



## Constitutional Conventions: What Can 1787 Teach About 2016?

On May 25, 1787 the so-called “federal convention” began in Philadelphia, some two weeks after it was scheduled to start. Present at that august meeting were many of the leading lights of the American cause of liberty: George Washington, James Madison, Benjamin Franklin, James Wilson, Alexander Hamilton, etc.



One of the attendants’ first official decisions was to elect George Washington as president of the Convention. In his inimitable and unassuming style, General Washington accepted the honor of his peers, expressing his sense of his own unworthiness of such a distinction.

As recorded by James Madison in his Notes of the Debates in the Federal Convention of 1787, Washington took his seat at the front of the hall, “thanked the Convention for the honor they had conferred upon him, reminded them of the novelty of the scene of business in which he was to act, lamented his want of better qualifications, and claimed the indulgence of the House towards the involuntary errors which his inexperience might occasion.”

Robert Yates, representative from New York, echoed Madison’s recollection of Washington’s acceptance speech in his own notes from the convention.

“When seated, he (General Washington) declared that as he never had been in such a situation, he felt embarrassed, that he hoped his errors, as they would be unintentional, would be excused,” Yates recorded.

Regardless of the fascination of contemporary “historians” with pointing to the ferrous feet of our Founding Fathers, that generation — George Washington being the best example — was committed to personal virtue and education and when it came to the latter, Washington always felt deficient in the company of his contemporaries.

For a final example, consider the words with which Washington concluded his address accepting the commission of Congress to be the commander-in-chief of the Continental Army.

“But lest some unhappy event should happen unfavorable to my reputation, I beg it may be remembered by every gentleman in the room that I, this day, declare with the utmost sincerity that I do not think myself equal to the command I am honored with,” Washington admitted.

This public display of self-aware humility is quite distinct from the “look at me” billion-dollar campaigns carried on by those seeking office today.

It must be noted here that Washington’s expression of unworthiness was no act of public theatre, as such statements would undoubtedly be today. His lack of education, his life lived without the guiding



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hand of a father, and his relative lack of wealth contributed to creating in the first president a sense of inferior preparation for public service.

So deeply sunk were these feelings in Washington, he never participated in any of the contentious — often combative — debates that consumed his colleagues for a long, hot summer.

His humility and lack of learning are the two most common pretexts put forth to explain Washington's reluctance to join the deliberative donnybrooks. There is, however, another possible explanation.

In his book *The Making of the Constitution*, Charles Warren offers an alternate interpretation of Washington's demurring demeanor. "Like Franklin, he [Washington] adopted an attitude of conciliation and a willingness to forego his own views on a particular subject if by so doing he would accomplish a larger end; and his influence was profound in the meetings of the delegates, at which their problems were discussed outside of the Convention," Warren posits.

This sort of advancement of a greater good was a Greek virtue that Washington, a man who couldn't read Greek, intuitively imitated.

Admittedly, George Washington's election as president of the Constitutional Convention is in no way unpredictable. Popular predictions of the power and purpose of the Convention, however, are incredibly incorrect when viewed through this end of the lens of history.

Consider this short story published in *The Herald* on May 30, 1787:

On Friday last [May 25], the members of the Federal Convention chose his Excellency George Washington for their President and Mr. William Jackson for their secretary. It is said that the first step towards discharging the important duties of the National Council will be the appointment of a delegate from each state as a committee to receive communications from the other members and to arrange, digest and report a system for the subsequent discussion of the whole body. This plan is admirably adapted for the despatch of business and it cuts off a field for long and desultory debates upon first principles, and by collecting materials from every quarter to form a solid and comprehensive foundation leaves little besides the easy task of raising and adorning the superstructure to the collective labor of a popular assembly.

Surely the author of this summary would be shame-faced in September of that year, after the convention's attempt to amend the Articles of Confederation proved itself to be anything other than an "easy task."

Next, this memorial to the momentous opening of the convention that created our Constitution would be incomplete and inaccurate without reminding readers that this — the consideration of amendments to the Articles of Confederation — was, in the words of the congressional resolution that officially sanctioned the meeting, the "sole express purpose" of the Convention of 1787.

Besides this bit of the historical record that seems to have been forgotten, there is another aspect of the workings of the convention that should serve as a warning to those who would otherwise be persuaded to promote a "convention of states."

At the convention of 1787, the states were represented by differing numbers of delegates. New York and Connecticut for example, were represented by three men, whereas the delegations of Virginia and Pennsylvania were composed of seven men each.

This arrangement opened opportunities for a few like-minded delegates to push through proposals that were not as commonly accepted as would otherwise appear.



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That is to say, when the delegations from all 12 states were present (Rhode Island chose not to participate), 29 delegates could commit their states to a policy or procedure.

The fact is, however, there was not a single day that summer in 1787 when all the delegates from the 12 participating states were present at the State House in Philadelphia.

Furthermore, while over 50 delegates were sent to the State House, the average attendance hovered right around 30. Warren writes that this numerical situation rendered the Convention little more than a “large committee.”

And, a final mathematical consideration that merits mention is the fact that absences left many state delegations divided on a great number of key issues, leaving their votes uncounted in the final tally, resulting in the passage of several provisions of the proposed Constitution by a number of states much lower than the majority of states actually in attendance.

Given the quality of the character of the men present at that august assemblage, there are sound reasons to reflect on the good fortune of the United States that the result of the convention of 1787 was a work of historic statecraft. Had we not had the erudition, the virtue, and the valor of a Madison, a Washington, a Franklin, etc., then the product of that meeting could have been altogether different and altogether antithetical to liberty and republican principles of government.

Today, however, is not 1787 and the people chosen to “represent” the American people at a present-day constitutional convention likely would not share the same personal commitment to timeless principles of liberty, including limited government, a virtuous and moral citizenry, and the rule of law.

Nor would these delegates be representing sovereign states. Instead, they would be the paid promoters of a panoply of special interest groups — many from the very fringes of American society — anxious to “fix” the Constitution and rewrite it to more accurately reflect their vision of a more progressive, more accepting, more “diverse” document — one that is less morally sound and less devoted to the Judeo-Christian religious code, and that is completely committed to forcing the square peg of contemporary social and moral “norms” into the round hole of the Constitution.



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