

Committee: American Revolution

Delegate: Edmund Jennings Randolph

Name: Parth Tornekar

School: Maggie L. Walker Governor's School

Background

Esteemed representatives, my name is Edmund Jennings Randolph. I hail from the state of Virginia. A scholar, I was educated at the college of William and Mary, and soon after began my study of law.¹ When the tyranny of British oppression forced my home to act, I went against the orders of my loyalist father and enrolled in the continental army. I served alongside George Washington himself, and even served as part of his headquarters staff. Furthermore, I was a representative of Virginia at the Continental Congress, and later helped write the state's constitution, even becoming Governor of Virginia.²

I am well respected by my peers, with both Patrick Henry and Thomas Jefferson saying, "This young gentleman's abilities, natural and acquired, his extensive connections, and, above all, his desire to serve his country in this arduous struggle, are circumstances that cannot fail to gain him your countenance and protection."³ When it comes to my beliefs, while I am a strong advocate of centralized government, I do believe that it can be all too easy to tread the line from

¹ "Biographies of the Secretaries of State: Edmund Jennings Randolph (1753–1813)," Office of the Historian. U.S. Department of State, Accessed April 13, 2022, <https://history.state.gov /departmenthistory/people/randolph-edmund-jennings>.

² Ibid.

³ Rebecca Sharer, "Edmund Randolph," George Washington's Mount Vernon, Mount Vernon Ladies' Association, Accessed April 14, 2022, <https://www.mountvernon.org/library/digital-encyclopedia/article/edmund-randolph>.

republic to monarchy. As such, I also believe that there is a need for individual and state rights, but do not have as strong of a belief on a bill of rights.⁴

⁴ “A Biography of Edmund Randolph 1753-1813,” American History From Revolution To Reconstruction and Beyond, University of Groningen, Accessed April 14, 2022, <https://www.let.rug.nl/usa/biographies/edmund-randolph/>.

Topic I: Reforming the Articles of Confederation

When addressing the reforms necessary to the Articles of Confederation it is first necessary to address why the articles failed. The most critical reason was the lack of a federal government.⁵ This can be seen from as soon as the articles were adopted, as it took 4 long, war filled years for every state to ratify them. Furthermore, the articles, over time, were also shown to be unable to coerce taxes, regulate trade, or even, in any effect, enforce order.⁶ Perhaps this can best be seen in Shay's rebellion, when Daniel Shay and his mob attacked the courts. This rebellion took around half a year to quell, which at the time set a dangerous precedent.⁷

To solve this issue, while also balancing the power of the federal government, there are several compromises that can be made. For one, the separation of powers into several branches: executive, legislative, and judicial.⁸ This would create a system of checks and balances preventing any branch from gaining too much power. For example, if the legislative branch passes a law that would harm the people, the executive could veto it.

These branches can be further restricted by dividing them. For instance, the legislative branch can be bicameral, a popularly elected lower house and an upper house elected by the lower house.⁹ This would split power between the people and politicians, allowing for representation and a bulwark against demagogues. Furthermore, to prevent the executive branch from having a monarch-like head, the executive can be led by a three-man council.¹⁰ This way,

⁵Ted Brackemyre, "America's First Failure at Government," 18th Century, US History Scene, September 12, 2021. <https://ushistoryscene.com/article/articles-of-confederation/>.

⁶ Ibid.

⁷Rahul Tilva, "Shays' Rebellion," George Washington's Mount Vernon Mount Vernon Ladies' Association. Accessed April 14, 2022, <https://www.mountvernon.org/library/digitalhistory/digital-encyclopedia/article/shays-rebellion>.

⁸ "The Virginia Plan." Art and History. United States Senate, March 7, 2022. https://www.senate.gov/civics/common/generic/Virginia_Plan_item.htm.

⁹ Ibid.

¹⁰ "A Biography of Edmund Randolph 1753-1813."

in case of a tyrant, there would be 2 other republican leaders who could check their power. Finally, it is crucial that there is a streamlined process of amendment. The United States will undoubtedly change profoundly with time, and so to address the needs of the future there must be an efficient (meaning non-unanimous) process of amendment.¹¹ While states rights are important, a single state should not be able to hold back the nation at large.

Because of this complex system of checks, the federal government could be given broader powers than allowed under the Articles of Confederation. This should at least include the power to regulate taxes and enforce national laws.¹² This would require a strong legislative and executive branch, which would be un-republican, if not for the checks proposed above. Another positive reform would be ending the importation of slaves. There would also be no issue with adding more powers than those mentioned in this paper, provided that they are sufficiently checked.¹³

Some may argue for equal votes for every state. However, this system has already been shown to fail in the Articles of Confederation. Shays' rebellion demonstrated the need for drastic change, not a return to the old. Furthermore, while it is impossible to ignore states rights, individual rights are also important, and giving every state an equal vote would allow the citizens in Rhode Island to have more power per person than the citizens of Virginia.

¹¹ Ibid.

¹² "The Virginia Plan."

¹³ "A Biography of Edmund Randolph 1753-1813."

Topic II: Construction of a Bill of Rights

On that same line of individual rights, there has also been much debate about whether the new constitution should include a bill of rights, and if so, what it should include. Anti-federalists say that it is necessary to protect individual rights, especially with the potential for “implied powers” (those not specifically enumerated in the constitution). On the other hand, federalists argue that all unmentioned powers would be delegated to the states, and even if there was a bill of rights it would be nothing more than a piece of paper in the face of a tyrant.¹⁴ For example, a federalist might say that even though before the revolution all the delegates were Englishmen and entitled to certain rights under the English Bill of Rights, these were simply violated by the mad King George III.

To uphold personal rights, there should be a bill of rights, for at worst a bill of rights would not harm the nation, and at its best it can be another check on an overly powerful government. Especially if implied powers are ever used, which, despite what federalists say, is a possibility, it would be important to have a fallback. These rights should at least include the rights established in the declaration of independence: life, liberty, and the pursuit of happiness. Of course, these are incredibly vague, so to be more specific rights like freedom of speech, assembly, press, petition, habeas corpus (right to trial), etcetera would be incredibly beneficial.

Federalists refute this by saying that a bill of rights would limit the rights of the people to only those enumerated in the bill of rights. While this may be an issue, it can easily be rectified through a strong and efficient process of amendment (as proposed under topic one). This is because the people and states would have the power to add the rights they see as necessary.

¹⁴ “The Debate over a Bill of Rights” Center for the Study of the American Constitution. University of Wisconsin-Madison, Accessed April 14, 2022, <https://csac.history.wisc.edu/document-collections/constitutional-debates/bill-of-rights>.

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