

The House of Representatives

Introduction

During the Revolution all of the American states established republican forms of government where the people chose representatives to attend state legislatures. The lower houses of the legislatures, generally the centers of power in the state governments, were often large and represented most segments of society.

Delegates to the Confederation Congress were usually elected by the state legislatures. (In Connecticut and Rhode Island the people elected their congressional delegates directly.) Each state could elect two to seven delegates, but generally states sent no more than three delegates to Congress at any one time. Thus Congress was usually composed of fewer than forty delegates—more commonly fewer than thirty. The unicameral Confederation Congress voted by state—not by delegate—and each state had one vote. Delaware, the smallest state in the Union, therefore, had as much voting power in Congress as Virginia, the largest, wealthiest state. Delegates to the Constitutional Convention from the three large states—Virginia, Massachusetts, and Pennsylvania—opposed this method of representation and suffrage in Congress.

The Constitution called for a bicameral Congress composed of a House of Representatives and a Senate. Representation in the House was to be based on population, while the states were to continue to remain equal in the Senate. Representatives would be apportioned among the states based on a census taken every ten years with no more than one representative for every 30,000 people. No state, however small its population, was to be deprived of at least one representative. Per capita voting in both houses of Congress replaced the Confederation's state voting.

Small-state Antifederalists opposed the inequality of state representation in the House. They maintained that the states were distinct political units and ought to be so represented. Obviously Antifederalists in large states did not share this view.

Opponents of the Constitution charged that the House of Representatives was too small to represent adequately all segments of American society. The Constitution provided that the first U.S. House of Representatives would be composed of 65 members. Even tiny Rhode Island had more assemblymen than that. Consequently, Antifederalists wanted safeguards built into the Constitution guaranteeing immediate and regular increases in the number of representatives as the country's population increased.

Antifederalists also attacked the biennial elections of Representatives. Delegates to the Confederation Congress had one-year terms as did most state legislators. Two-year terms seemed another step to remove representatives from the control of the people, especially since the Confederation's mandatory rotation in office and the right of state legislatures to recall their congressmen were abandoned by the new Constitution.

The Constitution was also criticized for not giving the House of Representatives a role in treaty-making. Since treaties were part of the supreme law of the land, Antifederalists charged that treaties could arbitrarily affect the lives of all Americans without direct input from the immediate representatives of the people. Furthermore, money bills—frequently a prerogative of the lower houses of legislatures—would now involve the approbation of the Senate.

Federalists answered these criticisms forcefully. For the first time, they said, the people for the first time would elect representatives and would be represented proportionately by their numbers. The House of Representatives would indeed grow as the nation enlarged, but this increase would have to be controlled so that the House could function properly. The two-year term of office was also necessary to assure Representatives of a certain degree of continuity. One-year terms would

mean that Representatives from the more distant states would spend most of their time travelling back and forth to Congress and running for reelection rather than serving in office. Furthermore, it would require more time for Representatives to familiarize themselves with the complexities of national issues.

Federalists also argued that, although the House of Representatives had no direct involvement in treaty-making, it still had influence over treaties through its control over the appropriations of funds. In addition, the House's power to impeach officeholders who violated their trusts gave the House considerable power in all governmental affairs. Antifederalists discounted the House's power to impeach insisting the Senate would never convict.

Sources

Antifederalists

- Brutus (Melancton Smith?) I, *New York Journal*, 18 October 1787
Federal Farmer (Elbridge Gerry?): *Letters to the Republican*, c. 8 November 1787
Cato (George Clinton?) V, *New York Journal*, 22 November 1787
Centinel V, *Philadelphia Independent Gazetteer*, 4 December 1787
Cincinnatus (Arthur Lee) VI: To James Wilson, Esquire, *New York Journal*,
6 December 1787
Cato (George Clinton?) VI, *New York Journal*, 13 December 1787
Federal Farmer (Elbridge Gerry?): *An Additional Number of Letters to the Republican*,
New York, 2 May 1788
George Mason: Speech in the Virginia Ratifying Convention, 4 June 1788
Patrick Henry: Speech in the Virginia Ratifying Convention, 5 June 1788

Federalists

- An American Citizen (Tench Coxe) III: On the Federal Government, Philadelphia
Independent Gazetteer, 29 September 1787
Publius (James Madison): The Federalist 10, *New York Daily Advertiser*,
22 November 1787
A Landholder (Oliver Ellsworth) IV, *Connecticut Courant*, 26 November 1787
"A.B.," Northampton, Massachusetts, *Hampshire Gazette*, 2 January 1788
Publius (Alexander Hamilton): The Federalist 35, *New York Independent Journal*,
5 January 1788
Publius (James Madison): The Federalist 39, *New York Independent Journal*,
16 January 1788
Publius (James Madison?): The Federalist 52, *New York Packet*, 8 February 1788
Publius (James Madison): The Federalist 53, *New York Independent Journal*,
9 February 1788
Publius (James Madison): The Federalist 55, *New York Independent Journal*,
13 February 1788
Publius James Madison): The Federalist 56, *New York Independent Journal*,
16 February 1788
Publius (Alexander Hamilton): The Federalist 75, *New York Independent Journal*,
26 March 1788
James Madison: Speech in the Virginia Convention, 16 June 1788
A Friend of Society and Liberty, *Pennsylvania Gazette*, 23 July 1788

Roles in Script–14 (L–large role; M–medium role; S–small role)

Moderator (L)

Antifederalist Panel

Brutus (L)

Cato (S)

Centinel (S)

Cincinnatus (M)

Federal Farmer (S)

Patrick Henry (S)

George Mason (L)

Federalist Panel

“A.B.” (M)

A Friend (M)

An American Citizen (S)

A Landholder (M)

James Madison (S)

Publius (L)

Script

Moderator: Good evening and welcome. Tonight we are gathered to discuss the proposed Constitution. Specifically, our thoughts tonight are centered on the legislature and especially the House Representatives. In another conversation we discussed in abstract terms the nature of representation and discovered that both sides had very different views as to what constituted good representation. So as a follow up, I would like for us to look at some of the details of how those views apply when Federalists and Antifederalists approach the provisions in the Constitution that relate to the lower house in this bicameral system. Gentlemen, is it fair to say that Federalists view the provision in the Constitution related to representation and powers in the House favorably whereas Antifederalists do not?

All Panelists: Certainly, Absolutely, Yes, Without a doubt, etc.

Moderator: Well, Let's start with an issue I have seen discussed in other places; the issue of ratios. The Constitution says that representatives in the lower house "shall not exceed one for every thirty Thousand." I would like to point out that many suggest that the most important words here are "shall not exceed." Is this correct?

George Mason: What [is] so dangerous, is the provision with respect to the number of Representatives: It does not expressly provide, that we shall have one for every 30,000, but [instead it says] that the number shall not exceed that proportion.

Federal Farmer: [Yes.] The representation is unsubstantial and ought to be increased.

Moderator: So, for those who may be mathematically challenged, explain the problem. I take it that there is a big difference in the words of the Constitution when it states, "shall not exceed" and your insistence that it ought to say explicitly that representatives "will be firmly set" at a specific ratio?

George Mason: [Correct.] Suppose [in the future] Congress should say, that we should have one for every 200,000, will not the Constitution be complied with? For one for every 200,000 does not exceed one for every 30,000.

Moderator: So if I hear you correctly, the possibility of ratios being ridiculously low, say like 1:600,000, it would not exceed the 1:30,000. Only ratios like 2:30,000 or 3:30,000 would exceed what is stipulated in the Constitution. Right?

Patrick Henry: [Exactly.] When it says, that there shall not be more Representatives, than one for every 30,000 . . . how easy is it to evade this? [Theoretically] this [ratio] may be satisfied by one Representative from each State. . . [In the future] our numbers be ever so great, [on] this immense continent, may, by this <deceptive rhetoric>¹ be reduced to have but 13 Representatives.

Moderator: And as a result representation would be so diluted as to make it no representation at all?

Publius: Within three years a census is to be taken . . . and within every successive period of ten years, the census is to be renewed, and <increases>² may continue to be made. . . It <is reasonable

to assume³ that the first census, will, at the rate of one for every thirty thousand raise the number of representatives to at least one hundred.

Patrick Henry: Why was it not clearly and unequivocally expressed, that they should be entitled to have one for every 30,000? This would have obviated all disputes; and was this difficult to be done? What is the inference? When population increases, and a State shall send Representatives in this proportion, Congress may <send them back to home>⁴ them, because the right of having one for every 30,000 is not clearly expressed.

Moderator: Then I suppose, this presents the problem of too few representatives, which in turn could be labeled an aristocratic system?

Federal Farmer: A small representation can never be well informed as to the circumstances of the people, the members of it must be too far removed from the people, in general, to sympathize with them, and too few to communicate with them. . . . where there is but one representative to 30,000, or 40,000 inhabitants . . . he can only mix, and be acquainted with a few respectable characters among his constituents.

Moderator: Well, we've heard from Antifederalists quite a bit; let's hear from some Federalists.

A Landholder: Considering the immense territory of America, the objection with many will be . . . that when the whole is populated it will constitute a legislature unmanageable by its numbers. The Convention foreseeing this danger, have so worded the article, that if the people should at any future time judge necessary, they may diminish the representation.

Moderator: But, I think this is exactly what Antifederalist fear. It might mean that someday the ratios could be something ridiculous like 1:500,000 or even 1 for each state.

George Mason: [Exactly.] Congress may reduce the number from 65, to one from each State, without violating the Constitution.

An American Citizen: Each member of this truly popular assembly will be chosen [in reality] by about six thousand <voters>⁵, by the poor as well as the rich. No <unpopulated districts; the way representation works in Parliament>⁶ will have an unjust share in their determinations—No <unpopulated area>⁷ will send . . . a representative by the voice of a single <voter>⁸. As we shall have no royal ministries to purchase votes, so we shall have no votes for sale. . . . The <votes>⁹ of six thousand enlightened and independent Freemen are above all price.

A Landholder: Every freeman is an elector. The same qualifications which enable you to vote for state representatives, give you a federal voice. It is a right you cannot lose, unless you first annihilate the state legislature.

Moderator: But how would you address the concerns of Antifederalists that representation in the House is not truly reflective of the people? I suppose, Publius, this comes back to your theory of filtered representation?

Publius: [Indeed it does.] Is it not natural that a man who is a candidate for the favour of the people and who is dependent on the <votes>¹⁰ of his fellow-citizens [for him to] take care to inform

himself of their dispositions and inclinations and should be willing to allow them their proper degree of influence upon his conduct? This dependence . . . [creates] strong chords of sympathy between the representative and the constituent.

Moderator: And that thought is a good transition to the issue of elections. Since we have been speaking of how representatives know the interests of their constituents, let's talk about terms.

Cato: [Yes. Let's talk about the terms of office.] Biennial elections for representatives are a departure from the safe democratical principles of annual ones.

Moderator: And why are annual elections so important?

Cato: [Well, let's consider what Montesquieu said.] He remarks . . . that free cities by frequent elections of magistrates became nurseries of great and able men, every man endeavoring to excel others, that he might be advanced to the honor he had no other title to, than what might arise from his merit, or reputation.

Moderator: So for you, frequent elections ensure a certain vitality and accountability that will not occur if terms are longer?

Cato: [Exactly.] The framers of this [so called] perfect government . . . have departed from this democratical principle.

Moderator: Well, if I am not mistaken, most states have practiced annual elections, so why would we want to change accepted practices?

Publius: The people of England, whose house of commons is filled with military and civil officers and pensioners, say their liberties would be perfectly secured by triennial parliaments.

Moderator: But, we

Publius: It was provided by a statute in the reign of Charles the second [in the 1600s], that <the same Parlaiment>¹¹ should not be <extended>¹² beyond a period of three years.

Moderator: But, we are not

Publius: By another statute . . . later in the same reign [of Charles the second], the term . . . expressly enacted that a new parliament shall be called within three years after the <end of the previous Parliament>.¹³

Moderator: But we are not . . .

Publius: Let us bring our enquiries nearer home.

Moderator: Thank you. Thank you. Thank you.

Publius: The periods of election were different [in the American context.] They varied from one to seven years. Have we any reason to infer from the spirit and conduct of the representatives of the

people, prior to the [American] revolution, that biennial elections would have been dangerous to the public liberties?

Moderator: How about Virginia? What was the policy there?

Publius: In Virginia . . . elections under the former government were <every seven years>.¹⁴ This is not . . . proof of any peculiar merit . . . but merely as a proof, and I conceive it to be a very substantial proof, that the liberties of the people can be in no danger from biennial elections.

Moderator: OK, you have established that a two-year election cycle is acceptable, but are there any advantages that would make it preferable?

Publius: In a single state the <necessary>¹⁵ knowledge . . . [needed to run] the general affairs of the state . . . are not very diversified, and occupy much of the attention and conversation of every class of people. The great theatre of the United States presents a very different scene.

Moderator: I'm not sure I follow.

Publius: [Think of it this way.] How can foreign trade be properly regulated . . . without some acquaintance with the commerce: the ports, the usages, and the regulations, of the different states. How can the trade between the different states be duly regulated without some knowledge of . . . other points?

Moderator: In other words

Publius: Few of the <representatives>¹⁶ . . . will by frequent re-elections become members [and be able to be] . . . masters of the public business.

Moderator: Let me take us in another direction related to elections. I recall reading some Antifederalist literature that said that Congress could also control their elections. Am I right in this?

Cincinnatus: [Yes, you are correct.] In the 4th section [of the first Article of the Constitution], it is said "The times, places, and manner of holding elections for senators and representatives shall be prescribed in each state by the legislature thereof; but the Congress may at any time, by law, make or alter such regulations.

Moderator: It sounds like this clause gives the national legislature control over its elections in the states.

Centinel: [Additionally,] the Congress . . . under the pretence of <a fear>¹⁷ of invasion, upon the pretence of the turbulence of what they may stile a faction . . . may postpone the time of the election of the senators and the representatives from period to period <endlessly>¹⁸; thus . . . they certainly will from the lust of <domination>,¹⁹ so inherent in the mind of man, relieve the people from the trouble of attending elections.

Publius: Elections in Ireland till of late were regulated entirely by the discretion of the crown.

Moderator: But what is the likelihood of Congress doing this?

Centinel: This section cannot be too often repeated, as it gives such a latitude to the <conniving politicians>²⁰ . . . as it may enable the administration under it, to complete the system of despotism.

Moderator: But, aren't people in this system able to keep track of the actions of their representatives?

An American Citizen: [Yes.] The vote of each representative can be always known, as well as the proceedings of the house, that so the people may be acquainted with the conduct of those in whom they repose so important a trust.

Cincinnatus: Nothing can be plainer than that Congress . . . might in various ways annihilate the freedom of elections. [This] right of election . . . is but a shadow in the people; while the substance will necessarily reside with those to whom the regulation of it is resigned.

Moderator: What about this? It seems to me that Antifederalists are over stating their fears about this clause? As I understand it, the Constitution says that Congress has the authority to control elections in the states if there is an invasion or if a state refuses to hold elections.

A Friend: [Precisely. Not only are they overstating the case, they are not telling you the full truth as to reasons we have this provision in the Constitution. States were preventing] legal requisition[s] to perform this and other acts of duty to the union and our foreign friends.

Cincinnatus: [Need I remind our audience that] in all our constitutions, the regulation of elections is fixed; not left to the legislature, because it is a fundamental right, in which the essence of liberty resides.

A Friend: The [true] meaning . . . is this clause is

Cincinnatus: This power over elections is another proof of a . . . determination to have a complete controul over the people.

A Friend: [The] members of the general convention

Cincinnatus: [The control of elections are] in fact the root of all rights.

Moderator: Let's stop using clichés. No one is running for office here tonight. Go ahead A Friend.

A Friend: The [true] meaning . . . is this. [The] members of the general convention . . . saw plainly that Pennsylvania and several other states had paid up about their proportion of the interest on the continental debts, and that some other states, such as Rhode-Island, had not done the . . . just thing, and that they omitted to send their delegates to Congress, in order that there might not be a due representation in that body.

Moderator: And what does this have to do with providing for Congressional control of their elections in the states?

A Friend: [Well, it's not fair.] This fell hard upon Pennsylvania and other honest states, and yet the old confederation being defective in not giving power to Congress to remedy the evil, we must have groaned under the hardship for ever, had not the states adopted that article in the new constitution.

Moderator: Oh, you mean states that did not send representatives to Congress could by their negligence avoid paying any of the national debt?

A Friend: [Exactly.]

Moderator: So Congress needed some leverage over states to ensure representation at the national level?

A Friend: [Yes.] If any <state>²¹ refuses or neglects to perform its duty . . . Congress can say, that the people of each election district in each state shall chuse, in their proper district, the Fœderal representatives, to which by the new constitution . . . they are justly entitled. This is the true meaning of the clause.

Moderator: Another clause in the proposed Constitution that causes concern for Antifederalists is the necessary and proper clause. Brutus, is this the case?

Brutus: [Yes.] The powers given by this <clause>²² are very general and comprehensive, and it may receive a construction to justify the passing almost any law.

Moderator: And the problem with this is?

Brutus: [Congress] by this clause invested with the power of making all laws, proper and necessary, for carrying all these into execution . . . may so exercise this power as entirely to annihilate all the state governments, and reduce this country to one single government.

James Madison: [This is nothing less than a scare tactic.] But it gives no supplementary power: It only enables them to execute the delegated powers. If the delegation of their powers be safe, no possible inconvenience can arise from this clause.

Moderator: But how can you be sure that the clause won't be used by Congress to expand its powers? In other words, why wasn't this spelled out literally in the text of the Constitution?

Brutus: [This is precisely my point.] Suppose the legislature of a state should pass a law to raise money to support their government and pay the state debt, may the Congress repeal this law, because it may prevent the collection of a tax which they may think proper and necessary to lay, to provide for the general welfare of the United States?

James Madison: Should Congress attempt to extend it to any power not enumerated, it would not be warranted by the clause. [This clause] is at most but explanatory.

Brutus: [In the future] the clause . . . may operate to do away all idea of confederated states, and to effect an entire consolidation of the whole into one general government.

Moderator: It certainly seems possible that the necessary and proper clause could be used in such a way.

Publius: I am unable to conceive that the people . . . in their present <mindset>²³ . . . will chuse . . . men who would be disposed to form and pursue a scheme of tyranny or treachery. . . . I am equally unable to conceive that there are . . . men who would either desire or dare . . . to betray the solemn trust committed to them.

Brutus: This [clause allows the] government to possess absolute and uncontrollable power. . . . And by the 6th article, it is declared “that this constitution . . . shall be the supreme law of the land” . . . It appears . . . that the constitution and laws of every state are nullified and declared void.

James Madison: The [necessary and proper] clause under consideration . . . was a restraint on the exercise of a power expressly delegated to Congress, namely, that of regulating commerce with foreign nations.

Brutus: [Let’s be honest here. Congress under this clause] has authority to make laws which will affect the lives, the liberty, and property of every man in the United States; nor can the constitution or laws of any state, in any way prevent or impede the full and complete execution of every power given . . . there is no limitation to this power.

Moderator: Brutus does make a good point. What assurances do we have that in the future this clause will not be used for all kinds of purposes?

Brutus: It is a truth confirmed by the unerring experience of ages, that every man, and every body of men, invested with power, are ever disposed to increase it, and to acquire a superiority over every thing that stands in their way.

A.B.: [Representatives in Congress] are limited [to certain delegated powers], they extend only to certain objects, and these objects [are] particularly stated and clearly defined by the constitution.

Brutus: [Mark my words.] This <tendency>²⁴ [to abuse power], which is implanted in human nature, will operate in the federal legislature to lessen and ultimately to subvert the state authority.

A.B.: The national welfare clearly requires that the <states>²⁵ should yield to the <nation>²⁶ and be controlled thereby: the reason is obvious, viz. the welfare of the whole is of more value than the imaginary welfare of a part.

Brutus: [Again, I would repeat.] The powers of the general legislature extend to every case that is of the least importance. — there is nothing [that is not] within its power.

A.B.: Let the reader look over and take an impartial view of the powers given to the federal government, and see for himself, whether these powers extend to . . . murder, adultery, theft, robbery, burglary, lying, perjury, defamation: does it make any provision at all whereby men shall be quieted in their title to their lands and other property, in the possession of their houses, wives, children! [All of this rhetoric of Brutus seems to be “full of sound and fury, signifying nothing.”]

Moderator: Let's move on to another contentious issue that divides this panel: taxation. What exactly do Antifederalists fear in the Constitution relating to the taxing power of this national government?

George Mason: I candidly acknowledge the <ineffectiveness>²⁷ of the confederation; but requisitions have been made, which were impossible to be complied with.

Moderator: How so?

George Mason: [Well for one,] Requisitions [were made by Congress] for more gold and silver than were in the United States.

Moderator: OK, but would you agree there needs to be some sort of taxing power for the national government?

George Mason: [Certainly, but] Why then not leave this power to be exercised by those who know the mode most convenient for the inhabitants.

Moderator: Meaning, the states?

George Mason: Why then should we give up this dangerous power of individual taxation? Why leave the manner of laying taxes to those, who in the nature of things, cannot be acquainted with the situation of those on whom they are to impose them.

Publius: There can be no doubt that in . . . [an] exercise of the power of taxation it is necessary that the person . . . be acquainted with the general genius, habits and modes of thinking of the people at large and with the resources of the country.

Moderator: So, I assume you have doubts about the abilities of the states to tax properly.

Publius: The men who understand those principles best will be least likely to resort to oppressive expedients, or to sacrifice any particular class of citizens to the procurement of revenue.

Moderator: And who might these individuals be?

Publius: [Individuals that have] a more <intermingled>²⁸ knowledge of the circumstances of the state may be necessary.

Moderator: In other words, you don't think elected officials at the state level have the vision to see the bigger picture of national interests.

Publius: [Exactly.] This [wisdom will not] . . . be possessed in sufficient degree by . . . men diffusively elected within the state[s].

George Mason: Sixty-five members cannot possibly know the situation and circumstances of all the inhabitants of this immense continent . . . they will lay the tax on that article . . . without consulting the real circumstances or convenience of a country, with which, in fact, they cannot be sufficiently acquainted.

Moderator: So give us a solution, Mr. Mason.

George Mason: If we give the General Government the power of demanding their quotas of the States, with an alternative of laying direct taxes, in case of non-compliance, then the mischief would be avoided.

Moderator: But, this is a big problem. As I understand it, the central government under the Articles didn't have the power to tax if the states refused to supply the requested funds from Congress.

George Mason: [Look at it this way.] Will the people of this great community submit to be individually taxed by two different and distinct powers? . . . These two concurrent powers cannot exist long together; the one will destroy the other.

Moderator: I have heard that some have suggested that revenues for the national government should be limited to taxing imports rather than through a power to levy direct taxes on people, land, and goods. Is this a proposal worth considering?

Publius: [Absolutely not!] Exorbitant duties on imported articles would <create>²⁹ a general spirit of smuggling; which is always prejudicial to the fair trader, and eventually to the revenue itself.

George Mason: The assumption of this power of laying direct taxes, does of itself, entirely change the confederation of the States into one consolidated Government. . . . The very idea of converting what was formerly a confederation, to a consolidated Government, is totally subversive of every principle which has hitherto governed us.

Publius: [Additionally,] the <limiting>³⁰ of the national revenues to . . . <tarrifs>³¹ would be <unfair>³² from a different cause between the manufacturing and the non-manufacturing States.

Moderator: How is this so?

Publius: The States which . . . supply . . . their own wants, by their own manufactures, will not . . . consume so great a proportion of imported articles, as those States which are not in the same favourable situation; they would not therefore in this mode alone contribute to the public treasury in a ratio to their abilities. [This burden is unfairly distributed throughout the nation.]

Moderator: Sadly, I see we are nearly out of time. If I could ask if each side could offer an concluding statement. Let's begin with the Federalists.

A.B.: [We have been lacking a] controuling power in our federal government, we have [seen] from sad experience of the evils that have <resulted without this controlling power>.³³ This . . . has produced the present feeble state of our federal union, and brought it to the very point of dissolution: occasioned the violation of public justice, the extermination of public credit, the insecurity of domestic tranquility, the loss of national dignity, rendered us the sport and derision of neighbouring nations, and our general defence, safety and welfare unprovided for, and the blessings of liberty exceedingly precarious.

Publius: The representatives of each state will . . . bring with them a considerable knowledge of its laws, and a local knowledge of their respective districts . . . [and] will probably . . . have been members . . . of the state legislature. . . . Representatives therefore from each state . . . bring with them a due knowledge of their own state. [All the other] representative[s] will have much information to acquire concerning all the other states.

Moderator: And the Antifederalists?

George Mason: Gentlemen may talk of public virtue and confidence; we shall be told that the House of Representatives will consist of the most virtuous men on the Continent, and that in their hands we may trust our dearest rights. . . . I fear the thirst of power will prevail to oppress the people. [And on the issue of taxation,] the mode of levying taxes is of the utmost consequence. [The essential question is this;] why shall we give up to the National Government, this power, so dangerous in its nature. If Congress hath this power . . . taxes will be laid by those who have no fellow-feeling or acquaintance with the people.

Brutus: In order for the people safely to repose themselves on their rulers, they should not only be of their own choice. But it is requisite they should be acquainted with their abilities to manage the public concerns with wisdom. They should be satisfied that those who represent them are men of integrity, who will pursue the good of the community with <faithfulness>³⁴ and will not be . . . corrupted by undue influence.

Cato: [This] Congress have the improper power of making or altering . . . elections for representatives . . . [establishing] standing armies . . . and appropriation of money made for their support. These are [but a few] of the many evils that will attend the adoption of this government.

Moderator: And with that we have come to the end of our discussion. I would like to thank each of the panelists for spending time with us tonight. I would encourage each and everyone of us to continue this discussion as we consider the merits of this Constitution. Good night and good luck.

Endnotes

- ¹ artful expression
- ² augmentations
- ³ will not be thought an extravagant conjecture
- ⁴ remand them
- ⁵ electors
- ⁶ decayed and venal borough
- ⁷ old Sarum
- ⁸ elector
- ⁹ suffrages
- ¹⁰ suffrages
- ¹¹ the intermissions
- ¹² protracted
- ¹³ determination of the former
- ¹⁴ septennial
- ¹⁵ requisite
- ¹⁶ members
- ¹⁷ an apprehension
- ¹⁸ to perpetuity
- ¹⁹ dominion
- ²⁰ designing
- ²¹ one
- ²² article
- ²³ temper
- ²⁴ disposition
- ²⁵ former
- ²⁶ latter
- ²⁷ inefficacy
- ²⁸ diffusive
- ²⁹ beget
- ³⁰ confinement
- ³¹ imposts
- ³² be attended with inequality
- ³³ occasioned by the want of it
- ³⁴ fidelity

Pedagogical Materials

T-Chart for Notes—The House of Representatives

Instructions: As students listen to the scripted debate, they should take notes using the T-Chart below. Notes should summarize the key ideas from both Federalist and Antifederalist speakers. You may also want to assess the strength of each argument using a numerical ranking system. This chart can also be used when using the discussion questions below.

<u>Federalist Arguments</u>	<u>Antifederalist Arguments</u>

Discussion Questions—The House of Representatives

1. To what extent are the Federalist arguments on ratios related to their arguments that a large republic is preferable? To what extent are the Antifederalist arguments on ratios related to their arguments that a small republic is preferable?
2. In your view, is it logical to have a statement in the Constitution like the necessary and proper clause? Which side do you find most persuasive on this issue?
3. Would you, like Antifederalists, consider biennial elections a dangerous feature in the Constitution? Why or why not?
4. In what ways are Antifederalist fears about elections a result of the problems colonists faced before the Revolutionary War?
5. To what extent should the central government be allowed to control the elections of U.S. representatives?
6. Would you agree or disagree that the concerns of the Antifederalist fears about the House of Representatives are all based on their fears of a consolidated government?

Extension Activities

1. Create a Political Cartoon. Students can create political cartoons from the following passages from the script that illustrate two individuals and their different points of view:

On page 5, Federal Farmer and A Landholder, have very different views about representation.

On pages 5-6, Cato and Publius have very different views on annual elections.

On pages 9-10, Brutus and James Madison have different opinions on the necessary and proper clause.

2. Create a Graphic novel. Instead of creating traditional book reports or writing summaries, get "graphic" by creating a comic book adaptation of an important section in the script. Characters in the story could include Cato, Federal Farmer, James Madison, and A Landholder.

3. Converting speeches into poetry. Students could take lines from the script and convert them into various types of poems. For example a limerick expressing the view of George Mason on the taxing power on pages 12-13 might be:

George Mason pronounced with vexation
The 'stution had a clause of abomination
This assumption of power
Causes people to cower
And groan under the weight of taxation