

## Michael Parenti

### A CONSTITUTION FOR THE FEW

To help us understand the American political system, let us investigate its origins and its formal structure, the rules under which it operates, and the interests it represents, beginning with the Constitution and the men who wrote it. Why was a central government and a Constitution created? By whom? And for what purposes?

It is commonly taught that in the eighteenth and nineteenth centuries men of property preferred a laissez-faire government, one that kept its activities to a minimum. In actuality, while they wanted government to leave them free in all matters of trade and commerce, not for a moment did they desire a weak, inactive government. Rather, they strove to erect a civil authority that worked for rather than against the interests of wealth, and they frequently advocated an extension rather than a diminution of state power. They readily agreed with Adam Smith, who said that government was "instituted for the defense of the rich against the poor" and "grows up with the acquisition of valuable property."

#### CLASS POWER AND CONFLICT IN EARLY AMERICA

During the period between the Revolution and the Constitutional Convention, the "rich and the wellborn" played a dominant role in public affairs.

Their power was born of place, position, and fortune. They were located at or near the seats of government and they were in direct contact with legislatures and government officers. They influenced and often dominated the local newspapers which voiced the ideas and interests of commerce and identified them with the good of the whole people, the state, and the nation. The published writings of the leaders of the period are almost without exception those of merchants, of their lawyers, or of politicians sympathetic with them.

The Constitution was framed by financially successful planters, merchants, and creditors, many linked by kinship and marriage and by years of service in Congress, the military, or diplomatic service. They congregated in Philadelphia in 1787

for the professed purpose of revising the Articles of Confederation and strengthening the powers of the central government. They were aware of the weaknesses of the United States in its commercial and diplomatic dealings with other nations. There were also problems among the thirteen states involving trade, customs duties, and currency differences, but these have been exaggerated and in fact, some reforms were being instituted under the Articles.

Most troublesome to the framers of the Constitution was the increasingly insurgent spirit evidenced among the people. Fearing the popular takeover of state governments, the wealthy class looked to a national government as a means of protecting their interests. Even in states where they were inclined to avoid strong federation, the rich, once faced with the threat of popular rule "and realizing that a political alliance with conservatives from other states would be a safeguard if the radicals should capture the state government . . . gave up 'state rights' for 'nationalism' without hesitation."

The nationalist conviction that arose so swiftly among men of wealth during the 1780s was not the product of inspiration; it was not a "dream of nation-building" that suddenly possessed them. (If so, they kept it a secret in their public and private communications.) Rather, their newly acquired nationalism was a practical response to material conditions al-

fecting them in a most immediate way. Their like-minded commitment to federalism was born of a common class interest that transcended state boundaries.

The populace of that day has been portrayed as irresponsible and parochial spendthrifts who never paid their debts and who believed in nothing more than timid state governments and inflated paper money. Most scholars say little about the actual plight of the common people, the great bulk of whom lived at a subsistence level. Most of the agrarian population consisted of poor freeholders, tenants, and indentured hands (the latter lived in conditions of servitude). Small farmers were burdened by heavy rents, ruinous taxes, and low incomes. To survive, they frequently had to borrow money at high interest rates. To meet their debts, they mortgaged their future crops and went still deeper into debt. Large numbers were caught in that cycle of rural indebtedness which is today still the common fate of agrarian peoples in many countries.

Throughout this period, newspapers complained of the "increasing numbers of young beggars in the streets." Economic prisoners crowded the jails. In 1786, one county jail in Massachusetts held eighty-eight persons of whom eighty-four were incarcerated for debts or nonpayment of taxes. Among the people there grew the feeling that the revolution against the English crown had been fought for naught. Angry armed crowds in several states began blocking foreclosure and forcibly freeing debtors from jail. Disorders of a violent but organized kind occurred in a number of states. In the winter of 1787, debtor farmers in western Massachusetts led by Daniel Shays took up arms. But their rebellion was forcibly put down by the state militia

atic, several skirmishes that left eleven men dead and scores wounded.

## CONTAINING THE SPREAD OF DEMOCRACY

The specter of Shays' Rebellion hovered over the delegates who gathered in Philadelphia three months later, confirming their worst fears. They were determined that persons of birth and fortune should control the affairs of the nation and check the "leveling impulses" of the propertyless multitude that composed "the majority faction." "To secure the public good and private rights against the danger of such a faction," wrote James Madison in *Federalist* No. 10, "and at the same time preserve the spirit and form of popular government is then the great object to which our inquiries are directed." Here Madison touched the heart of the matter: how to keep the *spirit* and *form* of popular government with only a minimum of the *substance*; how to construct a government that would win some popular support but would not tamper with the existing class structure, a government strong enough to service the growing needs of an entrepreneurial class while withstanding the democratic egalitarian demands of the popular class.

The framers of the Constitution could agree with Madison when he wrote in the same *Federalist* No. 10 that "the most common and durable source of faction has been the various and unequal distribution of property. Those who hold and those who are without property have ever formed distinct interests in society" and "the first object of government" is "the protection of different and unequal faculties of acquiring property." The

framers were of the opinion that democracy was "the worst of all political evils," as Elbridge Gerry put it. Both he and Madison warned of "the danger of the leveling spirit." "The people," said Roger Sherman, "should have as little to do as may be about the Government." And according to Alexander Hamilton, "All communities divide themselves into the few and the many. The first are the rich and the well-born, the other the mass of the people. . . . The people are turbulent and changing; they seldom judge or determine right."

The delegates spent many weeks debating their interests, but these were the differences of merchants, slave owners, and manufacturers, a debate of haves versus havees in which each group sought safeguards within the new Constitution for its particular concerns. Added to this were disagreements about how best to achieve agreed-upon ends. Questions of structure and authority occupied a good deal of the delegates' time: How much representation should the large and small states have? How might the legislature be organized? How should the executive be selected? What length of tenure should exist for the different officeholders? Yet questions of enormous significance, relating to the new government's ability to protect the interests of property, were agreed upon with surprisingly little debate. On these issues, there were no dirt farmers or poor artisans attending the convention to proffer an opposing viewpoint. The debate between haves and have-nots never occurred. Thus Article I, Section 8 of the Constitution, which gives the federal government the power to support commerce and protect the interests of property, was adopted within a few days with little debate. It empowered Congress to:

1. Regulate commerce among the states and with foreign nations and Indian tribes
2. Lay and collect taxes and impose duties and tariffs on imports but not on commercial exports
3. Establish a national currency and regulate its value
4. "Borrow Money on the credit of the United States"—a measure of special interest to creditors
5. Fix the standard of weights and measures necessary for trade
6. Protect the value of securities and currency against counterfeiting
7. Establish "uniform Laws on the subject of Bankruptcies throughout the United States"
8. "Pay the Debts and provide for the common Defence and general Welfare of the United States"

Congress was limited to powers specifically delegated to it by the Constitution or implied as "necessary and proper" for the performance of the delegated powers. Over the years, under this "implied power" clause, federal intervention in the private economy grew to an extraordinary magnitude.

Some of the delegates were land speculators who expressed a concern about western holdings. Accordingly, Congress was given the "Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States." Some delegates speculated in highly inflated and nearly worthless Confederation securities. Under Article VI, all debts incurred by the Confederation were valid against the new government, a provision that allowed speculators to make enormous profits when their securities, bought for a trifling, were honored at face value.

By assuming this debt, the federal government—under the policies of the first Secretary of the Treasury, Alexander Hamilton—"monetarized" the economy, using the public treasury to create a vast amount of credit for a propertied class that could then invest further in commerce and industry. The eventual payment of this assumed debt would come out of the pockets of the general public. In effect, the government helped greatly to finance the early process of capital accumulation. In assuming the debt, Hamilton was using the federal power to bolster not only the special interests of speculators and creditors but also the overall interest of an emerging capitalist class.

In the interest of merchants and creditors, the states were prohibited from issuing paper money or imposing duties on imports and exports or interfering with the payment of debts by passing any "Law impairing the Obligation of Contracts." The Constitution guaranteed "Full Faith and Credit" in each state "to the Acts, Records, and judicial Proceedings" of other states, thus allowing creditors to pursue their debtors across state lines.

Slavery—another form of property—was afforded special accommodation in the Constitution. Three-fifths of the slave population in each state were to be counted when calculating representation in the lower house. The importation of slaves was given constitutional protection for another twenty years. And slaves who escaped from one state to another had to be delivered up to the original owner upon claim, a provision that was unanimously adopted at the Convention.

believed that what was good for themselves was ultimately good for the entire society. Their universal values and their class interests went hand in hand, and to discover the existence of the "higher" sentiment does not eliminate the self-interested one.

### AN ELITIST DOCUMENT

More important than to conjecture about the framers' motives is to look at the Constitution they fashioned, for it tells us a good deal about their objectives. The Constitution was consciously designed as a conservative document, elaborately equipped with a system of minority checks and vetoes, making it easier for entrenched interests to endure. It provided ample power to build the services and protections of state needed by a growing capitalist class but made difficult the transition of rule to a different class. The Constitution was a historically successful ruling-class undertaking whose effects are still very much with us. . . .

The Constitution championed the rights of property over the rights and liberties of persons. For the founders, liberty meant something different from and antithetical to democracy. It meant liberty to invest, speculate, trade, and accumulate wealth and to secure its position without encroachment by sovereign or populace. The civil liberties designed to give all individuals the right to engage in public affairs won little support from the delegates. When Colonel Mason recommended that a committee be formed to draft "a Bill of Rights," a task he said could be accomplished "in a few hours," the other convention members offered little discussion on the motion and voted unanimously against it.

If the Constitution was so blatantly elitist, how did it manage to win its victory?

### PLOTTERS OR PATRIOTS?

The question of whether the framers of the Constitution were motivated by financial or national interest has been debated ever since Charles Beard published *An Economic Interpretation of the Constitution* in 1913. Beard believed that the "founding fathers" were guided by their class interests. Arguing against Beard are those who say that the framers were concerned with higher things than just lining their purses. True, they were money men who profited directly from policies initiated under the new Constitution, but they were motivated by a concern for nation building that went beyond their particular class interests, the argument goes. To paraphrase Justice Holmes, these men invested their belief to make a nation; they did not make a nation because they had invested. "High-mindedness is not impossible to man," Holmes reminds us.

That is exactly the point: high-mindedness is a common attribute among people even when, or especially when, they are pursuing their personal and class interests. The fallacy is to presume that there is a dichotomy between the desire to build a strong nation and the desire to protect wealth and that the framers could not have been motivated by both. In fact, like most other people, they be-

lieved that what was good for themselves was ultimately good for the entire society. Their universal values and their class interests went hand in hand, and to discover the existence of the "higher" sentiment does not eliminate the self-interested one.

### Questions:

1. What conclusions does Parenti make about the motives of the authors of the United States Constitution?
  - a. What evidence do you have to support these conclusions?
2. What was Charles Beard's Thesis in *An Economic Interpretation of the Constitution*?
3. Parenti writes, "high-mindedness is a common attribute among people even when, or especially when, they are pursuing their personal and class interests. The fallacy is to presume that there is a dichotomy between the desire to build a strong nation and the desire to protect wealth and that the framers could not have been motivated by both. In fact, like most other people, they believed that what was good for themselves was ultimately good for the entire society. Their universal values and their class interests went hand in hand, and to discover the existence of the 'higher' sentiment does not eliminate the self-interested one."

Explain what Parenti means. Do you agree with him?