

Lesson Two: *Comparing the Plans of Government at the Federal Convention*

BACKGROUND INFORMATION FOR INSTRUCTOR

On March 27, 1787, Virginia Governor Edmund Randolph wrote James Madison a brief letter telling him that he had been thinking about the upcoming Constitutional Convention. Randolph believed that the basic form of the Articles of Confederation should be retained and alterations “should be grafted on.” He thought the Convention should propose the best possible revisions and not limit itself to the changes that the states might be expected to accept. Madison had already invested much thought to the problems of the Confederation, and he had ideas about what the Convention should propose. His response to Randolph stated the essence of what would be known as the “Virginia Plan” that served as the basis for the debate in the Convention.

The Virginia, New Jersey and Hamilton Plans

Scheduled to meet on 14 May 1787, a majority of the state delegations did not arrive in Philadelphia until 25 May. In the meantime, the Virginia delegation caucused daily and devised the Virginia Plan, based on ideas developed by Madison earlier that year. Once the Convention elected George Washington as president of the Convention and adopted procedural rules, Randolph introduced the Virginia Plan, which was a radical departure from the form of government in the Articles of Confederation. In essence the plan abandoned the Articles. Instead, The Virginia Plan was a proposal for an entirely new, far more powerful form of government. This new government would consist of three branches: a legislative, and executive, and a judicial. The legislature was to consist of two houses, the first elected by the people and the second elected by members of the first house. Both were to have representatives apportioned proportionally based on population. The Congress was to have the power to legislate in all matters in which the states were incompetent, it could veto state laws that violated the Constitution, and it could call forth the force of the Union to enforce its will. Additionally, it would have the power to tax and to regulate commerce. The executive would execute the laws, and the executive some federal judges forming a council of revision could veto bills passed by Congress that contravened the Constitution. State office holders would be obligated to swear obedience to the Constitution. Finally, these proposals were to adopted or rejected not by the state legislatures (as provided by the Articles of Confederation), but by specially elected conventions chosen by the people in each state.

These revolutionary proposals served as the basis for the debate from May 30 to June 15, when an alternative proposal, the “New Jersey Amendments” was introduced. William Paterson of New Jersey presented the Convention an alternative to the Virginia Plan. He proposed that the Articles of Confederation be “revised, corrected & enlarged.” The New Jersey Amendments would have retained most of the features of the Articles of Confederation. The unicameral Congress would still represent the states, not the people proportionately, but it would have the power to regulate commerce and collect requisitions itself if the states did not. Congress would appoint a plural executive and there would be a supreme court. Federal laws were to be “supreme,” and force could be used to compel obedience. Congress would be given the power to levy duties or stamp taxes, to regulate commerce, and to collect requisitions itself if the states refused. The executive would appoint a supreme court, with justices serving for life. The New Jersey Amendments also provided

that federal laws and treaties were to be the “supreme law of the respective States” and if any state refused to obey, force could be used to “compel an obedience.” Convention delegates debated both the Virginia and New Jersey plans on June 16, 18, and 19. In comparing the merits of the two plans, two other significant issues were discussed; the legitimacy of the Convention abandoning the Articles of Confederation and should it propose something so radical, which might not be supported by the people.

During the debate over the Virginia and New Jersey plans, New York delegate Alexander Hamilton delivered an impassioned speech in which he expressed dissatisfaction with both plans, particularly the latter. In his speech on 18 June, he outlined the types of amendments he would add to the Virginia Plan. He proposed a two-house legislature. The Assembly would be elected by the people every three years. The Senate and national Governor, both with life terms, would be chosen by electors who were selected by the people. The Governor would have an absolute veto over acts passed by the legislature and would have sole power to appoint the heads of departments. The Senate would have sole power to declare war, while the Governor would direct the war once declared or begun. The judges of a supreme court were to hold their offices for life. State governors were to be appointed by the national government and could veto all state laws. Connecticut delegate William Samuel Johnson observed, though the “gentleman from New York . . . has been praised by everybody, he has been supported by none.” The Convention finally decided to proceed using the Virginia Plan as the basis of further debate. This was a decisive moment certainly in the Convention, but also in the constitutional history of the United States.

It remained for the Convention to flesh out the details of the Virginia Plan and many thorny issues that the proposal occasioned. The Convention still had to decide significant issues including: how to divide authority between the national and state governments, the branches of the national government, the differences between large and small states, and Northern States and Southern States.

The matter of representation would prove to be the most problematic of issue all the issues creating a bitter deadlock in the Convention from 27 June to 16 July. With this impasse, the Convention appointed on 2 July a “grand” committee—one member from each state—and adjourned until 5 July when the grand committee proposed a compromise. The House of Representatives, which had already been determined to be apportioned according to population and thus controlled by large states, would have sole power to originate bills for raising and appropriating money. Such bills could not be altered or amended by the Senate. On the other hand, to protect the small states, each state would be given an equal vote in the Senate. This compromise required that both propositions “shall be generally adopted.” This compromise between the large and small states was accepted on 16 July 1787.

The Issue of Slavery at the Convention

Several compromises regarding slavery occurred at the Philadelphia Convention. On 21 August, the Convention began debate on a proposal that prohibited the national government from taxing or banning the importation of slaves. Luther Martin proposed the deleting the prohibition so that Congress could ban the nefarious traffic in human bondage. Delegates from the Deep South vehemently objected to outright prohibition of the slave trade. If the trade was not protected, delegates from Georgia and South Carolina predicted their states would never adopt the Constitution. Northerners generally acquiesced to these demands, arguing that slavery and the slave trade were not a federal matter and that the Convention should avoid measures that would drive any states into opposition to the Constitution. After more debate on 22 August, the slave trade provision was sent to a committee. The committee reported two days later with more debate ensuing.

Eventually, the final compromise prohibited the national government from banning the slave trade before 1808.

Slaves and representation were also debated at the Convention. If population was to be the basis of apportioning representatives in the states, the status of slaves would have to be determined. The North did not want slaves to be counted in apportioning representatives and the South predictably wanted all slaves counted. This impasse was finally resolved with a compromise that consisted of three-fifths of the slaves being counted for apportioning representatives and for direct taxes.

The Executive Branch

The Convention also had difficulty in forming the executive branch. By 13 June, they had agreed that the executive would consist of a single person, who would be elected by Congress for seven years and be ineligible for a second term. The executive was given a delicate role: to protect the people from the “Legislative tyranny” of Congress, while not evolving into a monarchy. The debate over the best method of electing the executive and the term of office would consume most of the discussions regarding the executive branch. On 17 July the Convention again considered the executive branch and reaffirmed that Congress should select the president. The delegates, however, struck out the ineligibility for a second term. Two days later, the Convention voted to have electors choose the president, who could serve more than one six-year term. During the remaining two months the Convention eventually settled on a single executive, serving a four-year term, with the possibility of serving multiple terms.

Finally, on 15 September 1787, James Madison moved that the Constitution be adopted by the Convention. The Convention agreed and ordered that the Constitution be engrossed (written on parchment) for signature by the delegates. On 17 September, all but three delegates present signed the Constitution. The three non-signers, Elbridge Gerry of Massachusetts and George Mason and Edmund Randolph of Virginia, refused fearing the new government was too powerful and that the absence of a bill of rights created a danger of a tyranny. The Constitution was then revealed to the public and published in newspapers and broadside throughout the United States.

KEY IDEAS OF PRIMARY SOURCE DOCUMENTS

THE VIRGINIA PLAN, 29 MAY 1787

Proposals Regarding the Relation between the States and the National Government

Legislature Supreme Over States; National Government Guarantees Representative Government in the States; State Government Officials Oath to Support Constitution; State Laws Void if they Violate Federal Constitution

Proposals Regarding the Lower House

State Representation Based on Population; Chosen by the People; Can Veto State Legislation; Use Force to Coerce States Obedience

Proposals Regarding the Upper House

State Representation Based on Population; Members Chosen by the Lower House

Proposals Regarding the Executive

Authority to Execute Laws; Limited to One Term; Be a Member with Members of the Judiciary on a Council of Revision; Bound by Oath to Defend the Constitution

Proposals Regarding the Judiciary

Members of a Council of Revision; One Supreme Court and Inferior Courts; Term of Good Behavior; Oath to Support Constitution

THE NEW JERSEY AMENDMENTS, 15 JUNE 1787

Proposals Regarding the Relation between the States and the National Government

Generally Maintain the National/State Relationship as Under the Articles; State Governors Can Request Removal of Executive; Congress Laws and Treaties Supreme Law of the Land; National Naturalization Law

Proposals Regarding the Legislature

Unicameral Legislature; Taxing Power based on Population; Commerce Power; Additional Requisitions Must be Approved by the States

Proposals Regarding the Executive

Multiple Executive; Limited to One Term; Removable by Congress on Request from State Governors; Cannot Command Troops in Field; Appoint Judicial Officials; Can Call for Militias to Compel State Obedience

Proposals Regarding the Judiciary

One Supreme Court Appointed by Executive; Term of Good Behavior; Can Hear Cases Involving Impeachments, International Trade, Commerce, and Taxation

ALEXANDER HAMILTON'S PLAN, 18 JUNE 1787

Proposals Regarding the Relation between the States and the National Government

National Courts in States to Hear Cases Related to Revenue; State Laws Declared Void if They Violate the Constitution; National Government Appoints State Governors; State Governors Can Veto State Laws; National Army; State Militias Under National Authority

Proposals Regarding the Lower House

Members Elected to Three Year Term; Can Create State Courts

Proposals Regarding the Upper House

Term of Good Behavior; Chosen by Electors in Districts in States; Sole Power to Declare War and Advising, Approving Treaties, Appointing Government Officials; Create Courts in States

Proposals Regarding the Executive

Term of Good Behavior; Chosen by Electors; Veto Power over All Laws; Commander and Chief; Appointments with Approval of Upper House of Government Officials; Pardoning Power

Proposals Regarding the Judiciary

Supreme Court; Twelve Judges; Term of Good Behavior; Can Hear Appeals From State Courts Involving Revenue and Citizens of Other Nations

PRIMARY SOURCE DOCUMENTS

The Virginia Resolutions, 29 May 1787

1. Resolved that the articles of Confederation ought to be so corrected & enlarged as to accomplish the objects proposed by their institution; namely, "common defence, security of liberty and general welfare."

2. Resd. therefore that the rights of suffrage in the National Legislature ought to be proportioned to the Quotas of contribution, or to the number of free inhabitants, as the one or the other rule may seem best in different cases.

3. Resd. that the National Legislature ought to consist of two branches.

4. Resd. that the members of the first branch of the National Legislature ought to be elected by the people of the several States every _____ for the term of _____; to be of the age of _____ years at least, to receive liberal stipends by which they may be compensated for the devotion of their time to public service; 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 for the space of _____ after its expiration; to be incapable of reelection for the space of _____ after the expiration of their term of service, and to be subject to recall.

5. Resold. that the members of the second branch of the National Legislature ought to be elected by those of the first, out of a proper number of persons nominated by the individual Legislatures, to be of the age of _____ years at least; to hold their offices for a term sufficient to ensure their independency, to receive liberal stipends, by which they may be compensated for the devotion of their time to public service; and 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 for the space of _____ after the expiration thereof.

6. Resolved that each branch ought to possess the right of originating Acts; that the National Legislature ought to be empowered to enjoy the Legislative Rights vested in Congress by the Confederation & 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; and to call forth the force of the Union agst. any member of the Union failing to fulfill its duty under the articles thereof.

7. Resd. that a National Executive be instituted, to be chosen by the National Legislature for the term of _____ years, to receive punctually at stated times, a fixed compensation for the services rendered, in which no increase or diminution shall be made so as to affect the Magistracy, existing at the time of increase or diminution, and to be ineligible a second time; and that besides a general authority to execute the National laws, it ought to enjoy the Executive rights vested in Congress by the Confederation.

8. Resd. that the Executive and a convenient number of the National Judiciary, ought to compose a Council of revision with authority to examine every act of the National Legislature before it shall operate, & every act of a particular Legislature before a Negative thereon shall be final; and that the dissent of the said Council shall amount to a rejection, unless the Act of the National Legislature be again passed, or that of a particular Legislature be again negated by _____ of the members of each branch.

9. Resd. that a National Judiciary be established to consist of one or more supreme tribunals, and of inferior tribunals to be chosen by the National Legislature, to hold their offices during good behaviour; and to receive punctually at stated times 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, that the jurisdiction of the inferior tribunals shall be to hear & determine in the first instance, and of the supreme tribunal to hear and determine in the dernier resort, all piracies & felonies on the high seas, captures from an enemy; cases in which foreigners or citizens of other States applying to such jurisdictions may be interested, or which respect the collection of the National revenue; impeachments of any National officers, and questions which may involve the national peace and harmony.

10. Resolvd. 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 & Territory or otherwise, with the consent of a number of voices in the National legislature less than the whole.

11. Resd. that a Republican Government & the territory of each State, except in the instance of a voluntary junction of Government & territory, ought to be guaranteed by the United States to each State

12. Resd. 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.

13. Resd. that provision ought to be made for the amendment of the Articles of Union whensoever it shall seem necessary, and that the assent of the National Legislature ought not to be required thereto.

14. Resd. that the Legislative Executive & Judiciary powers within the several States ought to be bound by oath to support the articles of Union

15. Resd. 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 & decide thereon.

The New Jersey Plan: Amendments to the Articles of Confederation, 15 June 1787

1. Resd. that the articles of Confederation ought to be so revised, corrected & enlarged, as to render the federal Constitution adequate to the exigencies of Government, & the preservation of the Union.

2. Resd. that in addition to the powers vested in the U. States in Congress, by the present existing articles of Confederation, they be authorized to pass acts for raising a revenue, by levying a duty or duties on all goods or merchandizes of foreign growth or manufacture imported into any part of the U. States, by Stamps on paper, vellum or parchment, and by a postage on all letters or packages passing through the general post-office, to be applied to such federal purposes as they shall deem proper & expedient, to make rules & regulations for the collection thereof, and the same from time to time, to alter & amend in such manner as they shall think proper: to pass Acts for the regulation of trade & commerce as well with foreign nations as with each other: provided that all punishments, fines, forfeitures & penalties to be incurred for contravening such acts rules and regulations shall be adjudged by the Common law Judiciarys of the State in which any offence contrary to the true intent & meaning of such Acts rules & regulations shall have been committed or perpetrated, with liberty of commencing in the first instance all suits & prosecutions for that purpose in the superior common law Judiciary in such State, subject nevertheless, for the correction of all errors, both in law & fact in rendering Judgment, to an appeal to the Judiciary of the U. States

3. Resd. that whenever requisitions shall be necessary, instead of the rule for making requisitions mentioned in the articles of Confederation, the United States in Congs. be authorized to make such requisitions in proportion to the whole number of white & other free citizens & inhabitants of every age sex and condition including those bound to servitude for a term of years & three fifths of all other persons not comprehended in the foregoing description, except Indians not paying taxes; that if such requisitions be not complied with, in the time specified therein, to direct the collection thereof in the non complying States & for that purpose to devise and pass acts directing & authorizing the same; provided that none of the powers hereby vested in the U. States in Congs. shall be exercised without the consent of at least _____ States, and in that proportion if the number of Confederated States should hereafter be increased or diminished.

4. Resd. that the U. States in Congs. be authorized to elect a federal Executive to consist of _____ persons, to continue in office for the term of _____ years, 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 composing the Executive at the time of such increase or diminution, to be paid out of the federal treasury; to be incapable of holding any other office or appointment during their time of service and for _____ years thereafter; to be ineligible a second time, & removeable by Congs. on application by a majority of the Executives of the several States; that the Executives besides their general authority to execute the federal acts ought to appoint all federal officers not otherwise provided for, & to direct all military Operations; provided that none of the persons composing the federal Executive shall on any occasion take command of any troops, so as personally to conduct any enterprise as General, or in other capacity.

5. Resd. that a federal Judiciary be established to consist of a supreme Tribunal the Judges of which to be appointed by the Executive, & to hold their offices during good behaviour, 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; that the Judiciary so established shall have authority to hear & determine in the first instance on all impeachments of federal officers, & by way of appeal in the dernier resort in all cases touching the rights of Ambassadors, in all cases of captures from an enemy, in all cases of piracies & felonies on the high seas, in all cases in which foreigners may be interested, in the construction of any treaty or treaties, or which may arise on any of the Acts for regulation of trade, or the collection of the federal Revenue: that none of the Judiciary shall during the time they remain in office be capable of receiving or holding any other office or appointment during their time of service, or for _____ thereafter.

6. Resd. that all acts of the U. States in Congs. made by virtue & in pursuance of the powers hereby & by the articles of Confederation vested in them, and all Treaties made & ratified under the authority of the U. States shall be the supreme law of the respective States, so far forth as those Acts or Treaties shall relate to the said States or their Citizens, and that the Judiciary of the several States shall be bound thereby in their decisions, any thing in the respective laws of the Individual States to the contrary notwithstanding; and that if any State, or any body of men in any State shall oppose or prevent ye. carrying into execution such acts or treaties, the federal Executive shall be authorized to call forth ye power of the Confederated States, or so much thereof as may be necessary to enforce and compel an obedience to such Acts, or an Observance of such Treaties.

7. Resd. that provision be made for the admission of new States into the Union.

8. Resd. the rule for naturalization ought to be the same in every State

9. Resd. that a Citizen of one State committing an offence in another State of the Union, shall be deemed guilty of the same offence as if it had been committed by a Citizen of the State in which the offence was committed.

The Hamilton Plan, 18 June 1787

The Supreme Legislative Power of the United States of America to be vested in two distinct bodies of men—the one to be called the Assembly the other the senate; who together shall form the Legislature of the United States, with power to pass all laws whatsoever, subject to the negative hereafter mentioned.

The Assembly to consist of persons elected by the People to serve for three years.

The Senate to consist of persons elected to serve during good behaviour. Their election to be made by Electors chosen for that purpose by the People. In order to this The States to be divided into election districts. On the death, removal or resignation of any senator his place to be filled out of the district from which he came.

The Supreme Executive authority of the United States to be vested in a governor to be elected to serve during good behaviour. His election to be made by Electors chosen by electors chosen by the people in the election districts aforesaid. or by electors chosen for that purpose by the respective legislatures—provided that [if] an election be not made within a [limited time?] the President of the Senate shall [then?] be the Governor—The Governor to have a negative upon all laws about to be passed—and to have the execution of all laws passed—to be the Commander in Chief of the land and naval forces and of the Militia of the United States—to have the direction of war, when authorised or began—to have with the advice and approbation of the Senate the power of making all treaties—to have the appointment of the heads or chief officers of the departments of finance war and foreign affairs—to have the nomination of all other officers (ambassadors to foreign nations included) subject to the approbation or rejection of the Senate—to have the power of pardonning all offences but treason, which he shall not pardon without the approbation of the Senate—

On the death resignation or removal of the Governor his authorities to be exercised by the President of the Senate.

The Senate to have the sole power of declaring war—the power of advising and approving all treaties—the power of approving or rejecting all appointments of officers except the heads or chiefs of the departments of finance war and foreign affairs.

The Supreme Judicial authority of the United States to be vested in twelve Judges, to hold their offices during good behaviour with adequate and permanent salaries. This Court to have original jurisdiction in all causes of capture and an appellate jurisdiction (from the Courts of the several states) in all causes in which the revenues of the general government or the citizens of foreign nations are concerned.

The Legislature of the United States to have power to institute Courts in each state for the determination of all causes of capture and of all matters relating to their revenues, or in which the Citizens of foreign nations are concerned.

The Governor Senators and all Officers of the United States to be liable to impeachment for mal and corrupt conduct, and upon conviction to be removed from office and disqualified for holding any place of trust or profit.

All impeachments to be tried by a Court to consist of the Judges of the Supreme Court [and] Chief or Senior Judge of the superior Court of law of each state—provided that such judge hold his place during good behaviour and have a permanent salary.

All laws of the particular states contrary to the constitution or laws of the United States to be utterly void. And the better to prevent such laws being passed the Governor or President of each state shall be appointed by the general government and shall have a negative upon the laws about to be passed in the state of which he is governor or President.

No state to have any forces land or naval—and the Militia of all the states to be under the sole and exclusive direction of the United States the officers of which to be appointed and commissioned by them.

THE LESSON PLAN–Evaluating Provisions of Three Plans at the Convention

THE OBJECTIVES OF THE LESSON

- * Students should be able to compare and contrast three plans of the Federal Convention in terms of:
 - a) The powers and branches of government.
 - b) The terms of office for government officials.
 - c) The status of state governments.
- * Students should be able to explain why various factions would either support or oppose specific ideas in each of the proposed plans.

THE LESSON

1. Divide the class into three groups and assign each group a specific plan for them to consider.
2. Each group should receive the appropriate graphic organizers below.
3. The first group should receive the graphic organizer for the Virginia Plan. The second group should receive the graphic organizer for the New Jersey Amendments. The third group should work with the graphic organizer for the Hamilton Plan.
4. Each group should read and discuss the provisions listed on its sheet and write down their thought on why each provision might be controversial and who might consider them to be controversial.
5. Students should consider the following as they decide on the controversial nature of the provisions in their plan:
 - a. How does it compare to provisions in the Articles of Confederation?
 - b. Does it strengthen or weaken state governments?
 - c. Are there powers that are cause for concern?
 - d. Does this plan adequately check powers?
 - e. Does this plan adequately or inadequately separate of powers?
 - f. Who actually proposed the plan?
6. After each group has completed its discussions, have them report their findings to the class.
7. You may want to lead a discussion by using the following questions:
 - a. Which plan is in line with the purpose of the gathering at Philadelphia?
 - b. Why might proportional representation be such an important feature in the Virginia Plan?
 - c. If you were considering the New Jersey Amendments, how many executives would you have suggested?
 - d. What provision(s) in each plan is most controversial?
8. You may want to conclude the lesson by asking students which plan they would have personally considered the best.

Graphic Organizer for the Virginia Plan, 29 May 1787

Below are some of the key provisions of the Virginia Plan. Your job is to think of reasons why each provision might be cause for concern as well as to whom they might be of concern.

Provision	Why might this be Controversial?	Concern to Whom?
<p>the National Legislature ought to be proportioned to the Quotas of contribution, or to the number of free inhabitants . . .</p>		
<p>the National Legislature ought to consist of two branches. . . .</p>		
<p>the members of the first branch of the National Legislature ought to be elected by the people . . .</p>		
<p>the members of the second branch of the National Legislature ought to be elected by those of the first . . .</p>		
<p>National Legislature ought to be empowered . . . to negative all laws passed by the several States . . .</p>		
<p>a National Executive be instituted, to be chosen by the National Legislature . . .</p>		
<p>Executive and a convenient number of the National Judiciary, ought to compose a Council of revision . . . to examine every act of the National Legislature . . .</p>		
<p>a National Judiciary be established . . . to be chosen by the National Legislature, to hold their offices during good behavior . . .</p>		
<p>Legislative Executive & Judiciary powers within the several States ought to be bound by oath to support the articles of Union . . .</p>		

Graphic Organizer for the New Jersey Amendments, 15 June 1787

Below are some of the key provisions of the New Jersey Amendments. Your job is to think of reasons why each provision might be cause for concern as well as to whom they might be of concern.

Provision	Why might this be Controversial?	Concern to Whom?
<p>the articles of Confederation ought to be so revised, corrected & enlarged . . .</p> <p>in addition to the powers vested in the U. States in Congress, by the present existing articles of Confederation, they be authorized to pass acts or raising a revenue, by levying a duty or duties . . .</p> <p>whenever requisitions shall be necessary, instead of the rule for making requisitions mentioned in the articles of Confederation, the United States in Congs. be authorized to make such requisitions in proportion to the whole number of white & other free citizens . . .</p> <p>that if such requisitions be not complied with, in the time specified therein, to direct the collection thereof in the non complying States . . .</p> <p>the U. States in Congs. be authorized to elect a federal Executive to consist of _____ persons . . .</p> <p>a federal Judiciary be established to consist of a supreme Tribunal the Judges of which to be appointed by the Executive . . .</p> <p>all acts of the U. States in Congs. made by virtue & in pursuance of the powers hereby & by the articles of Confederation vested in them . . . shall be the supreme law of the respective States . . .</p> <p>that if any State, or any body of men in any State shall oppose or prevent carrying into execution such acts or treaties, the federal Executive shall be authorized to call forth ye power of the Confederated States, or so much thereof as may be necessary to enforce and compel an obedience . . .</p>		

Graphic Organizer for the Hamilton Plan, 18 June 1787

Below are some key provisions of the Hamilton Plan. Your job is to think of reasons why each provision might be cause for concern as well as to whom they might be of concern.

Provision	Why might this be Controversial?	Concern to Whom?
<p>The Supreme Legislative Power of the United States of America to be vested in two distinct bodies of men—the one to be called the Assembly the other the senate . . .</p>		
<p>Assembly to consist of persons elected by the People to serve for three years . . .</p>		
<p>Senate to consist of persons elected to serve during good behavior . . .</p>		
<p>Executive authority of the United States to be vested in a governor to be elected to serve during good behavior . . .</p>		
<p>The Governor [Executive] to have a negative upon all laws about to be passed . . .</p>		
<p>The Senate to have the sole power of declaring war . . .</p>		
<p>The Supreme Judicial authority of the United States to be vested in . . . twelve Judges, to hold their offices during good behavior . . .</p>		
<p>This Court to have . . . an appellate jurisdiction (from the Courts of the several states) . . .</p>		
<p>The Legislature of the United States to have power to institute Courts in each state . . .</p>		
<p>All laws of the particular states contrary to the constitution or laws of the United States to be utterly void.</p>		
<p>No state to have any forces land or naval—and the Militia of all the states to be under the sole and exclusive direction of the United States . . .</p>		

