Two score years ago, March 23, 1970, was my first day as a research assistant at The Sixth Illinois Constitutional Convention. I bless that day because my position was a fabulous opportunity to learn, to contribute to Illinois, and to work with some of the most remarkable people I have ever known.

My column, “Miracle in Springfield,” published in the Law Bulletin on Dec. 8, 2009, was my tribute to that convention. Here is my description of something I observed at the convention: original intent.

“Original intent” is the theory of constitutional interpretation that seeks to determine the intent of the framers of the constitution at the time of drafting and to interpret the document exactly the way the framers understood the words. Some “originalists” expand the concept to include the intent of those who ratified or voted for the constitution, as well.

The most ardent champion of original intent is Associate Justice Antonin Scalia. He and his fellow originalists seek to interpret the constitution strictly according to the presumed “intent” of the 55 people who met in Philadelphia in 1787. However, neither Scalia nor his fellow-originalists were present at the convention. I doubt that any of them has ever participated in a constitutional convention at all.

I have participated in a constitutional convention and I know that there are only two intents of the convention:

First, the delegates want to produce a document that the majority of them approve and that the rest will accept, or at least not oppose.

Second, the delegates want to produce a document that the ratifying body — elected members of the federal ratification conventions in 1787, and the voters of Illinois in 1970 — will approve.

All of the substantive issues are secondary. They are all subject to compromise in order to achieve those two “intents.” Indeed, if the delegates do not compromise, the two intents are profoundly unattainable.

Let’s look at the parallels between the Founding Fathers’ efforts in 1787 and those in Illinois in 1970. The best source of the federal delegates’ intent in 1787 is probably James Madison’s letter to Thomas Jefferson, then our Ambassador to France. On Oct. 24, 1787, Madison, a key figure at the convention that had adjourned a month earlier, sent a copy of the constitution to his mentor. His accompanying letter described the debates over the “four great objects” of the convention (Madison’s papers, 10:207-15).