

THE NATIONALISTS AND THE CONSTITUTION:

CONSERVATORS OR CONSPIRATORS

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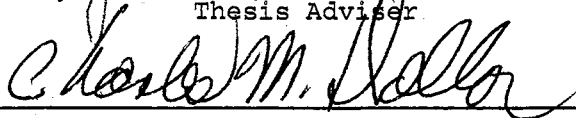
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## PREFACE

A heated debate among American historians has developed in the twentieth century over the motives behind the establishment of the Constitution. Two schools of historiography have emerged with contrasting viewpoints, each containing new insights into an old problem. In my historiographical essay, I explore the idea of a nationalist conspiracy as a possible motive for the birth of the Constitution. The major activities of the nationalists during the decade of the 1780's are examined to see if, in fact, the nationalists formed an interstate coalition and were guilty of conspiring to overthrow the Articles of Confederation.

The author wishes to express his most sincere appreciation to Dr. H. James Henderson for his inspiration of this study and guidance in the preparation of the thesis. I would like also to thank Dr. Theodore L. Agnew for his helpful comments and criticisms. Finally, special gratitude is expressed to my wife, Carolyn, for her encouragement and assistance throughout this study.

TABLE OF CONTENTS

Chapter	Page
I. INTRODUCTION . . . . .	1
II. THE PROGRESSIVE PERSUASION AND THE FIRST NATIONALIST THRUST . . . . .	10
III. THE NEO-CONSERVATIVE REBUTTAL AND THE SECOND NATION- ALIST THRUST . . . . .	34
IV. CONCLUSIONS . . . . .	68
SELECTED BIBLIOGRAPHY . . . . .	83

## CHAPTER I

### INTRODUCTION

When the thirteen colonies declared their independence in 1776, American political leaders immediately clashed over how to distribute power effectively between central and local authority. They realized that "in every government there must be a supreme, absolute authority lodged somewhere,"<sup>1</sup> but not all could agree upon the proper form that their new government should adopt. While some believed that the act of revolution had by necessity created one whole nation, most insisted that the new states should operate within the context of a loose confederacy and should be semi-independent from one another. Between 1776 and 1789 this dualism in American political thought divided Americans into two large, amorphous groups.<sup>2</sup>

The nationalists or centralists, who later adopted the name of Federalists for strategic purposes, were dedicated to the idea of a supreme national government which would limit the activities of the state governments to purely local affairs. Alexander Hamilton best expressed the feeling when he wrote that "the Confederation should

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<sup>1</sup>Samuel Seabury, "A View of the Controversy Between Great Britain and Her Colonies," quoted in Alpheus Thomas Mason, The States Rights Debate: Antifederalists and the Constitution (Englewood Cliffs, N. J., 1964 ["with selected documents"]), p. 18.

<sup>2</sup>Merrill Jensen, The New Nation (New York, 1950), p. 425; William P. Murphy, The Triumph of Nationalism (Chicago, 1967), p. 18; Mason, pp. 8-9.

give Congress complete sovereignty, except as to that part of internal police which relates to the rights of property and life among individuals, and to raising money by internal taxes."<sup>3</sup> These men of "continental vision" such as Alexander Hamilton, Robert Morris, James Madison, James Wilson, Gouverneur Morris and George Washington abhorred the principle of state sovereignty, and they hoped to curtail this natural impulse of the Revolutionary movement. They believed that "no boundary could be drawn between the National and State Legislatures; that the former must therefore have indefinite authority."<sup>4</sup> The nationalists, especially Hamilton, placed loyalty to the nation as a whole far above attachments to individual states. As Hamilton phrased it in his series "The Continentalist,"

there is something noble and magnificent in the perspective of a great Faederal Republic, closely linked in the pursuit of a common interest, tranquil and prosperous at home, respectable abroad; but there is something proportionably diminutive in the prospect of a number of petty states, with the appearance only of union, jarring, jealous and perverse. . . .<sup>5</sup>

Not trusting leagues or confederacies, the nationalists preferred the idea of a consolidated government.

In contrast, the anti-nationalists or republicans, who were later branded quite unfairly by the Federalists or nationalists as

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<sup>3</sup>Alexander Hamilton to James Duane, September 3, 1780, in Harold C. Syrett and Jacob E. Cooke, eds., The Papers of Alexander Hamilton (New York, 1961- ), II, pp. 407-408.

<sup>4</sup>Max Farrand, ed., The Records of the Federal Convention of 1787 (New Haven, 1911-1937), I, p. 323.

<sup>5</sup>"The Continentalist," July 4, 1782, in Syrett and Cook, III, p. 106.

anti-Federalists,<sup>6</sup> believed in a league of states with a weak central government. Fearful that "power of all kinds has an irresistible propensity to increase a desire for itself," anti-nationalists wished "that the power of Congress be accurately defined and that an adequate check be provided to prevent any excess."<sup>7</sup> At first, the anti-nationalists had the weight of logic on their side, and they assailed the nationalists with difficult questions. How could a strong central government be justified when a war was being fought against Britain to eliminate a tyrannical central authority? Why should an individual free himself from one central government overseas only to be enslaved by another many miles away? Led by such revolutionary leaders as Samuel Adams, Patrick Henry, Richard Henry Lee, George Clinton, and Thomas Burke,<sup>8</sup> they desired a compact to be established in which "Congress should have power enough to call out and apply the common strength for the common defense, but not for the partial purposes of ambition."<sup>9</sup> The anti-nationalists were not opposed to the idea of a

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<sup>6</sup>Jackson T. Main, The Antifederalists (Chapel Hill, 1961), pp. xi-xv. Agreeing with Professor Main's contention that the Antifederalists were not mere obstructionists but did have a positive program of their own, I shall refer to the opponents of the Federalists as Antifederalists rather than as anti-Federalists.

<sup>7</sup>Thomas Burke to the Governor of North Carolina, March 11, 1777, in Edmund C. Burnett, ed., Letters of Members of the Continental Congress (Washington, D. C., 1921-1936), II, p. 294.

<sup>8</sup>Elisha P. Douglass, "Thomas Burke, Disillusioned Democrat," The North Carolina Historical Review, XXVI (April, 1949), p. 150, p. 173. Douglass points out that Burke was soon to desert the states' rights cause in favor of a national tariff and that "he led the fight for centralized authority in the Continental Congress in 1780."

<sup>9</sup>Thomas Burke to the Governor of North Carolina, April 29, 1777, in Burnett, II, p. 346.



nation, as their opponents often charged. However, they were opposed to any central government so organized as to thwart republican ideals and be less responsive to the needs of the people. As anti-nationalist delegates from Massachusetts pointed out to their state legislature,

we are for increasing the power of Congress as far as it will promote the Happiness of the people, but at the same Time are clearly of the Opinion that every Measure should be avoided which would strengthen the Hands of the Enemies to a free Government.<sup>10</sup>

Whereas their adversaries favored a strong and energetic nation at the expense of republicanism, anti-nationalists believed "fiercely in republicanism and but secondarily in the nation."<sup>11</sup>

In addition to waging a war against Great Britain, Americans had to solve an internal dispute of the greatest significance. Benjamin Rush captured the prevailing mood in the new nation when he observed that

the time is now past when the least danger is to be apprehended to our liberties from Britain, the arts of commissioners or the machinations of tories. Tyranny<sup>12</sup> can now enter our country only in the shape of a whig.

Between 1776 and 1789, a serious conflict characterized by extensive pamphleteering, bitter debates within Congress, unprincipled abuses of power by state legislatures and even nationalist intrigue swept over the country, leaving many conflicting opinions not only among

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<sup>10</sup>Massachusetts Congressmen to the State legislature, September 3, 1785, *Ibid.*, VIII, p. 209.

<sup>11</sup>Forrest McDonald, E Pluribus Unum (Boston, 1965), p. 2.

<sup>12</sup>Benjamin Rush to William Gordon, December 10, 1778, quoted in Gordon S. Wood, The Creation of the American Republic (Chapel Hill, 1969), p. 396.

the principal actors involved but also among the large number of historians who have written about the men and the events of this period. Both sides would enjoy the fruits of victory and suffer serious reversals, but the final Federalist victory in 1789 would endure the test of time.

The first clash between nationalists and anti-nationalists occurred in the debates of the second Continental Congress over the nationalist-inspired Dickinson draft. In July, 1776, Congress had appointed a drafting committee headed by John Dickinson to the task of forming a plan of government. Dickinson's proposal placed the balance of power with the central government. "The Dickinson draft, while by no means as explicit as the Constitution of 1787, made the constitution of the central government the standard by which the rights, powers, and duties of the states were to be measured."<sup>13</sup> However, at this point in the Revolution the nationalists were only a minority in Congress, and the Dickinson draft encountered firm opposition from the anti-nationalists. After much debate, primarily between James Wilson and Thomas Burke, the anti-nationalists easily defeated the nationalist measure in April, 1777. The anti-nationalists amended the Dickinson draft into the Articles of Confederation and submitted their proposal to the states for approval. In the Articles, the interests of the states were preserved and protected against any possible oppressive central authority.

In 1781 it appeared as though the anti-nationalists had won the internal contest. As a result of Maryland's ratification, the

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<sup>13</sup>Merrill Jensen, The Articles of Confederation (Madison, 1940), p. 130.

first American constitution, the Articles of Confederation, became a reality. Although Congress had the power to make war or peace, to make treaties and alliances, to settle interstate disputes and to borrow money, the real power belonged to the states. Congress could make requisitions and could request payment from the states, but it could not directly tax the states. Without any power to enforce taxation, Congress could only hope that the states would submit their allotments on a regular basis. Indeed, the anti-nationalists could rejoice at their accomplishment because they believed that in creating the new government they had stayed within the bounds of the "spirit of 1776."

Yet in the years following 1781 the nationalists made tremendous gains which finally enabled them to effect a peaceful coup d'etat in 1787. Although it hardly seemed so in 1781, the Articles proved to be disastrous to the anti-nationalists and a blessing to the nationalists. As Merrill Jensen pointed out in his book, The Articles of Confederation, "the radical organization which had brought about the Revolution disintegrated with success, for the radicals had won their real goal, local self-government."<sup>14</sup> In much the same manner as Jensen, William Murphy stated that after 1781 the anti-nationalists "devoted their energies to local matters rather than to Congress and failed to maintain the organization which had brought about their triumph."<sup>15</sup>

After the nationalists had lost the debate on the Dickinson

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<sup>14</sup>Ibid., p. 240.

<sup>15</sup>Murphy, p. 31.

draft and the Articles had become established, they had a single goal and a common cause which they steadily pursued during the uncertain first years of the Confederation.

They too could call conventions [wrote Jensen]. They too could paint dark pictures of the times and blame the supposed woes of the country on the Articles of Confederation, as the radicals had blamed the British government before 1776.<sup>16</sup>

During the 1780's the nationalists attempted to strengthen Congress through constitutional amendments, but each attempt failed just as it appeared to be on the brink of success. Some were desperate enough to hope to link the Army to their cause, but that dark and mysterious conspiracy quickly foundered. After attempting to achieve change through the constitutional framework, a few bold men initiated a counterrevolution that succeeded in replacing the original constitution with a more conservative document. The actions of the nationalists during the Confederation period kindled one of the most important debates in American historiography.

After ratification, men of both the Federalist and the Antifederalist persuasion accepted the Constitution in good faith and decided to work within that framework.<sup>17</sup> It is true, of course, that the valuable addition of the Bill of Rights did much to appease the opponents of the Constitution and to prevent possible repercussions. The problem in the 1790's became how to interpret the inherent and implied powers of the Constitution rather than how to alter drasti-

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<sup>16</sup>Jensen, Articles of Confederation, p. 245.

<sup>17</sup>James Madison, "A Candid State of Parties," September 26, 1792, in Gaillard Hunt, ed., The Writings of James Madison (New York, 1901-1906), VI, p. 113.

cally the existing document as had been the case in the crisis of 1787. Therefore, it is not surprising that few historians criticized nationalist tactics for nearly one hundred and twenty years after the adoption of the Constitution. After all, historians were only following what they considered to be the evidence of the period--that being primarily the correspondence of the Federalists.<sup>18</sup> Unfortunately, they chose to ignore the Antifederalist position. Forrest McDonald, a twentieth-century historian of the Constitutional period, has pointed out that "as a general rule the verdict of history has been the view held by the winner."<sup>19</sup> The "Nationalist" historians of the nineteenth century accepted the dictates of this general rule. More recently historians have seriously questioned the motives behind the framing of the Constitution.

To begin a study of interpretations of the Constitution, one may choose among the findings of the "Nationalist" school, the "Progressive" school, the "Neo-Conservative" school, and several historians who simply cannot be classified under any one heading. In examining the twentieth-century accounts, one discovers that some historians have used the idea of a nationalist conspiracy to describe the efforts of the founding fathers in attempting to secure a strong central government. By conspiracy, it is meant that through secret

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<sup>18</sup> Murphy, pp. 41-42: "The success of the campaign [of 1787] is demonstrated by the fact that nationalist ex parte writings--an inseparable blend of factual reporting and political propaganda--have been widely accepted by succeeding generations of Americans as good and true history."

<sup>19</sup> Forrest McDonald, "The Anti-Federalists, 1781-1789," The Wisconsin Magazine of History, XLVI (Spring, 1963), p. 214.

arrangements and agreements the nationalists banded together to overthrow the legally existent Articles of Confederation. Of course, the notion of a nationalist conspiracy is only one alternative, and frequently the question of conspiracy must be couched in broader considerations of the movement toward the Constitution. However, in this essay, the examination will be limited to the actions of the nationalist leadership in the context of a possible conspiracy. Was there a true conspiracy on the part of a small but influential elite to replace the Articles when in actuality the Articles would have sufficed, or were there truly giants in the land who possessed the political sagacity to strive for a new government capable of rescuing the country from impending disaster? It is my contention that the nationalists only acted as conservatives when they worked to replace the Articles, and by so doing established responsible government on the deathbed of an extreme kind of egalitarian democracy. Only a critical analysis of the strengths and shortcomings of the three major schools in the context of the two broad nationalist movements of the 1780's can provide a suitable framework for a question which will undoubtedly be a subject of debate as long as there are American historians.

## CHAPTER II

### THE PROGRESSIVE PERSUASION AND THE FIRST NATIONALIST THRUST

For the most part historians, like the two groups of colonial Americans, have taken opposite views on the Confederation period and the necessity for the Constitution. On one side, George Bancroft and John Fiske believed that the new nation was falling apart because of the lack of a strong central government.<sup>1</sup> They leaned heavily upon the argument that national honor and prestige could only be maintained through a sturdy central government. Therefore, they believed that the Constitution was quite necessary to the future success of the United States, and they failed to consider any kind of nationalist conspiracy during the Confederation period. To Bancroft and Fiske, the nationalists were what some contemporary admirers of the founding fathers considered them to be--demigods who cast aside their self-interest in favor of creating a government which would be beneficial to all Americans. It was only through the efforts and political insight of these impressive statesmen that America was saved from anarchy and economic chaos. As Bancroft so dramatically summed up the unsteady times of the Confederation period in his monumental work,

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<sup>1</sup>George Bancroft, History of the Formation of the Constitution of the United States of America (New York, 1882), I, pp. 262-266; John Fiske, The Critical Period of American History, 1783-1789 (New York, 1888), pp. 98-100.

"no ray of hope remained"<sup>2</sup> save the Philadelphia Convention.

During the nineteenth century, this traditional view of the Confederation period dominated American interpretation of the origins of the Constitution. Unfortunately, Bancroft's history was not free from the influence of the period in which he wrote. The United States had just been through the devastating effects of the Civil War, and the Bancroft thesis satisfied the need for unification. There was never any doubt that the intentions of the framers of the Constitution had been anything less than honorable. However, this view was to change drastically with the appearance of the "revisionist" or "Progressive" school of historians. Patriotism was replaced by special class interests.

"Revisionist" historians J. Allen Smith, A. M. Simons, Charles Beard, Vernon L. Parrington, Louis M. Hacker, Merrill Jensen and Jackson T. Main did not look upon the founding fathers and the drive for the Constitution in a favorable light. They believed that the Constitution was a thorough repudiation of the Revolution and the Articles of Confederation and that it represented a conservative victory.<sup>3</sup> To these historians, the nationalists were most definitely engaged in a conspiracy to supplant democratic ideals.

Armed with the belief that the Articles best expressed the politi-

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<sup>2</sup>Bancroft, I, p. 266.

<sup>3</sup>J. Allen Smith, The Spirit of American Government (New York, 1907), pp. 22-38; A. M. Simons, Social Forces in American History (New York, 1912), pp. 82-92; Charles Beard, An Economic Interpretation of the Constitution of the United States (New York, 1913), pp. 52-64; Vernon L. Parrington, Main Currents in American Thought (New York, 1930), I, pp. 273-279; Louis M. Hacker, The Triumph of American Capitalism (New York, 1940), pp. 178-185; Jensen, New Nation, pp. 422-428; Main, Antifederalists, p. 17.



cal philosophy of the Revolution, J. Allen Smith, author of The Spirit of American Government, challenged the traditional view. Under the Articles, the colonists had discarded the British imperial system of checks and balances in favor of legislative supremacy. In the framing of the Constitution checks and balances were once again installed into the framework of government. Smith argued that democracy in the form of legislative majorities was stifled by the efforts of the founding fathers at Philadelphia because the Constitution was a political reaction on behalf of the wealthy and conservative members of society.<sup>4</sup>

Only a few years later, A. M. Simons, following Smith's approach, accused the founding fathers of a "secret conspiratory coup d'etat such as most historians congratulate America on having escaped."<sup>5</sup> To Simons, commercial interests played the largest part in the formation of the new government, and the struggle centered primarily on the industrial and mercantile creditors on the coast versus the farmer debtors of the interior.

If Smith and Simons startled the Nationalist historians out of their lethargy, it was Charles Beard who really shook the very foundations upon which Bancroft and Fiske had based their work. To Beard, the economic nationalism of the founding fathers logically led to political nationalism. Beard put forth the idea that "the founding fathers made up a small militant interest group whose interests knew no state boundaries and were truly national in their scope."<sup>6</sup> Believ-

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<sup>4</sup>Smith, p. 28.

<sup>5</sup>Simons, p. 92.

<sup>6</sup>Beard, p. 325.

ing that the Constitution did not truly represent the wishes of the people, Beard stressed the economic considerations that incited the nationalists to conspire for a centralized government. Not only would some be able to get benefits from the new government through their holdings of public securities, but they would also be assured of completely smothering the levelling tendencies of some of the state legislatures which had hurt the conservative cause after the Revolution. To Beard, the Confederation period exhibited a tremendous class conflict between a wealthy class of creditors and a class of small farmers who opposed the nationalist thrust. Beard concluded that "the Constitution was an economic document drawn with superb skill by men whose property interests were at stake; and as such it appealed directly and unerringly to identical interests in the country at large."<sup>7</sup> Thus, almost overnight, the Olympian statesmen had been reduced to selfish profiteers.

The approach taken by members of the Progressive school received great stimulation in 1926 from the appearance of John Franklin Jameson's influential book on the American Revolution. In The American Revolution Considered as a Social Movement Jameson, like Beard, expanded the historical quest into new and fertile areas because he believed that "it was vain to think of the Revolution as solely a series of political or military events."<sup>8</sup> Jameson stressed the social consequences of the Revolution as they applied to the status of persons,

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<sup>7</sup> Ibid., p. 188.

<sup>8</sup> J. Franklin Jameson, The American Revolution Considered as a Social Movement (Princeton, 1926), p. 26.

land, commerce and industry, and thought and feeling. He concluded that the nationalists drew their greatest support from the commercial classes in the struggle to strengthen the central government during the 1780's.<sup>9</sup> The "Beard thesis" thus appeared to be justified and sound, and historians could not even consider the campaign for the Constitution without complete knowledge of Charles Beard's landmark in American historiography.

Beard's influence was tremendous, and several historians made good use of the Beardian approach in their work. To Vernon Parrington, the adoption of the Constitution impeded the advance of democracy in America. He maintained that the Constitution allowed an aristocratic minority to hold the reins of power at the expense of the majority of the people. "Although the new Constitution professed to rest on the sovereignty of the people, the men who framed it refused to interpret the term, sovereignty of the people, in an equalitarian sense,"<sup>10</sup> wrote Parrington. In the minds of the founding fathers, the dangerous levelling spirit of democracy was curbed by orderly and responsible government. The efforts and energies of the common man to secure the democratic promise of the Revolution were subverted by a small but wealthy interest group. Continuing in the same vein, Fred Rodell described the Constitution as "a threat to the liberty so hard-won and so recently won from England."<sup>11</sup> Other historians were soon to join the Progressive persuasion. Louis M. Hacker in his book The Triumph of

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<sup>9</sup> Ibid., p. 71.

<sup>10</sup> Parrington, I, p. 283.

<sup>11</sup> Fred Rodell, Fifty-five Men (New York, 1936), p. 198.

American Capitalism attacked the traditional Nationalist argument that the young nation was falling into economic chaos after the war with Britain. To Hacker, the breakdown in the economic system was due to an overextension on the part of the merchants rather than to defects in the Articles.<sup>12</sup> Also, Robert East refuted the "critical period" idea by saying that the deplorable economic state frequently attributed to the Confederation period simply did not exist.<sup>13</sup> Hacker believed that during the period leading up to the Constitution a conflict took place between men with large property interests and radicals, with the result being that the conservatives took advantage of the agitation and temporary recession "to entrench themselves once and for all in the seats of government."<sup>14</sup>

Recently the two chief disciples of Beard have been Merrill Jensen and Jackson T. Main. Both historians believed that the Articles of Confederation were a direct expression of the political heritage of the Revolution. Like Beard, Jensen saw the struggle over the Constitution in terms of a polarized conflict between conservatives and radicals. However, unlike Beard, who accepted the traditional view that the Confederation was indeed a critical period, Jensen argued that

the "critical period" idea was the result of an uncritical acceptance of the arguments of a victorious party in a long political battle, of a failure to face the

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<sup>12</sup>Hacker, p. 178.

<sup>13</sup>Robert A. East, Business Enterprise in the American Revolutionary Era (New York, 1938), p. 238.

<sup>14</sup>Hacker, p. 178.

fact that partisan propoganda is not history but only historical evidence.<sup>15</sup>

It is in this area of stressing the worth and value of the Confederation period that Jensen has been most persuasive. For instance, three land ordinances were passed which determined the basic policies for expansion into the West. Also, a permanent staff of government employees, a bureaucracy, was firmly established during this period. Perhaps most important of all, the Articles provided a foundation upon which to build a more stable and effective central government which could meet the demands of the new and expanding nation. But Jensen's contention was that this stronger government could have been a revitalized Articles of Confederation rather than the new form proposed in 1787.

In a book most sympathetic toward the plight of the Antifederalists, Jackson T. Main has recently expressed the view that the Antifederalists were the true representatives of the American people. He argued that "although the Antifederalist position was employed to mask special interests, it was fundamentally anti-aristocratic and therefore peculiarly congenial to those who were tending toward democracy."<sup>16</sup> The primary Antifederalist concern throughout the 1780's was to guard against excessive consolidation in the central government which they believed would lead to aristocratic tyranny. Antifederalists were convinced that "the state governments will always possess a better representation of the feelings and interests

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<sup>15</sup>Jensen, New Nation, p. 422.

<sup>16</sup>Main, Antifederalists, p. 281.

of the people at large" and that the power of the people "can be deposited with much greater safety with the state than the general government."<sup>17</sup> Throughout his book, Main put forth the notion that the Antifederalists were maneuvered out of favor and power by a dynamic core of nationalists engaged in a conspiracy. Main agrees with Jensen that

in the name of the people they [the nationalists] engineered a conservative counterrevolution and erected a nationalistic government whose purpose in part was to thwart the will of "the people" in whose name they acted.<sup>18</sup>

Although it is true that the Progressive historians have been recently out of favor, they nevertheless made many valuable contributions to the study of the Constitution. To the Nationalist historians, the Confederation government was not only weak and contemptible--it could hardly be termed government at all. Andrew McLaughlin characterized it best as "a general system which was creaking in every joint and beginning to hobble at every step."<sup>19</sup> The Progressive historians, especially Jensen, have been able to correct this old view considerably and have been able to prove that the Confederation period merits as much approval as any other period in American history. To Jensen, "the story is one of a newly free people who seized upon every means to improve and enrich themselves in a nation they believed

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<sup>17</sup> Jonathan Elliot, ed., The Debates in the Several State Conventions on the Adoption of the Federal Constitution (Philadelphia, 1907), II, p. 217.

<sup>18</sup> Jensen, Articles of Confederation, p. 245.

<sup>19</sup> Andrew C. McLaughlin, A Constitutional History of the United States (New York, 1935), p. 137.

had a golden destiny."<sup>20</sup> Also, by introducing the idea of economic profit into the drive for the Constitution, the Progressives transformed the founding fathers from demigods into men. The Progressives may have been carried away with economic determinism and may have overstated their case, as the Neo-Conservatives<sup>21</sup> have suggested, but at least they did point out an important facet totally ignored by the traditional historians. Perhaps in no other area have the Progressives been so successful as they have been in showing the nationalists in operation during the first of two concerted drives toward a powerful, centralized government.

However, it is interesting to note that the Progressive historians were not the first to point out the significance of the early nationalist thrust. That honor belongs to Abraham Yates, a contemporary critic of the nationalists, who vehemently attacked the operations of Robert Morris and his nationalist-minded associates as being the efforts of an aristocratic elite bent upon destroying the freedom and liberties of the people. Yates accused the nationalists of employing devious tactics

to propagate among the People that the Confederacy was defective, that too much power remained in the hands of the People and the several state legislatures and that Congress was not vested with powers sufficient for their peace or protection.<sup>22</sup>

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<sup>20</sup>Jensen, New Nation, p. 424.

<sup>21</sup>See Chapter III for a more complete explanation of the Neo-Conservative school.

<sup>22</sup>Abraham Yates, "The Yates Manuscript," in Staughton Lynd, Class Conflict, Slavery and the United States Constitution (New York, 1967), p. 227.

Although Yates' arguments were sometimes based upon passion rather than upon evidence, the Leftist historian Staughton Lynd has recently noted that

it was something of an achievement that, writing in the midst of the events with the aid of a few documents beyond the journals of the Continental Congress, Yates approximated so nearly the current textbook picture.<sup>23</sup>

In examining several crucial events during the early period of the Confederation, one discovers how the first nationalist thrust operated under the leadership of Robert Morris and how historians have reacted to it. The Progressive historians have seen the potential for dictatorship in the schemes of the wealthy businessman and international merchant, Robert Morris. Having accumulated a large fortune during the early years of the Revolution, Morris in 1781 turned to the movement to strengthen Congress and through the aid of his many connections "wielded more power in the United States than any man had yet done."<sup>24</sup> Even Neo-Conservative historians have acknowledged the strength and influence of Morris. Distrustful of the influence of private business in republican government,<sup>25</sup> the anti-nationalists attempted to limit the power being amassed by Morris, and they only yielded to his demands when they absolutely had to in order to stimulate the war effort. One of Morris' political enemies lamented that since Morris had assumed his position of Superintendent of Finance "the business of that august body [Congress] has been extremely simpli-

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<sup>23</sup>Ibid., p. 223.

<sup>24</sup>Jensen, New Nation, p. 56.

<sup>25</sup>McDonald, E Pluribus Unum, p. 6.



fied, Mr. Morris having relieved them from all business of deliberation or executive difficulty with which money is in any respect connected.

. . ."<sup>26</sup> Content to allow the end to justify the means, Morris almost singlehandedly directed the government until he resigned from his office in 1784, and only then could the anti-nationalists feel any relief in their struggle to keep the Articles intact.<sup>27</sup>

This early drive failed because the Morris network collapsed at a critical moment, but it set the stage for the spectacular success of the second thrust that was soon to follow under the auspices of Madison and Hamilton in 1787. As E. James Ferguson stated in his neo-Beardian book, The Power of the Purse, the aims and motives of the Morris junto "were similar even in detail to those of the Federalists who later drafted the Constitution and enacted Hamilton's funding program."<sup>28</sup> In both phases, the nationalists not only desired to invest Congress with greater executive control in order to provide a check against what they considered to be excessive legislative power, but they also insisted that Congress rather than the individual states be placed in charge of funding the national debt. As good politicians, the nationalists frequently exaggerated the dangers, both real and imaginary, to the Union, and they never lacked a program to remedy the ills of

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<sup>26</sup> Joseph Reed to General Greene, November [?], 1781, quoted in Jensen, New Nation, p. 60.

<sup>27</sup> Massachusetts Congressmen to the State legislature, September 3, 1785, in Burnett, VIII, p. 208: ". . . plans have been artfully laid, and vigorously pursued, which had they been successful, We think would inevitably have changed our republican Governments into baleful Aristocracies."

<sup>28</sup> E. James Ferguson, The Power of the Purse (Chapel Hill, 1961), p. 109.

the nation.

Even before the Articles had been completely ratified, Alexander Hamilton expressed discontent in 1780 over the weakness and lack of energy in Congress. He urged the immediate call for a convention to correct the deficiencies of Congress because he felt the disorders in the nation were "too violent to admit of a common or lingering remedy."<sup>29</sup> Not only was Hamilton's letter "the first clear-cut, responsible appeal for the kind of convention that met at last in 1787,"<sup>30</sup> but it also foreshadowed the discontent with the Articles that would prompt a cohesive group of nationalists, according to the Progressives, to decide that conditions in the new nation were ripe for a general reform of the government and a coup d'etat to achieve this end if necessary.

In 1781 the Congressional nationalists made a bid for power. The New York nationalist James Duane wrote enthusiastically to Washington that

the day is at length arrived when dangers and distresses have opened the eyes of the people and they perceive the want of a common head to draw forth in some just proportion the resources of the several branches of the federal union.<sup>31</sup>

Since the nationalists hoped to impart greater efficiency to the government of the new nation, especially in conducting the war effort,

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<sup>29</sup>Alexander Hamilton to James Duane, September 3, 1780, in Syrett and Cooke, II, p. 407.

<sup>30</sup>Clinton Rossiter, Alexander Hamilton and the Constitution (New York, 1964), p. 37.

<sup>31</sup>James Duane to George Washington, January 29, 1781, in Burnett, V, p. 551.

they decided that various departments ought to be headed by individuals outside Congress rather than by the standing committees of members of Congress. They carried the issue successfully but did encounter opposition from the outnumbered anti-nationalists in Congress.

Following much the same line of reasoning that they had in the Dickinson draft debates, the anti-nationalists questioned this political move by their opponents on account of their fear of a dictatorship which they believed could have easily resulted. Their experiences with the British ministers and monarch had taught them that power should never be entrusted to a single individual. The fears of the anti-nationalists soon seemed justified when the stress of the war coupled with the ardent support of the nationalist front elevated Robert Morris to unprecedented heights of power.

Throughout the war with Britain, Congress had always had difficulty in paying the Continental Army. The paper-money schemes of Congress in the late 1770's failed miserably, and all available money was continually absorbed in the expense of keeping the soldiers fed and clothed. As a result, the possibility of army insurrections plagued the members of Congress, and they realized that they had to discover a means of obtaining revenue to meet the needs of paying the army. Alexander Hamilton, an aide-de-camp to General Washington at this time, made clear the tenuous nature of relations between the army and Congress when he said that the army is "now a mob" and that "we begin to hate the country for its neglect of us."<sup>32</sup> In desperation,

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<sup>32</sup>Alexander Hamilton to James Duane, September 3, 1780, in Syrett and Cooke, II, p. 406.

Congress appointed Robert Morris as Superintendent of Finance in the expectation that he could perform miracles of financial wizardry. The consequence of this action was a well-organized nationalist thrust that almost succeeded in replacing the basic framework of the Articles of Confederation.

With enormous financial powers at his disposal, Morris decided that an impost would help to strengthen the central government. The impost would allow Congress to levy a duty of 5% on the value of all goods imported into the United States. The only stumbling block for Morris was the rule on amendments under the Articles of Confederation. All the states had to ratify the proposal before the impost could go into effect. To achieve this goal, Robert Morris and the nationalist network tried to persuade the leaders in the states of the necessity of adopting an impost. Eleven of the states, excluding Georgia (which was under British control) and Rhode Island, ratified the impost. In E Pluribus Unum, Forrest McDonald stated that the greedy motives of a group of wealthy speculators from Providence stopped Rhode Island from approving the impost.<sup>33</sup> The Rhode Island incident pointed out a grave defect in the Confederation that the nationalists would capitalize on in later years. The vote of one state had kept the amendment from becoming law, and the nationalists in 1787 bypassed the almost impossible task of amending the Articles by calling for an extra-legal proceeding which would give the opportunity to discard the format of the Articles and to create a strong and effective form of government. At the moment that the group of nationalists in Congress was arguing

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McDonald, E Pluribus Unum, p. 21.

that Congress possessed an "undefined power" to coerce Rhode Island into agreement on the impost, Virginia repealed its ratification. The death of the impost of 1781 was a stunning blow to the nationalists' hope of consolidation. However, the inability of Congress to pay the army provided the nationalists with another chance. Robert Morris, Gouverneur Morris and Alexander Hamilton had a devious plan they hoped to employ. If the army could be linked to the public creditors, then enough momentum might be created to carry through the financial dreams of Robert Morris, and the "necessity and discontents of the army presented themselves as a powerful engine."<sup>34</sup>

Historians have differed in their interpretation of this nationalist surge. The traditional view is that no conspiracy existed between public creditors and the army for the overthrow of the Articles of Confederation. However, Merrill Jensen believed that this was a true conspiracy "to acquire by force what the facts of wartime necessity and endless argument could not achieve."<sup>35</sup> Similarly, Richard H. Kohn has recently concluded that a plot existed. Hamilton, Robert Morris and Gouverneur Morris were the principal actors, and others were involved in varying degrees.<sup>36</sup>

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<sup>34</sup>Alexander Hamilton to George Washington, April 8, 1783, in Syrett and Cooke, III, p. 319. Since 1780, Hamilton had been insisting upon the need to use the army as a tool to strengthen the Congress, which he considered impotent.

<sup>35</sup>Jensen, New Nation, p. 399.

<sup>36</sup>Richard H. Kohn, "The Inside History of the Newburgh Conspiracy: America and the Coup D'Etat," The William and Mary Quarterly, XXVII (April, 1970), p. 193. Kohn points out that the staunch nationalist James Madison "probably knew nothing directly of the manipulations behind the scenes" but did perceive the overall picture.

The nationalist "conspirators" did not succeed in allying the army to their primary purpose, whatever that may have been. They had counted upon Washington's influence, especially after Hamilton's letter to the General described the perils which the nation faced. But, they were sadly disappointed when Washington foiled the plot by delivering a stirring address to the leading officers at Newburgh.<sup>37</sup> Washington's patriotic response came after an anonymous paper had been circulated throughout the camp urging the army to press immediately for a redress of its grievances. With discontent and suffering already at a very high level within the ranks, Washington foresaw the possibility of calamitous civil war. Therefore, he urged the officers to remain patient and to continue to respect the Congress and the Union. While Washington contained the explosive situation at Newburgh, Congress continued to grapple with the meager finances at hand and finally arrived at a solution acceptable to the Continental Army: Congress promised the officers a bonus of five years' pay.

During the first nationalist thrust, Morris marshalled support from two very different pressure groups, a Middle States business alliance and a fraternity of Army officers. Throughout the early years of the Revolution, Robert Morris had formed many economic coalitions which transcended state boundaries. He had business partner-

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<sup>37</sup> Jensen, New Nation, p. 71. Richard Kohn (pp. 201-203) disagrees with Jensen over what the nationalists expected from Washington, and he believes that Hamilton's letter to Washington (February 13, 1783) served as a tip-off. Convinced that Washington would never incite rebellion in the ranks on his own, the nationalists realized they would have to depend on his rivals in order to set off the mutiny. However, once it had started, the nationalists desired that Washington be well informed so that he could control the level of rebellion.

ships with prominent merchants in almost every major city, and through his untiring efforts, he had made the public creditors in the Middle States effective agitators for a strong central government. As Superintendent of Finance, Morris had been given the power to establish the Bank of North America, and he had been most successful in linking his business partners and other men of wealth to the Bank. As the focal point of the Morris network, the Bank helped to tie the interstate coalitions of merchants more closely together. Morris believed that the interests of commerce and industry could best be served on a national basis rather than within the confines of each individual state. By investing in the Bank of North America, merchants were investing in the future success of the Union.

In addition to the business coalition, General Knox in 1783 had founded "an informed, influential and durable pressure group interested both emotionally and financially in strengthening the Union."<sup>38</sup> Composed of ex-officers of the Continental line, the Society of the Cincinnati possessed the potential of becoming a dangerous threat to civilian rule in the United States. This elitist society has provoked interesting comment from several historians. John Fiske stated that "no political purpose was to be subserved by the order of the Cincinnati, save in so far as the members pledged to one another their determination to promote and cherish the union between the states."<sup>39</sup> Merrill Jensen and Robert Rutland pointed out evidence that some statesmen were convinced that the Society of the Cincinnati from the beginning

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<sup>38</sup>McDonald, E Pluribus Unum, p. 33.

<sup>39</sup>Fiske, p. 115.

would have been willing to use force, if necessary, to achieve the adoption of a strong central government.<sup>40</sup> In the book Alexander Hamilton and the Constitution, John Miller believed that the Society was prepared to take drastic action to support the conservative interests of society against levelling radicals.<sup>41</sup>

The early nationalist onslaught came to an end in 1784 with the disintegration of the Middle States coalition. Human greed and the lust for power, rather than any heroic efforts on the part of the anti-nationalists, caused the alliance to split apart. Robert Morris was not without enemies, and these were bent upon destroying his financial empire and the Bank. Hoping to further the interests of a state bank, Charles Pettit, a Philadelphia merchant, launched a powerful crusade against Morris and the Bank of North America--a movement that succeeded in causing serious tension within the Morris network. With the attack on the Bank, many men of wealth began to desert Morris. Outside investors, such as Wadsworth and Church, demanded that their money be given back. As the panic continued to build, others found it profitable to doublecross Morris.

The Superintendent of Finance did not choose to back down from the fight even though he had little chance of success. He initiated a desperate counterattack in the hope of reconciling the interests of the public creditors to the Bank and nation. Even though he opened up trade with the Orient which proved to be profitable, his enemies

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<sup>40</sup>Jensen, New Nation, pp. 262-265; Robert A. Rutland, The Ordeal of the Constitution (Norman, 1965), pp. 44-48.

<sup>41</sup>John C. Miller, Alexander Hamilton: Portrait in Paradox (New York, 1959), p. 146.



in Pennsylvania were too strong, and Morris fell short of achieving his dream.

The deterioration of the Middle States business alliance, best illuminated by Forrest McDonald, has exposed a weakness in the argument of the Progressive historians, especially as it relates to the framing of the Constitution. By 1787, no longer did there exist a unified front of merchants and creditors to whom an audacious core of nationalist politicians could appeal. Instead, many mercantilist splinter groups within the nation and within the individual states were struggling for ascendancy. For instance, in Pennsylvania, "the leadership and the organization of the Radical Party [the Antifederalists] was made up of merchants, public security holders, and lawyers, as was that of the Republican party [the Federalists]." <sup>42</sup> According to the Beardian interpretation, the Radical Party should have been comprised of small farmers rather than influential merchants, and all holders of public security should have been among the Republicans. Conspiracy in the ranks of the public creditors, as Beard had suggested, simply cannot be found. Too often, as in Pennsylvania, the "investing" elites were at odds among themselves. <sup>43</sup>

Even the complex issue of paper money is not an adequate index of the division between Federalists and Antifederalists in every case. Most proponents of the Constitution abhorred the paper-money schemes of state legislatures. Surprisingly, in South Carolina, it was the

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<sup>42</sup>Forrest McDonald, We The People: The Economic Origins of the Constitution (Chicago, 1958), p. 169.

<sup>43</sup>William N. Chambers, Political Parties in a New Nation, The American Experience, 1776-1809 (New York, 1963), p. 29.

paper-money advocates who favored the Constitution and the public security holders who opposed it.<sup>44</sup> Since no general or universal economic pattern emerges, one must assume that if the Constitution was a conservative document, its conservatism lay outside the realm of a single economic interest.

The Progressive interpretation of the Constitution is further weakened by the supposition of a distinct division between the Federalists and the Antifederalists. Actually, the polarization of the two hostile forces was somewhat exaggerated by Progressive historians, whose analysis does not account for a large group of Americans who were only mildly skeptical or in favor of the adoption of the Constitution. Richard Henry Lee asserted the existence of "two very unprincipled parties in the United States--two fires, between which the honest and substantial people have long found themselves situated."<sup>45</sup> Even some of the most prominent Antifederalists were close to the Federalist viewpoint by 1787. In the Philadelphia Convention, the Antifederalist George Mason stated that "we all agree in the necessity of new regulations, but we differ widely in our opinions of what are the safest and most effectual."<sup>46</sup>

The Federalists did not possess one unified vision as to how to correct the deficiencies of the Articles. Believing that "too much attachment was betrayed to the State Governments" and that "a National

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<sup>44</sup>McDonald, We The People, p. 235.

<sup>45</sup>R.H. Lee, "Letters from the Federal Farmer," in Paul L. Ford, ed., Pamphlets on the Constitution of the United States (Brooklyn, 1888), p. 321.

<sup>46</sup>Farrand, ed., Records, I, p. 161.

Government must soon of necessity swallow all them up,"<sup>47</sup> George Read desired supreme consolidation of the national government. At the opposite extreme, John Dickinson felt that "to attempt to abolish the States altogether would degrade the Councils of the Country, would be impracticable, would be ruinous."<sup>48</sup> Considering what would be most acceptable to the people and the least likely to arouse violent opposition, the ardent nationalist James Wilson "saw no incompatibility between the national and the State Governments provided the latter were restrained to certain local purposes."<sup>49</sup> These varied opinions support the observation by Richard Morris that a wide gulf existed in the Federalist union "between the democratic nationalism of Franklin and the authoritarian nationalism of Hamilton."<sup>50</sup>

The Antifederalists were more cautious in yielding power to the central government, for they genuinely feared the consequences of such an action. In the debates over the Constitution, the Antifederalists could argue that the new government was "dangerously adapted to the purposes of an immediate aristocratic tyranny" and that it "must soon terminate in the most uncontrolled despotism,"<sup>51</sup> but Antifederalists and Federalists were not two parties irrevocably separated on ideological grounds. In the course of the debates, some noted Antifeder-

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<sup>47</sup> Ibid., p. 136.

<sup>48</sup> Ibid., p. 152.

<sup>49</sup> Ibid., p. 137.

<sup>50</sup> Richard B. Morris, "The Confederation Period and the American Historian," The William and Mary Quarterly, XIII (April, 1956), p. 155.

<sup>51</sup> Elbridge Gerry, "Observations on the New Constitution, and on the Federal and State Conventions," in Ford, ed., Pamphlets, p. 6.

alists, such as Samuel Adams and Melancton Smith, changed to the Federalist persuasion. Most dramatically, perhaps, the dynamic Federalist leader James Madison was to become a states-rightist advocate in the 1790's.

Actually, cleavages within the ranks of the two parties obstructed unified action and often overshadowed the line between Federalism and Antifederalism. A problem common to both sides, but most serious for the Federalists, was sectionalism. During the Confederation period tension between the North and the South plagued the operations of the Continental Congress and in 1786 threatened to divide the Union into "several regional conferences."<sup>52</sup>

As a part of the peace treaty with Great Britain, the United States had been given rights to free navigation of the Mississippi River. Since Spain controlled the territory west of the Mississippi, the Spanish government became alarmed as many American settlers began to pour into the regions of Kentucky and Tennessee. Afraid of the possibility of American expansion into Spanish territory, Spain decided to negotiate with the United States on a commercial treaty. The result was the Jay-Gardoqui negotiations of 1786.

Spain made an unusual offer to John Jay, Secretary for Foreign Affairs. Don Diego de Gardoqui proposed that if the United States would give up its rights to the Mississippi River, then the United States would gain convenient trade with the West Indies and the Mediterranean area. Representing the interests of the Northeast, Jay was perfectly willing to enter into the bargain. However, in the Congress

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<sup>52</sup>McDonald, E Pluribus Unum, p. 145.

the Southern states joined together to block the East, and Jay was forced to abandon his negotiations. The possibility of continued southern expansion was at stake. Southerners of all persuasions were dismayed with Jay's proposal because they realized that "the measure in question would be a voluntary barter in time of profound peace of the rights of one part of the empire to the interests of another part."<sup>53</sup> Madison feared that tension between the two sections of the Confederation might prove fatal to the nationalist cause of augmenting central authority, and he wrote to Jefferson that Spain's chief object had been "to foment the jealousy between the eastern [New England] and southern states."<sup>54</sup> Antifederalists, such as George Mason and William Grayson, predicted conspiracy on the part of the Northeast to ruin Southern commerce.<sup>55</sup>

Not only were the two sections divided on commerce, but some statesmen doubted whether one code of laws could govern both New England and the South. An emphasis was placed on the cultural diversity of the two sections. An Antifederalist in New England argued that "the inhabitants of warmer climates are more dissolute in their manners, and less industrious, than in colder countries. A degree of severity is, therefore, necessary with one which would cramp the

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<sup>53</sup> James Madison to James Monroe, June 21, 1786, in Hunt, II, p. 254.

<sup>54</sup> James Madison to Thomas Jefferson, August 12, 1786, in Julian P. Boyd, ed., The Papers of Thomas Jefferson (Princeton, 1954- ), X, p. 233.

<sup>55</sup> George Mason, "Objections to the Federal Constitution," in Ford, ed., Pamphlets, p. 331; Elliot, III p. 293.

spirit of the other."<sup>56</sup> Also, Richard Henry Lee pointed out that

the Eastern states are very democratic, and composed chiefly of moderate freeholders; they have but few rich men and no slaves; the Southern states are composed chiefly of rich planters and slaves; they have but few moderate freeholders, and the prevailing influence in them is generally a dissipated democracy.<sup>57</sup>

The Antifederalists did their best to capitalize on sectional jealousy, but they failed to turn back the second nationalist thrust in their effort to keep the spirit of the Articles intact.

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<sup>56</sup>"Agrippa IV," December 3, 1787, in Paul L. Ford, ed., Essays on the Constitution of the United States (Brooklyn, 1892), p. 64.

<sup>57</sup>R. H. Lee, "Letters from the Federal Farmer," in Ford, ed., Pamphlets, p. 296.

### CHAPTER III

#### THE NEO-CONSERVATIVE REBUTTAL AND THE SECOND NATIONALIST THRUST

During the Progressive era in American historiography, a small but dedicated group of historians were writing their accounts from much the same viewpoint as the Nationalist historians of the century before. In the same year that Charles Beard was destined to influence the course of American historiography with his presentation of economic determinism, Max Farrand, author of The Framing of the Constitution, attempted to defend the movement for the Constitution. To Farrand, the Constitution was an instrument designed to perfect the Articles, the first American experiment in constitutional government. Hence, the founding fathers were not guilty of radically departing from the Revolution because the changes they brought about in the Constitution were not foreign to the American political community. The nationalists simply invigorated the old powers of the Articles.<sup>1</sup> Farrand looked upon the founding fathers as enlightened politicians who corrected a faulty system rather than as conservative conspirators.

Like Farrand, Charles Warren praised the nationalists at a time when most historians were quite skeptical about the intentions of the nationalist leaders. Warren argued that the chief American statesmen

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<sup>1</sup>Max Farrand, The Framing of the Constitution (New Haven, 1913), p. 208.

were activated into reforming the Articles because they were afraid of "a dissolution of the Union."<sup>2</sup> Certainly Madison held a great fear that the grave problems facing the Continental Congress might cause some kind of irreparable split and bring disaster upon the Union.<sup>3</sup> Not all observers, however, were as gloomy as Madison about a possible division of the Union. David Ramsay, a contemporary historian of the Revolution, predicted to Jefferson that unless the Philadelphia Convention formed

an efficient federal government I fear that the end of the matter will be an American monarch or rather three or more confederacies. In either case we have not labored in vain in effecting the late revolution for such arrangements might be made as would secure our happiness.<sup>4</sup>

Yet, for Charles Warren it was "the increasing number of men in the different States [who] were coming to believe in such a dismemberment as the only solution for their political problems"<sup>5</sup> that prompted him to see the nationalists as statesmen interested solely in the preservation of their country. Saving the Union from sectional rivalry that would be the end result of any split could not be considered as a conspiracy, and Warren chided the Progressives for thinking entirely in economic terms.

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<sup>2</sup>Charles Warren, The Making of the Constitution (Boston, 1937), p. 9.

<sup>3</sup>James Madison to Edmund Pendleton, February 24, 1787, in Hunt, II, p. 319: "The bulk of the people will probably prefer the lesser evil of a partition of the Union into three more practicable and energetic Governments."

<sup>4</sup>David Ramsay to Thomas Jefferson, April 7, 1787, in Boyd, XI, p. 279.

<sup>5</sup>Charles Warren, p. 26.



Both Farrand and Warren were swept aside at the time by the great torrent of Progressive writers, but their works were to emerge with importance during the 1950's. They would be accepted as early pioneers by a new school that would turn the debate on the Constitution full cycle.

After the conclusion of World War II, a third school of historians, the Neo-Conservatives, appeared, travelling the old road but avoiding Beard's "well-worn rut."<sup>6</sup> Just as Beard and the Progressives had rescued constitutional scholarship from the realm of overly patriotic history, so did the Neo-Conservatives expand the debate into new dimensions untraveled by Progressive historians. Esmond Wright observed in 1961 that "the fashion today is to revere the Constitution almost as did Bancroft and Fiske."<sup>7</sup> Yet the Neo-Conservatives did more than just go back to the old Nationalist approach. They challenged the Progressive school on the idea of internal class conflict during the 1780's and were to place their emphasis upon broad agreement. The Constitution became an extension of the great Revolutionary principles of 1776 and also a symbol of the enduring success of America's experiment in independence. Whereas the Progressives had argued that the formation of the Constitution represented a conservative victory over democracy, the Neo-Conservative Dan Lacy countered the charge by saying that

the Constitution was in no sense a suppression of the democratic forces of the Revolution; rather it incor-

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<sup>6</sup> McDonald, We The People, p. v.

<sup>7</sup> Esmond Wright, The Fabric of Freedom, 1763-1800 (New York, 1961), p. 181.

porated them in a final and brilliant resolution of those issues of central versus local government over which the Revolution had been fought.

To the Neo-Conservatives, the founding fathers were genuinely concerned over the state of the nation, and the ideas of conspiracy or forceful take-over "are melodramatic shadings contributed by super-sensitive historians who have been ready to find conspiracy under every bed in every Philadelphia lodging house which was host to Congressional delegates, merchants or financiers."<sup>9</sup> The Neo-Conservatives believed that a consensus had developed by 1787 that allowed the nationalists to make changes vital to the faltering system of government. Since the nationalists were working in behalf of the nation and the welfare of the people, they could not very easily have plotted against any one group. They acted boldly and without proper authorization from the states, but the crisis of 1787, even if exaggerated for effect by nationalist politicians, required immediate reform. In the Neo-Conservative interpretation of the nationalist thrust, the nationalists were simply better politicians than their opponents, and they seized every opportunity to make the United States one nation in the face of localism and general indifference. The Neo-Conservatives intimated that the Federalists were able to carry their program of reform because, far from embarking upon a class war, they had support from all sections of the nation.

In 1955 Louis Hartz challenged the idea of class conflict in

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<sup>8</sup>Dan Lacy, The Meaning of the American Revolution (New York, 1964), p. 267.

<sup>9</sup>Richard B. Morris, The American Revolution Reconsidered (New York, 1967), p. 149.

American history in his book The Liberal Tradition in America. To Hartz, America had always been a liberal community, especially in comparison to European nations. During the colonial period in America feudalism had been absent, and as a result no violent class struggles or rigid social structures had come about. The constitutional struggle of the Confederation period exhibited only a "shadow world of social conflict."<sup>10</sup> Federalists and Antifederalists could disagree over the nature of central government and yet still be able to share certain fundamental principles. The majority on both sides strongly advocated a republican form of government and would not even countenance the copying of the constitutional monarchy of Britain. Hartz charged the Progressives with an historical analysis that always "had an American hero available to match any American villain they found, a Jefferson for every Hamilton."<sup>11</sup> Hartz's idea can be seen in the actions of two prominent Virginians. Edmund Randolph, an influential founding father from Virginia, vacillated frequently between Federalism and Antifederalism, and the wealthy Virginian, George Mason, who arrived at the Philadelphia Convention as a Federalist, refused to sign the Constitution and became an Antifederalist at the end. Were Randolph and Mason heroes or villains? With the Federalist "reaction" of 1787 being minimized and the stress being laid upon the dynamics of a liberal society, Hartz established a sound theoretical base for the Neo-Conservative efforts to rescue the founding fathers from the hos-

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<sup>10</sup> Louis Hartz, The Liberal Tradition in America (New York, 1955), p. 81.

<sup>11</sup> Ibid., p. 31.

tile influence of Progressive historians.

Using the notion of consensus in history as their central theme, Neo-Conservative historians have tried to emphasize the comparative harmony that existed among the political leaders of the 1780's and thus have hoped to tone down the shady air of conspiracy pictured in the works of the Progressives. Indeed, leaders in both the Federal and Antifederal camps were veterans of the Revolution and had shared many common experiences. Unlike some of the unfortunate revolutionaries in Europe, none of the leaders of the American Revolution had been executed for holding dissenting opinions or for being in the wrong party at the wrong time. Louis Hartz has suggested that since no segment of American society resembled the European ancien régime, it could not very well "return in a blaze of glory"<sup>12</sup> as had been the case with England and Charles II and as would be the case following the French Revolution.

An argument can be advanced quite plausibly that the struggle over the Constitution brought to the nation a division far less sharp than the conflict over foreign policy in the 1790's. After all, the Federalists did not comprise the only voice advocating a stronger central government. By the mid-1780's, many Antifederalists were just as convinced of the need for a more effective Articles as were their opponents. It was not entirely a struggle between two inflexible parties. Both sides showed willingness to compromise to a certain extent. The adoption of the Bill of Rights by the Federalists provides an excellent example, for it was the issue that meant the most

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<sup>12</sup>Ibid., p. 7.

to the Antifederalists and the least to the Federalists. After Jefferson had convinced Madison that "a bill of rights is what the people are entitled to against every government on earth, general or particular, and what no just government should refuse, or rest on inference,"<sup>13</sup> the antagonism between the two parties largely disintegrated. Although the Virginia Antifederalist Richard Henry Lee held serious reservations about some features of the Constitution, he stated that if the ratifying conventions in the states, "after examining the system, adopt it, I shall be perfectly satisfied, and wish to see men make the administration of the government an equal blessing to all orders of men."<sup>14</sup> The notion of consensus and Lee's statement, as well as Forrest McDonald's demonstration of the lack of unified economic alignments, cast serious doubt upon the Progressive thesis of internal class conflict; however, the Neo-Conservatives have likewise failed to explain properly the tension in the Confederation period which culminated in the Constitution.

Before the Neo-Conservatives could advance the cause of consensus in history as had been developed by Louis Hartz, they had to discredit the Beardian approach. In fact, in the process several Neo-Conservatives committed just as much muckraking as they accused Beard himself of doing. The assault on Beard and the Progressives has been merciless, yet it has failed to be totally convincing.

In 1956 Robert E. Brown led the crusade against Beard and at-

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<sup>13</sup>Thomas Jefferson to James Madison, December 20, 1787, in Boyd, XII, p. 440.

<sup>14</sup>R. H. Lee, "Letters from the Federal Farmer," in Ford, ed., Pamphlets, p. 322.

tempted to lift the stature of the nationalists by arguing that they had much more than just economic motives in mind. They were men with principles as well as pocketbooks. Brown felt that nationalism and the fear of foreign domination "can have a much broader appeal than merely the economic, and especially to a people who have just emerged from the British empire."<sup>15</sup> There is some evidence for such a view. As was to be expected, the new nation emerged from the War of Independence only to receive the contempt of the older European nations, and during the mid-1780's some nationalists were rather disappointed over the international stature of the United States. Quite unrealistically, they desired the United States to be on equal terms immediately with the other nations, and they argued over and over that the only solution was the creation of a powerful national government which could protect both the honor and the interests of the nation. Foreign problems, such as the British refusal to evacuate the Northwest forts and British espionage among the Northern Indian tribes, did provoke serious concern among some American statesmen; but to lay the stress upon this minor aspect is to depart from the fundamental constitutional conflict of central versus local government.

In a most belligerent tone, Brown took issue with Beard's thesis that the conflict over the Constitution matched commercial interests against the lower classes of society. Dismissing class conflict altogether, Brown advanced the concept of a middle-class democracy which prevailed throughout America. Brown's belief jars with the account

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<sup>15</sup> Robert E. Brown, Charles Beard and the Constitution: A Critical Analysis of "An Economic Interpretation of the Constitution" (Princeton, N. J., 1956), p. 93.

of a contemporary observer of the Confederation period. Louis Otto had written to his superior, Count Vergennes, that

although there are no nobles in America, there is a class of men denominated "gentlemen," who by reason of their wealth, their talents, their education, their families, or the offices they hold, aspire to a pre-eminence which the people refuse to grant them.<sup>16</sup>

Brown, like other Neo-Conservatives who were to follow, failed to account for this elite, and the picture of a perfect middle-class society becomes cloudy.

To Brown the Revolution extended political franchise to the majority of white adult males.<sup>17</sup> Since Brown conceived America as a liberal, middle-class democracy, he did not believe that the actions of the founding fathers constituted a conspiracy to benefit the wealthy segment of society at the expense of the people. All the interests in the country gained particular advantages out of the Constitution.<sup>18</sup> Brown transformed the Progressives' political cabal into a body of astute politicians.

Only two years after Brown's devastating attack on Beard, Forrest McDonald reinforced the notion that Beard's thesis contained serious flaws. In a less severe and more constructive tone, McDonald argued that the formation of the Constitution did not result from the existence of consolidated economic interests. After much detailed re-

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<sup>16</sup> Louis Otto to Count Vergennes, October 10, 1786, in Bancroft, II, pp. 399-400.

<sup>17</sup> Robert E. Brown, Middle-Class Democracy and the Revolution in Massachusetts (Ithaca, N. Y., 1955). Brown believed that in Massachusetts a middle-class democracy was already in existence before the Revolution occurred.

<sup>18</sup> Robert E. Brown, Reinterpretation of the Formation of the American Constitution (Boston, 1963), p. 51.

search, McDonald discovered that the Constitution represented the work of a fair cross section of economic and political factions. In We The People, the founding fathers were not predominantly creditors and holders of public securities, nor did they struggle solely on behalf of those interests. Instead, the founding fathers were practical statesmen, not without faults, but certainly not conspirators in the sense the Progressives had suggested.

Although the Neo-Conservative historians are fond of employing a re-assessment of the Beardian thesis as their point of departure, not all have stayed within the shadow of economic analysis. Some have focused their energies upon the myriad of forces that helped to shape the campaign for the Constitution. In almost every account, the Federalist image is not blemished with the charge of a "plot." Since a society without sharp social distinctions has been envisioned by Neo-Conservatives, they concluded that the Federalists acted to conserve the liberal society already in existence. Some Neo-Conservatives have become so afflicted by the canons of consensual history that they have almost discounted the presence of the Antifederalists.

Departing from the sharply penetrating economic analyses of Brown and McDonald, Benjamin F. Wright in Consensus and Continuity concentrated upon linking the Constitution to the Declaration of Independence. Wright proposed that a high degree of underlying unity among various factions had characterized the advocacy of the Constitution and argued that the framers of the Constitution possessed much the same economic and social background as had the authors of the Declaration of Independence and



the Articles.<sup>19</sup> After having gathered beneficial experience from their attendance in the Continental Congress, the nationalist leaders, such as Madison and Wilson, fashioned the Constitution out of political concepts that were quite familiar to eighteenth-century America. They moved forward within well-defined bounds and, being political realists, did not strive for the perfection in the American document that plagued European revolutionaries in forming their constitutions. To Wright, the Philadelphia Convention was extremely successful because a spirit of compromise prevailed throughout the entire nation and the founding fathers agreed upon basic principles which would not be distasteful to the common people. Political extremists were either not in attendance or were voted down by the moderates. The radical Tom Paine, who certainly deserved a place in the Convention, was advancing the cause of liberty in Europe and could not attend, and Alexander Hamilton's "continental" plan was not even seriously considered by the delegates. The Constitution appeared to be neither radical nor reactionary.

On the other hand, some Neo-Conservatives have gone so far as to insist that in 1787 the true radicals, in the best meaning of the term, were the Federalists rather than Antifederalists. The Federalists could be seen as bold innovators of a new and energetic political system, while the Antifederalists could be cast as reactionaries who could not comprehend the idea of national interest.<sup>20</sup> Also, as Richard Morris

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<sup>19</sup> Benjamin F. Wright, Consensus and Continuity, 1776-1787 (Boston, 1958), p. 46.

<sup>20</sup> Cecelia M. Kenyon, "Men of Little Faith: The Anti-Federalists on the Nature of Representative Government," The William and Mary Quarterly, XII (January, 1955).

pointed out,

to those who view the adoption of a system of republican federalism as constituting a more thoroughgoing break with the political system of the past than did the earlier severing of the tenuous bonds of empire . . . the Federalists, not the Antifederalists, were the real radicals of their day.<sup>21</sup>

However, in the literature and correspondence of the 1780's, the Federalists were always referred to as elitists or aristocrats. They would have considered it as an insult to have been labeled radicals.

In an article entitled "The Founding Fathers: Young Men of the Revolution," Stanley Elkins and Eric McKittrick presented a unique but somewhat absurd thesis concerning the establishment of the Constitution. They argued that age was the key to the struggle between Federalists and Antifederalists.<sup>22</sup> The Federalists were younger than their opponents and were waiting to fully launch their careers upon the success of the Constitution, whereas the Antifederalists had enjoyed prominence during the 1770's. Being younger than the Antifederalists, the Federalists were far more energetic and thus confident enough to make a bold strike at the decrepit Articles. Elkins and McKittrick believed that the Antifederalist caution and inertia stemmed from the fact that they had become too centered within their individual states to see the necessity of a strong national union. It is true that some were cautious because they could see through the exaggerated dangers in the political propaganda of their cen-

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<sup>21</sup>Morris, "The Confederation Period and the American Historian," p. 156.

<sup>22</sup>Stanley M. Elkins and Eric McKittrick, "The Founding Fathers: Young Men of the Revolution," Political Science Quarterly, LXXVI (June, 1961), pp. 204-205.

tralist opponents.<sup>23</sup> As the Antifederalist Melancton Smith noted, "we are at peace with all the world; no nation menaces us with war; nor are we called upon by any cause of sufficient importance to attack any nation."<sup>24</sup> Yet, since the Antifederalists never offered any strong plan as an alternative to the Constitution, Elkins and McKittrick concluded that "the energy principle may be more suggestive than the principle of paternal conservatism."<sup>25</sup> To view the founding fathers and the Antifederalists in this manner is to engage in fanciful speculation rather than serious historical scholarship.

A much more illuminating approach to the complexities of the Confederation period is provided by John Roche. To Roche, the Constitution was "a patchwork sewn together under the pressure of both time and events by a group of extremely talented democratic politicians."<sup>26</sup> Dangers to the Union, such as the collapse of the Continental Congress, were real, and the Philadelphia Covention therefore served as "a nationalist reform caucus."<sup>27</sup> Impressed by the amount of compromises that took place within the convention, Roche did not concede to the Progressives any element of class conflict. However,

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<sup>23</sup>R. H. Lee, "Letters from the Federal Farmer," in Ford, ed., Pamphlets, pp. 280-282.

<sup>24</sup>Melancton Smith, "Address to the People of the State of New York," in Ford, ed., Pamphlets, p. 95.

<sup>25</sup>Elkins and McKittrick, p. 183.

<sup>26</sup>John P. Roche, "The Founding Fathers: A Reform Caucus in Action," The American Political Science Review, LV (December, 1961), p. 815.

<sup>27</sup>Ibid., p. 799.

he did stress the nationalists' "masterful employment of political expertise [as against] the bumbling, erratic behavior"<sup>28</sup> of the opposition. The nationalists enjoyed ultimate success in the struggle over ratification because they could effectively mobilize public opinion in their favor and the Antifederalists could not. Roche indicated that the nationalists were very careful to stay within the bounds allowed by the consensus throughout the country.

Continuing with the notion of consensus in history, Clinton Rossiter in The Grand Convention placed the founding fathers back upon nineteenth-century pedestals and claimed that the Philadelphia Convention was one of the greatest bodies ever assembled. At Philadelphia, the nationalists preserved liberty for the country and for future generations by creating a responsible government to meet the crisis of 1787. Following the dictates of consensual history, Rossiter asserted that "the Framers came together in 1787 just as most of them had gone to war in 1776: not to make the world over but to make their corner of it secure."<sup>29</sup> By painting the nationalist surge of 1787 in such roseate hues, Rossiter completely ignored the divisive events of the decade. Like Benjamin Wright, Rossiter failed to allow for the sincerity in the Antifederalists' accusation that the Constitution was a conspiracy to put an end to the precious liberties fought for in the Revolution.

Departing from the general approach of most Neo-Conservatives, Richard Morris acknowledged some of the positive accomplishments made

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<sup>28</sup> Ibid., p. 800.

<sup>29</sup> Clinton Rossiter, 1787: The Grand Convention (New York, 1966), p. 270.

by the school of Progressive historians. However, he concluded that "the Constitution, which underwrote national survival, must be considered as an integral step in the revolutionary process."<sup>30</sup> To Morris, the Constitution brought an end to the destructiveness of local jealousies and provided the nation with a viable government. The nationalists acted out of the desire to protect the international stature of the nation. The strict mercantilist policy of Britain that excluded the United States from the lucrative trade they had possessed in the British West Indies before the Revolution inflamed the nationalists' desire to erect a government that would be respected by the European nations, especially Britain. In Morris' interpretation the nationalists were patriots first and were interested in economic gain only in so far as continued weakness in the central government would leave American commerce open "to the wanton intermeddlings of nations at war with each other. . . ." <sup>31</sup>

In 1965 Forrest McDonald caused a ripple to appear upon the calm sea of consensual history. After having laboriously refuted the Beardian thesis in We The People, he emerged as an historian closely akin to the Progressives in E Pluribus Unum by picturing the Confederation period as a conflict between republicans and nationalists. Yet whereas the republicans were heroes to Merrill Jensen, no political statesmen, save several nationalists, were spared by McDonald in E Pluribus Unum. McDonald suggested that the majority of politicians on both sides were greedy and depraved and that they were motivated

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<sup>30</sup> Morris, American Revolution Reconsidered, p. 162.

<sup>31</sup> The Federalist, No. 11.

by intrigue and profit. Only a few were "giants in the earth [who truly] spoke in the name of the nation."<sup>32</sup> Most grasped for power and financial success and would either support or oppose the Constitution according to how that document would affect their economic status.<sup>33</sup> Like the individuals involved in the constitutional struggle, the states as political units favored the Constitution if they had fared badly during the Confederation period and if they needed some kind of aid. Large states, such as Virginia and New York, which could prosper with or without the Union, were hotbeds of Antifederalism.

In the preface to E Pluribus Unum Forrest McDonald explained his intention to depart from dull historical writing,<sup>34</sup> and he was most successful in unfolding an exciting drama dominated by undercover dealings and crafty manipulations of the politicians of that period. During the War for Independence, McDonald declared that the many local factions throughout the country coalesced to carry the conflict to a successful end but then began to split apart with the signing of peace in 1783. In describing the events which followed, McDonald traveled a middle course between the Progressives and the old Nationalist school. He affirmed Merrill Jensen's belief that economic conditions were healthy throughout the Union, but he proceeded to show how it was precisely these healthy conditions that endangered

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<sup>32</sup> McDonald, E Pluribus Unum, p. 236.

<sup>33</sup> Ibid., p. 199.

<sup>34</sup> Ibid., p. xiii. McDonald cites his own earlier work, We The People, as a prime example of dull writing.

the Union. After 1783 most of the states had launched a successful program of adjusting to independence from the British empire. However, as the states began to absorb more and more of the Revolutionary debt, the bonds of union were considerably weakened. Politicians became more attached to their own states than to the idea of the Union, and as a result the Continental Congress collapsed.

To McDonald, "it was the Critical Period of American History only to those who thought that the American Republic was worth creating and saving."<sup>35</sup> It was also a critical period for the Antifederalists, although few historians have cared to acknowledge that fact. The Antifederalists were genuinely convinced that between 1785 and 1789 the Federalists had purposely led the people astray and "have Loaded them with unnecessary Burthens, to obtain which they have turned a Convention into a Conspiracy, and under the Epiteth Federal have destroyed the Confederation."<sup>36</sup> Certainly the second nationalist onslaught appeared menacing to the Antifederalist conception of the American Revolution. However, it seems that the Federalists did not have to resort to conspiracy. Due to a series of brilliant political strokes, the Federalists had lawfully outmaneuvered their opponents by 1789.

The resignation in 1784 of Robert Morris as Superintendent of Finance and the decline of the business coalition in the Middle States did not end all attempts to strengthen the central government. An advanced core of nationalists, including James Madison,

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<sup>35</sup> Ibid., p. 154.

<sup>36</sup> Lynd, p. 244.

James Wilson, Robert Morris, Gouverneur Morris, Alexander Hamilton, George Washington, Charles Pinckney, George Read, and Nathaniel Gorham, hoped to capitalize upon yet another scheme entirely outside of Congress, and it was the success of an interstate meeting, the Mount Vernon Conference, that gave the nationalists new hope. Although the Mount Vernon Conference involved only the two states Virginia and Maryland, Madison quickly perceived that this kind of convention could be expanded to include all the states. At this point Madison became the leader of "a loose but effective association of like-minded leaders."<sup>37</sup> Working through the Virginia legislature, Madison issued a call for a convention to be held at Annapolis in order to discuss the commercial problems of the new nation. According to the French foreign observer, the nationalists hoped to use commerce as a ploy when their real intention was a complete overhaul of the Articles.<sup>38</sup> However, Madison indicated the impossibility of such a task to Jefferson.

Many gentlemen, both within and without Congress [wrote Madison] wish to make this meeting subservient to a plenipotentiary Convention for amending the Confederation. Tho' my wishes are in favor of such an event, yet I despair so much of its accomplishment at the present crisis that I do not extend my views beyond commercial reform.<sup>39</sup>

From the outset some Northern merchants deeply distrusted the

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<sup>37</sup>Lacy, p. 242.

<sup>38</sup>Louis Otto to Count Vergennes, October 10, 1786, in Bancroft, II, p. 400. Otto informed Vergennes that the authors of the Annapolis Convention did not truly care about commerce but possessed secret motives that the people were not aware of.

<sup>39</sup>James Madison to Thomas Jefferson, August 12, 1786, in Boyd, X, p. 233.



motives behind the call for the Annapolis Convention. In a letter to Jonathan Jackson, Rufus King wrote that "it is doubtful what the real sentiments of Virginia are on the question of commercial powers."<sup>40</sup> Although the North was greatly interested in granting more commercial control to Congress, Northern politicians desired to affect change through Congress rather than through a special convention. Some believed that the nationalists harbored a design to subvert the basic form of the Articles at Annapolis.<sup>41</sup>

Regardless of the nationalist intentions before Annapolis, once delegates from the states began to arrive the nationalists were forced to change their tactics. After the first two weeks of the convention only five states were fully represented, and even a commercial agreement appeared hopeless. However, the lack of a quorum to conduct the business of the convention did not prevent the nationalists from taking direct action. They realized that a quick adjournment of the Annapolis Convention upon the excuse of such a small representation of the states would allow them to call for another general convention. Forrest McDonald has suggested that "those in attendance had no intention of allowing a quorum to become present."<sup>42</sup> The nationalists did not desire to make any drastic proposals on a failing convention.

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<sup>40</sup> Rufus King to Jonathan Jackson, June 11, 1786, in Burnett, VIII, pp. 389-390.

<sup>41</sup> Theodore Sedgwick to Caleb Strong, August 6, 1786, *ibid.*, p. 415: "The measure was originally brought forward with an intention of defeating the enlargement of the powers of Congress."

<sup>42</sup> McDonald, E Pluribus Unum, p. 147. See also Edmund S. Morgan, The Birth of the Republic, 1763-1789 (Chicago, 1956), p. 130; Robert L. Schuyler, The Constitution of the United States (New York, 1928), p. 69; Linda G. De Pauw, The Eleventh Pillar (New York, 1966), p. 47.

Also, they knew that if a satisfactory commercial solution were found at Annapolis then the impetus to reshape the Articles would be lessened considerably.

At Annapolis, Alexander Hamilton moved that another convention be called to discuss all the problems confronting the nation. Hamilton did not have instructions from the New York legislature for such a proposal, but fortunately for Hamilton and Madison the commission from New Jersey did not have binding instructions as did the rest of the delegates. Therefore, it was pre-arranged among avid nationalists that Abraham Clark of New Jersey should introduce the resolution for a general convention to be held in Philadelphia in May, 1787.<sup>43</sup> Hamilton was selected to write an address to the states, and in the first draft he called for the abolition of the Articles. However, from the experience of bitter defeat in the centralist push of the early 1780's, Madison wisely toned down the address to empower the delegates to make only those changes deemed necessary to correct the ills of the nation.<sup>44</sup> Not wanting to frighten the state legislatures into rejecting the Annapolis proposal, he did not indicate precisely what dangers the nationalists hoped to remedy.<sup>45</sup> They were able to guide public opinion more effectively

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<sup>43</sup>Miller, p. 310.

<sup>44</sup>Elliot, I, p. 120: "It is expedient that, on the second Monday in May next, a convention of delegates, who shall have been appointed by the several states, be held at Philadelphia, for the sole and express purpose of revising the Articles of Confederation."

<sup>45</sup>Ibid., p. 118: "Your commissioners decline an enumeration of those national circumstances on which their opinion respecting the propriety of a future convention, with more enlarged powers is founded. . . . They are of a nature so serious, as, in the view of your commissioners, to render the situation of the United States delicate and critical."

by not disclosing their true intentions beforehand. They appeared as concerned patriots and thus veiled their design of counterrevolution until it was too late for the Antifederalists to fight back successfully.

As a result of their earlier failure under Robert Morris, the nationalists had become most concerned with the use of proper tactics. It is not surprising that they grasped the more popular term "Federalist" for themselves even though it very clearly contradicted their true beliefs. Esmond Wright believed that "in nothing were they so skillful as in the name they chose, for their intention was unitary rather than federal."<sup>46</sup> Therefore, opponents of the nationalists became Antifederalists and were accused unjustly of being unpatriotic and unfriendly to any strengthening of the Confederation. It was difficult enough to oppose the great and influential men within the Federalist party, but the slur of the bad name that had been attached to the Antifederalists made their task nearly impossible.

During the months before the Philadelphia Convention, eager nationalists were primarily concerned with developing the necessary support to make the upcoming convention a success. The advanced core of nationalists realized that they needed a catalyst to unite firmly their diverse ranks. Public opinion would have to be moulded toward the dire necessity of a powerful central authority. The first nationalist thrust had become too dependent upon business connections and had failed when local jealousies reasserted themselves. Not wishing to repeat previous mistakes, the nationalists hoped to make local business alliances dependent upon their plan. They could achieve this

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<sup>46</sup> Esmond Wright, p. 176.

goal by exaggerating the economic plight of the country, a tactic that had proved fairly successful in the years of the Morris junto. Yet they realized that the economic avenue to reform would not be enough. Fortunately for the proponents of a strong central government, a catalyst was soon to take shape in the form of Shays Rebellion. This small rebellion in Massachusetts furnished the nationalists with enough propaganda to unite the conservative ranks of society, to overturn the Confederation, and to establish the kind of government that would be capable of protecting the property and rights of individuals from mob despotism.

Contrary to what was to become the general interpretation of the rebellion by top political leaders, the disturbance in Massachusetts did not constitute a serious threat to national security, nor was it an attempt on the part of visionary radicals to level society throughout the nation. Of course, in the effort to rally their forces against the impending disaster to the Union, the nationalists promoted this image.<sup>47</sup> However, Shays Rebellion was a mild response by yeomen farmers in western Massachusetts to high taxes and debts. The political aristocracy unfairly misrepresented the rebellion so that the evils which they believed had plagued the Confederation could be corrected.<sup>48</sup> In The Antifederalists Jackson T. Main hinted that the

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<sup>47</sup> George Washington to David Humphreys, December 26, 1786, in Jared Sparks, ed., The Writings of George Washington (Boston, 1839), IX, p. 221: "It was but the other day that we were shedding our blood to obtain the constitutions under which we now live; constitutions of our own choice and making; and now we are unsheathing the sword to overturn them."

<sup>48</sup> Joseph P. Warren, "The Confederation and Shays Rebellion," American Historical Review, XI (1905-06), p. 42.

conservatives may have been responsible for goading the Shaysites into action in order to convince political leaders throughout the Union that some kind of reactionary response was necessary.<sup>49</sup> Although it may be unclear as to who actually provoked the Shaysites into taking arms, Shays' contumacy had a profound effect upon the diverse ranks within the Federalist party. E. James Ferguson has declared that "the fear of social radicalism drove New England merchants and southern planters into alignment with middle state conservatives in support of the movement for the Constitution."<sup>50</sup> However, by 1787, the nationalists were not alone in advocating a strengthening of the central government because some Antifederalists were willing to concede power for a specific length of time to the Confederation Congress in the form of amendments to the Articles. Both sides saw the need for some kind of an improvement in the present state of the Articles, but they were radically divided as to the form of the cure.

The advanced core of nationalists did not want simply to add amendments to what they considered a poor framework of government.<sup>51</sup> Madison intimated to his close circle of nationalist friends that "the Present System neither has nor deserves advocates."<sup>52</sup> The nationalists

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<sup>49</sup>Main, Antifederalists, p. 64.

<sup>50</sup>Ferguson, p. 250.

<sup>51</sup>George Washington to David Stuart, November 19, 1786, in Bancroft, II, p. 404: "However delicate the revision of the federal system may appear, it is a work of indispensable necessity. The present constitution is inadequate; the superstructure is tottering to its foundations, and without helps will bury us in its ruins."

<sup>52</sup>James Madison to Edmund Pendleton, February 24, 1787, in Hunt, II, p. 318.

wanted to begin outside the framework of the Articles and to fashion the kind of government that they had almost succeeded in establishing before the signing of peace with Great Britain. In addition, experience with the Impost requests of 1781, 1783 and 1786 had taught them how difficult it was to amend the Articles. Bypassing methods to amend legally the Articles, most of the nationalists placed their faith in the Philadelphia Convention, although not all were convinced until Shays Rebellion had run its course.<sup>53</sup>

Several months before the convention opened, Madison experimented with the idea of a new constitution. In a letter to Edmund Randolph Madison said: "My ideas of a reform strike so deeply at the old Confederation, and lead to such a systematic change, that they scarcely admit of the expedient."<sup>54</sup> Madison desired to end what he perceived as the democratic vices of state legislatures by granting the central authority a negative over all state laws. He believed that only through a grant of such power to the national Congress could the worthy citizens of the nation be protected from the wicked and licentious. Of course, the group that feared the wickedness the most during the 1780's was the elite to which the advanced core of nationalists belonged. Not only had they been hurt in both private and public affairs, but some had been pushed out of state legis-

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<sup>53</sup>Rufus King to John Adams, October 2, 1786, in Burnett, VIII, p. 475: "Congress can do all a convention can." King changed his mind after Shays Rebellion shook his state.

<sup>54</sup>James Madison to Edmund Randolph, April 8, 1787, in Hunt, II, p. 337.

latures by the "rabble"<sup>55</sup> of society. As a general rule, the state legislatures had not observed the sanctity of contracts and debts, and most legislation tended to favor debtors over creditors.

The nationalists were further alarmed by the tendency for all functions of government to gravitate toward the legislature. Without an able national executive and a strong judicial system to check the abuses of legislative power, the state legislatures wielded too much power in the opinion of the nationalist elite. Gouverneur Morris warned that "public liberty [was] in greater danger from Legislative usurpations than from any other source."<sup>56</sup> Under the conviction that they could not possibly amend the Articles in any satisfactory manner, the nationalists believed that their only alternative to remove excessive power from the state legislatures was in the formation of a new constitution.

Wherever the real power in a government lies [explained Madison] there is the danger of oppression. In our Governments the real power lies in the majority of the Community, and the invasion of private rights is chiefly to be apprehended, not from acts of government contrary to the sense of its constituents, but from acts in which the Government is the mere instrument of the major number of the constituents.<sup>57</sup>

By placing sovereignty in the central government, the nationalists knew they could regain their rightful places in the government while

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<sup>55</sup> John Jay to Alexander Hamilton, May 8, 1778, in Syrett and Cooke, I, p. 483: "Effrontery and arrogance, even in our virtuous and enlightened days are giving rank and importance to men whom Wisdom would have left in obscurity."

<sup>56</sup> Farrand, ed., Records, II, p. 76.

<sup>57</sup> James Madison to Thomas Jefferson, October 17, 1788, in Boyd, XIV, p. 19.

putting an end to the egalitarian democracy of the Revolution that had nearly destroyed the governing power of the elite.

Since 1780 Hamilton had been an advocate of a new framework of government, and he supported Madison's view in holding that the evils of the Confederation were not "caused from minute or partial imperfections, but from fundamental errors in the structure of the building, which cannot be amended otherwise than by an alteration in the first principles and main pillars of the fabric."<sup>58</sup> The advanced core of nationalists planned to discard the principle of state sovereignty once they were safely inside the Philadelphia Convention, and they did not hesitate to use all their power and influence to achieve their dream of erecting a powerful central government.

In the effort to reshape the American government, the influence of Washington, the symbol of national unity during the war with Britain, was one of the most effective weapons that the nationalists possessed. They realized that Washington's emergence from private life to the service of the country had to be carefully planned. Washington's presence at the Philadelphia Convention could mean the difference between success and failure as long as the states were adequately represented. However, after the poor attendance at Annapolis, nationalists were not certain of what to expect at Philadelphia, and they did not want to ruin the impact of his emergence from retirement upon a failing convention. Washington stated his own intentions by saying that he "should not like to be a sharer in this business [unless] the delegates come with such powers as will enable the con-

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<sup>58</sup>The Federalist, No. 15.



vention to probe the defects of the constitution to the bottom."<sup>59</sup>

After a long period of hesitation, Washington decided that it was absolutely essential that he attend. The uncertain years between 1783 and 1787 had fully convinced Washington and other nationalists that "thirteen sovereignties pulling against each other and all tugging at the federal head will soon bring ruin on the whole. . . ."<sup>60</sup>

Washington's presence at the Philadelphia Convention assured the nationalists of a fair chance of success.<sup>61</sup>

While the nationalists were busily preparing for the Philadelphia Convention, prominent Antifederalists were refusing to attend. Samuel Adams, Patrick Henry and Richard Henry Lee turned down invitations to attend, and as a result the views of the Antifederalists were poorly represented. After the convention was over, Richard Henry Lee lamented the absence of the Antifederalists by concluding that "had they attended, I am pretty clear that the result of the convention would not have been that strong tendency to aristocracy now discernable in every part of the plan."<sup>62</sup>

The prospect of the Antifederalists staying away from the con-

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<sup>59</sup>George Washington to Henry Knox, April 2, 1787, in John C. Fitzpatrick, ed., The Writings of George Washington (Washington, 1939), XXIX, p. 194.

<sup>60</sup>George Washington to James Madison, November 5, 1786, in Sparks, IX, p. 208.

<sup>61</sup>James Monroe to Thomas Jefferson, July 12, 1788, in Boyd, XIII, p. 352. Remarking upon the adoption of the Constitution, the Antifederalist James Monroe stated ". . . be assured his influence carried this government."

<sup>62</sup>R. H. Lee, "Letters from the Federal Farmer," in Ford, ed., Pamphlets, p. 285.

vention allowed the nationalists to act boldly from the outset. Even before a quorum had been reached, delegates from Virginia and Pennsylvania met daily to discuss the approach they hoped to take just as soon as enough states had arrived. These meetings proved to be most important, for it was decided that Edmund Randolph should introduce a plan for a truly national government. This plan provided the basis for the new government that appeared in the Constitution at the end of the convention. "Instead of being thirteen republics, under a federal head," observed Richard Henry Lee, "it is clearly designed to make us one consolidated government."<sup>63</sup> In a letter to Richard Henry Lee Sam Adams also adequately expressed the despair of the Antifederalists in the following: "I stumble at the Threshold. I meet with a National Government, instead of a Federal Union of Sovereign States."<sup>64</sup> The Antifederalists were shocked that the nationalists had disobeyed their instructions and thereby had openly violated one of the cardinal principles of republican government.

While the Philadelphia Convention debated in secrecy over a new form of government during the summer of 1787, most people who cared about politics and the state of the Union simply assumed that the delegates were at work upon amendments to the Articles. They did not know that in the early phase of the Convention the delegates had decided to dispose of the Articles and to begin anew with the presentation of Madison's and Randolph's Virginia Plan. The Phila-

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<sup>63</sup> Ibid., p. 282.

<sup>64</sup> Samuel Adams to Richard Henry Lee, December 3, 1787, in Harry A. Cushing, ed., The Writings of Samuel Adams (New York, 1908), IV, p. 324.

Philadelphia Convention had not been authorized to take such action. In giving its halfhearted approval to the convention on February 21, 1787, the Continental Congress had made the narrow boundaries of reform quite clear. The nationalists had acted without the legal approval of Congress or the states. Also, the people did not know that the two powerful forces of consolidation and state supremacy had collided in midsummer and had resolved themselves into a partly national, partly federal government. They saw only the final product, a new structure of government that did not resemble the Articles. Some charged it as a "many headed monster; of such motley mixture, that its enemies cannot trace a feature of Democratick or Republican extract."<sup>65</sup> Others hailed it as "an improvement on the best constitutions that the world ever saw."<sup>66</sup>

Even before the Philadelphia Convention adjourned and the Constitution was presented to the state legislatures, some ardent nationalists voiced discontent over their accomplishment. They had hoped to empower the new government with a legislative negative over all state laws, but they had to settle for judicial review. Believing that judicial review would not provide a firm enough check upon the state legislatures, James Wilson argued that it would be "better to prevent the passage of an improper law than to declare it void when passed."<sup>67</sup> Agreeing with Wilson, Madison

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<sup>65</sup> Elbridge Gerry, "Observations on the New Constitution, and on the Federal and State Conventions," in Ford, ed., Pamphlets, p. 8.

<sup>66</sup> Noah Webster, "An Examination into the leading principles of the Federal Constitution," *ibid.*, p. 64.

<sup>67</sup> Farrand, ed., Records, II, p. 391.

believed that a legislative negative was essential to the success of a strong national government. He lamented that

the plan [the Constitution], should it be adopted, will neither effectually answer its national object, not [sic] prevent the local mischiefs which everywhere excite disgusts against the State Governments.<sup>68</sup>

Even though the nationalists were dissatisfied with some aspects of the Constitution, they acknowledged Hamilton's insight when he confessed that "no man's ideas were more remote from the plan than his own were known to be; but is it possible to deliberate between anarchy and Convulsion on one side, and the chance of good to be expected from the plan on the other?"<sup>69</sup> When the Constitution was ready to be presented to the states, the nationalists had controverted Jefferson's belief that "with all the imperfections of our present government [the Articles] it is without comparison the best existing or that ever did exist."<sup>70</sup> They believed that they had created a government that would be more than just an assembly of debate.

In transforming a weak Continental Congress into a new structure, the nationalists not only had insisted upon secrecy in the Philadelphia Convention but also did not hesitate to approve the use of shady tactics in some of the ratifying conventions. To the nationalists of 1787, as had been the case with most of the same men in 1783, their goal clearly justified whatever strategy they cared to employ. The nationalists appeared as conspirators in the Antifed-

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<sup>68</sup> Ibid., III, p. 77.

<sup>69</sup> Ibid., II, pp. 645-46.

<sup>70</sup> Thomas Jefferson to Edward Carrington, August 4, 1787, in Boyd, XI, p. 678.

eralist criticism of the Constitution, and in Pennsylvania "the proceedings connected with the ratification of the Constitution were conducted with unseemly haste."<sup>71</sup>

When the Pennsylvania legislature received the Constitution in September, the majority of delegates (dominated at the time by conservatives) favored its acceptance. Realizing that the Constitution would probably encounter stiff opposition from the general populace, the Federalists desired a ratifying convention to be called quickly before the people, especially those farthest removed from the city of Philadelphia, had a sufficient amount of time to read and study the Constitution. The minority of legislators who opposed the Constitution argued against the Federalist measure because their constituents were not acquainted with the document. Their valid request for a postponement of the ratifying convention could not make any headway against the Federalists who controlled the legislature. Thus, in order to prevent a quorum that was necessary to issue the call for a convention, the Antifederalists left the state legislature, only to be "seized the next day by a mob collected for that purpose, and forcibly dragged to the house, and there detained by force whilst the quorum of the legislature so formed, completed their resolution."<sup>72</sup> The Federalists had not hesitated to use the terror of mob politics in support of their cause.

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<sup>71</sup>Beard, p. 238.

<sup>72</sup>"The Address and Reasons of Dissent of the Minority of the Convention of the State of Pennsylvania to Their Constituents," in John Bach McMaster and Frederick D. Stone, eds., Pennsylvania and the Federal Constitution (New York, 1970), II, p. 458.

In most of the states the Federalists did not resort to this Pennsylvania brand of violence. As Madison remarked to Edmund Pendleton, "the weight of abilities and property is on the side of the Constitution."<sup>73</sup> That the Antifederalists offered the kind of resistance they did to a powerful elite, which included the intellectual giants Madison, Wilson and Hamilton, as well as the awesome, majestic presence of Washington, was truly remarkable. Gordon Wood observed in his book The Creation of the American Republic that "the Antifederalists were not so much beaten as overawed [because they] were politicians without influence and connections and ultimately politicians without social and intellectual confidence."<sup>74</sup> The "continental" experience of the Federalists paid off handsomely in the ratification struggle. With their wealth and influence, the Federalists were able to silence their opponents in many cases through simply withdrawing their subscriptions to newspapers advocating the Antifederalist cause.<sup>75</sup>

In the arts of debate the Federalists proved to be invincible. For instance, the Antifederalists sharply criticized the Federalists for demanding immediate adoption without the necessary time to debate the merits of the Constitution. "If we remain cool and temperate," contended Richard Henry Lee, "we are in no immediate danger of any

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<sup>73</sup>James Madison to Edmund Pendleton, February 21, 1788, in Hunt, V, p. 109.

<sup>74</sup>Wood, pp. 486-87.

<sup>75</sup>Ibid. Also, Wood pointed to the fact that "out of a hundred or more newspapers printed in the late eighties only a dozen supported the Antifederalists."

commotions; we are in a state of perfect peace, and in no danger of invasions."<sup>76</sup> The Antifederalists believed that only through much investigation could all the serious defects be found which would convince the people to reject the Constitution. In response to that charge, the Federalists wisely replied that

if mankind were to resolve to agree in no institution of government until every part of it had been adjusted to the most exact standard of perfection, society would soon become a general scene of anarchy, and the world a desert.<sup>77</sup>

By falling back upon their propaganda of the 1780's the Federalists were able to defeat a solid claim by the Antifederalists.

Cut off from many newspapers that would have given their case a fair hearing and a better chance to prevail, the Antifederalists waged a grim battle that they had little chance of winning. Determined to check "the magnificent designs of the well-born, a government where tyranny may glut its vengeance on the low-born,"<sup>78</sup> the Antifederalists struggled against their superior opponents in the conviction that "the federal Convention ought to have amended the old system; for this purpose they were solely delegated; the object of their mission extended to no other consideration."<sup>79</sup> As was pointed out by John Burgess, author of Political Science and Comparative Constitutional Law, what they [the Philadelphia Convention] actually did, stripped of all fiction and verbiage, was to assume

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<sup>76</sup> R. H. Lee, "Letters from the Federal Farmer," in Ford, ed., Pamphlets, pp. 280-81.

<sup>77</sup> The Federalist, No. 65.

<sup>78</sup> Centinel No. III, in McMaster and Stone, II, p. 595.

<sup>79</sup> Elliot, III, p. 23.

constituent powers, ordain a constitution of government and of liberty, and demand a plebiscite thereon over the heads of all existing legally organized powers. Had Julius or Napoleon committed these acts they would have been pronounced coups d'etats.<sup>80</sup>

The Antifederalists understood the nature of the Federalist overthrow of the Articles, but they never could mount enough momentum to pin completely the charge of conspiracy upon the well-respected Federalist elite. However, Samuel Adams was correct when he perceived that "the few haughty Families, think They must govern."<sup>81</sup>

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<sup>80</sup> John Burgess, Political Science and Comparative Constitutional Law (New York, 1890), I, p. 105.

<sup>81</sup> Samuel Adams to Richard Henry Lee, December 3, 1787, in Cushing, IV, p. 325.



## CHAPTER IV

### CONCLUSIONS

The Progressive historians have approached the political confrontation of the 1780's from varying angles, but they have always arrived at the same conclusion. In attempting to invest the national government with sovereignty over the states and to transform the Congress from an impotent assembly of state delegates into an energetic American legislature, the nationalists conspired against the democratic forces of the Revolution, defined as freedom from centralized authority. Contrary to the position taken by the school of Neo-Conservatives, the Progressives have been correct to stress the element of subversion even though they have not been able to demonstrate convincingly a conspiracy. The Federalists discarded the Articles in the interests of their aristocratic elite first and of the people secondly, with the full knowledge that although the people were incapable of wisely governing themselves republican government had to be based upon the will of the people. Furthermore, as Gordon Wood has stated

for all its emphasis on equality, republicanism was still not considered by most to be incompatible with the conception of a hierarchical society of different gradations and a unitary authority to which deference from lower to higher should be paid.<sup>1</sup>

Thus, for strategic reasons, the Federalists bypassed the state legis-

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<sup>1</sup>Wood, p. 479.

latures, which were not likely to give approval to their own death warrants, and submitted the Constitution to popularly elected conventions. Although this Federalist scheme subverted the authority lodged in the thirteen state legislatures by the Articles, it does not signify conspiracy against the democratic forces of the Revolution. Instead, it was simply a brilliant political stroke on the part of the Federalists. "It is of great importance," contended Edmund Randolph at the Philadelphia Convention, "that the consideration of this subject should be transferred from the legislatures where this class of men [local demagogues] have their full influence to a field in which their efforts can be less mischievous."<sup>2</sup> Randolph knew that the Antifederalists commanded much strength in the local legislatures and vastly outnumbered men of the Federal persuasion. Also, the Federalists indicated a fear that the legislatures would be "interrupted with a variety of little business; by artfully pressing which, designing men will find means to delay from year to year, if not to frustrate altogether, the national system."<sup>3</sup> In An Economic Interpretation of the Constitution, Charles Beard maintained that the Federalists desired separate conventions out of the realization that "there was a better chance of getting the right kind of citizens elected to a convention than to a legislature."<sup>4</sup> By employing their prestige, Federalist propagandists influenced the people into electing nationalist-minded delegates and thus assured the way for ratification.

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<sup>2</sup>Farrand, ed., Records, II, p. 89.

<sup>3</sup>Ibid., p. 90.

<sup>4</sup>Beard, p. 221.

Not only did the Federalists keep the Constitution out of the grasp of hostile state legislatures, but they also determined that the Constitution would replace the Articles just as soon as nine states ratified. Under the Articles, changes could be adopted only with the full consent of all the states, but the Federalists did not want to take any chances with the Constitution. They could pressure the recalcitrant states as soon as they had the full support of nine. Surprisingly, the Antifederalists did not take advantage of dramatizing this particular Federalist subversion. Even Madison admitted that the convention had "departed from the tenor of their commission"<sup>5</sup> in insisting upon ratification by only nine of the thirteen states.

In their difficult endeavor to thwart the Federalist "reform," the Antifederalists believed that their best opportunity hinged upon their ability to illustrate the evils of concentrated power which they felt were embodied in the Constitution. Persuasive orators, such as Patrick Henry, appealed to veterans of the Revolution to recall the intense struggle for freedom against a distant centralized authority. The New York Antifederalist Melancton Smith predicted that the Constitution would create "a government of oppression [which would] fall into the hands of the few and the great."<sup>6</sup> Likewise, Elbridge Gerry, a founding father at Philadelphia who had refused to sign the Constitution, charged that nationalists had embarked upon a course "marked on one side with the dark, secret and profound intrigues of the statesmen long practised in purlieus of despotism;

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<sup>5</sup>The Federalist, No. 40.

<sup>6</sup>Elliot, II, p. 247.

and on the other, with the ideal projects of young ambition."<sup>7</sup> The Antifederalists saw that the Constitution had been fashioned by three of the same politicians who would have used military force in 1783 to cement the bonds of union. The picture of a distant and oppressive government staffed by aristocrats, such as Robert Morris, who would not be responsive to the needs of the common man was undeniably frightening to Antifederalists. In the Massachusetts ratifying convention, one Antifederalist remarked suspiciously:

These lawyers, and men of learning and moneyed men, that talk so finely, and gloss over matters so smoothly, to make us poor illiterate people swallow down the pill, expect to get into Congress themselves; they expect to be the managers of this Constitution, and get all the power and all the money into their own hands, and then they will swallow all us little folks like the great Leviathan; yes just as the whale swallowed up Jonah!<sup>8</sup>

In courageously expressing their apprehensions in defiance of the skillful assurances made by Federalist leaders, the Antifederalists were not wanting in faith, nor were they solely political pessimists blocking the way toward national unity.<sup>9</sup> Instead, they entertained a belief that they had discovered a plot taking form as a result of the tensions caused by the new nation's adaptation to independence from Britain, and they fervently resolved to inform the people of

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<sup>7</sup> Elbridge Gerry, "Observations on the New Constitution, and on the Federal and State Conventions," in Ford, ed., Pamphlets, p. 7.

<sup>8</sup> Elliot, II, p. 102.

<sup>9</sup> Robert Rutland in his book The Ordeal of the Constitution disagrees with Cecelia Kenyon's contention that the Antifederalists were "men of little faith." To Rutland, the Antifederalists did have a positive program of reform, but the leaders simply could not unify the diversity in their ranks.

this conspiracy before it was too late. They further warned that

the same men who now cry up the necessity of an energetic government, to induce a compliance with this system [the Constitution], may, in much less time, reprobate this in as severe terms as they now do the Confederation, and may as strongly urge the necessity of going as far beyond this as this is beyond the Confederation.<sup>10</sup>

While the Antifederalists were most accurate in their condemnation of some of the Federalist tactics, they seriously misjudged the basic Federalist objective. The Federalists were not primarily guided by lust for power and economic gratification even though some would be able to obtain much of both. Instead, the Federalists responded to a breakdown in the heart of Antifederalist political doctrine, the state governments. Also, the Antifederalists, like the Progressive historians who were to take up the Antifederal cause once again in the twentieth century, could never completely prove a conspiracy in the nationalist ranks of 1787.

By showing that many of the founding fathers did not gain any profit from the Constitution, the Neo-Conservatives successfully disproved Beard's narrow economic thesis. Indeed, there is not any evidence that the nationalists had in mind the profit that would accrue from their public securities when they altered the course of American constitutional government. The Neo-Conservatives have argued that the Constitution was an extension of the Revolution rather than an economic document. Yet, even leaning heavily upon the idea of consensus in history, the Neo-Conservatives have not entirely dispelled the notion of a nationalist conspiracy, nor have they been able truly to explain the reason for success behind the second nationalist assault.

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<sup>10</sup> Elliot, II, pp. 250-51.

The Progressives were closer to the truth than has been imagined. The nationalists did form a dynamic and influential elite which transcended both economic considerations and sectional conflict. The whole concept of "good" government was at stake, for as Gordon Wood has demonstrated in The Creation of the American Republic, by the middle eighties the state governments were not creating virtuous laws and citizens.<sup>11</sup> The Revolution had unleashed a rampant democracy in the state legislatures, and the French foreign observer to the United States could claim in 1786 that "the licentiousness of a greedy populace has just shaken the basis of the government."<sup>12</sup> At the Philadelphia Convention, one nationalist warned that the nation's "chief danger arises from the democratic parts of our constitutions."<sup>13</sup> In the democratic whirlwind of the 1780's, quality and justice were sacrificed to principles of equality, and no finer example can be found than in the debtor relief legislation which did not conform to any just or fair pattern.

During the Confederation period, some capable politicians had been replaced by petty demagogues who catered to the whims of local factions rather than to the interests of the state or nation, and, more often than not, a delegate's ability became a liability in getting elected to office on the state level. As Edward Carrington explained,

a great proportion of the people, being loaded with debt have found an interest in promoting measures

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<sup>11</sup>Wood, p. 465.

<sup>12</sup>Louis Otto to Count Vergennes, September 20, 1786, in Bancroft, II, p. 395.

<sup>13</sup>Farrand, ed., Records, I, p. 26.

directly opposed to good government, and have been solicitous to direct the public affairs, whilst better men have been inactive. . . .<sup>14</sup>

Bound by strict instructions from his constituents, a Congressional delegate was not only denied the freedom of independent thinking and creativity but also the authority to promote any law contrary to the wishes of his district. The process of government deteriorated into as complete a tyranny by the majority over the few as was the rule of the British monarch over the colonies. Turning the tables on the Anti-federalist fear of despotism resulting in the Constitution, Madison argued "that turbulence, violence, and abuse of power, by the majority trampling on the rights of minority, have produced factions and commotions, which, in republics, have, more frequently than any other cause, produced despotism. . . ."<sup>15</sup> Realizing that "it is of great importance in a republic not only to guard the society against the oppression of its rulers, but to guard one part of the society against the injustice of the other part,"<sup>16</sup> Madison and the Federalists aimed their attack at the evil excess of democracy that they found deeply embedded in all the states. From the meeting at Annapolis to the inauguration of the new government in 1789 the Federalists worked together, though not under the guise of conspiracy, to subdue the egalitarian spirit of the Revolution, for it was precisely the belief that "all men are created equal" and therefore capable of

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<sup>14</sup> Edward Carrington to Thomas Jefferson, April 24, 1787, in Boyd, XI, p. 312.

<sup>15</sup> Elliot, III, p. 87.

<sup>16</sup> The Federalist, No. 51.

running a government that made the Confederation period a critical trial in republicanism.

In the effort to lead the student of American history out of the maze of conflicting interpretations on the Constitution, Gordon Wood has recently woven the two strands of Progressive and Neo-Conservative thought together. He advanced a thesis that helps to explain more fully the second nationalist thrust. However, it is important to note that Wood's argument rests upon the literature and correspondence of the Federalists rather than upon research that yielded a demonstrated conspiracy.

Even though the Neo-Conservatives may be correct in asserting that nearly all white males in America possessed the right to vote, the burden of governing the nation devolved on the "gentlemen." Emphasizing the radicalism of the Revolution and the reactionary character of the Constitution, Gordon Wood believed that

through the artificial contrivance of the Constitution overlying an expanded society, the Federalists meant to restore and to prolong the traditional kind of elitist influence in politics that social developments, especially since the Revolution, were undermining.<sup>17</sup>

While the Revolution had done much to destroy the notion that a wise, aristocratic elite had the social obligation to govern, the Constitution of 1787 reaffirmed that view in explicit terms. According to Wood, any popular demagogue could rise to power in the state legislatures during the Confederation period, whereas superior politicians had been confined to the weak Continental Congress. After having been pushed out of state governments by levellers and back-country poli-

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<sup>17</sup> Wood, p. 513.



ticians, the Federalists determined to change the nature of the governmental system and to return to power not through the states but by way of an invigorated national Congress.

In their quest to rectify the evils of the Confederation period, it was not difficult for the Federalists to justify the necessity of erecting a government that would be thoroughly capable of preventing either a minority or a majority from capturing complete control. "By so contriving the interior structure of the government as that its several constituent parts may, by their mutual relations, be the means of keeping each other in their proper places,"<sup>18</sup> Madison and the Federalists were assured of achieving the first part of their program. With the proper checks and balances, neither a strong executive nor a tyrannical legislature could effectively usurp power.

However, it was not quite so easy to convince the people of the need for the second part of the proposed reform. The Federalists desired that the people discard their obsessive trust in state legislatures and instead place their faith in a high-principled political elite. After making a close investigation of the problems of the Confederation period, Madison perceived that the representatives in the state legislatures were "more disposed to sacrifice the aggregate interest, and even authority, to the local views of their constituents"<sup>19</sup> than would members of the natural aristocracy. Only those men not dominated by local bias could make the best legislators under the

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<sup>18</sup>The Federalist, No. 51.

<sup>19</sup>James Madison to Thomas Jefferson, October 24, 1787, in Boyd, XII, p. 275.

Constitution, but Hamilton reassured the people that their views would not be ignored by the governing elite.<sup>20</sup> Actually, the Federalists believed that local legislators had all too often practiced the arts of deception upon the people. In pleading on behalf of the Constitution, Hamilton remarked that "the people commonly intend the public good"<sup>21</sup> but did not always know the best methods of obtaining it. The Constitution was one such means because it was a well-devised government. However, an additional guarantee was needed. "The grand secret of forming a good government," contended Pelatiah Webster, "is, to put good men into the administration: for wild, vicious or idle men, will ever make a bad government, let its principles be ever so good."<sup>22</sup> The "good men" whom the Federalists had in mind were naturally members of the Federalist party. Due to their wealth, connections, education and political savoir faire, the Federalists were confident that they possessed the proper attributes to govern on behalf of the people. As Madison phrased it in a letter to Randolph, "there are subjects to which the capacities of the bulk of mankind are unequal, and on which they must and will be governed by those with whom they happen to have acquaintance. The proposed Constitution is of this description."<sup>23</sup> In making their direct appeal to the people, the Federalists asked that the people relinquish some of their governing

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<sup>20</sup>The Federalist, No. 35.

<sup>21</sup>Ibid., No. 71.

<sup>22</sup>Pelatiah Webster, "The Weakness of Brutus exposed," in Ford, ed., Pamphlets, p. 131.

<sup>23</sup>James Madison to Edmund Randolph, January 10, 1788, in Hunt, V, p. 81.

power to a small, qualified elite, which would be free from corruption and perfectly capable of directing a national government.

The Antifederalists could not accept the Federalist web of sophistry, nor could they be content with the reassurances of their opponents. They refused to believe that the Federalists commanded an inviolable right to speak for the people. Since they concluded that "a substantial yeoman, of sense and discernment, will hardly ever be chosen"<sup>24</sup> to the new national Congress, they feared that the government would not be congenial to the interests of the people and that soon an aristocratic tyranny would gain full sway over the country. As Richard Henry Lee noted in his criticism of the Constitution, "every man of reflection must see, that the change now proposed, is a transfer of power from the many to the few."<sup>25</sup> Defending the right of the people to govern themselves, the Antifederalists condemned this transfer because they felt it had the potential to destroy republicanism as they knew it. That the fears and the accusations of the Antifederalists were never fully realized after the adoption of the Constitution raises some doubt as to the idea of counterrevolution by Federalists in 1787. Antifederalist organization and sentiment had almost totally evaporated by 1789, and it is inconceivable that disintegration this sudden would have occurred if the Federalists had proved to have been genuine conspirators, as Antifederalists had claimed.

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<sup>24</sup> Elliot, II, p. 246.

<sup>25</sup> R. H. Lee, "Letters from the Federal Farmer," in Ford, ed., Pamphlets, p. 317.

If Merrill Jensen and Forrest McDonald are correct in asserting that most of the people in the states experienced economic prosperity in the Confederation period, then one must wonder why the nationalists succeeded in 1787 at a project they had failed so miserably to carry in the early eighties. According to Gordon Wood,

once men grasped, as they increasingly did in the middle eighties, that reform of the national government was the best means of remedying the evils caused by the state governments then the revision of the Articles assumed an impetus and an importance that it had not had a few years earlier.<sup>26</sup>

As they had previously discovered under Robert Morris' leadership, the nationalists could never have hoped to ally all strong economic factions to their cause in 1787, for each state possessed its own peculiarities. Wood believed that it was only through emphasizing the grave possibility that all of society could be overturned that the Federalists were able to link those mildly skeptical of centralism and primarily interested in state affairs to the second nationalist thrust. If the state governments had managed somehow to maintain a high level of administration which could have curbed the lawlessness prevalent in some of the states, it is quite probable that the nationalists would have foundered in the midst of clashing factions as they had before. By focusing upon state disorders, the nationalists made it perfectly clear that a mere strengthening of the Articles would only magnify evils already present. Also, to have worked within the legal framework of the Articles would have thwarted the Federalist plan of placing members of their elite into

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<sup>26</sup>Wood, p. 466.

the seats of government. Since the Federalists could not hope to infiltrate the state legislatures, then under the new plan the state governments had to be subordinate in power to the national government.

The nationalists did execute a remarkable coup in conceiving a new republic which, while being based upon the consent of the people, was actually far removed from the character of the people.<sup>27</sup> A staunch Virginia Federalist rejoiced in a letter to Madison that "the People, the Origin of Power, cannot act personally, and can only exercise their power by representation."<sup>28</sup> However, America was not a closed society. "Class did not depend upon inheritance but upon property. Since anyone could acquire property, anyone could rise, and the poor man could and occasionally did become a wealthy esquire."<sup>29</sup> Social mobility was more prominent in America than in any European country, and even if the Federalists had so desired, they could not have closed the doorway into the governing elite. As David Ramsay explained, "the reins of state may be held by the son of the poorest man, if possessed of qualities equal to that important station."<sup>30</sup> With the establishment of the Constitution, ability became the prerequisite for entering the ranks of the governing elite. Thus, even if one were to accept Wood's contention that the Constitution was a

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<sup>27</sup> Ibid., p. 475.

<sup>28</sup> Edmund Pendleton to James Madison, October 8, 1787, in David J. Mays, The Letters and Papers of Edmund Pendleton (Charlottesville, 1967), II, p. 499.

<sup>29</sup> Jackson T. Main, The Social Structure of Revolutionary America (Princeton, N. J., 1965), p. 220.

<sup>30</sup> David Ramsay, "Oration on the Advantages of American Independence," quoted in Wood, p. 479.

counterrevolution, he could still see how that counterrevolution was softened considerably by the nature of American society itself.

However, to charge the nationalists with counterrevolution or conspiracy in the second nationalist thrust has not been an easy task for historians so inclined. In 1783, it is true, several nationalists were guilty of a conspiracy that faltered in the planning stages, but no historian has yet been able to prove conspiracy in the Federalist ranks in 1787. Professor McDonald has shown that the nationalists were not one solid economic interest group. Also, even though Gordon Wood has excelled at showing the concern and the growing awareness among the Federalist elite over the dangers of social radicalism, he did not demonstrate a conspiracy based on the actual political machinations of the Federalists. Thus, one may only speculate about the possibility of conspiracy from Wood's account.

In future research on the problem of a nationalist conspiracy in 1787, one possible avenue to take would be an attempt to translate Gordon Wood's demonstration of the Federalist "awareness" into actual plotting by the dynamic core of nationalists. For instance, before the Philadelphia Convention met in May, 1787, there is evidence in several letters that Madison desired to subvert the Articles and to establish a new, consolidated government.<sup>31</sup> During the first four months of 1787 Madison attended sessions of the Continental Congress in New York, and the possibility should not be discounted that Madison secretly contacted other avid nationalists

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<sup>31</sup>See Madison's letters to Thomas Jefferson, March 18, 1787; to Edmund Randolph, April 8, 1787; to George Washington, April 16, 1787, in Hunt, II.

such as Hamilton, and that they formed an interstate coalition under Madison's prompting. Certainly Madison was in an excellent position to have discussed the idea with other nationalists in New York and in the Continental Congress. Perhaps it was the meetings and schemes of staunch nationalists in New York which sufficiently alarmed New York into sending the only delegation with an Antifederalist majority to the Philadelphia Convention. New York may have been the only state to have perceived the plans for counterrevolution. At any rate, until the Federalists can be implicated in some kind of shady political machinations which united their ranks before the Philadelphia Convention officially met, then the Constitution can be seen only as a conservative reaction by concerned patriots.

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