

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 88

Session of
1987

INTRODUCED BY IRVIS, RYAN, PITTS, KOSINSKI, HONAMAN AND BUNT,
FEBRUARY 2, 1987

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
MARCH 11, 1987

AN ACT

1 Providing for the celebration of the 200th Anniversary of
2 Pennsylvania's ratification of the United States
3 Constitution; providing for a reenactment of ratification
4 events by a legislative committee and certain students;
5 providing for debating and essay contests and other events;
6 creating the Legislative Bicentennial Subcommittee, providing
7 for its powers and duties and transferring an unexpended
8 appropriation thereto; imposing duties upon intermediate
9 units; and providing for the termination of the subcommittee.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 Section 1. Short title.

13 This act shall be known and may be cited as the Commemoration
14 of the Pennsylvania Ratification of the United States
15 Constitution Act.

16 Section 2. Legislative findings and purpose.

17 (a) Findings.--The General Assembly of the Commonwealth of
18 Pennsylvania finds as follows:

19 (1) Pennsylvania, which on December 12, 1787, became the
20 second state to ratify the United States Constitution, also

1 was the first state to witness the historical and far-
2 reaching confrontation between the Federalists and the Anti-
3 Federalists over amendments defining the rights of citizens.

4 (2) Pennsylvania's Anti-Federalists were minority
5 members of the Pennsylvania ratifying convention who opposed
6 ratification because they believed that the proposed
7 centralized Federal system without the protection of a
8 "national bill of rights" was intimidating and unacceptable.

9 (3) Pennsylvania's Federalists, who prevailed as
10 majority members of the ratifying convention, argued
11 persuasively that the Anti-Federalists had confused a
12 republic with a direct democracy. They argued that size and
13 numbers did not matter in a republic if elected
14 representatives of citizens were able to meet in a central
15 place. They believed also that America's diversity provided a
16 natural system of "checks and balances" which insured liberty
17 because no one interest or class could become too powerful.

18 (4) Pennsylvania's unique familiarity with the
19 provisions of the new Constitution and its opposing issues
20 stems from the fact that two of the Convention's eight
21 delegates were intimately involved with its framing. James
22 Wilson wrote the first draft, and Gouverneur Morris wrote the
23 final draft.

24 (5) Although Pennsylvania's Anti-Federalists lost their
25 battle to add the ten amendments to the Constitution, their
26 enthusiasm was instrumental, during the ratification debates
27 in other states, in securing the attachment of the "Bill of
28 Rights" to the ratified Constitution in 1791.

29 (6) Delegate Benjamin Franklin had authored a
30 "Declaration of Rights" for Pennsylvania's 1776 Constitution.

1 This protection of the rights of Pennsylvania citizens served
2 as a model for the Federal Constitution's "Bill of Rights."

3 (b) Purpose.--

4 (1) The controversy, aroused in 1787 by the debates over
5 the purpose and need for the protection of citizens' rights
6 to be included in our United States Constitution, continues
7 to this day.

8 (2) Through the reenactment of Pennsylvania's
9 ratification of the United States Constitution,
10 Pennsylvania's General Assembly in the 1987 session intends
11 to stimulate spirited discussions of the ideals expressed in
12 the "Bill of Rights" within the community and among
13 Pennsylvania school children. Such discussions and debates
14 among all Pennsylvanians during the 200th Anniversary
15 celebration can only lead to a deeper awareness and
16 appreciation of the freedoms guaranteed by our United States
17 Constitution.

18 (3) WHILE THE RIGHTS OF ALL AMERICA'S PEOPLE WERE NOT <—
19 FULLY RECOGNIZED AT THE TIME OF THE INITIAL RATIFICATION OF
20 THE UNITED STATES CONSTITUTION, IT IS NOW CLEAR THAT THE
21 ORIGINAL CONSTITUTION WAS A LIVING, PLIABLE DOCUMENT. IT WAS
22 AMENDABLE TO CONSTRUCTIVE, POSITIVE CHANGE WHICH HAS
23 RESULTED, THROUGH AMENDMENTS TO THE DOCUMENT, IN FULL
24 RECOGNITION OF PREVIOUSLY UNRECOGNIZED GROUPS. IN THIS
25 CONNECTION, THE COMMEMORATION OF PENNSYLVANIA'S RATIFICATION
26 OF THE UNITED STATES CONSTITUTION SHOULD ACKNOWLEDGE THE
27 HISTORICAL UNDERPINNINGS OF THE CONSTITUTION, AND ITS PAST
28 INEQUITIES, AS WELL AS RECOGNIZE THE CONSTITUTION AS A
29 VEHICLE FOR REAL CHANGE IN RECOGNITION OF LEGAL RIGHTS NOW
30 ENJOYED BY PREVIOUSLY DISENFRANCHISED GROUPS.

1 Section 3. Commemoration of the Pennsylvania Ratification of
2 the United States Constitution.

3 (a) General rule.--Whereas the nationwide celebration of the
4 Constitution will be September 17, 1987, and whereas, each state
5 will have its own celebration in connection with the anniversary
6 of its ratification of the document, this act shall provide for
7 celebration of Pennsylvania's ratification of the United States
8 Constitution.

9 (b) Schedule of events.--The 200th Anniversary of
10 Pennsylvania's ratification of the proposed United States
11 Constitution shall span a period from January 1, 1987, through
12 December 31, 1987. During that period, debating contests shall
13 be held among Pennsylvania intermediate unit school children in
14 order to qualify them for participation in a reenactment of the
15 actual Pennsylvania Ratification Convention of 1787. The re-
16 creation of the Convention shall be held in the Senate Chamber
17 of the Pennsylvania Capitol in Harrisburg from December 9
18 through 12, 1987. In addition to the Pennsylvania intermediate
19 unit qualifying debates, there shall be an essay contest,
20 sponsored by the Legislative Bicentennial Subcommittee, which
21 shall be open to intermediate unit students and which shall be
22 conducted during the period leading to the reenactment of the
23 Convention.

24 Section 4. Commemorative program procedures and coordination.

25 (a) General rule.--The members of the General Assembly who
26 are members of the Commonwealth Commission on the Bicentennial
27 of the United States Constitution shall constitute a
28 subcommittee to be known as the Legislative Bicentennial
29 Subcommittee for the purpose of carrying out the provisions of
30 this act.

(b) Additional powers of Legislative Bicentennial Subcommittee.--In addition to any other powers and duties prescribed by this act, the Legislative Bicentennial Subcommittee shall:

(1) Be responsible for the implementation and administration of the celebration programs set forth in this act.

(2) Cooperate with other public and private groups in the reenactment of the Pennsylvania Ratification Convention.

(3) Promulgate such rules and regulations as are necessary to implement and administer this act.

(4) Enter into contracts and execute all instruments necessary or convenient for carrying on its operations.

(5) Employ such persons as may be necessary and convenient to carry out this act.

(c) Expenses.--Members of the Legislative Bicentennial Subcommittee shall receive no compensation for their services but shall be reimbursed for reasonable travel and other necessary expenses incurred by them in the performance of their duties.

(d) Chairman.--The subcommittee shall elect a chairman from its membership.

(e) Quorum.--A majority of the members of the subcommittee shall constitute a quorum.

Section 5. Debate.

(a) Participants.--Each of the 29 intermediate units shall sponsor and conduct a debate program for qualifying students in grades 9 through 12 in accordance with rules adopted by the Legislative Bicentennial Subcommittee for the purpose of selecting participants in the reenactment of the Pennsylvania

1 Ratification Convention. Each intermediate unit shall select two
2 students to participate in the reenactment and shall submit the
3 names and addresses of two students, per intermediate unit, to
4 the Legislative Bicentennial Subcommittee by October 1, 1987.

5 (b) Issues for debate.--Two intermediate unit students from
6 each of the 29 units shall be chosen through a system of debates
7 among students from grades 9 through 12 debating such basic
8 constitutional issues as whether to:

9 (1) Give citizens the power to call a convention for the
10 purpose of proposing Constitutional amendments.

11 (2) Extend the President's term of office to six years,
12 while eliminating the opportunity to be reelected.

13 (3) Set terms of office for Federal judges and change
14 the method by which they are selected.

15 (4) Give the President an item veto and Congress a
16 legislative veto.

17 (5) Extend the terms of Representatives and limit the
18 number of terms they may serve.

19 (6) Be for or against the popular election of the
20 President.

21 (c) Additional issues.--The Legislative Bicentennial
22 Subcommittee may prescribe additional issue for debate.

23 Section 6. Essay contest.

24 (a) General rule.--The Legislative Bicentennial Subcommittee
25 shall sponsor an essay contest in keeping with its overall goal
26 of stimulating the interest of all Pennsylvanians in the origins
27 of our United States Constitution.

28 (b) Participants and purpose.--The essay contest, open to
29 all 9th through 12th grade students of the Commonwealth, is
30 designed for contestants to examine the Constitution's basic

1 ideas thoroughly and, through that understanding, become
2 inspired to preserve it.

3 (c) Topic.--The essay contest topic shall be "What Makes the
4 Bill of Rights Essential to Our United States Constitution?" The
5 essay shall not exceed a total of 1,500 words.

6 (d) Period of contest.--The essay contest shall span a
7 period from March 2 to June 1, 1987, with first, second and
8 third place contest winners chosen by October 1, 1987, by the
9 Legislative Bicentennial Subcommittee. Each of the 29
10 intermediate units shall choose two finalists from its unit. All
11 entries shall be submitted to the Legislative Bicentennial
12 Subcommittee postmarked no later than June 30, 1987.

13 (e) Award for first place winner.--The essay contest's first
14 place winner shall receive a cash award, an expense-paid trip to
15 Harrisburg, and the opportunity to read the winning essay at the
16 reenactment of the Pennsylvania Ratification Convention in
17 December.

18 (f) Awards for second and third place winners.--The second
19 and third place contest winners shall receive lesser cash
20 awards, as well as expense-paid trips to the reenactment of the
21 Pennsylvania Ratification Convention.

22 (g) Dissemination of rules and information.--Upon passage of
23 this act, complete essay contest rules and information shall be
24 sent to the 29 Pennsylvania intermediate units by the
25 Legislative Bicentennial Subcommittee.

26 Section 7. Definitions.

27 For purposes of this act:

28 (1) The term "intermediate unit" means a geographic unit
29 as described in section 902-A of the act of March 10, 1949
30 (P.L.30, No.14), known as the Public School Code of 1949.

1 (2) The term "intermediate unit students" means all
2 students enrolled in the 9th through 12th grades at public
3 and nonpublic schools for that particular intermediate unit
4 area.

5 Section 8. Termination.

6 The Legislative Bicentennial Subcommittee shall terminate on
7 December 31, 1989.

8 Section 9. Appropriation.

9 The unexpended balance of all sums appropriated to the
10 Capitol Preservation Committee for the purpose of the
11 legislative celebration of the Bicentennial, or as much thereof
12 as may be necessary, is hereby transferred to the Legislative
13 Bicentennial Subcommittee to carry out the provisions of this
14 act. In addition, all moneys received from any other sources as
15 contributions to this program shall be paid into the General
16 Fund and credited to this appropriation. Funds unencumbered and
17 unexpended as of December 31, 1989, shall lapse into the General
18 Fund.

19 Section 10. Effective date.

20 This act shall take effect immediately.