a national government. Under the Articles, the Congress depended completely upon the states to carry out its laws. With the new government we intend to create, however, it would not be fair for the small states to have as much say as the large ones.*

Mr. Morris of Pennsylvania: *It would be of great concern to me if Delaware would withdraw her valuable assistance in writing the Constitution. The question of representation is too important to be buried, however. We must decide this question.*

Mr. Brearly of New Jersey: *I am sorry that anyone would want to change the arrangement we have under the Articles of Confederation. This issue had already been discussed for far too long when we wrote the Articles. Perhaps some of you don't remember, but we decided at the time that each state is equal and independent — and that equal states should have equal votes. Let us be wise enough not to change a decision made after much consideration.*

At first glance it may seem fair to give votes to states on the basis of their population; but stop to think about this for a minute. Would it be fair to give Virginia 16 votes and Georgia only one? Would it be fair to give three large states, and you all know who they are, more votes than the rest of the country together?

Mr. King of Massachusetts: *I am really astonished to hear you. You are ready to sack our great plan for proportional representation because of the single folly of these phantoms you call states? A government based on your principles of states' rights would be as short-lived as it is unjust.*

Mr. Paterson of New Jersey: *I quite agree with my colleague from New Jersey. Proportionate representation would ruin the smaller states — it would make them powerless. Furthermore, this idea would go beyond the powers given to us as convention delegates. May I remind those who would destroy the Confederacy that we came here to amend it, not to write a new constitution. We don't want to open ourselves to charges that we are going beyond our authority. Our instructions reflect the opinions of the people within each state. These people did not send us to Philadelphia to set up a national government. We came here representing an alliance of equal states and we must leave here representing that alliance. Thus, let us stick with the plan of giving each state one vote, as in the Articles. Let us not go beyond that. We must follow what the people want, and the people want a confederation of states, not a single nation. It is not up to the people to follow what we want.*

Mr. King of Massachusetts: *I don't know what you are talking about. You are talking about these states as if they were separate bits of real estate. They are not self-governing. They do not possess the attributes of self-government. They are dumb, for they can't speak to foreign countries; they are deaf, for they can't hear and receive ambassadors from foreign countries. They cannot*

defend themselves in war. They only exist because they are part of a Union of States. And this Union is now deciding what to do about itself and the states that have no real existence without it.

Mr. Martin of Maryland: *I most heartily disagree. When we separated from England, we became thirteen independent states, in a state of nature toward each other. We would have remained in that state till this time but for forming a government under the Articles of Confederation. We entered into that confederation on a footing of equality. We are now meeting to amend the Articles of Confederation on the same footing that we are all equal to each other. I will never give in to a plan that would put ten states at the mercy of Virginia, Massachusetts, and Pennsylvania.*

Mr. Wilson of Pennsylvania: *There is not much hope left for this confederacy. We aren't even able to collect our taxes. When it finally falls apart, some of the states are going to have to unite for their own safety and we hope New Jersey will join us. If she decides not to, good luck to her, but join together we will, with or without New Jersey.*

Mr. Paterson of New Jersey: *There is no more reason that an individual state contributing much should have more votes than a small state contributing little, than that a rich citizen should have more votes than a poor citizen.*

If you make the mistake of giving the large states an influence in proportion to their size, what will be the results? I'll tell you what the results would be. Their ambitions will be increased and the small states will have everything to fear.

Mr. Wilson of Pennsylvania: *Some people don't really believe in equality. They don't understand that governments are based on the consent of the people. The people are supreme. They are worth more than an artificial set of boundaries called New Jersey or Pennsylvania.*

It stands to reason that equal numbers of people should have equal representation and different numbers of people should have different representation. It is true that this principle was violated in the Articles of Confederation – but there was a war going on at the time the Articles were written. We did not have the time to hammer out this principle of equality over the objections of some of the smaller states that were selfishly defending their interests. We have the time now and we must make the right decision.

Mr. Dickinson of Delaware: *We would sooner admit to a foreign country than submit to be deprived of an equality of suffrage in both branches of the legislature, and be thrown under the domination of the large states.*

Mr. Wilson of Pennsylvania: *The honorable delegate tells us from Delaware that each state is sovereign because it rules over its own people. And we are told that all the sovereign states are equal. But all states are composed of people who rule over themselves. These sovereign people are equals. They must retain that equality when it comes time for them to choose the men who will represent them in government. Equal numbers of people must be entitled to equal numbers of delegates.*

Mr. Paterson of New Jersey: *I will oppose any plan for proportionate representation. I will oppose it here; I will oppose it when I get back to New Jersey; I will oppose it as long as there is breath in my body to fight against the scheme.*

Mr. Wilson of Pennsylvania: *Let us not hear any more talk of refusing to go along with the Convention. If New Jersey will not part with her sovereignty, we cannot talk about government.*

Each state must give up some of its rights in order to create a true national government resting on the one foundation that government must rest upon: equal people with equal representation.

Dr. Franklin of Pennsylvania: *The diversity of opinions turns on two points. If a proportional representation takes place, the small states believe that their liberties will be in danger. If an equality of votes is to be put in its place, the large states say their money will be in danger. Gentlemen, we seem to have reached a stalemate, but I have a solution to our problem.*

When a broad table is to be made, and the edges do not fit, the carpenter takes a little from both sides and makes a good joint. In like manner here both sides must part with some of their demands, in order that they may join in some accommodating proposition.

Mr. Sherman of Connecticut: *Mr. Franklin, you are quite right. It seems logical that some sort of compromise must be worked out. Why not have a legislature consisting of two houses of Congress? In the first branch, the vote can be given to states according to their population, and in the second branch, each state can have the same number of votes. This way the small states would be able to protect themselves from the few large states that otherwise would rule the rest. This would be very similar to England, where the House of Lords has an equal vote in government with the House of Commons so that it can protect its rights.*

Mr. Rutledge of South Carolina: *The proportion of votes in the first branch should be based on the monetary contribution of each state to the country as a whole. The justice of this rule cannot be denied. We all know that money is power, and the states should have a say in government in proportion to their wealth.⁴*

Three important positions considered at the Convention include:

That each state in Congress (and at the Convention) has representation in proportion to population.

(Madison, King, Wilson, Morris, and Randolph strongly supported this position; they had some backing from Hamilton, Pinckney, and Washington.)

That each state in Congress has one vote.

(Brearly, Dickinson, Read, Paterson, and Martin strongly supported this position; they had some backing from Pierce.)

That each state in Congress has two votes in a senate and votes in a second branch of the legislature in proportion to their population.

(Franklin, Sherman, Ellsworth, and Gorham strongly supported this position; they had some backing from Gerry, Mason, Rutledge, and Williamson.)

Suggested Student Exercises:

1. Restate the issue before the convention, using your own words.

⁴ Max Farrand, ed., *The Records of the Federal Convention*, New Haven, Connecticut, 1937. Speeches have been freely adopted from this source.

2. Take notes on the reading covering the convention debate. Make sure that you have understood each of the speeches. You should be able to figure out: (a.) what the person is saying, (b) how he is supporting his point, (c) whether or not you agree with him and why.
3. If your delegate has a position on the issues in this debate, summarize this position in not fewer than 20 words. Then write a 100-150-word statement giving several strong arguments supporting his case. You should use arguments that delegates with similar views made in their speeches, and you should make references to things that have been discussed in class before; **or**
4. If it is your turn to make a speech, write a really strong speech (of 200-250 words), showing why you think the issue is important and why people should agree with you. Use dramatic flourishes, humor, and analogies. You should borrow arguments from other delegates and make reference to things discussed in class. Give the kind of speech you'd enjoy hearing. Practice the speech at home; **or**
5. If your delegate does not have a position on this issue, come to class ready to be convinced or to make a deal.