Unruly Americans and the Origins of the Constitution

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I want to invite you to try your hand at a game I play with students in my American history classes. The game opens our discussion of the origins of the Constitution. Students shout out the specific clauses in the Constitution they most appreciate—the ones that make them feel safe and free. Having previously divided the blackboard into three sections, I place each clause that the students mention in one of the three categories. I number the columns but I do not label them. That is the students’ challenge: to figure out, as the three columns fill up, what each one is.

Among the first things the students shout out are “freedom of religion” and “freedom of speech.” Usually the right to bear arms also comes up early. All three of these go in the unlabeled Column 3. Sometimes students will offer me general concepts, such as “right to representation” or “no aristocracy.” Both of those go in Column 1. Often a tattooed or pierced student in the back row will bring up freedom from illegal search and seizure. I write that in Column 3, along with “equal justice under law” and the right of all adults to vote.

It does not take the students long to notice that Column 2 is falling behind. After a while someone is likely to shout “checks and balances,” and that becomes the first entry in Column 2—sometimes the only one—although on the rare occasion when a student mentions “right of habeas corpus” or “no religious test for officeholders,” that goes in the middle column as well.

Using the clauses that I have placed in each of three columns, can you guess what labels to put on them?
Students are usually able to identify Column 3—it is the Bill of Rights and the subsequent amendments. Often my classes figure out that Column 2 is the basic Constitution before the Bill of Rights was added to it. Usually I have to supply the label for Column 1. It consists of provisions of the Constitution that were simply copied from its predecessor, the Articles of Confederation—the United States’s first federal charter—which lasted from 1781 to 1789.

Once all three columns have been labeled, students are often struck by the same thing that astonished me when I first began this study of the origins of America’s founding document: the vast majority of the most popular constitutional clauses are not actually in the Constitution that the Framers signed on September 17, 1787. Nearly all of the stirring phrases that Americans most cherish are actually in the Bill of Rights or in later amendments, especially those adopted after the Civil War. To be sure, the original seven articles do include some very important protections, but most of those were simply carryovers from the Articles of Confederation.

There is irony in the fact that most of the best-loved portions of the Constitution appear in the first ten amendments. The Philadelphia Convention made a conscious decision not to give the new federal charter a Bill of Rights. When the Constitution was sent out to the states for ratification, however, thousands of Americans were aghast that the delegates had codified the powers of government but not the rights of citizens. They were even more appalled that as the ratification battle wore on, the supporters of the Constitution, the Federalists, continued to resist the idea of attaching a Bill of Rights. It was not that the friends of the Constitution were uninterested in protecting personal liberty. What they feared was that the effort to amend the new national charter to protect civil and states’ rights would throw the whole effort to strengthen the federal government off course.

Several state ratifying conventions ended up giving their approval to the Constitution only on condition that it would later be amended to include a Bill of Rights. Some supporters of the Constitution went along with that stipulation, but they generally did so without conviction. They were simply making a strategic concession, accepting the Bill of Rights in order to secure the adoption of the seven articles that had been drawn up in Philadelphia.
Had there been no opposition to the Constitution, its supporters would not have felt the need to make concessions, and there would be no Bill of Rights. So if Americans are grateful for freedom of speech and religion, the right to assemble, the right to an attorney, the right to face their accusers, and other freedoms, it is not the Framers they should thank. It is the people who opposed the Constitution. They were the ones who extracted from the Federalists the strategic concession we call the Bill of Rights.\(^1\)

Which raises a question: If the most compelling motive for the Constitution was not to safeguard civil liberties, what was it?
"Evils Which . . . Produced This Convention"

Introduction

Thirteen North American colonies left the British Empire in 1776, but that was not really the birth date of the American colossus. History's wealthiest and most powerful nation-state was not actually launched until the summer of 1787, at the Constitutional Convention in Philadelphia. Revolutionaries the world over have cribbed from the Declaration of Independence, but the successful ones, those who manage to overturn the social order and establish regimes of their own, find their inspiration not in the Declaration but in the Constitution. Anyone seeking the real origins of the United States must begin by asking why it was that, scarcely a decade after the free inhabitants of thirteen British colonies proclaimed each of them an autonomous state, they decided to meld those thirteen sovereignties together and launch an empire of their own.

Today politicians as well as judges profess an almost religious reverence for the Framers' original intent. And yet what do we really know about the motives that set fifty-five of the nation's most prominent citizens—men like George Washington, Ben Franklin, and Alexander Hamilton—on the road to Philadelphia? The Framers' motivations remain nearly as obscure today as they were that muggy summer of 1787, when the Constitutional Convention delegates voted to maintain the strictest secrecy—and thwarted eavesdroppers by keeping the fetid chamber's doors and windows closed and latched.

High school textbooks and popular histories of the Revolutionary War locate the origins of the Constitution in the nasty conflicts that
leagues. Was it not “the corruption & mutability of the Legislative Councils of the States”?4

Once the Constitution had been sent out to the thirteen states for ratification, its supporters affirmed that some of the most lethal diseases it was designed to cure were to be found within those same states. William Plumer of New Hampshire embraced the new national government out of a conviction that “our rights & property are now the sport of ignorant unprincipled State legislators.”5 In the last of the Federalist Papers—the series of eighty-five newspaper essays that are widely seen as America’s premier contribution to political science—Alexander Hamilton praised the Constitution for placing salutary “restraints” on “the ambition of powerful individuals in single states.”6

What was wrong with the state assemblies? Given the modern perception that the Founding Fathers had devoted their lives to the principle of government by the people, it is jarring to read their specific grievances. An essay appearing in a Connecticut newspaper in September 1786 complained that the state’s representatives paid “too great an attention to popular notions.”7 At least one of those Connecticut assemblymen thoroughly agreed. In May 1787, just as the federal convention assembled, he observed that even the southern states, which under British rule had been aristocratic bastions, had “run into the extremes of democracy” since declaring independence.8

What these men were saying was that the American Revolution had gone too far. Their great hope was that the federal convention would find a way to put the democratic genie back in the bottle. Alexander Hamilton, the most ostentatiously conservative of the convention delegates, affirmed that many Americans—not just himself—were growing “tired of an excess of democracy.”9 Others identified the problem as “a headstrong democracy,” a “prevailing rage of excessive democracy,” a “republican frenzy,” “democratical tyranny,” and “democratic licentiousness.”10

During the eighteenth century the primary means of land transportation—other than walking—was the horse. Writers and speakers often expressed their anxiety about the changes occurring in their fellow Americans by calling them “unruly steeds.”11 To Silas Deane it seemed that “the reins of Government” were held with too “feeble a hand.”12

What had persuaded the Framers and many of the most prominent
kept threatening to tear the federal convention apart—and in the brilliant compromises that, again and again, brought the delegates back together. Should every state have the same number of representatives in Congress, or should representation be weighted in favor of the more populous ones? Solution: proportional representation in the House of Representatives and state equality in the Senate. Should the national government be allowed to abolish the African slave trade? Solution: yes, but not until 1808. In apportioning congressional representation among the states, should enslaved Americans be considered people, giving their owners bonus representatives? What about in allocating the tax burden among the states—should slaves be counted as people there? Solution to both controversies: count each slave as three-fifths of a person.

Whether the title is Miracle at Philadelphia or The Grand Convention or The Great Rehearsal or The Summer of 1787, it is almost as though the same book has been written over and over again, by different authors, every few years.¹

The textbooks and the popular histories give surprisingly short shrift to the Framers' motivations. What almost all of them do say is that harsh experience had exposed the previous government, under the Articles of Confederation (1781–89), as too weak. What makes this emphasis strange is that the Framers' own statements reveal another, more pressing motive. Early in the Constitutional Convention, James Madison urged his colleagues to tackle "the evils . . . which prevail within the States individually as well as those which affect them collectively."² The "mutability" and "injustice" of "the laws of the States" had, Madison declared shortly after leaving Philadelphia, "contributed more to that uneasiness which produced the Convention, and prepared the public mind for a general reform, than those which accrued to our national character and interest from the inadequacy of the Confederation."³

Madison's preoccupation with what he later called the "the internal administration of the States" was by no means unique. On the eve of the convention, expressions of concern about the weakness of Congress, numerous as they were, were vastly outnumbered by complaints against the state governments. "What led to the appointment of this Convention?" Maryland delegate John Francis Mercer asked his col-
Americans of the postwar era that the Revolution had gotten out of hand? Consider the case of James Madison, “the father of the Constitution.” Madison is widely credited with writing the “Virginia Plan,” the Constitutional Convention’s first draft. Having addressed the convention more often than all but one other delegate, he went on to become one of the two principal authors of the *Federalist Papers*, the best-known brief for ratification. When it became clear that roughly half the electorate would refuse to accept the Constitution until it contained a bill of rights, it was Madison who drew up those first ten amendments.

In seeking to explain the desperate urgency with which Madison championed the new national government, his biographers have made much of the fact that in 1784 he asked his friend Thomas Jefferson, the official American envoy to King Louis XVI of France, to rummage through the bookstalls on the left bank of the Seine and ship him a grateful stock of works on Renaissance and Enlightenment history and philosophy. We can easily imagine Madison’s delight as one of his slaves pried open the chest, revealing everything from Plutarch’s *Lives of the Noble Greeks and Romans* to Barthélemy de Felice’s thirteen-volume *Code de l’humanité, ou La législation universelle, naturelle, civile et politique*.

One reason historians have always found Madison such an appealing character is that he himself was something of a bookworm. Short and sickly, he was more than once predicted that he would not live long. (As it turned out, he made it to the then-extraordinary age of eighty-five.) It is difficult to imagine him mustering sufficient stamina for a modern political campaign and easy to conceive of him as something of a monk. Yet one subject seemed to fuel Madison with a limitless energy and to draw him from the tranquility of his study. This was his disgust with the state governments that emerged from the Revolutionary War. Madison’s desperate desire to rein in the thirteen state governments was not born in a contemplative philosophical vacuum; it reflected his own day-to-day experience as a political animal.

Madison’s political career began in earnest in 1776, when his Orange County, Virginia, neighbors sent him to the convention that wrote the state’s first constitution. Elected to the founding session of the House of Delegates a short time later, he was defeated the very next year. No matter, for his real passion was for politics on a national scale. In 1780 his former colleagues in the assembly gave him his first year-long term in Congress, and he served until the three-term limit in the Articles of Confederation forced him out, whereupon he immediately got himself reelected to the Virginia legislature.

The Articles permitted former congressmen to reclaim their seats after a three-year hiatus, and as soon as Madison’s three years were up, he was back in Congress. In the summer of 1787 this “feeble,” “sickly” man would muster the energy not only to address the Constitutional Convention on scores of occasions but to take copious notes on nearly every speech given by every other delegate, a task to which he applied himself six days a week for nearly four months.

By the spring of 1787, when Madison received Jefferson’s “literary cargo,” he no longer had any illusions about what he would find in those books. He did not need a grateful and modern philosophy and history to figure out why the young republic had lost its way, for he had already formed his opinions in the course of day-to-day political struggles. What Madison was looking for as he performed his research was persuasive historical evidence for what his own practical experience had already taught him: that the state constitutions were fatally flawed. In his view, the Founders had rescued white Americans from kingly despotism only to subject them to something worse: the tyranny of “the major number of the constituents.”

What really alarmed Madison was the specific legislation the assemblies had adopted. More than anything else, it was the desire to overturn these state laws that set him on the road to Philadelphia. Nor was he alone. Another Constitutional Convention delegate, Pennsylvania’s Gouverneur Morris, enumerated various kinds of iniquitous state laws he hoped his colleagues would guard against in the new national charter, concluding that “experience evinces the truth of this remark without having recourse to reading.”

What had the thirteen assemblies done wrong? The “evils which had more perhaps than any thing else, produced this convention,” Madison told his colleagues in Philadelphia, were the states’ countless “Interferences” with “the security of private rights, and the steady dispensation of Justice.”

All this talk about “rights” and “Justice” may seem today like glittering generalities. Actually, the transgressions that the Founding Fathers laid at the feet of the thirteen state legislatures were quite specific.
Most glaringly, representatives had shown excessive indulgence to debtors and taxpayers. They had refused to force farmers to pay what they owed.21

Insects, drought—even invading armies—fearsome as they all are, have rarely been what rural Americans dread most. That distinction belongs to the farmers’ creditors—not only the men and women who have lent them cash but the merchants who have supplied them with tools and other merchandise on credit and the government officials who press them to pay their back taxes. In the wake of the Revolutionary War the thirteen legislatures had ridden to the farmers’ rescue. They had allowed debtors to satisfy their creditors with property—even pine barrens and “old Horses”—instead of hard money (gold and silver).22 In some cases public officials had temporarily shut down the legal system that was the neglected creditor’s only recourse. Worst of all, Congress and every state assembly had funded the war effort partly by printing paper money. They emitted far more currency than the economy could bear, and the result was runaway inflation. In several states a person who owed £1,000 could get out of the debt with money that was actually worth only £1. Even after peace was declared in 1783, seven state legislatures printed additional currency.

The state governments also had debtors of their own to worry about. In most states thousands of citizens were behind on their taxes. Just like private debtors, delinquent taxpayers had received too much indulgence from state officials, the Framers believed. What may have seemed like a strictly state-level concern actually had national implications, since Congress relied upon the states for its own funding. The Articles of Confederation delegated the power of raising “Continental” funds to the thirteen state assemblies. To many Americans it seemed the states had botched this task. They knew why, too: representatives were reluctant to load their constituents down with burdensome federal taxes.

Tax relief crippled government operations. Even worse, it prevented public officials from meeting their single largest obligation, namely servicing the enormous debts they had amassed during the war. When Congress and the states failed to redeem the war bonds or even pay interest on them, Madison declared in *Federalist* Number 10, the owners of
the securities were not the only ones who suffered. By begetting a “prevailing and increasing distrust of public engagements,” this terrible “injustice” had doomed the state and federal governments themselves.  

For men like Madison, writing the Constitution was like appealing an unfavorable jury verdict to a higher court. If the thirteen state legislatures could not muster the fortitude to crack down on delinquent debtors and taxpayers, they reasoned, they would create a national government that could.

The Framers believed the only way to prevent state assemblymen from giving the taxpayer a free ride was to get them out of the business of collecting—or not collecting—“Continental” taxes. Article I, Section 8 gave the national government what it had never had before, its own power to tax. Article I, Section 10 imposed a similar crackdown on private debtors. It prohibited the states from rescuing farmers by issuing paper money or by “impairing the obligation of contracts” using any of the other devices they had discovered during the 1780s.

As a result of the protection that Section 10 afforded creditors, more people proclaimed that clause “the best in the Constitution” than any other in the document. Section 10 was even touted as “the soul of the Constitution.” Virginia governor Edmund Randolph pronounced Section 10 “a great favourite of mine.” “Nothing, in the whole Federal Constitution, is more necessary than this very section,” a New Jersey Federalist claimed. Two prominent Pennsylvanians, attorney James Wilson and physician Benjamin Rush, independently reached the conclusion that even if the Constitution did nothing more than ban paper money, that alone would still, in Rush’s words, be “eno’ to recommend it to honest men.”

Rush was exaggerating, of course, but suppose for a moment that the Constitution had contained no other provisions besides those found in Sections 8 and 10 of Article I. The danger would have remained that the new national government would itself go easy on debtors and taxpayers—or at least look the other way when the states did so. It was largely in order to eliminate these possibilities that the Framers made the Constitution considerably less responsive to the popular will than any of the states. Only one element of the new government, the House of Representatives, would be elected directly by the people, and its initia-
tives could be derailed by the senators (who would not be chosen directly by the voters until 1913), the president, or the Supreme Court. Whereas most state legislators and even governors had to run for re-election every year, presidents would serve for four years and senators for six. As long as they committed no crimes, judges could remain in office for life. 39

Even the one element of the national government that would be elected directly by the people, the House of Representatives, would be considerably less responsive to the voters than any of the state assemblies. The reason was that every congressman would represent many more voters than state legislators did. The best way to shield the government from popular pressure, Madison believed, was to "extend the sphere" of both individual election districts and the overall polity. Expanding legislative constituencies would enhance the likelihood that representatives would be wealthy men. Larger districts would also offer congressmen a measure of protection against grassroots pressure. Finally, as Madison famously pointed out in Federalist Number 10, the new national government would embrace much greater diversity than any of the states. With a wide variety of interests and proposals jockeying for popular support, none was likely to attract a majority. Thus members of Congress would be free to make their own decisions. 40

A month before writing Federalist Number 10, Madison privately summarized it, employing an expression he did not dare use in that public essay: "Divide et impera, the reprobated axiom of tyranny, is under certain qualifications, the only policy, by which a republic can be administered on just principles." 31 "Divide et impera" is Latin for "di-vide and conquer."

It appears that by the mid-1780s the vast majority of free Americans shared James Madison's suspicion that the American Revolution had lost its way. And yet many, perhaps most, ordinary citizens disagreed with him about what had gone wrong. In fact, both their diagnosis of the nation's political ills and the cures they championed were essentially the reverse of his.

This alternative perspective on the new nation's growing pains was evident even in Madison's home state of Virginia. Indeed, in May 1787, just as the Framers were gathering in Philadelphia, a Virginia tax, de-
signed to reduce the enormous debt that the state government had run up during the Revolutionary War, pushed a group of farmers in Greenbrier County (now part of West Virginia) into rebellion. The leader of the revolt was a local tavern-keeper named Adonijah Mathews.32

The war had brought tremendous hardship to men like Mathews, but the peace that followed was, in many ways, even worse. As late as the summer of 1787 the Greenbrier settlements still endured occasional attacks from Native American war parties.33 Indians were not the settlers’ most serious concern, however. The state government sided with the land speculation firms that claimed hundreds of thousands of acres in western counties like Greenbrier, mandating, according to one petition, that the farmers’ money be “Extorted” from them by the land jobbers.34 And yet even land speculation was not the greatest threat. In the 1780s Virginians believed they paid “greater Taxes than any people under the Sun.”35

In the spring of 1787 Greenbrier farmers tried to redress their grievances. First “some Illminded person or persons” burned down the county jail. Then at the May meeting of the county court, at least a hundred and fifty Greenbrier citizens signed an “Instrument of Writing” in which they pronounced themselves victims of “Great oppressions.” The associators vowed “not to pay the certificate tax”—a special levy aimed at calling in war bonds. The certificate tax required each household to turn in a certain number of war bonds for every worker under his or her roof. It also taxed property and several specific activities—including tavern-keeping, which may explain why Mathews rose to the forefront of the antitax movement.36 After “binding themselves to stand by each other, in preventing the Sheriff from taking their property for debt or taxes,” the Greenbrier associators “sent copies of the association paper to the other back counties.”37 It was also reported that they had made a still more radical agreement. When the county justices gathered for their August 1787 session, an opponent of the rebellion claimed, the rebels planned to “prevent the Court from Sitting.”38

Inevitably the Greenbrier uprising put gentry Virginians in mind of the farmers’ revolt that had broken out less than a year earlier in Massachusetts. Bay State leaders had made the mistake of blaming the 1786 insurgency on a single charismatic leader—they christened it “Shays’s
Rebellion," and the name stuck—and officials in Virginia made a similar assumption, ascribing their own backcountry revolt to Mathews, who had recently been successfully sued for debt.\textsuperscript{39} Betraying a long-standing prejudice against New England Puritans, one of Adonijah Mathew's fellow Virginians deduced from "the length & sound of his christian name" that he "must have come from New-England."\textsuperscript{40}

As the association document was being circulated, the sheriff made a bold attempt to nip the rebellion in the bud. He arrested Mathews for not paying the debt judgment that had been levied against him. Yet the sheriff's strategy only further radicalized at least four of the rebels, who overpowered him and rescued Mathews. "They seemed the strongest party," reported George Clendenin, the commanding officer of the county's militia.\textsuperscript{41}

By the time Clendenin wrote, Adonijah Mathews—known in Greenbrier County as "Black Mathews"—had disappeared. No one would have been surprised if he had joined the tide of U.S. citizens who headed farther west in the 1780s, searching not only for opportunity but for respite from creditors and tax collectors. But Mathews did not escape to the West. He announced instead that he was headed to Richmond, the state capital, where he apparently expected to use the threat of an expanding insurrection to force legislators to repeal the certificate tax—which in fact they did.\textsuperscript{42}

Adonijah Mathews probably never met James Madison. Yet these two Virginians' conflicting views neatly encapsulated the state-level controversies that led to the adoption of the U.S. Constitution. Both what Adonijah Mathews demanded from the House of Delegates (tax relief) and the mechanism by which he sought it (rebellion) indicate that his analysis of the economic and political plight of the United States during the Confederation period was diametrically opposed to the viewpoint that men like James Madison were just then expressing as they themselves rebelled against the state governments of the 1780s by writing the Constitution. Even as the Framers lamented that excessive democracy—an overreliance on the popular will—had turned the United States into a farmers' paradise, many of the farmers themselves complained that they could redress their many grievances only by taking up arms.

During the Revolutionary War, Madison's and Mathews's factions had both been aggressive advocates for home rule. Now, however, they disagreed about who should rule at home.\textsuperscript{43} In numerous petitions and anonymous newspaper essays, Virginians like Mathews expressed grave doubt that the electoral process that had been established in the state constitution of 1776 actually allowed the majority to work its will. In other states, too, farmers and their supporters complained that the internal revolution had not gone far enough. Like the farmers of Greenbrier County, they often resorted to rebellion, expressing in the process a view of American politics that could scarcely have been more different from the Framers' belief that the major problem of the 1780s was an excess of democracy.

This great philosophical divide reflected a conflict over specific government policies. Even as men like Madison argued that the assemblies had been too lax about collecting taxes, others like Mathews declared their tax burden unendurable. During the same years when some Americans feared a return to the runaway inflation that had afflicted the United States during the war, others called attention to the extreme scarcity of hard currency and pleaded with their representatives to give them a mechanism—paper money—with which to pay their taxes and debts. These were not trivial differences, for no peace-time governmental policy has a greater impact on ordinary citizens than taxation and the money supply.

The schism was painfully clear at the time. Halfway through his last year at Harvard, John Quincy Adams reported to his mother, Abigail, that poor and wealthy citizens were equally disgusted with the Massachusetts constitution, but for opposite reasons. "While the idle, and extravagant, and consequently the poor, complain of its being oppressive," he wrote, "the men of property, and consideration, think the constitution, gives too much liberty to the unprincipled citizen, to the prejudice of the honest, and industrious."\textsuperscript{44} Adams's analysis revealed his class bias, but it also demonstrated his acute awareness of just how deeply divided Americans were.

The state-level struggles that led to the Constitution spill forth from a cornucopia of documents that have come down to us from the eighteenth century. The number of American periodicals exploded in the years after the Revolutionary War—Charleston, South Carolina, had
four newspapers by 1786, two of them dailies—and editors filled their columns with essays opposing and supporting a wide range of projects. Meanwhile freemen of all walks of life flooded the legislatures with petitions. After more than two centuries, many of their ideas retain the power to stir the imagination.

It would be a mistake to conflate the state-level struggles that preceded the summer 1787 federal convention with the better-known conflict that followed it—the debate over whether to ratify the Constitution. Many of the people who fought the Constitution in the ratifying conventions had stood shoulder to shoulder with the Framers against paper money, tax abatements, and other relief measures. On May 31, 1787, Elbridge Gerry, one of only three federal convention delegates who would later refuse to sign the Constitution, described the states’ chief malady using exactly the same phrase Alexander Hamilton would employ more than two weeks later. The problem, he said, was an “excess of democracy.” On the same day that Gerry uttered these words, both of the other two convention members who would ultimately withhold their signatures from the Constitution—George Mason and Edmund Randolph, both of Virginia—offered similar interpretations. Mason pronounced the thirteen state assemblies “too democratic.” Randolph contended that “the evils under which the U.S. laboured” during the 1780s were rooted “in the turbulence and follies of democracy.”

All three of the delegates who refused to sign the Constitution also expressed (in Mason’s words) “a mortal hatred to paper money.” Dozens of Anti-Federalists had tried as hard as Federalists like Hamilton and Madison to prevent the legislatures from granting relief to debtors and taxpayers. Men like Gerry and Mason fought the Constitution almost entirely because they feared it threatened states’ rights and civil liberties. They did not object to the crackdowns on debtors and taxpayers envisioned in the new national charter, and most were easily reconciled to it once the Bill of Rights was adopted. In many ways the questions that the Anti-Federalists raised were less fundamental than those raised in the 1780s by Americans who believed the Revolution had not gone far enough.

It would be just as wrong to assume that the men who had battled
Madison on the question of tax and debt relief were bound to oppose the Constitution he championed. In fact many Americans who spent the 1780s decrying the plight of indebted and overtaxed farmers believed the Constitution would provide just the sort of relief they had been demanding. Perhaps the most prominent of these was Abraham Clark, a New Jersey signor of the Declaration of Independence. Clark was the leading sponsor of paper money legislation in the New Jersey assembly. Since the Constitution prohibited all state currency emissions, many New Jerseyans expected him to oppose ratification, and indeed a rumor to that effect spread through the state. Yet Clark could see that the Constitution would allow the federal government to levy duties on goods imported into the United States, greatly reducing its revenue demands on the states and allowing them to cut taxes. The fiscal relief would be especially pronounced in states like New Jersey, which, lacking major Atlantic ports at which to collect customs duties, were forced to derive most of their tax revenue from farmers. Clark could not bring himself to endorse the Constitution, but he did not openly oppose it, either.47

Most Americans know at least a little about the men and women who tried to keep the document signed in Philadelphia in September 1787 from being ratified. This book focuses instead on the citizens who had done battle against men such as Madison and Hamilton in the years before they wrote the Constitution. Parts I and II investigate one of the Framers’ chief motivations by fleshing out their complaints against the thirteen state legislatures that governed the land during the decade following the adoption of the Declaration of Independence. The authors of the Constitution believed state assemblymen had performed far too many favors for the debtors and taxpayers among their constituents, not only defrauding public and private creditors but harming the entire nation. Parts I and II also consider the grievances that came to the state legislatures from essentially the opposite direction—from Americans who believed the assemblymen had damaged American society by caving in to the demands of private creditors and speculators in government bonds.

Eventually, as Part III shows, many Americans concluded that they
would never obtain tax and debt relief using established political procedures. Some, like Mathews, felt compelled to play the trump card of rebellion. All the while they argued with men such as Madison about whether the assemblies were too responsive—or not responsive enough—to the popular will.

Part IV shows how Madison and most of the nation’s other leading citizens, feeling just as outgunned in the struggles over relief and reform as their opponents did, played their own trump card. A distinguished collection of Americans gathered in Philadelphia to create a national government powerful enough to prevent the state legislatures from heeding grassroots demands for relief. Part V describes the campaign for the Constitution. For ordinary American farmers, the question of ratification represented a stark choice. The Federalists made a persuasive case that strengthening the federal union would revive the economy. Yet the new national government would be even less accountable to ordinary citizens than were the state assemblies.

From the complex struggles of the 1780s, the Founding Fathers extracted a simple lesson: that the uneducated farmers who seized the ship of state during the American Revolution had damn near driven it aground. From the Founders’ perspective, the policies adopted by the state legislatures in the 1780s proved that ordinary Americans were not entirely capable of ruling themselves.

The Framers wove that message right into the fabric of the nation’s founding document, and it remains there still. Indeed, the period between Philadelphia’s two great signing ceremonies—for the Declaration of Independence in 1776 and for the Constitution in 1787—is often put on display, alongside such tragedies as slavery and the persecution of ethnic and religious minorities, to illustrate the dangers of democracy. For instance, Bernard Bailyn, the eminent Harvard historian, affirms that by 1787, James Madison “had observed the evil effects of legislative majorities within some of the states over the previous five years. Again and again minority property rights had been overwhelmed by populist majorities.”

In its own way, this traditional account of the events that led to the Constitutional Convention has become as powerful an institution as
the Supreme Court or the Electoral College. It has instilled in many well-to-do and well-educated Americans a breezy sense of political entitlement. It has had just the opposite effect on ordinary citizens, chipping away at their self-confidence.

Maybe scholars such as Bailyn are right; perhaps popular government really did break down during the 1780s, just as the Framers claimed. But many Americans who lived through the postwar era—probably, in fact, the vast majority of them—saw things differently. They admitted that the state assemblies had badly damaged the American economy. In sharp contrast to the future Framers of the Constitution, however, they attributed the recession of the 1780s to elite, not popular, misrule.

Seeing as how the Founding Fathers’ view of the origins of the Constitution has long been the dominant one, this book will focus on the alternative interpretations offered by Americans like Adonijah Mathews. A host of the Framers’ contemporaries—men and women whose names have long since been forgotten—were firmly convinced that the recession that followed the Revolutionary War could have been ended without making the United States a less democratic country. Better than we do today, those ordinary farmers understood what was at stake in this great contest. Far from simply griping about particular policies, they were making the case that they possessed the ability to govern themselves.