

Draft of the U.S. Constitution (August 1787) and Schedule of the Compensation of the Senate of the United States (March 1791)

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During the June 2, 1787, session of the Constitutional Convention, Benjamin Franklin recommended that the president and vice president serve without salary. Said Franklin,

[T]here are two passions which have a powerful influence on the affairs of men ... the love of power, and the love of money.... [W]hen united in view of the same object, they have in many minds the most violent effects. Place before the eyes of such men, a post of honour that shall be at the same time a place of profit, and they will move heaven and earth to obtain it.

The men who would seek such positions, he continued, would not be “the lovers of peace and good order, the men fittest for the trust” but “the men of strong passions and indefatigable activity in their selfish pursuits.”¹ Franklin’s proposal was but one in the Convention’s debates regarding federal officials’ pay. As his words reveal, these debates were not just about dollars and cents but also about notions of who would best lead the nation. While he did not propose that Congress serve without pay, it is possible that Franklin assumed that salaries would have some corrupting influence on the legislative branch as well. Alexander Hamilton seconded Franklin’s motion of June 2, 1787, “with the view he said merely of bringing so respectable a proposition before the Committee,” according to James Madison, in his *Notes on Debates in the Federal Convention of 1787*. Madison wrote, “It was treated with great respect, but rather for the author of it, than from any apparent conviction of its expediency or practicability.”² Ultimately, Franklin’s motion was neither debated nor accepted.

His proposal, however, reflected a prevalent notion in the late eighteenth and early nineteenth centuries that the best political leaders were financially independent gentlemen, uninfluenced by “the love of power, and the love of money,” in Franklin’s words. They would serve out of a sense of the country’s best interest rather than personal gain. The failure of Franklin’s proposal may have been due in part to the fact that it had become increasingly difficult for even the relatively well-off to live up to his and others’ ideal. As historian Gordon Wood has stated, “It had never been easy for gentlemen to play the role of disinterested public servants who were supposed to sacrifice their private interests for the sake of the public.”³ Some Constitutional Convention delegates suggested that such financial hardship would actually limit the number of well-qualified men to serve in the government. Madison noted that Roger Sherman of Connecticut was not “afraid that the Legislature would make their own wages too high; but too low, so that men ever so fit could not serve unless they were at the same

time rich.”⁴ Representative John Page of Virginia argued that some pay would be necessary as “it is not to be expected that the spirit of patriotism will lead a man into the perpetual habit of making such exertions and sacrifices....”⁵ The Convention eventually agreed that the people’s representatives would be paid, the exact amount to be determined by the first Congress.

The question remained, however, as to whether the individual states or the new federal government would pay the salaries of those who served in Congress. Some members of the Constitutional Convention, such as Pennsylvania delegate Gouverneur Morris and John Langdon of New Hampshire, had voiced practical concerns over the rate of pay. They argued that states at a great distance from the capital would bear an added burden in travel expenses for their representatives and senators.

This was not only a financial issue, however. It was also one of federalism, the balance of power between the states and the national government. On page three of George Washington’s copy of the first printed draft of the Constitution, (featured in this article on page 8), Article VI, section 10, states that “The members of each House shall receive a compensation for their services, to be ascertained and paid by the State in which they shall be chosen.” Some voiced concerns for the independence of the national

Art. 10. The members of each House shall receive a compensation for their services, to be ascertained and paid by the State, in which they shall be chosen. *to be paid out of the Treasury of the United States; to be ascertained by law*

Art. 11. The enacting style of the laws of the United States shall be. " Be it enacted, *by the Senate and Representatives* and by the Senate of the United States, in Congress assembled.

Art. 13 - postponed

Art. 12. Each House shall possess the right of originating bills, ~~except in the cases beforementioned.~~

Art. 13. Every bill, which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States, for his revision: if, upon such revision, he approve of it, he shall signify his approbation by signing it: But if, upon such revision, it shall appear to him improper for being passed into a law, he shall return it, together with his objections against it, to that House in which it shall have originated, who shall enter the objections at large on their Journal, and proceed to reconsider the bill. But if, after such reconsideration, ~~two thirds~~ of that House shall, notwithstanding the objections of the President, agree to pass it, it shall, together with his objections, be sent to the other House, by which it shall likewise be reconsidered, and, if approved by ~~two thirds~~ of the other House also, it shall become a law. But, in all such cases, the votes of both Houses shall be determined by Yeas and Nays; and the names of the persons voting for or against the bill shall be entered in the Journal of each House respectively. If any bill shall not be returned by the President within ~~seven~~ days after it shall have been presented to him, it shall be a law, unless the Legislature, by their adjournment, prevent its return; in which case it shall not be a law.

Art. 13. Every bill, which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President for his revision, and, before the same shall have force, shall be approved by him, or being disapproved by him, shall be repassed by the Senate and House of Representatives, according to the rules and limitations, prescribed in the case of a bill.

Art. 1. The Legislature ~~of the United States~~ shall have the power to lay and collect taxes, duties, imposts and excises;

- To regulate commerce with foreign nations, and among the several States;
 - To establish a uniform rule of naturalization throughout the United States;
 - To coin money;
 - To regulate the value of foreign coin;
 - To fix the standard of weights and measures;
 - To establish post-offices;
 - To borrow money, ~~and emit bills~~ on the credit of the United States;
 - To appoint a Treasurer by ballot;
 - To constitute tribunals inferior to the supreme court;
 - To make rules concerning captures on land and water;
 - To ~~define and punish~~ piracy and felonies committed on the high seas; ~~and~~ to punish ~~counterfeiting~~ counterfeiting the coin of the United States, and ~~all~~ offences against the law of nations;
 - To subdue a rebellion in any State, on the application of its Legislature;
 - To make war;
 - To raise armies;
 - To build and equip fleets;
 - To ~~regulate~~ ~~the~~ militia, ~~and~~ to execute the laws of the Union, suppress insurrections, and repel invasions;
- And to make all laws that shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested, by this Constitution, in the government of the United States, or in any department or officer thereof.


Art. 3. Treason ~~shall consist only in levying war against the United States, or in adhering to the enemies of the United States, and aiding and abetting them.~~ The Legislature of the United States shall have power to declare the punishment of treason. No person shall be convicted

Art. 3. To make laws for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States - reserving to the States respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by the United States: to establish uniform laws on the subject of bankruptcies

1. Ask your students to write down all of the words that come to mind when they hear the term “public service.” Lead a discussion in which they share their list of words and respond to such questions as: What common themes emerge? What conclusions about public service do your words suggest? Then, introduce them to Benjamin Franklin’s belief in who made the best public servants. Ask your students to compare their conclusions with Franklin’s views and take a class vote: who agrees with Franklin and who disagrees.
2. Inform students that since the 1790s elected federal officials have been paid. Share information from the article with your students on this topic. Direct your students to the following location on the National Archives’ website DocsTeach at <http://docsteach.org/activities/2061>. They will find an activity based on the Schedule of the Compensation of the Senate of the United States, March 1791 (see p. 9). You may either work on the activity as a class or assign it for students to complete as independent work.
3. Ask your students to recall a time when they volunteered. Instruct them to write a brief description of their work. Did they perceive their work to be a public service, and how—if at all—do they believe their experience would have been different had they been paid for their participation? Invite students to share their responses with the class.
4. Brainstorm with students a list of occupations in both the public and private sectors. Direct students to conduct research to find out the current salaries paid to individuals in such positions including the president, vice president, members of Congress, and local officials. The following websites: www.senate.gov/artandhistory/history/common/briefing/senate_salaries.htm and www.opm.gov/oca/compmemo/2009/2010PAY_Attach1.pdf are good reference sources for students to consult.
Ask students to study the data that they have collected, and consider issues associated with compensation (such as equity). Invite them to write a single-page editorial voicing their opinions on whether public servants should be paid and if so, how much; and if not, why not. Invite them to share their thoughts with the class or perhaps post them to a class blog.
This activity could be further extended by directing your students to compare their arguments with those voiced at the Constitutional Convention and during the first Federal Congress. See the following websites for Convention and early congressional debates on this issue: Madison’s *Notes on Debates in the Federal Convention of 1787*, Avalon Project: http://avalon.law.yale.edu/18th_century/debates_814.asp; and the *Annals of Congress*, House of Representatives, 1st Congress, 1st Session: <http://memory.loc.gov/cgi-bin/ampage?collId=llac&fileName=001/llac001.db&recNum=352>

5. Encourage your students to interview someone who works in a public service capacity. This could include other teachers, police officers, fire fighters, government officials, and others. Assign them to prepare 10 interview questions ahead of time and suggest that they focus on how the person interviewed thinks of public service. What does public service mean to him or her? How does the interviewee think it benefits the

community? Invite students to share their interviews with the class or invite interviewees to be guest speakers.

6. Explore the Learn and Serve Clearinghouse website at www.servicelearning.org. Their “Slice” database offers hundreds of service learning lesson plans that may be of interest. 



In this engraving, Benjamin Franklin is depicted speaking at the Constitutional Convention. However, due to health issues, Franklin had a proxy read the speech cited in this article


(Lossing-Barritt/Courtesy of the Library of Congress, LC-USZ6-1737)

legislature from state influence, though. If the states provided the funds, legislators might be dependent upon them. Perhaps they would be less dedicated to the Constitution's relatively strong central government that would soon replace the relatively de-centralized Articles of Confederation government.⁶ In this sense, the debate over congressional salaries echoed the wider discussion over the appropriate proportion of national to state power.

Daniel Carroll of Maryland stated, "The States can now say: if you do not comply with our wishes, we will starve you: if you do we will reward you." Mr. Dickinson, from New Jersey, "took it for granted that all were convinced of the necessity of making the Genl. Govt. independent of the prejudices, passions, and improper views of the State Legislatures.... If the Genl. Govt. should be left dependent on the State Legislatures, it would be happy for us if we had never met in this Room."⁷ Carroll, Dickinson's, and others' views ultimately won the day. The printed draft featured here (p. 8) shows Washington's handwritten corrections that eliminated state payments and included the phrase "to be paid out of the Treasury of the United States."

This article's other featured document, the Schedule of the Compensation of the Senate of the United States (p. 9), dated March 4, 1791, was the result of painstaking debates by the first Congress as to the amount of congressional pay. Senators would be paid a stipend of \$6 per day served in Congress, plus \$6 for every 20 miles traveled to the "seat of government." Members of the House of Representatives would receive the same. Senator William Few of Georgia, for example, attended Congress for 62 days and traveled 958 miles to Philadelphia. He received \$659.40: \$6 for each day in Congress and \$6 for every 20 miles that he had traveled (i.e., \$287.40). In comparison, Senator Robert Morris of Pennsylvania received \$378 for his 63 days attendance at Congress at \$6 per day. Since he was already at the "seat

of government" in Philadelphia, he received no travel compensation.⁸

These documents reveal the importance that delegates to the Constitutional Convention and representatives to the first Federal Congress attached to matters relating to public service and federalism. When discussing congressional pay, both issues rose to the forefront. 

Note

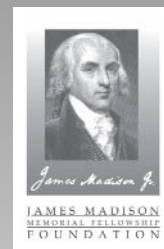
The two featured documents come from the holdings of the National Archives. *George Washington's Annotated Copy of a Draft of the U.S. Constitution*, page 3, is from Records of the Continental and Confederation Congresses and the Constitutional Convention, 1765–1821, Record Group 360. It is available online at <http://docsteach.org/documents/1501555/detail>; *A Schedule of the Compensation of the Senate of the United States at their Third Session from the First Day of January 1791 to the Fourth of March* is from the Records of the Accounting Officers of the Department of the Treasury, Record Group 217. It is available online at <http://docsteach.org/documents/5641592/detail>.

Notes

1. *Madison's Notes on Debates in the Federal Convention of 1787*, Avalon Project http://avalon.law.yale.edu/18th_century/debates_602.asp or *The James Madison Papers*, James Madison, John C. Payne. John C. Payne's Copy of James Madison's Original Notes on Debates in the Federal Convention of 1787. Library of Congress (LOC) <http://memory.loc.gov/master/mss/mjm/28/0300/0382.jpg> 10/26/10.
2. Ibid.
3. Gordon S. Wood, *Empire of Liberty: A History of the Early Republic, 1789-1815* (New York: Oxford University Press, 2009), 230.
4. *Madison's Notes on Debates in the Federal Convention of 1787*, Avalon Project http://avalon.law.yale.edu/18th_century/debates_814.asp or *The James Madison Papers*, James Madison, John C. Payne. John C. Payne's Copy of James Madison's Original Notes on Debates in the Federal Convention of 1787. (LOC) <http://memory.loc.gov/master/mss/mjm/28/1200/1215.jpg> 10/26/10.
5. *A Century of Lawmaking for a New Nation: U.S. Congressional Documents and Debates, 1774-1875, Annals of Congress*, House of Representatives, 1st Congress, 1st Session pp. 701 and 702 of 1274, <http://memory.loc.gov/cgi-bin/ampage?collid=llac&file=Name=001/llac001.db&recNum=353>.
6. *Madison's Notes on Debates in the Federal Convention of 1787*, Avalon Project. See: http://avalon.law.yale.edu/18th_century/debates_814.asp
7. Ibid.
8. The first Congress also deliberated whether senators, with more constituents per person, should earn more than members of the House of

Representatives. To the House's original bill proposing that members of both houses receive \$6 per day and \$6 per every 25 miles traveled, the Senate resolved, "That there ought to be a discrimination between the compensation to be allowed to the Senators and to the members of the House of Representatives," (See: *Annals of Congress*, House of Representatives, 1st Congress, 1st Session at <http://memory.loc.gov/cgi-bin/ampage?collid=llac&file=Name=001/llac001.db&recNum=353>). The Senate also proposed a graduated increase in their pay in which House and Senate members would receive the same payment, \$6 per day and \$6 per 20 miles (considered one day's travel), until March 4, 1795. After that date, however, senators would earn \$7 per day and \$7 per 20 miles. The bill that emerged from the conference committee that had formed to resolve these differences met with approval from both houses. The Senate would earn \$1 more per day and per mile only from 1795 to 1796, a one-year period of discrimination in pay. After 1796, Congress once again needed to fix the rate of compensation for its members with legislation.

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