

THE CONSTITUTION: AFFIRMATION OR REJECTION OF DEMOCRACY?

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With The American Revolution the thirteen colonies became, as the Declaration of Independence says, "Free and Independent States." Each was jealous of its own sovereignty and each had adopted its own constitution and set up its own administrative machinery. Necessity alone had forced the states to band together in order to win the war with England. It is not surprising, therefore, that their first political cooperation as independent states took the form of a confederation, which provided that each state was to retain its "sovereignty, freedom and independence and every power, jurisdiction and right" not expressly delegated to the Confederation government.

The years under the Articles of Confederation from the Peace of Paris in 1783 to the Constitutional Convention of 1787 brought critical developments both for the new state governments and for the Confederation. Post-war readjustments, business depression, the funding of state and national debts, the writing of new state constitutions, the functioning of the new confederation and its relation both to individual states and to foreign governments, all these posed difficult problems - problems which presented a complex intermingling of political and economic considerations. And their solution was complicated, on the one hand, by the insistent demand of small farmers, mechanics, and tradesmen to realize the egalitarian and democratic promises implied in the Declaration of Independence and, on the other hand, by the desperate need of merchants and businessmen for the establishment of responsible state governments and a strong and stable national government able and willing to fund its debts and open the channels of domestic and international trade.

The common man, the plain person, who had fought first to control the King's officeholders and then to expel them, acted politically through the state legislature, which was kept close to the electorate and responsive to its wishes. Universally among the states, the legislature tended to become the most powerful body, controlling governor and judiciary alike. If the state legislatures adopted acts of sequestration to despoil loyalists of their property; if there was debasement of the currency by the too free flotation of unbacked paper; if interstate rivalry took the form of customs barriers to commerce - these acts were the acts of free peoples in the full possession of political power.

But for many of the leaders in government and business things were moving too fast. Political anarchy and financial irresponsibility seemed to threaten the loss of those ideals for which the sacrifices of the war had been made. And so a great struggle developed, out of which was to emerge the Constitution of the United States.

John Marshall, the great Federalist Chief Justice of the United States, described in his LIFE OF GEORGE WASHINGTON the discontent produced by the policies of the states during the Confederation period. "At length, two great parties were formed in every state, which were distinctly marked, and which pursued distinct objects, with systematic arrangement." One of these parties, to which property owners and bondholders naturally inclined, favored, according to Marshall, vigorous tax policies to keep the credit of the states high, personal economic security through the exercise of industry and frugality, and an end to legislative intervention in economic matters. "By a natural association of ideas" its members were in "favor of enlarging the powers of the federal government" to produce the basis of a more stable economy.

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Such a course was opposed by the members of the second party, who profited by the indulgent policy of the state legislatures toward debtors and who therefore desired no change. In many of the states, says Marshall, this second party "constituted a decided majority of the people; and in all of them it was powerful." Being in control of the state legislatures, its members were hostile toward the idea of a central government that would curb them.

Although Marshall's second party was suspicious and reluctant, steps were at length taken to bring about the "more perfect union" referred to in the preamble to the Constitution. After an abortive meeting of representatives of five states at Annapolis in 1786, the Confederation Congress called into being the convention that met to revise the Articles of Confederation, but remained, in the hot summer of 1787, to formulate an entirely new Constitution of the United States.

What was it the Founding Fathers did in Philadelphia in 1787? Did they design a political system whose purpose was to make possible a realization of the ideals which had found expression in the Declaration of Independence and for which the war had been fought? Or did they, by what might almost be regarded as a coup d'etat, bring about a counter revolution designed to establish a form of government favorable to their own economic and political interests? To put the question another way, did the Constitution of 1787 reaffirm or reject the doctrines of the Declaration of Independence?