



1:4 - 1787: A New Government Instituted

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At the beginning of the Philadelphia Convention of 1787, delegates from Virginia proposed a more national form of government. Under the Articles of Confederation, we had a purely federal form of government.

Gouverneur Morris, a delegate from Pennsylvania, felt that it was necessary to define the difference between “federal” and “national.” He defined “federal,” as “resting on the good faith of the parties,” meaning participation was voluntary. “National” had “compleat and compulsive operation,” meaning that the general government would have the power to force the states to comply.

In response, New York delegate John Lansing raised the objection that “the power of the Convention was restrained to amendments of a Federal nature... the [state delegate commissions] all proved this.” Numerous other delegates raised the same concern.

Were they correct?

As we look at Mr. Lansing’s commission from New York, we find that, yes, his commission instructed him to “render the FEDERAL constitution adequate.”

How many of the other state commissions had similar language?

... ALL OF THEM. And significantly none of them suggest any idea of empowering the delegates to create a national form of government. So how did they justify moving forward?

Initially, the delegates entered the convention representing their state governments bound by their state

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commissions.

But in order to proceed with creating a more national form of government, the delegates looked not at their commissions but instead sought approval from the highest power in the land — the people themselves.

As Madison explained: “The plan to be framed and proposed was to be submitted to the people themselves.”

To do this, they changed the ratification process to the people, represented in conventions.

As Madison declared, “The people were in fact, the fountain of all power, and by resorting to them, all difficulties were got over. They could alter constitutions as they pleased.”

So, why does this matter today?

The 1787 Convention set a precedent that a limited convention can justify ignoring their limits and change the ratification process, altering constitutions as THEY please.

Learn more about Article V and the amendment process by visiting [JBS.org](https://jbs.org).