

Population Estimates Used by Congress During the Constitutional Convention

Lee Ann Potter

During the summer of 1787, when the delegates to the Constitutional Convention met in Philadelphia, the issue of representation in Congress was strongly debated. Delegates from the large states favored the Virginia Plan's proposal for two houses of Congress with representation based on population. Delegates from the small states favored equal representation in a single house, as suggested by the New Jersey Plan.

For two weeks in July, the delegates struggled in the hot Pennsylvania State House (now Independence Hall) to find an approach that all could agree upon. Finally, on July 16, the delegates adopted a group of resolutions that became known as the Great Compromise. The compromise meant that there would be an upper house in which the states would be equally represented and a lower house with representation based upon population as enumerated in a decennial census.

The discussions among the delegates about population were not simply theoretical. They were informed by data collected in the years following the American Revolution, when many of the states took official population counts. Although the official Records of the Constitutional Convention do not include documents listing the population figures that were used, documentation of the numbers available to the delegates does exist in special collections.

For example, David Brearley, a 42-year-old delegate from New Jersey, who would later serve as chairman of the Committee on Unresolved Disputes at the end of the Convention, possessed a document, featured in this article, dated September 27, 1785. This single, handwritten page lists the names of each of the states, their supposed population, and includes a third column entitled "Delegates." The population total for the young nation, included at the bottom of the page, was three million. Based on this figure, and the individual state totals, the delegates explained in Article 1, Section 2, of the Constitution that

The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to chuse [*sic*] three, Massachusetts eight, Rhode-Island and Providence Plantations one, Connecticut

five, New-York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

As a result, after the Constitution was ratified and went into effect, 65 members would make up the first House of Representatives.

But the discussions about population and representation were not over. Almost immediately, those first 65 representatives and their colleagues in the Senate proposed 12 (not 10) articles of amendment to the Constitution of the United States, and on September 25, 1789, sent them to the states for ratification.

The first proposed amendment read,

After the first enumeration required by the first article of the Constitution, there shall be one Representative for every thirty thousand, until the number shall amount to one hundred, after which the proportion shall be so regulated by Congress, that there shall be not less than one hundred Representatives, nor less than one Representative for every forty thousand persons, until the number of Representatives shall amount to two hundred, after which the proportion shall be so regulated by Congress that there shall be not less than two hundred Representatives, nor more than one representative for every fifty thousand persons.

While this amendment and the other 11 were being debated by the states, Congress passed "An Act providing for the enumeration of the Inhabitants of the United States." This legislation was approved and signed into law by President George Washington on March 1, 1790.

The enumeration that was specified in the legislation began five months later. Its questionnaire listed the head of each household, and counted (1) the number of free white males age 16 and over, and under 16; (2) the number of free white females, and all other free persons; and (3) the number of slaves. As a result of another compromise made during the Convention, for representation in the House of Representatives an enslaved person would be counted as 3/5 of a free person.

The final data from the first federal census were presented to President Washington on September 1, 1791. The resulting num-

bers dramatically changed the House of Representatives. The nation did not have 3 million inhabitants, but rather 3,929,214! This fact raised membership in the House from 65 to 105. Two and a half months later, 10 of the 12 proposed amendments to the Constitution had been ratified by the states. They have since been known as the Bill of Rights. The first proposed amendment, which would have regulated the number of representatives according to population ratios, was never ratified.

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Note about the original Bill of Rights:

A high-resolution scan of the original Bill of Rights, which includes all 12 of the initially proposed articles, is available online from the National Archives at www.archives.gov/national-archives-experience/charters/bill_of_rights_zoom_1.html. The second originally proposed amendment was initially ratified by six states (MD, NC, SC, DE, VT, VA), and the other eight states at the time excluded, omitted, rejected, or "excepted" it (Vermont became the 14th state in 1791). The amendment was ratified by various states over time, and in 1992 was fully ratified as the 27th amendment to the Constitution. It reads "No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of representatives shall have intervened."

Note about the First Census:

The website of the Bureau of the Census contains a great deal of information about the first decennial census. Highlights include the reports from the 1790 Census (at www.census.gov/prod/www/abs/decennial/1790.htm); a publication entitled "Measuring America: The Decennial Censuses From 1790 to 2000" (at www.census.gov/prod/www/abs/ma.html); and a table that lists Population, Housing Units, Area Measurements, and Density from 1790 to 1990 (at www.census.gov/population/censusdata/table-2.pdf).

	Quota of Tax	Delegates
Virginia	512,974	16
Massachusetts	448,054	14
Pennsylvania	410,378	12 3/4
Maryland	283,034	8 3/4
Connecticut	264,182	8
New York	256,486	8
North Carolina	218,012	6 3/4
South Carolina	192,366	6
New Jersey	166,776	5
New-Hampsh ^r	105,416	3 1/4
Rhode Island	64,636	2
Delaware	44,886	1 1/4
Georgia	32,060	1
	<u>3,000,000</u>	<u>90</u>
Sept. 27 th 1785.		

Note about the document:

The document featured in this article comes from the Papers of David Brearley. Brearley's papers from the Convention were transmitted to the Department of State by the executor of his estate in 1818. Today, they are included among the Records of the Continental and Confederation Congresses and the Constitutional Convention, Record Group 360, at the National Archives. The complete Records of the Constitutional Convention of 1787 are available on National Archives Microfilm Publication M866. The microfilm is available for purchase at www.archives.gov/research/order/orderonline.html?microfilm.

Teaching with Documents Suggestions

1. Document Analysis and Discussion

Provide students with a copy of the featured document. Ask them to read it, and lead a class discussion using the following questions: What kind of document is it? When was it written? Tell students that the numbers listed were population estimates. Ask students to speculate how the information contained in the document might have been used by the delegates to the Constitutional Convention.

2. Small Group Comparison Activity

Divide students into groups of three or four. Direct student attention to Article I, Section 2, Paragraph 3, Clause 3, of the United States Constitution. Ask them to compare the data contained in the featured document with the numbers of initial representatives listed in the Constitution. Ask students to determine how they think the delegates arrived at the numbers included in the Constitution. (The Constitution is available online from the National Archives at www.archives.gov/national-archives-experience/charters/constitution_transcript.html.)

3. Journal Entry

Tell students that the featured document comes from the papers of David Brearley, one of the delegates to the Constitutional Convention from New Jersey. Invite students to take on the role of Brearley or another delegate, and write a journal entry as though it was July 16, 1787—the day that the delegates agreed on the Great Compromise. Remind students to consider whether the states they represented were large states or small states in terms of population, as this would influence which parts of the compromise they most supported.

(Biographies of the delegates to the Constitutional Convention are available online from the National Archives at www.archives.gov/national-archives-experience/charters/constitution_founding_fathers.html.)

4. Group Discussion, Computation, and Graph Creation

Ask students how many people they think a single representative in Congress should represent. Record their answers on the board, then share with them the text of the first originally proposed amendment. Ask them to compare their responses to the suggestions of the first Congress and discuss why they think the proposed amendment was not ratified by the states. Next, inform students that in 1913, Public Law 62-5 establishing 435 members as the size of the House of Representatives went into effect. Provide students with a copy of the population table from the Bureau of the Census at www.census.gov/population/censusdata/table-2.pdf, and ask them to divide 435 into the population figures for each census total since 1920. Ask them to create a chart that compares, on average, how many Americans have been represented by a single representative in each decade up to the present.

5. Deliberate “Discussion”

Ask students to recall the data they worked with in Activity #4. Divide students into pairs and assign one student in the pair to agree that 435 is the appropriate number for representation in the House. Assign the other student to disagree. Sit the students across from one another and allow the first student 10 minutes to write and explain his or her position on a sheet of paper. At the end of 10 minutes, ask the first student to give the paper to

the second student. Allow the second student 10 minutes to respond to the first student’s comments. Ask students to exchange papers two more times at five minute intervals. Invite student pairs to describe to the class any creative approaches or explanations that came out of their exchanges.

6. Research, Discussion, and Essay

Instruct students to refer to both the featured document and the table available from the Bureau of the Census at www.census.gov/population/censusdata/table-2.pdf. Ask them to consider how much larger the United States is today compared to its size in 1787 in terms of both population and geographic area. Assign each student a different foreign country and direct them to research their country’s population and geographic area in the late eighteenth century and today. Ask them to also determine whether the same system of government existed then as does today. Ask students to share their findings. Lead a class discussion about the implications of population growth for government systems and services. As an extension to this activity, encourage students to write a three- to five-page essay identifying the features of the U.S. Constitution that have allowed it to last for so long, despite significant population and geographic changes.



Lee Ann Potter is the head of Education and Volunteer Programs at the National Archives and Records Administration, Washington, D.C. Potter serves as the editor for “Teaching With Documents,” a regular department of Social Education. You may reproduce the document shown here in any quantity. For more information, contact the education staff at NARA, NWE, 700 Pennsylvania Avenue, NW, Washington, D.C., 20408-0001; education@nara.gov.