

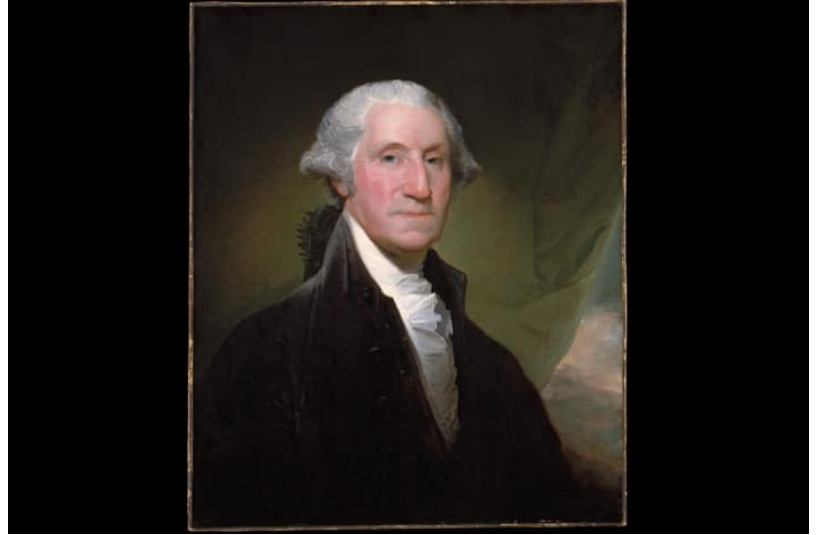


Written by [Joe Wolverton, II, J.D.](#) on May 24, 2023

On This Day in 1787: Constitutional Convention Gets Down to Business

On this day in 1787, nearly two weeks after its planned opening, the Constitutional Convention of 1787 began. With the arrival of the delegations representing South Carolina and New Jersey, the number of states necessary for a quorum had been met.

One of the first official proposals taken up by the delegates was Robert Morris' nomination of George Washington to be president of the convention. Morris' motion was seconded by John Rutledge of South Carolina, "expressing his confidence that the choice would be unanimous, and observing that the presence of General Washington forbade any observation on the occasion which might otherwise be proper."



In his *Notes on Debates in the Federal Convention*, James Madison echoed Rutledge's confidence in the unanimous approval of the nomination of Washington:

The nomination came with particular grace from Pennsylvania, as Doctor Franklin alone could have been thought of a competitor. The Doctor was himself to have made the nomination of General Washington, but the state of his health confined him to his house.

Washington was indeed unanimously elected by the delegates; thereafter he was led to the Chair by Morris and Rutledge.

Madison reports that upon accepting his election as president of the convention, Washington "thanked the convention for the honor they had conferred upon him, reminded them of the novelty of the scene of business in which he was to act, lamented his want of better qualifications, and claimed the indulgence of the House towards the involuntary error which his inexperience might occasion."

The modesty of this speech mirrors that of 12 years earlier when Washington was named commander-in-chief of the Continental Army. In that speech, Washington declared:

I beg it may be remembered by every gentleman in the room that I, this day, declare with the utmost sincerity that I do not think myself equal to the command I am honored with.

It is worth noting at this point that George Washington did not participate in a single debate until the very last day of the convention, September 17. In his notes, however, James Madison notes that Washington paid close attention to the issues being debated and his vote was counted five times that summer, when without it the Virginia delegation's vote would have been split.

Immediately after General Washington's seating and his speech, the delegates elected William Jackson



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as secretary. Curiously, Jackson — nominated by Alexander Hamilton — beat out William Temple Franklin, Benjamin Franklin's grandson, who was nominated by James Wilson.

Jackson took his seat at the front of the room, and the convention then selected a committee to draw up standing rules and orders. Three delegates formed the rules committee: Alexander Hamilton of New York, George Wythe of Virginia, and Charles Pinckney of South Carolina.

After the committee's appointment, the convention adjourned.

The first rule proposed by the newly formed rules committee was controversial — the committee proposed that all the deliberations of the convention, as well as the votes taken, be kept secret.

The secrecy provision mandated

That no copy be taken of any entry on the journal during the sitting of the House, without leave of the House. That nothing spoken in the House be printed, or otherwise published or communicated without leave.

In what may seem surprising to modern readers accustomed to calls for greater transparency in the goings on in government, there was near universal acknowledgment among the delegates of the need for the secrecy.

Two days before the rule was adopted, George Mason of Virginia wrote his son, saying:

It is expected our doors will be shut, and communications upon the business of the Convention be forbidden during its sitting. This, I think, myself, a proper precaution to prevent mistakes and misrepresentation until the business shall have been completed, when the whole may have a very different complexion from that in which the several crude and indigested parts might, in their first shape, appear if submitted to the public eye.

In a letter to his lifelong friend and confidant, Thomas Jefferson, James Madison echoed Mason's tone regarding the secrecy rule:

It was thought expedient, in order to secure unbiased discussion within doors and to prevent misconceptions and misconstructions without, to establish some rules of caution, which will for no short time restrain even a confidential communication of our proceeding.

Jefferson, living in Paris, was not among those approving of the suppression of information, however. In a letter to John Adams in London, Jefferson decried the rule, saying:

I am sorry they began their deliberations by so abominable a precedent as that of tying of the tongues of their members. Nothing can justify this example but the innocence of their intentions and ignorance of the value of public discussions.

Luther Martin, a representative from Maryland, believed that the mandate of silence violated the terms of the commission granted him by the state Legislature. In a letter to that body, Martin criticized the rule:



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So far did this rule extend that we were thoroughly prevented from corresponding with gentlemen in the different states upon the subjects under our discussion — a circumstance, sir, which I confess I greatly regretted. I had no idea that all the wisdom, integrity and virtue of this State or of others, were centered in the Convention. I wished to have corresponded freely and confidentially with eminent characters in my own and other states — not implicitly to be dictated by them, but to give their sentiments due weight and consideration. So extremely solicitous were they that their proceedings should not transpire, that the members were prohibited even from taking copies of resolutions on which the Convention were deliberating, or extracts of any kind from the Journals, without formally moving for and obtaining permission, by a vote of the Convention for that purpose.

Perhaps the true reason for the imposition of the secrecy rule was revealed in a story told years later by Jared Sparks, reporting on a conversation he had with Madison in 1830. Sparks claims Madison told him:

Opinions were so various and at first so crude that it was necessary they should be long debated before any uniform system of opinion could be formed. Meantime, the minds of the members were changing and much was to be gained by a yielding and accommodating spirit. Had the members committed themselves publicly at first, they would have afterwards supposed consistency required them to retain their ground, whereas by secret discussion, no man felt himself obliged to retain his opinions any longer than he was satisfied of their propriety and truth and was open to argument.

Mr. Madison thinks no Constitution would ever have been adopted by the Convention if the debates had been public.

It is impossible to know what final form the Constitution would have taken — if any — had the press and the public been given access or information. History is not typically kind to secrets, particularly those that throw out constitutions and create from whole cloth new governments.

This is the third article in our [summer series](#) on the 1787 Constitutional Convention. Next up in this series: What Happened to Rhode Island?



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