

"The Summer of 1787: A Bicentennial Remembrance"  
Chautauqua County Historical Society  
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Thank you, Rod. I'm reminded of Lyndon Johnson's response when introduced in such a generous way: "I wish my mother and father could be present to hear what you have said about me. My father would have enjoyed it and my mother would have believed it." (I wish they could be here for a more serious reason: though I am a newcomer to Western New York, both my parents have deep roots on the "west coast of New York". I suspect they would be pleased to have me "come home.")

And, thank you for inviting me. Nice to be asked to talk about what my education purportedly prepared me to do. (No one prepares to be a College President.) Until this year and last, as Dean and Vice President in California, I have always taught at least a course a year and so it is good to be disciplined by such an engagement; to put myself back into the 18th and 19th centuries and the richness and excitement that historical study brings.

It occurred to me as I prepared for today that by now you may have heard about all you care to in commemoration of the bicentennial of the Constitution. While the anniversary of the drafting of that venerable document may not have been marketed this year with the same fervor as was the celebration of the Declaration of Independence a few years ago, you have been subjected to public forums of all kinds taking note of the event. And, in the best tradition of American politics, the Constitution has been pressed into the service of widely divergent visions of the American dream. In my own hearing in Chautauqua County such disparate figures as Daniel Patrick Moynihan and Edwin Meese III have invoked the founders and their "original intent" to clinch their partisan points on very Twentieth Century issues. The media have offered both some mindless "spots" and a few thoughtful pieces like the Bill Moyers PBS series. And historian Forrest McDonald has reflected on his long study of the Constitution in the 1987 Jefferson Lectures. So what can I add? Probably not much, but I will share some thoughts with you nonetheless--perhaps from a slightly different perspective; and a bit of repetition may be useful anyway. None of us were around in 1887 and few of us will be sharing in the tricentennial celebration--so let's make the most of the only one we have all to ourselves!

Speaking of centennial observances, although I haven't researched it thoroughly, recall that at the time of the one hundredth anniversary in 1887, a western New Yorker was in the White House; the gilded age was moving toward its end; a gaudy "Triumphal Arch" spanned a major thoroughfare in Philadelphia; and the Randall family (my maternal forebears) were tilling thirty acres purchased in the 1820's from the Holland Land Company in the rolling hills near Gowanda and Collins. Quaker Snow Randall had been doing much the same thing on less fertile land in Danby, Vermont one hundred years earlier, as the delegates gathered in Philadelphia. Enough personal reference, but it is useful, I think, in understanding the very different world in which the Constitution was written, to remind ourselves of what sort of country it was that sent delegates to Philadelphia in that summer near the end of the Eighteenth century.

So let me provide just a bit of that context before we "eavesdrop" on the Convention.\* Much was to be said in the debates over the Constitution about the enhanced prestige that it would give to the United States. But official Europe was not impressed. They felt they had very little to fear from the new nation. With Washington's army disbanded, and the navy dismantled, the US was hardly a "feather in the balance of power." Most European observers drawing on earlier such experiments, believed that the history of the American Union would be short and stormy.

It was still too early to say for certain that the Americans had even conquered the forest. A French traveller wrote that during a journey in 1796 throughout the US, he scarcely travelled for more than three miles at a time on open and cleared land. He said: "Compared with France, the entire country is one vast wood." Only in southern New England, and the eastern part of the Middle States, the cultivated area exceeded the woodland--and the clearings became less frequent as one approached the Appalachians.

At the time of the Constitutional Convention (actually 1790, the first census) there were only six cities in the US with a population of eight thousand or over: (Philadelphia (45,000), New York (33,000), Boston (24,000) and then dropping quickly to: Charleston, Baltimore and Salem--and their combined number included only three per cent of the total population. (The proportion of urban to rural population did not pass ten per cent until after 1840). This was perhaps the one most startling and significant difference in America of that time and today. And yet, most scholars today agree that the strongest support for new Constitution in the ratification battles was from the few cities and the commercial and plantation interests, not from small farmers--bulk of population. But that's another story.

Philadelphia was probably the most "modern" of the cities of the period, with a fair number of surfaced streets, whale-oil street lamps (yes, I know of gas-lit Fredonia!) and water and drainage systems, but no sewage system.

New York City, even pre-Erie Canal, was beginning to mushroom, but at the time of the Constitutional Convention was still unpleasant in many ways, with open sewers and pigs scavenging in the streets. Its increasing economic prosperity earned for it the label "the city of feasts and fevers". Its reservoir was privately owned and, for a fee, citizens could use it for bathing, laundering, or for drinking water. There was very poor police and fire protection, and destructive fires were commonplace.

Bad roads were one of the penalties that the Americans paid for their dispersed settlement and aversion to taxation. In the late Eighteenth Century the difficulties of communication were so great that a detour of several hundred miles by river and ocean was often preferable to an overland journey of fifty miles. It was almost as difficult to get together the first Congress of the United States as it had been to convene church councils in the Middle Ages. There was long delay in starting the Constitutional Convention as well as first Congress. In 1789 Washington was not inaugurated until May, rather than early March as originally provided.

There was a main post-road from Maine to Georgia, over which passengers and mails were transported--but it took about as many days then by stage coach as it does hours now by train or minutes by air. It took twenty-nine days for the

\*This section draws heavily on Morison and Commager's description of the United States in 1790.

news of the Declaration of Independence to reach Charleston, South Carolina from Philadelphia. Bridges were few--even over the streams that could not be easily forded.

While President, Washington managed to visit almost every state in the Union in his own coach without serious mishap--but he had to choose a season when the roads were passable--and he underwent a good deal of discomfort and even danger.

The fifty-five delegates who went to hot, humid Philadelphia in 1787 (don't you think the planners of the bicentennial have carried realism too far in replicating the weather in 1987?) were a remarkable array of men. There can be no doubt that the presence of these particular men (and they were all men!) had a profound influence on the character of the Constitution that emerged. They were not "demi-gods", supernaturally inspired, as some have implied, but they were, on the whole, a remarkable assembly. For example, the Convention delegates had more than their share of educational background. Thirty-one of the delegates had had college educations (unusually high for that time). Two college presidents and three professors present. (Probably a mixed blessing!).

The delegates also had much practical experience in politics. Thirty-nine of the fifty-five delegates had been members of Congress; eight had served in state Constitutional conventions; seven had been state governors. Some in fact put more stock in this political realism than in theoretical musings. John Dickinson admonished the convention that "Experience must be our only guide. Reason may mislead us." Fortunately for the outcome, they found a balance between experience and reason.

Another general characteristic of note was the relative youth of the delegates. Several were under thirty--many were under forty--and the average age was forty-two.

George Washington (enjoying the aura of revolutionary hero) was easily the most eminent and respected member of the Convention. As presiding officer he seldom made any remarks on an issue before the assembly, but his opinions were often strongly held and generally known. Without doubt, his great personal dignity and prestige, and the fairness with which he presided were important assets to the Convention. He had been badly shaken by Shays' rebellion in Western Massachusetts and other evidence of disaffection and the lack of effective authority, and his mere presence in Philadelphia was critical to the success of the effort.

James Madison, like Washington, a Virginia delegate, has often and appropriately been called "the Father of the Constitution." Although only thirty-six, he did play the leading role in the final product. He was well-versed in political theory and practice, took an active part in the debate, and was a member of the final committee on style. He also has provided us with our only substantial record of the proceedings of the Convention. There was no press allowed, no recorders, and the official secretary kept only very sparse and inadequate minutes of motions made and votes taken, but none of the debates. Fortunately, James Madison saw the importance of a more complete record and kept a very complete diary in which he reported the story of the Convention in great detail, including lengthy resumes of the remarks and speeches made.

His notes were published in 1840--four years after his death. A remarkable feat, considering his active role in the debates. As an aside, you might wonder what Madison reported for this day, August 1, 1787. Actually, he reported nothing, because the convention was in recess--July twenty-sixth through August sixth. After spending many days debating the Executive branch, the work to date was referred to a Committee on Detail for the task of putting the convention's approved resolutions into the form of a Constitution. Still a rough draft; others to follow. Now, aren't you glad you know that? A good item for your next party conversation.

Benjamin Franklin, representing Pennsylvania, was the oldest and certainly the most experienced and worldly-wise of the delegates, but at eighty-one he was past his prime, and there is no evidence that his contribution to the writing of the Constitution was in proportion to his popularity or his past achievements. He played an "elder statesman" role--provided comic relief on occasion.

New York's Alexander Hamilton--only thirty years of age at the time--was one of the best known of the delegates but, for different reasons, his contribution was also relatively slight. His own personal views were much more conservative than most of his colleagues (President and Senate for life; essentially eliminate any strong influence by the states, etc.) After it became apparent that he would be outvoted, including by his own New York delegation, he was absent a good deal. In fact, New York's representation and impact on the Convention as a whole was shaky, at best. Governor Clinton, suspicious of the Convention and certainly of Hamilton, appointed two of his supporters, Robert Yates and John Lansing, who went home in early July when the intention of the convention was becoming clear. Of Lansing, a fellow delegate wrote: "Mr. Lansing is a practicing attorney at Albany and Mayor of that corporation. He has a hesitation in his speech that will prevent his being an orator of any eminence;--his legal knowledge I am told is not extensive, nor his education a good one. He is, however, a man of good sense, plain in his manners, and sincere in his friendships." (Perhaps to be expected of a Georgian assessing a New Yorker.) Yates did keep some notes until he left, adding to Madison's. Hamilton's great service came before and after the Convention: he had been one of the strong voices working for fundamental change of the Articles; and his contribution to the campaign for ratification of the finished document by the State of New York was critical. New York's inclusion in the Union was essential to its success, of course. Geographically, it could sever the Union if separate. And yet New Yorkers opposed a strong national government by an estimated three to one, and ratified the Constitution by a slim thirty to twenty-seven margin.

There were other important men at the Convention, of course--many of them making significant contributions. There were a few obstructionists, and a few were mediocre men of little talent. But the average delegate had both experience and intelligence, and the Constitution bears the mark of many men. There was a high degree of cohesion and unity among the fifty-five delegates who made the Constitution. They were by and large the important people of the day--the men of mercantile, manufacturing, and trading interests--the owners of plantations and large areas of western lands, and, we must remember, of slaves.

There were some who were conspicuous by their absence: Thomas Jefferson viewed the proceedings from Paris, where he was the American minister. Open question whether anything like the present Constitution would have resulted from a

convention including Jefferson. Probably would have pressed hard for only revision of Articles. (I mentioned media spots earlier. You may have noticed the item reporting that Pepsi Cola had to change a commercial simulating the voices of Franklin and Jefferson - from the Convention in Philadelphia - debating the comparative virtues of Coke and Pepsi. A high school student called the error to their attention and has been offered a job.) John Adams was in London; Sam Adams had not been selected as a delegate; and, Patrick Henry, as every school child knows, refused to come, saying he "smelt a rat." Only eight of the fifty-six men who had signed the Declaration of Independence eleven years earlier were present in Philadelphia. Circumstances and events had led to a decidedly more conservative profile.

It is always a precarious undertaking for a people to try to find a satisfactory balance between liberty and authority, freedom and order. This is the fundamental issue in political arrangements. On this classic continuum, freedom can deteriorate to anarchy; and order to tyranny. All of governmental systems and decisions can be understood to lay somewhere along this continuum. The choice, in a free society, is not one of either/or, but in finding the most appropriate balance between freedom and order. It is an underlying theme in all history, certainly in our country, from earliest time to today. It is very easy to vest too much power in the government and almost as easy to place so much emphasis upon individual freedom that the government is too weak to perform its necessary functions. It is instructive, I think, to read the Philadelphia debates with this "creative tension" between freedom and order in mind.

So questions of great importance to the field of government in general, and obviously to the fate of our nation in particular, hung over the brick State House in Philadelphia, as the delegates gathered in 1787. The question was whether a small group of men could, in the space of a few months, strike off a short written document that would provide a lasting basis for three simultaneous experiments: independence, republicanism, and federal union - while holding in delicate equilibrium the twin goals of freedom and order. As I said earlier, the wisdom of Europe was skeptical at best.

It is important to remember that the Constitution drafted in 1787 was actually "Constitution number two" in our history. Our first constitution, the Articles of Confederation, was in effect from 1781-1788, when the present one was ratified. The Articles provided for a loose, voluntary association of the states--a one-house Congress, no President, no taxing power, no power to regulate commerce among states, etc., etc. In essence, the government could decide, but could not act; could recommend, but could not enforce.

The perceived weaknesses of the Articles' government led to the movement among the states to revise them that produced the Philadelphia Convention. I say "perceived" because for many, the choice had been deliberate to locate sovereignty with the states; the idea of a strong central government was repugnant and reminiscent of the discarded Empire. The division among citizens and public leaders then, and among historians since, over the desirable forms of power, central or local, charged the atmosphere of the convention--as the heat and humidity stifled it. One of the most important decisions of the Convention was to discard the Articles of Confederation and draft a new frame of government. In doing so, of course, they disregarded their instructions.

But the bold move made it possible for them to start afresh rather than patching up the "old" fabric.

As members of an organization like this, with an interest in our history and institutions, you are certainly familiar with the framework and principles of the Constitution. Let me only conclude with a few selective comments on the work of the Convention, without detailing the specifics of the document.

Although the Constitutional Convention spent a good bit of time settling differences among the delegates, it is important to realize that in their general philosophy of "balanced government" and on a great number of specific objectives the majority were in substantial agreement. For example, the delegates felt that no soundly based theory of government could simply rely on the generosity of men and women for its operation. On the contrary, they felt that government should be built on the assumption that people will generally pursue their own interests so far as they can go without being checked by equal or superior force. If any single interest in society or any particular arm of government could go on indefinitely adding to its power, it would certainly become tyranical. (Remember my earlier reference to the continuum of anarchy-freedom/order-tyranny. Senator Moynihan also made this point recently in his commencement address at Fredonia.) Therefore, the various interests: commercial, agricultural and the like, must be made to balance--and the machinery of the government must provide the mechanics for this balancing. There is a fascinating irony and perhaps curious appropriateness in the juxtaposition this summer of our celebration of the Constitution, on the one hand, with its careful balancing and separation of the branches of government, and the public scrutiny of the most recent instance of challenge to that balance, in the Iran/Contra affair.

The framers aimed to create a political society in which no one interest could completely dominate, because it would be restrained by the others. The men of Philadelphia (at least the leaders) knew the mixed experience with earlier efforts at a republican form of government--having read it in both Greek and Latin. That history was not an especially reassuring one, given what Madison termed the "turbulent existence" of ancient republics. What would suggest that a modern republic would fare better? Madison's confidence rested upon a more realistic view of human nature. Early thought and practice was said to have failed by clinging to illusions about how men ought to be. Instead, the new experiment would take them as they actually are, and would work out carefully balanced political solutions. (No doubt Jefferson's perspective would have been different at this point.) These specific political/governmental arrangements are built into the Constitution of the United States to achieve this delicate balance and equilibrium of interests and influence--power, if you will: the separation of powers. The legislative to enact, the executive to enforce, the judicial to interpret. While some major shifts in the influence of one branch or another can be noted in our history, fortunately, corrective counter-shifts usually follow excesses. (For example, Congress after war-time; FDR and Court, etc.)

The founders set up probably the most complex government yet devised, and also the most nicely poised and guarded. Each of the three branches is independent and coordinate, and yet each is checked by the others. For example: Congressional enactments do not become law until approved by the President; the President in turn has to submit many of his appointments and all of his treaties to the Senate and can be impeached and removed by Congress. The

Judiciary hears all cases arising under the laws and the Constitution and, therefore, has a right to interpret the law. But the judiciary is appointed by the President and confirmed by the Senate, and can be impeached by Congress.

The need to balance freedom and order found expression in not only the careful separation of powers among the branches of government, but also the creation of a federal system, balancing nation and state, the center and its parts. The Constitution culminated a twenty-five year struggle with "imperial" organization: first, parliamentary sovereignty, rejected by the colonists; then, dominion status, first rejected by the North minority and then offered too late; then the Articles of Confederation, imperfect and too rigid. After the failure or rejection of all of these solutions, the convention worked out a new federal system, a successful distribution of powers between central and local governments, all resting upon popular sovereignty. An original contribution of the U.S. to the art and science of government. Never before had there been such an experiment in reconciling liberty and order/freedom and authority over such vast areas and disparate interests.

Add to this the provisions of the Northwest Ordinance, (government for territory north of Ohio River) passed by the Confederation Congress the same year (while Convention debating in Philadelphia)--creating a new "colonial" system--allowing the incorporation of new territories and states into the Union as equals. A stroke of genius and creative statesmanship unheard of before. Through the amending process and the later development of the doctrine of judicial review, the Constitution has met the needs of a vastly changing nation and world. But the document as drafted was a good one; it was not so long and detailed as to restrict the nation in its development--and it has proven adequate as a charter of government while we have grown and changed fantastically: from four million to over two hundred million, from thirteen states to fifty states; from an area of settlement along the Atlantic coast to a vast area from sea to sea, and territorial possessions; from a farming economy to an industrial and now information and technological society; and from a rural nation to one primarily urban.

On Monday, September seventeenth, the Convention held its last meeting, after one of the best summer's work yet done by any deliberative assembly in the world.

The frame of government they produced, while leaving an agenda yet incomplete, provided the framework for the extension of freedom and basic rights over the two hundred years since--to slaves, the unprotected, women.

Only three of the delegates present refused to sign, and most of the members were very pleased with the result of their work. The aged Franklin declared that while he did not approve all parts of the Constitution he was astonished to find it so nearly perfect. He asked any men who did not like some of its features to doubt their own infallibility a little and accept the document.

Dashing young Alexander Hamilton (back for the finale) made a somewhat similar appeal. He had wished a far more centralized form of government, but he said that the Constitution was the only alternative to anarchy and confusion. (His vote probably only symbolic, since two thirds of his delegation gone, and each state had one vote.)

George Washington, at the end of that last day, finished the entry in his diary: "The business being closed," he wrote, "the members adjourned to the city tavern, dined together and took a cordial leave of each other; after which I returned to my lodgings . . . and retired to meditate on the momentous work which had been executed...."

"Momentous work" indeed. Work that broke new ground in the history of governments; has served us well through dramatic change; and will chart our course into an uncertain future. We owe the framers more than our gratitude; we owe them our efforts in rejecting short-sighted efforts to re-do, or un-do their superb work. But, for now, they would like us to celebrate with them.

Thank you.

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