all Western power markets have been dysfunctional for quite some time. The Commission’s duty under the Federal Power Act is to ensure just and reasonable rates in all markets at all times. I urge the Commission to act in accordance with section 309 of the Power Act in doing this.

Second, power prices have been unjust regardless of the type of market which the Northwest operates in. The fact is, we in the Northwest have a different market than California, and FERC simply cannot use the same formula when calculating refunds for our consumers. It must take into account both forward and long-term contracts. Those utilities that can, using this methodology, demonstrate a legitimate complaint should receive refunds.

Third, FERC must not leave the Northwest behind. Northwest utilities must be allowed to plead their case during the upcoming evidentiary hearing.

Finally, repayments of amounts due to the Northwest for sales into California must be an integral part of any refund calculation.

I call on the FERC Commissioners to incorporate these principles into a refund policy for the Northwest. It is indisputable that the Northwest has been harmed. Now it is up to FERC to take the action to mitigate those damages and to repay the consumers in Washington State.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

THE GREAT COMPROMISE
Mr. BYRD. Mr. President, 214 years ago today, on July 16, 1787, the members of the Constitutional Convention agreed to reorganize the government of the United States. Edmund Randolph, on May 29, 1787, had introduced the “Virginia Plan”, drafted by James Madison, which provided for a Senate and a House of Representatives and would replace the unicameral legislature under the Articles of Confederation. Randolph had described the plan as designed to promote “peace, harmony, happiness, and liberty.” Under the Virginia plan, both Houses of Congress would be apportioned by population, an arrangement that would favor larger states like Virginia, the State of Pennsylvania, the State of Massachusetts. On June 15, William Patterson had countered with the “New Jersey” plan, which was really a series of amendments designed to strengthen rather than replace the Articles of Confederation. Its supporters, representing the smaller States, worried that the Virginia Plan went too far in creating a central government and that it would undermine the powers of the individual States. However, the Delegates rejected the New Jersey Plan and committed themselves to the creation of a new form of government.

The smaller States had lost the first battle, but they had enough votes to keep the Convention from succeeding, unless we got some government that would firmly protect their rights, the rights of the smaller States. They demanded the same equality of the States that had existed under the Articles of Confederation. On July 1, the Convention split 5 to 5 on the issue. The Georgia Delegates were split and did not vote. This tie represented a deadlock between the conflicting demands of the larger and smaller States.

When the Convention recessed to celebrate the Fourth of July, the Delegates appointed a special Committee to solve the dispute. Elbridge Gerry of Massachusetts chaired the Committee which devised a compromise that apportioned the House by population and gave the smaller States equality in the Senate. Inasmuch as the idea for the special Committee had been proposed by Roger Sherman, a Connecticut Delegate, the “Great Compromise” is also known as the “Connecticut Compromise.” In promoting the plan, William Samuel Johnson of Connecticut explained that under this arrangement the two Houses of Congress would be “halves of a unique whole.”

The Great Compromise is one of the more momentous events in our country’s history. Most people are probably unaware of it or have forgotten their high school days during which they should have learned about it. But for the Great Compromise, the course of our country’s history might have been forever altered.

Fortunately for us, the men who attended the Philadelphia Convention were some of the ablest and brightest leaders of the time, in fact, of any time. What a gathering that was. Never before, nor ever to come, since the days when our Lord sat and broke bread with those about the table, was there a gathering like this one in Philadelphia, 214 years ago today.

What a gathering that was! Never before had there been such an abundance of wisdom and learning, grace and dignity—not since the Roman Senate and he gathering of venal politicians, here was no haphazard council of mediocre minds, but, in dignity and statesmanship, veritably “an assemblage of kings.”

It was a gathering of the members of the Constitutional Convention. Never before or after, since conclaves on Mount Olympus, attended by the “gods of Greece” in Rome, has there been a gathering like it. From Virginia alone, there were George Washington, James Madison, George Mason, Edmund Randolph. From Massachusetts, there were Elbridge Gerry and Rufus King. From Pennsylvania, there were James Wilson, Benjamin Franklin, and the man with the peg leg, Gouverneur Morris. And from New York, there was the great Alexander Hamilton—small in stature but large in wisdom. Here was a constitutional “dream team” for the ages. Fifty-five men, in all, presented the credentials to the Constitutional Convention, representing every State, save one—Rhode Island. And with passion and gusto, they had set about devising a plan that would create a new nation.

In our own time, in these sometimes disgusting partisan days, many of us are prone to overlook the tremendous physical and mental effort expended in drafting the Constitution. In reading this short document—here it is, the Constitution of the United States. I ask you to read it in my hand. In reading this short document with its precise and careful phrases, it is easy to forget the toil, the sweat, the prayers, the concerns, the frustrations, the shouting, and the argumentation and the thinking and the pleading and the speeches that went into its creation during that hot Philadelphia summer.

Progress was so slow that upon one occasion, we will remember that Benjamin Franklin, the oldest man in the gathering, stood to his feet and added: “The only one who will be seen in reading this short document is the statesman, George Washington. He said: “Sir, I have lived a long time, and the longer I live the more convincing proof I see that God still governs in the affairs of men. And if a sparrow cannot fall to the ground without our Father’s notice, is it possible that we can build an empire without our Father’s aid?”

The greatest sticking point, and the most threatening that was encountered in framing the Constitution, according to Madison, was the question of whether States should be represented in Congress equally or on the basis of population. The question was far from academic. The small States feared that there might be some advantage in a more centralized union: The Constitution must be acceptable to the small States, as well as to the large States. The large States of Virginia, Massachusetts, and Pennsylvania were looking for a government that would give them peace, safety, and security. The small States feared that a Congress based on population would be dominated by the large States. Virginia would have 16 times as large a congressional delegation as New Jersey.
The Continental Congress had been a single chamber. It was followed by the Congress under the Articles of Confederation in 1781, again a unilateral legislative branch. It was the legislative, it was the executive, and to a degree it was the judicial—all in one. There was no chief executive, no president, no king, in the form of an individual. Congress was the executive under the Confederation.

There had been days and weeks of prolonged and acrimonious debate, but the issue had not been resolved. There were suggestions that the State boundaries should be redrawn so that the States would all be roughly the same size. Connecticut advanced a proposal, initially made by Roger Sherman, calling for equal representation of States in the Senate. This had failed to win support, with James Madison, surprisingly, labeling it as unjust.

Can you hear the rafters ring? The doors were closed. Sentries were at the door. Nobody outside knew what was going on. Rufus King of Massachusetts had angrily announced that he would not listen to any talk of equal representation in the Senate. James Wilson of Pennsylvania maintained that the small States had nothing to fear from the larger States. Whereupon, Gunning Bedford of Delaware retorted, “I do not, gentlemen, trust you.” And Gunning Bedford of Delaware retorted, “I do not, gentlemen, trust you.”

The Delegates finally did settle the question on Monday, July 16, 1787—there it was—Monday, just as today—Monday, July 16, some two months after the Convention began. The matter was finally resolved.

But the Delegates finally did settle the question on Monday, July 16, 1787—there it was—Monday, just as today—Monday, July 16, some two months after the Convention began. The matter was finally resolved.

It may have been a fear of failure that led the delegates to settle the matter, because they knew that the country’s future was in their hands. Exhaustion may have played a part, for the members had already spent many long days and nights in heated debate in this vert heated, small Chamber. It may have been because of the heat that had tormented them for so long. Or perhaps the open exchange of opinions in that wrenching but vital process of debating and questioning and argumentation. Franklin had described the Convention as “groping . . . in the dark . . . to discover the truth”; perhaps they had at last stumbled upon it. In any event, on that great day, 214 years ago, the Delegates agreed that Congress would be composed of a Senate with equal representation for each State—determined on proportional representation. This was the Great Compromise. That is what it was called then, and that is what it has been called ever since—the Great Compromise.

Thank God for the Great Compromise. The Senator from New Mexico, who is now presiding over this Senate, would not be here were it not for the Great Compromise. The people who sit at the bar, the officers of the Senate, the pages of the Senate, the galleries of the Senate, the Democratic whip, Senator Reid of Nevada, would not be here were it not for the Great Compromise. I would not be here. None of us would be here. Think of that.

The Convention had for so many days held by a single thread. At the very first session of the Convention, when the Delegates presented their credentials, it had been noted that the members from Delaware were prohibited from changing the Articles of Confederation which declared that “in determining questions in the United States in Congress assembled, each state shall have one vote.” Delegates from the small states had declared that “no modification whatever could be made in the smaller States to the least diminution of their equal sovereignty.” They would have left Philadelphia without accomplishing their goal.

After weeks of anxious debate, it had been voted that the “rule of suffrage in the first branch ought not to be according to that established in the Articles of Confederation.” In other words, the Delegates from the large states succeeded in defeating equal representation. Ellsworth later said: “We were partly national, partly federal. The proportional representation in the first branch was conformable to the national principle and would secure the large states against the small. An equality of votes was conformable to the federal principle and was necessary to secure the small States against the large.”

This conciliatory proposal formed the basis of the most important compromise in the history of this Republic—the Great Compromise, probably the greatest single compromise ever reached in the history of the human race. The Great Compromise.

Its acceptance was not easily attained. Wilson feared minority rule in his one-third of the population in seven States might dominate two-thirds in six States. Ellsworth insisted that this fear of minority rule was groundless—groundless. Madison had considered suggesting that representation in one branch should be computed according to the number of free inhabitants only and in the other branch according to the whole number, counting the slaves as if free.

When Ellsworth’s motion for allowing each State an equal vote in the second branch was brought to a vote, it was lost by a tie. This deadlock gave rise to tense debate. Can you imagine the tension in that Chamber? We have seen tensions in this Chamber during the great debate, the great civil rights debate, the Civil Rights Act of 1964—tension—the North and the South pitted against each other, and the great tensions during the Panama Canal debates.

The result was the adoption of a proposal that a special committee consisting of one member from each State should be appointed to devise and report some compromise. Three days later, on July 9, the committee presented two recommendations “on the condition that both shall be generally adopted.”

The first recommendation, in effect, provided that in the first branch of the legislature each State would have one Representative for every 40,000 inhabitants, counting three-fifths of the slaves; and that all bills for raising or appropriating money should originate in the lower branch and not be altered or amended by the Senate; and that no money should be drawn from the public treasury but in pursuance of appropriations to be originated in the first branch. According to the second recommendation, each State was to have an equal vote in the second branch.

This compromise proposal was under debate for 10 days. And you know...
what? Madison hoped for its rejection. But on the morning of July 16, today, 214 years ago, God be thanked for the rising of the sun that morning 214 years ago—the whole compromise was adopted.

But the vote was close. Five states—Connecticut, New Jersey, Delaware, Maryland, and North Carolina—had voted 'aye,' no states—Pennsylvania, Virginia, South Carolina, and Georgia—had voted 'no'; while Massachusetts' four votes were equally divided. Thus, this momentous question had been decided by one vote!

Without the Great Compromise, it is hard to see how the Federal Convention could have proceeded; since the beginning it had been cause for battle. The effort to resolve it, Luther Martin had written later, ‘nearly terminated in a dissolution of the Convention’ Swords stacked upon swords and shields upon shields.

The small states were jubilant over the compromise; the large states, alarmed, tried to reorganize, recover their position; the rules of this Convention had to let them reconsider the subject, but it was hopeless. The large states knew that they were beaten, and, after July 17, they let the question die. From then on, matters moved more easily, the little states were more ready to meet the big states and were willing to yield on many questions. They felt safe, and they were no longer threatened by Virginia, Pennsylvania, Massachusetts, to them, the towering bulls. Caleb Strong told his colleagues in Boston that the federal Convention had been ‘nigh breaking up,’ but for the compromise. Luther Martin declared in Annapolis that even Dr. Franklin had only conceded to equality in the Senate when he found that no other terms would be accepted.

Catherine Drinker Bowen, in her book, ‘Miracle at Philadelphia,’ states that Madison ‘in his old age sat down a clear testimony in letters to his friends. The threatened contest in the federal Convention, he said, had not turned, as most men supposed, on the degree of power to be granted to the central government but rather on the rule by which the states should be represented and vote in the government.’

The Romans spoke of the SPQR—Senatus Populusque Romanus: The Senate and the Roman people. Let us today, looking back on that great victory of our Framers 214 years ago, think in those Roman terms about our own Republic—Senatus Populusque Americanus.

Mr. REID: Before the Senator from West Virginia leaves the floor, I would like to say to him I watched most everything from my office and came to watch the finish.

I remind the Senator, when you were the Democratic leader, you allowed this young freshman Senator to go to the 200th anniversary of the Great Compromise in Philadelphia. We took a train over there. I had just come from the Senate. It was in 1987, as I recall. It was a wonderful experience to do the reenactment. You brought back many memories.

I say to my friend, the distinguished Senator from West Virginia, presently the great part women have played in the creation of this country. Senator Rm has mentioned John Adams. John Adams’ best friend, his most trusted confident—and that is the way it should have been—was his wife, Abigail, Walt Whitman said:

A man is a great thing upon the earth, and through eternity—but every jot of the greatness of man is unfolded out of woman.

I am reading the book also. I have had three copies given to me, three copies of this new book by David McCullough, the book titled ‘John Adams.’

He is, to a very considerable extent, in the shadows. Some years ago I read

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Mr. BYRD. Yes, I remember that day. I am glad we three were blessed, among others, in our being able to attend that celebration in the City of Brotherly Love, on that august occasion.

The Senator’s reference to David McCullough reminds me of what a great part women have played in the creation of this country. Senator Rm has mentioned John Adams. John Adams’ best friend, his most trusted confident—and that is the way it should have been—was his wife, Abigail, Walt Whitman said:

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his “Thoughts On Government.” He distributed these writings to the Framers at the convention in those critical days. Among the Framers, I think we were wise in reading the words by Adams and I think their work, their work product, reflected the thoughts of John Adams.

One of the great books I have read in my lifetime was “The Path Between The Seas” by David McCullough, about the Panama Canal. David McCullough was kind enough to send me a copy of the book. The Senator who delivered it to me also autographed it. That Senator was Ted Kennedy. So I prize that book. But I thank the distinguished Senator from Nevada.

Mr. DOMENICI. Will the Senator yield?

Mr. REID. Mr. President, I ask unanimous consent that the substitute amendment numbered 980...

The PRESIDING OFFICER. The amendment numbered 980...

Mr. REID. Mr. President, I ask unanimous consent that the substitute amendment be agreed to, the bill, as amended, be considered original text for the purpose of further amendment, and that no points of order be waived by this request.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. REID. Mr. President, this afternoon we begin consideration for the Fiscal Year 2002 Energy and Water Development Appropriations Act. The legislation we take up today was reported unanimously from the full Committee on Appropriations last Thursday.

Before I begin my description of the contents of this bill, I want to share one strongly felt opinion with my colleagues. It is my opinion, I believe—I have a real suspicion that Senator...