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George Washington's Constitutional Wish and the 110th Congress

by Bryan W. Brickner

George Washington and the other founders did not invent constitutional representation, but constitutional representation did fuel the well-named *Spirit of '76*. Perhaps the most popular slogan during the revolution was “No Taxation Without Representation.”

However, as the Constitutional Convention began in Philadelphia in 1787, such revolutionary slogans had fallen aside and into disuse. The convention began in May and by early June the first major constitutional change was underway. That was when the founders first passed a resolution on changing from the old system where each state, regardless of the size in population, had one vote. The new system would be based in the first branch of the national legislature “according to some equitable ratio of representation.”

By August the convention had decided on an equitable ratio. The ratio for representation was to be “at the rate of one for every forty thousand.” That was the constitutional ratio for representation, one for every forty thousand, until the last day of the convention, at which time George Washington expressed a wish.

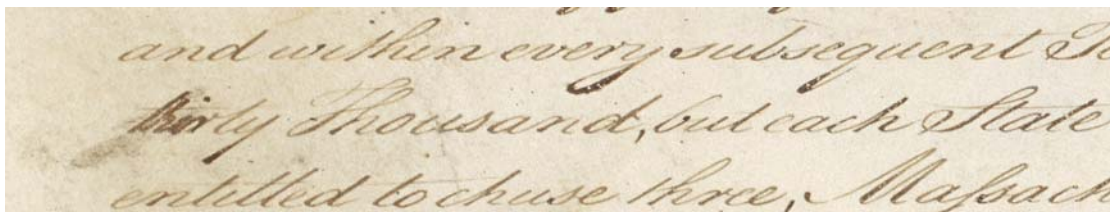
On 17 September 1787, the Constitution was complete. It was read to the convention. Benjamin Franklin then presented a speech that was also read aloud, asking for unanimous support for the new Constitution. After Franklin's speech was read, something remarkable happened, though history has not given it much notice. Nathaniel Gorham, a delegate from Massachusetts, rose and made a proposal to change the rate of representation from “forty Thousand” to “thirty Thousand.” Then, without discussion, two other delegates seconded Gorham's motion.

The next thing that happened is the remarkable moment: Washington addressed the Constitutional Convention, something he had not done all summer. Instead of just asking the delegates to vote, he spoke to them of his opinions regarding Gorham's proposal and the representation ratio. Here is how James Madison recorded Washington's comments and “his wish” concerning representation in the US House of Representatives:

When the President rose, for the purpose of putting the question, he said that although his situation had hitherto restrained him from offering his sentiments on questions depending in the House, and it might be thought, ought now to impose silence on him, yet he could not forbear expressing *his wish* that the alteration proposed might take place. It was much to be desired that the objections to the plan recommended might be made as few as possible – The smallness of the proportion of Representatives had been considered by many members of the Convention, an insufficient security for the rights & interests of the people. He acknowledged that it

had always appeared to himself among the exceptionable parts of the plan; and late as the present moment was for admitting amendments, he thought this of so much consequence that it would give much satisfaction to see it adopted.

This is not the first time Washington took advantage of big moments. From his years at war to the drafting of a new government, he acted in big moments. The motion to change the representation ratio to thirty thousand passed unanimously, with no debate recorded. Someone erased part of the word *forty* in Article 1 of the Constitution and replaced it with the word “*thirty*”. If you look closely at the original, the smudge from the erasure and new writing are still visible:



This is an interesting moment. The future first president of the United States, the one referred to as His Excellency, speaking on “his wish” to see We the People better represented. Given Washington’s skill for performing on a grand stage – in war and now in peace – this is no small moment for him and our country. And according to his sentiments, the representation ratio had always appeared to him as “among the exceptionable parts of the plan.”

Why is Congress ignoring George Washington’s wish?

Today each Representative represents more than 650,000 citizens, or 22 times greater than Washington’s wish. That means We the People are 22 times less represented than the Constitution mandates. His wish is still the constitutional ratio found in Article 1, Section 2, and Clause 3: “The Number of Representatives shall not exceed one for every thirty Thousand.” The words have never been changed or amended, just ignored and forgotten.

The constitutional question remains: Why will the 110th Congress not follow the Constitution?

Washington wished for the people to be better represented. The next House of Representatives, with 435 Representatives for 300 million people, does not fulfill his wish. In fact, the 110th Congress will be a system of *under-representation* of We the People, and that is not what Washington and the founders wanted.

The simple process put into place on 17 September 1787, the one premised on constitutional representation, has been ignored by Congress and forgotten by We the People.

Maybe it is time to read our Constitution again?

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