Philadephia was hot and still as darkness descended on the evening of June 22, 1787. The city was the site of the Constitutional Convention, which had began a month earlier. Its purpose was to fashion a new system of government for the young American republic. Inside the rented quarters of a small house near Convention Hall, Roger Sherman, the tall, stern, plainly dressed delegate from Connecticut, was having dinner with a delegate from South Carolina. Sherman was engaged in one of his favorite activities: hard-nosed political bargaining. He was hoping to obtain the South Carolina delegate's support for Connecticut's claim to western lands in return for supporting protection of the slave trade and a prohibition against the taxing of exported goods. Sixty-six years of age and a devout Calvinist, “Father Sherman,” as many of the delegates called him, had a well-deserved reputation for honesty. The delegate from South Carolina had no doubt that Sherman would live up to any bargain the two men struck. And he also knew that he could trust the elder statesman to keep their dinner meeting a secret.

Background
Roger Sherman was born in 1721 in Newton, Massachusetts, the son of a farmer. When he was two years old, his family moved to Stoughton. There Sherman attended the common school and learned the practice of shoemaking from his father. He spent his spare time studying theology, mathematics, history, and law. In 1743, two years after his father's death, Sherman and his family joined his older brother in New Milford, Connecticut.

In New Milford, Sherman opened a shoemaker—or “cobbler”—shop and earned a position as the county surveyor in 1745. The income from this office enabled him to buy land and to earn a favorable reputation throughout the county. Sherman published a series of almanacs between 1750 and 1761. He also studied law on his own, passing the bar in 1754.

During the next few years, Sherman served in the General Assembly, as a justice of the peace, and as a justice of the county court. In 1761, he gave up practicing law and moved to New Haven, Connecticut. There he opened a large general store and later served as treasurer of Yale College.

During the 1760s, Sherman became a leader of American resistance to British tyranny. Ever moderate and practical, however, he initially favored peaceful forms of protest, such as boycotts and petitions. In order to devote more time to public affairs, he retired from business in 1772. Two years later, Connecticut sent him as a representative to the First Continental Congress.

Continental Congress and the Declaration of Independence
While in Philadelphia, Sherman established himself as a peer among the most respected and well-educated men of the colonies. He voiced his opinions with clarity, if without eloquence. The Continental Congress passed the Articles of Association, which established a
nonimportation and nonexportation policy in the colonies. The colonies vowed to boycott goods coming from Great Britain and to refrain from delivering goods to the mother country.

In 1775, Sherman returned for the Second Continental Congress, where he served on various committees dealing with foreign trade and military supply and planning. That same year, fighting broke out between colonial and British forces, and so the issue of formally creating an independent nation soon arose. When the time came to pick a committee to draft a declaration of independence, Sherman was chosen along with John Adams, Robert Livingston, Benjamin Franklin, and Thomas Jefferson. They were known as the Committee of Five.

The committee outlined the declaration and chose Jefferson to write the actual document. Jefferson presented his draft to Sherman and the other members of the committee, who made revisions. In June 1776, the committee agreed upon a final draft, which was presented to Congress. Once the delegates approved the document, Roger Sherman signed his name to the Declaration of Independence.

Sherman kept busy in committees throughout the Second Continental Congress. The military committees were soon organized into the Board of War. Sherman's business background qualified him to handle purchasing and distribution of supplies. He also dealt with military correspondence and served on committees that handled economic issues and Indian affairs.

### Articles of Confederation

In June 1776, Congress appointed Sherman to the committee that drafted a plan of union for the colonies. The Articles of Confederation were approved by Congress the next year. But concerns about representation and taxation delayed ratification of the document by the states until 1781.

While debate about the Articles of Confederation continued in the states, Sherman maintained his devotion to public service and Connecticut politics. He served in the state senate, on the Council of Safety, and as judge of the superior court. In 1783, he returned to Congress to approve the Treaty of Paris. The next year he was elected the first mayor of New Haven.

### Constitution of the United States

In 1787, at the age of sixty-six, Sherman was chosen as one of Connecticut’s delegates to a convention whose purpose was to revise the Articles of Confederation. Soon after the convention began in Philadelphia, it became clear that most of the delegates wanted to create an entirely new government.

Sherman consented to the writing of a new constitution, but he was afraid of making the central government too strong. During the convention, therefore, he worked to guard the power of the states against the national government. He believed that the authority of the national government should be carefully restricted to a few areas. “All other matters civil & criminal,” Sherman proclaimed on June 6, 1787, “would be much better in the hands of the States.”

In order to protect the people’s liberty, Sherman also argued for placing the balance of the national government’s power in the legislature. He asserted that the executive was “nothing more than an institution for carrying the will of the Legislature into effect.” To this end, Sherman proposed that the president be chosen by Congress and serve at its pleasure.
Sherman spoke at least one hundred thirty-eight times during the convention on a variety of subjects. He consistently argued for the careful limiting of government power. He also proposed the Great Compromise, which decided the method of representation in the Congress. By this agreement, the Congress would be divided into two houses. In the Senate, each state would have an equal vote. In the House of Representatives, each state would be represented according to its population. The Great Compromise settled the most difficult issue dividing the large and small states.

Sherman opposed listing the people's rights in the Constitution. He feared that such a bill of rights would give the federal government the authority to intervene in state affairs. Also, any such list would surely omit certain rights held by the people. This could be used by tyrants to take away the people's rights.

Ratification and the First Congress
Sherman was not entirely happy with the final version of the Constitution. But he supported ratification of the document. He played an important role in Connecticut’s decision to approve the Constitution.

In 1789, Sherman took a seat in the new House of Representatives. In the first Congress, he supported James Madison's effort to add a bill of rights to the Constitution. Ever flexible, Sherman had changed his mind on this issue. He came to favor a bill of rights because the people of Connecticut supported one. In 1791, the seventy-year-old Sherman was appointed to the United States Senate, where he served until his death in July 1793.

Reading Comprehension Questions
1. Which important founding documents did Roger Sherman help to create?
2. What was Sherman's attitude toward the power of the national government at the Constitutional Convention?
3. What important dispute between the large and small states at the Constitutional Convention did Sherman help to resolve?

Critical Thinking Questions
4. Ezra Stiles, the president of Yale College, described Roger Sherman as “an extraordinary man.” Why do you think Sherman deserved such high praise?
5. Historian Forrest McDonald writes that Sherman “combined incorruptible moral rectitude with wily political talent.” Do you think it is possible for a person to have both good morals and good political skills? Why or why not?
CONTEXT QUESTIONS

From a speech by Roger Sherman, June 6, 1787, at the Constitutional Convention

Answer the following questions. Note that some of these answers must be inferred.

a. When was this document written?

b. Where was this document written?

c. Who wrote this document?

d. What type of document is this?

e. What was the purpose of this document?

f. Who was the audience for this document?
IN HIS OWN WORDS:
ROGER SHERMAN ON THE ROLE OF GOVERNMENT

Note: Before reading the following excerpt, please note that it is taken from Madison’s Notes of Debates in the Federal Convention, with a few changes. The dialogue is now conveyed in the present tense, and from the first person point of view ("I" rather than "he"). Also, punctuation, capitalization, spelling, formatting, and abbreviations have been changed for the sake of clarity.

From a speech by Roger Sherman, June 6, 1787, at the Constitutional Convention

The objects of the Union are few:
1. defense against foreign danger.
2. [defense] against internal disputes and a resort to force.
3. treaties with foreign nations.
4. regulating foreign commerce, and drawing revenue from it.

These and perhaps a few lesser objects alone render a Confederation of the States necessary. All other matters civil and criminal would be much better in the hands of the States. . . . I am for giving the General Government power to legislate and execute [the laws] within a defined province.


Discussion Questions

1. In 1787, what did Sherman say about the roles of the federal and state governments?
2. Today, what would Sherman say about the roles of government listed on the board?
3. Why do you think the role of government has expanded since 1787?

Roger Sherman
By the time the delegates to the Constitutional Convention had gathered in Philadelphia in 1787, the American people had been accustomed for more than one hundred and fifty years to having most of their affairs managed first within the colonies and then in independent states. It was not surprising that the Articles of Confederation, the initial constitutional system for “The United States of America,” affirmed in its first article the general “sovereignty, freedom and independence” of the states. Beyond historical precedence, the commitment to state sovereignty drew support from sixteenth- and seventeenth-century theorists such as Jean Jacques Rousseau who argued that the habits and virtues needed by a self-governing people can be cultivated only in small republics. In short, history and theory seemed to be on the side of a confederation of small American republics or states.

If the American people were inclined to favor state sovereignty, they also were interested in comfortable preservation—that is, in the enjoyment of both “safety and happiness,” to borrow from the Declaration of Independence. By the mid-1780s, it was clear to many Americans that state sovereignty created obstacles to comfortable preservation, not the least being the impediments to a smooth-functioning commercial system. Concerns about the effects on the country of competing fiscal and commercial policies in the different states led to the Annapolis Convention of 1786. While the delegates to this convention did not come up with a specific plan for fixing the commercial system, they petitioned the confederation congress to arrange for a constitutional convention that would reconsider the Articles of Confederation with the aim of improving interstate commerce.

James Madison, one of seven delegates chosen to represent Virginia at the Constitutional Convention of 1787, prepared a document on the history of confederacies during the months preceding the meeting. Events such as Shays’s Rebellion in Massachusetts and disputes over the commercial use of the Potomac River, along with his study of history, convinced him that a system based on state sovereignty was destined to fail. Madison worked with other members of the Virginia delegation on a plan for a basically national, rather than confederal, system of government. In addition to provisions for separate legislative, executive, and judicial branches, the “Virginia Plan” would have empowered Congress “to negative all laws passed by the several States, contravening in the opinion of the National Legislature the articles of Union; and to call forth the force of the Union against any member of the Union failing to fulfill its duty under the articles thereof.” The Virginia Plan proposed a national government that would be legally and functionally supreme over the states.

According to Madison, only a national system would be capable of protecting the fundamental interests and rights of the American people. Other delegates at the convention disagreed. Roger Sherman of Connecticut, for example, argued that “the objects of Union . . . were few” and that “the people are more happy [sic] in small than in large States.” Sherman was not alone in preferring a confederation of small republics to a national or unitary political system. Madison understood that he had to expose the weaknesses of the confederal model to save the Virginia Plan. Sherman helped him out on June 6 by conceding that some states were too small and, hence, subject to factious violence. Madison seized upon this argument. He responded that “faction & oppression” had “prevailed in the largest as well as the smallest” states, although less in the former than the latter.

The teaching for Madison was clear: large republics are more likely to provide “security for private rights, and the steady dispensation of Justice,” than small republics. This argument hit home with the delegates. Madison convinced them that what they wanted most from government, that is, protection for rights or republican liberty, could
best be achieved in a national system. Small republics, he argued, were actually bad for republican liberty, being hotbeds of factional division and violence. He summed up his position bluntly: “The only remedy is to enlarge the sphere, & thereby divide the community into so great a number of interests & parties, that in the 1st. place a majority will not be likely at the same moment to have a common interest separate from that of the whole or of the minority; and in the 2d. place, that in case they shd. have such an interest, they may not be apt to unite in the pursuit of it.” Here was the outline of the famous defense of the large republic that appears in Madison’s Federalist Paper No. 10.

In the end, the delegates at the Constitutional Convention settled on a plan that combined national and confederal elements. To quote Federalist Paper No. 39: the proposed system “in strictness” was “neither national nor a federal Constitution, but a composition of both.” Madison’s June 6 speech, however, insured that the new “compound” republic would have a national as opposed to a confederal tilt. This innovative governmental model, what came to be called the “federal” model, represented one of America’s great contributions to the science of politics according to Madison. The model’s national elements were evident not only in the creation of separate executive and judicial departments as well as proportional representation in the House of Representatives, but in the supremacy clause that affirmed that the Constitution as well as national laws enacted under its authority would constitute the supreme law of the land. The confederal elements appeared in the provision for equal state representation in the United States Senate (a feature especially desired by the small states) and state participation in the ratification of amendments. The addition of the 10th Amendment in 1791 provided added protection for state interests (“The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people”).

The defenders of the confederal model continued their attacks on the new system during the ratification debates that followed the convention. Patrick Henry of Virginia, for example, accused the delegates to the Federal Convention of violating their authorization by proposing to establish a “consolidated” government based on the consent of the people, rather than the states. For Henry, the new constitutional system would endanger the rights and privileges of the people along with the “sovereignty” of the states. Richard Henry Lee, one of the Anti-Federalists, shared Henry’s fear that a large republic would not be hospitable to liberty and natural rights. Like many other opponents of the Constitution, Lee also argued that republican liberty can be preserved only by a virtuous citizenry and that only small republics are capable of nurturing civic and moral virtues.

The fact that the document that issued from the Federal Convention did not include a bill of rights seemed to lend support to the charge by Patrick Henry and others that the proposed governmental system would promote neither the happiness nor the liberty of the people. In fact, several delegates to the convention, including George Mason of Virginia and Eldridge Gerry of Massachusetts, were sufficiently troubled by the absence of a bill of rights that they departed without adding their signatures to the document. Gerry also worried that the new government would not adequately represent the people and that its powers were not well defined. When it was clear that the opponents of the plan would not accept the argument that the framework set out by the delegates provided for a limited government of enumerated powers that would be incapable of emasculating natural rights and liberties, an agreement was reached during the ratification period to add amendments that would guarantee, among other things, freedom of speech and religion, trial by one’s peers, and protection against unreasonable searches and seizures.

The federal system or compound republic crafted by the Framers was an ingenious response to the demand for both effective or competent government on the one side, and rights-sensitive government on the other. The decision to divide power among (federalism) and within (checks and balances) several governments positioned the American people to enjoy the benefits of a large republic (e.g., strong defense against foreign encroachments, national system of commerce, etc.) while still retaining significant control over their day-to-day affairs within the states. The states, and not the national government, were entrusted with the “police powers,” that is, the...
authority to protect the health, morals, safety and welfare of the people. It is worth noting that Madison was quite content to entrust the police powers to the states—he never desired that the United States have a unitary system of government.

Ratification of the Constitution in 1791 hardly put an end to the debate between the advocates of state sovereignty or small republicanism and the proponents of national sovereignty and the large republic. The concerns of James Madison and Patrick Henry, for example, are never far from the surface of contemporary debates about the power of the federal government to impose regulations on the states under the Constitution’s commerce clause or the Fourteenth Amendment. There is considerable evidence, however, that the tension between these positions not only adds vitality to the constitutional system, but has been critically important to the advancement of both national security and equality in the enjoyment of fundamental rights. The federal arrangement that was crafted by the delegates at the Federal Convention of 1787 has long been recognized as one of the principal models of a modern democratic system of government.

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Suggestions for Further Reading