

Chapter Summaries for *Article the first of the Bill of Rights*
Bryan W. Brickner (ISBN: 978-1-84728-951-3)

Thesis: Constitutional representation is the forgotten story of We the People.

The US Constitution, in Article 1, Section 2, and Clause 3, as written and never amended, guarantees We the People a right to representation at the ratio of “one for every thirty Thousand.” Article the first of the Bill of Rights would have amended the ratio and changed it to “fifty thousand.” But it was not ratified. That means one for every thirty thousand remains the supreme law of the land and the constitutional ratio of representation.

Chapter 1 argues that our Revolutionary War was for constitutional representation of citizens and against virtual representation. The founders fought for a written constitution that the people could live by.

Chapter 2 highlights the fundamental role of the representation ratio at the Constitutional Convention and the founders’ support for the compromise. George Washington acknowledges the representation ratio as “among the exceptionable parts” of the Constitution.

Chapter 3 discusses the post-revolutionary divide between Federalists and AntiFederalists, *The Federalist Papers*, and the New York ratifying convention, to see how the representation ratio is portrayed. This debate centers on how Congress will use Article 1, Section 2, and Clause 3 of the Constitution.

Chapter 4 clarifies the issues surrounding the ratification of *Article the first* and the other eleven Articles in the Bill of Rights. This chapter focuses on the forgotten element in a representative government – representing We the People.

Chapter 5 describes what happened during the first census and why President Washington vetoed the first attempt by Congress in 1792 to augment House membership. Unable to override the veto, the Second Congress passed a new law that set the ratio at one Representative for every 33,000. In essence, Congress ignored the Constitution instead of changing it.

Chapter 6 points out that yes, *any Congress* can set House membership, but members of Congress are bound by oath to obey the Constitution. The Constitution dictates the use of a ratio. The legal term is *cy pres* – as near to the constitution as possible.

Chapter 7 addresses the immediate future of constitutional representation and finds four alternatives: first, We the People could enforce the ratified representation ratio found in the Constitution, one representative for every thirty thousand inhabitants of a state; second, twenty-seven states could ratify *Article the first* (completing the Bill of Rights), amending the Constitution with the new representation ratio of one for every fifty thousand persons; third, we could amend the Constitution with a new representation ratio; or fourth, the status quo of congressional representation with 435 Representatives for a nation of 300 million.