The Constitution and America's Destiny

In this ambitious study, David Brian Robertson explains how the U.S. Constitution emerged from an intense battle between a bold vision for the nation's political future and the tenacious defense of its political present. Given a once-in-a-lifetime chance to alter America's destiny, James Madison laid before the Constitutional Convention a plan for a strong centralized government that could battle for America's long-term interests. But delegates from vulnerable states resisted this plan, seeking instead to maintain state control over most of American life while adding a few more specific powers to the existing government. These clashing aspirations turned the convention into an unpredictable chain of events. Step by step, the delegates' compromises built national powers in a way no one had anticipated and produced a government more complicated than any of them originally intended. Their Constitution, in turn, helped create a politics unlike that in any other nation.

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To two inspiring mentors
Alfred Diamant
and
Dennis R. Judd

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Preface

I did not set out to write a book about the U.S. Constitution. I set out to write about the obstacles that American political institutions have placed in the way of American businesses, workers, and other economic interests. But to write that book, I had to start by working out the institutional foundations of American government. I had to understand the design of the Constitution as thoroughly as I could. I knew the Constitution was a solution, but precisely what was it a solution *to*? What pressing policy problems were the founders trying to solve? How did they think the Constitution's provisions would address these problems? What policy results did they expect the government to achieve? Whose interests did they expect policy makers to serve?

I expected to find answers in the many books written about the Constitution, but I was disappointed. None of these books had tried to provide a systematic political explanation for all the Constitution's provisions. Instead, many authors seemed to be bogged down in a hopeless effort to determine the relative impact of abstract principles and personal interests on the Constitution's design. Few books seriously examine the politics of provisions that now seem relatively unimportant, although the delegates to the Constitutional Convention considered many of them important enough to fight about at length. I was especially surprised to find that, with a couple of exceptions, social scientists in the field of American political development had largely ignored questions about the Constitution's original design. This field is my intellectual home. Many scholars in the field dedicate themselves to understanding the way durable political institutions shape politics and policy. Yet virtually none had tried to

understand methodically the most basic and enduring choices about the design of America's political institutions.

Meanwhile, the more I read about the Constitutional Convention, the more mysterious it seemed. James Madison, already an experienced and shrewd politician in his mid-thirties, had prepared more than anyone for the meeting in Philadelphia that began in late May 1787. He developed an ingenious agenda to steer its deliberations. I was surprised by the scope of the remarkably strong central government he planned and his determination to exclude the state governments from influencing national policy. Although Madison often is credited as the primary architect of the Constitution, the document finally signed on September 17, 1787, did not include those provisions he considered the most indispensable. This inconsistency helped me clarify my basic questions. Exactly what problems did Madison and other supporters of a new constitution face? Exactly why did they consider these to be problems that necessitated a new constitution? How did Madison think his initial agenda would answer these problems? How did other delegates react to his proposal, and why? What made them change so many fundamentals of his plan, and exactly how did the changes they made affect the final constitution?

Before I knew it, I was deeply invested in writing a book about the politics of the Constitution's design. I began by arranging each one of the original Constitution's provisions into three categories: agency (*who* governs), authority (*what* is governed), and the policy process (*how* is the nation governed). With this map in hand, I set out to understand the way the delegates worked through these issues by studying closely the accounts they left behind. I read the records of the Constitutional Convention over and over, at first chronologically, then by categories of decisions, then provision by provision, and then chronologically again. I puzzled through votes, speeches, legislative tactics, and rhetorical devices. I used insights from recent political research to understand better the political logic playing out in Philadelphia. I returned again and again to the problem of understanding the sequence of events. Small riddles began to take on more meaning. Why, for example, did Madison fight so hard for a national government power to veto state laws? Precisely what caused two of the New York delegates to walk away from the convention for good after July 10, instead of earlier, or later, or not at all? The solutions to such puzzles provided clues to the meeting's bigger mysteries. Gradually, the convention's politics grew clearer to me.

As I see it, politicians wrote the Constitution for politicians to use. The most active delegates knew their fellow politicians' thinking intimately.

They sought to shape the future strategic calculations of the politicians who were going to populate and use the government they were building. The delegates' central dilemma was to create a government that could produce beneficial policies while at the same time ensuring that its policies would not harm the nation, or their own constituents, or interests that they considered vital. They especially wanted a government whose policies would cultivate commerce and protect property. My interpretation emphasizes the framers' political interests and long-term goals for economic policy, rather than their philosophical beliefs, their personal economic interests, or the short-term financial interests of the nation's wealthy elite. Most of the politicians who shaped the Constitution had won elections and many evidently intended to win more. They had to make economic development acceptable to a reasonably large political constituency. These delegates had considerable confidence in their own public-spiritedness and in their own understanding about the kinds of long-term economic policies that could balance the turbulent political dynamics of postrevolutionary America.

Madison's opponents influenced the Constitution's design in more far-reaching ways than scholars recognize. The Constitution emerged from a battle between Madison's vision for the nation's political future and his opponents' defense of much of the nation's political present. Connecticut's delegates in particular challenged Madison and his allies from start to finish. Madison met his political match in Connecticut's wily and accomplished Roger Sherman, who opposed Madison more often and more effectively than any other delegate. While Madison and his allies were trying to maximize national authority to nurture the American economy as a whole, Sherman and his allies were fighting for a more restricted set of specific national powers that would better enable the states to manage their own economies and societies. Connecticut's delegates and their allies gained major concessions and won more frequently as the convention wore on. The underlying battle between the Madison and Sherman positions shaped the Constitution's most controversial provisions: the apportionment and power of the Senate, dual state and national sovereignty, and the selection and powers of the president. Step by step, the delegates narrowed down national authority and fortified those policy institutions they believed most responsive to their interests. The delegates produced a government that was much more complicated and difficult to use than any of them originally intended. They reached compromises that gave different institutions the power to impede national policy, and they forced these institutions to collaborate to get things done.

The framers placed obstacles in the way of political cooperation in the United States, and those obstacles profoundly affect American politics today. As the delegates left the convention, perhaps the most perceptive of them grasped that their Constitution made it easier for politicians to win elections than to use government to change the world. The Constitution gives American politicians remarkable power but at the same time makes it remarkably difficult to use that power. Those who want to use American government today must have a realistic understanding of the fundamental political dilemmas at the core of the Constitution. Putting American government to work on major problems requires much effort to construct and maintain large political coalitions. Building such coalitions is difficult, and the Constitution makes it even more difficult than it ordinarily would be. But it can be done, and it has been done. Many of my students and friends have a deep reservoir of idealism about the use of government. I sincerely hope that such idealists find my interpretation challenging and inspiring, rather than discouraging. By better understanding how Americans made their Constitution and expected it to work, I hope more will feel inspired to dedicate the substantial energy needed to put their government to work in the service of a better world.

Acknowledgments

Let's start at the beginning. A late 1997 conversation with Linda Kowalcky about our respective research projects on the early republic gave me enduring fortitude to turn this project into a book; without a doubt, that valuable exchange became a necessary and probably sufficient condition for bringing this book into being. I tried out many a half-formed idea on Rich Pacelle and Bryan Marshall while they were colleagues at the University of Missouri–St. Louis; these good friends gave me much-needed support, and in the bargain they taught me a lot about American politics, courts, and Congress. Several other wonderful colleagues at UM–St. Louis also were helpful sounding boards and supporters for me; they include David Kimball, Bob Bliss, Dennis Judd, Lana Stein, Terry Jones, Lyman Sargent, and Brady Baybeck.

I subjected numerous graduate and undergraduate students to iterations of this argument, and their feedback immensely benefited the results. I am deeply indebted to Professor Susan Mason, who read the entire manuscript with care and provided extensive, exceptionally helpful comments. Steve Gardner read two versions, one early, one virtually complete; a former state legislator and a current Ph.D. student, Steve unfailingly shared incisive comments, and they greatly improved the manuscript in countless ways. Matthew Sherman also provided many comments on several chapters. Adam Murray shared provocative and helpful interpretations, and Jeremy Yowell found some egregious typographical errors. Will Winter deserves credit for assembling a mountain of information about business and American policy development. Thanks to students in my graduate seminars on American Political Development and on Political Economy, and to the undergraduates who participated in an honors class

on the Constitution and American Political Development. All of them forced me to articulate my ideas more clearly, and if ambiguities remain, it's not because they failed to help.

In the early stages of the project, I tried out some interpretations on Cal Jillson and Rick Wilson. Both provided enormously helpful feedback on these early ideas, and both encouraged my efforts. Since then, both also have provided very valuable additional suggestions. Jim Morone has been a terrific professional and personal friend whose encouragement helped even more than he knows. Richard Franklin Bensel's sensitive reading of the strong and weak spots in my arguments – and encouragement to back away from bottomless pitfalls – made this a much better manuscript. Don Critchlow has been a good friend, supporter, and cheerleader for the many years we've worked together on the *Journal of Policy History*. Colleagues at Syracuse University, including most notably Suzanne Mettler, Rogan Kersh, and Kristi Andersen, provided extremely helpful ears for my evolving ideas. On a couple of important occasions, early and late, Keith Whittington gave me very useful comments on the project. Several individuals at the 2003 conference of the Society for the History of the Early Republic – especially David T. Konig and Jack Rakove – shared excellent, pointed criticisms that sharpened the argument considerably. A plethora of others merit thanks for comments and encouragement, including Bat Sparrow, Eileen McDonagh, Howard Reiter, Charles Kromkowski, Sam Kernell, Dan Wirls, Frances Lee, Emery Lee, Calvin Johnson, and Gerald Gamm. Two anonymous reviewers at Cambridge University Press engaged the manuscript in such a careful, painstaking analysis that it could not help but turn out better for their efforts. Lew Bateman was the perfect editor for the project, and I much appreciate his help and support. Brian R. MacDonald's careful editing greatly improved the final manuscript.

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the Early Republic meetings, the 2002 Social Science History Association meetings, the 2003 conference on Evolving Federalisms in the Maxwell School at Syracuse University, the 2001 conference on the occasion of James Madison's 250th birthday at the University of California–San Diego, and the 1999 Western Political Science Association meetings. Three anonymous reviewers for the *American Political Science Review*, as well as *APSR* editor Lee Sigelman, made helpful comments on a separate paper that also strengthened this book. This article, "Madison's Opponents and Constitutional Design," appeared in the *American Political Science Review* 99:2 (May 2005). Material in Chapter 3 was adapted from *James Madison: The Theory and Practice of Republican Government*, edited by Samuel Kernell, © 2003 by the Board of Trustees of the Leland Stanford Jr. University, by permission of the publisher.

Anyone who reads the book must be made to understand how coffee and music pervasively influenced the research and writing from start to finish. A string of coffee shops from Boston to Seattle provided congenial settings for many ideas to percolate and for caffeine to accelerate reflection. Many a composer unknowingly helped me bridge a terrific sticking point, artfully polish a sentence, and force my fingers to the keyboard for an extra hour. I'm especially grateful to Brahms (Fourth Symphony), Saint-Saëns (Third Symphony), Holst (*The Planets*), Beethoven (Seventh, Sixth, and Third Symphonies), Copeland (*Appalachian Spring*), Rimsky-Korsakov, Chopin, Satie, Grieg, Bach, and Howlin' Wolf. None of these contributors to the soundtrack ought to be held responsible for the result.

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Abbreviations

DHFFC	*Documentary History of the First Federal Congress of the United States of America*, ed. Linda Grant De Pauw et al., (Baltimore: Johns Hopkins University Press, 1972–)
ED	*The Debates in the Several State Conventions, on the Adoption of the Federal Constitution*, ed. Jonathan Elliot, 5 vols. (New York: Burt Franklin, 1968; orig. 1836–45)
JCC	*Journals of the Continental Congress, 1774–1789*, ed. Worthington C. Ford et al., 34 vols. (Washington, DC: Government Printing Office, 1904–37), http://memory.loc.gov/ammem/amlaw/lwjc.html
LDC	*Letters of Delegates to Congress, 1774–1789*, ed. Paul H. Smith et al., 25 vols. (Washington, DC: U.S. Library of Congress, 1976–2000)
PJM	*The Papers of James Madison*, ed. William T. Hutchinson et al., 17 vols. (Chicago: University of Chicago Press; Charlottesville: University of Virginia Press, 1962–91)
PRM	*The Papers of Robert Morris, 1781–1784*, ed. E. James Ferguson et al., 9 vols. (Pittsburgh: University of Pittsburgh Press, 1973–99)
RFC	*The Records of the Federal Convention of 1787*, ed. Max Farrand, 4 vols. (New Haven: Yale University Press, 1937), http://memory.loc.gov/ammem/amlaw/lwfr.html