

THE LEADERSHIP ASSUMPTIONS OF AMERICAN STATESMEN DURING THE
FEDERAL CONVENTION AND RATIFICATION DEBATES,
1787-1789

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DARIN LAYTON GERDES

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School of Leadership Studies

Regent University

This is to certify that the dissertation prepared by:

Darin Layton Gerdes

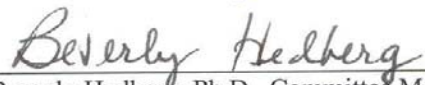
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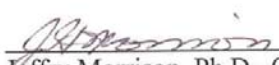
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Nancy A. Yonge, J.D., Ph.D., Committee Director
School of Leadership Studies

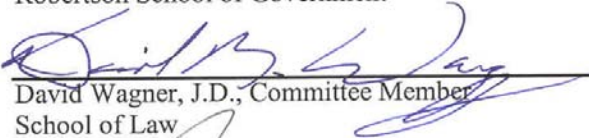
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Date


Beverly Hedberg, Ph.D., Committee Member
Robertson School of Government

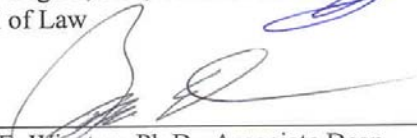
5/14/03
Date


Jeffery Morrison, Ph.D., Committee Member
Robertson School of Government

5/20/03
Date


David Wagner, J.D., Committee Member
School of Law

5/29/03
Date


Bruce E. Winston, Ph.D., Associate Dean
School of Leadership Studies

5/1/03
Date

Abstract

This study sought to ascertain and analyze the leadership assumptions of American Statesmen during the Constitutional Convention and ratification debates. The researcher examined the primary source public debates from 1787-1789. This study identified the Statesmen's view of leadership, which emerged from their writings and debates. Their assumptions were classified into assumptions on the nature of man, the nature of power, the nature of the people, the nature of government, and the nature of society. The Statesmen's views were then compared and contrasted to contemporary leadership literature using Bass's (1990) framework in his *Handbook of Leadership*.

Dedication Page

This dissertation is written as a tribute to the Statesmen who formed our government on such a solid foundation that we have peace, prosperity, and political stability 200 years later. This study, which sought to resurrect the ideas that drove them, is a scholarly “thank-you” note to these men who still rule from the grave.

Acknowledgement Page

You know who your fiends are when you need help. I never would have imagined that I would need the help of those listed below one day, (or that they could even be much help to me as English teachers and professional editors--that is, until I began writing my dissertation). They are a useful lot to have as friends. However, It should be noted that our friendship predated my dissertation, and in most cases this Ph.D. program. I want to thank my friends who reminded me not to use big words when diminutive verbiage satisfactorily verbalizes a specified proposition. King Solomon wrote: "If one falls down, his friend can help him up. But pity the man who has no one to help him up!" (Ecclesiastes 4:10). While they could not help me write, I appreciate their encouragement, thoughts, and patience.

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I cannot begin to list the number of people who have been supportive of me over the course of the last few years. My Parents have been incredibly supportive. Some friends believed in my when I was so mired by my research that I couldn't see beyond it. By the way, I would like to collect on the social engagements I have missed over the last few years.

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CHAPTER I

Background

The American Statesmen, who directed America's course from 1787-1789, labored diligently to deliver to posterity a stable government with the greatest measure of liberty and prosperity known to mankind. This was their primary purpose as they framed the constitution. As James Madison expressed in Federalist 14, "Posterity will be indebted for the possession, and the world for the example, of the numerous innovations displayed on the American theatre, in favor of private rights and public happiness" (Hamilton, Madison, & Jay, 1789/1996, p. 154).

The British, from whom America inherited its legal system, acknowledged the US Constitution as the most advanced instrument in the establishment of rights and liberties that the world had known. Prime Minister William Pitt, the Younger, a contemporary of the American Statesmen, called the US Constitution the, "pattern for all future Constitutions and the admiration of all future ages" (Charleton, Ferris, & Ryan, 1986, p. 85). Likewise, W.E. Gladstone (1878), one of the most esteemed British Prime Ministers, praised the American Constitution saying: "As the British Constitution is the most subtle organism which has proceeded from the womb and long gestation of progressive history, so the American Constitution is, so far as I can see, the most wonderful work ever struck off at a given time by the brain and purpose of man" (p. 264).

The Constitution was not developed in a vacuum. It was created by men who held particular beliefs about the world around them. Nearly 150 years before Lord Acton was born, these Statesmen understood his famous dictum: "Power tends to corrupt, and absolute power corrupts absolutely" (as cited in Fears, 1887/1986, p. 383). These

Statesmen would translate their realistic picture of man into a durable system of government. Thomas Jefferson, author of the Declaration of Independence would write, “In questions of power, let us hear no more of trust in men, but bind them down from mischief with the chains of the Constitution” (as cited in Stedman & Lewis, 1987, p. 261).

Statesmen of all political stripes shared the assumption that leaders would do evil if they could. However, these assumptions were not original to the American Founding Fathers. The Scriptures speak to the issue of personal characteristics requisite for leadership. In Old Testament Israel, the law bound down political leaders such as judges and kings. Judges were to “judge the people fairly . . . not pervert justice or show partiality not accept a bribe, for a bribe blinds the eyes of the wise and twists the words of the righteous” (Deuteronomy 16:18-19, New International Version). A king:

must be from among your own brothers. . . . The king, moreover, must not acquire great numbers of horses for himself . . . He must not take many wives, or his heart will be led astray. He must not accumulate large amounts of silver and gold. . . . he is to write for himself on a scroll a copy of this law . . . and not consider himself better than his brothers. (Deuteronomy 17:14-20)

In the New Testament, the Apostle Paul laid down rules for elders and deacons.

Leaders in the church were to be men of character¹. An elder:

must be above reproach, the husband of but one wife, temperate, self-controlled, respectable, hospitable, able to teach, not given to drunkenness, not violent but gentle, not quarrelsome, not a lover of money. He must manage his own family well and see that his children obey him with proper respect He must not be a recent convert, or he may become conceited and fall under the same judgment as the devil. He must also have a good reputation with outsiders, so that he will not fall into disgrace and into the devil's trap. (I Timothy 3:2-7)

¹ Webster (1828) defines character as: The peculiar qualities, impressed by nature or habit on a person, which distinguish him from others; these constitute real character, and the qualities which he is supposed to possess, constitute his estimated character, or reputation. Hence we say, a character is not formed, when the person has not acquired stable and distinctive qualities

Similar character was expected of deacons:

Deacons, likewise, are to be men worthy of respect, sincere, not indulging in much wine, and not pursuing dishonest gain. They must keep hold of the deep truths of the faith with a clear conscience. They must first be tested; and then if there is nothing against them, let them serve as deacons. . . . A deacon must be the husband of but one wife and must manage his children and his household well. (I Timothy 3:8-12)

Leaders in the Scripture were neither above the law, nor given divine rights. They were under the same law as the people, as noted by Elazar and Cohen (1985) and Wines (1997). Biblical leaders were under the law, precisely because they were human and were subject to all of the natural, often destructive, tendencies that are common to man. The book of Proverbs is replete with leadership assumptions. The Statesmen incorporated these ideas as they debated about government. Appendix B documents the Proverbs that deal with leadership, specifically, they discuss righteousness, justice, corruption, the oppression of the poor, and self-government. The American Statesmen of the constitutional era were aware of these lessons as they formed the Constitution.

Statement of the Problem

Why is it important to understand the assumptions about leadership held by American Statesmen during the Constitutional era? In any given political debate, the Founding Fathers are invoked to support both sides of the same issue. This is often done by taking isolated quotations and using them to proof-text the issue, thereby blessing that particular agenda with the words of the founders. This is intellectually dishonest and it mocks the men who pledged their lives, their fortunes, and their sacred honor for our liberty (Declaration of Independence, 1776).

While a great deal has been written on the Founding Fathers and their view of the system of government (e.g., checks and balances), very little has been written about their view of leadership. Leadership studies, as an academic discipline, has developed a large quantity of literature. Yet, as a student of the Founding Fathers, the researcher found inconsistency in the contrasting assumptions between these contemporary leadership theorists and the presuppositions held by the American Statesmen during the Constitutional era.

Many contemporary theories hold a high or progressive view of human nature in contrast to the low view that the Statesmen held. Hamilton summarized this low view when he wrote, “To judge from the history of mankind, we shall be compelled to conclude that the fiery and destructive passions of war reign in the human breast with much more powerful sway than the mild and beneficent sentiments of peace” (Federalist 34, p. 251). Yet, the Statesmen were balanced realists who sought the best in man while factoring in their limitations. Madison wrote, “As there is a degree of depravity in mankind which requires a certain degree of circumspection and distrust, so there are other qualities in human nature which justify a certain portion of esteem and confidence” (Federalist 55, p. 378). The researcher became interested in the harmony or dissonance between these two groups.

Contemporary leadership literature is preoccupied with business dynamics such as flexibility, efficiency, and customer satisfaction. In contrast, the Statesmen were concerned with matters of justice, power and the prevention of tyranny. Where the current leadership literature focuses largely on playing and winning the game of business, the Statesmen were concerned with setting up the rules. Contemporary leadership theory

rests on a fundamentally different base--largely humanistic social science. It naturally leads to different conclusions than those of the Statesmen who were trained in history, the classics, and Christian Theology.

The literature suggests that the Statesmen's assumptions about leadership were quite advanced for their time-period. They built on the shoulders of past political philosophers, but they deviated just enough to avoid repeating many of the historical errors of Europe. They had the additional advantage of a British legal heritage that inculcated individual rights and the rule of law.

How do their ideas compare to contemporary leadership theories? Contemporary leadership theories expand our understanding of leadership. Yet, leadership theorists do not agree on simple definitions, or the assumptions upon which their theories rest. Spin and equivocation of terms compound this difficulty in our postmodern society. For example, as President Clinton's impeachment trial was just beginning, the Democratic National Committee Chairman, Steve Grossman said, "You have demonstrated, at least in my adult lifetime, a higher commitment to the kind of moral leadership that I value in public service, in public policy, than any person that I have ever met" (as cited in Connolly, 1998). Grossman apparently has a very different conception of moral leadership than the Statesmen held.

Such modern redefinition may lead to a greater problem when new concepts are applied to the original structure. By replacing the Statesmen's original meanings with modern ideas, it is quite possible to undermine critical assumptions that could threaten the entire system.

The researcher was first fascinated by this concept years ago when he read Covey's (1989) *Seven Habits of Highly Effective People*. In the text, Covey wrote:

As my study took me back through 200 years of writing about success, I noticed a startling pattern emerging in the content of the literature. Because of our own pain, and because of similar pain I had seen in the lives and relationships of many people I had worked with through the years, I began to feel more and more that much of the success literature of the past 50 years was superficial. It was filled with social image consciousness, techniques and quick fixes--with social band-aids and aspirin that addressed acute problems and sometimes even appeared to solve them temporarily, but left the underlying chronic problems untouched to fester and resurface time and time again.

In stark contrast, almost all the literature in the first 150 years or so focused on what could be called the *character ethic*. As the foundation of success--things like integrity, humility, fidelity, temperance, courage, justice, patience, industry, simplicity, modesty, and the Golden Rule. (p. 18)

Purpose of the Study

This study seeks to ascertain what assumptions American Statesmen, during the Constitutional era, held about leadership. What was realistically expected of the men who would govern our land? These assumptions are revealed in records of public debates, pamphlets, and other primary source documents. The 18th century assumptions they used to create the system supports the 18th century structure, which was built for posterity.

The primary reason for this study is the dearth of information on the American Statesmen's views on leadership. While the Constitution has been widely written about for over 200 years, this particular question has rarely been addressed. Most writers have focused on the organizational checks and balances, or the continuity (or lack of continuity) from the revolution to the constitution. Those who write about the Founding Fathers tend to write about their personalities, or their economic interests.

Only a few writers have even attempted to deal with Founding Fathers' views on leadership. Yet, these authors started with leadership theories and then worked their way

back to the actions of the Founding Fathers to see if they worked in teams or personally led from the front (Phillips, 1997).

Instead of imposing a contemporary academic theory upon the American Statesmen of the constitutional era, the researcher seeks to identify their assumptions about leadership. The study follows the example of Napoleon Hill who was commissioned by Dale Carnegie to study the great men of industry to create a new philosophy of wealth. Hill did not set out to prove a particular theory of wealth, but simply to interview successful men and find out what they believed. The success formula that emerged from Hill's (1960) research was later published as the best seller, *Think and Grow Rich*. According to Hill, Carnegie, "Believed the formula should be taught in all public schools and colleges, and expressed the opinion that if it were properly taught it would so revolutionize the entire educational system that the time spent in school could be reduced to less than half" (p. 14). In the same way, the researcher seeks to uncover the philosophical underpinnings of leadership held by these American Statesmen by examining the record that they left to their posterity.

Objectives

The aim of this study is threefold. First, this study will identify the assumptions on leadership held by early American Statesmen. It will uncover who they considered to be leaders, what the Statesmen expected of leaders and what they believed the leader normatively should or should not do.

The Statesmen were preparing a system strong enough to withstand any assault, even one from within. As Hamilton explained, "The principal purposes to be answered by

union are these--the common defense of the members; the preservation of the public peace as well against internal convulsions as external attacks” (Federalist 23, p. 199).

Second, this study will relate the assumptions of the Statesmen through the perspective of the philosophers that the Statesmen would have read and subsequent historians’ estimates of the philosophers. Finally, the researcher will compare the Statesmen’s assumptions to leadership literature.

Significance of the Study

This study will fill a gap in the literature by examining and documenting the Statesmen’s view of leadership. The Constitution was created by men who held specific beliefs, that influenced the system they created. As the late Francis A. Schaeffer (1968/1976/1982) explained:

There is a flow to history and culture. This flow is rooted and has its wellspring in the thoughts of people. People are unique in the inner life of the mind--what they are in their thought-world determines how they act. This is true of their value systems and it is true of their creativity. It is true of their corporate actions, such as political decisions, and it is true of their personal lives. The results of their thought-world flow through their fingers or from their tongues into the external world. This is true of Michelangelo’s chisel, and it is true of a dictator’s sword. (p. 1)

The Supreme Court made this same case in legal language. In *Powell v. McCormack* (1969) the court stated:

The values of the Framers of the Constitution must be applied in any case construing the Constitution. Inferences from the text and history of the Constitution should be given great weight in discerning the original understanding and in determining the intentions of those who ratified the Constitution. The precedential value of cases and commentators tends to increase, therefore, in proportion to their proximity to the adoption of the Constitution, the Bill of Rights, or any other amendments. (395 U.S. 486, 547)

To understand the assumptions of the Statesmen, you must understand them in context. In *Ex Parte Grossman* (1925), the Court explained that analysis of the Statesmen's language must be hermeneutically sound:

The language of the Constitution cannot be interpreted safely, except where reference to common law and to British institutions as they were when the instrument was framed and adopted. The Statesmen and lawyers of the convention who submitted it to the ratification of conventions of the thirteen states, were born and brought up in the atmosphere of the common law and thought and spoke in its vocabulary . . . when they came to put their conclusions into the form of fundamental law in a compact draft, they expressed them in terms of common law, confident that they could be shortly and easily understood. (267 U.S. 87, 108)

In this study, the researcher has identified the Statesmen's beliefs through the methods discussed in chapter III. The key assumptions were identified and analyzed to determine their meaning in their original context. The critical assumptions were identified in the Philadelphia Convention, the ratification debates, and the various Federalist and Anti-Federalist writings of the period.

The meaning of a term may be validated through its intellectual heritage--the classical works of political philosophy that these Statesmen would have read. They were again checked by contemporary usage during the constitutional era and early American dictionaries. They were compared to what historians have written since the convention on the Statesmen's beliefs about the qualities of leaders. Finally, these assumptions were compared with contemporary leadership literature. A glossary of all the terms defined in the study is found in Appendix C.

Scope and Limitations

Limitations of an historical study are based on the breadth of documents, the selection of documents, and the interpretation of the documents. Proper limitations

narrow the scope appropriately. The problem for the researcher is too much, rather than too little information.

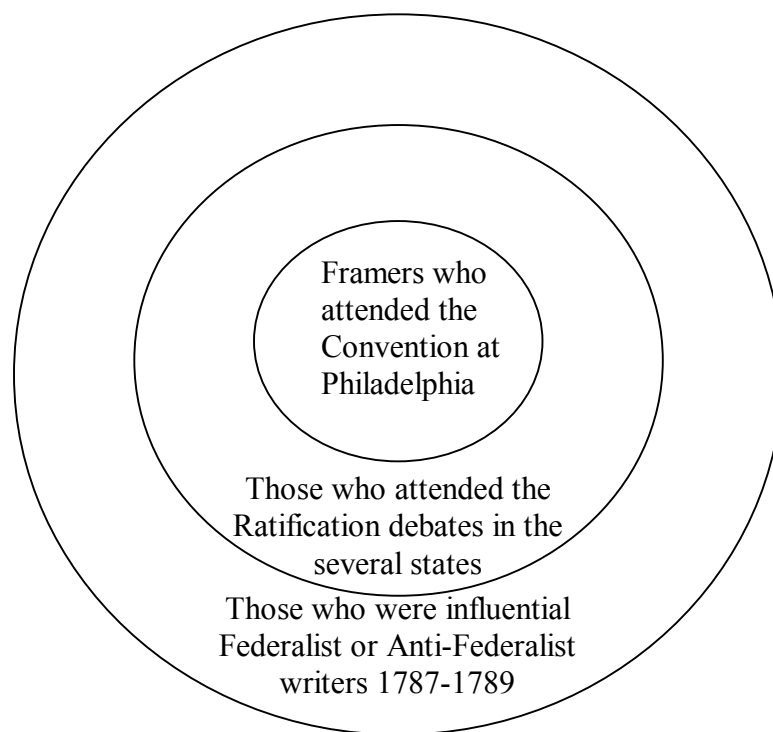
Breadth

Since the context is critical, the researcher has extensively examined the historical, political and philosophical background leading to the Constitutional convention. This preparatory research was conducted primarily to train the researcher to see in the way that the Statesmen saw. However, the problem in this study deals exclusively with a two-year period from 1787 to 1789. The researcher is seeking to isolate the Statesmen's assumptions about leadership during the convention and ratification debates. Constitutional scholar, McDonald (1958/1997), followed this method when preparing his doctoral dissertation on the constitution. His professor advised him that: "If I wished to understand the contest over the constitution, he insisted, I should not focus on 1787 and 1788, as Beard had done, but should begin at least as early as 1776" (p. xv).

In preparatory investigation, the researcher reached back to early American colonization historically, the early British legal heritage politically, and to Jerusalem and Athens philosophically. The major British charters and legal documents from the Magna Carta (1215) forward have been reviewed (see Appendix D). Primary source legal documents of the American Revolution, including British and early American legal documents were also studied to ensure contextual continuity (see Appendix E). Political philosophers such as Locke, Montesquieu, Blackstone, Grotius, Vattel, Trenchard and Gordon, and others were examined and are discussed in the literature review. The research included philosophers whom the Statesmen would have been familiar with, but

who are rarely cited in public debates during this time period. These included Plato, Aristotle, Machiavelli, Hobbes, and Rousseau. Such an approach helps the researcher to understand the Statesmen's reasoning, including why they would or would not include specific concepts based on their intellectual heritage.

Exhibit I.1 Levels of Participation by Statesmen in this Study



Limitations

The study has dealt with the assumptions of the American Statesmen during the constitutional era. In this study Statesmen included (a) delegates to the Constitutional Convention, (b) delegates to the ratifying conventions in the several states, and (c) individuals who influenced the outcome of the ratification debates by writing pamphlets

(Federalist or anti-Federalist) during the years 1787-1789. This is shown in Exhibit I.1.

The most potent sources were Statesmen who functioned in two or more capacities, such as Madison and Hamilton. Both were members of the Constitutional convention, delegates to the ratification debates in their respective states, and wrote articles to promote their cause.

As an additional limitation, this study did not examine the leadership assumptions of the First Congress as they discussed and debated the Bill of Rights. Madison included a Bill of Rights during the Virginia convention, and other state legislatures (e.g., New York) ratified this Constitution with full confidence that a Bill of Rights would be proposed. However, because the First Congress is a separate and distinct governing body and a dissertation must necessarily be limited in scope, the parameters herein do not include the discussion of the Bill of Rights.

Organization of Study

In this dissertation, chapter II reviews literature relevant to the Statesmen of the constitutional era as well as contemporary leadership literature. Chapter III explains the methods used to perform the research. Chapter IV presents the findings of the research, relying heavily on primary source documentation. Chapter V provides analysis of these findings and conclusions and areas of study for further research.

Summary

The US Constitution is an incredible document that has provided stable government and liberty for 214 Years. The Constitution was written by men who held specific assumptions. This study was undertaken to ascertain the Statesmen's view of leadership and compare the Statesmen's view with contemporary leadership theories.

CHAPTER II

Survey of the Literature

A review of the literature in this study was divided into two major sections. First, the historical record left by the Founders has been established. This historical review was further divided into three parts. The first was an examination of the original source documents that the Statesmen wrote. The second is an examination of what the Statesmen would have read as an intellectual heritage. This helps ensure that the researcher is not overlaying 21st century definitions onto an 18th century mindset. Finally, the literature review concludes with an evaluation of the writings of the major constitutional historians over the last 214 years. In the second part of this literature review, contemporary leadership theories were evaluated to determine their similarity or dissimilarity to the assumptions of the Statesmen.

Historical Review

Primary Sources

The logical focal point for a study on these Statesmen is the Constitutional Convention in Philadelphia. According to their charge from Congress, the purpose of the Philadelphia convention was: “that the Articles of Confederation ought to be so corrected & enlarged as to accomplish the objects proposed by their institution” (Madison, 1840/1987, p. 23). The official record of the debates, the *Journal of the Acts and Proceedings of the Convention, assembled at Philadelphia, Monday, May 14, and dissolved Monday, September 17, 1787* (1819) is a useful starting point. This journal contains a record of the debates including proposals and votes, but it leaves out a great

deal of commentary. James Madison's posthumous *Debates in the Federal Convention of 1787 Which Framed the Constitution of the United States of America*, captures significantly more discussion on the floor. This discussion reveals many assumptions supporting and explaining the delegates' propositions and votes.

The second level of primary source documents are the ratification debates. Elliot's (1836/1974) *Debates in the Several State Conventions on the Adoption of the Federal Constitution as Recommended by the General Convention at Philadelphia in 1787*, a five-volume overview of the ratification debates in each state, was the next major set of primary source documents to assimilate. Elliot's debates contain the floor debates and relevant supporting material such as public statements on the Constitution and critical letters written between delegates.

The third level of original source documentation includes writings about the Constitution at the time of the ratification--Federalist or Anti-Federalist. Hamilton, Madison, and Jay (1787/1996) collaborated to write the fundamental writings in favor of the constitution, known as the Federalist Papers. They wrote collectively under the penname Publius. These leading Federalists offer an apologetic for the adoption of the Constitution. While defending the merits of the Constitution point by point, these authors indirectly revealed their assumptions about leadership. They frequently disclosed their expectations of the leader's behaviors before demonstrating how the Constitution will (or will not) bridge the gap between expected behaviors and normative behaviors.

The Federalist papers were central in outlining the Federalist argument. In one essay an Anti-Federalist who wrote under the penname, the *Sentiments of Many*, refers to "PUBLIUS, the oracle of the Fæderalists" (as cited in Storing, 1981, vol. 5, p. 276). On

the subject of the Federalist papers, Washington wrote to Hamilton, “When the transient circumstances and fugitive performances which attended this *crisis* shall have disappeared, that work will merit the notice of posterity, because in it are candidly discussed the principles of freedom” (as cited in Bailyn, 1967/1992, p. 327).

Other lesser-known Federalists writings can be found in Ford’s (1888/2000) *Pamphlets on the Constitution of the United States: Published during Its Discussion by the People 1787-1788* and Sheehan and McDowell’s (1998) *Friends of the Constitution*.

The opponents of the constitution, the Anti-Federalists likewise revealed their assumptions in their public speeches and writings. Kenyon (1966) provided an overview of significant Anti-Federalist writings. Ketcham’s (1986) volume contains only a handful of the clearest Anti-Federalist papers, but he provides additional documentary support from the Articles of Confederation through the Bill of Rights. Allen and Lloyd’s (1985) *Essential Anti-Federalist* also contains a number of significant papers and background commentary. Yet, the two most comprehensive collections include Storing’s (1981) six volume, *The Complete Anti-Federalist*, and Frohnen’s (1999), *The Anti-Federalists*. Both contain compilations of Anti-Federalist thought with explanatory notes by the editors. The most complete series on the subject, Federalist or Anti-Federalist is the *Documentary History of the Ratification of the Constitution* (1976).

Philosophical Heritage

The assumptions that the Statesmen held were not completely original. They were based on a rich legal and philosophical heritage. This section includes an overview of what the Statesmen would have read. For example, Eidsmoe (1987) reported that

“Hamilton . . . read Grotius, Pufendorf, Locke, Montesquieu, Blackstone, Hobbes, Berlamaqui, Postlethwaite, Hume, and others” (p. 154).

Lutz and Hyneman (1984) reviewed 15,000 documents, books, and pamphlets from the founding era printed between 1760 and 1805. This body of research was then reduced to 916 documents. They broke philosophical influences down by decade based on citations of the Founders. During the 1780s, they found that the Bible had the greatest influence with 34%, followed by enlightenment thought with 29%, Whig thought with 19%, the classics with 10%, common law with 9%, and other at 4% (p. 194).

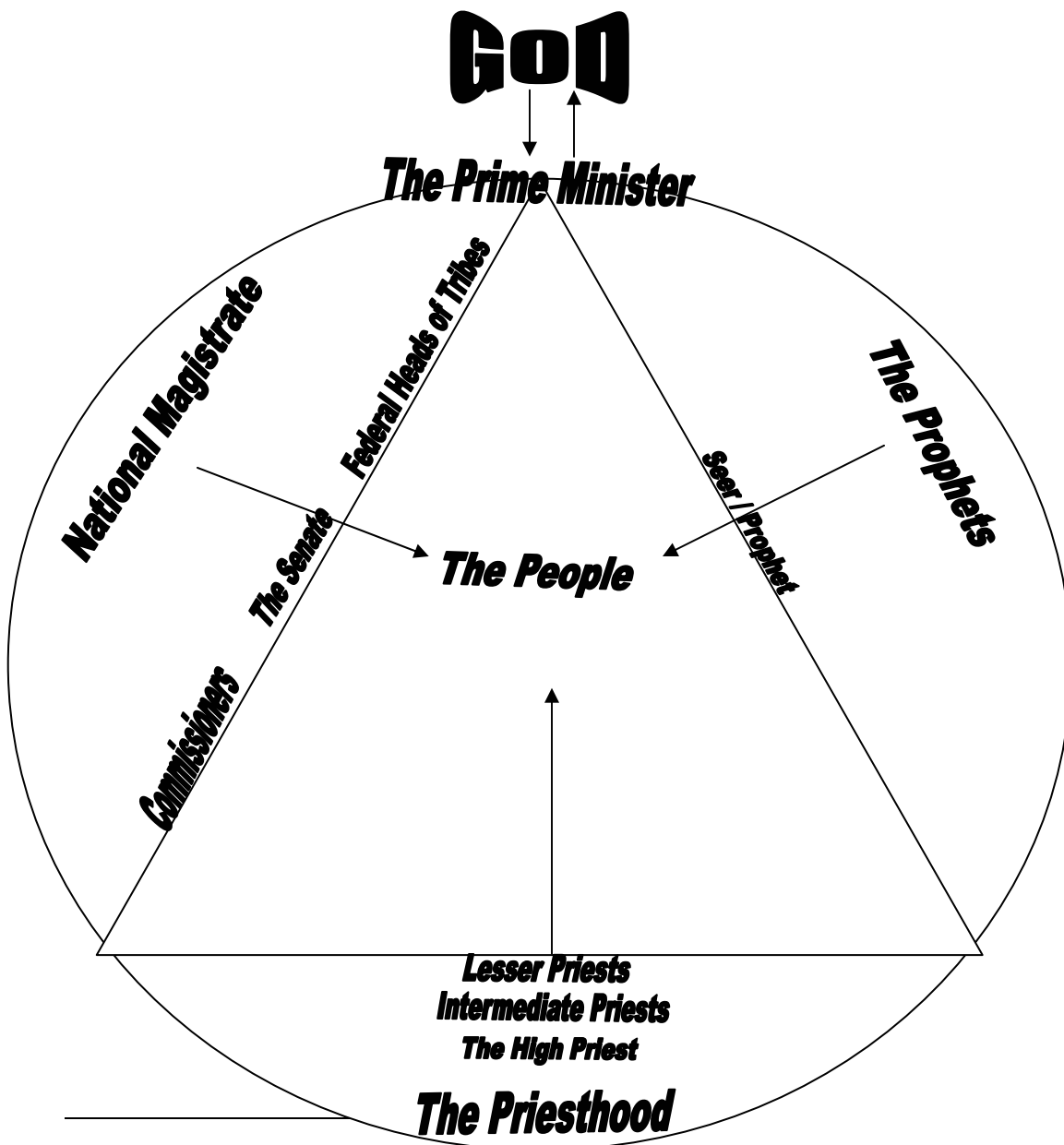
They also classified the most cited thinkers by decade. In the 1780s, Montesquieu was cited most frequently with 14% of all quotations, Blackstone was second with 7%, and Trenchard and Gordon, Beccaria, and Delolme were tied for third place with 3% each (Lutz & Hyneman, 1984, p. 193).

“The celebrated Montesquieu”² was the most cited political philosopher during the constitutional era. Charles de Secondat de Montesquieu (1752/1990) in his *Spirit of the Laws* provided a number of core concepts that the Statesmen used to construct the constitution. They included three types of government: republican, monarchical, and despotic (Book II), the distinction between liberty and license (Book, XI), and the idea that laws are poor means to change manners and customs (Book XIX). However, Montesquieu also provided the Anti-Federalists with a false idea about representation. He taught, for instance, that a republic is ill-suited for a large country (Montesquieu, Book VIII, 20, p. 126).

² Montesquieu was reverently referred to by the statesmen as “the Celebrated Montesquieu” as on July 11, 1787 in the convention. (Madison, 1987, p. 233)

Montesquieu is often credited with the concept of checks and balances, though this is not his original concept. Checks and balances can be found in the Bible in the Hebrew Republic as Elazar and Cohen (1985) and Wines (1853/1997) demonstrated. Elazar depicted this graphically in *the Jewish Polity* (Exhibit II.1).

Exhibit II.1: The Governmental Structure of the Hebrew Republic³



³ Used with permission by Indiana University Press.

Sir William Blackstone (1765/1979) in his first volume of the *Commentaries on the Laws of England* set, as an intellectual standard, a principled approach to law for England as well as America. Amos (2000) maintained that “The first 140 pages of Volume One are the most important,” because he “lays out the bedrock principles of the common law” (p. 16). The Statesmen would rely on Blackstone’s principles during the constitutional era, just as they relied heavily on Locke during the pre-revolutionary era (Lutz, 1984).

John Locke was a less forceful influence during the constitutional era than he was a decade earlier when he influenced many of these same men in previous decades (Lutz, 1984). His *First Treatise of Civil Government* was a simple rebuttal to Robert Filmer’s defense of the divine right of kings. His renowned *Second Treatise of Civil Government* set the groundwork for the revolution by outlining a theory of inalienable rights which he enumerated as “life, liberty and property” (1698/1988, Book II, Chapter IX, p. 350). Locke discussed the nature of political power (Chapter I), property (Chapter V), forms of government (Chapter X, XII), and the nature of tyranny (Chapters XVII, XVIII). From the debates, it is evident that these concepts were never far from the Statesmen’s thought processes. These were basic assumptions from which they reasoned. Such ideas formed the foundation for the structural checks in the Constitution.

Algernon Sidney (1698/1979), like Locke, wrote in reaction to Robert Filmer’s justification of the divine right of kings in *Patriarcha*. Sidney wrote his *Discourses Concerning Government* at a time where monarchy was the norm, and other systems of government were largely theoretical. Though he focused primarily on the king and judges

as leaders, he dealt with themes that were quite familiar to the Statesmen. For example, he claimed virtue is requisite to leadership, “When [God] intends to exalt a People, he fills both them and their Leaders with the Virtues suitable to the accomplishment of his end” (p. 113). In contrast, he explained the nature of corruption as common to man: “Again, Corruption will always reign most where those who have the power do most favor it, where the rewards of such Crimes are greatest, easiest, and most valued, and where the punishment of them is least feared” (p. 201).

Trenchard and Gordon (1720-1723/1995) wrote *Cato’s Letters*. It was a series of articles written to combat governmental abuses in England that were widely read in America during the Revolution. These articles were as popular in America as they were in Great Britain. Where Locke was lofty and theoretical, Cato’s letters were common and practical. *Cato’s Letters* (not to be confused with the Roman statesman or the later Anti-Federalist by the same name) addressed the same issues on a more practical level. One could find within *Cato’s Letters* the same type of reasoning about leadership that later is found in the constitutional and ratification debates. For example, they wrote about the passions as a catch-all psychology. Cato wrote, “Were the passions properly balanced, men would act rationally; but by suffering one passion to get the better of all the rest, they act madly or ridiculously” (vol. I, p. 55). This view was also embraced by the American Statesmen.

Cato, Sidney, and, Locke, and other political philosophers of the era wrote against the king in a time when their lives were in jeopardy for such treasonous actions. Trenchard and Gordon (1723/1995) wrote under the penname *Cato* for this reason. Locke encrypted his language to send secret messages. Blackstone had to temper what he said in

volumes two through four of his *Commentaries* so as not to displease the Crown, in whose service he was employed. Passages from Sidney's (1698/1979) *Discourses Concerning Government* were used to convict him of treason, for which he was executed.

John Milton, the author of *Paradise Lost*, also wrote political literature. *The Areopagitica* (1637-1651/1999) was Milton's appeal for freedom of speech. Among his essays, such as his *Second Defense of the People of England Against the Infamous Anonymous Libel, Entitled the Cry of Royal Blood to Heaven Against the English Parricides*, Milton delineates the difference between leadership and tyranny when he stated:

No monarch could injure me, without first condemning himself, by the confession that he was a tyrant. If I inveigh against tyrants, what is that to kings? Between whom and tyrants I make the widest difference. As much as a good man differs from a bad, so much, do I maintain, that a king differs from a tyrant. (p. 324)

Again, in another political tract Milton (1637-1651/1999) wrote, "A tyrant . . . is he who regarding neither Law nor the common good, reigns only for himself and his faction" (p. 66). In such writing, Milton presents a normative view of leadership, and identifies assumptions that will be embraced by the Statesmen during the framing of the constitution, just as they were in England a century before.

Thomas Hooker (1626-1633/1975), the ideological force behind the *Fundamental Orders of Connecticut* (1639), was primarily a theologian. He wrote about the relationship between the leader and his faith. He complained about, "A generation of politicians in the world that count it a great point of wisdom for a man to conceal his religion to himself" (p. 100). Hooker exposed hypocrisy in leadership when he wrote:

First, the hypocrite: what he doth. He is only the picture of godliness. As Machiavel, that cursed politician, speaks, he would have a man to take up the

name of virtue because there is no trouble in it, no disquiet which comes by it, but he would not have him take up the practice of it. (91)

Hooker made the connection between the scriptures and good government and the relationship between leaders of the church and leaders of the state. He asked:

Whether the Scriptures be not able as well to make magistrates and governors perfect to every good work as they can do ministers? Whether either minister or magistrate should do, or ought to do, anything which God hath not commanded them? Whether a faithful minister in his office ought not to understand what that Word reveals, ought not to teach all magistrates what out of the Word on so understands?⁴ (p. 367)

Vattel (1758/1982) and Grotius (1625/1984) are both worthy of mention because they would have been read and respected by the Statesmen. They primarily deal with foreign policy, not constitutional thought or leadership. Vattel speaks of virtue and corruption, not only of the leaders, but also of the people. He wrote:

It is an incontestable truth, that the virtues of the citizens constitute the most happy dispositions that can be desired by a just and wise government. Here then is an infallible criterion, by which the nation may judge of the intentions of those who govern it. (p. 51)

On corruption, Vattel (1758/1982) maintained:

But if they corrupt the morals of the people, spread a taste for luxury, effeminacy, a rage for licentious pleasures--if they stimulate the higher orders to a ruinous pomp and extravagance--beware, citizens! beware of those corruptors! they only aim at purchasing slaves in order to exercise over them an arbitrary sway. (p. 51)

The above passages could easily have been written by the Statesmen who shared the same basic assumptions as is evident in chapter IV.

Grotius passed on a rich heritage regarding international relations including just war theory, and the roles of ambassadors and international trade. Grotius is best known for his summary of the principle of limited self-government. He wrote:

⁴ The Word refers back to the Scriptures

He knows not how to rule a kingdome, that cannot manage a Province; nor can he wield a Province, that cannot order a City; nor he order a City, that knows not how to regulate a Village; nor he a Village, that cannot guide a Family; nor can that man govern well a Family that knows not how to Govern himselfe; neither can any govern himself unless his reason be Lord, Will and Appetite her Vassals: nor can Reason rule unlesse herselfe be ruled by God, and (wholly) be obedient to Him. (as cited in Slater, 1965, p. 69)

Although much is made about the American connection to Greece and Rome (Pocock, 1971), the Statesmen held predominantly negative views toward the ancient democracies. Publius often cited the history of the ancient world to demonstrate what did not work.⁵ Madison would devote Federalist 18 to a discourse on why the Greek confederacies failed. He wrote, “In theory, and upon paper, this apparatus of powers seems amply sufficient for all general purposes. In several material instances, they exceed the powers enumerated” (Federalist 18, p. 172). He spoke of, “the turbulent democracies of ancient Greece” (Federalist 14, p.151). Madison would enter into more historical analysis in Federalist 38, 43, and 63. Hamilton and Jay also invoked the history of Greece--Hamilton in Federalist 6, 8, 9, and 25, and Jay in Federalist 4. Neither of them were complimentary toward the ancient world. Hamilton wrote:

It is impossible to read the history of the petty republics of Greece and Italy without feeling sensations of horror and disgust at the distractions with which they were continually agitated, and at the rapid succession of revolutions by which they were kept in a state of perpetual vibration between the extremes of tyranny and anarchy. If they exhibit occasional calms, these only serve as short-lived contrast to the furious storms that are to succeed. (Federalist 9, p. 124)

⁵ Federalist 34 and 63 are exceptions to this rule. Hamilton used the division of the legislature in the Roman Republic of an example of “co-ordinate authority,” to prove his own point (Federalist 34, p.248). Madison would concede, “From these facts, to which many others might be added, it is clear that the principle of representation was neither unknown to the ancients nor wholly overlooked in their political constitutions” before writing, “it cannot be believed, that any form of representative government could have succeeded within the narrow limits occupied by the democracies of Greece.” (Federalist 63, p. 417).

Rome, according to Hamilton, “Was never sated of carnage and conquest” (Federalist 6, p. 111). It was likewise considered a poor historical role model. Hamilton discussed Rome in Federalist 6, 34, and 70; Madison in Federalist 18, 41, and 63. Madison would assert that the, “the liberties of Rome proved the final victim to her military triumphs” (Federalist 41, p. 296).

While learning from the lessons of Greek and Roman history, American Statesmen rarely invoked the classical political philosophers of Greece and Rome during the constitutional debates. They were certainly aware of the philosophers, and their pennames were often inspired by historical figures of the classical age (e.g., Brutus, Cato). American Statesmen, steeped in Calvinism, more often argued from the Bible and only select (16th and 17th century) political philosophers. Many Enlightenment philosophers were completely overlooked in the debates. Yet, this literature review would be incomplete without an overview of these works.

In *The Republic*, Plato (360 BC/1968) recorded Socrates’ dialogues as he dealt with themes such as justice (Book I-II), the best men as rulers (Book III), philosopher kings (Book V-VII), and the five types of regimes (Book VIII). However, Plato’s utopian vision of the ideal society was very different from the society that the Statesmen envisioned.

Aristotle’s *Politics* (350 BC/1941) dealt with topics such as the virtue and the pursuit of happiness. However, Aristotle’s brand of virtue and the pursuit of happiness were quite different from the 18th century view of the Statesmen. Blackstone’s (1765/1979a) view was more in line with the thought processes of the Statesmen. He argued that the pursuit of happiness was actually the pursuit of conformity to God’s law.

Where Aristotle traced happiness to virtue through reason, Blackstone traced it back directly to God. Blackstone wrote:

As therefore the creator is a being, not only of infinite *power*, and *wisdom*, but also of infinite *goodness*, he has been pleased so to contrive the Constitution and frame of humanity, that we should want no other prompter to inquire after and pursue the rule of right, but only our own self-love, that universal principle of action. For he has so intimately connected, so inseparably interwoven the laws of eternal justice with the happiness of each individual, that the latter cannot be attained but by observing the former; and, if the former be punctually obeyed, it cannot but induce the latter. (Blackstone, vol.1, p. 40)

Thomas Aquinas (1272/1952) brought Aristotle closer to the Statesmen's views by mixing Aristotelian thought with Christian doctrine. Aquinas' scholasticism had a great, albeit indirect, influence on the thought of these late 16th century thinkers. The Statesmen were familiar with natural law, but they did not regularly cite *Summa Theologiae*

Machiavelli, (1513/1988) "that cursed politician," was one of the few philosophers clearly rejected by the Statesmen as an immoral example that was not to be followed. Machiavelli stood in sharp contrast to most of the other classical political philosophers. For example, he counseled the prince to act immorally and to refuse to be held to his word. He advised, "Therefore, a ruler who wishes to maintain his power must be prepared to act immorally when this becomes necessary" (p. 55). Again, he wrote:

Everyone knows how praiseworthy it is for a ruler to keep his promises, and live uprightly and not by trickery. Nevertheless, experience shows that in our times the rulers who have done great things are those who have set little store by keeping their word, being skilful rather in cunningly deceiving men; they have got the better of those who have relied on being trustworthy. (p. 61)

Hobbes was understood by the Statesmen, but rarely mentioned in their arguments. His state of nature is more severe than Locke's or Rousseau's version.

However, Hobbes, who wrote *de Cive* (1642/1998) and *Leviathan* (1651/1985), was a

proponent of the divine right of kings. American Statesmen categorically rejected the doctrine of the divine right of kings. Hobbes was marginalized by the Statesmen for the same reasons that Robert Filmer's defense of Rex Lex was attacked by Locke and Sidney.

Hume (1740/1969), the great skeptic of the Scottish Enlightenment, was also rarely mentioned by the Statesmen. Hume discussed the passions in much the same way that the Statesmen would discuss it: "Can we imagine it possible, that while human nature remains the same, men will ever become entirely indifferent to their power, riches, beauty or personal merit, and that their pride and vanity will not be affected by these advantages" (Book ii, Part 3, p. iii). Although Adair (1957) tried to draw a connection between Hume and Madison, in general, Hume's philosophy of skepticism was neither practical nor relevant to the task of building the constitution.

Rousseau's *Discourse on Inequality* (1755/1984) and *Social Contract* (1762) were rarely cited. He was a marginal figure to the Statesmen of the constitutional era because his philosophical point of view was the inverse of the view primarily held by the leading American Statesmen. Rousseau (1762) viewed the pre-societal state as the closest approximation to perfection, lauding the noble savage. His most famous statement, "Man is born free; and everywhere he is in chains" marks the difference between perfect society being corrupted by mankind and the "more perfect union" the Statesmen felt that society could attain through their efforts (U.S. Constitution, 1787, Preamble). Storing (1981) pointed out that an obscure essay by a Newport Man "appears to be the only reference to Rousseau in the Anti-Federalist literature" (vol. 4, p. 250).

Other philosophers, particularly enlightenment philosophers such as Voltaire, and Diderot, are surprisingly absent in the constitutional debates. Though the more fashionable and intellectual men in American society were certainly aware of these philosophers, it should be kept in mind that the French Revolution was the same year as the ratification of the US Constitution (1789). These events were so contemporary that they had little bearing on the constitutional convention in 1787.

Historical Review

The third step of this process of the literature review is to examine what historians have written about the Statesmen over the last 200 years. Grob and Billias (1992) offered some structure in *Interpretations of American History*. They categorize constitutional historians into five categories:

- The nationalist school
- The progressive school
- The neo-conservative school
- The new intellectual historians
- The neo-progressives.

Nationalist School

Bancroft (1882) and Fiske (1894) are the two pillars of the nationalist school. Bancroft is the first major constitutional historian. He saw the Constitution as a part of the unfolding events of the revolution--an inevitable next step. Many later historians criticized Bancroft for romanticizing the time. He saw the U.S. Constitution as the crowning achievement of all of history (Grob & Billias, 1992, pp. 160-162)

Bancroft (1882) is charged with bias for viewing the constitutional era providentially, that is, as the movement of the hand of God in human history. Bancroft, however, used the terms and sentiments of the Statesmen in his historical writing. Additionally, he provided over three hundred and fifty pages of primary source letters and papers in the appendix that lend themselves to such a conclusion. Yet, Bancroft says little of the Statesmen's assumptions about leadership since his purpose is the history of the constitution, not a psychology of leadership.

Like Bancroft (1882), Fiske (1894), author of *The Critical Period*, focused on the time period between the revolution and the formation of the constitution. He spent most of his time tracing the problems caused by the weaknesses in the *Articles of Confederation*, and consequentially, the need for a more energetic constitution. He highlighted post-war insurrections and legislative encroachments of the states, but he also said little of the Statesmen's views on leadership. Bancroft only dealt with the Statesmen's assumptions by simply citing Madison's notes. Assumptions about leadership were a secondary consideration for these and other historians.

Progressive School

The major progressive writers include Beard (1913/1986), Hacker (1947), and Parrington (1927). The progressives did not deal directly with the leadership assumptions of the Statesmen. Since they did not view the U.S. Constitution as an ideological document, they focused on the economic aspects of the Constitution. Their assumptions lead them to focus on the economic motivations of those who created the instrument. Under their assumptions, the Framers were viewed as creating the Constitution for their own benefit.

The progressive school is named for the era in which it was formed. Grob and Billias (1992) reported, “Around the turn of the twentieth century the rise of the populist and progressive reform movements brought about marked change in attitude toward the Constitution” (p. 162). The progressive movement was birthed in the depression of 1893-1897 and continued until the end of World War I in 1917. It was a movement toward left-wing political reform (Worldbook Encyclopedia, 1999, vol. P, p. 813). In the same year that Charles Beard (1913/1986) published *An Economic Interpretation of the Constitution*, Congress adopted the 17th Amendment that mandated popular election of senators. For the previous 124 Years, senators were elected by the state legislatures. The Statesmen considered this method a substantial check against the encroachment of the federal government.

Beard (1913/1986) redirected the flow of scholarship on the Constitution with his work that asserted that the Framers of the Constitution were interested men who stood to gain financially if the Constitution was adopted. He wrote: “The members of the Philadelphia convention which drafted the Constitution were, with a few exceptions, immediately, directly, and personally interested in, and derived economic advantages from, the establishment of the new system” (p. 324). Beard’s ultimate conclusion was, “It cannot be said therefore, that the members of the convention were ‘disinterested’” (p. 151). Beyond this basic claim, his analysis of the assumptions of the Framers on leadership, was somewhat speculative as when he wrote, “The theories of government which men entertain are emotional reactions to their property interests” (p. 157).

Hacker (1947) follows a similar thesis claiming that capitalism is the driving force in American history from colonization to the Civil War. To Hacker, the creation of the

Constitution, was also only a product of capitalistic forces rather than an ideological struggle. While it is undeniably true that capitalistic profit motive did influence this era of history, as it affects all other eras, it would be an oversimplification to suggest that it is the only factor.

Parrington (1927) continues this theme, but he takes it a step further. As a progressive, Parrington believed that the structures of society shape the individual. He wrote in his introduction:

It asserted that the present evils of society are the consequence of vicious institutions rather than depraved human nature; and that is as free men and equals it is the right and duty of citizens to re-create social and political institutions to the end that they shall further social justice, encouraging the good in men rather than perverting them to evil. (p. xix)

Parrington (1927) believed that the Calvinism of New England only served to retard American society--including the mindset of the leadership. He wrote:

Calvinism was no friend of equalitarianism. It rooted too deeply in the Old Testament for that, was too rigidly aristocratic. It saw too little good in human nature to trust the multitude of the unregenerate . . . that the immigrant Puritans brought in their intellectual luggage the system of Calvin rather than of Luther must be reckoned a misfortune, out of which flowed many of the bickering and much of the intolerance that left a stain on the pages of early New England history. (p. 11)

These progressive historical perspectives stand in sharp contrast to the Statesmen's view of their own ethos. Even with this bias, however, Parrington (1927) applauded Hamilton's brilliant leadership presuppositions as seen in this statement: "Whoever aspires to become a sane political leader must remember that his business is not to construct Utopias, but to govern men" (p. 298).

Neo-Conservative School

The neo-conservatives challenged the progressive economic reinterpretation of the Constitution. They focused on the ideological motivations of the Framers. Neo-conservatives include Brown (1965), McDonnald (1958/1997), and Wright (1958).

Brown (1965), in his reply to the progressives, *Charles Beard and the Constitution*, demonstrated that because of Beard's methods and his bias, his findings were inaccurate. Brown challenged Beard's lack of sufficient research, and his use of alphabetic or random order instead of in the chronological order in which each state ratified. He also challenged and refuted Beard's two primary assumptions about economic interest.

McDonnald (1958/1997) continued in this stream of thought. He found that the Constitutional convention delegates were an, "almost complete cross-section of the geographical areas and shade of political opinion existing in the United States in 1787" rather than interested aristocrats (p. 37). He maintained that the Beardian thesis was inaccurate because Beard made an artificial distinction between personalty interests and realty interests. McDonnald explained, "No alignment of *personalty [sic] interests* versus *realty interests* existed in the Convention" (pp. 101-102). Therefore, he concluded, to approach the Constitution in the manner in which Beard proceeded, "renders unintelligible many of the forces at work in the making of the Constitution" (p. 415).

Wright (1958) not only asserted that the Beardian view of economic motives was wrong, but he demonstrated that the Framers of the Constitution were essentially the same group of patriots and Statesmen who fought the British in the Revolution and formed the state constitutions a decade earlier. Avoiding the criticism leveled against the

nationalists, Wright did not glamorize these Statesmen, though he clearly respected them from afar. He wrote: “These statesmen-inventors were not supermen or demigods. They had human failings--they were not without self-interests--and they did not create, nor did they long for, Utopia” (p. xx).

Unlike the other neo-conservatives, Wright (1958) dealt with the leadership assumptions of the Statesmen. For instance, he wrote:

A fundamental assumption of nearly all political thinking in America at this time was that men in public office are not to be trusted, that human nature is sadly defective, and that institutional provisions must be made to safeguard the governed against the ever present tendency to abuse of powers. This view is found in Anti-Federalist and Federalist literature alike. (p. 48)

New Intellectual Historians

Adair (1957), Bailyn, (1967/1992), Kenyon (1955), Pocock (1971, 1987), Rackove (1997), and Wood (1969/1998) also attacked the Beardian thesis, though for different reasons than the neo-conservatives. These new intellectual historians also believed that the ideas behind the Constitution were more important than economic interest. They proved their theses by making the connection between the ideas in the Constitution and their intellectual forbearers.

Adair (1957) connected James Madison’s reasoning to David Hume by way of Witherspoon’s lectures at Princeton, formerly the College of New Jersey. He also explained that the founders were, in their day, trying to reduce politics to a science (pp. 347-348).

Bailyn (1967/1992) described a continuity between the revolution and the Constitution when he claimed, “The American Constitution is the final and climatic expression of the ideology of the American Revolution” (p. 321). He asserted that the

Statesmen, “had a thoroughly realistic sense of human nature, and never deluded themselves that any people could be entirely virtuous” (p. 345). He discussed some of the particulars of the Statesmen’s assumptions: that power corrupts (p. 60), the need for “contending powers” (p. 273), self-interest, or as Patrick Henry called it, “self-love” as a vital force to check corruption, (p. 345), and the recognition of the depravity of man (p. 347). Bailyn felt that these factors, among others, shaped the leadership assumptions as the statesmen built the Constitution.

Kenyon (1955) focused on the Anti-Federalists, labeling them “men of little faith” because of their low view of human nature. This low view of human nature would become a primary assumption in their arguments. In contrast, Beard’s position was that the Anti-Federalists were economically motivated democrats simply opposing the property interests of the aristocrats. Kenyon demonstrated that the Federalist v. Anti-Federalist debate was political, not primarily economic. Kenyon also dealt with specific assumptions of the Statesmen on leadership, albeit indirectly.

Johnson (1997) in his *History of the American People* captured some of the beliefs of the Statesmen. For example, he wrote:

Washington, who presided over the Convention, but who wisely confined his activity to ensure order and decorum, stuck to his view that most men were guided by their own private interests: to expect ordinary people, he said, to be ‘influenced by any other principles but those of interest, is to look for what never did and I fear never will happen. (p. 186)

Again, Johnson (1997) reveals a side of the Statesmen that exposes their underlying assumptions. In contrast to the popular perception that they held a high and lofty view of the people, Johnson recorded:

Even Washington spoke of ordinary farmers as the ‘Grazing Multitude.’ His aide, Hamilton, referred to the “unthinking populace.” John Adams termed them the

‘common herd of mankind,’ and Gouverneur Morris felt ordinary people ‘had no morals but their interests.’ But this was just club talk. (p. 177)

Pocock connected the concepts of the Statesmen to origins of ancient Greece and Rome, and the renaissance (as cited in Grob & Billias, 1992, p. 171). Rackove (1997) dealt with original intent and the precise meaning of the language used during the convention. He too would see ideas, rather than economic motivations, as the prime force for shaping the convention and ratification debates, even though he would be led to different ultimate conclusions. For example, in *Original Meanings*, he concluded that since Madison, did not use the Federalist writings to interpret law when he was president, neither should we.

Wood (1969/1998) understood that understanding underlying assumptions was the key to understanding the system. He began the *Creation of the American Republic* by explaining: “I could make little or no sense of the various institutional or other devices written into the Constitutions until I understood the assumptions from which the Constitution-makers acted” (p. xvi). Wood traced the organs of the Constitution back through Enlightenment and Whig thought, American Calvinism, Deism, and Unitarianism until it formed a distinctly American republicanism that these Statesmen embraced.

Wood (1969/1998) touched on the assumptions of the Statesmen as when he captured Washington’s and Winthrop’s viewpoints. “*We have probably,*” wrote Washington with emphasis, “*had too good an opinion of human nature in forming our confederation*” (p. 471). The Anti-Federalist, James Winthrop, similarly wrote: “The complaints against the separate governments, even by the friends of the new plan are not

that they have not power enough, but that they are disposed to make a bad use of what power they have” (p. 507).

Neo-Progressives

The neo-progressives were, in the main, a reaction to the neo-conservatives and the new intellectuals. They continued the earlier progressives’ view of economic determination. Neo-progressives include Handlin and Handlin (1944), Jensen (1950/1980), Lynd (1967, 1968), and Zinn (1980/1999)

According to Jensen (1950/1980), “Since the founding fathers themselves disagreed as to the nature of the history of the period and as to the best kind of government for the new nation, it is possible to find arguments to support almost any interpretation one chooses” (p. xii). Nonetheless, he rejected Fiske’s critical period writing that it, “was the result of an uncritical acceptance of the arguments of the victorious party in battle, of a failure to face the fact that partisan propaganda is not history but only historical evidence.” (p. 422). While Jensen conceded the need to see the men who wrote in their context, he promoted the progressive party line insisting that the Statesmen, “were concerned with the relations of man and of class to class in society” (p. 194).

Lynd (1968) captured the essence of the neo-progressive position. He wrote, “Americans have made two revolutions, in 1776-1783 and in 1861-1865” (p. 3). Like his progressive forerunners, Lynd was more interested in the economic than ideological. Lynd (1967) set out to “defend Beard” (p. 8) and praised Beard’s work as the “most substantial” approach (p. 4). He dismissed dissenting historians, “largely as a product of the cold war years” (p. 5).

Howard Zinn was not listed by Grob and Billias. Yet, Zinn's (1980/1999) *A People's History of the United States* is a Marxist interpretation of American history. He echoed the progressive theme. Eliminating ideological assumptions, Zinn simply embraced Beard's earlier view that reduced the Constitution to a division of spoils for the victors:

Thus, Beard found that most of the makers of the Constitution had some direct economic interest in establishing a strong federal government: the manufacturers needed protective tariffs; the moneylenders wanted to stop the use of paper money to pay off debts; and the land speculators wanted protection as they invaded Indian lands; bondholders wanted a federal government able to raise money by nationwide taxation, to pay off those bonds. (p. 90)

Key Concepts

This study seeks to ascertain the leadership assumptions of American Statesmen during the Constitutional era. The following paragraphs define the key terms used in this study.

Leadership

A survey of the leadership literature offers no scholarly definition that has been agreed upon. Bass (1990) explained that there are as many definitions as there are those who attempt to define leadership (p. 11). Pfeffer echoed this claim adding that the definitions that exist are ambiguous (as cited in Bass, 1990, p. 11). Bennis (1989) explained "Leadership is like beauty: it is hard to define, but you know it when you see it" (p. I).

Yet, some definitions are more acceptable than others. Katz and Kahn (1950/1978) referred to leadership as "the influence increment over and above mechanical compliance with routine directives of the organization" (pp. 302-303). As

Spitzberg found, “the meaning of leadership may depend on the kind of institution in which it is found” (as cited in Bass, 1990, p. 11). Bass’s *Handbook of Leadership* definition is as follows: “Leaders are agents of change--persons whose acts affect other people more than other people’s acts affect them” (p. 19). This definition is true of officeholders simply because they are officeholders. As Bastiat (1850/1968) explained, “law is force” (p. 28).

Selznick (1957), to make finer distinctions, separated leadership from the office of the leader, and power from influence. However, such a distinction is unnecessary in this study. The leader cannot be easily separated from the office he holds--even if he is a poor leader in the sense of accomplishing a particular agenda. The Statesmen argued as though the officeholder was a leader by default, and that power and influence emanated from the office. For our purposes in this study, leaders are those who occupy the offices created by the United States Constitution. As Gini suggested:

leadership can only be known and evaluated in the particular instantiation of a leader doing a job. In other words, while the term “leadership” and “leader” are not strictly synonymous, the reality of leadership cannot be separated from the person of the leader and the job of leadership. (as cited in Hickman, 1998, p. 365)

Assumption/Presupposition:

The American Heritage Dictionary (2000) defines an assumption as, “something taken for granted as true without proof; a supposition: *a valid assumption*” (p. 110).

Schaeffer (1968/1976/1982) defined a presupposition as, “A belief or theory, which is accepted before the next step in logic is developed. Such a prior postulate often consciously or unconsciously affects the way a person subsequently reasons” (p. 201). In this study, the researcher is not searching for practical advice or conclusions, but the suppositions which supported the system that was set in place.

Statesmen

In this document, a number of similar terms are used to denote specific meaning. Founding Fathers, Framers, Statesmen, Federalist and Anti-Federalist may confuse the reader unless adequate attention is given to correct usage. The phrase Founding Fathers is a broad term that spans decades from the early 1770s to the late 1780s. This may include the men who fought the Revolution or those who adopted the Bill of Rights. In contrast, the term framer reflects a narrow meaning. It is only applied to members of the Constitutional Convention who favored the creation of the constitution. There is no single term for the opposition members, or those that attended the ratifying convention, or wrote pamphlets. Therefore, the term Statesmen was chosen to be an inclusive term which would cover any of the political and social leaders who had an influence on the formation of the US Constitution during the constitutional era. This helps to minimize the confusion of the first term and potential equivocation of the second.

This includes Statesmen who were neither at the convention nor directly took part in the ratification debates or pamphleteering. Thomas Jefferson, the primary author of the Declaration and his colleague John Adams, the author of the Massachusetts Constitution, present a problem. Jefferson and Adams were ambassadors to France and England respectively during the constitutional convention and ratification debates. Yet, they engaged in meaningful correspondence during the time, and thereby influenced the process. Although they were undeniably American Statesmen, their opinions on the creation of the Constitution in this document are restricted to correspondence during the constitutional era.

The Statesmen have been criticized for a number of reasons. They are charged with holding unrefined views of enlightened democracy, loud silence on women's suffrage, and a number were even slave-holders (Charleton et al., 1986, pp. 7-8). Yet, we must consider them in their cultural context. In spite of these things, they were arguably the most advanced thinkers and leaders that the world has known (before and possibly since). This is particularly true in their views on rights and liberty.

Federalist and Anti-Federalists:

Noah Webster (1828/1996), a Federalist pamphleteer, defined a Federalist as “an appellation in America, given to the friends of the Constitution of the United States, at its formation and adoption, and to the political party which favored the administration of President Washington.” It is interesting to note that the term does not appear in any document from the Magna Carta to the United States constitution, nor does it appear at any time during the debates in the Constitutional convention. Surprisingly, it is only used one time in the text of Federalist papers.⁶

Federalists felt that the national government needed to be energized to be secure. As Madison explained, “Tyranny has perhaps oftener grown out of the assumptions of power, called for, on pressing exigencies, by a defective constitution, than out of the full exercise of the largest Constitutional authorities” (Federalist 20, p. 184). Both Federalists and Anti-Federalists were concerned with the prospect of tyranny, but the Federalists felt that the filtering process of representation would present the best men to fill public offices (Storing, 1981, p. 41). Frohnen (1999) explained, “Federalists insisted that the people would retain sufficient virtue to pick representatives with character good enough

that the Constitution's checks and balances would keep these representatives honest and public-interested" (p. xxi)

Federalists also felt that a larger representation that covered a more extensive territory would be more difficult to corrupt. This would be a natural check on tyranny (Storing, 1981, p. 44). However, they found greatest protection in the division of power--checks and balances (p. 61). Hamilton explained: "Power being almost always the rival of power, the general government will at all times stand ready to check the usurpations of the state governments, and these will have the same disposition towards the general government" (Federalist 28, p. 225).

Federalists felt that altering the form of government would solve many of the problems that riddled state governments since the revolution. Madison defined the Federalist view when he wrote:

In the extent and proper structure of the Union, therefore, we behold a republican remedy for the diseases most incident to republican government. And according to the degree of pleasure and pride we feel in being republicans, ought to be our zeal in cherishing the spirit and supporting the character of Federalists. (Federalist 10, p. 136)

Exhibit II.2 catalogs the pennames of the Federalists with their actual names and official positions during the ratification. Many of the authors are unknown. The names below are those covered in the primary source documents during the research.

Exhibit II.2 Federalist Authors and Pennames

Penname	Author	Position
Alfredus	Samuel Tenny	Surgeon
Atticus	Author Unknown	Author Unknown
Caesar	Author uncertain (possibly	

⁶ This excludes the title of each of the Federalist papers

	Alexander Hamilton)	
An American Citizen	Tench Coxe	
Cato	Author Unknown	Author Unknown
A Citizen of America	Noah Webster	
A Citizen of Philadelphia	Peteliah Webster	
A Citizen of New Haven	Roger Sherman	Member of the constitutional convention
A Citizen of New York	John Jay	
Civis	David Ramsay	Member of South Carolina ratification convention and physician
Common Sense	Author Unknown	Author Unknown
Convention	Author Unknown	Author Unknown
A Countryman	Roger Sherman	Member of the constitutional convention
Crito	Stephen Hopkins	
Elihu	Author Unknown	Author Unknown
A Democratic Federalist	Author uncertain (possibly Tench Coxe)	
A [Pennsylvania] Farmer	Author Unknown	Author Unknown
Fabius	John Dickenson	
A Federalist	Author Unknown	Author Unknown
A Foreign Spectator	Nicholas Collin	
A Freeman	Tench Coxe	
A Landholder	Oliver Ellsworth	Judge of the Connecticut Supreme Court and Member of constitutional convention
Monitor	Author Unknown	Author Unknown
One of Four Thousand	Author Unknown	Author Unknown
One of the People called Quakers	Author Unknown	Author Unknown
Philodemos	Author Unknown	Author Unknown
Philo-Publius	William Duer	Originally, one of those who was to write the Federalist Papers
Publius	Alexander Hamilton	Delegate to the convention and New York Ratification Debates
Publius	John Jay	Delegate to the New York Ratification Debates
Publius	James Madison	Delegate to the convention and Virginia Ratification Debates
Socius	Unknown	Unknown

State Soldier	George Nicholas	Member of Virginia ratification convention
---------------	-----------------	--

Leading Federalists included men who had proven their merit during the American War for Independence. Even Anti-Federalists acknowledged that these men were tried and tested, but they worried about who may follow. Candidus wrote:

Certain characters *now on the stage*, we have reason to venerate, but though this country is now blessed with a Washington, Franklin, Hancock and Adams, yet posterity may have reason to rue the day when their political welfare depends on the decision of men who may fill the places of these worthies. (as cited in Storing, 1981, vol. 4, pp. 128-129)

According to the National Archives and Records Administration, “the two terms are grossly misleading. The Federalists might more aptly have been called the ‘Centralists’ or ‘Nationalists’ and the Anti-Federalists ‘Federalists’ or States righters” (Charleton et al., 1986, p. 88).

Anti-Federalist

Frohen (1999) defined Anti-Federalists as those who opposed the Constitution because they believed that the Constitution would “destroy the concrete institutions, beliefs, and practices they, and the Federalists, held as a sacred inheritance” (p. xv). Charleton et al. (1986) believed, “The Anti-Federalists tended to defend the Articles of Confederation, though they felt they needed to be modified, or advocated a weak central government that would allow maximum participation of the people and ensure state sovereignty” (p. 91). Storing (1981) explained that where the Federalists spoke of an energetic government, and explained how they might restrain it by balancing interest against interest, the Anti-Federalists felt that restraint was best secured by granting fewer powers to the federal government (p. 30). He continues, “The Anti-Federalists stood,

then, for federalism in opposition to what they called the consolidating tendency and intention of the Constitution” (p. 10).

Storing (1981) explained that, “They were, they often claimed, the true Federalists. Some of them seemed to think that their proper name had been filched, while their backs were turned, as it were, by the pro-Constitution party, which refused to give it back” (p. 9). The Anti-Federalists griped about this problem in their letters. Aristocrotis satirically wrote, “All who presume to speak or write against the Constitution, must be branded as enemies to their county and to the union of the states; to impress this upon the minds of the vulgar, they must be termed antifederalists” (as cited in Storing, 1981, vol. 3, p. 209). In a similar vein, a Countryman wrote:

One thing, and it would appear but a trifling matter, puzzled us exceedingly, that is, the names the different writers have fixed upon one another; for we found that those who are for abiding by the confederation and strengthening it, so as to make it lasting, are called antifederalists; and the other party who are for throwing it aside, and having nothing farther to do with it, but are for making of us into one solid government are called Federalists: now I did not know the meaning of the high-flown words, but my neighbour told me, that anitfederalists were people, that were against the confederation; and that Federalists were those that were for it: now, as I said before, this puzzled us very much, and often prevented our understanding what we were reading--at length we both agreed, that either the writers themselves or the printers had made a mistake. (Letter II, vol. 6, p. 76)

Exhibit II.3 outlines the pennames of the Anti-Federalists with their actual names and official positions at the time of the ratification. This compilation was assembled primarily from Ford (1888/2000), Frohnen (1999), and Storing (1981). Many of the authors are unknown, and historians differ as to the true authorship of particular papers.

The Anti-Federalists wrote under pennames that often were descriptive of their positions. They called themselves *Cato*, for the Roman orator and defender of the State, Marcus Porcius Cato. *Brutus* was named after Marcus Junius Brutus, Caesar’s Assassin

who put his own son to death for the sake of the republic. The name *John De Witt* was taken up in honor of the 17th century Dutch statesman who fought the Aristocracy (Frohn, 1999). *An Old Whig* refers to, “the “Old Whig” principles that motivated the Glorious Revolution and the War for Independence” (Frohn, p. 316)

The Anti-Federalists even used the name Federalist in their pennames as in the Essay of a *Federalist* found in the Boston Gazette, and the Essay of a *Democrat Federalist* published in the Pennsylvania Herald or a *Republican Federalist*, published in the Massachusetts Centinel.

A number of leading men who took part in the convention wrote Anti-Federalist literature including Elbridge Gerry of Massachusetts, George Mason, and Edmund Randolph of Virginia. These three men alone refused to sign the Constitution at the convention. Other Anti-Federalists left the convention early. Some subsequently attacked the Constitution with their pens during the ratification debates. These men included Luther Martin of Maryland, and Robert Yates and John Lansing of New York.

Exhibit II.3 Anti-Federalist Authors and Pennames

Penname	Author	Position
Agrippa	James Witthrop	
Alfred	Author Unknown	Author Unknown
An American	Author Unknown	Author Unknown
Anon	Author Unknown	Author Unknown
Aristocrotis	Author Unknown	Author Unknown
A Bostonian	Author Unknown	Author Unknown
Brutus [New York]	Robert Yates or Thomas Treadwell	Member of the constitutional convention who left early and did not sign
Brutus [Virginia] Reply to Cassius	Author Unknown	Author Unknown
Brutus, Jr.	Author Unknown	Author Unknown

Candidus	Samuel Adams or Benjamin Austin, Jr.	
	Author Unknown	
Cato [New York]	George Clinton or Abraham Yates	Governor of New York
Cato [South Carolina]	Author Unknown	Author Unknown
Cato Uticensis	Author Unknown	Author Unknown
Centinel	George Bryan or his son, Samuel Bryan	Legislator and Judge, and Anti-Federalist leader Samuel Bryan is George Bryan's son
Cincinnatus	Richard Henry Lee	
A Citizen	Author Unknown	Author Unknown
A Columbian patriot	Elbridge Gerry or Mercy Warren	Warren – Historian, Sister of James Otis & wife of James Warren
Consider Arms, Malichi Maynard and Samuel Field	Author Unknown	Author Unknown
Cornelius	Author Unknown	Author Unknown
A Countryman	DeWitt Clinton	
A Countryman from Dutchess County	DeWitt Clinton	
A Customer	Author Unknown	Author Unknown
David	Author Unknown	Author Unknown
Deliberator	Author Unknown	Author Unknown
A delegate who has Caught Cold	Author Unknown	Author Unknown
A Democratic Federalist	Author Uncertain (possibly Richard Henry Lee)	
Denatus	Author Unknown	Author Unknown
A Friend of the Republic	Thomas Cogswell	
A Friend to the Rights of the People	Thomas Cogswell	
John De Witt	Author Unknown	Author Unknown
A [Maryland] Farmer	John Francis Mercer	Member of the constitutional convention (left early without signing)
A [New Hampshire] Farmer	Colonel Thomas Cogswell	Chief Justice, New Hampshire Court of Common Pleas
A [Pennsylvania] Farmer	Author Unknown	Author Unknown
A Farmer and a Planter	Author Unknown	Author Unknown
A Federal Farmer	Melancton Smith or Richard Henry Lee	
A Federalist	Author Unknown	

Federal Farmer	Richard Henry Lee	
A Federal Republican (AKA Veritas Politica)	Author Unknown	Author Unknown
A Georgian	Author Unknown	Author Unknown
A Gentleman in a Neighbouring State	Author Unknown	Author Unknown
John Humble	Author Unknown	Author Unknown
Helvidius Priscus	Samuel Adams or General James Warren	Warren – Speaker of the Massachusetts House of Representatives
An Impartial Examiner	Author Unknown	Author Unknown
Sentiments of Many	Author Unknown	Author Unknown
Montezuma	Author Unknown	Author Unknown
A Newport Man	Author Unknown	Author Unknown
An Observer	Author Unknown	Author Unknown
An Officer of the Late Continental Army	William Findly	
One of the Common People	Author Unknown	Author Unknown
An Old Whig	Author Unknown	Author Unknown
Philadelphensis	Benjamin Workman	Mathematics instructor at the University of Pennsylvania
Phileleutherous	Author Unknown	Author Unknown
A Plebian	Melancton Smith	
Poplicola	Author Unknown	Author Unknown
A Proposal for Reviving Christian Conviction	Author Unknown	Author Unknown
A Republican Federalist	James Warren	Speaker of the Massachusetts House of Representatives
Republicus	Author Unknown	Author Unknown
Samuel	Author Uncertain (possibly James Sullivan)	
Sidney, Address by Sidney	Robert Yates	Author Unknown
Sidney, Essays by Sidney	Abraham Yates	Author Unknown
A Son of Liberty	Author Unknown	Author Unknown
Tamony	Author Unknown	Author Unknown
A Virginian	Author Unknown	Author Unknown
Vox Populi	Author Unknown	Member of the Massachusetts Legislature
A Watchman	Author Unknown	Author Unknown
William Penn	Author Unknown	Author Unknown
The Yeomanry of Massachusetts	Author Unknown	Author Unknown

Leadership Literature

The following section provides a theoretical rationale for this study. The purpose of the study is to determine the leadership assumptions of the American Statesmen during the constitutional era. This is necessary because a gap exists in the literature pertaining to those subjects in which the Statesmen focused their attention. Contemporary leadership literature does not address the themes that the Statesmen focused upon--such as tyranny, demagoguery, and balancing power.

Various schools of thought have sought to explain the phenomenon of leadership. Yet, none of these theorists agree. In this dissertation, the Statesmen will be viewed as a separate and distinct school of thought. Then their views on leadership will be compared to other intellectual camps.

Bass (1990) one of the premier scholars in the field of leadership created a conceptual framework of leadership models and theories in his comprehensive *Handbook of Leadership*. His categories are briefly reviewed below. He divided the theories into 5 categories:

- Personal and situational theories
- Interaction and social learning theories
- Theories and models of interactive process
- Perceptual and cognitive theories
- Hybrid explanations

Personal and situational theories include great man theories, trait theories, personal-situational theories, psychoanalytic theories, political theories, and humanistic

theories. Great man theories paint a picture of the world moved by individuals, larger than life, who alone are capable of leading in their time. Great man theories gave way to trait theories that claim that the leader becomes the leader because of special inborn traits that he possesses.

In contrast to trait theories, situational theories claim that the leader becomes a leader because of the demands of the environment. According to these theories, the leader is more a product of the right moment, than any internal characteristic.

Psychoanalytic theories are a radical departure built upon the assumptions of various psychological theories. According to psychoanalytic theories, the success of the Constitution could be explained in many ways that include, but are not limited to: the Federalist's need for ego-gratification, the people's need for a savior, or the Statesmen's good (or bad) relations with parents at an early age.

Political theories explain leadership through the eyes of a particular political ideology. For example, a Marxist, a Nazi and an American with a democratic mindset each see the same event through different filters. They would, therefore, explain the event differently.

Humanistic theories begin with the premise that, "The human being is by nature a motivated organism" (Bass, 1990, p. 43). Many business and leadership theories have been developed upon this premise. "McGregor (1960, 1966) postulated two types of organizational leadership--Theory X and Theory Y" (Bass, p. 43). A leader who subscribes to Theory X assumes a low view of human nature. Conversely, a leader who subscribes to Theory Y expects the best of men and would structure the organization in such a way as to allow for man's best effort.

Argyris (1957) felt that the organization and the individual were inherently in conflict. Likert (1961) felt that leaders ought to consider and be supportive of their followers. Blake and Mouton (1964, 1985) charted leaders according to their task orientation or people orientation. Task orientation and people orientation certainly factor into a leader's ability to be effective. Yet, in general, the Statesmen were not thinking in such terms (Hershey & Blanchard, 1982).

Some of these ideas are complementary, but not congruent with the Statesmen's assumptions. Others are simply contrary. For example, although the Statesmen certainly took followers into account, they operated on different premises. Followers were less informed about the substance of legislation, but they were ultimately the king-makers in a representative democracy.

Interaction and social learning theories include the leader-role theory, theories of attainment of the leadership role, reinforced change theory, path-goal theory, and contingency theory. According to Bass (1990) the leader-role theory maintains that, "Leaders behave according to what is expected of them, and how they perceive their roles are defined" (p. 44). This expanded the function of leadership to include followers. Theories of attainment focus on who becomes a leader and why. The Statesmen, for instance, had this point down to a science (although their explanations would appear uncouth in contrast to modern analysis). By standards of modern academia, the Statesmen appear simplistic in their reasoning and superstitious in their assumptions since they deduct many core suppositions from Christianity.

Reinforced-change theory asserts that, "Leaders acquire their position, by virtue of their perceived ability to reinforce the behavior of group members by granting or

denying rewards or punishments” (Bass, 1990, p. 45). Path-goal Theory likewise accounts for leadership by asserting that the leader creates a path to the goals that the followers seek.

Contingency theory creates a division between two basic types of leaders: task-oriented leaders, and relation-oriented leaders. Task-oriented leaders are suited for certain situations, while relationship-oriented leaders are suited for others. According to contingency theory, the type of leader necessary is dependent upon the primary need.

Theories and models of interactive processes included Yukl’s (1971) multiple linkage model, the multiple-screen model, vertical-dyad linkage, exchange theories, behavioral theories. Yukl suggested that followers are more satisfied when the leaders were more considerate of their well-being. The multiple-screen model suggests that followers receive additional benefit when their leaders maintain good relations with their bosses. Vertical-Dyad Linkage focuses on the relation between leaders and specific followers rather than the whole group. According to this model, in-group members perform better than out-group members.

Exchange theories suggest a quid pro quo between the leader and his followers. Jacobs’s (1970) social exchange theory asserted that the leaders purchase their status by providing benefits to the people whom they lead. Behavioral theories are built upon the premises of behavioral psychology. They tend to ignore the cognitive function and focus on changing and reinforcing behavior (Bass, 1990, p. 49).

Perceptual and cognitive theories include attribution theories, information processing, open-systems analysis, and the rational-deductive approach. Attribution theories, or implicit theories of leadership, suppose that followers have preconceived

notions of leadership, and leaders must either match these expectations or suffer the consequences. According to information processing theories, a leader has a greater burden of solving the problem or structuring the task than the members of the group. Open systems analysis views the leader not only as a member of the group, but as part of an eco-system. In open systems analysis, the environment in which the leader functions is as important as the actions of the leader. Vroom and Yetton (1974), in their rational-deductive approach, created a scale for leaders to determine the degree of direct or participative involvement that the leader should engage in.

Hybrid explanations are theories that combine two or more of the previous theories into a larger theory. The most notable of these theories is transformational leadership. Transformational leadership takes a step beyond transactional leadership in that the goal is more than a simple exchange. Instead, the transformational leader inspires his followers to go above and beyond their natural capacity. “Transformational leadership is closer to the prototype of leadership that people have in mind when they describe their ideal leader and is more likely to provide a role model with which subordinates want to identify” (Bass, 1990, p. 54).

In this dissertation, the researcher has not attempted to validate any particular theory or historical viewpoint. Instead, the researcher has examined the written record to discover the viewpoint of the Statesmen. In chapter V (analysis) the researcher compared and contrasted the assumptions of the Statesmen on leadership with those of the contemporary leadership literature.

CHAPTER III

Methods

Chapter III describes the methods employed in this study. This chapter begins with the research question and is followed by the methods selected to answer the research question and the rationale for these particular methods. This section concludes with a description of data collection and analysis process.

The Research Question

This study describes American Statesmen's assumptions on the nature of leadership. This initial statement of the problem leads to subsidiary questions that allowed the researcher to categorize statements made during the convention and ratification debates.

Based on the primary source writings of the Statesmen, the assumptions have been classified into categories ranging from most relevant primary sources such as Madison's notes on the Federal Convention to less relevant primary sources such as those of little-known Anti-Federalists. The researcher's working assumption was that the most reliable and useful information on the Statesmen's views on leadership can be found at the constitutional convention. That is, the researcher believed that the men who hammered out the Constitution in the Philadelphia Convention understand it best.

The second most credible source then would be those who took part in the ratification debates. As directly elected representatives of the people of each state, these delegates were to offer their sound judgment after thoroughly reviewing the constitution. The next and final level of primary sources was the public writings that argue for, or against, the Constitution.

Dissertation Matrix

The Statesmen's own words have been classified based on relevance in a second similar series of concentric circles in a five-tiered process visually represented below.

The Statesmen's assumptions dealt with the nature of the leader, the nature of power, the nature of the people, the nature of the government, and the nature of society.

While surveying the literature, the researcher developed a matrix (see Appendix A) as a tool to systematize the data. The overarching research question is followed by six specific research questions that emanate from this question in light of the writings of the Statesmen. The matrix is visually represented below in Exhibit III.1. These questions are:

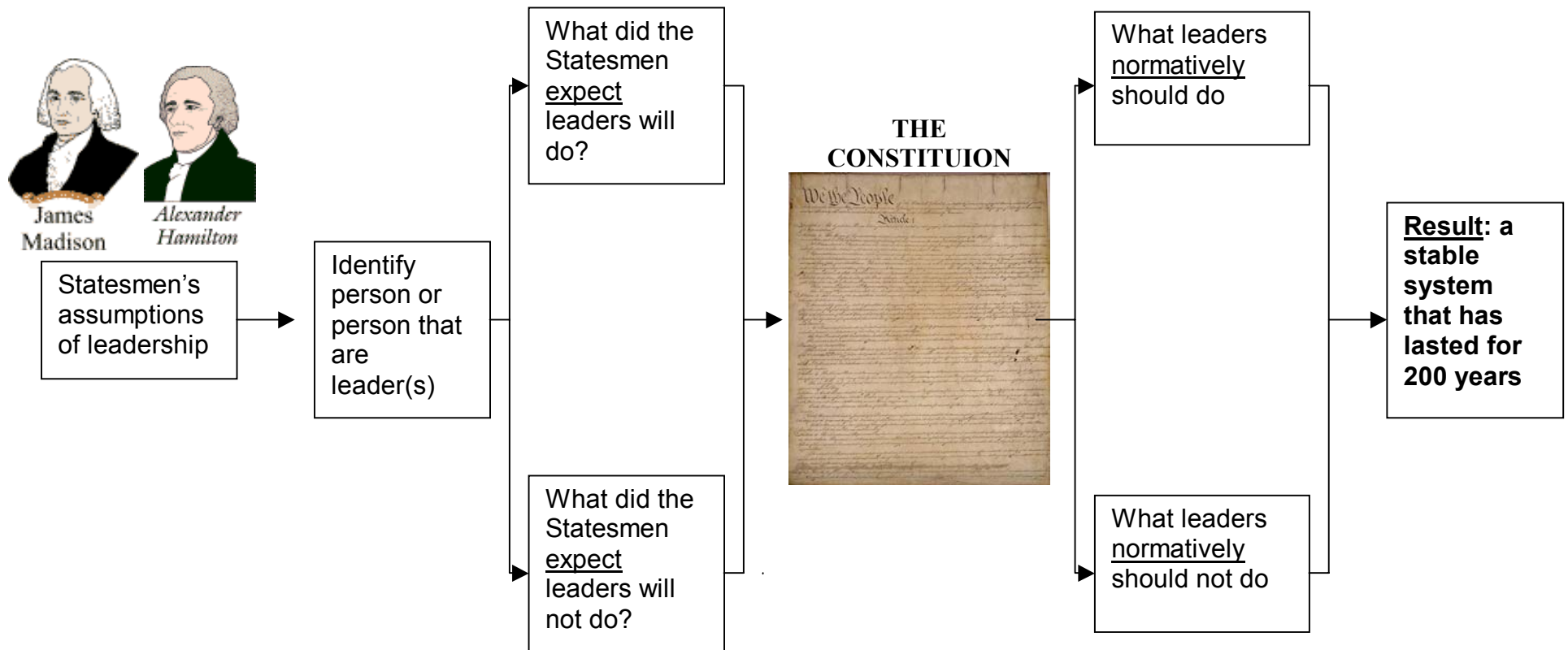
- Who are leaders?
- What did the Statesmen expect leaders to do?
- What did the Statesmen expect leaders not to do?
- What should leaders normatively do?
- How would the Constitution bridge the gap between expected and normative behavior?

Each of these specific questions was built upon a number of variables that have been unearthed in the literature review. These variables are classified and create a coherent picture of the Statesmen's assumptions.

Research questions

The dissertation matrix is a foundation built upon the questions discussed previously. The Statesmen held certain assumptions about leadership, power, the people,

Exhibit III.1 Visual Representation of the Assumptions of American Statesmen during the Constitutional Era



government, and society. They expected leaders to act in particular ways, and they used the Constitution to filter the leader's behavior. The result has been a constitutional system that has offered great stability for the last 200 years.

Qualitative Design

Due to the nature of this study, a qualitative research method was applied. Garraty suggested that, "content analysis offers history and biography a fruitful field for research" (as cited in Pool, 1959, p. 187). Interviews are impossible, since this study deals with the statements of men who have been dead for 200 years. They cannot be tested in a laboratory. Instead, they are tested in the text--the written record that they left behind. This calls for a qualitative design. According to Berelson (1952), "*'Qualitative' analysis is relatively less concerned with the content as such than with content as a 'reflection' of 'deeper' phenomena*" (p. 123). The qualitative researcher seeks the, "purposes, motives, and other characteristics" (p. 18) of those they are studying. The next section addresses concerns about reliability and validity in this study.

Reliability

The first issue in a qualitative study is reliability. Mark (1996) defined reliability as, "the extent to which an operational definition, a questionnaire, test, interview schedule, or other instrument is stable and consistent" (p. 402). The goal, as Berelson (1952) pointed out, is to be objective, or as nearly objective as possible (p. 171). He described reliability as "the degree to which the data are independent of the measurement instrument" (pp. 171-172).

Believability flows from replicability. Although certain theories (e.g., implicit leadership theories, trait theory) have contributed to the creation of the analytical framework, this particular study is not attempting to prove or test any specific leadership theory. Rather,

it seeks to develop a pattern by identifying consistencies or inconsistencies within the primary source literature. It will thereby form a view of the Statesmen's understanding of leadership that may or may not be aligned with contemporary leadership literature.

Validity

The second issue in a qualitative study is validity. Mark (1996) defined validity as, "The extent to which it measures what it is supposed to measure" (p. 289). Again, he wrote, "An operational definition is valid to the extent that it measures the variable or concept in such a way that it reflects its "true" meaning" (p. 27). This section will deal with the different types of validity and explain how this study maintains validity in three ways: (a) construct validity, (b) internal validity, and (c) external validity.

Construct Validity. Mark (1996) explained that construct validity determines, "the degree to which certain explanatory concepts (constructs), derived from theory, account for performance on a measure" (p. 291). Berelson (1952) believed that, "There is little difficulty in achieving validity in content analysis data" (p. 169). According to Berelson, "Most of the time, careful definition of categories and judicious and alternative selection of indicators will take care of the matter" (p. 171). For example, in this study, a measure of the Statesmen's assumptions, as defined in chapter I, should correlate with the constitutional checks they implemented. It should negatively correlate with tyrannical or non-related behaviors. That is, the assumptions should lead to consistent conclusions that should be clearly connected.

Internal Validity. Internal validity is concerned with the causal connection between what is studied and the result that is claimed. Mark (1996) explained that internal validity is a check to determine if the independent variable actually affects the dependent variable (p. 131). Simply stated, does A cause B as the study claims? Repetitions of basic assumptions by

many of the Statesmen in debates across the various levels, for instance, create a higher probability of internal validity. Berelson (1952) wrote, “The requirement of objectivity stipulates that the categories of analysis should be defined so precisely that different analysts can apply them to the same body of content and secure the same results” (p. 16). Therefore, any researcher reading the references cited in this study and using the same operational definitions should come to similar conclusions. The Statesmen should not have changed their minds between two different studies on their assumptions of leadership.

If an alternate explanation can adequately be substituted for our findings, the study cannot claim to have internal validity. This study seeks to ascertain the Statesmen’s assumptions on leadership. These assumptions shaped the structure (e.g., checks and balances) of the constitution. If it could be asserted that the Constitution was shaped by some alternative such as the weather or 17th century fashion, then the study would lack internal validity.

External Validity. External validity deals with the issue of generalizability. Mark (1996) explained external validity by asking, “To what other groups of people, families, organizations and the like can the observed effect be generalized?” (p. 132). External validity can be difficult to maintain in such a unique study. The American Statesmen are a unique group of men who are not generalizable to the general population. Yet, they may have acted in such a way that lessons can be gleaned from their example.

Limitations of method

The researcher has carefully studied the philosophical, political and historical events leading to the Constitutional convention, and ratification debates. A rich assumption base has been developed through a literature review of public records, then confirmed (or denied) by

repetition and their relationship to the Constitution and actual experience over the last 200 years. This review demonstrates that the environment in 1787-1789 was greatly different (socially, morally, etc.) from our current society. It also suggests a different assumption base. Yet, the researcher could only rely on the historical texts since he was not able to experience these differences first hand.

Limitations in an historical study are based on the breadth of documents (in this case, this is not a problem), the selection of the most appropriate documents and the interpretation of the documents. Interpretation, however, may become a problem if the researcher has failed to eliminate as much bias as possible. In this study, bias was checked in two ways. First, the researcher steeped himself in the classical philosophy of the 17th and 18th century to be able to think (as much as possible) in the terms that the Statesmen would have thought. Second, the researcher posed “what” questions, so that findings emerged from the writings, rather than trying to prove or test specific positions or prove a particular theory.

Research Methods

The research methods of this study have been graphically illustrated in Exhibit III.2. This study is heavily reliant on primary source documents since secondary sources are more likely to contain bias or error and thereby decrease overall validity. The methods employed in this study have been explained in the following flow chart (see Exhibit III.3). The process of research was as follows:

- Researcher inputs
- Data Collection or Research sources
- Review sources
- Develop matrix

- Rank assumptions by weight/influence
- Cluster concepts
- Analysis

Data Collection/Research Sources

To overcome potential researcher bias, the researcher saturated himself in the same materials that the Statesmen would have read. The first step was an in-depth study of the classical political philosophers that American Statesmen would have read and been familiar with. There were two types of material in this category. The first group were those writers that the Statesmen respected, quoted and employed in their arguments while crafting or trying to impede the ratification of the constitution. These included Locke, Montesquieu, Blackstone, and others discussed in the literature review in chapter II. The second were the political philosophers that they read and ignored, ridiculed and avoided their advice when drafting the constitution. Plato, Machiavelli, and Rousseau fall into this category. Neither Federalist nor Anti-Federalist spent time defending their positions from such reasoning.

The primary source documents--notes of the convention, the ratification debates, and the public Federalist and Anti-Federalist writings were reviewed for discussions of leadership. Since leadership was not the focus of the Convention or the ratification debates, the researcher had to read carefully to identify subtle references that identified the Statesmen's beliefs.

As the researcher read each text, the flagged items were reduced to Microsoft Word ® documents, and filed separately to create a virtual library containing each of the texts with only the relevant data. Each item contains the title of the work, the date of the essay or debate, a short summary context for the quotation, the volume and page numbers, and the

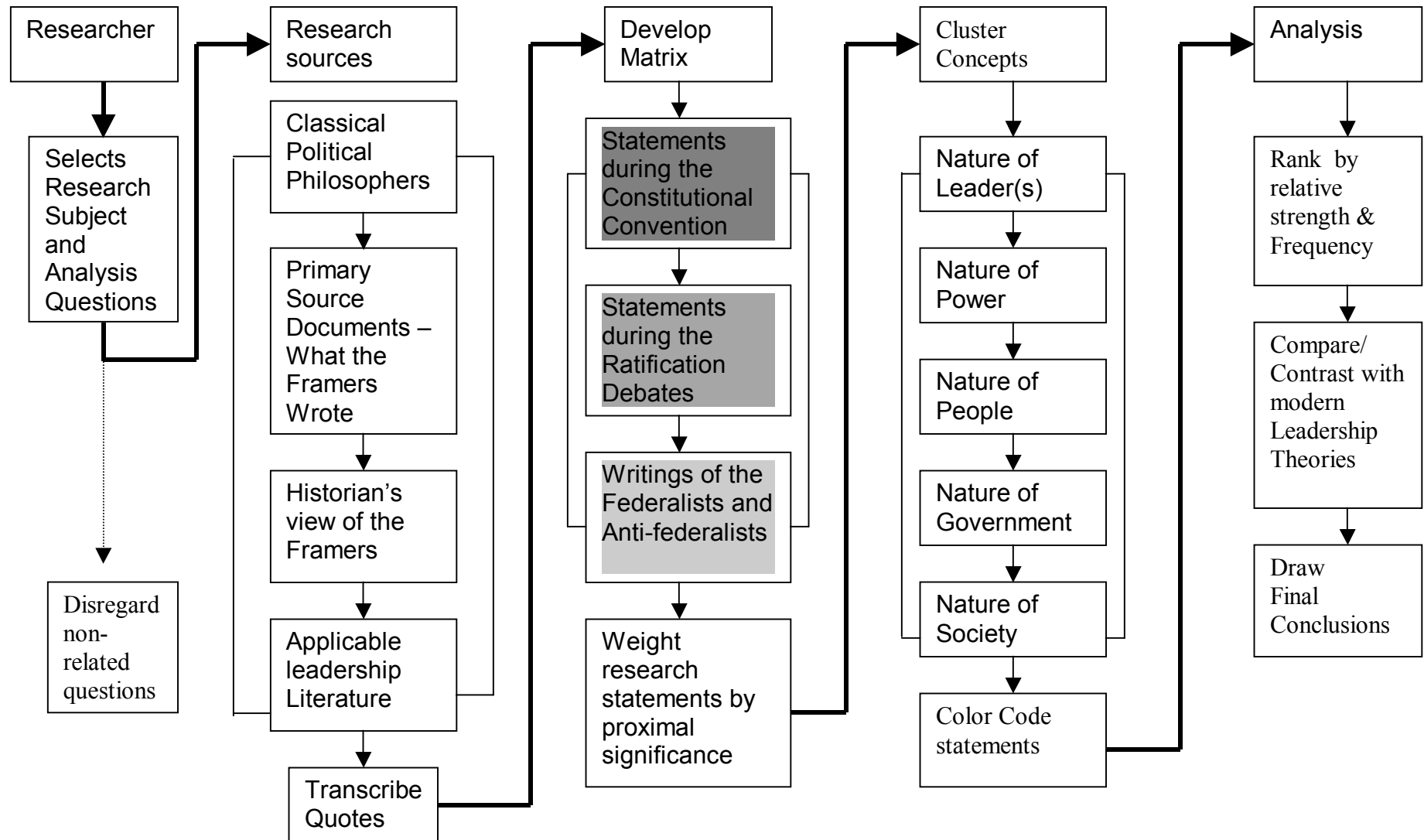
verbatim quotation. The researcher could then easily scan these Word ® documents for the assumptions, and then refer to the book for the broader context if necessary. Copies of these files were stored in a separate location to ensure continuity in case of computer problems.

Sampling Methods

The qualitative researcher must define his sampling method. Berelson (1952) suggests that a truly representative sample of content is not only “adequate” but “economical” (p. 174). However, primary source documents are crucial to this study. Because the study was limited to the public debates, the researcher has read every document in the most reliable compendiums of Federalist and Anti-Federalists in print as discussed in chapter II.

This was followed directly by a study of the secondary sources. The study would be inadequate without a review of the works of major historians who have written about the constitution. These historians have been grouped by their intellectual orientation. The sample of secondary historical sources covered the most reliable and noted historians who have written on the Constitution. The final step in this process was to search the applicable leadership literature in order to compare established theories to the leadership assumptions of the Statesmen.

Exhibit III.2. Research Plan for Quantitative Study



Matrix Development

Through the literature review, the researcher developed a matrix (see Appendix A) that visually portrayed the sentiment of the political philosophers who preceded the Statesmen. This helped to refine the overall question and create specific research questions. The following research questions were developed in this way:

- Who are leaders?
- What did the Statesmen expect leaders to do?
- What did the Statesmen expect leaders not to do?
- What did the Statesmen believe leaders should do (normatively)?
- What did the Statesmen believe leaders should not do (normatively)?
- How does the Constitution bridge the gap between expected and normative behaviors?

Ranking Assumptions

The statements made by the Statesmen were regarded of greater or lesser significance depending on a number of factors that include:

- Who said it.
- Where it was said.
- When it was said.
- Repetition of the idea.

Assumptions were weighted on these factors to better gauge their relative strength. Leading figures who had a significant influence were given greater credence than those who said little, Federalists given more than anti-Federalists. For example,

Madison's words on the Constitution carry more weight than the Anti-Federalist, an *Old Whig*, since Madison was at the convention, the ratification debates of Virginia, and coauthored the Federalist papers.

Where a statement was made was also significant. George (1959) asserted that the researcher must account for "the time and place of the communication and related events" to assign proper emphasis (as cited in Pool, 1959, p. 28). The greatest weight was applied to statements at the Constitutional convention. The next highest weight to statements made during the ratification debates, and finally to Federalist and Anti-Federalist writings, since they are more distant from the actual development of the Constitution.

Repetition added significance to the weight of an assumption. Frequency is a strange phenomenon that scholars do not agree upon. It often indicates that a particular word or topic is important. Berelson (1952) writes that frequency demonstrates a higher value for certain words over others (p. 20). Yet, Garraty (1959) believed that frequency "means little" unless a statistically significant relationship can be established (as cited in Pool, 1959, p. 182).

A rival school of thought considers terms infrequently discussed to be important as a point of general agreement. For example, the Statesmen's near obsession with prevention of corruption shows how important this concept was to them. Yet their virtual silence on issues that were taken for granted (e.g., that justice was preferable to tyranny) was just as significant. George (1959) suggested that non-frequency cannot be overlooked because low or even single frequency occurrences may be just as meaningful (as cited in Pool, 1959, p. 25). Berelson (1952) claimed that content analysis coding

ought “to be based upon the presence or absence of material, not upon its frequency-- upon whether, not how much” (p. 54). In this study, frequency was monitored as a quasi-quantitative support for this qualitative study.

Intensity is another category that was considered in the analysis. For example, cries of tyranny and slavery have a greater weight than statements that leaders may be incompetent or may fail to listen to the people. Waples, Berelson, and Jacobs found that intensity may be useful to determine the relative strength of statements (as cited in Berelson, 1952, p. 160). But Pool (1959) warned that measuring intensity is liable to bias the research process by “slanting a text” (p. 193). He does concede, however, that, “The assumption that the frequency of statements provides a good index of intensity of attitude is probably reasonable for a large class of cases” (p. 194). This is graphically illustrated above in Exhibit III.3. The darkest shading has the highest relative weight because these writers are closest in proximity to the formation of the constitution.

Timing must also be considered. After 1789, even the best arguments are of little significance. They are irrelevant in their impact on the original assumptions leading to the Constitution and the subsequent Bill of Rights, though they may provide insight through hindsight.

The researcher must also be aware of the bias of the primary source writers. Garraty (1959) affirmed the need for the researcher to be careful with bias of his sources when he wrote:

Further, the historian will consider the known bias of the writer. Was he, in life, a friend or foe of the subject? And what was his reputation as an observer? Did *his* contemporaries consider *him* a good judge of men? Finally, contemporary comments can be checked against specific facts. A writer who offers opinions based on evidence which itself can be proved false cannot (obviously) be

considered a reliable judge Actions speak louder than words. (as cited in Pool, 1959, p. 172)

Federalist and Anti-Federalist alike would have considered neutrality on the subject of the Constitution a disservice to their country. Even with names like the Impartial Examiner, Deliberator, A Watchman and Vox Populi, the writers clearly held biases. Hamilton acknowledged his bias when he wrote:

Yes, my countrymen, I own to you that, after having given it an attentive consideration, I am clearly of opinion it is your interest to adopt it. I am convinced that this is the safest course for your liberty, your dignity, and your happiness. I affect not reserves which I do not feel. I will not amuse you with an appearance of deliberation when I have decided. I frankly acknowledge to you my convictions, and I will freely lay before you the reasons on which they are founded. The consciousness of good intentions disdains ambiguity. I shall not, however, multiply professions on this head. My motives must remain in the depository of my own breast. My arguments will be open to all, and may be judged of by all. They shall at least be offered in a spirit which will not disgrace the cause of truth. (Federalist 1, pp. 91-92)

Clustering Concepts

Clustering the concepts was the heart of the analysis. Berelson (1952) maintained that the formulation of categories flows from a clear hypothesis (p. 162). He further explains that these categories must be clear to be useful (p. 164). George (1959) wrote that a, “Method of successive codings is often employed in communication analysis” (as cited in Pool, 1959, p. 21). George recommends that the code be related to the context when he writes: “In order to interpret the precise meaning intended by the speaker in any individual instance he takes into account the purpose or objective which the specific communication is designed to achieve” (p. 27) This sound hermeneutical principle must be applied to historical research with the same precision in which the Scriptures are to be interpreted. New Testament Scholar, Fee (1991) explained that:

The interpreter must try as much as possible to reconstruct the situation of the recipients. That is, one must ask, how is this letter, or this section of the letter, an answer to their problems or a response to the recipients' needs? In every case, a primary concern of interpretation is to try to hear what they would have heard. (p. 7)

Garraty (1959) warns against bias of the researcher and the need for sound practices in creating categories when he wrote:

The choice of units for the study of these relationships is highly subjective--yet the size of the units may affect the results The interpretation of the results of any counting must depend upon the mind of the investigator, and his prejudices and preconceptions may influence his conclusions. The value decision as to what to count must also affect the outcome. The value of the results is completely dependant upon the setting up of proper categories, and of the accurate coding of the material. The reliability of the conclusions depends upon the soundness of the basic subjective decisions of the experimenter. (as cited in Pool, 1959, p. 186)

The researcher clustered statements logically into conceptual categories. The process is visually represented in Exhibit III.3. By way of analogy, if the leader is the subject, power is the verb. The people are the direct objects while the structure of government is the syntax and society is the context.

Each concept was grouped in layers building upon the previous:

- The nature of man
- The nature of power
- The nature of the people
- The nature of the government
- The nature of society

Color-coding was employed as an effective way to separate each category. The process of clustering was as follows:

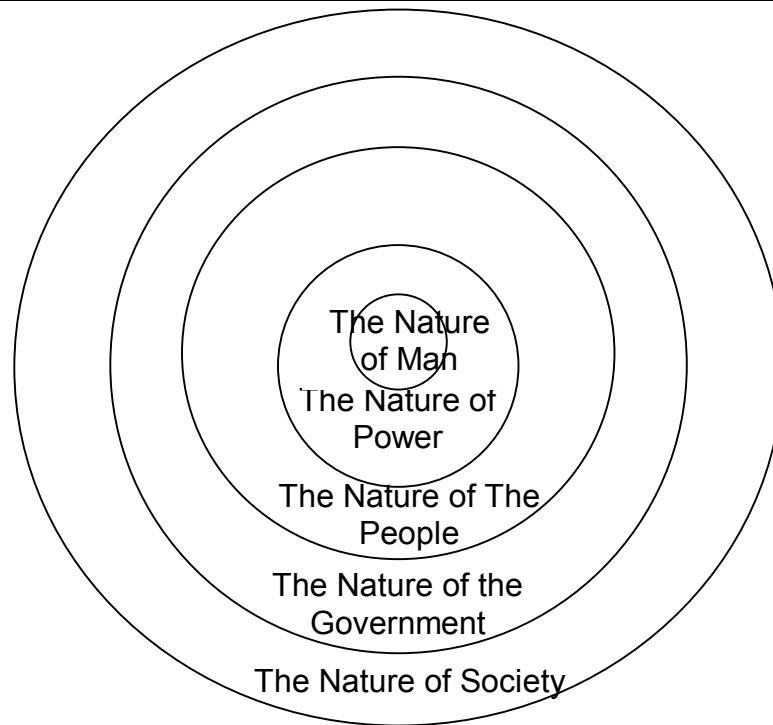
- The texts were read with an eye to any discussion on leadership.

- These citations were then flagged, and later recorded in Microsoft Word ® documents.
- The quotations were then faithfully transcribed with the page and volume number.
- The author of the work, and the date the work was first published (and, if applicable, the name of the newspaper in which it was originally published) were added in a second screening.
- Next, the text of each citation was double-checked to ensure accuracy-- particularly in regard to spelling, capitalization (which is often irregular in America in the 1780s).
- Finally, each quotation has been re-read in the original texts and an @ symbol added, followed by a subject line explaining the discussion surrounding the quotation to provide meaningful context.

The quotations were filtered into the appropriate categories established above by color code. Colors were assigned so the researcher could easily identify where the particular quotation belonged. The color-coding system was as follows:

- Red: Nature of Man
- Yellow: Nature of Power
- Turquoise: Nature of the People
- Green: Nature of the Government
- Blue: Nature of Society

Exhibit III.3 Conceptual Categories in of the Statesmen's Assumptions on Leadership



Any particular quotation could potentially occupy more than one category. For example, a quotation may deal with both the nature of man and the nature of power. In this case, an * was placed at the beginning of the quotation and such quotations were placed in both categories. An example of this citation process is found below in Exhibit III.4. During the clustering process, sub-concepts emerged and were gathered into a separate, more specific Microsoft Word ® file. These sub-concepts were then used to sort each category.

When this process was completed, the researcher printed all of the color-coded quotations and separated them by their color. The sub-concepts were organized first by the concepts in the convention to set the initial framework. Concepts from the

ratification, Federalist, and Anti-Federalist writings lent additional structure to the initial framework. This framework was arranged to make the flow of the discussion coherent in each category. These ideas were sorted conceptually, not chronologically to allow the researcher to fully analyze the Statesmen's leadership assumptions.

Exhibit III.4 Sample of Citation process

LETTERS OF CENTINEL – Philadelphia Independent Gazetteer (24 October 1787)
LETTER II (Frohnien)

@ Articles of Confederation were good.

*49. The lust of power is so universal, that a speculative unascertained rule of construction would be a *poor* security for the liberties of the people.

These quotations were placed in sub-categories, tallied, and separated into file folders. After all the quotations had been sorted, the citations in each folder were cut and pasted from the Microsoft Word ® documents in which they had been placed to separate electronic documents that correlate to each tangible folder. This allowed the researcher to deal exclusively with only the relevant material in each sub-folder when he dealt with each topic point by point.

This incremental method was a laborious, time consuming process. However, the process ensured accuracy and reliability by following the steps outlined above. This method creates built-in redundancy. The wisdom in this approach is that the researcher read and reread the material. Only when this clustering has been completed, can the findings be intelligently discussed.

Methodological Weaknesses

There are a number of pitfalls to be avoided in qualitative research. The primary concern is the subjective bias of the researcher. Garraty (1959) maintains that even “objective content analysis was in itself partly subjective” (as cited in Pool, 1959, p. 181). However, this problem can be overcome by proper systemic restraints built into the design of the study. These restraints function in the same way that Constitutional restraints operate in the federal government. They are checks to prevent error or intentional subversion. As Berelson (1952) explained, “*Much “qualitative” research is quasi-quantitative... qualitative analysis usually contains quantitative statements in rough form*” (p. 116).

The historical method also contains inherent weaknesses. For instance, actual interviews cannot be done as in a case study. The researcher is dependent on original source documentation. Moreover, Garraty (1959) points out that even published personal writings, “are often the product of other pens than the official author’s” (as cited in Pool, 1959, p. 187). In such cases, further reliance on secondary sources moves the researcher even farther from a valid and reliable source.

Summary

Chapter III presented the methods by which this study was conducted. This study used established principles of content analysis. Data collection from primary sources led to categories for analysis. Dimensions of the Statesmen’s assumptions about leadership were classified and clustered. These clusters of assumptions became the units of analysis (findings).

CHAPTER IV

Findings

This chapter presents a distillation of the researcher's findings in the primary source documents. The findings are arranged conceptually rather than chronologically (Exhibit III.1). The key concepts are the nature of the man, the nature of power, the nature of the people, the nature of the government, and the nature of society.

The Nature of Man

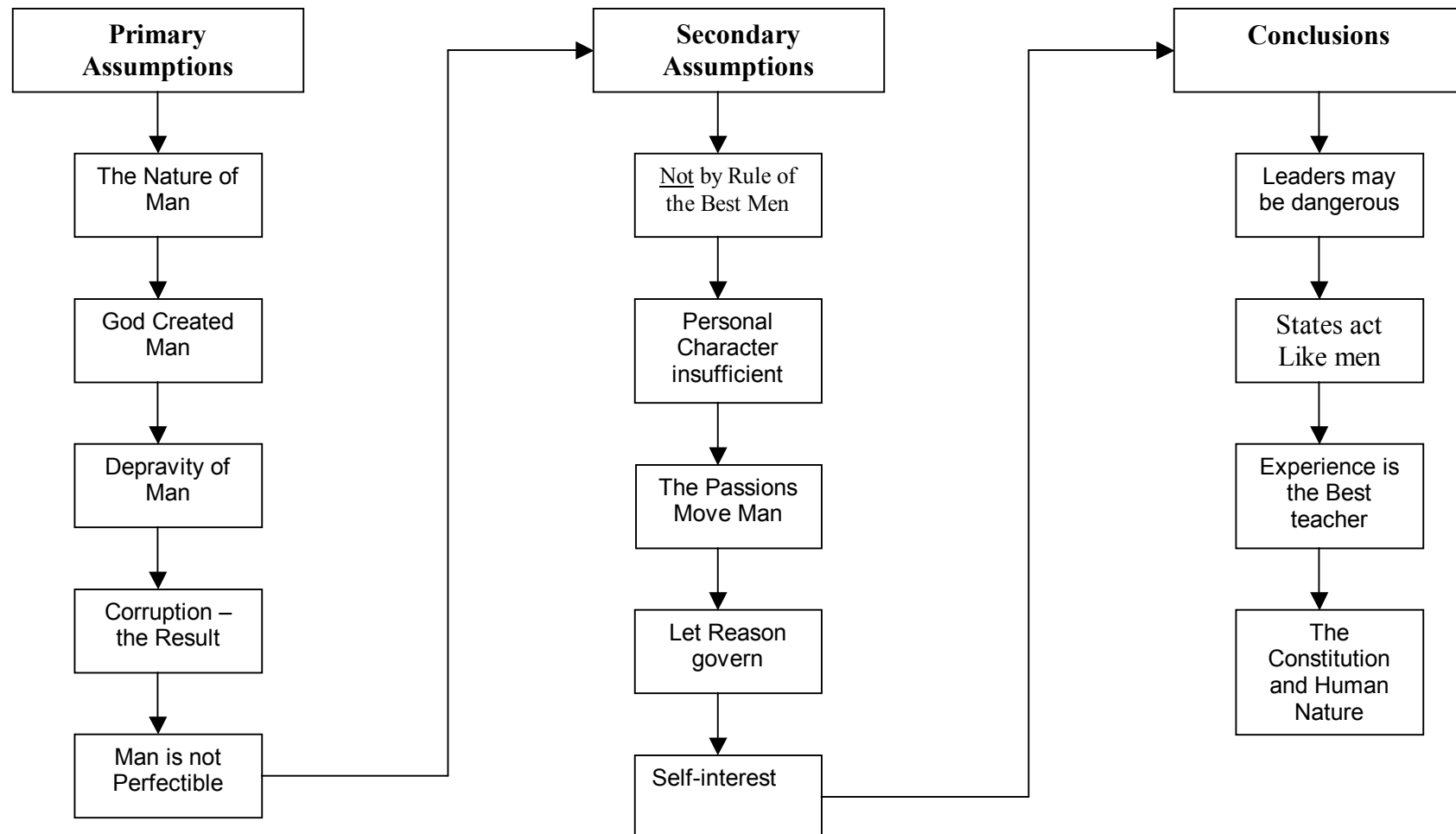
The Statesmen reasoned that all leaders are men. Therefore, they are subject to all of the virtues and vices of other men. Federalists and Anti-Federalists may have haggled over the details of how virtuous or corrupt leaders may be, but they did not expect behavior uncommon to man. Exhibit IV.1 illustrates the progression of thought of the Statesmen.

Man Was Made in the Image of God

The Statesmen were realistic about the nature of man. According to the Statesmen, man is what he is because he is created by God, and he is a reflection of God's image. Nicholas Collin, under the penname of A Foreign Spectator, wrote: "Human reason is a ray from the eternal MIND, and true goodness an image of his loveliest attribute" (as cited in Sheehan & McDowell, 1998, Letter IV, p. 413).

The Statesmen saw God's providence superintending their affairs. Madison wrote, "It is impossible for the man of pious reflection not to perceive in it a finger of that Almighty hand which has been so frequently and signally extended to our relief in the critical stages of the revolution" (Federalist 37, p. 271).

Exhibit IV.1 Assumptions about the Nature of Man



Man was not only made in God's image, but he is bound by God's law. On this point too, there was general agreement between Federalist and Anti-Federalist. The Arch-Anti-Federalist Brutus, wrote, "For every man, rulers as well as others, are bound by the immutable laws of God and reason, always to will what is right" (as cited in Frohnen, 1999, Essay VI, p. 420). Likewise, the Federalist John Dickinson, writing under the penname Fabius, concurred that, "Our most gracious *Creator* does not condemn us to sigh for unattainable blessedness: But one thing he demands--that we should seek for happiness in his way, and not in our own" (as cited in Sheehan & McDowell, Letter III, p. 66).

The Statesmen's view of human nature was consistent with a Biblical view of human nature. Their writings are peppered with phrases that indicate that man's nature is fixed and universal. Denatus wrote: "Human nature ever hath, is, and will be the same, while this world continues under the same divine law" (as cited in Storing, 1981, vol. 5, p. 262). John De Witt explained, "Human nature is the same in all parts of the world" (as cited in Frohnen, 1999, Essay IV, p. 509). Cato⁷ added that man is "the same at present, as they were eighteen hundred years ago" (as cited in Storing, Letter I, vol. 5, p. 141). Singletary believed, "that men were [not] better now than when men after God's own heart did wickedly" (as cited in Elliot, 1836/1974, vol. 2, p. 44). Therefore, as an Old Whig explained, "the only safe way of reasoning on political subjects is, to consider men, abstractly as men, with like passions and infirmities throughout the world, in every age, and every country" (as cited in Frohnen, Essay VIII, p. 358).

⁷ This is a lesser-known Cato, not to be confused with the Roman orator or Trenchard and Gordon who wrote under the same penname.

The Depravity of Man

The Statesmen articulated a Biblical view of the depravity of man. They made statements such as, “The depravity of human nature, illustrated by examples from history, will warrant us to say...” (M. Maynard & S. Field as cited in Storing, 1981, vol. 4, pp. 256-257). Lenior said, “It is the nature of mankind to be tyrannical... We ought to consider the depravity of human nature” (as cited in Elliot, 1836/1974, vol. 4, pp. 203-204). John Marshall began his remarks with the assertion, “Those who know human nature, black as it is...” (as cited in Elliot, vol. 3, p. 562). John De Witt went even further when he wrote, “And let Human Nature be as depraved as Hell itself, (and we all know it is)...” (as cited in Frohnen, 1999, Essay IV, p. 510). A Georgian explained, “Mankind, upon the whole, is so depraved as, with pleasure, to trample upon the sacred rights and privileges of their fellow creatures” (as cited in Storing, vol. 5, p. 130).

This is, in fact the reason that government is necessary. Governor Livingston explained, “Indeed, if it were not for the depravity of human nature, we should stand in no need of human government at all” (as cited in Elliot, 1836/1974, vol. 2, p. 389). Madison likewise said, “But what is government itself, but the greatest of all reflections on human nature? If men were angels, no government would be necessary” (Federalist 51, p. 356).

Corruption

The Statesmen reasoned from internal to external. If depravity is the cause, then corruption is the effect. Corruption is the natural consequence of depravity. An Old Whig anticipated Lord Acton’s famous dictum when he wrote, “It is justly observed that the

possession of sovereign power is a temptation too great for human nature to resist” (as cited in Frohnen, 1999, Essay 2, p. 323).

Corruption could come from many different sources. It may come from the legislature (as cited in Elliot, 1836/1974, vol. 4, p. 202), the executive (Madison, 1840/1987, p. 46), an aristocracy (p. 396), a failure to separate powers (p. 269), a system that is too permanent (p. 168), foreign meddling (p. 369), man’s natural lust for power (Poplicola as cited in Storing, 1981, vol. 4, p. 148), a failure to punish evil (A [Maryland] Farmer as cited in Frohnen, 1999, Essay IV, p. 592; Iredell as cited in Elliot, vol.4, p. 32), licentiousness (Atticus as cited in Sheehan & McDowell, 1998, p. 333), or simple complacency (Helvidius Pricus as cited in Storing, vol. 4, p. 155).

Man is Neither Perfect Nor Perfectible

Perfection was not something that the Statesmen either expected or aspired to, personally or governmentally. At the convention, Franklin who was legendary for his faith in both man and reason explained, “The small progress made after 4 or five weeks... is methinks a melancholy proof of the imperfection of the Human Understanding” (Madison, 1840/1987, p. 181). Bloodworth advised that we “ought to be cautious” because “human nature is fallible” (as cited in Elliot, 1836/1974, vol. 4, p. 185). Hamilton asked “Is it not time to awake from the deceitful dream of a golden age . . . of perfect wisdom and perfect virtue?” (Federalist 6, p. 113).

The Statesmen reasoned that if men are imperfect, the institutions they create will be imperfect. Brutus warned, “Perfection is not to be expected in any thing that is the product of man” (as cited in Frohnen, 1999, Essay I, p. 384). A Landholder concurred, writing, “Perfection is not the lot of human institutions; that which has the most

excellencies and fewest faults, is the best that we can expect” (as cited in Sheehan & McDowell, 1998, Letter VII, p. 480). It should be noted that the Constitution only called for a “more perfect union” (US Constitution, 1789).

Rule of the Best Men

Federalists and Anti-Federalists agreed that virtuous men ought to govern, and that only virtuous men would govern well. Turner of Massachusetts hoped, “that we may be blessed with sober, solid, upright men in Congress. I wish that we may be favored with such rulers; but I fear they will not all, if most, be the best moral or political characters” (as cited in Elliot, 1836/1974, vol. 2, p. 31). General Brooks was not so much concerned that good men would administer well, but he asked, “But what will prevent bad men from mischief, is the question?” (vol. 4, p. 44). A Citizen of Philadelphia explained the goal of the convention:

the grand secret of forming a good government, is, to put good men into the administration: for wild, vicious, or idle men, will ever make a bad government, let its principle be ever so good; but grave, wise, and faithful men, acting under a good constitution, will afford the best chance of security, peace, and prosperity, to the citizens. (as cited in Sheehan & McDowell, 1998, Letter V, p. 195)

Cato explains that the rule of the best men is not adequate security for a government: “In Plato’s imaginary one, perhaps such an assertion might have had its weight; but in other Republics, and in modern times, I deny that Virtue alone is adequate to tumultuous operations” (as cited in Storing, 1981, vol. 5, p. 142).

Madison reasoned that although the best men are preferable, they will not always rule. He wrote: “Enlightened Statesmen will not always be at the helm” (Federalist 10, p. 132). Instead, we may have to settle for “the best we can get” (a citizen of Philadelphia as cited in Sheehan & McDowell, 1998, p. 187).

Some were more forceful in their sentiments. General Thompson said, “I extremely doubt the infallibility of human nature. Sir, I suspect my own heart, and I shall suspect our rulers” (as cited in Elliot, 1836/1974, vol. 2, p. 34). Captain Snow, in the Massachusetts Convention claimed that if a leader attempted treason, “I stand ready to leave my wife and family, sling my knapsack, travel westward, to cut their heads off” (vol. 2, p. 34).

Personal Character Is Insufficient

The Statesmen believed that men of good character should be in office. Yet, none of the Statesmen believed that the personal character was sufficient. Noah Webster wrote, “*Virtue*, patriotism, or love of country, never was and never will be, till men’s natures are changed, a fixed, permanent principle and support of government” (as cited in Sheehan & McDowell, 1998, p. 400). James Wilson also remarked in the Convention that, “the virtue & good sense of those who compose [the legislature]” is an “inadequate [check]” (Madison, 1840/1987, p. 109).

A dividing line between the Federalists and Anti-Federalists became much clearer on this point. The Federalists believed that better men would be brought to office through the filter of representation. Madison explained that the goal of the Constitution:

The aim of every political Constitution is, or ought to be, first to obtain for rulers men who possess most wisdom to discern, and most virtue to pursue, the common good of the society; and in the next place, to take the most effectual precautions for keeping them virtuous whilst they continue to hold their public trust.
(Federalist 57, p. 383)

Patrick Henry railed against the Constitution because he believed it depended too much on the virtue of rulers. In the Virginia convention on June 5, 1788 he said, “Show me that age and country where the rights and liberties of the people were placed on the

sole chance of their rulers being good men, without a consequent loss of liberty!” He objected to the Constitution because, “The preservation of our liberty depends on the single chance of men being virtuous enough to make laws to punish themselves” (as cited in Elliot, 1836/1974, vol. 3, pp. 59, 61). Four days later he thundered, “Virtue will slumber. The wicked will be continually watching: Consequently you will be undone,” and again, “If you depend on your President’s and Senators patriotism, you are gone” (as cited in Frohnen, 1999, p. 725).

The Passions

The passions were the effective psychology of the founding fathers. They discussed them in the same way that modern thinkers discuss Freudian slips or Pavlovian responses. The passions account for all of the evils that plague mankind. The lust, greed, malice and ambition that we universally experience stem from those passions that reside in man. Hamilton discussed, “the unruly passions of the human heart” (Federalist 31, p. 237). At the Constitutional convention he said, “Take mankind in general, they are vicious--their passions may be operated upon” (as cited in Elliot, 1836/1974, vol. 1, p. 438).

All men are governed by the passions. Denatus explained, “Had the creator of the universe thought proper to form mankind without selfish and dissocial passions, I think I can maintain, that we would be happy, and in little need of human government” (as cited in Storing, 1981, vol. 5, pp. 263-264). Mr. Locke⁸ thought both state and federal officers will have the, “same passions, dispositions, and failings of humanity” (as cited in Elliot,

⁸ This is not John Locke, Author of Two Treatises of Civil Government, but a delegate to the North Carolina ratification convention.

1836/1974, vol. 4, p. 169). As a Freeman explained, “To fight battles and vanquish enemies is far less difficult than to curb selfish passions, to liberalize the narrow-minded, to eradicate old prejudices” (as cited in Sheehan & McDowell, 1998, p. 283).

Hamilton believed that understanding human nature and the passions was fundamental to forming the checks found in the Constitution. When submitting his plan for the Constitution, he explained, “Gentlemen differ in their opinions concerning the necessary checks, from the different estimates they form of the human passions” (Madison, 1840/1987, p. 116).

Serious consequences flow from a failure to guard against the passions. Madison pointed to “The danger of disturbing the public tranquility” (Federalist 49, p. 349), Gouverneur Morris worried about oppression (Madison, 1840/1987, p. 204). An Old Whig foresaw the people losing their liberties (as cited in Frohnen, 1999, Essay I, p. 320), and Hamilton feared the Union itself was at stake (Federalist 22, pp. 197-198).

Let Reason Govern

The Statesmen believed that reason should guide the government. They deduced that since God created reason, they could build their system of government successfully on the reason he had granted to them. A [Maryland] Farmer wrote, “The all-wise and all-bountiful Author of Nature, could never have created *human reason* unequal to the happy regulation of *human conduct*” (as cited in Frohnen, 1999, Essay V, p. 595).

The Statesmen knew that the passions were unstable, and they were loath to use force except when absolutely necessary. According to Hamilton, reason must prevail in the debates, “For in politics, as in religion, it is equally absurd to aim at making proselytes by fire and sword. Heresies in either can rarely be cured by persecution”

(Federalist 1, p. 90). Governor Randolph added, “Religion, the dearest of all interests, has too often sought proselytes by fire rather than by reason; and politics, the next in rank, is too often nourished by passion, at the expense of the understanding.” (as cited in Elliot, 1836/1974, vol. 3, pp. 23-24). Yet there was one small but significant problem. Reason too was flawed.

Self-interest

While reason may be flawed, the passions would certainly lead to error. Yet, human nature was a dependable ally. Hamilton reasoned, “This depends on principles of human nature that are as infallible as any mathematical calculations” (as cited in Elliot, 1836/1974, vol. 2, p. 366).

Henry made the most eloquent defense of this check of self-interest, or as he called it, “self love.” On June 9, 1788, Henry declared on the floor of the Virginia ratification convention, “Tell me not of checks on paper; but tell me of checks founded on self-love.” Henry explained, “The real rock of political salvation is *self-love* perpetuated from age to age in every human breast, and manifested in every action. If they can stand the temptations of human nature, you are safe.” He concluded, “All checks founded on any thing but self-love, will not avail” (as cited in Frohnen, 1999, p. 725, 727).

The key to self-interest was to couple the individual good of the leader with the corporate good of society. Hamilton explained, “We must take man as we find him, and if we expect him to serve the public must interest his passions in doing so. A reliance on pure patriotism had been the source of many of our errors” (Madison, 1840/1987, p. 150). Hamilton continued,

This position will not be disputed so long as it is admitted that the desire of reward is one of the strongest incentives of human conduct; or that the best security for the fidelity of mankind is to make their interests coincide with their duty. (Federalist 72, p. 464)

Leaders May Be Dangerous

A fundamental assumption of the Statesmen was that men are universally the same. This means that the passions operate on all, power corrupts all, virtue alone is an inadequate guardian, and self-interest is common to all. Williams, in the New York convention asked his colleagues, “What reasons have we to suppose that our rulers will be more sympathetic, and heap lighter burdens upon constituents than the rulers of other countries?” (Elliot, 1836/1974, vol. 2, p. 340). Franklin held an even more bleak view. He inquired in the Constitutional convention in Philadelphia:

And of what kind are the men that will strive for this profitable pre-eminence, through all the bustle of cabal, the heat of contention, the infinite mutual abuse of parties, tearing to pieces the best of characters? It will not be the wise and moderate; the lovers of peace and good order, the men fittest for the trust. It will be the bold and the violent, the men of strong passions and indefatigable activity in their selfish pursuits. These will thrust themselves into your government and be your rulers. (Madison, 1840/1987, p. 44)

The Federal Farmer asserted, that men who believe leaders will not fall into temptation, “must be very uninformed, or suppose they are talking to children. In the first place, the members will be governed by all those motives that govern men” (as cited in Frohnen, 1999, Letter X, p. 226). He continued, “Even good men in office, in time, imperceptibly lose sight of the people, and gradually fall into measures prejudicial to them” (Letter XI, p. 235).

This characteristic was magnified in a legislative body. Madison explained that a man’s opinion is, “timid and cautious when left alone, and acquires firmness and confidence in proportion to the number with which it is associated” (Federalist 49, p.

349). He continued: “In all very numerous assemblies, of whatever character composed, passion never fails to wrest the sceptre from reason. Had every Athenian citizen been a Socrates, every Athenian assembly would still have been a mob” (Federalist 55, p. 376).

States Act Like Men

In the same way that leaders are not different from other men, states take on all the characteristics of men since they are composed of the same depraved, corrupt human beings. The [Maryland] Farmer explained, “There can be no fixed and permanent government that does not rest *on the fixed and permanent orders and objects of mankind*” (as cited in Frohnen, 1999, Essay V, p. 598). Noah Webster wrote, “All public bodies have these fits of passion, when their conduct seems to be perfectly boyish; and in these paroxysms, a check is highly necessary” (as cited in Sheehan & McDowell, 1998, p. 375, 377).

A Federal Republican lamented that we cannot rationally expect governors to, “restrain their own power and abridge their own authority.” He continued, “We would willingly pay a complement to human nature by supposing the best, if experience did not rise up against us” (as cited in Storing, 1981, vol.3, p. 74).

According to Jay, nations have human characteristics and may “distrust,” have “good-will,” or “individual jealousies,” “envy,” and “fear” (Federalist 5, p. 106). Governor Randolph explained, “Nations have passions like men. It is the disposition of nations to attack where there is a demonstrable weakness” (as cited in Elliot, 1836/1974, vol. 3, p. 196). Consequently, “If one nation maintains constantly a disciplined army” wrote Madison, “it obliges the most pacific nations who may be in reach of its enterprises to take corresponding precautions” (Federalist 41, p. 295).

Experience is the Best Teacher

The Statesmen were astute students of history. The Statesmen found experience more reliable than reason itself. George Mason called experience the “best of all tests” (Madison, 1840/1987, p. 54). Hamilton referred to “that best oracle of wisdom, experience” (Federalist 15, p. 160). He claimed that ignoring history was to “to set at defiance the accumulated experience of ages” (Federalist 6, p. 109). A Citizen of America concluded, “Experience is the best instructor--it is better than a thousand theories” (as cited in Sheehan & McDowell, 1998, p. 376). The only thing they thought was more reliable than experience was human nature itself.

The Constitution and Human Nature

There is no greater shibboleth to divide the Federalist and Anti-Federalist than whether the Constitution was in conformity with human nature. The Anti-Federalists were afraid that the Constitution was defective. Melancton Smith on the floor of the New York ratifying convention called it a “government of oppression” (as cited in Storing, 1981, vol. 6, p. 158). Cato wrote that it, “will as readily produce a Caesar, Caligula, Nero, and Domitian in America, as the same causes did in the Roman empire” (as cited in Frohnen, 1999, Letter V, p. 21).

The Federalists, on the other hand, took the position that the Constitution was the best document that could have been created by man. “The real wonder,” Madison remarked, “is that so many difficulties should have been surmounted, and surmounted with a unanimity almost as unprecedented as it must have been unexpected” (Federalist 37, p. 271). Hamilton concurred, claiming it was unwise not to ratify, “in the chimerical pursuit of a perfect plan. I never expect to see a perfect work from imperfect man”

(Federalist 85, p. 544). But Franklin, the senior statesman, summarized the Statesmen's view of the nature of man best when, on the last day of the Constitutional convention he said:

I doubt too whether any other Convention we can obtain, may be able to make a better Constitution: For when you assemble a Number of Men to have the Advantage of their joint Wisdom, you inevitably assemble with those Men all their Prejudices, their Passions, their Errors of Opinion, their local Interests, and their selfish Views. From such an Assembly can a perfect Production be expected? It therefore astonishes me, Sir, to find this System approaching so near to Perfection as it does. (as cited in Sheehan & McDowell, 1998, p. 155)

Summary

The Statesmen very often agreed on issues related to the nature of man. They agreed that man was depraved, reason should rule over the passions, man was not perfect, and human nature was a powerful ally in self-defense against corporate governmental corruption. Human nature, when properly energized with constitutional checks function much like white blood cells to the body politic. The Statesmen also agreed that leaders were simply men elevated to positions of power. They knew that power corrupts, and leaders need restraint. Disagreement was more often about the method of defense than the assumptions about the nature of man.

The Nature of Power

The Statesmen were more concerned with the use and abuse of power than any other aspect of civil government.⁹ The Statesmen understood the nature of power. They knew that men love power, that power was difficult to give up, and that the more concentrated the power, the more dangerous it was. Exhibit IV.2 outlines the order in which concepts from the nature of power have been arranged. These concepts fall into

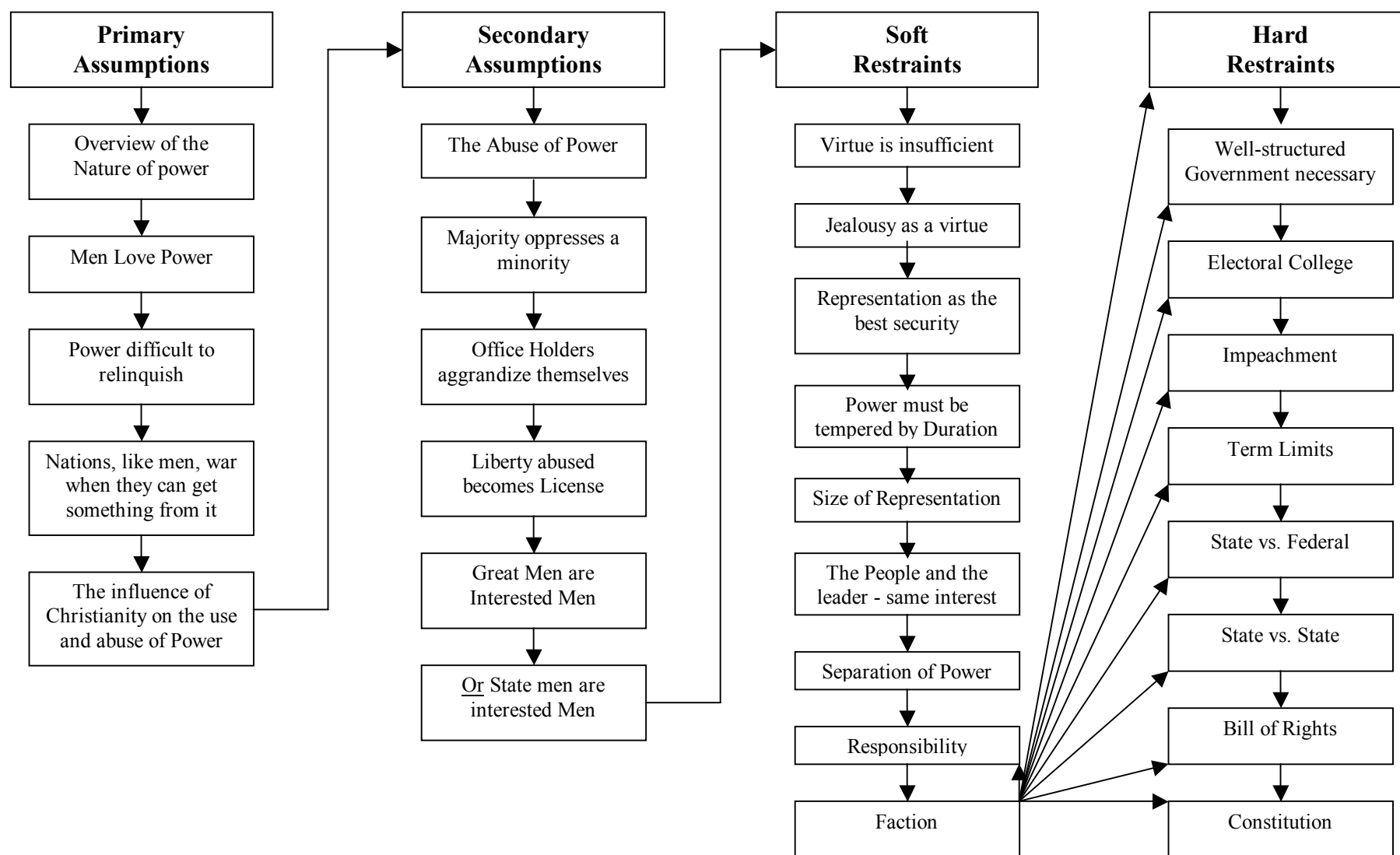
four categories: primary assumptions, secondary assumptions, soft restraints, and hard restraints. Assumptions are the foundations upon which the restraints of the Constitution were built. Soft restraints are informal and more theoretical (e.g., separation of powers). Hard restraints are the institutionalized controls (e.g., separation of the legislature).

The Nature of Power

The Statesmen shared a common base of assumptions on the nature of man. Similarly, there is widespread agreement that power should not be abused. However, there was a substantial difference between what the Federalists and Anti-Federalists emphasize and why. Quite often, only one side of an argument on any particular point is heavily discussed. This lopsidedness becomes clear as each subsection of power is examined below. Federalist and Anti-Federalist alike would ultimately agree that the people were the ultimate source of power. Madison wrote that, “the ultimate authority, wherever the derivative may be found, resides in the people alone” (Federalist 46, p. 330).

⁹ This can be demonstrated quantitatively based on the sheer volume of quotations isolated in this study.

Exhibit IV.2 Assumptions about the Nature of Power



Power May Be Mishandled

The Statesmen were well aware that power is difficult to contain, and may be abused. Henry exclaimed in the Virginia convention, “Nine-tenths of our fellow men have been, and are now depressed by the most intolerable slavery, in the different parts of the world; because the strong hand of power has bolted them in the dungeon of despotism” (as cited in Frohnen, 1999, p. 735).

Authority requires necessary power. In the Constitutional convention, Wilson defined two primary types of abuse: “Bad Governts. are of two sorts. 1. That which does too little. 2. That which does too much: that which fails thro’ weakness; and that which destroys thro’ oppression” (as cited in Madison, 1840/1987, p. 192). The Statesmen knew that either scenario could be fatal.

The Federalists were very interested in establishing a Federal government with enough power to meet the demands placed upon it. Hamilton wrote that, “The MEANS ought to be proportioned to the END; the persons, from whose agency the attainment of any END is expected, ought to possess the MEANS by which it is to be attained” (Federalist 23, p. 200). Hamilton considered it, “a just principle that every government *ought to possess the means of executing its own provisions by its own authority*” (Federalist 80, p. 502). Madison elaborated on this thought:

No axiom is more clearly established in law, or in reason, than that wherever the end is required, the means are authorized; wherever a general power to do a thing is given, every particular power necessary for doing it is included. (Federalist 44, p. 322)

Love of Power

One outstanding point of agreement between the Federalists and Anti-Federalists was that men love power. Anti-Federalists believed it was a, “Principle of human nature, which is more powerful and operative than all the others combined; it is that lust of dominion that is inherent in every mind, in a greater or less degree” (Centinel as cited in Frohnen, 1999, Letter VI, p. 85). A [Maryland] Farmer explained that this love of fear is located in, “the human breast” (as cited in Frohnen, Essay V, p. 605). The Centinel claimed it was “inherent in the mind of man” (Letter V, p. 82). The Federal Farmer wrote that men, “from the monarch down to the porter, are constantly aiming at the power and importance, and this propensity must be as constantly guarded against in the forms of the government” (as cited in Frohnen, Letter XIV, p. 262).

The Federalists held a similar a position on man’s love of power. Nicholas discussed, “a love of power natural to all” (as cited in Elliot, 1836/1974, vol. 3, p. 13). This same view was shared by Hamilton (as cited in Elliot, vol. 1, p. 418), and Franklin (as cited in Madison, 1840/1987, p. 43).

Power is Difficult to Relinquish

The Statesmen understood that power is difficult to relinquish. Mason claimed, “that those who have power in their hands will not give it up while they can retain it. On the contrary we know that they will always when they can rather increase it” (as cited in Madison, 1840/1987, p. 232).

The Statesmen considered power as an external force that was similar in its effect to a drug addiction. Agrippa wrote, “Ambition is in a governour what money is to a miser--he can never accumulate enough” (as cited in Storing, 1981, vol. 4, p. 103).

Men do not willingly give up power. The Anti-Federalists appealed to history to prove that power once gained is rarely given up voluntarily. The Centinel asked, “Does history abound with examples of a voluntary relinquishment of power, however injurious to the community?” (as cited in Frohnen, 1999, Letter II, p. 58). Brutus explained that, “Many instances can be produced in which the people have voluntarily increased the powers of their rulers; but few, if any, in which rulers have willingly abridged their authority” (Essay I, p. 374). An Old Whig added, “There is not one instance on record in all history of a number of men voluntarily abandoning the powers of an aristocracy” (Essay III, p. 359).

The Statesmen also appealed to human nature. Henry exclaimed, “Human nature never will part from power” (as cited in Elliot, 1836/1974, vol. 3, p. 174). Charles Pinkney said, “Men do not easily wean themselves” from power (vol. 4, p. 257). John De Witt explained that leaders “grow fond of it, and are loath to resign it” (as cited in Frohnen, 1999, Essay III, p. 503).

The Statesmen reasoned that Constitutional provisions should not tempt the leader. Instead, the system ought to provide the leader with a solution to the problem of his natural desire for power through legal means. In the Convention, Madison explained, “If we expect to call forth useful characters, we must hold out allurements; nor can any great inconveniency arise from such inducements. The legislative body must be the road to public honor” (as cited in Elliot, 1836/1974, vol. 1, p. 441).

A properly geared Constitution could enlist the nature of man as an ally for the stability of the system. Smith pointed out that, “Men who are ambitious for places will rarely be disposed to render those places unstable. A truly ambitious man will never do this, unless he is mad” (as cited in Storing, 1981, vol. 6, p. 168). An Old Whig concluded, “It is justly observed that the possession of sovereign power is a temptation too great for human nature to resist” (Essay II, p. 323).

The Framers were creating a system that would concentrate more power into centralized hands. Federalist and Anti-Federalist alike wanted to set limits and prevent abuse. The solution to the abuse of power would be greater protection under the rule of law in a system that accounted for it by minimizing power and defending the people with the nature of man. A [Maryland] Farmer considered rule by man’s will the “summit of imperfection in human legislation” (as cited in Frohnen, 1999, Essay VII, p. 619).

Nations War When They Can Get Something from It

According to Jay, one reason for union was the European example of continual fighting which would be repeated on the American continent. Jay explained, “As in Europe, neighboring nations, acting under the impulse of opposite interests and unfriendly passions, would frequently be found taking different sides.” (Federalist 5, pp. 107-108). Randolph explained, “Nations have passions like men. It is the disposition of nations to attack where there is a demonstrable weakness” (as cited in Elliot, 1836/1974, vol. 3, p. 196). Jay concluded, “It is too true, however disgraceful it may be to human nature, that nations in general will make war whenever they have a prospect of getting anything by it” (Federalist 4, p. 101).

Christianity and the Use and Abuse of Power

As deeply religious men, the Statesmen quite naturally related their religion to the Constitution. The Anti-Federalists spent more time with themes concerning the relation of Christianity to power.¹⁰ The Anti-Federalists charged the Federalists with using religion to cloak ill-intentions. An Old Whig wrote of, “those who have covered their ambitious designs under the garb of a fiery zeal for religious orthodoxy” (as cited in Frohnen, 1999, Essay V, p. 341).

Nonetheless, most of the Statesmen believed that Christian principles were necessary for handling power. Singletary, “Hoped to see Christians [in office],” (as cited in Elliot, 1836/1974, vol. 2, p. 44). Samuel wrote, “If civil rulers won't acknowledge God, he won't acknowledge them” (as cited in Storing, 1981, vol. 4, p. 196). This type of statement cannot be simply written off as religious rhetoric. It was a great practical concern to the Statesmen. A Friend to the Rights of the People wrote, “When a man has no regard to God and his laws nor any belief of a future state; he will have less regard to the laws of men” (vol. 4, p. 242).

Secondary Assumptions about Power

The primary assumptions of the Statesmen lead naturally to certain secondary assumptions. For example, the Statesmen believed that men would abuse power if they had the opportunity. They understood that power is intoxicating, and money is

¹⁰ By this the researcher is not implying that the Federalists were not religious men. The balance of this paragraph refutes such a concept, and all of the evidence is quite to the contrary. However, it is not within the scope of this work to deal with each instance of the statesmen's discussion on religion--a topic for another scholar's dissertation.

corrupting. They knew that a majority would oppress a minority if they could, and that office holders universally seek to increase their power.

The Statesmen understood the dynamic tension between liberty and tyranny. But they were also aware that liberty abused became license. Finally, in a fascinating application of theory, the Anti-Federalist claimed that the advocates of the Constitution are interested men, and the Federalists counter-charged state leaders (primarily Anti-Federalists) with the same. Hence, they demonstrated their assumptions in their own actions.

The Abuse of Power

To the Statesmen, it was a foregone conclusion that men would abuse power if they had the opportunity. All agreed that power is dangerous, necessary and should be guarded against with adequate checks, though, the Anti-Federalists are more vocal on these points. This is followed by a list of expected abuses, and the Constitutional solution to these evils.

Power is dangerous. The Statesmen believed that power corrupts. It was, according to the Federal Farmer, “A disagreeable truth, that power perverts mens views in a greater degree, than public employments inform their understandings” (as cited in Frohnen, 1999, Letter VIII, p. 211). “Give the opportunity,” said Bedford, “and ambition will not fail to abuse it” (as cited in Madison, 1840/1987, p. 199).

Power granted is power abused. Any grant of power could lead to abuse. Symmes said, “I hold to this maxim, that power was never given, (of this kind especially), but it was exercised; nor ever exercised but it was finally abused” (as cited in Elliot, 1836/1974, vol. 2, p. 74). Brutus wrote, “I take it for granted, as an axiom in politic, that

the people should never authorise their rulers to do anything, which if done, would operate to their injury” (as cited in Frohnen, 1999, Essay VIII, p. 432). Turner urged, “instead of giving Congress powers they *may* not abuse; we ought to withhold our hands from granting such, as *must* be abused if exercised” (vol. 4, p. 219).

As a point of principle, the Statesmen felt power must be limited. Cornelius, “presumed that men, whether individuals, or publick bodies, will generally exercise as much power as they are legally vested with, and as much to their own private advantage as they have a constitutional right to do” (as cited in Storing, 1981, vol. 4, p. 139).

Guard against abuse. Because of the potential danger of power--even necessary power, the Statesmen were careful to guard against abuse. Madison’s formula was to, “First enable the government to control the governed; and in the next place oblige it to control itself” (Federalist 51, p. 356).

Federalist and Anti-Federalist alike were determined to guard against abuse. An Old Whig and Madison sound very much in agreement, albeit for different reasons. An Old Whig wrote, “Wise and prudent men always take care to guard against danger beforehand, and to make themselves safe whilst it is yet in their power to do it without inconvenience or risk” (as cited in Frohnen, 1999, Essay V, pp. 339-340). Likewise, in the Virginia Convention, Madison said, “The best way to avoid danger is to be in a capacity to withstand it” (as cited in Elliot, 1836/1974, vol. 3, p. 309).

A catalogue of abuse. The Statesmen were guarding, “against the intrigues of artful or ambitious men” (Mercy Warren, as cited in Storing, 1981, vol. 5, p. 262).¹¹ Henry discussed those rulers who would, “abuse their powers.” and he urged, “Let us put

it out of their power to do mischief” (as cited in Elliot, 1836/1974, vol.1, p. 436, vol. 3, p. 387). Smith was afraid that our government would degenerate into a, “A system of corruption . . . practiced without blushing” (as cited in Storing, vol. 6, p. 160). The Federal Farmer warned against the, “The hankerings, biasses, and contagion of offices,” the “licentious, assuming, and overbearing men,” and, “biass of interest and passions, against interested combinations, secret or open” (as cited in Frohnen, 1999, Letter XIII, p. 254, Letter V, p. 185, Letter IX, p. 221). The Statesmen perceived dangers from many quarters as described below:

Abuse could come through sudden changes or gradual usurpation. Hamilton wrote, “In the legislature, promptitude of decision is oftener an evil than a benefit” (Federalist 70, p. 454). Smith warned, “I believe were we to create a despot, he would not immediately dare to act the tyrant” (as cited in Storing, 1981, vol. 6, p. 160). Madison summarized this view of gradual corruption when he wrote, “Tyranny has perhaps oftener grown out of the assumptions of power, called for, on pressing exigencies, by a defective constitution, than out of the full exercise of the largest constitutional authorities” (Federalist 20, p. 184).

Those who had power could abuse it through money as easily as through political power. Morris explained, “Wealth tends to corrupt the mind & to nourish its love of power, and to stimulate it to oppression” (as cited in Madison, 1840/1987, p. 282). Franklin added, “Some of the greatest rogues he was ever acquainted with, were the richest rogues. We should remember the character which the Scripture requires in Rulers, that they should be men hating covetousness” (as cited in Madison, 1840/1987, p. 374).

¹¹ While not one of the Founding Fathers, the historian Mercy Warren was included as a contemporary

The Minority of the Pennsylvania convention wrote, “Length of purse will too often prevail against right and justice” (as cited in Frohnen, 1999, p. 542).

Salary and taxation were two potential financial abuses. The Federal Farmer worried that, “Congress may put the pay of the members unreasonably high, or so low as that none but the rich and opulent can attend” (as cited in Frohnen, 1999, Letter X, p. 228). As Brutus explained, “The command of the revenues of a state gives the command of every thing in it.--He that has the purse will have the sword, and they that have both, have everything” (as cited in Frohnen, Essay V, p. 410).

The Statesmen guarded against abuse by bad men. They assumed the depravity of their leaders (or potential leaders). Brutus wrote of, “Ambitious and designing men” (as cited in Frohnen, 1999, Essay I, p. 383). Hamilton likewise spoke of, “Ambitious and unprincipled men” (as cited in Elliot, 1836/1974, vol. 2, p. 365). A [Maryland] Farmer explained this idea when he wrote, “Laws are cobwebs, catching only the flies and letting the wasps escape. The great and powerful, can easily bring to justice, the *poor and humble offender*; but who is to lead to punishment the *great*?” (as cited in Frohnen, Essay VII, p. 616).

The Anti-Federalists particularly were concerned that great men would become an entrenched aristocracy. Dollard defined an Aristocracy as, “A few able and designing men,” who sought to “enslave the rest” (as cited in Elliot, 1836/1974, vol. 4, pp. 337-338). Brutus felt that an aristocracy would, “Abuse their power to the purpose of aggrandizing themselves, and oppressing [the people]” (Essay I, p. 383).

During the debates, the legislature received more attention than the executive and far more attention than the judiciary. All of the Statesmen wanted good representatives, but few expected a situation in which we would always have good representatives. Bedford said, "*I do not, gentlemen, trust you. If you possess the power, the abuse of it could not be checked; and what then would prevent you from exercising it to our destruction?*" (as cited in Elliot, 1836/1974, vol. 1, p. 472).

Lenoir feared a "dangerous combination" (as cited in Elliot, 1836/1974, vol. 4, p. 202). Wilson and Mason both used the phrase, "cabal & corruption" (pp. 509, 510). Henry was troubled that the Virginia delegation may, "make a bargain with the northern delegates" (as cited in Elliot, vol. 3, p. 327). Lansing eloquently summarized, "The poison always finds a channel, and never wants an object" (vol. 2, p. 295).

Federalist and Anti-Federalist alike worried about abuse from the Executive. Hamilton wrote that, "Nothing was more to be desired than that every practicable obstacle should be opposed to cabal, intrigue, and corruption" (Federalist 6, p. 441). Randolph warned, "The Executive will have great opportunities of abusing his power" (as cited in Madison, 1840/1987, p. 292).

The Statesmen saw potential abuse in the veto power, pardon power, the military power as commander-in-chief, and in the election process. Hamilton wrote, "That there would be greater danger of his not using his [veto] power when necessary, than of his using it too often, or too much" (Federalist 73, p. 471). He admitted that, "the power of preventing bad laws includes that of preventing good ones," but he felt that, "The injury which may possibly be done by defeating a few good laws, will be amply compensated

by the advantage of preventing a number of bad ones” (p. 470). This was the general attitude of the Statesmen on the veto.

Pardon power could also be abused. Mason worried that, “He may frequently pardon crimes which were advised by himself....If he has the power of granting pardons before indictment, or conviction, may he not stop inquiry and prevent detection?” (as cited in Elliot, 1836/1974, vol. 3, p. 497). As for military power, Hamilton conceded, “It is of the nature of war to increase the executive at the expense of the legislative authority” (Federalist 8, p. 121). Finally, the election process was particularly prone to abuse. Madison worried about “instability and encroachments,” and he felt that, “The candidate would intrigue with the Legislature” (as cited in Madison, 1840/1987, p. 273; pp. 318-319).

Though the judiciary was acknowledged to be the weakest branch, it was still considered a potent source of abuse. The Federal Farmer wrote, “When the legislature makes a bad law, or the first executive magistrates usurps upon the rights of the people, they discover the evil much sooner, than the abuses of power in the judicial department” (as cited in Frohnen, 1999, Letter XV, p. 269). Hamilton wrote, “The courts must declare the sense of the law; and if they should be disposed to exercise WILL instead of JUDGMENT, the consequence would equally be the substitution of their pleasure to that of the legislative body” (Federalist 78, p. 493).

A standing army under the control of leaders that were so clearly prone to corruption was considered as a menace to liberty. The Federal Farmer reported, “In despotic governments, one man or a few men, independent of the people, generally make

the laws, command obedience, and enforce it by the sword” (as cited in Frohnen, 1999, Letter VII, pp.197-198).

The Statesmen were concerned with abuse from foreign powers. Butler spoke of, “influence from abroad” as a great evil (as cited in Madison, 1840/1987, p. 321). Hamilton said, “Men of little character, acquiring great power become easily the tools of intermeddling Neighbours” (as cited in Madison, p. 117).

The Federalists maintained that any power was prone to abuse, and that the greater evil was the abuse that they were currently experiencing because the federal government was too weak. On this particular topic, the Anti-Federalists fell silent. Across the board, the Federalists made two basic claims about the abuse of power. Marshall held, “All delegated powers are liable to be abused” (as cited in Elliot, 1836/1974, vol. 3, p. 226). Iredell explained, “No power, of any kind or degree, can be given but what may be abused; we have, therefore, only to consider whether any particular power is absolutely necessary” (vol. 4, p. 95). The Federalists’ second argument was that the potential for misuse was not an adequate reason to withdraw necessary power from public officials. Bowdoin said, “A possibility of abuse, as it may be affirmed of all delegated power whatever, is by itself no sufficient reason for withholding the delegation. If it were a sufficient one, no power could be delegated” (as cited in Elliot, vol. 2, p. 85).

Again, the Federalists demanded that in spite of the potential for abuse, the government must have the power commensurate with its authority. Hamilton argued, “Few persons will be so visionary as seriously to contend that military forces ought not to be raised to quell a rebellion or resist an invasion” (Federalist 26, p. 218). Atticus wrote, “Too, too long it hath been the humour of our countrymen, to be so fearful of giving their

rulers power to do hurt, that they never have given them power to do good” (as cited in Sheehan & McDowell, 1998, Essay III, p. 339). Iredell held that abuse is a misapplication of power. It is not a defect in the system so much as a defect in the leader. He said, “Possible abuse, and neglect of attendance, are objections which may be urged against any government which the wisdom of man is able to construct” (as cited in Elliot, 1836/1974, vol. 4, p. 130).

A Majority Will Oppress A Minority

A great concern was that the majority, when they came to power, would oppress the minority. Marshall said, “The passions of men stimulate them to avail themselves of the weakness of others” (as cited in Elliot, 1836/1974, vol. 3, p. 227). An American asked, “What is a Tyranny, but a government forced by the stronger upon the weaker?” (vol. 4, p. 227). Henry asked pointedly, “Will the oppressor let go the oppressed? Was there ever an instance? Can the annals of mankind exhibit one single example where rulers overcharged with power willingly let go the oppressed, though solicited and requested most earnestly?” (as cited in Elliot, vol. 3, p. 52). Mason, “Went on a principle often advanced & in which he concurred,” that “a majority when interested will oppress the minority” (as cited in Madison, 1840/1987, p. 441).

A minority would oppress a majority. Consistent with their other assumptions, the Statesmen also worried that a strong minority would oppress the majority if they could get their hands on enough power. Brutus claimed that the Constitution, “will literally be a government in the hands of the few to oppress and plunder the many” (as cited in Frohnen, 1999, Essay III, p. 397). The Federal Farmer reminded his readers, “That the

interest of the few is opposed to the public interest, but the interest of the *many*, is the public interest” (Essay VII, p. 633).

The Statesmen feared oppression from both the majority and the minority. Their interests were in opposition to each other. In the Convention, Hamilton said:

In every community where industry is encouraged, there will be a division of it into the few & the many. Hence separate interests will arrive. There will be debtors & creditors &c. Give all power to the many, they will oppress the few. Give all power to the few, they will oppress the many. (as cited in Madison, 1840/1987, p. 116)

Hamilton offered an additional example that would appear counter-intuitive to the modern, rationalistic mind:

It is harsh doctrine that men grow wicked in proportion as they improve and enlighten their minds. Experience has by no means justified us in the supposition that there is more virtue in one class of men than in another. Look through the poor and the rich of the community, the learned and the ignorant. Where does virtue predominate? The difference indeed consists, not in the quantity, but kind, of vices which are incident to various classes (as cited in Elliot, 1836/1974, vol. 2, p. 257)

Office Holders Seek to Aggrandize Themselves

It was no secret that leaders would use their power to advance themselves. This was a principle upon which the Statesmen based their calculations. Morris plainly stated, “The Legislature will continually seek to aggrandize & perpetuate themselves” (as cited in Madison, 1840/1987, p. 282).

This was not the way that the government should work. According to the Statesmen, leaders would actively use the system to their own personal benefit. The Federal Farmer explained, “Men who govern, will in doubtful cases, construe laws and constitutions most favorably for increasing their own powers” (as cited in Frohnen, 1999, Letter IV, p. 175).

Not only would leaders use the law for their own benefit, but will do it at the expense of the people. Cato wrote, “You must risque much, by indispensably placing trusts of the great magnitude, into the hands of individuals, whose ambition for power, and aggrandizement, will oppress and grind you (As cited in Frohnen, 1999, Letter III, p. 11).

Yet, all would have agreed with Sherman that, “The Constitution sh^d. lay as few temptations as possible in the way of those in power” (as cited in Madison, 1840/1987, pp. 398-399).

Liberty Abused Becomes License

Though the Statesmen were primarily concerned with the actions of leaders, they reasoned that leaders may abuse the people if the people gave them a pretext. While the Statesmen did everything in their power to preserve liberty, they were well aware that liberty taken to an extreme could produce tyranny as well. Madison wrote, “That liberty may be endangered by the abuses of liberty as well as by the abuses of power” (Federalist 63, p. 418). Dawson brilliantly reminded his colleagues, “The favorite maxim of tyrants, that ‘mankind cannot govern themselves’” (as cited in Elliot, 1836/1974, vol. 3, p. 606).

License was a pretext through which bad men historically had seized power. Rev. Thatcher explained “how nearly licentiousness and tyranny are allied . . . that demagogues, in all free governments, have at first held out an idea of extreme liberty, and have seized on the rights of the people under the mask of patriotism” (as cited in Elliot, 1836/1974, vol. 2, p. 147).

On June 5, 1788, Henry, in the Virginia convention, acknowledged that, “licentiousness is dangerous.” He continued, “I acknowledge also the new form of

Government may effectually prevent it: Yet, there is another thing it will as effectually do; it will oppress and ruin the people” (as cited in Frohnen, 1999, p. 679). The next day, Madison rebuked his arch-rival, Henry, for being short-sighted. Madison, who had spent three years studying ancient republics proceeded to give Henry a history lecture. Madison declared:

He [Mr. Henry] has suggested that licentiousness has seldom produced the loss of liberty; but that the tyranny of rulers has almost always effected it. Since the general civilization of mankind, I believe there are more instances of the abridgment of the freedom of the people by gradual and silent encroachments of those in power, than by violent and sudden usurpations; but, on a candid examination of history, we shall find that turbulence, violence, and abuse of power, by the majority trampling on the rights of the minority, have produced factions and commotions, which, in republics, have, more frequently than any other cause, produced despotism. (as cited in Elliot, 1836/1974, vol. 3, p. 87).

On June 14, 1788, Henry would join in condemning the “baneful consequences,” of “individual licentiousness” (as cited in Elliot, 1836/1974, vol. 3, p. 397), and then again, 10 days later, he would state, “When men are free from restraint, how long will you suspend their fury? The interval between this and bloodshed is but a moment. The licentious and wicked of the community will seize with avidity every thing you hold” (vol. 3, p. 593).

Great Men are Interested Men

In no other regard did the researcher find more of a practical application of the beliefs and basic assumptions of the Statesmen than on this topic. They practiced what they preached. Although they ironically aimed their criticism at each other, they demonstrate what they thought leaders would do and why.¹²

¹² A third interesting point may be that these men knew how to pour invective upon their opponents as well as any modern political campaign. Even a cursory review of their writings will disabuse the reader of the

The men who framed the Constitution were America's best men. They were lawyers, doctor, ministers, generals, Delegates to the Continental Congress, governors, and future presidents. Jay wrote that, "some of the most distinguished members of that Congress, who have been since tried and justly approved for patriotism and abilities, and who have grown old in acquiring political information, were also members of this convention" (Federalist 2, p. 96). Brutus Jr. explained that members of the Convention, "were men of the first talents and integrity in the union," but he was concerned, "that many of them are possessed of high aristocratic ideas" (as cited in Storing, 1981, vol. 6, pp. 38-39).

While the members of the Convention were, by any rational standard, the nation's best men, the Anti-Federalist certainly didn't attribute to them the virtues or prerogatives the ancient philosophers would have given to the best men.¹³ Maynard & Field reminded their readers that, "*Great men are not always wise*" (as cited in Storing, 1981, vol. 4, p. 264).

Cincinnatus referred to, "A few proud, intriguing, aristocratical men" (as cited in Storing, 1981, vol. 6, p. 24). The Centinel talked of, "The conspirators against our liberties" (as cited in Frohnen, 1999, Letter VIII, p. 91). An Old Whig called the Framers, "interested men" (as cited in Frohnen, Essay VII, p. 352). The Centinel condemned them as men, "who had assumed the garb of patriotism, with an insidious design of enslaving and robbing their fellow citizens" (as cited in Frohnen, Letter XVII, p. 132).

notion that the Founding Fathers all got along in the warm and affectionate, albeit it statesmanlike, way that they are painted by John Trumball.

¹³ It should be noted that the only other candidates for the best men would be the current leaders of the state government. It also should be noted that the Federalists held these men in similar contempt. It should

In the process of defending the merits of the Constitution the Federalists counter-sued. The other best men may be bad men too. “Afraid of investigating the constitution itself, [Anti-Federalists] prejudice you against it by charging the patriotic members of the convention with a design ‘of lording it over their fellow-creatures’ and with ‘long meditated schemes of power and aggrandizement’” (a Federalist as cited in Sheehan & McDowell, 1998, p. 39).

The favorite counter-charge of the Federalists was that the State leaders were opposed to the Constitution because it would lessen their influence. Yet, in charging and counter-charging such selfish motives, the Statesmen demonstrated their assumptions of leaders. Hamilton explained in Federalist 1 that the greatest obstacle to the Constitution may be, “the obvious interest of a certain class of men in every State to resist all changes which may hazard a diminution of the power, emolument, and consequence of the offices they hold under the State establishments” (Federalist 1, pp. 89-90). Wilson talked about, “the interest of a very numerous, powerful, and respectable body, to counteract and destroy the excellent work produced by the late convention.” (as cited in Sheehan & McDowell, 1998, p. 107). Hamilton wrote, “Men often oppose a thing, merely because they have had no agency in planning it, or because it may have been planned by those whom they dislike” (Federalist 70, p. 454). Madison summarized the Federalist view of the Anti-Federalists when he offered the following analogy:

A patient who finds his disorder daily growing worse... The physicians attend; the case of the patient is carefully examined;... The prescription is no sooner made known, however, than a number of persons interpose, and, without denying the reality or danger of the disorder, assure the patient that the prescription will be

further be noted that the Framers summoned every legitimate means possible to bind down the best men with the Constitution.

poison to his constitution, and forbid him, under pain of certain death, to make use of it. (Federalist 38, pp. 274-275)

Soft Restraints

The primary assumptions about power lead to secondary assumptions, which in turn lead to two phases of systemic controls. The first are soft restraints. These are the conceptual building blocks upon which the hard restraints of the Constitution are built. If a soft restraint, like the theory of the separation of powers is the cause, the effect is the hard restraint of a bi-cameral legislature. Soft (indirect) restraints deal with virtue, distrust of officeholders, time in office, the size of representation, responsibility to the people, the separation of powers and the nature of faction.

Virtue is Insufficient

The Statesmen agreed that more restraint than the virtue of the leaders was necessary to prevent tyranny. Patrick Henry was the most vocal on this subject. On Thursday, June, 5 1788 in the Virginia Convention, he challenged his colleagues, “Show me that age and country where the rights and liberties of the people were placed on the sole chance of their rulers being good men, without a consequent loss of liberty?” (as cited in Frohnen, 1999, pp. 691-692). On June 9, 1788, he warned his colleagues not to rely on patriotism of leaders for security (p. 725). Three days later he warned that leaders, “are bound by honor and conscience to act with integrity, but they are under no constitutional restraint” (as cited in Elliot, 1836/1974, vol. 3, p. 316). Later the same day he said, “I wish to guard against it by proper checks, and trust nothing to accident or chance. I will never depend on so slender a protection as the possibility of being represented by virtuous men” (vol. 3, p. 327). Eight days later he took up the same cause

asking, “Are we to go so far as to concede every thing to the virtue of Congress? Throw yourselves at once on their mercy; be no longer free than their virtue will predominate” (vol. 3, p. 544). The following Monday he concluded, “Your rights and liberties rest upon men. Their wisdom and integrity may preserve you; but on the contrary, should they prove ambitious and designing, may they not flourish and triumph upon the ruins of their country?” (vol. 3, p. 577-578).

Jealousy as a Virtue

The Statesmen were jealous of power. This was especially true of the Anti-Federalists. To their minds, jealousy of power was a virtue. White said, “We ought to be jealous of rulers” (as cited in Elliot, 1836/1974, vol. 2, p. 28).

Distrust could be good. Cato cited Demosthenes who said, “That there is one common bulwark with which men of prudence are naturally provided, the guard and security of all people, particularly of free states, against the assaults of tyrants--What is this? Distrust” (p. 32). Henry stated, “But, sir, suspicion is a virtue as long as its object is the preservation of the public good” (as cited in Elliot, 1836/1974, vol. 3, p. 45). Madison concluded, “The truth was that all men having power ought to be distrusted to a certain degree” (as cited in Madison, 1840/1987, p. 237).

Yet, many Federalists felt that excessive jealousy and distrust may be dangerous too. Iredell explained, “Jealousy in a free government ought to be respected; but it may be carried to too great an extent” (as cited in Elliot, 1836/1974, vol. 4, p. 195). Later Iredell would add, “Unlimited jealousy is very pernicious” (as cited in Elliot, vol. 4, p. 221).

Representation as the Best Security

The Statesmen would agree that representation was a bulwark of liberty, but Federalists and Anti-Federalists would disagree over just how well representation was secured by the Constitution. Mason stated the goal clearly, “We wish to shut the door against corruption in that place where it is most dangerous--to secure against the corruption of our own representatives” (as cited in Elliot, 1836/1974, vol. 3, p. 271).

Randolph asked, “Shall we not choose men respectable for their good qualities? Or can we suppose that men tainted with the worst vices will get into Congress?” (as cited in Elliot, 1836/1974, vol. 3, p. 68). “Congress can never get more power than the people will give, nor hold it any longer than they will permit,” Peletiah Webster added, because if they became tyrannical, “they would soon atone for their temerity, with shame and disgrace, and probably with their heads” (as cited in Sheehan & McDowell, 1998, p. 291). Lee (of Westmoreland) said, “As long as the privilege of representation is well secured, our liberties cannot be easily endangered. I conceive this is secured in this country more fully than in any other” (as cited in Elliot, vol. 3, p. 185).

Anti-Federalists had numerous objections to the way in which representation was secured under this Constitution. The size of representation was a problem for the Anti-Federalists. Philadelphiensis complained that, “their number is too small, their powers too great, their accountability to the people not properly secured” (as cited in Storing, 1981, vol. 3, p. 133). The size of the district also posed a problem to the Anti-Federalists. Larger district sizes meant that it would be harder for local, private citizens to gain power under this system. In contrast, Wilson asserted that under the Constitution, “Nothing but

real weight of character can give a man real influence over a large district” (as cited in Elliot, 1836/1974, vol. 2, p. 474).

In the Federalist view, systemic restraints built upon the Statesmen’s understanding of the nature of man and the nature of power would sift much of the potential corruption from the legislature. Randolph asked, “Is it not notorious that virtue and ability have been preferred generally, here, to virtue and connections?” (as cited in Elliot, 1836/1974, vol. 3, p. 126).

Frequent elections would preserve the purity of the legislature. Livingston thought corrupt, “Measures will be easily defeated, even if the people are unapprised of them. They will be defeated by that continual change of members, which naturally takes place in free governments, arising from the disaffection and inconstancy of the people” (as cited in Elliot, 1836/1974, vol. 2, p. 345). Madison explained, “The natural cure for an ill-administration”, in a popular or representative constitution, is a change of men” (Federalist 21, p. 188).

Gerry explained that the House of Representatives was to be chosen directly by the people to prevent, “demagogues and corrupt members [who] will creep in” (as cited in Elliot, 1836/1974, vol. 1, p. 397). Nicholas concluded, “Power lodged in the hands of representatives, chosen as ours must be, cannot be abused. The truth of this cannot but strike every gentleman in the committee” (as cited in Elliot, 1836/1974, vol. 3, p. 20).

Power Must be Tempered by Duration

Another great division between the Federalists and the Anti-Federalists was their rationale for the length of time that representatives should serve. They shared a general assumption that the greater power, the shorter the duration. Madison wrote, “It is a

received and well-founded maxim, that . . . the greater the power is, the shorter ought to be its duration; and, conversely, the smaller the power, the more safely may its duration be protracted” (Federalist 52, p. 363). General Heath appealed to Montesquieu for support on this point. He said:

I will produce one observation from this celebrated writer, Baron Montesquieu; it is as follows: “The greatness of power must be compensated by the brevity of the duration; most legislatures have fixed it to a year; a longer space would be dangerous.” (as cited in Elliot, 1836/1974, vol. 2, p. 13)

The Anti-Federalists were particularly concerned with the lengthy terms of the executive and the Senate. The president was called an “ELECTIVE KING” (an Officer of the Late Continental Army as cited in Storing, 1981, vol. 3, pp. 93-94), a “King for life” (a Farmer and Planter as cited in Storing, vol.5, pp. 76-77), a “potentate” (Vox Populi as cited in Storing, vol. 4, p. 52), and a “president-General” (Philadelphiensis as cited in Storing, vol. 3, p. 131). They felt the Senate would become an American aristocracy.

During the Convention, the Senate received a great deal of attention because of the large quantity of power that it would wield. Many different terms of office were suggested. Pierce suggested 3-year terms for the Senate (as cited in Madison, 1840/1987, p. 95), Ghorum and General Pinkney proposed 4 years (p. 165) Williamson and King proposed 6 years (pp. 165, 292), Sherman, Randolph, and Madison proposed 7 years (p. 95), and Hamilton and Morris sought life terms with good behavior (pp. 117, 203).

The Anti-Federalists generally felt a 6 year term was far too long. Nason continued, “The term, sir, for which the Senate is chosen, is a grievance. It is too long to trust any body of men with power. It is impossible but that such men will be tenacious of their places” (as cited in Elliot, 1836/1974, vol. 2, p. 135).

The Federalists, in contrast, felt that longer terms created stability and increased responsibility. Iredell explained, “Responsibility, also, would be lessened by a short duration; for many useful measures require a good deal of time, and continued operations” (as cited in Elliot, 1836/1974, vol. 4, p. 41).

Size of Representation

The numerical size of representation also became a bitter partisan issue for the Statesmen. Randolph expressed the problem, “It is an established maxim, that such a body ought to be numerous enough to be well acquainted with the interest of the people, to prevent corruption, and give a chance to men of merit to be elected” (as cited in Elliot, 1836/1974, vol. 3, p. 125).

The Anti-Federalists sought safety in numbers, so they desired a larger representation than Constitution permitted. Henry attacked the Constitution on this issue when he said, “One hundred and eighty representatives, the choice of the people of Virginia, cannot be trusted with their interests. They are a mobbish, suspected herd. . . . These must be referred to the chosen ten” (as cited in Elliot, 1836/1974, vol. 3, p. 156). Richard Henry Lee mocked, “If ten men are better than one hundred and seventy, it follows of necessity that one is better than ten--the choice is more refined” (vol. 3, p. 167). The Anti-Federalists felt that the number of representatives had an inverse relationship to the potential for corruption. The fewer the men, the greater chance of corruption. Henry claimed that, “The number will be smaller, and they will be consequently the more easily corrupted” (vol. 3, p. 319).

In sharp contrast, the Federalists felt that greater potential for corruption lie in a representation that is too large. Wilson explained, “Bad elections proceed from the

smallness of the districts which give an opportunity to bad men to intrigue themselves into office” (as cited in Madison, 1840/1987, p. 63).

To the Federalist mind, larger districts would create a filtering process in which better men would matriculate to office. This would thwart the designs of petty tyrants. Wilson explained, “It is only in remote corners of a government, that little demagogues arise. Nothing but real weight of character can give a man real influence over a large district” (as cited in Sheehan & McDowell, 1998, p. 204). Madison explained that in larger districts, “it will be more difficult for unworthy candidates to practice with success the vicious arts by which elections are too often carried” (Federalist 10, p. 134).

Where Anti-Federalists felt the representation was too small, Federalists felt that the size of the legislature was about as safe as it could be. Madison believed that the representation was neither too small nor too large. He wrote, “The federal Constitution forms a happy combination in this respect” (Federalist 10, pp. 134-135).

The People and Leader Must Have the Same Interest

The Framers constructed the American system in such a way that the path to power was not the sword but persuasion. It is in the leader’s best interest to behave because the people will reward or punish him with the ballot. The Statesmen felt that the leader’s self-interest was also a key to preventing corruption. Noah Webster wrote, “The first and almost only principle that governs men, is interest, Love of our country is a powerful auxiliary motive to patriotic actions; but rarely or never operates against interest” (as cited in Sheehan & McDowell, 1998, Letter V, p. 222). Cato wrote, “that rulers in all governments will erect an interest separate from the ruled, which will have a tendency to enslave them” (as cited in Frohnen, 1999, Letter I, p. 32).

The Federalists also made statements that demonstrated their concurrence on this point. Madison explained that where a leader had a distinct interest, “there was the same reason for being jealous of them, as there was for relying on them with full confidence, when they had a common interest” (as cited in Madison, 1840/1987, p. 374).

Responsibility

The Statesmen agreed that a government was only safe to the degree that leaders were responsible to the people. A [Maryland] Farmer called responsibility, “the only test of good government” (as cited in Frohnen, 1999, Essay II, p. 570). Likewise, Richard Henry Lee asked, “Will any sensible man say, that great power without responsibility can be given to rulers with safety to liberty?” (as cited in Frohnen, p. 365).

As long as representatives were accountable to the people, they were safe. Captain Snow argued, “For, as the man is accountable for his conduct, I think there is no danger” (as cited in Elliot, 1836/1974, vol. 2, p. 35). Since elections were fixed and regular, Federalists felt secure. The Centinel wrote, “Liberty is only to be preserved by a due responsibility in the government, and by the constant attention of the people” (Letter VI, p. 86).

Responsibility was further strengthened by the rule of law. Under the Constitution, Representatives are bound by the laws they have created. Madison wrote that, “It creates between them that communion of interests and sympathy of sentiments, of which few governments have furnished examples; but without which every government degenerates into tyranny” (Federalist 57, p. 385).

The Federalists also enlisted the nature of man in their quest for responsibility. They calculated that within the confines of the Constitution, they were safe as long as it

was true that men love power. To the Federalists, two layers of protection secured responsibility--the carrot and the stick. Peletiah Webster listed “personal reputation,” “approbation of their fellow citizens,” and “dread of censure and shame,” as “strong inducements to noble, upright and worthy behavior” (as cited in Sheehan & McDowell, 1998, p. 188). Madison discussed the leader’s “sensibility to marks of honor, of favor, of esteem, and of confidence,” which “is some pledge for grateful and benevolent returns.” Yet, he also felt that his, “pride and vanity” would cause him to act responsibly (Federalist 57, p. 384). Gouverneur Morris made a remarkable statement that summarized the Statesmen’s thoughts on the subject. He “did not hesitate therefore to say that loaves & fishes must bribe the Demagogues. They must be made to expect higher offices” (as cited in Madison, 1840/1987, p. 203).

Therefore, there was little danger from their leaders under the Constitution as long as they had the ability to turn them out for misbehavior. Sedgwick asked, “Can a man . . . go home to his constituents, after having robbed them by voting himself an exorbitant salary? This principle will be a most powerful check” (as cited in Elliot, 1836/1974, vol. 2, p. 53). Mason claimed, “Nothing so strongly impels a man to regard the interest of his constituents as the certainty of returning to the general mass of the people, from whence he was taken, where he must participate in their burdens” (vol. 3, p. 485). Ames explained, “rulers will always be dependent upon the people, like the insects of a sunshiny day, and may, by the breath of their displeasure, be annihilated” (as cited in Elliot, vol. 2, p. 105).

The Separation of Power

The Statesmen employed the military principle: “divide and conquer” to conquer tyrants before they could rise. By restricting the amount of power that any individual or group could gain, they preemptively struck at the very heart of tyranny--the accumulation of power. Wilson wrote, “A single body, not constituted with checks, like the proposed one, who possess not only the power of making treaties, but executive powers, would be a perfect despotism” (as cited in Elliot, 1836/1974, vol. 2, p. 476). Anti-Federalists understood this, but they did not believe that this Constitution was sufficiently checked to remedy these problems. Monroe articulated these sentiments:

Why is the government divided into different branches? For a more faithful and regular administration. Where is there a check? We have more to apprehend from the union of these branches than from the subversion of any; and this union will destroy the rights of the people. There is nothing to prevent this coalition. (as cited in Elliot, vol. 3, p. 219).

Federalists believed a division of power was a great security. This concept was based on their view of man. Hamilton explained, “Power being almost always the rival of power, the general government will at all times stand ready to check the usurpations of the state governments, and these will have the same disposition towards the general government” (Federalist 28, p. 225)

Federalist and Anti-Federalist alike believed that checks were necessary and useful. Brutus likewise wrote, “WHEN great and extraordinary powers are vested in any man, or body of men, which in their exercise, may operate to the oppression of the people, it is of high importance that powerful checks should be formed” (as cited in Frohnen, 1999, Essay XVI, p. 443).

The Federalists created checks by identifying two different, interested, parties who sought the same thing--power. Then, they had to ensure that competition, not cooperation, was the only available means to that end. A secure system required each

branch to have the strength to check the others while simultaneously being weak enough to be checked by the others.

The Senate could check the president and the House of Representatives simultaneously. Of the Senate, Wilson explained, “If the powers of either branch are perverted, it must be with the approbation of some one of the other branches of government. Thus checked on each side, they can do no one act of themselves” (as cited in Sheehan & McDowell, 1998, p. 244). The Senate was expected to check the House of Representatives--to be a more deliberative, cooling body. Madison explained the need for the Senate as a check on the House: “The people . . . may possibly be betrayed by the representatives of the people” (Federalist 63, p. 416). But the Senate was also to be watched. The House of Representatives would likewise be the principal check upon the Senate. If the Senate were to, “transform itself, by gradual usurpations, into an independent and aristocratic body,” wrote Madison, “the House of Representatives, with the people on their side, will at all times be able to bring back the Constitution to its primitive form and principles” (Federalist 63, p. 420).

By constitutional design, the judiciary can check the legislature and the legislature can check the judiciary. The judiciary can check the Legislature by declaring an act unconstitutional.¹⁴ Likewise, the Legislature has checks over the Judiciary in the power of impeachment (US Constitution, Article I, Section 2) and the power to pass constitutional amendments (Article V).

¹⁴ The word unconstitutional does not appear in the text of the Constitution. This doctrine of judicial review, however implied in the Constitution, and discussed by the Federalists. It would later be formally established in *Marbury v. Madison* 5 U.S. 137 (1803).

Some overlap of powers was permitted to the degree that they created additional checks. The most obvious form of intermixed powers, were those between the President and the Senate in making treaties and appointing officers. (US Constitution, Article II, Section 2). Hamilton wrote, “The joint possession of the power in question, by the President and Senate, would afford a greater prospect of security, than the separate possession of it by either of them” (Federalist 75, p. 478).

The Anti-Federalists had difficulty understanding the federal system. Anti-Federalists who clung to the notion that states ought to retain their sovereignty, and they thought it was illogical for two sovereign powers (federal and state) to co-exist. The Minority of Pennsylvania wrote, “We apprehend that two co-ordinate sovereignties would be a solecism in politics” (as cited in Frohnen, 1999, p. 535). Monroe said, “For in government it is, as in phisicks, a maxim, that two powers cannot occupy the same space at the same time” (as cited in Storing, 1981, vol. 5, p. 291). Brutus also wrote:

It appears to me a solecism, for two men, or bodies of men, to have unlimited power respecting the same object. It contradicts the scripture maxim, which saith, “No man can serve two masters,” the one power or the other must prevail, or else they will destroy each other, and neither of them effect their purpose. (as cited in Frohnen, Essay VI, p. 419)

Madison agreed with the charge calling the existing confederacy a “monster,” and “a system of government founded on an inversion of the fundamental principles of all government; it would have seen the authority of the whole society every where subordinate to the authority of the parts” (Federalist 44, p. 323).

Within this framework of divided powers, Hamilton could say, “That two supreme powers cannot act together, is false. They are inconsistent only when they are aimed at each other, or at one indivisible object” (as cited in Elliot, 1836/1974, vol. 2, pp.

355-356). He continued, “The convention thought the concurrent jurisdiction preferable to that subordination” (Federalist 34, p. 253). He concluded: “The States will retain all pre-existing authorities which may not be exclusively delegated to the federal head” (Federalist 82, p. 515).

Theory of Faction

The separation of powers were developed upon the Statesmen’s understanding of the nature of man and developed from a theory of factions. Madison defined a faction as follows:

By a faction, I understand a number of citizens, whether amounting to a majority or a minority of the whole, who are united and actuated by some common impulse of passion, or of interest, adverse to the rights of other citizens, or to the permanent and aggregate interests of the community. (Federalist 10, p. 130)

Faction was acknowledged by all to be a danger. Madison explained, “One of, the greatest evils incident to Republican Gov^t. was the spirit of contention & faction” (as cited in Madison, 1840/1987, p. 391). Ames explained that, “Faction and enthusiasm are the instruments by which popular governments are destroyed” (as cited in Sheehan & McDowell, 1998, p. 199).

Factions within the government were known to be dangerous, and the Statesmen believed they should be guarded against. The Federal Farmer emphasized this point: “I repeat it, it is interested combinations and factions we are particularly to guard against in the federal government” (as cited in Frohnen, 1999, Essay XI, p. 233).

According to Madison’s definition, a faction can be any group united for any purpose. They may be a majority or a minority. Madison wrote, “There are two methods of curing the mischiefs of faction: the one, by removing its causes; the other, by controlling its effects” (Federalist 10, p. 130). But removing the causes would violate

either human nature or human liberty. Madison continued, “It could never be more truly said than of the first remedy, that it was worse than the disease” (Federalist 10, p. 130)

Madison reasoned that faction was simply a dimension of the human condition. He wrote, “The latent causes of faction are thus sown in the nature of man” (Federalist 10, p. 131). He concluded, “The *causes* of faction cannot be removed, and that relief is only to be sought in the means of controlling its *effects*” (Federalist 10, p. 132). By embracing faction, Madison enlisted human nature as an ally in his cause. Interest was set against interest to balance power. As Hamilton wrote, “The rivalships of the parts would make them checks upon each other, and would frustrate all the tempting advantages” (Federalist 11, p. 139). Morris also recommended that, “Vices as they exist must be turned agst. each other” (as cited in Madison, 1840/1987, p. 202).¹⁵

In such a scenario, more factions would dilute the overall strength of any particular leader or group. Thus, Madison’s solution was to, “Extend the sphere, and you take in a greater variety of parties and interests; you make it less probable that a majority of the whole will have a common motive to invade the rights of other citizens” (Federalist 10, p. 135).

Rather than attempt a transformation of human nature, the Federalists believed that the Constitution would provide security through a natural condition of faction to provide security. Madison wrote, “AMONG the numerous advantages promised by a well constructed Union, none deserves to be more accurately developed than its tendency to break and control the violence of faction” (as cited in Madison, 1840/1987, p. 356).

¹⁵ Notice the realism in which the statesmen did not seek to change the nature of man, but to use it and incorporate his own nature as a means of self defense.

Hard Restraints

Hard (direct) restraints are the checks and balances found within the Constitution itself. These checks were built upon the need for representation, the concept of the separation of powers and the theory of factions. Hard restraints included:

- The electoral college
- Term limits
- Impeachment
- The systematic rivalry between states
- The systematic rivalry and between states and the federal government
- The Bill of Rights
- The Constitution

Well Structured Government is Necessary

The Statesmen considered a well-structured government to be of primary importance. Cornelius wrote, “The strength and energy of government does not, I conceive, so much consist in particular men, being vested with unlimited powers, as it does in a due regulation of the necessary powers with which they are vested” (as cited in Storing, 1981, vol.4, pp. 144-145).

The Electoral College

An electoral college was created to prevent potential corruption during the presidential election. The Framers worried that the people could be deceived by intriguing politicians. Pinkney felt that in this situation: “An Election by the people being liable to the most obvious and striking objections. They will be led by a few active & designing men” (as cited in Madison, 1840/1987, p. 268). To alleviate this threat, the

Framers decided to check this threat with representation. A separate body of representatives, elected by the people solely for the temporary purpose of electing the president was devised. Pinkney concluded:

The mode of electing the President rendered undue influence almost impossible; and it would have been imprudent in us to have put it out of our power to reelect a man whose talents, abilities, and integrity, were such as to render him the object of the general choice of his country. (as cited in Elliot, 1836/1974, vol. 4, p. 315)

Impeachment

Impeachment is a formal accusation of misconduct. The Statesmen all agreed that some mode of removing an unfit official was necessary. The Federal Farmer wrote, “It is one important mean to make the government just and honest, rigidly and constantly to hold, before the eyes of those who execute it, punishment, and dismissal from office, for misconduct” (as cited in Frohnen, 1999, Essay XIII, p. 254). In the Convention, Gerry, “urged the necessity of impeachments. A good magistrate will not fear them. A bad one ought to be kept in fear of them” (as cited in Madison, 1840/1987, p. 356). As Davie pointed out, “If he be not impeachable whilst in office, he will spare no efforts or means whatever to get himself re-elected” (as cited in Madison, 1840/1987, p. 356).

Term Limits

A minority was in favor of term limits. The Federal Farmer believed that term limits would cause the leader to view his office in terms of his legacy. He wrote, “No man will wish to be a mere cypher at the head of government: the great object of each president then will be, to render his government a glorious period in the annals of his country” (as cited in Frohnen, 1999, Letter XIV, p. 264).

This was very different from the general sentiment of the Federalists. They believed term limits created a number of disadvantages. Among these disadvantages was the self-selected preclusion of some good men, the exclusion of good men who could serve no longer, and creating opportunity for the ambition of bad men. Rush wrote, “The custom of turning men out of power or office, as soon as they are qualified for it, has been found to be absurd in practice, as it is virtuous in speculation” (as cited in Sheehan & McDowell, 1998, p. 3). Hamilton wrote, “How unwise, therefore, must be every such self-denying ordinance as serves to prohibit a nation from making use of its own citizens in the manner best suited to its exigencies and circumstances!” (Federalist 72, p. 465).

Morris summarized the dangers of term limits:

What effect will this have? 1. It will destroy the great incitement to merit public esteem by taking away the hope of being rewarded with a reappointment. It may give a dangerous turn to one of the strongest passions in the human breast. The love of fame is the great spring to noble & illustrious actions. Shut the Civil road to Glory & he may be compelled to seek it by the sword. 2. It will tempt him to make the most of the short space of time allotted him, to accumulate wealth and provide for his friends. 3. It will produce violations of the very constitution it is meant to secure. In moments of pressing danger, the tried abilities and established character of a favorite Magistrate will prevail over respect for the forms of the Constitution. (as cited in Madison, 1840/1987, p. 286)

State v. Federal Government

The Statesmen expected conflict between the federal and the state governments under the new system. Anti-Federalists felt that the federal government would dominate the states. Martin wrote that, “The states would be opposed to the general government, and at enmity with It” (as cited in Elliot, 1836/1974, vol.1, p. 372). A Countryman did, “not see, why we are to expect honest men in the general government, than in the state governments” (as cited in Storing, 1981, vol. 6, p. 87).

The Federalists objected. Noah Webster asked, “Is there any spell or charm, that instantly changes a delegate to Congress from an honest man into a knave--a tyrant? I confess freely that I am willing to trust Congress with any powers that I should dare lodge in a state-legislature” (as cited in Sheehan & McDowell, 1998, p. 392). Federalists were more concerned with state encroachment upon the federal government. State encroachment on Congress was the primary problem that led to the Constitutional Convention. The States did not fulfill obligations requested by Congress during and after the Revolution.

Wilson explained, “No sooner were the States Governments formed than their jealousy and ambition began to display themselves. Each endeavored to cut a slice from the common loaf, to add to its own morsel” (as cited in Sheehan & McDowell, 1998, p. xxvi). Hamilton wrote, “There is greater probability of encroachments by the members upon the federal head, than by the federal head upon the members” (Federalist 31, p. 240).

State vs. State

The Federalists had another major concern about conflict between governments. Sovereign states, with no judge between them may oppress each other. While the Anti-Federalists were remarkably silent on this issue, Hamilton called it a “Utopian speculation,” to “seriously doubt that, if these States should either be wholly disunited, or only united in partial confederacies, the subdivisions into which they might be thrown would have frequent and violent contests with each other” (Federalist 6, p. 108). Madison drew on historical examples of ancient confederacies, writing, “Athens and Sparta, inflated with the victories and the glory they had acquired, became first rivals and then

enemies; and did each other infinitely more mischief than they had suffered from Xerxes” (Federalist 18, p. 173). The Federalists maintained that history would repeat itself.

Among the potential threats was the conflict between large and small states, evidenced by the introduction of the New Jersey plan (15 June, 1787) as a rival to the Virginia Plan (29 May, 1787). Franklin held, “An apprehension that the greater States would then swallow up the smaller” (as cited in Madison, 1840/1987, p. 85).

A threat from smaller states was possible too. Consistent with their assumptions, Williamson argued, “Small states, if they had a plurality of votes would have an interest in throwing the burdens off their own shoulders on those of the large ones” (as cited in Madison, 1840/1987, p. 176). The Statesmen reasoned that corruption and conflict was no respecter of persons--individual or corporate.

Bill of Rights

The Bill of Rights may be considered the Anti-Federalist’s Constitution. It provides the people and states with an extra layer of protection from the Federal government. Anti-Federalists complained that the Constitution did not adequately secure rights and liberties. The Impartial Examiner wrote, “For it is a maxim ...that when men establish a system of government, in granting the powers therein they are always understood to surrender whatever they do not so expressly reserve” (as cited in Frohnen, 1999, Essay I, pp. 643-644).

However, this was not the Federalist position. In Federalist 38, Madison reasoned, “The Confederation places them both in the hands of Congress. Is a bill of rights essential to liberty? The Confederation has no bill of rights” (Federalist 38, p. 278).

The Constitution

The Statesmen all sought the prevention of the abuse of power. Anti-Federalists opposed the Constitution because they felt that it left the people at the mercy of tyrants who would emerge to abuse them. Philadelphiensis wrote, “This constitution, in the first instance, will lop off above one half of our sacred rights and privileges, for which we bled and conquered; and the remainder are generally left insecure, and therefore must eventually be lost too” (as cited in Storing, 1981, vol. 3, Letter IV, p. 120).

Anti-Federalist uniformly agreed that the Constitution would create an aristocracy. John De Witt called the Constitution, “a System purely Aristocratical, calculated to find employment for men of ambition, and to furnish means of sporting with the sacred principles of human nature” (as cited in Frohnen, 1999, Essay IV, p. 507).

Anti-Federalists felt the federal branches of government were all too powerful. An Old Whig wrote, “The new constitution vests Congress with such unlimited powers as ought never to be entrusted to any men or body of men” (as cited in Frohnen, Essay II, p. 323).

If adequate checks had been provided, the Anti-Federalists may have consented more readily. Monroe conceded, “All restraints that were necessary for the wise administration of a good and virtuous government, would have my ready assent” (as cited in Storing, 1981, vol. 5, p. 292). But, Barnwell reminded his colleagues, “Nothing would be more completely farcical than a government completely checked” (as cited in Elliot, 1836/1974, vol. 4, p. 293).

Federalists, on the other hand felt that the Constitution remedied the diseases inherent in the Articles of Association. While they implemented every check they could conceive of to prevent abuse, they understood that *any* Constitution can be abused. The

State Soldier wrote, “Men in power may usurp authority under any constitution” (as cited in Sheehan & McDowell, 1998, Essay I, p. 119). The difference was that under the Constitution, to abuse others, leaders must violate the Constitution. Ellsworth concluded:

Some men are mightily afraid of giving power lest it should be improved for oppression; this is doubtless possible, but where is the probability. The same objection may be made against the constitution of every state in the union, and against every possible mode of government; because a power of doing good always implies a power to do evil if the person or party be disposed. (as cited in Sheehan & McDowell, Letter III, pp. 292-293)

A government must have the power to secure liberty or anarchy will result.

Madison reasoned, “But is not the fact an alarming proof of the danger resulting from a government which does not possess regular powers commensurate to its objects? A dissolution or usurpation is the dreadful dilemma to which it is continually exposed” (Federalist 38, p. 279). He concluded, “A weak constitution must necessarily terminate in dissolution, for want of proper powers, or the usurpation of powers requisite for the public safety” (Federalist 20, p. 184). Ellsworth said, “A government which can command but half its resources is like a man with but one arm to defend himself” (as cited in Elliot, 1836/1974, vol. 2, p. 191).

Summary

The Statesmen built the mechanisms of the Constitution around a number of assumptions of the nature of power. Because men love power, and power is difficult to corrupt, they created systems calculated to pit man’s nature against tyranny. More importantly, they reaffirmed their assumptions by their actions as during the debates.

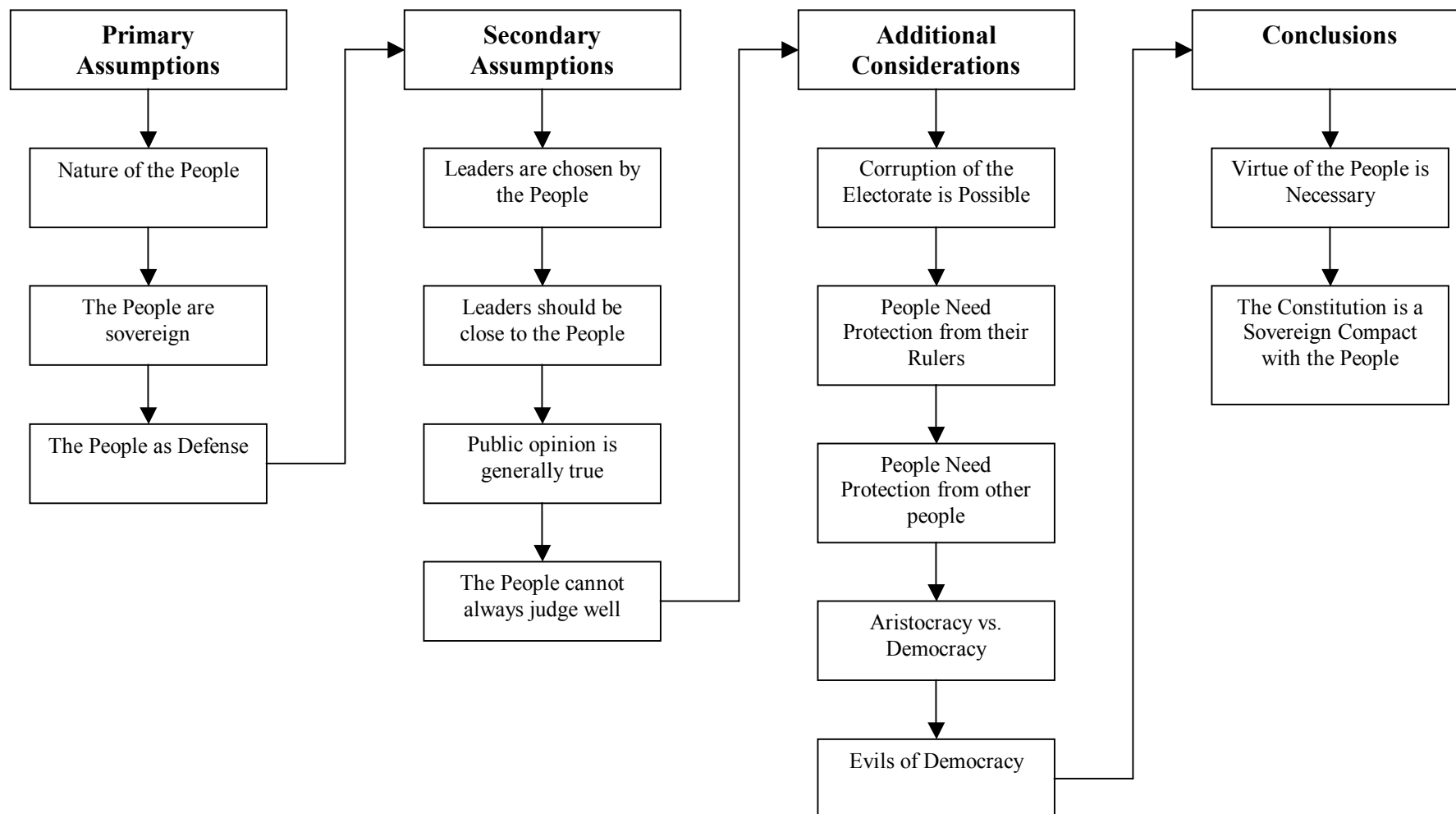
The Nature of the People

A study of leadership in government would be incomplete without considering the ultimate leaders--the people. The Statesmen held certain primary and secondary assumptions on the nature of the people. They formed conclusions about their government upon these assumptions. This is visually illustrated in Exhibit IV.3.

Federalist and Anti-Federalist quotations demonstrate basic agreement on the nature of the people as the basic building blocks of society. The whole of the people was far greater than the sum of the parts. The Foreign Spectator wrote, "In the republican edifice, the people are not inanimate materials, but *living stones*" (as cited in Sheehan & McDowell, 1998, Essay XV, p. 425). The people generally would not support tyranny, though they could be misled. They were not hungry for office, but they sought good government. They were hard working and industrious, though few were wealthy. The Federal Farmer wrote of, "The honest, the modest, and the industrious part of the community content themselves, generally, with their private concerns; they do not solicit those offices which are perpetual sources of cabals, intrigues, and contests among men" (as cited in Frohnen, 1999, Letter XIII, p. 249). Atticus explained the position of the people:

They cannot become soldiers themselves, unless they leave their families to perish, and they have not money to hire others to fight for them. They cannot bring the rich down to their class, nor prevent the dependant sort from feeling the influence of money. (as cited in Sheehan & McDowell, 1998, Essay III, p. 341)

Exhibit IV.3 Assumptions about the Nature of the People



The People are Sovereign

The Statesmen's first fundamental assumption about the people was that the people are sovereign. Federalist and Anti-Federalists agreed on this point with little difference or distinction. The Federal Farmer wrote, "The supreme power is in the people, and rulers possess only that portion which is expressly given them" (as cited in Frohnen, 1999, Letter VI, p. 192). The impartial examiner wrote, "It will not be denied, that *all power is originally vested in the people, and that it should be exercised either immediately by themselves, or immediately by their representatives*" (as cited in Frohnen, Essay III, p. 665).

Federalists also felt that the people were sovereign. But they focused on the authority of the people to approve of the Constitution. Wilson declared, "In THIS CONSTITUTION, *all authority is derived from the PEOPLE*" (as cited in Sheehan & McDowell, 1998, p. 87). Coxe explained, "The people will remain, under the proposed constitution, the fountain of power and public honour" (Letter IV, p. 470). Madison explained, "The ultimate authority, wherever the derivative may be found, resides in the people alone" (Federalist 46, p. 330).

The people are not only sovereign, but they alone may delegate their power to their representatives. Randolph continued, "[The Constitution] declares that all power comes from the people, and whatever is not granted by them, remains with them" (as cited in Elliot, 1836/1974, vol. 3, p. 598).

Since sovereign power resides originally with the people, the Statesmen reasoned the people must approve of the government. Brutus wrote, "In every free government, the people must give their assent to the laws by which they are governed. This is the true

criterion between a free government and an arbitrary one” (as cited in Frohnen, 1999, Essay I, p. 380).

The Statesmen agreed that the government must be based on the affection of the people. Henry claimed, “No government can flourish unless it be founded on the affection of the people” (as cited in Elliot, 1836/1974, vol. 3, p. 151). A Foreign Spectator agreed, “It is an old maxim, that no Republican Government can be lasting without the good will of its subjects” (as cited in Sheehan & McDowell, 1998, Essay I, p. 406).

The people also control their representatives. Henry said, “Rulers are the servants and agents of the people; the people are their masters” (as cited in Elliot, 1836/1974, vol. 3, p. 324). Marshall agreed, writing, “The people hold all powers in their own hands, and delegate them cautiously, for short periods, to their servants, who are accountable for the smallest mal-administration” (vol. 3, p. 232).

The People as a Defense

The Statesmen, Anti-Federalist and Federalist alike, saw the people as a natural defense against tyrants. However, the people must be vigilant. The Centinel wrote, “liberty is only to be preserved by a due responsibility in the government, and by the constant attention of the people” (as cited in Frohnen, 1999, Essay VI, p. 86).

Federalists agreed in this analysis. Iredell reminded his colleagues:

The only real security of liberty, in any country, is the jealousy and circumspection of the people themselves. Let them be watchful over their rulers. Should they find a combination against their liberties, and all other methods appear insufficient to preserve them, they have, thank God, an ultimate remedy. (as cited in Elliot, 1836/1974, vol. 4, p. 130).

If abuse or mal-administration were to take place, the people must watch and defend. Fabius argued, “*It is their duty to watch, and their right to take care, that the constitution be preserved; or in the Roman phase on perilous occasions--to provide; that the republic receive no damage*” (as cited in Sheehan & McDowell, 1998, Letter IV, p. 218).

The people had the authority and power to rise up if leaders attempt to take away their liberties. The Centinel asked, “Does history abound with examples of a voluntary relinquishment of power, however injurious to the community? No; it would require a general and successful rising of the people to effect any thing of this nature” (as cited in Frohnen, 1999, Letter II, p. 58).

In more drastic situations, the people may need to resort to force. Armed resistance was the ultimate check on the government. The Federal Farmer wrote, “To preserve liberty, it is essential that the whole body of the people always possess arms, and be taught alike, especially when young, how to use them” (as cited in Frohnen, 1999, Letter XVIII, p. 305).

Leaders are Chosen by the People

Under a free government, the people are the masters of their leaders. Hamilton said that the support of the government rested on, “an active & constant interest in supporting it” (as cited in Madison, 1840/1987, p. 112). Dickenson referred to the people as the, “best & purest source” (as cited in Madison, p. 323). He continued, “The best defense lay in the freeholders who were to elect the Legislature. Whilst this Source should remain pure, the public interests would be safe. If it ever should be corrupt, no little expedients would repel the danger” (as cited in Madison, 1840/1987, p. 328).

Secondary Assumptions about the People

Leaders Should be Close to the People

The Statesmen universally agreed that leaders should remain close to the people. Noah Webster wrote, “The choice of men is placed in the freemen or electors at large; and the frequency of elections, and the responsibility of the members, will render them sufficiently dependent on their constituents” (as cited in Sheehan & McDowell, 1998, Letter, p. 405).

Representatives would govern diligently as long as they were closely connected to the people. A Columbian Patriot wrote, “A frequent return to the bar of their Constituents is the strongest check against corruptions to which men are liable, either from the intrigues of others of more subtle genius, or the propensities of their own hearts” (as cited in Storing, 1981, vol. 4, p. 275). Monroe concluded, “They should therefore be kept as dependent on them as possible, having in all respects the same interests with themselves” (as cited in Storing, vol. 5, p. 294).

Public Opinion is Generally True

The Statesmen agreed that the public usually judged correctly. The Federal Farmer wrote, “The freemen of a country are not always minutely skilled in the laws, but they have common sense in its purity, which seldom or never errs in making and applying laws to the condition of the people” (as cited in Frohnen, 1999, Letter XV, p. 275)

Federalists acknowledged the common sense wisdom of the people too. Morris said, “If the people should elect, they will never fail to prefer some man of distinguished character, or services” (as cited in Madison, 1840/1987, p. 267). Ames summed up the Statesmen’s view when he said, “The people always mean right, and, if time is allowed

for reflection and information, they will do right” (as cited in Sheehan & McDowell, 1998, p. 199).

The People Cannot Always Judge Well

While the people generally do judge well, the Statesmen felt that they may be deceived by unscrupulous leaders. Hamilton explained, “The people commonly INTEND the PUBLIC GOOD. This often applies to their very errors. But their good sense would despise the adulator who should pretend that they always REASON RIGHT about the MEANS of promoting it” (Federalist 71, p. 459).

Additional Considerations about the People

Corruption of the Electorate is Possible

Though the people mean well, they still may be corrupted. Hamilton worried about the people being deceived by, “the wiles of parasites and sycophants, by the snares of the ambitious, the avaricious, the desperate, by the artifices of men who possess their confidence more than they deserve it” (Federalist 71, p. 459). Morris said, “It may be the case that the people will not be deluded and misled . . . But experience teaches another lesson” (as cited in Madison, 1840/1987, p. 297).

The People Need Protection From Their Leaders

Under such conditions, it is not surprising that the Statesmen felt that the people must be guarded from their leaders. The Federal Farmer wrote, “It is extremely difficult to secure the people against the fatal effects of corruption and influence” (as cited in Frohnen, 1999, Letter III, p. 162). Madison concluded, “The people can never wilfully betray their own interests; but they may possibly be betrayed by the representatives of the people” (Federalist 63, p. 416).

The People Need Protection From Other People

A primary purpose of government is to protect the people from other people who would injure their rights and liberties. Hamilton explained that the people, “do not possess the discernment and stability necessary for systematic government” (as cited in Elliot, 1836/1974, vol. 2, p. 302).

The Statesmen reasoned that the people are fickle, and they also must be checked to prevent them from injuring themselves. Hamilton wrote that the voice of the “people has been said to be the voice of God; and, however generally this maxim has been quoted and believed, it is not true in fact. The people are turbulent and changing; they seldom judge or determine right” (as cited in Elliot, 1836/1974, vol. 1, pp. 421-422).

Democracy vs. Aristocracy

The Statesmen all sought a system where liberty was preserved for all except tyrants. Monarchies had been rejected as an option; democracies were turbulent and republics, thus far in history, had been small or unstable. The Anti-Federalists talked frequently about the merits of democracy, but Federalists raised objections. Madison wrote, “democracies have ever been spectacles of turbulence and contention; have ever been found incompatible with personal security or the rights of property” (Federalist 10, p. 133).

In contrast, the Anti-Federalists worried about the emergence of an aristocracy if this Constitution was ratified. Bloodwoorth explained, “Aristocracies grow out of the combination of a few powerful families” (as cited in Elliot, 1836/1974, vol. 4, p. 67). Cincinnatus wrote that these men would provide, “much cunning and little wisdom,” and that such a system, “must necessarily produce a baneful aristocracy, by which the democratic rights of the people will be overwhelmed” (as cited in Storing, 1981, vol. 6, Letter IV, p. 22).

The Federalist response was two-fold. Some, like Madison, asserted frequently that the Constitution would prevent evils such as an aristocracy. Others, like Wilson and

Livingston, embraced the concept of an open aristocracy. Wilson said, “An aristocracy means nothing more or less than a government of the best men in the community . . . consist[ing] of those most noted for wisdom and virtue. Is there any danger in such representation?” (as cited in Sheehan & McDowell, 1998, p. 203).

The Evils of Democracies

Democracy, in the pure sense of the word, was not held in high esteem by the Statesmen. Even the three men who refused to sign the Constitution (Gerry, Randolph, and Mason) each disparaged democracy. Gerry said, “The evils we experience flow from the excess of democracy. The people do not want virtue, but are the dupes of pretended patriots” (as cited in Madison, 1840/1987, p. 32). He talked of, “Democracy, the worst he thought of all political evils” (as cited in Madison, p. 582). Randolph found, “That in tracing these evils to their origin every man had found it in the turbulence and follies of democracy: that some check therefore was to be sought for agst. this tendency of our Governments” (as cited in Madison, p. 34). Likewise, Mason explained that we were creating a government built upon the people, “Notwithstanding the oppressions & injustice experienced among us from democracy” (as cited in Madison, p. 54).

Federalists were less kind to pure democracies. Madison talked of, “the inconveniencies of democracy” (p. 64) and the, “danger of disturbing the public tranquillity by interesting too strongly the public passions” (Federalist 49, p. 349). Hamilton wrote, “Their very character was tyranny; their figure, deformity” (as cited in Elliot, 1836/1974, vol. 2, p. 253).

The Virtue of the People is Necessary

The Statesmen agreed that virtue was necessary to build and preserve an American government that would protect rights and liberties. The starting point was self-government. Self-government is the capacity to rule oneself personally in such a way that no external force is necessary for control. A Foreign Spectator listed these virtues as, “Knowledge, prudence, temperance, industry, honor, decency, justice, benevolence--all those qualities, which enable men to govern themselves, to regard the rights of others, to respect superior merit, to love order and tranquility” (as cited in Sheehan & McDowell, 1998, Letter I, p. 408).

Virtuous people make virtuous laws. The Federal Farmer wrote, “A virtuous people make just laws, and good laws tend to preserve unchanged a virtuous people” (as cited in Frohnen, 1999, Letter VII, pp. 199-200) The Centinel also claimed, “A republican, or free government, can only exist where the body of the people are virtuous” (as cited in Frohnen, Essay I, p. 38). Federalists felt that virtue was necessary and that the American people still possessed enough virtue to sustain the weight of the government. A Foreign Spectator wrote:

It is evident, that a people of tolerable virtue would never become tools for enslaving themselves: would any man be ordered to kill himself by his own sword? Who but an idiot or a most dastardly wretch would not plunge it in the heart of the tyrant. (as cited in Sheehan & McDowell, 1998, Essay XXV, p. 50)

However, if the people lose their virtue, the government cannot last. During the Virginia convention, Henry said, “If the number of vicious characters will preponderate, you are undone” (as cited in Elliot, 1836/1974, vol. 3, p. 165). Madison asked, “Is there no virtue among us? If there be not, we are in a wretched situation. No theoretical checks, no form of government, can render us secure” (as cited in Elliot, vol. 3, p. 536)

The Constitution is a Sovereign Compact with the People

The role of the people as leaders in establishing the Constitution was primary. The Democratic Federalist pointed out that, “Under the old Confederation, the people at large had no voice in the election of their rulers” (as cited in Sheehan & McDowell, 1998, p. 353). Marshall traced the powers of the states back to the people, saying, “The state governments did not derive their powers from the general government; but each government derived its powers from the people, and each was to act according to the powers given it” (as cited in Elliot, 1836/1974, vol. 3, p. 419).

The Constitution was a deal between the people and their leaders that bound themselves and their posterity. The [Maryland] Farmer wrote, “This constitution is to be the act of the individual members of the American empire--the highest source of terrestrial power with us” (as cited in Frohnen, 1999, Essay I, p. 557). It could be accepted or rejected only by those who had the power to enter into such a contract. Madison concluded, “As the plan to be framed and proposed was to be submitted *to the people themselves*, the disapprobation of this supreme authority would destroy it forever; its approbation blot out antecedent errors and irregularities” (Federalist 40, p. 292). The people are the ultimate leaders in the American governmental system.

The Nature of Government

The focus of all the Constitutional and ratification debates was whether the government under the new Constitution was adequate to administer justice and prevent tyranny. The Statesmen’s assumptions directed them to create the specific mechanisms in the government that we recognize today as checks and balances. The most basic assumptions are on the nature, size, and strength of government (see Exhibit IV.4).

The Science of Government

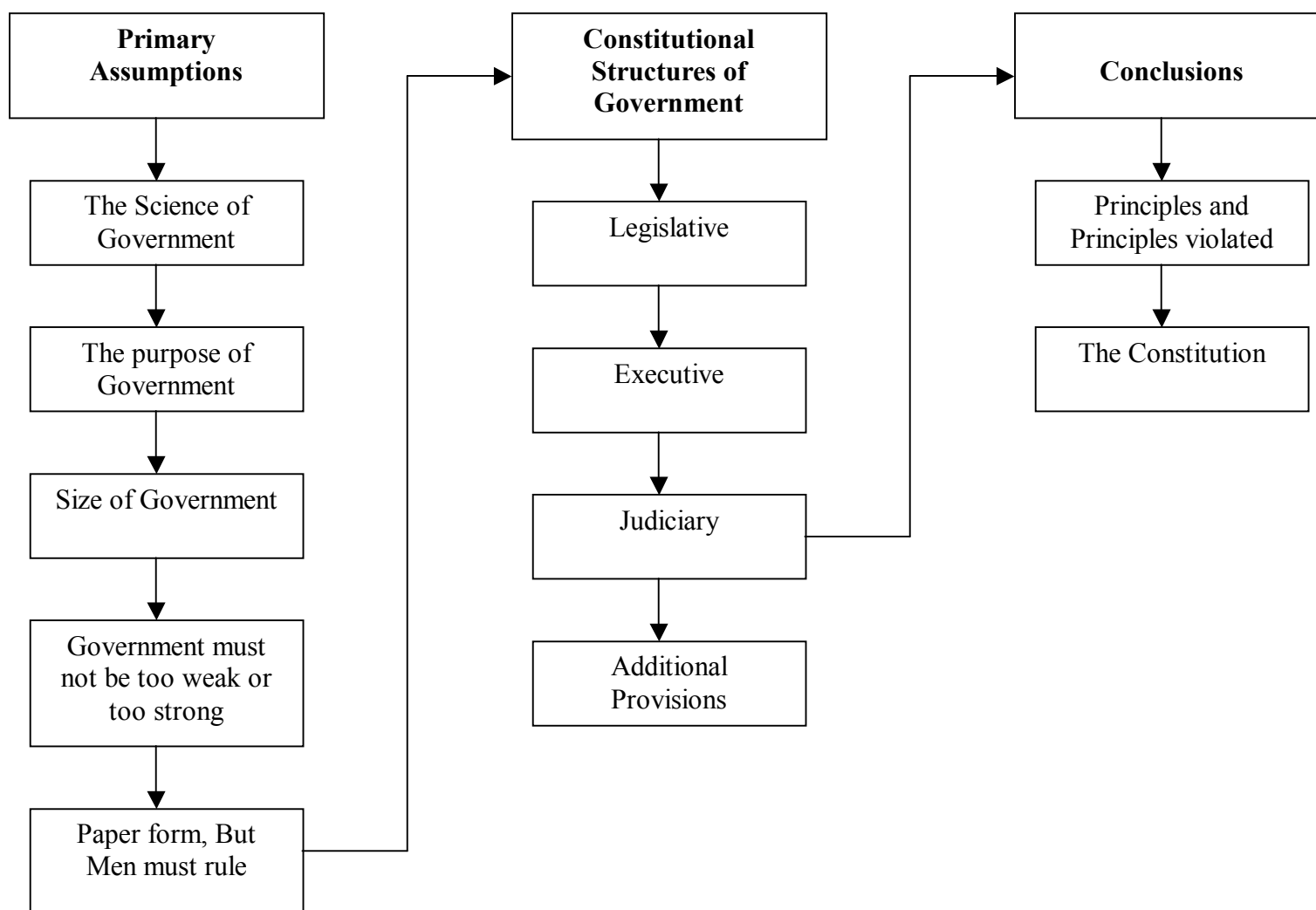
The Statesmen spoke about government as a science that was reducible to basic principles. Hamilton wrote, “The science of politics, however, like most other sciences, has received great improvement. The efficacy of various principles is now well understood, which were either not known at all, or imperfectly known to the ancients” (Federalist 9, p. 125). The Centinel wrote, “The science of government going the most abstruse and unobvious of all others, mankind are more liable to be imposed upon by the artful and designing in systems and regulations of government, than on any other subject” (as cited in Frohnen, 1999, Letter XV, p. 124).

The government’s primary function is to ensure justice. Neither growth nor efficiency were desirable in government. Philadelphiensis wrote:

The only thing in which a government should be efficient is to protect the *liberties, lives, and property* of the people governed, from foreign and domestic violence. This, and this only is, what every government should do effectually. For any government to do more than this, is impossible, and every one that falls short of it is defective. (as cited in Storing, 1981, vol. 3, p. 110)

Governments are either built upon force or consent. The Federal Farmer wrote that the government’s, “whole force is reducible to two principles--the important

Exhibit IV.4 Assumptions about the Nature of the Government



springs, which alone move the machines, and give them their intended influence and control, are force and persuasion” (as cited in Frohnen, 1999, Letter VII, p. 197).

Federalists agreed with this sentiment, but they were more optimistic that a just society could be achieved through reason even though history was not favorable to such a position. Wilson expanded this idea before the Pennsylvania Convention:

Permit me to add, in this place, that the science even of government itself seems yet to be almost in its state of infancy. Governments, in general have been the result of force, of fraud, and of accident, After a period of six thousand years has elapsed since the Creation, the United States exhibit to the world the first instance, as far as we can learn, of a nation unattacked by external force, unconvulsed by domestic insurrections, assembling voluntarily, deliberating fully, and deciding calmly, concerning that system of government, under which they would wish that they and their posterity should live. (as cited in Sheehan & McDowell, 1998, p. 75)

The Purpose of Government

The Statesmen, at the very core, held similar beliefs about what the civil government should and should not do. In 1783, George Washington in a circular letter to the states enumerated the essential purposes of government:

There are four things, which I humbly conceive, are essential to the well being, I may even venture to say, to the existence of the United States as an Independent Power:

1st. An indissoluble Union of the States under one Federal Head.

2^{ndly}. A Sacred regard to Public Justice.

3^{rdly}. The adoption of a proper Peace Establishment, and

4^{thly}. The prevalence of that pacific and friendly Disposition, among the People of the United States, which will induce them to forget their local prejudices and policies, to make those mutual concession which are requisite to the general prosperity, and in some instances, to sacrifice their individual advantages to the interest of the Community. (as cited in Sheehan & McDowell, 1998, p. 15)

Federalists and Anti-Federalists emphasized different nuances, but they propounded the same basic role of government. Civil government was to protect the people from the evils of oppression and tyranny while maintaining liberty. The Centinel

wrote, “Therefore the great end of civil government is to protect the weak from the oppression of the powerful, to put every man upon the level of equal liberty” (Letter VI, p. 85). Brutus wrote that the purpose of government was, “to protect the rights and promote the happiness of the people” (as cited in Frohnen, 1999, Essay III, p. 435).

Federalists agreed that government was established to prevent tyranny and oppression. Hamilton asked, “Why has government been instituted at all? Because the passions of men will not conform to the dictates of reason and justice, without constraint” (Federalist 15, p. 160). Madison explained, “Justice is the end of government. It is the end of civil society. It ever has been and ever will be pursued until it be obtained, or until liberty be lost in the pursuit” (Federalist 51, p. 358). Jay added, “Among the many objects to which a wise and free people find it necessary to direct their attention, that of providing for their SAFETY seems to be the first” (Federalist 3, p. 97).

Federalists went further than Anti-Federalists in the letter, but not necessarily in the spirit, of the purpose of the law. Both sides wanted government to have enough power to establish justice, but they differed as to how much power was requisite for that purpose.

Good government. A good government results from just laws. Atticus wrote, “If a government shall contain a good system of laws, then it is a good one, if these laws can be executed, and guarded from abuse” (as cited in Sheehan & McDowell, 1998, Essay I, p. 330). Hamilton reminded his readers, “the true test of a good government is its aptitude and tendency to produce a good administration” (Federalist 76, p. 480).

Government Must Be Limited

Government also must be limited. The Impartial Examiner explained, “that the liberty of a nation depends, not on planning the frame of government, which consists merely in fixing and delineating the powers thereof; but on prescribing due limits to those powers, and establishing them upon just principles” (as cited in Frohnen, 1999, Essay I, pp. 646-647). Noah Webster wrote, “It appears to me that Congress will have no more power than will be necessary for our union and general welfare; and such power they must have or we are in a wretched state” (as cited in Sheehan & McDowell, 1998, p. 389).

Government Should Neither be Too Strong nor Too Weak

Officials without power were doomed to administer poorly. Hamilton wrote, “A feeble Executive implies a feeble execution of the government. A feeble execution is but another phrase for a bad execution; and a government ill executed, whatever it may be in theory, must be, in practice, a bad government” (Federalist 70, p. 466). Ellsworth added, “A people cannot long retain their freedom whose government is incapable of protecting them” (as cited in Sheehan & McDowell, 1998, Letter V, p. 300).

Being too weak could invite trouble. Hamilton listed a number of potential problems that may result from weakness. He complained, “We have neither troops, nor treasury, nor government. Are we even in a condition to remonstrate with dignity. . . . The imbecility of our government even forbids them to treat with us” (Federalist 15, p. 156). Madison concluded, “Governments destitute of energy will ever produce anarchy” (as cited in Elliot, 1836/1974, vol. 3, p. 131).

Size of Government and the Size of the Republic

The Statesmen agreed that the Federal government should not be too large. But size of government was relative to function. Nonetheless, all agreed it should not be larger than the function demanded. The Centinel wrote, “It is a maxim that a government, ought to be cautious not to govern over much, for when the cord of power is drawn too tight, it generally proves its destruction (as cited in Frohnen, 1999, Letter IV, p. 71).

The size of the union also would affect the size of government. Anti-Federalists reasoned that a large, consolidated American government would lead to tyranny. They appealed to history for support. Agrippa referred to Montesquieu when he wrote:

It is the opinion of the ablest writers on the subject, that no extensive empire can be governed upon republican principles, and that such a government will degenerate to a despotism, unless it be made up a confederacy of smaller states, each having the full powers of internal regulation. This is precisely the principle which has hitherto preserved our freedom. (as cited in Storing, 1981, vol. 4, Letter IV p. 76)

The Federalists responded by refuting Montesquieu’s assertion by using the Constitution to overcome the deficiencies. Hamilton dashed the Anti-Federalists’ objection in Federalist 9 when he used the Montesquieu’s logic against them. He wrote:

When Montesquieu recommends a small extent for republics, the standards he had in view were of dimensions far short of the limits of almost every one of these States. Neither Virginia, Massachusetts, Pennsylvania, New York, North Carolina, nor Georgia can by any means be compared with the models from which he reasoned and to which the terms of his description apply. (Federalist 9, p. 126)

There had been numerous uprisings in the states since the revolution. The Federalist solution to the problem was not to reduce, but enlarge the sphere of government. Pinkney explained, “We begin now to suppose that the evils of a republic--

dissention, tumult, and faction--are more dangerous in small societies than in large confederate states” (as cited in Elliot, 1836/1974, vol. 4, pp. 326-327).

A Paper Form but Men Must Rule

Although the Statesmen wanted good laws in the new system of government, they realized that it was as important that good men presided. They believed that good administration is as necessary to a good government as good laws.¹⁶

The best government the people can receive. The Statesmen were aware that man was depraved and that consequently, nothing man created would be perfect. This included the forms of government that man created. Brutus wrote, “You are not however to expect, a perfect form of government, any more than to meet with perfection in man” (as cited in Frohnen, 1999, Essay III, p. 392). Yet, Madison believed that through the Constitution we would have a “remedy for the diseases most incident to republican government” (Federalist 10, p.136). Nonetheless, as Butler explained, “We must follow the example of Solon who gave the Athenians not the best Gov^t. he could devise; but the best they w^d. receive” (as cited in Madison, 1840/1987, p. 61).

For forms and administration let the wise contest. Alexander Pope wrote a poem on the nature of government: “For forms of government let fools contest, That which is best administered, is best.” However, this view was not embraced by the Statesmen. A [Maryland] Farmer referred to it as, “What Mr. Pope has wrote, and what many good, but

¹⁶ This reasoning is remarkably similar to the text of the Frame of Government of Pennsylvania (1682). Penn Concluded:

liberty without obedience is confusion, and obedience without liberty is slavery. To carry this evenness is partly owing to the constitution, and partly to the magistracy: where either of these fail, government will be subject to convulsions; but where both are wanting, it must be totally subverted; then where both meet, the government is like to endure. Which I humbly pray and hope God will please to make the lot of this of Pennsylvania. Amen.

mistaken men, both in Europe and America, have thought and now think” (as cited in Frohnen, 1999, Essay II, p. 572).

Hamilton called it a “political heresy,” though he conceded, “yet we may safely pronounce, that the true test of a good government is its aptitude and tendency to produce a good administration” (Federalist 68, p. 443).

The Statesmen felt that there were two facets to good government: the laws and the administration. Good laws without good leaders was a formula for bad government. Mercer explained, “The paper will only mark out the mode & the form. Men are the substance and must do the business” (as cited in Madison, 1840/1987, p. 400). Hamilton added, “I believe it may be laid down as a general rule that their confidence in and obedience to a government will commonly be proportioned to the goodness or badness of its administration” (Federalist 27, p. 219).

Structures of Government

The structures of government were built upon assumptions about government and conclusions drawn from assumptions about man, power, and the people. The Statesmen sought to use organizational design to prevent corruption. They calculated the length of office, and the size of representatives. They tied their representatives to the people through responsibility. They separated powers to check government and mixed other powers to add additional defensive power. They further checked corruption with the Electoral College and impeachment power. This would all take place under the rule of law, where the leaders were bound by the same burdens that they imposed upon the people. The following section outlines the US Constitution.

Legislative Powers

The Statesmen considered the legislature to be the great bulwark of freedom. The colonists fought the revolution to maintain the rights of representation that they traced back to the Magna Carta (Magna Carta, Article 14, 45, 61).

Article I of the Constitution establishes legislative powers. Section 1 divides the power of lawmaking from execution or judgment of the law.

Article I, Section 2 addresses qualifications for members of the legislature. These are safeguards to prevent corruption in the legislature. Age requirements were implemented to prevent the errors of youth. Representation was tied to taxation. In this way power was directly tied to the burden of government.

Article I, Section 3 sets the parameters for the Senate. As a more deliberate, cooling body, they were to have lengthier terms for stability. For additional stability, the elections were set so that only one third of the Senate was removable at any time. The Senate also had higher age requirements and residency requirements than the House of Representatives. Separated powers were slightly blended between the executive and legislative in the role of the Vice President who has an active role presiding over the Senate, though he may only vote in the case of a tie. Like the House of Representatives, the Senate was to be a self-governing body.

The Framers defended against abuse from every direction. The House had the “sole Power of Impeachment.” The Senate had the power to try the case. The Framers expected leaders may be corrupt, and they prepared for such an occasion. The Framers prescribed the most capable judge--the Chief Justice of the Supreme Court. Additionally, a supermajority of the jury (the Senate) was required so the President could not be

impeached for light reasons. Impeachment only involves a penalty of losing the ability to serve in government. The Senate was the proper body to judge such a case since further judicial action could lead to double jeopardy.

Article I, Section 4 also deals with the election process. The Framers would use the state mechanisms that were already in place. However, the Federal government reserved the right to defend itself by making a uniform law if the states encroached. Since the people must have representation, the Constitution required congress to meet annually.

Article I, Section 5 deals with self-government and responsibility of the legislature. Both branches were to govern themselves. A Quorum was required so a minority could not tyrannize the majority. Each body was to operate under its own rules. Representatives were responsible to the people through public records. In this provision, self-government, the prevention of abuse, and responsibility to the public were all combined.

Article I, Section 6 dealt with legislators' privileges. First, they are to be paid for their service to their country. To prevent abuse of the sacred right of representation, a representative cannot be arrested or prosecuted for his speech on the floor of the legislature. To prevent the legislators from abusing their powers, they cannot hold an office that they created. This abuse had been rampant in Great Britain, and the Framers sought to end such corruption.

Article I, Section 7 deals with the passage of laws. Since the House of Representatives were direct representatives of the people, the Statesmen placed the purse (jurisdiction over money bills) in the hands of the House of Representatives--the direct representatives of the people. All bills had to pass a series of checks to become a law.

First, it had to be passed by a majority of both houses. Then, in a blending of power for additional security, it was sent to the president for his approval. If the president neither signs it nor sends it back, after ten days, the bill becomes a law.

None of the Statesmen would have thought of offering the president a positive power of making the law, but the President had a negative power to defeat bad laws through the veto process. However, to prevent abuse by the executive, the legislature was armed with the power of overriding the president if they could muster a supermajority.

Therefore, to become a law, every bill must follow these steps. First, the House and Senate must both pass the bill. Then, the bill is presented to the President to sign. If the President signs, it becomes a law; but if he vetoes the bill, it goes back to the legislature. If the legislature can assemble a two-thirds, supermajority, the bill may become a law. The last clause of Article I, Section 7 summarizes the process.

Article I, Section 8 itemizes the specific powers of the Federal government. Article I, Section 9 deals with specific rights of citizens. Ironically, it begins with a raw political compromise on slavery. The importation of slaves, according to the first subsection, was constitutionally out of reach of the arm of the federal government for 20 years.¹⁷

Specific rights of Englishmen that had been transmitted through the British legal heritage were engraved in the Constitution. Among these were the protections of Habeas Corpus, and the protection from bills of attainder and ex post facto laws. Habeas Corpus¹⁸ was a protection of the rights of the individual that the state must provide public legal

¹⁷ Congress outlawed the importation of slaves on 1 January 1808.

¹⁸ Habeas Corpus literally means that you have the body in custody.

notice if they took a man to jail. Bills of attainder¹⁹ were not permitted because such a law penalized the children for a crime that the father had committed. Ex post facto²⁰ laws were also not permitted because such a law was created after the point that someone had already committed the act. The Statesmen felt that such laws were unjust since the individual had no defense against these laws being promulgated. This would reduce the laws to the rule of men, not laws.

Laws must be just and taxes must be proportional.²¹ Since taxes were primarily to be derived by “Duties, Imposts and Excises” (Article I, Section 8), such duties were to be uniform. For the sake of responsibility, taxes had to be publicly appropriated and recorded. To prevent the emergence of an aristocracy, titles of nobility were not permitted. To prevent foreign corruption, American officials were not to accept any gift from foreign officials.

Article I, Section 10 placed restrictions on the states. It is largely a review of the powers granted in Article I, Sections 8 and 9. Powers that are either ceded to the Federal government or abhorrent to Federal power were restricted.

¹⁹ To attain is to corrupt or taint

²⁰ Ex Post Facto is a law made after the fact

²¹ This clause would be changed by the 16th Amendment (1913):

The Senate of the United States shall be composed of two Senators from each state, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislatures. When vacancies happen in the representation of any state in the Senate, the executive authority of such state shall issue writs of election to fill such vacancies: Provided, that the legislature of any state may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

Executive Powers

Article II dealt with the powers of the executive. Under the American system of government, our chief executive officer would be called the President. The president was to have a four-year term to balance stability with responsibility. Under the original Electoral College system,²² layers of checks were instituted to prevent corruption. First, the electors were decentralized among the states. To protect the smaller states from larger states, electors were to vote for two persons, but one of the two could not be from their own state. The electors would then seal their vote and send it to the Senate. To prevent corruption, the sealed vote was to be opened and counted in the presence of the entire

²² This original system was later changed by the 12th Amendment (1804):

The electors shall meet in their respective states and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate;--The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted;--the person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

Senate. The candidate with the majority wins the election. However, if there is a tie, the House of Representatives votes on the candidates that remain.

A quorum was required to ensure that a minority of representatives would not trample on the rights of the others. Originally, the vice president was the candidate who received the next greatest number of votes. The Framers thought a possibility could emerge where there would be a tie between the vice presidential candidates. In such a scenario, the vote would go to the Senate. To prevent corruption by the states, Congress reserved the right to choose the day on which the election was to be held. Yet, to prevent federal corruption, the day had to be uniform throughout the entire country.

Age and residency requirements were enlarged for the president. The president must have been born as a United States citizen. He must be at least thirty-five years old. He also must have lived in the country for 14 years.

Foreseeing every conceivable contingency imaginable, the Framers prepared for a scenario in which the president could not attend to the duties of his office. His responsibility would transfer to the vice president.²³

²³ This clause would be changed by the 25th Amendment (1967):

Section 1. In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

Section 2. Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

Section 3. Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.

Section 4. Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President. Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall

The President was to be compensated for his services with a salary that cannot be changed over his term of office. This protects against bribery through an increase of his salary and abuse through the threat of reducing his salary. The President also must take an oath to defend the Constitution of the United States.²⁴

Article II, Section 2 deals with the powers of the President. The President is the Commander-in-Chief of the military. As the head of the executive department, he may ask for formal advice from his cabinet. He has the power of pardon, which is a means for him to check the abuses of the judiciary. The President also has a blended power to make treaties and appoint officers with the representatives of the state governments--the Senate. Finally, he has the power to fill these offices temporarily when the Senate is not in session.

Article II, Section 3 discusses the president's duties. These duties included the state of the union address, the power to convene the legislature when an emergency requires it, and the responsibility of meeting with foreign heads of state. The ultimate function of the executive is to see to it that the laws created by the legislature are carried out.

resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive department or of such other body as Congress may by law provide, transmit within four days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within forty-eight hours for that purpose if not in session. If the Congress, within twenty-one days after receipt of the latter written declaration, or, if Congress is not in session, within twenty-one days after Congress is required to assemble, determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of his office, the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office.

²⁴ George Washington added the phrase, "So help me God." This phrase, though not constitutionally mandated, has been added by custom to the president's oath.

Article II, Section 4 concludes the section on the executive with a threat of punishment for abuse or corruption through the impeachment process.

Judicial Powers

Article III deals with the judicial power of the United States. A Federal Supreme Court was created. Judges serve for life terms unless they behave improperly. Like the president, the salary of the judges may not be decreased during their tenure, though it may be increased since they serve much longer terms.

Article III, Section 2 outlines the jurisdiction of the Federal court. The Supreme Court was to have original jurisdiction in specific cases of high importance. It was also to function as a check within the judiciary on lower court. The right of the trial by jury was protected in all criminal cases. Trials were to be held locally to prevent the government from removing defendants to distant places where they would not receive a fair trial.²⁵

Article III, Section III defines treason as a material act on the part of the treasonous individual. There must be witnesses or a confession. This limited definition made treason more difficult to prosecute, but it was a check on potential governmental abuse. A second check was the limits of the punishment, which only extended to the individual and only for this lifetime.

Additional Defenses

Articles IV through VII contain additional safety features of the Constitution. Article IV, Section 1 dealt with the relationship between states in the new Federal union. Each state was bound to respect the judgments and laws of the others.

²⁵ In the Colonial experience, Americans had faced this oppression in the removal the defendant to a distant venue for judgment under the administration of Justice Act (1774): “it shall and may be lawful for the

Article IV, Section 2 is similar in protection of privileges and immunities of citizens. Rights are coupled with responsibilities. The government of one state has an obligation to extradite individuals attempting to escape from justice in another state. The final paragraph of Article IV, Section 2 dealt with slavery.²⁶ Though no longer applicable, this provision was based on the principle of extradition.

governor, or lieutenant-governor, to direct, with the advice and consent of the council, that the inquisition, indictment, or appeal, shall be tried in some other of his Majesty's colonies, or in Great Britain”

²⁶ This clause would be changed by the 13th Amendment (1865), 14th Amendment (1868) and the 15th amendment (1870):

Amendment XIII (1865)

Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Section 2. Congress shall have power to enforce this article by appropriate legislation.

Amendment XIV (1868)

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 2. Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a state, or the members of the legislature thereof, is denied to any of the male inhabitants of such state, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such state.

Section 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any state, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any state legislature, or as an executive or judicial officer of any state, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

Section 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any state shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

Section 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

Article IV, Section 3 provided for future states to enter the Union on an equal basis with other states. However, specific regulations governed this process. States could not split or merge to form other states without the consent of Congress.²⁷ The Constitution also granted the Congress power to directly oversee the needs of federal territories. Congress was also to be a referee between the Federal and State government.

Article IV, Section 4 made specific Federal guarantees to the states. They were promised representation and federal protection from foreign invasion and internal rebellion.

Article V provided a safety valve through the amendment process. The Framers knew that future, unforeseen events would arise which would call for one of three responses: amend the Constitution, create a new Constitution, or usurp the constitution. The amendment process was the safest course. The safety of the amendment process was bolstered by additional checks. First, a super majority of both houses or a supermajority of the states would be required to propose an amendment. But this amendment would then have to be passed by an even larger supermajority (three-fourths) of the states. Two qualifications were added in this section. According to an earlier provision, the importation of slavery was untouchable for 20 years. Additionally, each state government must be represented in the Senate.

Amendment XV (1870)

Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

²⁷ The singular exception to this rule was the state of West Virginia. During the Civil War, a number of Western counties of the State of Virginia refused to secede from the Union with Virginia in 1861. On June 20, 1863, West Virginia seceded from the Commonwealth of Virginia.

Article VI dealt with Federal obligations. The Federal government would bear the burden of debt of the several states carried into the union. The Constitution would be the highest law of the land. Treaties would be next in authority, since they are contracted between our government and foreign governments (and individual states ought not disrupt the foreign policy of the union). Finally, all federal officers were to be bound by an oath to support the Constitution.²⁸

Article VII, dealt with the ratification process and the conclusion of the Constitution. The Framers understood when they created the Constitution that they should not force the Constitution on the people. A ratification process was a check on the Framers. Although unanimous consent of the legislatures of each state had previously been required for changes under the Articles of Confederation,²⁹ the Framers were guarded against the tyranny of the minority by using a supermajority of nine states to adopt the Constitution instead of being bound by unanimous consent.³⁰ Near the end of the article, minor corrections were added to the text of the document. Finally, the Constitution was signed, sealed, and delivered.

²⁸ A full discussion on the lack of a religious test follows in the subsection on the Nature of Society.

²⁹ According to Article XIII of the Articles of Confederation (1777):

Every State shall abide by the determination of the United States in Congress assembled, on all questions which by this confederation are submitted to them. And the Articles of this Confederation shall be inviolably observed by every State, and the Union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them; unless such alteration be agreed to in a Congress of the United States, and be afterwards confirmed by the legislatures of every State.

³⁰ The nine state figure was the same number of the Committee of States previously set up by the Articles of Confederation to do business in lieu of the whole congress:

Article X. The Committee of the States, or any nine of them, shall be authorized to execute, in the recess of Congress, such of the powers of Congress as the United States in Congress assembled, by the consent of the nine States, shall from time to time think expedient to vest them with; provided that no power be delegated to the said Committee, for the exercise of which, by the Articles of Confederation, the voice of nine States in the Congress of the United States assembled be requisite.

Conclusions about Government

Principles of Government

The Statesmen held contrasting beliefs about the ability of the Constitution to uphold principles of government. While Anti-Federalists felt that the Constitution would violate the great principles of government, the Federalists found security under the same document.

Nonetheless, the Statesmen all agreed that the Constitution must rest on solid principles that accounted for the nature of man. Henry explained, “When about forming a Government, if we mistake the principles, or commit any other error, the very circumstance promises that power will be abused” (as cited in Frohnen, 1999, p. 704). Hamilton concurred, “Bad principles in a Government tho slow are sure in their operation, and will gradually destroy it” (as cited Madison, 1840/1987, p. 114).

Anti-Federalists felt these bad principles meant the destruction of the union in the form of abuse, tyranny, or the absorption of the states into national departments. If the states were absorbed, they reasoned, there would be no defense against the central government.

Anti-Federalists did not see any beneficial outcome under the Constitution. If the Constitution did not consolidate as they feared, it would surely leave the people subservient to two conflicting sovereign governments. Agrippa wrote, “We shall be subject to all the horrors of a divided sovereignty, not knowing whether to obey the Congress or the state. We shall find it impossible to please two masters. In such a state frequent broils will ensue” (as cited in Storing, 1981, vol. 4, Letter V, p. 79).

Federalists, in contrast, did not perceive a violation of principles, since they were not constructing a sovereignty over sovereignties, but a federal union. Rush explained, “The people of America have mistaken the meaning of the word sovereignty: hence each state pretends to be *sovereign*” (as cited in Sheehan & McDowell, 1998, p. 3). Madison concluded, “If the plan of the convention, therefore, be found to depart from the republican character, its advocates must abandon it as no longer defensible” (Federalist 39, p. 280).

The Constitution

The Statesmen believed that the Articles of Confederation were too weak. However, Anti-Federalists believed that the Constitution was too strong. An Old Whig complained that, “The new constitution vests Congress with such unlimited powers as ought never to be entrusted to any men or body of men” (as cited in Frohnen, 1999, Essay II, p. 323). Monroe asked, “May not some middle course be struck, some plan be adopted to give the general government those rights of internal legislation necessary for its safety, and well being in all cases, and yet leave to the states other powers” (as cited in Storing, 1981, vol. 5, p. 290).

But, the Federalists saw a great hope for the future in the Constitution. They felt that unity was the greatest need, and the Constitution would provide that cohesion. Zacheriah Johnson admitted, “There can be no human institution without defects. We must go out of this world to find it otherwise. The annals of mankind do not show us one example of a perfect constitution” (as cited in Elliot, 1836/1974, vol. 3, p. 648).

Yet, Madison wrote, “Where no Constitution, paramount to the government, either existed or could be obtained, no constitutional security, similar to that established in the United States, was to be attempted” (Federalist 53, p. 365).

The Framers created the Constitution not only for themselves, but for future generations of Americans. They saw the Constitution as necessary and providential. Washington wrote, “My *decided* Opinion of Matter is, that there is *no* alternative between *adoption* of it and *anarchy*” (as cited in Sheehan & McDowell, 1998, p. 135). Caesar credited God with preserving the convention in spite of the factional interests. He wrote, “For my own part, I sincerely esteem it a system, which, without the finger of *God*, never could have been suggested and agreed upon by such a diversity of interests” (Letter II, p. 324). Bowdoin concluded:

Shall we, then, let causeless jealousies arise, and distract our councils? shall we let partial views and local prejudices influence our decisions? or shall we, with a becoming wisdom, determine to adopt the federal Constitution proposed, and thereby confirm the liberty, the safety, and the welfare of our country? (as cited in Elliot, 1836/1974, vol. 2, p. 130)

The Nature of Society

The Statesmen were primarily concerned with building a stable government, and the dynamics of power. Nonetheless, they discussed the nature of society in pursuit of their goal, “to form a more perfect Union” (US Constitution, Preamble). Exhibit IV.5 outlines the Statesmen’s assumptions and the conclusions they drew about society.

The Statesmen agreed that society is man’s natural state. Fabius explained:

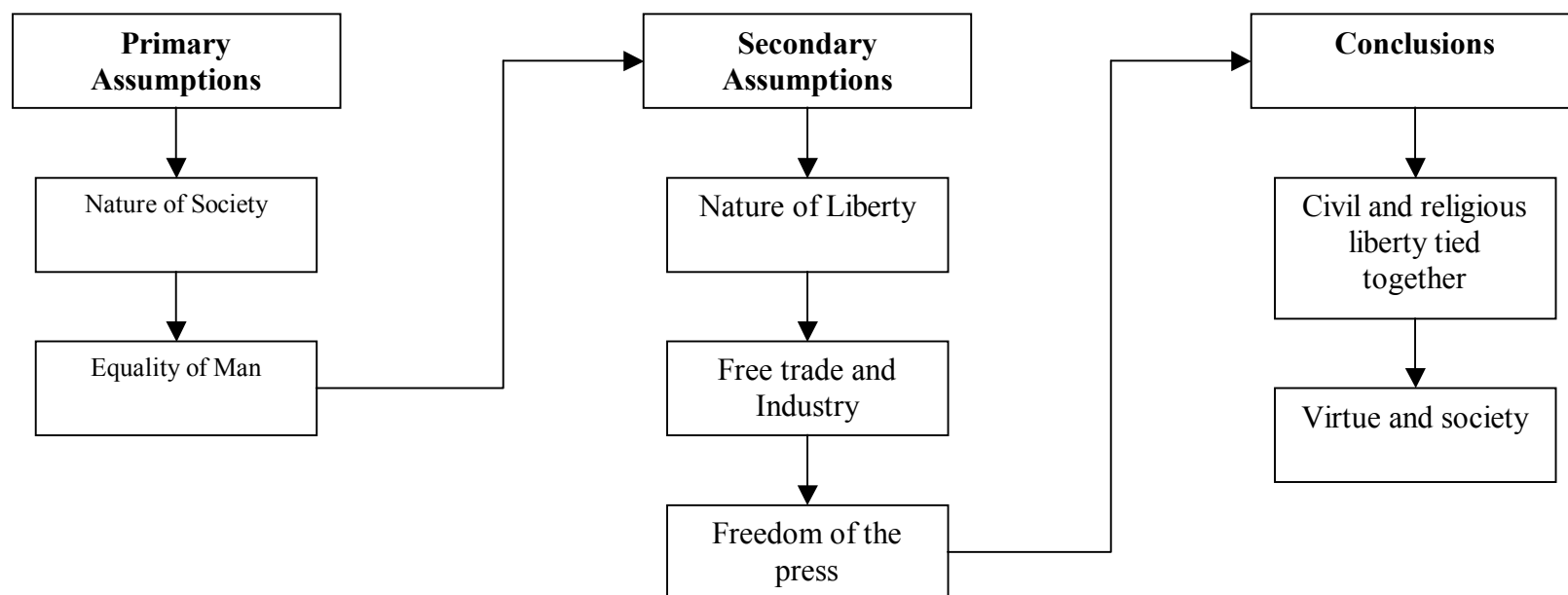
We may with reverence say, that our *Creator* designed men for society, because otherwise they cannot be happy. They cannot be happy without freedom; nor free without security; that is, without the absence of fear; nor thus secure, without society. (as cited in Sheehan & McDowell, 1998, Letter II, p. 67).

Wilson wrote, “Our wants, our talents, our affections, our passions, all tell us that we were made for a state of society. But a state of society could not be supported long or happily without some civil restraint” (as cited in Sheehan & McDowell, 1998, p. 79).

Equality

Consistent with earlier assumptions, the Statesmen reasoned that equality was also man’s natural state. This theory of the equality of man destroyed the doctrine of the divine right of kings. It also permitted the Continental Congress to make the bold statement that, “all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness” (Declaration of Independence)

Exhibit IV.5 Assumptions about society



Noah Webster ranked the equality of circumstances very highly among the protections of liberty. He wrote, “The liberty of the press, trial by jury, the Habeas Corpus writ, even Magna Charta itself, although justly deemed the palladia of freedom, are all inferior considerations, when compared with a general distribution of real property among every class” (as cited in Sheehan & McDowell, 1998, p. 401).

However, the Statesmen’s view of equality was not a vision of modern egalitarianism. Rather, all men were equal before the law, though talents and treasure made men inherently unequal. This inequality was the price of liberty. Hamilton claimed, “It was certainly true: that nothing like an equality of property existed: that an inequality would exist as long as liberty existed, and that it would unavoidably result from that very liberty itself” (Madison, 1840/1987, p. 356). Madison denounced those who sought to impose equality by government fiat when he wrote:

Theoretic politicians, who have patronized this species of government, have erroneously supposed that by reducing mankind to a perfect equality in their political rights, they would, at the same time, be perfectly equalized and assimilated in their possessions, their opinions, and their passions. (Federalist 10, p. 133)

Secondary Assumptions

Secondary assumptions focused on the Statesmen’s understanding of liberty. This included the nature of liberty, economic liberty as understood in property rights and free trade, and the freedom of the press.

Nature of Liberty

Liberty was the end that government was instituted to preserve. Henry spoke of, “Liberty the greatest of all earthly blessings--give us that precious jewel, and you may take everything else” (as cited in Frohnen, 1999, p. 677). Liberty, by definition, involves

restraint. Ames defined liberty as follows: “The liberty of one depends not so much on the removal of all restraint from him, as on the due restraint upon the liberty of others. Without such restraint, there can be no liberty” (as cited in Sheehan & McDowell, 1998, p. 198). Noah Webster added, “Many people seem to entertain an idea, that liberty consists in *a power to act without any control*. This is more liberty than even the savages enjoy” (p. 396).

Liberty is so precious it may demand the ultimate sacrifice. Henry said, “View the most affectionate father--the most tender mother--operated on by liberty, nobly stimulating their sons--their dearest sons--sometimes their only son, to advance to the defence of his country” (as cited in Frohnen, 1999, p. 723).

Liberty could be lost in a number of ways such as mutations in government, or when the government failed to provide justice. A [Maryland] Farmer feared that the external form may appear to protect liberty when in reality, no protection existed. He wrote, “Nothing, perhaps, has contributed more towards interrupting the repose of mankind than a curious attention to the names and shadows of things, whilst the real essence and substantial parts have been disregarded” (Essay II, p. 662). Liberty could also be lost by what Bastiat (1850/1968) would later term “legal plunder” (p. 13).

Free Trade and Industry

The Statesmen discussed economics in terms of industry and idleness. Wilson explained, “INDUSTRY appears next among the virtues of a good citizen. Idleness is the nurse of villains. The industrious alone constitute a nation’s strength” (as cited in Sheehan & McDowell, 1998, p. 507). Henry concurred, “The evils that attend us lie in extravagance and want of industry, and can only be removed by assiduity and economy”

(as cited in Elliot, 1836/1974, vol. 3, p. 157). As the individual produced and benefited, the overall standard of living of the community increased. Thus, when the individual legally sought his own good, he indirectly benefited others. Agrippa explained:

No man when he enters into society, does it from a view to promote the good of others, but he does it for his own good. All men having the same view are bound equally to promote the welfare of the whole. (as cited in Storing, 1981, vol.4, Letter VII, p. 82)

The Statesmen believed free trade under a government that encouraged trade and industry led to a higher standard of living.³¹ John De Witt explained, “Where freedom prevails, industry and science there also prevail” (as cited in Frohnen, 1999, Essay IV, p. 515). Agrippa summarized the relationship between free trade and liberty when he wrote:

I ascertained from the state of other countries and the experience of mankind, that free countries are most friendly to commerce and to the rights of property. This produces greater internal tranquillity. For every man, finding sufficient employment for his active powers in the way of trade, agriculture and manufactures, feels no disposition to quarrel with his neighbour, nor with the government which protects him, and of which he is a constituent part. (as cited in Storing, 1981, vol. 4, p. 72)

The Freedom of the Press

The press was a social defense mechanism by which demagogues could be thwarted. Morris wrote, “It may be the case that the people will not be deluded and misled in the latter case. But experience teaches another lesson. The press is indeed a great means of diminishing the evil” (as cited Madison, 1840/1987, p. 297). Cincinnatus appealed to the great philosophers and their opinion of the press to make his case:

But such men as Milton, Sidney, Locke, Montesquieu, and Trenchard, have thought it essential to the preservation of liberty against the artful and preserving encroachments of those with whom power is trusted. You will pardon me, sir, if I

³¹ Notwithstanding protective tariffs, the statesmen generally agreed that greater production within the several states was an economically sound policy.

pay some respect to these opinions, and wish that the freedom of the press may be *previously* secured as a *constitutional unalienable right*, and not be left to the precarious care of popular privileges which may or may not influence our new rulers. (as cited in Storing, 1981, vol. II, Essay II, p. 11)

The Statesmen viewed a free press as directly related to the liberties of the people.

The very debate they had over the Constitution was only possible in a free media. Neither Federalist nor Anti-Federalist felt restricting the press was wise.

Yet, the same freedom that could prevent tyranny could be used for abuse, libel or blasphemy. Nonetheless, the Statesmen considered this as a calculated risk. Noah Webster wrote:

Yes, gentlemen, you know, that under such a general licence, a man who should publish a treatise to *prove his maker a knave*, must be screened from legal punishment. I shudder at the thought! – But the truth must not be concealed. The constitutions of several states *guarantee that very licence*. (as cited in Sheehan & McDowell, 1998, p. 172)

Conclusions About Society

The Statesmen drew conclusions about a good or just society from their assumptions of the nature of society and their ideas about liberty. The two most salient conclusions were the connection between religious and civil liberties and the connection between virtue and the good society.

Civil and Religious Liberty are Tied Together

To the Statesmen, liberty could not be compartmentalized. Religious liberty was as important as civil liberty, economic liberty or the freedom of the press. As economic liberty had a tendency to make men industrious and thereby increase the nation's prosperity, religious liberty had a similar tendency to make men good. In fact, they counted on this as a primary social support of government. Huntingdon wrote, "While the

great body of freeholders are acquainted with the duties which they owe to their God, to themselves, and to men, they will remain free. But if ignorance and depravity should prevail, they will inevitably lead to slavery” (as cited in Elliot, 1836/1974, vol. 2, p. 200).

Church and state issues were close to the minds of the Statesmen. Most of the states had state supported churches. Religious qualifications pervaded the state constitutions (see Appendix F). The Statesmen reasoned that men who believed in God and an afterlife would be morally bound in this life by penalties in the next. However, the Constitution provided that no religious test be required.

Some of the Statesmen took issue with this clause. A running debate spread across the several states. In New Hampshire, A Friend of the Rights of the People complained:

But no religious test shall ever be required as a qualification to any office, or public trust under the United States, according to this we may have a Papist, a Mohomatan, a Deist, yea an Atheist at the helm of Government. . . . But will this be good policy to discard all religion? It may be said the meaning is not to discard it, but only to shew that there is no need of it in public officers; they may be as faithful without as with--this is a mistake--when a man has no regard to God and his laws nor any belief of a future state; he will have less regard to the laws of men, or to the most solemn oaths or affirmations; it is acknowledged by all that civil governments can't well be supported without the assistance of religion. (as cited in Storing, 1981, vol. 4, p. 242)

Others argued for the removal of a religious test. In Massachusetts, Parsons reasoned that the matter should be left to the people. He acknowledged that under this government, we may acquire, “unprincipled men, atheists and pagans” for leaders (as cited in Elliot, 1836/1974, p. 90). He continued, “No man can wish more ardently than I do that all our public offices may be filled by men who fear God and hate wickedness; but it must remain with the electors to give the government this security” (vol. 2, p. 90). In Connecticut, Wolcott left the matter to God. Wolcott reasoned that the Constitution recognized His authority by the way the oath was construed. He said that the

Constitution, “enjoins an oath upon all the officers of the United States. This is a direct appeal to that God who is the avenger of perjury. Such an appeal to him is a full acknowledgement of his being and providence” (vol. 2, p. 202).

In the North Carolina debates, Iredell explained that an oath, “is considered a ‘solemn appeal to the Supreme Being, for the truth of what is said, by a person who believes in the existence of Supreme Being and in a future state of rewards and punishments’” (vol. 4, p. 196). Iredell argued that a religious test would not meet the ends it was designed to achieve. He said, “Were we to judge from the examples of religious tests in other countries, we should be persuaded that they do not answer the purpose for which they are intended” (vol. 4, p. 193). Spencer supposed that bad men would ignore such tests, and good men would be excluded:

Religious tests, said he, have been the foundation of persecutions in all countries. Persons who are conscientious will not take the oath required by religious tests, and will therefore be excluded from offices, though equally capable of discharging them as any member of the society. It is feared, continued he, that persons of bad principles, deists, atheists, &c., may come into this country; and there is nothing to restrain them from being eligible to offices. He asked if it was reasonable to suppose that the people would choose men without regarding their characters. Mr. Spencer then continued thus: Gentlemen urge that the want of a test admits the most vicious characters to offices. I desire to know what test could bind them. If they were of such principles, it would not keep them from enjoying those offices. On the other hand, it would exclude from offices conscientious and truly religious people, though equally capable as others. Conscientious persons would not take such an oath, and would be therefore excluded. This would be a great cause of objection to a religious test. But in this case, as there is not a religious test required, it leaves religion on the solid foundation of its own inherent validity, without any connection with temporal authority; and no kind of oppression can take place; I confess it strikes me so. I am sorry to differ from the worthy gentleman. I cannot object to this part of the Constitution, I wish every other part was as good and proper. (vol. 4, p. 200)

Throughout these debates the common element was not hostility toward religion. Instead, the Statesmen sought security for both religion and government. All

acknowledged that the Christian religion was morally good. They believed that religion was a great support of civil society. Caldwell stated, “Even those who do not regard religion, acknowledge that the Christian religion is best calculated, of all religions, to make good members of society, on account of its morality” (as cited in Elliot, 1836/1974, vol. 4, p. 199).

To the Statesmen, religion, like the press, was a necessary non-governmental component of the government. A Foreign Spectator wrote, “A sermon every Sunday is a powerful antidote against selfish and malicious passions,--it would often dispose people for good government better than the wisest laws, and be promoting all the civil virtues” (as cited in Sheehan & McDowell, 1998, Letter VII, p. 419). Turner reminded his colleagues, “But I hope it will be considered, by persons of all orders, ranks, and ages, that, without the prevalence of Christian piety and morals, the best republican constitution can never save us from slavery and ruin” (as cited in Elliot, 1836/1974, vol. 2, pp. 171-172). If the people practiced the Christian religion, it would lighten the burden of governing and the laws would be few. Turner continued:

May religion, with sanctity of morals, prevail and increase, that the patriotic civilian and ruler may have sublime, parental satisfaction of eagerly embracing every opportunity of mitigating the rigors of government, in proportion to the that increase of morality which may render the people more capable of being a law to themselves! (vol. 2, p. 172)

The Statesmen concluded that the Christian religion powerfully supported government. Yet, because religion and government were so intertwined, good government would reciprocally permit religion and morality to thrive. Conversely, bad or tyrannical government would lead to religious persecution. A [Maryland] Farmer wrote:

Civil and religious liberty are inseparably interwoven--whilst government is pure and equal--religion will be uncontaminated:--The moment government becomes

disordered, bigotry and fanaticism take root and grow--they are soon converted to serve the purposes of usurpation, and finally, religious persecution reciprocally supports and is supported by the tyranny of the temporal powers. (as cited in Frohnen, 1999, Essay VII, p. 626)

Virtue and Society

What justice is to government, virtue is to society. The Statesmen believed that liberty was impossible without good manners and morals. A Foreign Spectator wrote, “the very competition of interests, and clashing of passions, teach the necessity of good manners, and moral government” (as cited in Sheehan & McDowell, 1998, Letter IV, p. 410). He continued, “Manners ought then to be a capital object, in all the operations of government, and patriotic exertions of individuals” (Letter VI, p. 413). Dawson explained, “Some degree of virtue, sir, must exist, or freedom cannot live” (as cited in Elliot, 1836/1974, vol. 3, p. 611). Wilson spoke of “FRUGALITY and TEMPERANCE.” He continued, “These simple but powerful virtues are the sole foundation, on which a good government can rest with security” (as cited in Sheehan & McDowell, 1998, p. 507).

The Statesmen likewise agreed that bad manners and lack of virtue would be a potent source of evils. Alfred asked, “May not *our manners* be the source of our national evils?” (as cited in Storing, 1981, vol. 3, p. 142). Linking earlier assumptions of the nature of man, power, and government, Turner concluded:

If vice is predominant, it is to be feared we shall have rulers whose grand object will be (slyly evading the spirit of the Constitution) to enrich and aggrandize themselves and their connections, to the injury and oppression of the *laborious* part of the community; while it follows from the *moral constitution* of the DIETY, that prevalent iniquity must be the *ruin* of any people. The world of mankind have always in general, been enslaved in miserable, and always will be until there is a great prevalence of Christian moral principles; nor have I an expectation of this, in any *great* degree, unless some superiour mode of education shall be adopted. (vol. 4, p. 221).

In a pamphlet entitled *Convention*, an unknown Federalist explained, “It is in vain to expect a national trait in our characters, or a similitude of habits, but as the effect of a national efficient government--Virtue or good habits are the results of good laws” (as cited in Sheehan & McDowell, 1998, p. 356). Ellsworth concluded:

How have the morals of the people been depraved for the want of an efficient government, which might establish justice and righteousness! For the want of this, iniquity has come in upon us like an overflowing flood. If we wish to prevent this alarming evil, if we wish to protect the good citizen in his right, we must lift up the standard of justice; we must establish a national government, to be enforced by the equal decisions of law, and the peaceable arm of the magistrate. (as cited in Elliot, 1836/1974, vol. 2, p. 197).

Analysis

In this study, the primary source documents were evaluated, and statements that contained assumptions on leadership were tagged, sorted, classified and analyzed. These concepts of leadership were arrayed across five dimensions--the nature of man, the nature of power, the nature of the people, the nature of government, and the nature of society.

There were 2152 quotations selected and sorted (see Exhibit IV.6). This figure includes quotations that were duplicated in two or more categories because they were relevant to both (e.g., power and government). However, quotations were not used more than once within each sub-category. Results were tabulated based on the number of quotations identified rather than those cited in this study. Many quotations were not used because they were repetitious. This is displayed visually in Exhibit IV.7 below:

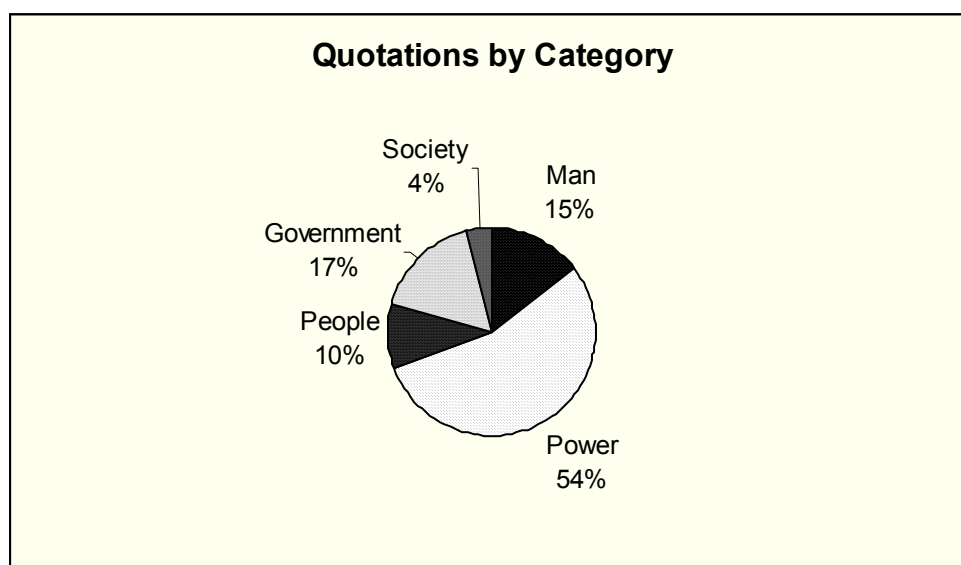
Exhibit IV.6 Quotations by Category

Category	Numbers	Percent
Man	314	15%
Power	1173	55%
People	217	10%
Government	364	17%
Society	84	4%
Total:	2152	

The Nature of Man

Of the 2152 quotations, 15% dealt with the nature of man, 55% dealt with the nature of power, 10% dealt with the nature of the people, and 17% dealt with the nature of government. Only 4% dealt with the nature of society. Exhibit IV.7 visually displays these percentages. Dynamics of power were clearly the most frequently discussed.

Exhibit IV.7 Visual Representation of Quotations by Category



Subcategories emerged into distinct clusters as the researcher classified each quotation. The numbers (see Exhibit IV.8) and percentages (see Exhibit IV.9) of the subcategories of the nature of man are identified below. Each has been classified by its source: the Constitutional Convention, the Ratification debates, the Anti-Federalist writings, the Federalist Papers, and the writings of other Federalists.

Additionally, the final two columns highlight the percentage of the quotations within each category and the percentage of the total number of quotations in the overall study. This has also been visually illustrated in Exhibit IV.10

The greatest number of quotations in the section on the nature of man was on the passions (18%). This was followed by the nature of man (12%) and self interest (10%).

Exhibit IV.8 The Nature of Man – Number of Quotations by Source and Subcategory

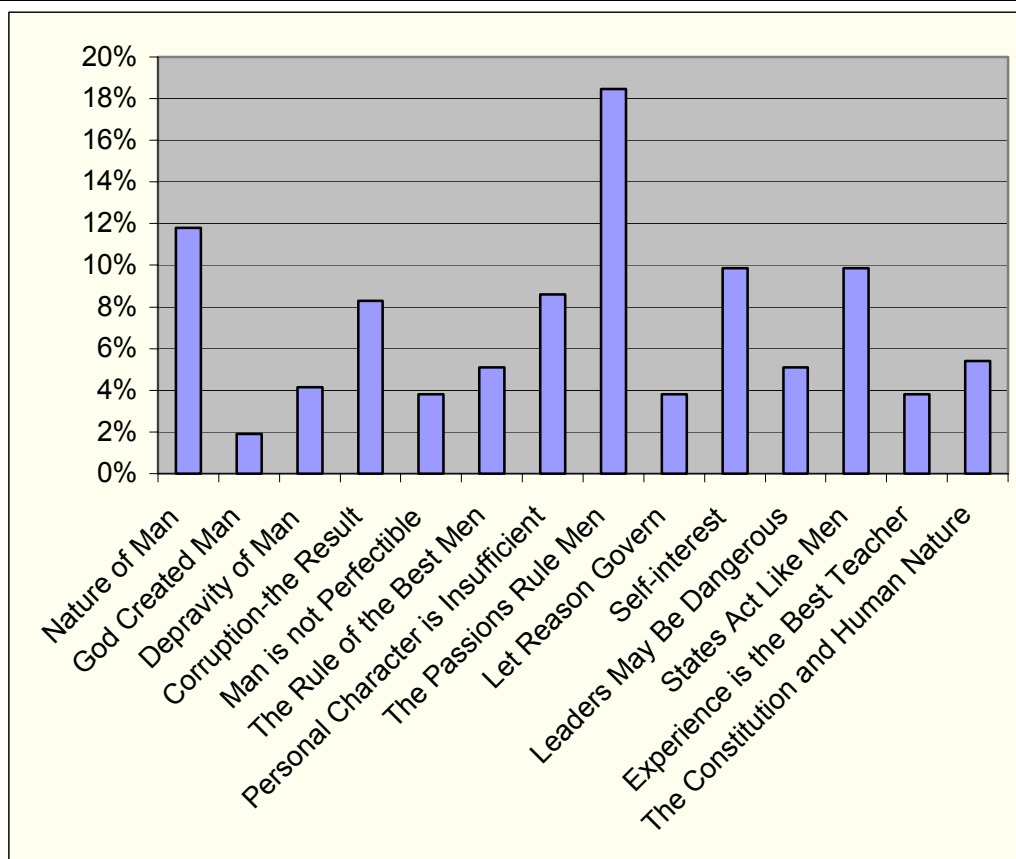
		Federal Convention	Ratification Debates	The Anti-Federalists	Federalist Papers	Other Federalists	Totals:
1	Nature of Man	3	8	18	3	5	37
2	God Created Man	1	0	1	1	3	6
3	Depravity of Man	2	5	4	1	1	13
4	Corruption-the Result	14	3	6	1	2	26
5	Man is not Perfectible	3	2	4	2	1	12
6	The Rule of the Best Men	1	2	7	3	3	16
7	Personal Character is Insufficient	3	9	10	3	2	27
8	The Passions Rule Men	8	11	17	15	7	58
9	Let Reason Govern	1	1	6	3	1	12
10	Self-interest	4	7	13	6	1	31
11	Leaders May Be Dangerous	3	2	8	2	1	16
12	States Act Like Men	5	7	10	7	2	31
13	Experience is the Best Teacher	1	0	4	5	2	12
14	The Constitution and Human Nature	1	0	7	5	4	17
	Total:	50	57	115	57	35	314

Exhibit IV.9 Nature of Man – Percentages of Quotations by Source and Subcategory

		Federal Convention	Ratification Debates	The Anti-Federalists	Federalist Papers	Other Federalists	Total Quotations On Man	Total Quotations Overall
1	Nature of Man	6%	14%	16%	5%	14%	12%	2%
2	God Created Man	2%	0%	1%	2%	9%	2%	0%
3	Depravity of Man	4%	9%	3%	2%	3%	4%	1%
4	Corruption-the Result	28%	5%	5%	2%	6%	8%	1%
5	Man is not Perfectible	6%	4%	3%	4%	3%	4%	1%
6	The Rule of the Best Men	2%	4%	6%	5%	9%	5%	1%
7	Personal Character is Insufficient	6%	16%	9%	5%	6%	9%	1%
8	The Passions Rule Men	16%	19%	15%	26%	20%	18%	3%
9	Let Reason Govern	2%	2%	5%	5%	3%	4%	1%
10	Self-interest	8%	12%	11%	11%	3%	10%	1%
11	Leaders May Be Dangerous	6%	4%	7%	4%	3%	5%	1%
12	States Act Like Men	10%	12%	9%	12%	6%	10%	1%
13	Experience is the Best Teacher	2%	0%	3%	9%	6%	4%	1%
14	The Constitution and Human Nature	2%	0%	6%	9%	11%	5%	1%
	Total:	100%	100%	100%	100%	100%	100%	15%

Exhibit IV.10 visually represents the Statesmen's assumptions about man. Because they began with largely Christian presuppositions, they reasoned that man was made in God's image, that he was depraved according to Christian theology and the result was the abuse of power and corruption. This condition was universal.

Exhibit IV.10 Visual Representation of the Statesmen's Assumptions about Man



The Nature of Power

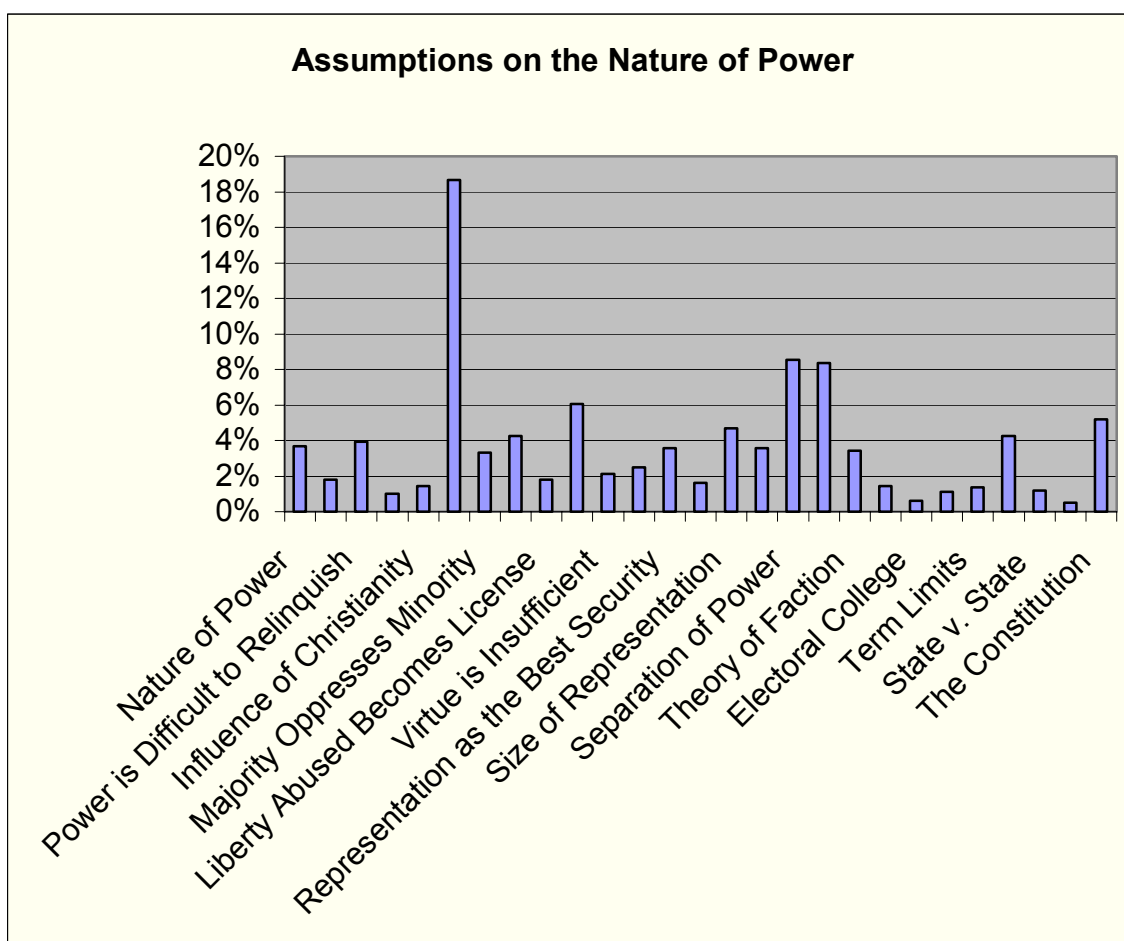
The nature of power received more attention than any other category (55%) The numbers (see Exhibit IV.11) and percentages (see Exhibit IV.12) of the subcategories of the nature of power are charted below. The greatest sub-category dealt with the abuse of power (19%). The second and third greatest categories dealt with the separation of power (9%) and responsibility (8%). Exhibit IV.13 visually illustrates the assumptions on power

Exhibit IV.11 The Nature of Power – Number of Quotations by Source and Subcategory

		Federal Convention	Ratification Debates	The Anti-Federalists	Federalist Papers	Other Federalists	Total:
1	Nature of Power	1	2	18	17	5	43
2	Men Love Power	2	6	13	0	0	21
3	Power is Difficult to Relinquish	1	9	32	2	2	46
4	Nations War When They Can	0	2	0	9	1	12
5	Influence of Christianity	1	7	9	0	0	17
6	The Abuse of Power	25	55	86	39	14	219
7	Majority Oppresses Minority	15	8	11	4	1	39
8	Officials Aggrandize Themselves	14	12	20	3	1	50
9	Liberty Abused Becomes License	0	8	6	1	6	21
10	Great Men are Interested Men	0	8	37	13	13	71
12	Virtue is Insufficient	0	8	16	1	0	25
13	Jealousy as a Virtue	1	11	9	6	2	29
14	Representation as the Best Security	2	12	9	10	9	42
15	Power Must be Tempered by Duration	0	9	6	4	0	19
16	Size of Representation	9	18	16	9	3	55
17	People and Leader - Same Interest	4	16	8	5	9	42
18	Separation of Power	14	20	12	40	14	100
19	Responsibility	7	40	27	16	8	98
20	Theory of Faction	2	11	3	19	5	40
21	Well Structured Government	1	3	9	3	1	17
22	Electoral College	1	2	3	0	1	7
23	Impeachment	4	1	2	4	2	13
24	Term Limits	7	0	1	6	2	16
25	State v. Federal Government	2	11	4	26	7	50
26	State v. State	2	2	0	10	0	14
27	Bill of Rights	0	0	6	0	0	6
28	The Constitution	3	10	20	18	10	61
	Total	118	291	383	265	116	1173

The Statesmen added to their view of man the belief that men love power, that greater power leads to greater potential abuse, and that human nature (universal in nature) could be enlisted as a powerful and dependable ally to fight tyrants. This could be done by separating powers and connecting leaders to the people through responsibility.

Exhibit IV.13 Visual Representation of the Statesmen's Assumptions about Power



The Nature of the People

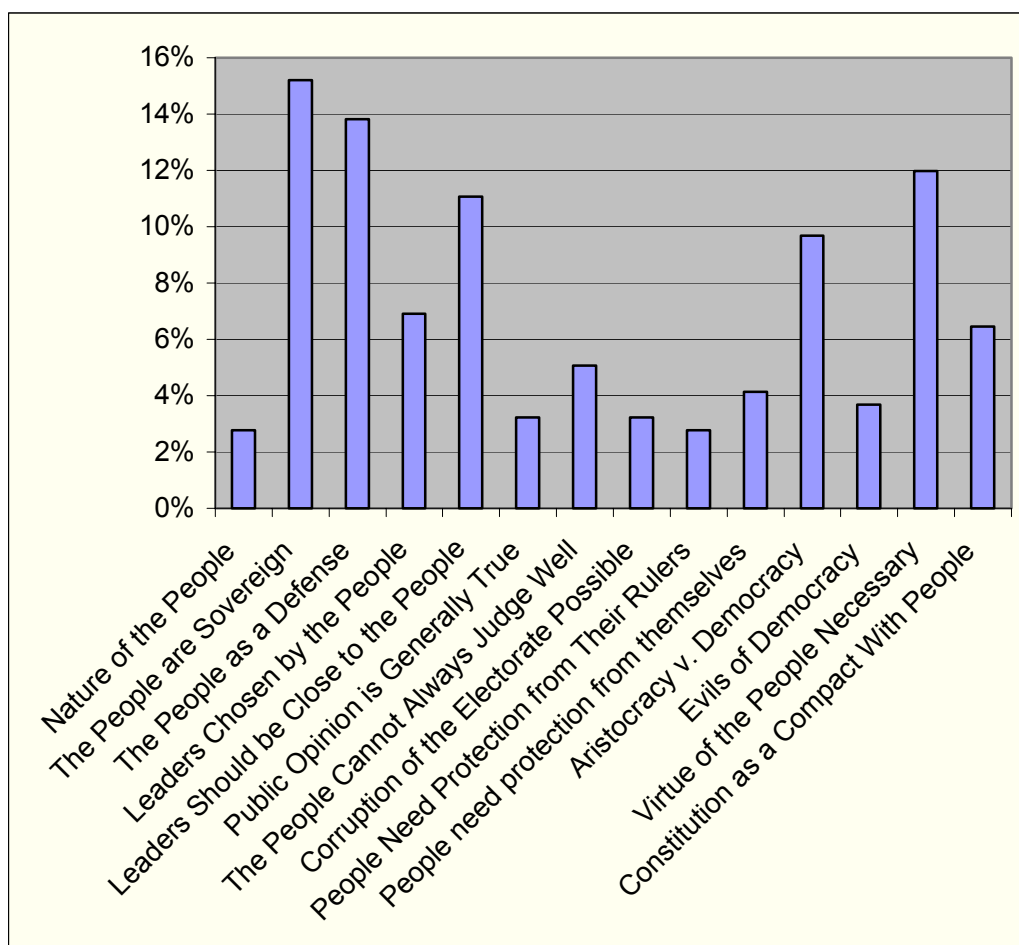
The nature of the people received 10% of the total quotations isolated in this study. The numbers (see Exhibit IV.14) and percentages (see Exhibit IV.15) of the subcategories of the nature of man are charted below.

Exhibit IV.14 The Nature of the People – Number of Quotations by Source and Subcategory

		Federal Convention	Ratification Debates	The Anti-Federalists	Federalist Papers	Other Federalists	Total:
1	Nature of the People	1	0	2	0	3	6
2	The People are Sovereign	2	8	12	1	10	33
3	The People as a Defense	2	8	10	5	5	30
4	Leaders Chosen by the People	2	3	8	1	1	15
5	Leaders Should be Close to the People	5	4	13	0	2	24
6	Public Opinion is Generally True	3	0	3	0	1	7
7	The People Cannot Always Judge Well	6	0	3	1	1	11
8	Corruption of the Electorate Possible	3	3	1	0	0	7
9	People Need Protection from Their Rulers	4	0	1	1	0	6
10	People need protection from themselves	2	3	1	2	1	9
11	Aristocracy v. Democracy	8	3	3	7	0	21
12	Evils of Democracy	4	2	0	2	0	8
13	Virtue of the People Necessary	6	5	9	1	5	26
14	Constitution as a Compact With People	2	3	6	2	1	14
	Total:	50	42	72	23	30	217

The people were meta-leaders. They were the king-makers. The greatest subcategory dealt with the nature of the people (15%). The second dealt with the people as the great defense against tyranny (14%) and the third with responsibility--that leaders should be close to the people (11%). Exhibit IV.16 visually illustrates their assumptions.

Exhibit IV.16 Visual Representation of the Statesmen's Assumptions about the People



The Nature of the Government

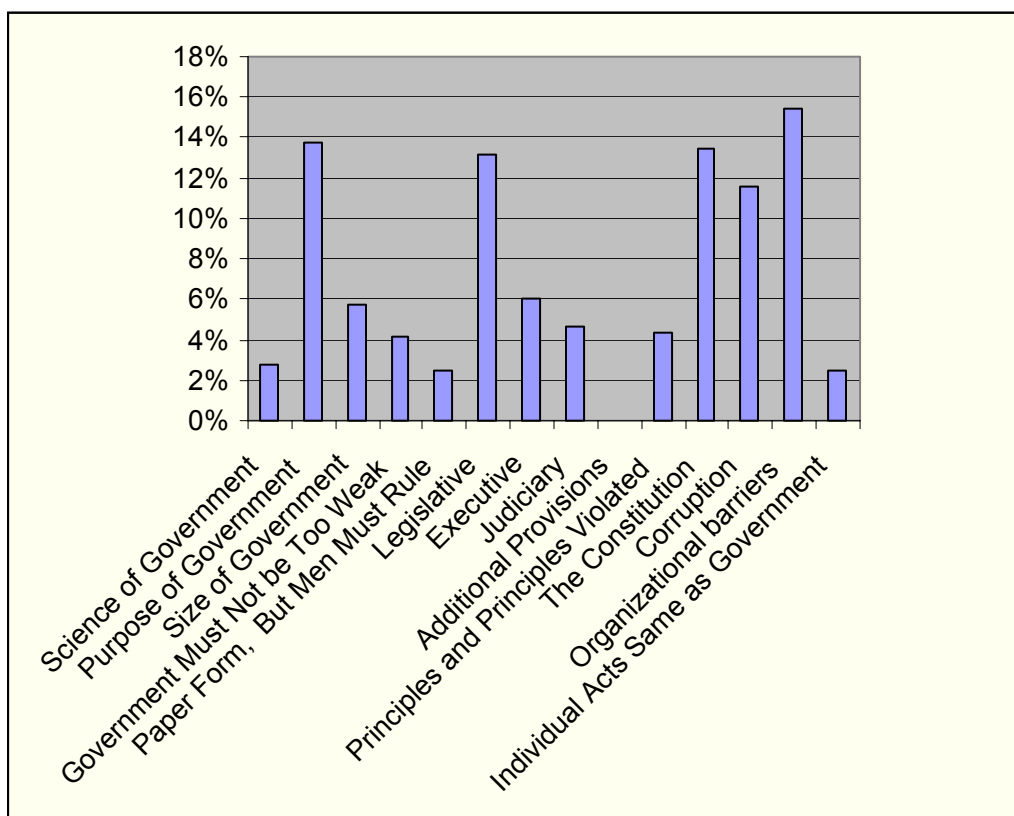
The subsection on the nature of the government contained 17% of the total quotations isolated in this study. The numbers (see Exhibit V.17) and percentages (see Exhibit V.18) of the subcategories of the nature of man are charted below.

Exhibit IV.17. Nature of Government – Number of Quotations by Source and Subcategory

		Federal Convention	Ratification Debates	The Anti-Federalists	Federalist Papers	Other Federalists	Total:
1	Science of Government	0	2	5	2	1	10
2	Purpose of Government	1	3	31	8	7	50
3	Size of Government	2	1	8	8	2	21
4	Government Must Not be Too Weak	1	2	0	10	2	15
5	Paper Form, But Men Must Rule	2	1	1	4	1	9
6	Legislative	23	2	9	11	3	48
7	Executive	9	0	6	6	1	22
8	Judiciary	1	0	9	5	2	17
9**	<i>Additional Provisions</i>	**	**	**	**	**	0
10	Principles and Principles Violated	0	1	12	2	1	16
11	The Constitution	3	5	20	14	7	49
*	<i>Corruption</i>	14	4	18	5	1	42
*	<i>Organizational barriers</i>	9	0	23	22	2	56
*	Individual Acts Same as Government	2	1	6	0	0	9
	Total:	67	22	148	97	30	364
*	These categories were not used in the section on government as they were largely duplicative						
**	This section was added after the categories were formed. In the text, this category dealt specifically with the Constitution (IV-VII)						

According to the Statesmen, the civil leader was simply to establish justice and prevent tyranny. Consistent with previous assumptions, the greatest sub-category dealt with organizational barriers (15%), the second with the purpose of government (14%), and the third with the Constitution (13%). Exhibit V.19 visually illustrates this.

Exhibit IV.19 Visual Representations of the Statesmen's Assumptions about Government



The Nature of the Society

The subsection on the nature of society contained only 4% of the total quotations isolated in this study. The numbers (see Exhibit IV.20) and percentages (see Exhibit IV.21) of the subcategories of the nature of man are charted below. Liberty was the great

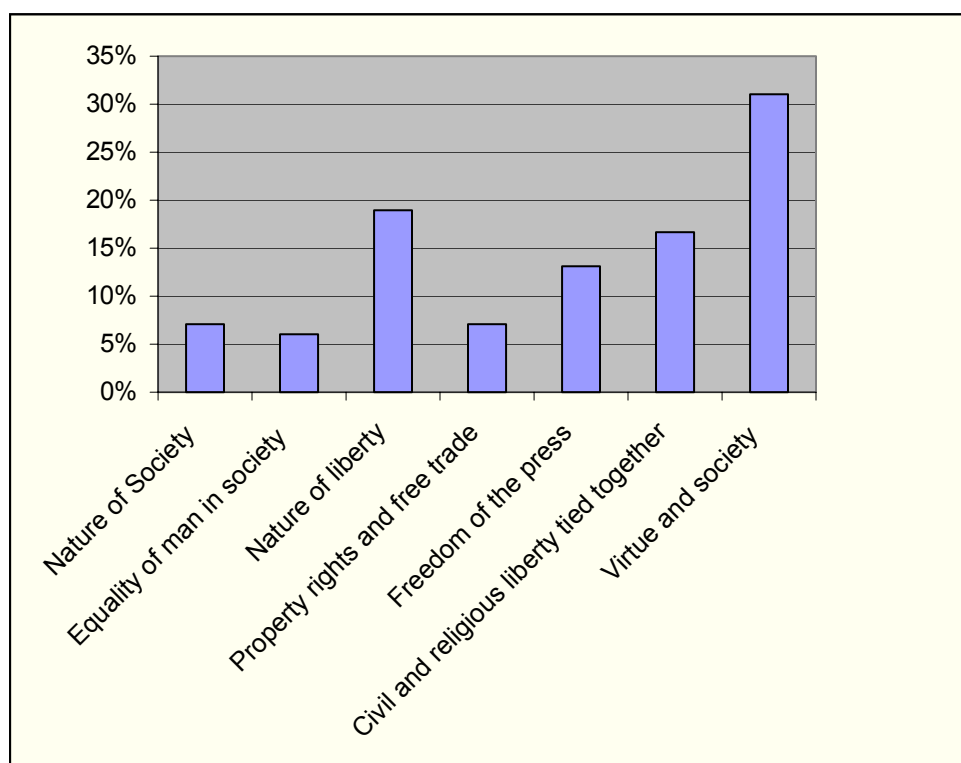
end of society. When leaders established justice, the people enjoyed a great measure of liberty.

Exhibit IV.20 Nature of Society – Number of Quotations by Source and Subcategory

		Federal Convention	Ratification Debates	The Anti-Federalists	Federalist Papers	Other Federalists	Total:
1	Nature of Society	1	1	1	0	3	6
2	Equality of Man	1	2	0	1	1	5
3	Nature of Liberty	2	0	7	2	5	16
4	Free Trade and Industry	1	0	3	0	2	6
5	Freedom of the Press	0	0	3	3	5	11
6	Civil and Religious Liberty Tied Together	0	4	8	0	2	14
7	Virtue and Society	0	5	13	1	7	26
	Total:	5	12	35	7	25	84

However, liberty was conditional upon virtue--the virtue of the leader and the virtue of the people. The greatest sub-category dealt with virtue and society (31%). The second dealt with the nature of liberty (19%). The third dealt with the notion that civil and religious liberties are tied together (17%). Exhibit IV.22 visually illustrates the Statesmen's assumptions about the society.

Exhibit IV.22 Visual Representations of the Statesmen's Assumptions about Society



By examining the data, the researcher can determine emphases, points of agreement or conflict between the Federalists and Anti-Federalist, and other nuances. This analysis supports the qualitative findings in chapter IV which are now summarized below.

Conclusions

The Statesmen operated under assumptions that covered the nature of man, power, the people, government, and society. The nature of man was the building block upon which the others (e.g., government and society) function through the dynamic of power. These assumptions were consistent and intertwined. Their conceptions of leadership can only be understood in light of these assumptions. The next chapter will outline a Statesmen's school of leadership and contrast their thoughts to that of contemporary leadership literature.

CHAPTER V

The Statesmen's View of Leadership

The findings led the researcher to the conclusion that the Statesmen held a specific, distinct, and fundamentally different view of leadership than that espoused in the contemporary leadership literature. This chapter examines the Statesmen's view of leadership and compares their view to contemporary leadership literature.

The Statesmen's View of Leadership

The Statesmen held a coherent and surprisingly consistent outlook on leadership. Exhibit V.1 outlines the Statesmen's assumptions on the nature of leadership according to the five dimensions of the conceptual framework.

Exhibit V.1 Assumptions on the Nature of Leadership

Nature of Man	Man is depraved
	Man's condition is universal
Nature of Power	Men love power
	The greater the power, the greater potential corruption
	Therefore, enlist human nature as an ally in defense of liberty
Nature of the People	The people are the final defense of liberty
Nature of Government	The civil leader is to establish justice and prevent tyranny
Nature of Society	When civil leaders have succeeded, society enjoys a large measure of liberty

A summary of the Statesmen's view of leadership follows:

Nature of Man

- Leaders are everywhere. They are no different than other people.
- They do not emerge by accident. They have won the esteem of the people.

- They are capable of great things, but they are depraved like all men.
- We are *all* capable of great depravity--including our leaders.
- Remember that corruption comes from within.
- The nature of man--especially his worst elements of depravity, selfishness, and ambition--can be a powerful defense.
- Man's nature has not and will not change.

Nature of Power

- All men love power.
- The greater the power, the greater the potential for good or evil.
- Power is intoxicating. The man who tastes it wants more.
- Leaders love their power and they will strive to hold on to it.
- They may have their power in exchange for serving the people well.
- Like fire, leaders with power make great servants, but terrible masters.
- The only difference between the leader and the tyrant is how he wields power.
- Power grows to the degree that it is centralized.
- You cannot make the leader too strong or he will become tyrannical.
- Make the leader too weak and other tyrannical leaders will overpower him.
- He should have enough power to perform his job, but not an ounce more.
- Expect abuse from every quarter--individuals, legislative bodies, and nations.
- Since all men are depraved and all men seek power, human nature can be enlisted as an ally to defend against tyranny.

Nature of Government

- The civil leader is to maintain justice and prevent tyranny.
- Structure the organization to minimize the concentration of power.
- Create a system in which the degree to which leaders honorably serve the people is directly correlated to the degree to which they may ascend in political power.
- Separate power, and make the parts independent of each other.
- Vest a leader with power, then task another leader to watch and stand guard.
- Each leader or body of leaders will guard the others as a dog guards a bone.
- Human nature is as dependable as a mathematical equation in this regard.
- Guard the people with capable leaders. Then, guard the people from those leaders. with other leaders. Then, guard those leaders with additional leaders.
- Layer these protections so that no leader can abuse his power without violating the trust of many other leaders. Then, you are secure.
- Every man is a potential tyrant. But, every other man made responsible to watch that man is a potential guardian.
- Design the organization--the election process, the time, term, size, powers--to chain the leader to his task.
- Tie him to his duties by noble sentiment, appeal to his base ambition, remind him of his responsibility to the people, and assure him of impeachment or removal in the next election if he violates his trust.

Nature of the People

- If a leader still breaks these bonds, remember the people are the last great defense.
- Divided they are easily conquerable, but united they can defeat any tyrant.
- The leader is given performance reviews every few years. They either pass or fail.
- The people judge the leader by his past behavior and weigh his performance against competitors who promise to do better.
- The morality of the people will determine the morality of leaders.
- While the people are moral, they will be vigilant and you are safe.
- If the people become immoral, they will fail to watch or they will fail to remove immoral leaders who would subvert the system.

Nature of Society

- The goal of the leader should be to establish justice and prevent tyranny.
- Religious, economic, and political liberties are inseparably connected.
- Religious virtue supports the government, which in turn, supports society.
- Society can only remain free if it remains virtuous.
- At the end of the day, the leader can be judged by how well he preserves and defends liberty.

Leadership Literature Comparison

None of the contemporary leadership models match the Statesmen's view of leadership. Following Bass's (1990) outline in chapter II, a comparison can be made

between the Statesmen's view of leadership thought and contemporary leadership theories. Few contemporary theories contain ideas similar to those held by the Statesmen. Current theories derived from business stand in sharp contrast. This is most evident in the personal and situational theories of leadership, as illustrated in visually in Exhibit V.2.

There are very few points of congruence between the Statesmen's perspective and the leadership literature. The discrepancies are greatest on the nature of man and the nature of power. The discrepancies across all dimensions are greatest between the Statesmen's views and personal and situational theories. The Statesmen's views present a competing perspective to contemporary leadership models. It is difficult to compare the Statesmen's views of government and society against contemporary leadership literature since the latter rarely deals with these dimensions.

Two important caveats should be noted. First, a comparison between the Statesmen's view and the leadership literature is complicated by the purpose of the leader. Like the law, the civil leader has a primarily negative function. A civil leader's role, according to the Statesmen, was to ensure justice and prevent tyranny. In contrast, most business models of leadership focus on a more active role of leadership.

Second, it is important to recognize that the Statesmen crafted the Constitution 214 years ago. Modern social sciences had yet to be developed. Darwin, Marx, Freud and Dewey would not emerge for several generations. Their heirs formed the disciplines of anthropology, sociology, psychology, and management from which leadership studies was derived.

The primary conclusion drawn in the present analysis is that contemporary leadership literature and the American Statesmen of the Constitutional era operate from

fundamentally different assumptions. Secondary conclusions are that the leadership literature (in general) is ill-equipped for a task such as Constitution building; and, if a Constitution was structured under the basic assumptions of that literature, the system would not function or last.

Exhibit V.2 The Statesmen v. The Leadership Literature

Man	Discrepent	Discrepent	Discrepent	Discrepent	Discrepent
Power	Discrepent	Discrepent	Discrepent	Discrepent	Discrepent
People	Discrepent	Congruent	Congruent	Congruent	Discrepent
Government	Discrepent	Non-Applicable	Non-Applicable	Non-Applicable	Non-Applicable
Society	Discrepent	Non-Applicable	Non-Applicable	Non-Applicable	Non-Applicable
	Personal Situational	Interaction Social learning	Interactive Process	Perceptual Cognitive	Hybrid Explanations

Personal and Situational Theories

Personal and situational theories include great-man theories, trait theories, personal-situational theories, psychoanalytic theories, political theories, and humanistic theories. The Statesmen would have denied the great-man theory. Though Washington was a great man, the Statesmen reasoned that he was an anomaly. Like the divine right of kings, the assumptions that support the great-man theory would have been dashed on the alter of the natural equality of man.

Trait theories that presume that leaders emerge because of some special inborn traits would have fared no better on the same grounds. The Statesmen would have rejected these theories because leadership was determined by service to the community, and the door was open to all. In their minds, there was no such thing as a born leader.

Situational theories are the opposite of trait theories. They presuppose that a leader is made by his environment. However, the Statesmen did not believe that leaders were products of the right time and circumstance. Even tyrants were not products of circumstances, though they may seize an opportunity due to the timing of circumstances. Even so, the Statesmen would have reasoned that the timing was not the factor, but the leader's depravity and his lust for power.

Likewise, psychoanalytic theories, largely deterministic in nature, would not have fit. Political theories are closer than many other theories in the sense that they use a deductive, systematic interpretation of reality. In the same way that a Marxist-Leninist views class warfare in the historical dialectic, the Statesmen held a complete worldview of leadership that allowed them to construct a coherent system. This worldview was more theological than philosophical, but the dynamics are similar.

Humanistic theories especially stand in sharp contrast to the Statesmen's theological assumptions. Even the points of agreement built upon these different foundations would be considered only partially correct. For example, Bass (1990) explained humanist theories. He wrote, "The human being is by nature a motivated organism" (p. 43). While the Statesmen would agree that men universally aspire to gain more power, they would temper this view with their assumptions about depravity.

Perhaps the conflict is best demonstrated by McGregor's (1960, 1966) framework of theory X and theory Y. McGregor explained the basic assumptions of theory X:

1. *The average human being has an inherent dislike of work and will avoid it if he can*" (p. 33).
2. *Because of this human characteristic of dislike of work, most people must be coerced, controlled, directed, threatened with punishment to get them to put forth adequate effort toward the achievement of organizational objectives."*
3. *The average human being prefers to be directed, wishes to avoid all responsibility, has relatively little ambition, wants security above all.* (p. 34)

In contrast, he writes of theory Y:

1. *The expenditure of physical and mental effort in work is as natural as play or rest. The average human being does not inherently dislike work. Depending upon controllable conditions, work may be a source of satisfaction (and will be voluntarily performed) or a source of punishment (and will be avoided if possible).*
2. *External control and the threat of punishment are not the only means for bringing about effort toward organizational objectives. Man will exercise self-direction and self-control in the service of objectives to which he is committed.*
3. *Commitment to objectives is a function of the rewards associated with their achievement. The most significant of such rewards, e.g., (the satisfaction of ego and self-actualization needs, can be direct products of effort directed toward organizational objectives.*
4. *The average human being learns, under proper conditions, not only to accept but to seek responsibility. Avoidance of responsibility, lack of ambition, and emphasis on security are generally consequences of experience, not inherent human characteristics.*
5. *The capacity to exercise a relatively high degree of imagination, ingenuity, and creativity in the solution of organizational problems is widely, not narrowly, distributed in the population.*
6. *Under the conditions of modern industrial life, the intellectual potentialities of the average human being are only partially utilized.* (pp. 47-48)

Theory X assumes a low view of human nature. Theory Y assumes a high view of the nature of man. Yet, neither adequately explains the Statesmen's view which is a mixture of both. The choice between theory X and theory Y is the logical fallacy of false alternatives. There may be more than two options. The Statesmen adopted a third way. They simultaneously embraced man's depravity and the potential need for punishments (theory X) and his aspiration for power (theory Y). Armed with these assumptions they created a system of government able to bear the full weight of man.

Argyris felt that the organization and the individual were inherently in conflict.

Pugh and Hickson (1993) explain Argyris' plight:

Thus the typical organization members may be told: take initiatives but do not violate rules; think beyond the present but be rewarded and penalized on present performance only; think of the organization as a whole but do not cross into others' areas of responsibility; cooperate with others but compete with others when required. (p. 215)

The Framers sought to so align the nature of man to the organization of government that there would be no conflict between the system and the people. Instead, the natural conflict would be the system. The clash between depraved people who sought power would provide stability to the system.

Only one theory in this category fits the assumption of the Statesmen well. Likert (1961) suggested that leaders should be considerate and supportive of their followers.

Though Likert was dealing with industry not government, the ideas are easily translatable. Likert wrote:

In the highly effective group,....The leader and members, as part of their roles in the group, establish and maintain an atmosphere and relationships which enable the communication, influence, decision-making, and similar processes of the group to be performed effectively. This means not only creating positive conditions, such as a supportive atmosphere, but also eliminating any negative or blocking factors. (p. 172)

Likert listed the characteristics of successful leaders who obtain superior results from their followers:

The superiors who have the most favorable and cooperative attitudes in their work groups display the following characteristics:

- The attitude and behavior of the superior toward the subordinate as person, *as perceived by the subordinate*, is as follows:
 - He is supportive, friendly, and helpful rather than hostile. He is kind but firm, never threatening, genuinely interested in the well-being of subordinates and endeavors to treat people in a sensitive, considerate way. He is just, if not generous. He endeavors to serve the best interests of his employees as well as of the company.
 - He shows confidence in the integrity, ability, and motivations of subordinates rather than suspicion and distrust.
 - His confidence in subordinates leads him to have high expectations as to their level of performance. With confidence that he will not be disappointed, he expects much, not little. (This, again, is fundamentally a supportive rather than a critical or hostile relationship.)
 - He sees that each subordinate is well trained for his particular job. He endeavors also to help subordinates be promoted by training them for jobs at the next level. This involves giving them relevant experience and coaching whenever the opportunity offers. (p. 101)

The Statesmen ensured this same type of leader in the civil sphere through responsibility. The above list may be considered the moral equivalent of shaking hands, kissing babies, and constituent services. After all, an election is a popularity contest of both the leader and his ideas. The leader's self-interest should drive him to remain close to the people. The Statesmen felt that a leader who did not have the same interest as the people was a menace.

Finally, Blake and Mouton (1964) created a managerial grid in which they charted five different levels of the leader's concern for production in contrast to their concern for people. Different types of managers graded along different levels:

1. The Impoverished Manager has low people skills and low production capability.
2. The Country Club Manager has high on people skills, but low production capability.
3. The Authority-Obedience manager has high production skills, but low people skills.
4. The Organizational Man Manager has just enough of each to maintain the status quo.
5. The Team Manager has high people skills and high production skills.

The implicit conclusion was that Team Manager is the best type. However, the Statesmen were not very concerned with such a dynamic. Different leaders would be needed for different orientations. They were focused on a responsibility orientation. A production-oriented leader was as good or bad as a people-oriented leader. The key was to let the people decide.

Interaction and Social Learning Theories

Though interaction and social learning theories are rather different since they emphasize the relationship between the leaders and his followers, they contain a number of concepts that the Statesmen would have generally agreed with. According to Bass (1990), these theories include the leader-role theory, theories of attainment of the leadership role, reinforced change theory, path-goal theory, and contingency theory.

The leader-role theory suggests that leaders “behave according to what is expected of them, and how they perceive their roles are defined” (Bass, 1990, p. 44). The Framers of the Constitution were working on this assumption when they created the

Constitution. According to theories of role attainment, expectations define the role of the leader. The Statesmen simply called this phenomenon responsibility to the people.

Bass (1960) defined leadership as the effort by one to change the actions of the rest of the group. He claimed that leaders gain and retain their power when the group believes that the leader is capable of delivering what he has promised. This is the essence of reinforced-change theory. It is similar to path-goal theory. House's (1971) path-goal theory claims that leaders come to power by demonstrating to followers the benefits they will receive from his leadership. He may use four different leadership styles to help followers reach their goals. He may be directive, supportive, participative, or achievement oriented. While the Statesmen were not concerned with the leadership styles, the balance of the path-goal theory is complementary to the Statesmen's view. It roughly parallels the Statesmen's expectations for the election process.

Fielder's (1967) contingency theory, however, was different in nature. Contingency theory, like Blake and Mouton's (1964) managerial grid, divided leaders into task-oriented and relationship-oriented leaders. He further claimed that certain leadership styles are better for specific situation than others. While this may be true, this was secondary in the Statesmen's thought process. The people would determine the leader requisite for the task.

Theories and Models of Interactive Process

Interactive process theories likewise may be complementary since they do not directly deal with the assumptions of the Statesmen. Yet, there are a number of similarities between the Statesmen's assumptions and these theories. Yukl's (1971) multiple-linkage model suggested that the leader's concern for his subordinates leads to

greater follower satisfaction. Likewise, the Fielder and Leister (1977) suggested in the multiple-screen model that followers become more effective if they have good relations with their leaders. The Statesmen discussed this process in terms of being close to the people.

The Statesmen, as a group, were quite concerned with the large-scale dissatisfaction the people would have with a tyrannical or corrupt government. They also realized that each leader would be concerned with his own constituency. They intentionally geared the Constitution to apply this pressure. Graen's (1976) vertical dyad-linkage model focuses on the relationship between the leader and individuals. The theory suggests that in-group members perform better than members of an out-group. The Statesmen would define follower performance as reelection. They believed that this tie between leader and followers offered the people a great security (as cited in Bass, 1990).

Exchange theories suggest a quid pro quo between the leader and the follower. This is also known as transactional leadership. Jacobs (1970) believed that the followers supply the leader with position, honor, and prominence in return for his effort as a leader. The Framers counted on this as they crafted the Constitution. They believed that leaders would do harm unless the system provided them greater benefits by doing right by the people. In the Convention, Morris, "did not hesitate therefore to say that loaves & fishes must bribe the Demagogues. They must be made to expect higher offices" (as cited in Madison, 1840/1987, p. 203).

Behavioral theories deal with simple reward and punishment--the carrot and the stick. Although the Statesmen used reward and punishment (e.g., upward political mobility as a reward for good leadership, impeachment for bad behavior), they would

have considered such theories incomplete. Behavioral theories would not have considered the depravity of man, but would have begun with man as an animal in a stimulus-response environment.

Perceptual and Cognitive Theories

Attribution or implicit theories of leadership suggest that followers have particular expectations of leaders and this shapes the leader's behavior. Bass (1990) explained, "Implicit theories of leadership need to take into account the causal expectations that leaders have about themselves and their followers, as well as the complementary theories held by the followers" (p. 377). The Statesmen relied on the wisdom of the people to filter the leader's actions. This was a primary reason for their great concern with the morality of the people.

According to information processing theories, a leader bears a greater burden of solving problems or interpreting the problem. The Statesmen simply called this process representation. It was the difference between a democracy and a republic.

The Statesmen also reasoned in ways similar to open-systems analysis. Open-systems analysis sees the leader or body as part of a larger ecosystem. When the Statesmen argued about the effects of foreign intrigue, they were engaging in open-systems analysis.

Vroom and Yetton's (1974) rational deductive approach dealt with the level of directive or participative behavior in which the leader should engage. Like contingency theory, the Statesmen reasoned that this type of question would be decided by the people.

Hybrid Explanations

There are a number of leadership theories that are a combination of two or more theories. Transformational leadership is one of the more well-known hybrid theories. It discusses a leadership style that goes beyond a simple quid pro quo between leader and follower (transactional leadership). Bass (1990) explained, “The transformational leader asks the followers to transcend their own self interests for the good of the group, organization or society” (p. 53). While Bass and Avolio (1988) considered transformational leadership to be the quintessential type of leadership, the Statesmen would not have thought in such terms. They solidly embraced a transactional system with rewards and penalties tied to performance. Charismatic leaders were more to be feared than welcomed.

Conclusions

In this chapter, the Statesmen’s school of leadership was summarized, and a comparison was made between the Statesmen and contemporary leadership theories. The quantitative tabulation demonstrates where emphasis lay as the Statesmen debated the merits of the Constitution. This was bolstered by a qualitative review of the Statesmen’s ideas in a summary of their views of leadership.

By following the assumptions through each level of analysis from man to society, a pattern emerged. This summary was labeled the Statesmen’s view of leadership. This school of thought was then compared to Bass’s (1990) framework of basic leadership theories to determine similarity and contrasts. The researcher found the Statesmen’s view stands in sharp contrast to a number of personal and situational theories of leadership.

The Statesmen held clear and consistent views on leadership. They began with the premise that man was made in God's image. From this assumption flowed concepts such as liberty for society and the equality of man. In regard to leadership, their understanding of the depravity of man, the universality of man's nature, and man's love of power directed their thinking to design a system where fundamental liberties would be preserved by dealing with the nature of man realistically.

Biblically, the civil leader's job description is found in the book of Romans:

For rulers hold no terror for those who do right, but for those who do wrong. Do you want to be free from fear of the one in authority? Then do what is right and he will commend you. For he is God's servant to do you good. But if you do wrong, be afraid, for he does not bear the sword for nothing. He is God's servant, an agent of wrath to bring punishment on the wrongdoer. Therefore, it is necessary to submit to the authorities, not only because of possible punishment but also because of conscience. This is also why you pay taxes, for the authorities are God's servants, who give their full time to governing. Give everyone what you owe him: If you owe taxes, pay taxes; if revenue, then revenue; if respect, then respect; if honor, then honor. (Romans 13: 3-7)

The civil leader is God's servant. He is to punish evil (v. 4) and commend good (v.3). This limited role of the civil leader is primarily negative. The civil leader does not have a very active role in the life of the ordinary citizen. That is, individuals are free to do what they please as long as it does not affect the liberty of others in society. Once this line is crossed, the civil leader must intervene. The Statesmen's primary concern was preventing the leader from becoming an agent of evil.

The Statesmen sought to shape a system in which civil leaders led the people justly instead of becoming tyrants. They used their assumptions about the nature of man to enlist human nature in the struggle against tyranny. Under the Constitution, the path to power is service, not abuse. We, the posterity of the Statesmen have been the beneficiaries of the Statesmen's insight on leadership.

The Statesmen's view and the leadership literature are discrepant in many ways. Though some of the social and interactive theories are complementary, there are great discrepancies between the Statesmen and contemporary leadership literature. The greatest conflict is among the Statesmen's perspective and personal and situational theories. The Statesmen's view of leadership could be classified in this category, but the Statesmen began with radically different premises. They did not believe that leaders were environmentally determined--biologically, psychologically, or environmentally.

Instead, beginning with the depravity of man, the equality of man, and the love of power, which were all common to man, the Statesmen believed that all men were potential leaders. Leaders would rise to the degree that they contributed to society. The people would reward or punish leaders with return to, or removal from, office depending upon the leader's performance.

The purpose of this study was to ascertain the leadership assumptions of American Statesmen during the Constitutional era. These assumptions emerged from careful review of the primary source documents. The assumptions were classified and summarized into a conceptual framework.

Four fundamental conclusions can be drawn from this study. The first is that the American Statesmen of the Constitutional era held a distinctive view on leadership. This was labeled the Statesmen's view of leadership. Their assumptions were clear and observable. Although they did not reduce these assumptions to a complete model, they operated from them as they structured the government.

Second, their assumptions were remarkably similar. This may not have great significance to the leadership literature, but it does have bearing on the historical

Federalist/Anti-Federalist debate. These virulent opponents actually agreed upon more than that in which they disagreed. They sought the same ends, though they differed on the means of attaining those ends.

Third, and most important, the Statesmen's underlying assumptions about the nature of man (e.g., that men are depraved, that they love power, that this is man's universal condition) directed them to fashion a government in which they realistically accounted for and defended against tyrants.³² A leadership theory built on faulty premises is not only worthless, but potentially dangerous. Where the Statesmen argued from political depravity, universality of man's nature, and a lust for power, a Marxist-Leninist system would run on precisely the opposite assumptions. These two systems, based on different assumptions, led to different governmental systems. One led to the freest governmental system the world has ever known. The other led to one of the greatest systems of tyranny.

Fourth, the Statesmen's view of leadership *is* a competing leadership theory. It cannot logically accept the premises of other contrasting theories. This is especially true of the base assumptions of personal and situational theories that are deterministic in nature. This competing view has been externally substantiated by 214 years of liberty.

Opportunities for Future Research

This study opens the door for a number of areas of potential research for others interested in studying leadership or the American Statesmen. That the Statesmen even held a distinctive view on the subject of leadership was not discussed by any of the other

³² These assumptions are consistent with a Biblical world-view. The scripture reminds us, "The heart is deceitful above all things and beyond cure. Who can understand it?" (Jeremiah 17:9).

historians whose works were studied. It is true that scholars have, in successive waves, reinterpreted the Constitution through different lenses. However, these lenses ought to be examined carefully. It would be interesting to see what kind of Constitution Charles Beard and the Progressives would have created based on their assumptions.

Application to Government

Similar studies could be done using the same methods. Perhaps the most useful would be to perform the same type of analysis on the United Nations using the early speeches and writings. Emerging Eastern European countries also may be studied to determine the types of policies a particular regime is likely to employ. While the study on the American Statesmen's assumptions is not generalizable to the overall population, the same methods could be employed.

In a related vein, another scholar could trace the types of systems that would emerge from a different base of assumptions. For example, what type of system would have been created if the architects assumed that man's nature was basically good? What if man's nature was mutable and evolving? What if man did not lust for power? What types of governmental systems would be framed under these assumptions of leadership?

The Statesmen's assumptions were in harmony with a Biblical world-view. Another researcher may begin with an Islamic, Jewish, Hindu, or other worldview as a starting point to build a governmental system and predict its longevity and stability. One could as easily employ any philosophy to conduct such a study. This is the inverse of the method employed in this study.

Application to Leadership

It may also be useful to further explore the Statesmen's school of thought on leadership. This can be done in two ways. First, by extending into the Bill of Rights and back to the First Continental Congress, different nuances may emerge. Second, other disciplines (e.g., economics, sociology) could benefit from the same approach. Another scholar may find it rewarding to clearly refine these assumptions in other fields.

Another fruitful field for further research may be the identification of underlying assumptions in the leadership literature. In the same way that the Statesmen were unusually similar on the assumption level, an examination of the assumptions of the most prominent leadership theorists may yield an extraordinary harvest. Even though they do not usually agree, and are often contradictory, they may agree on many assumptions about the nature of man, power, etc.

After such a study has taken place, additional studies to determine the worth of these assumptions would be useful. These studies should be tested to see that these assumptions are connected to reality, not just theory. For example, McGregor's (1960, 1966) theory X and theory Y are routinely taught in business schools as legitimate alternatives. Theory X is then castigated, and Theory Y is accepted as a basic premise for other theories.

Finally, another researcher may go beyond the Statesmen who based much of their theory of leadership on tenets of the Christian religion. Using the same methods, a Christian theory of leadership may be built independently upon the scriptures and the early church fathers unaided by the humanistic concepts that are so often embraced. This

type of original research may become a powerful rival to humanistic leadership theories, since it stands on a completely different foundation.

Afterward

Planning

As the researcher set out to determine what he wanted to study, he knew only that he wanted to study leadership and that he wanted to study the American Founding Fathers. For years he had been troubled by conflicting ideas. In his undergraduate studies in government and his masters work in public policy, he had been taught the philosophy of the Founding Fathers. But in his masters of business administration and doctoral studies in leadership, he was taught theories that were antithetical to that which he had previously learned. This was frustrating.

He was unsure exactly from what angle he would approach this dissertation. In the early phases, the researcher knew that he would have to read what the Statesmen read so that he could see through their eyes. He had been leaning toward a study of organizational design. But when he read the British pamphleteer, Cato (1723-1795), and his discussion of the passions, he knew that he wanted to learn to see leaders as the Statesmen saw them. They had a different perception, different vocabulary, and they drew different conclusions.

Research

Two profound lessons were learned during this research. The first was technical, the second philosophical. As the researcher began to compile materials, he created a system in which he isolated quotations, and copied them into a Microsoft Word ® file. Each text was systematically covered. However, he did not initially add the full citation with each quotation and page number. This was costly since he not only had to go back to double check the spelling and punctuation of each citation, but he had to label each

citation. Unfortunately, this was done in a two-step process. However, the redundancy did allow the researcher more time to ponder. The researcher divided these citations electronically with a color-coding mechanism based on the five categories. Then they were manually separated into file folders in a storage box. Each folder contained one subcategory. This allowed the researcher to deal with manageable portions at any given moment. This system was incredibly useful in writing chapter 4 since all of the quotations were gathered systematically for the researcher to review. A research system must be worked out ahead of time in a large project or the researcher will become frustrated.

The second research lesson was surprising. Over the course of the study the researcher's position shifted significantly from an Anti-Federalist to a Federalist position. The primary source documents were the key to this movement. As the researcher read Madison's notes on the Convention, he learned just how difficult the Convention was. Many of the objections raised by Anti-Federalist writers (e.g., the appeal for a second convention) were overcome mentally as the researcher read the Anti-Federalist's arguments. The researcher's initial conjecture that the Anti-Federalists were a key to unlocking these assumptions was wrongheaded. Nonetheless, the study was quite fruitful even though the answers did not arise in the way that the researcher had initially expected.

The Process

It was difficult to trust the process. This study was designed to allow the Statesmen's assumptions to emerge. While the researcher tried not to bias this process (and some of his initial ideas of what would emerge were wrong), the answers were

ultimately revealed by faithful adherence to the process. Additionally, the process verified the conclusion through the massive support of over 2000 references from the debates.

However, during most of the process, the researcher was not sure what would turn up, or for that matter, that anything coherent would emerge. This is a terrifying thought two years into a research study. Nonetheless, the process paid off handsomely. Any researcher beginning a large research project must formulate the process well in advance to determine what he seeks to find. If the process is solid, the researcher can place blind faith in it until the end results are gained.

Findings

The results of this study ended many years of cognitive dissonance for the researcher. The research demonstrated that the Statesmen's assumptions (e.g., a low view of human nature, universality of man's nature, and the love of power) are keys to the stability of the Constitutional system. Yet, it raises a whole new set of questions. If the Statesmen's view of leadership is correct, what implications does that have for other competing theories and those theories that are built upon erroneous premises? This closes one intellectual chapter of the researcher's life and begins a brand new one.

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Overarching Operational Research Questions	Specific Research Questions	Variable(s)	Theory Supporting Hypotheses	Data Collection Methods	Findings	Analysis	Conclusions& Implications	Future Research
What were the assumptions of leadership held by American Statesmen during the Constitutional Convention and ratification debates?	Who are leaders?	-King, Judges, lesser officials (e.g., Barrons, peers, etc.)	Blackstone	Berelson (1952); Pool (1959); Mark (1996)	All elected and appointed officials including the executive, legislative and judicial officers of the Federal government, all state and local officials; The people are also considered leaders in both the election process and as a force for corrupt leaders to recon with.	As far as elected officials are concerned, there is not a great shift in the question of who are leaders; However, there is a significant shift in the theory of the people as a leader or the king-makers. This is particularly felt further one travels into ancient political philosophy.	Though civil leaders carry a similar role, the dominant position of the people as the meta-leader and the Constitution that is geared so as to preserve the link between the people and the civil leaders alter the system significantly in favor of rights and liberty. This is especially true if the Statesmen's assumptions about what leaders will and will not do are correct.	Compare governmental systems where the people are also considered leaders and see if: a) if the assumptions about the nature of man and power are the same b) if the people are leaders in fact, as opposed to on paper. C) to what degree they actually have liberty (e.g., economic liberties index);
		-King	Grotius					
		-The king (or tyrant), The people	Locke					
		-The King, Magistrates	Milton					
		-Monarchy, Aristocracy, the people (democracy)	Montesquieu					
		-Kings, Magistrates & judges	Sidney					
		-Kings (tyrants), legislators, magistrates, Chosen men from the community	Trenchard and Gordon					

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		-Civil officials , clergy	Hooker					
		The Prince, clergy	Vattel					
		_____	_____					
		-Philosopher- King; men made of gold	Plato					
		-King; best men; most virtuous men	Aristotle					
		Kings/ Rulers	Aquinas					
		-The Prince (the audience for his text)	Machiavelli					
		The sovereign (king with absolute authority)	Hobbes					
		The general will;	Rousseau					

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		society; sovereign						
What were the assumptions of leadership held by American Statesmen during the Constitutional Convention and ratification debates?	What were leaders expected to do?	King – Rule the country best: his interest is the country's interest; -Serve the people (king) or abuse the people (tyrant) -Become tyrannical if left to his own devices -A despot is best suited for a despotic regime; have certain political vices -Attempt to perpetuate their reign and line;	Blackstone Grotius Locke Milton Montesquieu Sidney	Berelson (1952); Pool (1959); Mark (1996)	Civil leaders were expected to love power, have a difficult time relinquishing power, and abuse power. They may abuse power through sudden changes or through gradual usurpation, through taxation, through an aristocracy, the legislature, the executive, the judiciary, a standing army, under foreign influence, aggrandizing themselves, or oppressing a	Civil leaders were expected to do these things based upon a few specific assumptions that were held about leaders: a) Man is depraved b) Man's condition is universal c) Men love power d) Greater power has a greater potential for abuse	Because the Statesmen began with these assumptions, they intentionally developed a system (the Constitution and the subsequent Bill of Rights) that could brace the people and withstand the expected abuse	Examine governmental systems with different base assumptions about the nature of man and the love of power. Compare the success of governmental systems with Constitutions that consider these assumptions (e.g., the United states) with Constitutional systems where the system or the people do not embrace these assumptions about the nature of man

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		Corruption in absolute government; act unjustly; Tyrants will use the cloak of legality to cover			minority.			(e.g., Weimar Republic; European Union; United Nations)
		-Oppressors will masquerade; They will do evil in the name of good; They would be guided by the passions; corrupt men will charge the people with corruption; they do as much mischief as they can	Trenchard and Gordon		In contrast, the people were expected to be alarmed by such abuse and become a defense against it.	The people would defend themselves naturally because they also love their rights and liberties.		
		-Internal and external corruption correlated	Hooker					
		-Properly exercise right to make war/ receive	Vattel					

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		ambassadors						
		-Leader will be moral, virtuous, public minded men. Dictate what is best to lesser men; men of wisdom, courage and moderation; men of the best nature; love all equally	Plato					
		-Behave reasonably in pursuit of the final goal of happiness	Aristotle					
		Leaders will be corrupt if less than the most virtuous rule	Aquinas					
		-Protect his power; imitate others; Harm others because of fear;	Machiavelli					

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		appear to possess great qualities (though not always the case); He is successful if he is suited to the times.						
		The leader will pursue self-interest (so it must be tied to public interest as in the king)	Hobbes					
		Embody the General will; act virtuously & selflessly	Rousseau					
What were the assumptions of leadership held by American	What were leaders expected not to do?	The King can do no wrong (a legal fiction).	Blackstone Grotius	Berelson (1952); Pool (1959); Mark	Leaders were not expected be more virtuous or govern in such	Based on the assumptions that: a) Man is depraved	Because the Statesmen began with these assumptions,	Examine governmental systems with different base assumptions

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Statesmen during the Constitutional Convention and ratification debates?		-Kings will not give up power or concept of hereditary right	Locke	(1996)	a way as to preserve rights and liberties unless bound to do so.	b) Man's condition is universal c) Men love power d) Greater power has a greater potential for abuse, they reasoned that civil leaders would not perform as expected without provocation by a Constitution	they intentionally developed a system (the Constitution and the subsequent Bill of Rights) that would cause leaders to perform their proper role as leaders and minimize the danger of the abuse of power.	about the nature of man and the love of power. Compare the success of governmental systems of ancient societies (e.g., philosophers of Greece and Rome) or modern systems (European Union; United Nations) that do not expect abuse from their leaders with Constitutions that consider these assumptions
		A leader cannot injure me without first making himself a tyrant	Milton		In sum, leaders were not expected to do what they normatively should do			
		One type of ruler will not function well in a different environment	Montesquieu					
			Sidney					
		They will not promote justice when they stand to benefit; A body of eminent men will not make laws that will harm them	Trenchard and Gordon					
			Hooker					

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			Vattel					
		-They would not strive for private gain	Plato					
			Aristotle					
			Aquinas					
		-Only a wise few will recognize problems early and deal with them	Machiavelli					
		They will not punish themselves or be punished by their subjects; they are not bound to obey the laws themselves	Hobbes					
		They will do nothing apart from the general will	Rousseau					

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What were the assumptions of leadership held by American Statesmen during the Constitutional Convention and ratification debates?	What should leaders do (normatively)?	Represent his people; Make treaties	Blackstone	Berelson (1952); Pool (1959); Mark (1996)	According to the Statesmen, civil leaders should ensure justice, secure rights and liberty, and maintain the peace in a government built upon the consent of the people (the meta-leaders)	Based on their assumptions and a realistic assessment of what leaders would and would not do, the Statesmen recognized a disparity between expected and normative behavior for leaders.	This disparity between expected and normative would be closed by a constitutional system that would provide well-developed, interlocked incentives for leaders to do what they should normatively	Examine the success or failure of governmental systems where normative behavior is expected because assumptions about leaders are fundamentally different (e.g., man is basically good, man's nature may evolve, etc.)
		Maintain justice;	Grotius					
		Maintain justice under the law; actively promote justice	Locke					
		Kings must realize that they too are under law	Milton					
		-Be virtuous; Be moderate	Montesquieu					
		-Always promote justice; submit to the laws themselves; he should chose judges; Seek the interest of the	Sidney					

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		people						
		Deal justly with the people; infuse virtue and patriotism; public and private morals are the same	Trenchard and Gordon					
		-Ministers as fathers to the people; Leaders should follow the scriptures to promote justice	Hooker					
		-Respect the law; punish those who disturb society; He may establish religion; But he must prevent abuse of established religion; Exercise government for the good of the state	Vattel					

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Overarching Operational Research Questions	Specific Research Questions	Variable(s)	Theory Supporting Hypotheses	Data Collection Methods	Findings	Analysis	Conclusions& Implications	Future Research
		-Expected and normative are the same if a philosopher-king is ruling.	Plato					
		-Help men achieve the ultimate goal of human happiness	Aristotle					
		-Rule under the law; Promote the 4 cardinal virtues: moderation, courage, justice, prudence	Aquinas					
		-Foment rebellions as diversions; live in the principality; use fear and terror to create obedience; perform cruel deeds well (quickly); make subjects dependent; concern himself	Machiavelli					

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		with war & read history; act immorally if necessary to preserve himself (this is moral); try to be thought merciful; use trickery; never lack for advice.						
		-Distribute burdens equally and frugally	Hobbes					
		-Suppress faction; Force man to be free if necessary	Rousseau					
What were the assumptions of leadership held by American Statesmen during the Constitutional Convention and ratification debates?	What should leaders not do (normatively)?	They should not misuse power w/o corrupt advisors	Blackstone	Berelson (1952); Pool (1959); Mark (1996)	Ironically, leaders were normatively not supposed to do almost exactly what they were expected to do--abuse power. They should not abuse power through	The Statesmen reasoned that civil leaders should not normatively abuse power, based on their own assumptions, they love power, have a difficult time	They concluded that the bridge between expected and normative can be overcome by harnessing the nature of man as an ally to prevent leaders from abuse and	Examine and compare governmental systems in which the expectation of what leaders should and should not do is fundamentally different (e.g., a tribal system
			Grotius					
		-Should not act tyrannically/ for their own ends	Locke					

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		-To rule only for themselves is the definition of a tyrant; The king has no right to do wrong	Milton		sudden changes or through gradual usurpation, through taxation, through an aristocracy,	relinquishing power.	corruption.	in which a chief holds all power).
			Montesquieu		the legislature, the executive, the judiciary, a standing army, under foreign influence, aggrandizing themselves, or oppressing a minority.			Examine systems or confederations such as the United Nations in which the member states do not share consensus as to what leaders should and should not normatively do.
		-King should not usurp the parliament with proclamations	Sidney					
		-Should not pervert the trust they have been given; should not govern for themselves alone (tyranny); exercise prerogative; unnecessarily restrain natural liberty; shouldn't make bargains at the public expense	Trenchard and Gordon					

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		Leaders should not keep company with the wicked	Hooker, T.					
		-Should not spread a taste for luxury and licentiousness; if he establishes religion, he cannot violate individual conscience; he should not consider tax money his own.	Vattel					
		-He should not always tell the truth; He should not act but for the good of society	Plato					
		-Avoid vices; don't get bogged down in theoretical philosophical disputes	Aristotle					

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			Aquinas					
		-He should not enable another leader to become powerful; He should not be generous--except with other people's possessions; He should not be tied to his word.	Machiavelli					
			Hobbes					
		He should have no interests other than the General Will	Rousseau					
What were the assumptions of leadership held by American	How can the gap between expected and normative behavior be	The Constitution will protect the rights and liberties of the people by	Framers of the Constitution (e.g., Madison)	Berelson (1952); Pool (1959); Mark	The Constitution was a device to close the gap through	The mechanisms in the Constitution were only	Through these elaborate mechanisms, the Statesmen reasoned that	Examine the success or failure (as measured by rights and

Appendix A

Overarching Operational Research Questions	Specific Research Questions	Variable(s)	Theory Supporting Hypotheses	Data Collection Methods	Findings	Analysis	Conclusions& Implications	Future Research
Statesmen during the Constitutional Convention and ratification debates?	bridged under the US constitution?	causing leaders to perform normative, not expected behaviors.		(1996)	soft restraints and hard restraints. Soft restraints included: the jealousy of the people, the connection to the people through representation including duration of term, size of the representative body, maintaining the same interest as the leader, responsibility to the people, and the theory of faction. Hard restraints included three distinct, independent branches of the federal government	necessary in light of the assumptions the Statesmen held about the nature of man, power, the people and government.	leaders who were: a) depraved b) are universally the same c) love power would find that the path to their goals were more easily attained by following the normative rules for leaders than by attempting to subdue the meta-leader, the people	liberties) of governmental systems that a) fail to bridge this gap between expected and normative behavior b) do not acknowledge a gap between expected and normative behavior c) have no mechanism such as a Constitution to control leaders.

Appendix A

Overarching Operational Research Questions	Specific Research Questions	Variable(s)	Theory Supporting Hypotheses	Data Collection Methods	Findings	Analysis	Conclusions& Implications	Future Research
					armed with defensive powers, the sharp division between federal and state power, the electoral college, impeachment, and the Constitution itself.			

Appendix B

The Proverbs on Leadership

Righteousness:

Proverbs 11:11 Through the blessing of the upright a city is exalted, but by the mouth of the wicked it is destroyed.

Proverbs 14:19 Evil men will bow down in the presence of the good, and the wicked at the gates of the righteous.

Proverbs 14:34 Righteousness exalts a nation, but sin is a disgrace to any people.

Proverbs 16:12 Kings detest wrongdoing, for a throne is established through righteousness.

Proverbs 21:11 When a mocker is punished, the simple gain wisdom; when a wise man is instructed, he gets knowledge.

Proverbs 29:2 When the righteous thrive, the people rejoice; when the wicked rule, the people groan.

Proverbs 29:16 When the wicked thrive, so does sin, but the righteous will see their downfall.

Proverbs 29:27 The righteous detest the dishonest; the wicked detest the upright.

Justice:

Proverbs 16:10 The lips of a king speak as an oracle, and his mouth should not betray justice.

Proverbs 17:15 Acquitting the guilty and condemning the innocent-the LORD detests them both.

Proverbs 17:23 A wicked man accepts a bribe in secret to pervert the course of justice.

Proverbs 18:5 It is not good to be partial to the wicked or to deprive the innocent of justice.

Proverbs 19:28 A corrupt witness mocks at justice, and the mouth of the wicked gulps down evil.

Proverbs 20:8 When a king sits on his throne to judge, he winnows out all evil with his eyes.

Proverbs 20:10 Differing weights and differing measures-the LORD detests them both.

Proverbs 20:23 The LORD detests differing weights, and dishonest scales do not please him.

Proverbs 20:26 A wise king winnows out the wicked; he drives the threshing wheel over them.

Proverbs 24:21 Fear the LORD and the king, my son, and do not join with the rebellious,

Proverbs 25:5 remove the wicked from the king's presence, and his throne will be established through righteousness.

Proverbs 28:5 Evil men do not understand justice, but those who seek the LORD understand it fully.

Proverbs 28:16 A tyrannical ruler lacks judgment, but he who hates ill-gotten gain will enjoy a long life.

Proverbs 28:28 When the wicked rise to power, people go into hiding; but when the wicked perish, the righteous thrive.

Proverbs 29:4 By justice a king gives a country stability, but one who is greedy for bribes tears it down.

Proverbs 29:7 The righteous care about justice for the poor, but the wicked have no such concern.

Proverbs 29:14 If a king judges the poor with fairness, his throne will always be secure.

Proverbs 29:26 Many seek an audience with a ruler, but it is from the LORD that man gets justice.

Proverbs 31:8 "Speak up for those who cannot speak for themselves, for the rights of all who are destitute. Speak up and judge fairly; defend the rights of the poor and needy."

Corruption:

Proverbs 17:8 A bribe is a charm to the one who gives it; wherever he turns, he succeeds.

Proverbs 17:11 An evil man is bent only on rebellion; a merciless official will be sent against him.

Proverbs 17:15 Acquitting the guilty and condemning the innocent-the LORD detests them both.

Proverbs 17:23 A wicked man accepts a bribe in secret to pervert the course of justice.

Proverbs 17:26 It is not good to punish an innocent man, or to flog officials for their integrity.

Proverbs 18:5 It is not good to be partial to the wicked or to deprive the innocent of justice.

Proverbs 19:28 A corrupt witness mocks at justice, and the mouth of the wicked gulps down evil.

Proverbs 28:5 Evil men do not understand justice, but those who seek the LORD understand it fully.

Proverbs 28:28 When the wicked rise to power, people go into hiding; but when the wicked perish, the righteous thrive.

Proverbs 29:4 By justice a king gives a country stability, but one who is greedy for bribes tears it down.

Proverbs 29:16 When the wicked thrive, so does sin, but the righteous will see their downfall.

Proverbs 29:27 The righteous detest the dishonest; the wicked detest the upright.

Oppression of the poor:

Proverbs 14:31 He who oppresses the poor shows contempt for their Maker, but whoever is kind to the needy honors God.

Proverbs 15:15 All the days of the oppressed are wretched, but the cheerful heart has a continual feast.

Proverbs 17:5 He who mocks the poor shows contempt for their Maker; whoever gloats over disaster will not go unpunished.

Proverbs 18:23 A poor man pleads for mercy, but a rich man answers harshly.

Proverbs 21:11 When a mocker is punished, the simple gain wisdom; when a wise man is instructed, he gets knowledge.

Proverbs 22:2 Rich and poor have this in common: The LORD is the Maker of them all.

Proverbs 22:22 Do not exploit the poor because they are poor and do not crush the needy in court, Proverbs 22:23 for the LORD will take up their case and will plunder those who plunder them.

Proverbs 28:3 A ruler who oppresses the poor is like a driving rain that leaves no crops.

Proverbs 29:14 If a king judges the poor with fairness, his throne will always be secure.

Proverbs 31:8 "Speak up for those who cannot speak for themselves, for the rights of all who are destitute. Speak up and judge fairly; defend the rights of the poor and needy."

Self-government:

Proverbs 6:6 Go to the ant, you sluggard; consider its ways and be wise!

Proverbs 6:7 It has no commander, no overseer or ruler,

Proverbs 6:8 yet it stores its provisions in summer and gathers its food at harvest.

Proverbs 6:9 How long will you lie there, you sluggard? When will you get up from your sleep?

Proverbs 6:10 A little sleep, a little slumber, a little folding of the hands to rest-

Proverbs 6:11 and poverty will come on you like a bandit and scarcity like an armed man.

Proverbs 12:24 Diligent hands will rule, but laziness ends in slave labor.

Proverbs 16:32 Better a patient man than a warrior, a man who controls his temper than one who takes a city.

Proverbs 17:2 A wise servant will rule over a disgraceful son, and will share the inheritance as one of the brothers.

Proverbs 20:18 Make plans by seeking advice; if you wage war, obtain guidance.

Proverbs 20:23 The LORD detests differing weights, and dishonest scales do not please him.

Proverbs 22:29 Do you see a man skilled in his work? He will serve before kings; he will not serve before obscure men.

Appendix C

Glossary of Terms

Abuse of Power – Power handled incorrectly or outside the jurisdiction of the leader.

Assumption (See presupposition) –

Attainder – stained, blackened, marked with a loss of civil rights (possibly hereditary)

Anti-Federalist – Name of those who opposed the ratification of the Constitution

Double Jeopardy – being charged twice for the same crime by the same court

Executive – The leader or branch of government charged with carrying out the law

Ex Post Facto – Law passed after the fact

Framer – one who had a part in crafting the Constitution and signed(or would have signed) the document.

Freedom – an absence of constraints such as a state of nature

Federalist – Name of those who supported the passage of the Constitution

Judiciary – the branch of civil government that interprets the law and assigns penalties for transgressions of the law.

Leader – for this study, a leader is an officeholder or one in a position to influence others

Legislature – the branch of civil government that makes the laws and represents the people.

Liberty – distinguished from freedom, liberty is a system in which minimal constraints allow all parties the maximum freedom without infringing the rights of any one party over another.

Militia – the whole body of able men capable of bearing arms to form a military force in case of rebellion or invasion. The militia is distinguished from a standing army in that a militia is a part time or temporary body.

Passions – the psychology of the Statesmen. The passions were based on the Christian theological conception of the depravity of the nature of man.

Presupposition – A filter through which reality is screened, an assumption that conclusions are built upon.

Standing Army – a professional body of soldiers at the disposal of the civil government continually training for armed conflict.

Statesman – in this study Statesmen included all leaders, local, state and federal who were involved in the Constitutional debates from 1787-1789

Tyrant – a leader who uses his power for personal gain or simply outside his authorized jurisdiction

Veto – the Executive's power of denying a law made by the legislature. A veto can be overridden with a supermajority of the legislature.

Appendix D

Primary Source British Documents in Constitutional Development

Magna Carta (1215)

Confirmatio Cartarum (1297)

The Petition of Right (1628)

Abolition of the Star Chamber (1641)

Habeas Corpus Act (1679)

English Bill of Rights (1689)

Appendix E

Primary Documents in American Legal Development

I. Early Colonial Charters

First Charter of Virginia (1607)

Mayflower Compact (1620)

Ordinances for Virginia (1621)

Charter of Massachusetts Bay (1629)

Charter of Maryland (1632)

Fundamental Orders of Connecticut (1639)

Massachusetts Body of Liberties (1641)

Charter of Rhode Island and Providence Plantations (1663)

Concessions and agreements of West New Jersey (1677)

Frame of Government of Pennsylvania 1682)

Pennsylvania Charter of Privileges (1701)

II. American Founding Documents

Resolutions of the Stamp Act Congress (1765)

A Declaration Setting Forth the Causes and Necessity of Their Taking Up Arms (1774)

Declaration and Resolves of the First Continental Congress (1775)

Articles of Association (1774)

III. Early State Constitutions

Constitution of Virginia (1776)

Constitution of Pennsylvania (1776)

Delaware Declaration of Rights (1776)

Constitution of Maryland (1776)

Constitution of North Carolina (1776)

Constitution of Vermont (1777)

Constitution of Massachusetts (1780)

Constitution of New Hampshire (1784)

IV. Organic Documents of the United States

The Declaration of Independence (1776)

Articles of Confederation (1777)

Northwest Ordinance (1787)

The Constitution of the United States (1787)

Appendix F

God in the American Legal Heritage

Below are citations of church and state relations in the American Legal Heritage.

Section 1 deals with references to God. Section 2 deals primarily with religious qualifications in the British/American legal heritage from the Magna Carta to the Constitution:

Almightie God, His Divine Majesty (First Charter of Virginia, 1606, p.1).

GOD (Mayflower Compact, 1620).

Divine Assistance (Ordinance for Virginia, 1621, I).

our Lord God (Abolition of the Star Chamber, 1641, III).

God (Concessions and Agreements of West New Jersey, 1677, Chapter XVI, XXIII).

God, Divine Power, Second Adam, Lord, Jesus Christ, Almighty, Eternal God, Creator, Upholder and Ruler of the World, God (Frame of Government of Pennsylvania, 1682, Preface, LAWS AGREED UPON IN ENGLAND, ETC., XXXIV, XXXV, XXXVII).

Almighty God (English Bill of Rights, 1689, 12, VII).

Almighty God, Lord of Conscience, Father of Lights and Spirits, Author as well as object of divine Knowledge, Faith and Worship, God, the Creator, Upholder and Ruler of the world, Jesus Christ, Savior of the world (Pennsylvania Charter of Privileges, 1701, I).

Divine Author of our Existence, great Creator, Supreme and Impartial Judge and Ruler of the Universe (Declaration of the Causes and Necessity of Taking up Arms, 1775, p.1, p.5).

Creator (Constitution of Virginia, 1776, Sec. 16).

Nature's God, Supreme Being, Divine Providence (Declaration of Independence, 1776).

Author of Existence, Great Governor of the Universe (Constitution of Pennsylvania, 1776, Preamble).

Great Governor of the World (Articles of Confederation, 1777, XIII).

Great Legislator of the Universe, Supreme Being, God. (Constitution of Massachusetts, 1780, Preamble, Article II).

God, the DEITY (Constitution of New Hampshire, 1784, Article V; VI).

Church & State in the American Legal Heritage

First Charter of Virginia (April 6, 1606, pgh. 3).

“Wee, greatly commending and graciously accepting of their desires to the furtherance of soe noble a worke which may, by the providence of Almightye God, hereafter tende to the golire of His divine Majestie in propagating of Christian religion to suche people as yet live in darknesse and miserable ignorance of the true knowledge and worshippe of God and may in time bring the infidels and savages living in those parts to humane civilitie and to a settled and quiet governmente, doe by theise our lettres patents graciously accepte of and agree to their humble and well intentioned desires;”

Constitution of Virginia (June 12, 1776, SEC. 16.)

“That religion, or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence; and therefore all men are equally entitled to the free exercise of religion, according to the dictates of consicence; and that it is the mutual duty of all to practice Christian forbearance love, and charity towards each other.”

Code of Virginia, Title 57. Religious and Charitable matters (January 16, 1786).

“Whereas, Almighty God hath created the mind free; That all attempts to influence it by temporal punishment, or burthens, or by civil incapacitations tend only to beget habits of hypocrisy and meanness, and are a departure from the plan of the Holy Author of our religion, who being the Lord both of body and mind, yet chose not to propagate it by coercions on either, as was in his Almighty power to do...That our civil rights have no dependence on our religious opinions any more than our opinions in physics and geometry...”

Concessions and Agreements of West New Jersey, Chapter XVI, March 13, 1677

“That no men, nor number of men upon earth, hath power or authority to rule over men’s consciences in religious matters, therefore it is consented, agreed and ordained that no person or persons whatsoever within the said province, at any time or times hereafter, shall be in any ways upon any pretence whatsoever, called into question, or in the least punished or hurt, either in person, estate, or privelege, for the sake of his opinion, judgement, faith, or worship towards God in matters of religion. But that all and every such person, and persons, may from time, and at all times, freely and fully have, and enjoy his and their judgements, and the exercises of their consciences in matters of religious worship throughout all the said Province.”

Frame of Government of Pennsylvania, Laws agreed upon in England, Etc. XXXIV, XXXV, April 25 1862.

XXXIV “That all Treasurers, Judges, Masters of the Rolls, Sheriffs, Justices of the Peace and other officers and persons whatsoever, relating to courts, or trials of causes, or any other service in the government; and all Members elected to serve in provincial Council and General Assembly, and all that have right to elect such Members, shall be such as possess faith in Jesus Christ and that are not convicted of ill fame, or unsober and dishonest conversation, and that are of one and twenty years of age, at least; and that all such so qualified, shall be capable of the said several employments and privileges as aforesaid.”

XXXV “That all persons living in this province, who confess and acknowledge the one Almighty and eternal God, to be the Creator, Upholder and Ruler of the world; and that hold themselves obliged in conscience to live peaceably and justly in civil society, shall in no ways, be molested or prejudiced for their religious persuasion, or practice, in matters of faith and worship, nor shall they be compelled, at any time, to frequent or maintain any religious worship, place or ministry whatever.”

Pennsylvania Charter of Privileges, I, October 28, 1701.

“BECAUSE no People can be truly happy, thought under the greatest Enjoyment of Civil Liberties, if abridged of the Freedom of the Consciences, as to their Religious Profession and Worship: And Almighty God being the only Lord of conscience, Father of Lights and Spirits; and the Author as well as the Object of all divine Knowledge, Faith and Worship, who only doth enlighten the Minds, and persuade and convince the Understandings of People, I do hereby grant and declare, That no Person or Persons, inhabiting in this Province, or Territories, who shall confess and acknowledge One almighty God, the

Creator, Upholder and Ruler of the World, and Profess him or themselves or obliged to live quietly under the Civil Government, Shall be in any Case molested or prejudiced, in his or their person or Estate, because of his or their conscientious Persuasion or Practice, nor be compelled to frequent or maintain any religious Worship, Place or Ministry, contrary to his or their Mind, or to do or suffer any other Act or Thing, contrary to their religious Persuasion.”

Constitution of Pennsylvania, Section II, August 16, 1776

“That all men have a natural and unalienable right to worship Almighty God according to the dictates of their own consciences and understanding: And that no man ought or of right can be compelled to attend any religious worship, or erect or support any place of worship, or maintain any ministry, contrary to or against, his own free will and consent: Nor can any man, who acknowledges the being of a God, be justly deprived or abridged of any civil right as a citizen, on account of his religious sentiments or peculiar mode of religious worship: And that no authority can or ought to be vested in, or assumed by any power whatever, that shall in any case interfere with, or in any manner controul, the right of consience in the free exercise of worship.”

Deleware Declaration of Rights Sect. 2, Sect. 3.(Sept 11, 1776).

SECT. 2. “That all men have a natural and unalienable right to worship Almighty God according to the dictates of their own consciences and understandings; and that no man ought or of right can be compelled to attend any religious worship or maintain any ministry contrary to or against his own free will and consent, and that no authority can or

ought to be vested in, or assumed by any power whatever that shall in any case interfere with, or in any manner controul the right of conscience in the free exercise of religious worship.”

SECT. 3. “That all persons professing the Christian religion ought forever to enjoy equal rightsss and privileges in this state, unless, under colour of religion, any man disturb the peace, the happiness or safety of a society.”

Constitution of Maryland, XXXIII, (November 3, 1776)

XXXIII “That, as it is the duty of every man to worship God in such manner as he thinks most acceptable to him; all persons, professing the Christian religion, are equally entitled to protection in their religious liberty; wherefore no person ought by any law to be molested in his person or estate on account of his religious persuasion or profession, or for his religious practice; unless, under colour of religion, any man shall disturb the good order, peace or safety of the state, or shall infringe the laws of morality, or injure others, in their natural, civil, or religious rights; nor ought any person to be compelled to frequent or maintain, or contribute, unless on contract, unless on contract, to maintain any particular place of worship, or any particular ministry; yet the Legislature may, in their discretion, lay a general and equal tax, for the support of the Christian religion; leaving to each individual the power of appointing the payment over of the money, collected from him, to the support of any particular place of worship or minister, or for the benefit of the poor of his own denomination, or the poor in general ...”

Constitution of North Carolina, XIX, (December 14, 1776)

“That all men have a natural and unalienable right to worship Almighty God according to the dictates of their own consciences.”

Constitution of Massachusetts, Article III, (October 25, 1780).

“As the happiness of a people, and the good order and preservation of a civil government, essentially depend upon piety, religion, and morality; and as these cannot be generally diffused through a community but by the institution of the public worship of GOD, and public instructions in piety, religion and morality: Therefore, to promote their happiness, and to secure the good order and preservation of their government, the people of this commonwealth have a right to invest their legislature with power to authorize and require, and the legislature shall, from time to time, authorize and require, the several towns, parishes, precincts, and other bodies politic, or religious societies to make suitable provision, at their own expense, for the institution of the public worship of GOD, and for the support and maintenance of public Protestant teachers of piety, religion, and morality, in all cases where such provision shall not be made voluntary....

“And all monies paid by the subject to the support of public worship, and of the public teachers aforesaid, shall, if he require it, be uniformly applied to the support of the public teacher or teachers of his own religious sect or denomination, provided there be any on whose instructions he attends; otherwise it may be paid towards the support of the teacher or teachers of the parish or precinct in which the said moneys are raised.

“And every denomination of Christians, demeaning themselves peaceably, and as good subjects of the commonwealth, shall be equally under the protection of the law: and no

subordination of any one sect or denomination to another shall ever be established by law.”

Constitution of New Hampshire, V,VI (June 2, 1784).

V. “Every individual has a natural and unalienable right to worship GOD according to the dictates of his own conscience, and reason; and no subject shall be hurt, molested, or restrained in his person, liberty or estate for worshipping GOD, in the manner and season most agreeable to his own conscience, or for his religious profession, sentiments or persuasion; provided he doth not disturb the public peace, or disturb others, in their religious worship.”

VI. “As morality and peity, rightly grounded on evangelical principles, will give the best and greatest security to government, and will lay in the hearts of men the strongest obligations to due subjection; and as the knowledge of these, is most likely to be propagated through a society by the institution of the public worship of the DEITY, and of public instruction in morality and religion; therefore, to promote those important purposes, the people of this state have a right to impower, and do hereby fully impower the legislature to authorize from time to time, the several towns, parishes, bodies corporate, or religious societies within this state, to make adequate provision at their own expence, for the support and maintenance of public protestant teachers of piety, religion and morality.

“Provided notwithstanding, That several towns, parishes, bodies-corporate or religious societies, shall at all times have the exclusive right of electing their own public teachers, and of contracting with them for their support and maintenance. And no portion of any

one particular religious sect or denomination shall ever be compelled to pay toward the support of the teacher or teachers of another persuasion, sect or denomination.

“And every denomination of christians demeaning themselves quietly, and as good subjects of the state, shall be equally under the protection of the law: and no subordination of any one sect or denomination to another, shall ever be established by law.”

Northwest Ordinance, Article III (July 13, 1787).

“Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.”

Appendix G

Constitution of the United States of America

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

Article. I.

Section. 1.

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section. 2.

The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

No Person shall be a Representative who shall not have attained to the Age of twenty five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other

Persons.³³ The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode-Island and Providence Plantations one, Connecticut five, New-York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

The House of Representatives shall chuse their Speaker and other Officers; and shall have the sole Power of Impeachment.

Section. 3.

The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof for six Years; and each Senator shall have one Vote. Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one third may be chosen every second Year; and if Vacancies happen by

³³ Note: Underlines in the text denote that that particular provision was later amended.

Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.

No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

The Senate shall chuse their other Officers, and also a President pro tempore, in the Absence of the Vice President, or when he shall exercise the Office of President of the United States.

The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present.

Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

Section. 4.

The Times, Places and Manner of holding Elections for Senators and Representatives,

shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators. The Congress shall assemble at least once in every Year, and such Meeting shall be on the first Monday in December, unless they shall by Law appoint a different Day.

Section. 5.

Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member.

Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy; and the Yeas and Nays of the Members of either House on any question shall, at the Desire of one fifth of those Present, be entered on the Journal.

Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

Section. 6.

The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during

their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been encreased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

Section. 7.

All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States: If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him,

the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

Section. 8.

The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States; To borrow Money on the credit of the United States;

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

To establish Post Offices and post Roads;

To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

To constitute Tribunals inferior to the supreme Court;

To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations;

To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

To provide and maintain a Navy;

To make Rules for the Government and Regulation of the land and naval Forces;

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings;--And

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

Section. 9.

The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.

The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

No Bill of Attainder or ex post facto Law shall be passed.

No Capitation, or other direct, Tax shall be laid, unless in Proportion to the Census or enumeration herein before directed to be taken.

No Tax or Duty shall be laid on Articles exported from any State.

No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another; nor shall Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another.

No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of

any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

Section. 10.

No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing it's inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Controul of the Congress.

No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.

Article. II.

Section. 1.

The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows:

Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

The Electors shall meet in their respective States, and vote by Ballot for two Persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be more than one who have such Majority, and have an equal Number of Votes, then the House of Representatives shall immediately chuse by Ballot one of them for President; and if no Person have a Majority, then from the five highest on the List the said House shall in like Manner chuse the President. But in chusing the President, the Votes shall be taken by States, the Representation from each State having one Vote; A quorum for this purpose shall consist of a Member or Members from two thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President. But if there should remain

two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice President.

The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.

No Person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States.

In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the Same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.

The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be increased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation:--"I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States."

Section. 2.

The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment.

He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

Section. 3.

He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment,

he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.

Section. 4.

The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

Article III.

Section. 1.

The judicial Power of the United States shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services a Compensation, which shall not be diminished during their Continuance in Office.

Section. 2.

The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;--to all Cases affecting Ambassadors, other public Ministers and Consuls;--to all Cases of admiralty and maritime Jurisdiction;--to Controversies to which the United States shall be a Party;--to Controversies between two or more States;--
between a State and Citizens of another State;--between Citizens of different States;--

between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

Section. 3.

Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.

Section. 1.

Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

Section. 2.

The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

A Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on Demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime.

No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.

Section. 3.

New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in

this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

Section. 4.

The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened), against domestic Violence.

Article. V.

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

Article. VI.

All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

Article. VII.

The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same.

The Word, "the," being interlined between the seventh and eighth Lines of the first Page, the Word "Thirty" being partly written on an Erasure in the fifteenth Line of the first Page, The Words "is tried" being interlined between the thirty second and thirty third Lines of the first Page and the Word "the" being interlined between the forty third and forty fourth Lines of the second Page.

Attest William Jackson Secretary

Done in Convention by the Unanimous Consent of the States present the Seventeenth
Day of September in the Year of our Lord one thousand seven hundred and Eighty seven
and of the Independence of the United States of America the Twelfth In witness whereof
We have hereunto subscribed our Names,

G°. Washington

Presidt and deputy from Virginia

Delaware

Geo: Read

Gunning Bedford jun

John Dickinson

Richard Bassett

Jaco: Broom

Maryland

James McHenry

Dan of St Thos. Jenifer

Danl. Carroll

Virginia

John Blair

James Madison Jr.

North Carolina

Wm. Blount

Richd. Dobbs Spaight

Hu Williamson

South Carolina

J. Rutledge

Charles Cotesworth Pinckney

Charles Pinckney

Pierce Butler

Georgia

William Few

Abr Baldwin

New Hampshire

John Langdon

Nicholas Gilman

Massachusetts

Nathaniel Gorham

Rufus King

Connecticut

Wm. Saml. Johnson

Roger Sherman

New York

Alexander Hamilton

New Jersey

Wil: Livingston

David Brearley

Wm. Paterson

Jona: Dayton

Pennsylvania

B Franklin

Thomas Mifflin

Robt. Morris

Geo. Clymer

Thos. FitzSimons

Jared Ingersoll

James Wilson

Gouv Morris