

Premise: *The Founders designed a government to maintain their status and build on their prospects for wealth and status.*

- ⇒ Emphasis in the document is on strength, efficiency, and social control in government
- ⇒ Contributors were generally rich with significant assets
  - ⇒ Exception: Hamilton wasn't, and Madison was probably closer to middle class.
- ⇒ Opponents of the Articles included a large number of former royalists who supported the class system of England
  - ⇒ Exception: Hamilton was born penniless and would likely not have embraced any class system that would have blocked social mobility; he was not particularly wealthy.
- ⇒ Traders, financiers, and manufacturers who didn't like the Articles wanted a system that would better serve their interests.
  - ⇒ Specific complaints:
    - ⇒ Holders of government securities didn't like that they weren't earning interest.
    - ⇒ Owners of western lands wanted greater order on frontier.
    - ⇒ Traders want stop to interference with interstate commerce.
    - ⇒ Creditors held concerns about the intentional inflation pursued by some states.
- ⇒ Hamilton proposed at the Annapolis Convention in 1786 (which was convened to discuss tariffs) that there be a meeting in Philadelphia for May 1787 to revise the Articles of Confederation (but his real goal was to throw the Articles out and didn't want to signal his intent)
  - ⇒ He and the other constitutionalists feared that majority rule within the states would lead to oppression of minority interests (especially their property interests)
  - ⇒ They sought to balance the fear of despotism with their fear of the "onslaught of the majority"
  - ⇒ The delegates were chosen by the state legislatures – they were generally the representatives of elite interests and radicals were not invited.
- ⇒ In the Constitution itself, there was a great deal of discussion of property requirements for voting – it never made it in only because there was not agreement on the details and there was an understanding that it would never be ratified
 

*Note: most discussion on property requirements focused on requirements for elected officials, not the voters*

  - ⇒ Instead other methods were invented to foil the popular will:
    - ⇒ Checks and balances were created
    - ⇒ Senate was seen as a bastion of elite rights
    - ⇒ The judiciary was not elected
    - ⇒ Article I, Section 10
      - ⇒ "No state shall coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts (or pass laws) impairing the obligation of contracts.
    - ⇒ The Federalist Papers contain much language that complains of "a fickle and foolish" public.
      - ⇒ But with these views, how then to get it passed?
        - ⇒ The state legislatures would not diminish their own power (under the Articles, all 13 would have to agree), so delegates were directly elected by the voters and only 9 out of 13 states have to agree.
- ⇒ Meanwhile, the anti-Constitutionalists . . .
  - ⇒ Their emphasis is on popular will and personal liberty
  - ⇒ Their adherents were generally not rich
  - ⇒ Perception: A government is best when it governs least with occasional discord; prevents government tyranny.

Premise: *The Founders profit-margin motivation encouraged them to create a framework to accommodate the continuation of slavery.*

- ⇒ The Northerners were duped into embedding slavery protections by Southern states (specifically Charles Pinckney from South Carolina) which threatened to walk away from the convention without such agreements.
  - ⇒ Madison's notes on 23<sup>rd</sup> July 1787 that Charles Pinckney states: "[He] reminded the convention that if the committee should fail to insert some security to the Southern states against emancipation of slaves, and taxes on exports, he should be bound by duty to his state to vote against their report."
    - ⇒ Critics maintain that no one state (or group of states) would have lasted long outside of the trade and military protection of the US and any threats were hollow. *However, Professor Gordon Lloyd of Pepperdine University maintains that confidence that the South was bluffing is naive in that errant states could have easily have found allies in Spain, France, or England who wanted to maintain a presence in the region.*
- ⇒ 3/5<sup>th</sup> compromise (Article I, Section I, Clause 3) rewards the Southern states for slavery by expanding their number of representatives in the House.
  - ⇒ *Note: the 3/5<sup>th</sup> compromise was intended more as an incentive for the Carolinas and Georgia to support Madison's vision of a non-state-based Senate; it was proposed by a slavery opponent from Pennsylvania. The 3/5<sup>th</sup> number came from a failed proposal (in 1783) under the Articles of Confederation that a state's wealth be taxed in such a way that slaves be counted for 3/5<sup>th</sup> their value*
- ⇒ Importation clause (Article 1, Section 9, Clause 1) "The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year 1808, but a tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person"
  - ⇒ Originally this was set at 1800 with the blessing of large slave states like Virginia, but smaller states like S.Carolina, N. Carolina and Georgia objected and pushed to make it 1808.
  - ⇒ Madison notes that "twenty years will produce all the mischief that can be apprehended from the liberty to import slaves" The matter passes 7-4 on 25<sup>th</sup> August 1787
- ⇒ Eli Whitney patents cotton gin in 1794,
  - ⇒ Slavery was not economically beneficial prior to this.
  - ⇒ Cotton Gin expands the cotton trade from 180,000 tons in 1793 to 6 million tons in 1795. By 1810 the South will produce 93 million pounds. From 1790 to 1808 the Southern states will import 80,000 slaves.
- ⇒ Fugitive Slave Clause (Article 4, Section 2, Clause 3)
  - ⇒ Obligates the Northern states to extradite escaped slaves back to the South. The laws of one state, the clause says, cannot excuse a person from "service or labor" in another state.
    - ⇒ Ambiguities: slavery is never expressly mentioned in the Constitution. Madison (owned slaves) noted that he "thought it wrong to admit in the Constitution the idea that there could be property in men" (25<sup>th</sup> August 1787); Jefferson and Washington expressed repugnance at the practice of slavery and both freed most of their slaves on their deaths.
    - ⇒ Jefferson's original draft of the Declaration of Independence...
      - ⇒ condemned the King for introducing slaves to the colonies; but language was removed by the Continental Congress.
      - ⇒ Jefferson's "...life, liberty and the pursuit of happiness" was originally drafted as "...life, liberty and property."
- ⇒ While importation of slaves was banned 1<sup>st</sup> January 1808, the domestic slave trade continued.

Premise: ***The founding fathers were "...not only revolutionaries, but they were also democrats."***

- ⇒ Historians have evolved their analysis of the founding fathers from brilliant selfless heroes (possibly inspired by the divine) to self-interested capitalists.
  - ⇒ The truth is that they were skilled politicians committed to working within a democratic-republic framework.
  - ⇒ The Constitutional Convention should not be seen as a capitalist conspiracy but a nationalist reform caucus seeking popular approval.
- ⇒ Roche (historian) believes that there is one fundamental truth about the founding fathers: they were superb democratic politicians.
  - ⇒ Roche believes that historians have made the Convention appear as a counter-revolutionary junta [state of emergency] and the Constitution as a sudden overthrow of government by a small group of people.
  - ⇒ The framers were political men, dedicated to working within a democratic framework.  
"...the time has come, to borrow *Walton Hamilton's fine phrase, to raise the framers from immortality to mortality, to give them credit for their magnificent demonstration of the art of democratic politics. The point must be reemphasized: they made history and did it within the limits of consensus.*"
  - ⇒ If the founding fathers were "plotting" anything it was to establish a more centralized government than what existed under the Articles of Confederation.
  - ⇒ Argues that the goals of the framers were "subversive" but could only have succeeded if the people of the United States endorsed it by standardized procedures.
  - ⇒ The challenge to the founders: how to convince the states to weaken themselves.
    - ⇒ These men were driven by a variety of interests, but were willing to compromise most interests on behalf of an emerging ideal.
  - ⇒ Constitutionalists had a continental perspective while their opponents' perspective had only a state perspective. (Hence not as much concern for foreign policy, national prestige; result: Constitutionalists were able to use budding nationalism). Other advantages:
    - ⇒ George Washington, invariably well-regarded for character and leadership, keep political adversaries on the defensive while encouraging American nationalism.
    - ⇒ While the founders were (mostly) ideologically consistent on the need for a stronger central government, they disagreed on structural reforms. (How much power, where?)
  - ⇒ Federalist papers make the Constitution appear to be an intellectually cohesive document – this hides the compromises that make up the document.
    - ⇒ Best example is federalism where Madison's 'Virginia Plan' essentially cut the federal government completely from the states by allowing the federal legislature to negate almost all acts of state legislatures, but the founders need to bring a package back home that they can sell; small states objected to the possibility of getting squashed.
      - ⇒ Madison had the votes to pass the Virginia plan but to do so would have meant that the document would never get ratified.
    - ⇒ Many of the compromises that occurred were based not on political philosophy but on pragmatic political realities – representation, Electoral College votes, federalism, etc.

'An Economic Interpretation of the Constitution of the United States' is a 1913 book by American historian Charles Beard.

It argues that the structure of the Constitution was motivated primarily by the personal financial interests of the Founding Fathers. More specifically, Beard contends that the Constitutional Convention was attended by, and the Constitution was therefore written by, a "cohesive" elite seeking to protect its personal property (especially bonds) and economic standing.

Beard examined the occupations and property holdings of the members of the convention, demonstrating the degree to which each stood to benefit from various Constitutional provisions.

- ⇒ Beard pointed out, for example, that George Washington was the wealthiest landowner in the country, and had provided significant funding towards the Revolution. Beard traces the Constitutional guarantee that the newly formed nation would pay its debts to the desire of Washington and other lenders to be reimbursed.

Beard held three major points in his work:

1. The Constitution was written by an unrepresentative propertied elite
2. Their motive was economic – to protect their land and investments.
3. They structured government in such a way as to facilitate elite's control of the system.

These aforementioned three points are evidenced by these following four checks on the powers of the people:

1. Senate chosen indirectly – by the state legislatures, thereby more likely to be elites; the Senate could then block any "dangerous" legislation passed by the House (chosen by the people)
2. Electoral College – composed of elites would were to use their own "superior" judgment to select a president—not follow public opinion, increasing the odds of a member of the elite to be selected or someone who at least favored the elite
3. President's veto – if Congress did anything "rash" the president could veto it, thus "saving" the elites from dangerous legislation.
4. Life terms for the Supreme Court – very undemocratic and elitist. Their power of judicial review allows them to rule as unconstitutional any government law or practice which threatens elite interests.

### Differing Interpretations of the Constitution, According to Charles Beard (and others)

Carl Becker (historian) formulated the Progressive interpretation of the American Revolution.

- ⇒ He argues there were two revolutions: one against Britain to obtain home rule, and the other to determine who should rule at home. Beard extended Becker's thesis in terms of class conflict.
- ⇒ To Beard, the Constitution was a counter-revolution, set up by rich bond holders in opposition to the farmers and planters.
- ⇒ The Constitution, Beard argued, was designed to reverse the radical democratic tendencies unleashed by the Revolution among the common people, especially farmers and debtors.
- ⇒ In 1800, said Beard, the farmers and debtors, led by plantation slave owners, overthrew capitalists and established Jeffersonian democracy. Other historians supported the class-conflict interpretation noting the states confiscated great semi-feudal landholdings of Loyalists and gave them out in small parcels to ordinary farmers.
  - ⇒ Conservatives such as President Taft were shocked at the Progressive interpretation because it seemed to belittle the Constitution.

In the mid-1950s, economic historians challenged the Progressive interpretation.

- ⇒ Beard, they critiqued, had misinterpreted the economic interests involved in writing the Constitution.
- ⇒ Instead of two interests – landed and mercantile/economic – which conflicted, they asserted that there were three dozen identifiable interests that forced the delegates to bargain.