

ESSAY #2-HOW DID THE CONSTITUTION COME TO BE?

The second essay in my series will dwell on the development of our Constitution in order to illustrate how our federal republic, described as one example of a government based on democracy, came to be.

In January, 2014, I was asked by the Westlake 9/12 Project to give a presentation on the evolution of the United States Constitution. I took on the job not knowing how difficult that would be. Four months later, after much research, writing and rewriting, I came up with a finished product that I could discuss in a little over an hour. The objective of my talk was to answer the question: How did our nation's founders write, ratify and implement the Constitution of the United States, and insure its success despite so many difficult, and, at times, seemingly insurmountable roadblocks; and what does the future hold for its continuance as our supreme law of the land? The following is a more brief answer to that question.

The men who gathered in Philadelphia in May, 1787, were confronted with a difficult, if not impossible task. Though the thirteen states had won independence from Great Britain as a result of their victory in the American Revolution, the future for all of them was not promising. The states had approved the Articles of Confederation, the nation's first constitution, in 1781. By 1787, it was apparent to most Americans that it was unable to provide the states with a stable, workable central government. The fact that twelve states sent delegates to Philadelphia was a remarkable achievement. The problems they had to overcome would be considered monumental in any era of our nation's history. Among them were runaway monetary inflation; no national currency (as many as fourteen were in circulation); a bankrupt Confederation Congress unable to tax on a national level to pay off war debt; untenable national and state financial obligations and debt; a congress unable to make laws and policies without approval of at least nine states and to conduct foreign policy; economic depression; trade restrictions imposed on the states by Britain; continued British occupation of the Northwest Territory; no agreement between Americans who believed in state rights and nationalism; no national court system to settle disputes between states; hostile foreign powers surrounding the country; slavery; the country was called "these United States" not "the United States" and each state considered itself to be its own republic that would not subordinate its interests to that of a national good.

For decades in the United States, the word and concept diversity has been kicked around, abused, manipulated, and redefined many times. Diversity can be used to unite our country as in our motto, "E Pluribus Unum"; or it can be used to divide it as in promoting group identity for political gain. Webster's New World Dictionary defines the word as 1. Quality, state, factor, instance of being diverse; difference. 2. Variety. Not much of a definition given a word of such importance in our national lexicon. Both past and present critics of the founders such as historians Charles Beard, Staughton Lynde and Merrill Jensen claim they were an homogenous group of men from the same racial, economic, political, social, and religious strata of the America of their day and who were intent on making a

national government in their own interests. In reality, the founders were as diverse a group as would have been found in any western society at the time.

They or their ancestors had emigrated to British North America from England, Scotland, Ireland, France, Holland, Scandinavia, Germany and even Portugal and Spain, to escape religious and political persecution, or to seek economic gain that was unattainable in their homelands. The framers represented all of the religious faiths except Judaism found in the colonies and later states. Some were deists and atheists. They came from all walks of life, lawyers to merchants to farmers and ministers. Many had college degrees that prepared them intellectually as well if not better than our schools and universities prepare students today. Many had read and understood the political and social philosophies of the ancient Greeks and Romans, of Voltaire, Montesquie, John Locke, Machiavelli, Francis Bacon, Adam Smith, among others. They knew the Bible and believed strongly in Judeo-Christian ethics. Some were slaveholders while others found the institution abhorrent. Most saw slavery as morally wrong. They were men of the Age of Enlightenment who knew about Newton's laws of gravity, the solar system, the early Industrial Revolution in England, higher mathematics, electricity, husbandry, the steam engine, mass production. They were the intellectuals of their era.

The delegates knew the contents and value of the Magna Carta, the Mayflower Compact, the Albany Plan of Union, British Common Law, the English Bill of Rights. They knew of the divine right of kings, oligarchies, and the tyranny of monarchs especially that of King George III of England. Many had been members of their colonial and state legislatures, of the First and Second Continental Congresses and the Confederation Congress. A number were veterans of the American Revolution. Four had signed the Declaration of Independence. All of them were part of a political culture that believed that republicanism was the most important characteristic of that culture. Above all else, they were "separatists" who had determined the political, religious and social culture of the Old World had no place in their world. They believed a new political system was required to govern a people who fought an eight year long war to throw off political tyranny, and who had already put representative government in place in small but significant ways.

Present-day critics of the Constitution and its framers claim both are irrelevant since our world has changed so dramatically since 1787. Yet look at the above problems confronting the framers. These are just a sampling of the difficulties faced by Americans in 1787. How many of these are the government and Americans still trying to solve today? The world in which the founders lived was just as modern to them as our world is to us. Though technology has advanced and attitudes have changed, human nature has not. And that was the greatest difficulty that had to be overcome in the framing of the Constitution.

The Constitution is not a perfect document. It cannot be since it was written and ratified by imperfect beings. Because it is not perfect, it has been amended twenty-seven times since its implementation in 1789. One of the most glaring

omissions is the elimination of slavery in the original seven articles of the document. For this, the framers have been condemned, castigated, brutalized for their supposed transgression. Present day, "insightful", "armchair" critics of the founders condemn them for not abiding by the words written into the Declaration of Independence, "We hold these truths to be self-evident that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, among these are Life, Liberty and the Pursuit of Happiness". These critics consider the founders to be nothing short of hypocritical, dead white males whose accomplishments are completely overshadowed by their supposedly purposeful omission. This criticism is not based on the history of the era in which the founders lived, nor on the realities they had to face in trying to make a new, untried form of government in a hostile world of dictatorial, oppressive, and dangerous political systems. The Constitution resulted from many compromises among the convention delegates. Without these, nothing would have been accomplished. Slavery was one of the issues where compromise had to be made. There would not have been a constitution if the Convention had included the immediate or even near term elimination of slavery in the new United States. The delegates from slave holding states would have abandoned the Convention resulting in a disunited band of thirteen insignificant countries along the Atlantic seaboard, each ripe for takeover and subjugation by both larger states and foreign powers. From the perspective of the founders there was little choice; have a national government, or eliminate slavery and have nothing. Yet some of these same founders had voted in favor of the Northwest Ordinance of 1787, that outlawed slavery in the future states of Ohio, Indiana, Michigan, Illinois and Wisconsin. Thomas Jefferson, a slave owner, made the motion to put this prohibition into the Ordinance.

The Constitution in its original form did outlaw the importation of slaves into the U.S. after 1808. In 1865, this country would follow the lead of England and France in making slavery illegal within its borders. That occurred only after a civil war that killed at least 600,000 Americans, and after ratification of the Thirteenth Amendment. Slavery was not outlawed in the Western Hemisphere until the 1880's. It still exists in our supposedly progressive, modern world in the form of human trafficking-a practice that still impacts the United States and the rest of the world. The Trump administration went on record making a termination of human and sex trafficking a priority. Hopefully, that effort will continue in 2021 and beyond.

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Sources:

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