

THE SUMMER OF 1787 by David O. Stewart

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p. 2 Each in his own way had led the rebellion against Great Britain. In 1774, Washington had presided, over the county convention that adopted the Fairfax Resolves, which Mason had drafted in the same parlor at Mount Vernon. Mason's aggressive resolves proclaimed that imposing British laws on Americans without their consent violated "the privileges of a free people, and the natural rights of mankind." Washington went on to personify the American Revolution with his moral and military leadership, while Mason played a more local role through Virginia's General Assembly.

p. 4 The situation was maddening. Mason did not even have the resolution that established his authority. He knew that the river dispute grew from the charter for Maryland that King Charles 1 issued in 1632. That document defined Maryland as extending to the *far* bank of the river, fostering chronic conflict with Virginia over tolls and taxes and fishing. In 1785, similar squabbles were flaring among America's thirteen independent, yet not quite united, states. Connecticut and Pennsylvania fought over land; New York and New Hampshire wrestled for Vermont; new Jersey assailed New York's taxes on shipping. The conflicts limited trade and all forms of economic activity. If the states were to prosper, much less become a nation, they had to stop fighting each other.

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p. 6 Neither Mason nor Washington worried that they might be violating the Articles of Confederation, the document by which the thirteen states had made themselves a nation in 1781, only four years before. The Articles barred any two states from entering into an agreement without the consent of Congress, but disregard for that toothless charter was rampant. Under the Articles, the government consisted only of Congress, with neither an executive branch nor courts. Worse, Congress at this time (often referred to as the Confederation Congress) frequently lacked a quorum to take official action and rarely had money to pay for any action it might take.

p. 7 A generation younger than the neighboring Georges, Madison at thirty-four was already a seasoned politician, having served at Virginia's Constitutional Convention in 1776 and also in the Confederation Congress after adoption of the Articles in 1781. Short and barely one hundred pounds the reserved Madison cut a modest figure in the drawing room. He would not marry until his forty-third year. But on matters of public concern, Madison's intelligence and industry won respect and influence beyond his years.

p. 9 Visiting Mount Vernon in October of 1785, Madison wondered whether Mason's report on the Mount Vernon Conference might pave the way to such a convention.

Washington encouraged the notion as he impatiently wrote to Madison, "We are either a united people, or we are not. If the former, let us, in all matters of general concern act as a nation.....If we are not, let us no longer act a farce by pretending to it."

p. 10 They needed a pretext for this move, and found it in New Jersey's direction to its delegates to address commercial issues "*and other important matters.*" The nation's problem were far from merely commercial. Other countries took advantage of America's weakness. The British occupied forts in the West and refused to trade with Americans. Spain had closed the Mississippi River to Americans. In the Mediterranean, the Barbary States seized American ships and enslaved their crews. This was no time for half-measures. Why not a convention to address *all* of the national government's defects?

The effort to create new government, which started in earnest when two old friends sat before a Mount Vernon fire and chose to act with no authority, would prove arduous. Change, especially fundamental change, always is painful, and always inflicts casualties. In this case, one casualty would be their friendship.

p. 11 The newspapers were calling it "Shays' Rebellion," for Daniel Shays, one of the leaders. Thrust to the fore because of his military experience, Shays was a reluctant commander, proud that so far his troops had avoided combat in this ragtag rebellion. Prominent Americans like George Washington and George Mason knew nothing of Daniel Shays, but they were learning.

p. 12 They were not all poor, but the times were hard. As many as two-thirds of them had been hauled into debtors' courts, facing humiliation and even jail. For years, the government in distant Boston had turned a deaf ear to their complaints.

The rebellion had begun six months before, during the summer of 1786, when crowds of angry farmers prevented court from convening in Northampton. Their reasoning was linear: no court hearings meant no judgments for creditors, and no foreclosures.

p. 15 The rebels raged at a state government dominated by merchants who insisted on high taxes to repay the state's war debts, then awarded seats in the State Senate on the basis of the wealth of each community. That rage, great enough to send husbands and fathers and sons

and brothers in the frigid Massachusetts winter, loosed a flurry of self-examination and doubt.

p. 18 What was so terribly wrong with the Articles of Confederation? By 1787, they had been in effect for only six years, during which time the Americans beat the British and turned their energies to peacetime pursuits. Did the rash acts of Massachusetts hotheads have to condemn the Articles, especially in view of that state's reputation for ill temper? Jefferson, 3,000 miles away in Paris, viewed the Shays rising with a bemused shrug, observing that it was the *only* American rebellion for the last eleven years: "God forbid we should ever be 20 years without such a rebellion," he wrote. "The trees of liberty must be refreshed from time to time with the blood of patriots and tyrants; it is its natural manure."

p.20 The government's impotence inflicted on every American twin plagues of bad money and confusing money. During the war; Congress issued millions in unsecured bills of credit, which promptly slid to such little value that the phrase "not worth a Continental" entered the idiom. By July of 1779, a Continental dollar was worth five cents or less. In 1780, a sheep could be purchased for \$150 in paper money, or \$2 in hard currency.

p. 20 To establish an American currency in 1785, the Confederation Congress adopted the dollar – initially a Spanish currency – but what was *its* value? The New England states and Virginia pegged a dollar at 6 shillings, while the mid-Atlantic states valued it at 7 shillings and 6 pence; New York and North Carolina set the value at 8 shillings, but South Carolina and Georgia chose a value of 4 shillings and 6 pence. Transactions also might be conducted in Spanish doubloons, Prussian carolines, or Portuguese moidores or johannes.

p. 21 Some states persisted in charting their own foreign policies, Georgia, a frontier community with only 50,000 souls, was waging war against the Creek Indians, with neither notable success nor any involvement of Congress. Martial law prevailed in the state, and Spain (which held Florida) was suspected of arming the Creeks. Virginia separated directly with the British government to recover stock it held in the Bank of England.

p. 21 The Confederation Congress fared no better in maintaining internal peace, beginning with its failure to raise troops to meet the Shays rebels. There were other examples. From Massachusetts to South Carolina, nine states claimed to have their own navies. Western settlers proclaimed the new state of Franklin and elected a governor. Vermont functioned as

a sort of free state, offering haven to Shays and his colleagues amid rumors that it might join Canada as part of the British Empire.

p. 22 Lack of revenue was the ultimate indignity for the Confederation. Congress could impose no taxes; it could only make “requisitions” for funds from the thirteen states. Its requisitions met with very mixed results.

p. 23 A potent symbol of Congress’s frailty was its homelessness. It fled Philadelphia in June of 1783 when mutinous troops demanded their pay and the Pennsylvania militia was slow to provide protection. Princeton, little more than a hamlet, was Congress’s next home. After a spell in Annapolis, the fugitive legislature lodged for a time in Trenton, finally coming to rest in New York City. Vagabondage is not the hallmark of a great government.

p. 24 The weakness of the Confederation Congress, combined with the practical impossibility of amending the Articles, meant that many delegates in Philadelphia agreed with Madison and Washington that America needed a new government with “energy.” One New England delegate lamented the Confederation’s “deranged condition,” while another warned that without action, “the present phantom of a government must soon expire.”

p. 25 Most of the delegates had served the new nation before. Eight signed the Declaration of Independence, fifteen helped draft their state constitutions, and twenty-five were members of the Continental Congress during the Revolution. Almost three-fourths of them had served in the Confederation Congress since 1781, so they knew firsthand the frustrations of governing under the Articles. The delegates’ distinction led Jefferson to exclaim in a letter to Adams, “It really is an assembly of demigods.”

They agreed on the solution. Power must be taken from the states and given to a national government. To achieve that solution, the delegates would have to navigate through state jealousies, competing economic interests, and the clashing egos of individual delegates. The delegates also would have to reconcile the revolutionary ideal of liberty with the reality of slavery, which was the economic foundation of almost half the nation. And, without incorporating any structural flaws in the design, they had to do it all before the existing government fell down or burned up.

p. 30 Wythe, sixty-one, was America’s first law professor. At the College of William and Mary he trained a generation of leaders that included Thomas Jefferson, John Marshall, and James Monroe. A signer of the Declaration of Independence and former speaker of the

Virginia House of Delegates, Wythe was his state's leading judge from 1778 until his death in 1806. Blair, fifty-five, served alongside Wythe on Virginia's chancery court and had participated in his state's constitutional convention. McClurg, forty-one, a physician and professor at William and Mary, was a member of Virginia's executive council.

p. 33 Most important for the Convention were Franklin's decades of political experience. More than thirty years before, in 1754, he had drafted the Albany Plan of Union for the thirteen British colonies (which was never adopted). He served in the Stamp Act Congress of 1765 and in the Revolutionary Congress of 1775, 1775, and 1776, during which he edited the Declaration of Independence. He negotiated the crucial alliance with France during the Revolution, and then the peace treaty with Britain. Despite protestations of age and infirmity, which would cause him to skip sessions through the summer, Franklin's talent for compromise would help the Convention over its roughest patches.

p. 34 With Washington and some other delegates, he shared a weakness – more like a fever in Wilson's case – for speculation in frontier lands. For Wilson, the fever would prove fatal.

p. 34 Tall, well dressed, and solidly built, his auburn hair fashionably powdered, Wilson radiated a lowering intensity while inspiring little affection. Speaking often in favor of a stronger central government, he led (in the words of one delegate) "not by the charm of his eloquence, but by the force of his reasoning."

p. 36-37 The Virginians personified the plantation aristocracy of the South and its professional class. They knew each other well, beginning with Mason and Washington, lifelong neighbors and friends. Wythe and Blair were juridical colleagues. Three had attended the College of William and Mary in Williamsburg, where Wythe and McClurg were on the faculty, while four lived in and around that town of only a few thousand. Madison's Montpelier estate was relatively distant in the state's western hills, but it closely resembled in organization both Mount Vernon and Gunston Hall, while various Randolphs owned plantations throughout Virginia. All seven of them owned slaves.

p. 37 He was surprised to find that the New Englanders, despite their reputation for democratic views, were almost "anti-republican," which he attributed to "the unexpected evils they have experienced" with Daniel Shays and his men.

P. 38 As with any group deliberation involving dozens of people, the dynamics of the Convention were complex. Delegates played the roles dictated by personality and relationships, by their beliefs, and by the politics and economics of the states they represented. Some, like Madison and Wilson and Gouverneur Morris, pushed to the front of the stage and speechified on a daily basis; others, like Franklin, were more selective in their remarks, but exercised important influence offstage; and some, like Blair of Virginia and Jared Ingersoll of Pennsylvania, sat mute for four months, leaving scarcely a trace that they had been there.

p. 40 Massachusetts delegate called him "the cleverest being alive," adding, "I love him better every time I meet him." Twice the unsuccessful Federalist candidate for president, General Pinckney's contributions to the Constitution largely involved defending slavery.

p. 40 The final South Carolinian, universally referred to as Major Butler, had come to America as a British army officer in the 1760s. Marriage to a local heiress persuaded him to join those he had been sent to pacify. Like General Pinckney, Butler's contributions in Philadelphia focused on slavery questions, though he also made an impression with the ardor of his speech. More than any other, his comments are noted as "contending" or

"objecting," sometimes "warmly," sometimes "decidedly," sometimes "strenuous" and even "vehement."

p. 50 No more than eleven states were represented at any one time. Rhode Island never did send delegates. The two New Hampshire delegates arrived two months late, at the end of July. By then, Yates and another conservative New Yorker were long gone, leaving Alexander Hamilton as a lone New York delegate without a delegation, a status which prompted him to forsake Philadelphia for much of July and August.

p. 51 Most important, the rules followed Congress's practice of granting one vote to every state delegation. Each delegation's vote was cast as directed by a majority of those members who were present. Maryland and Connecticut allowed a single delegate to cast its vote. New York required all three of its delegates to be present, while the others insisted that at least two, three, or four (for Pennsylvania) to be present in order for the state to vote. The Pennsylvanians urged that per-state voting be abandoned, but the Virginians "discountenanced and stifled" the suggestion, fearing it would "beget fatal altercations between the large and small states." Those altercations were only delayed, not prevented.

p. 51 Per-state voting magnified the influence of the smaller states. That impact increased when a state's delegates divided evenly on a motion, preventing that state from casting its vote and reducing the number of states which did vote on the motion. With New York and New Hampshire absent for long stretches, and Rhode Island refusing to attend, northern (non slave) interests were chronically underrepresented.

p.51 The rule against publication was a code of silence: a complete news blackout. As recorded by Madison, "nothing spoken in the House (would) be printed, or otherwise published or communicated without leave" from the Convention. To enforce the rule, the East Room's windows remained closed through the steamy summer and sentries were posted outside, at Virginia's expense, lest the delegates' exchanges be overheard and misunderstood.

p. 52 The second added rule specified that delegates could demand reconsideration of every decision the Convention made. Through the coming months delegates would employ this procedure with exasperating frequency. Difficult questions were never resolved in a single discussion and vote. They came up again and again, even after they apparently had been decided. Variations would be offered on earlier proposals, new and old arguments

mustered. Often the previous outcome would hold, but every now and then alliances shifted and the constitutional structure changed. This practice gave the Convention a looping, repetitive quality, but – combined with the rules of secrecy – allowed the delegates to revise their views upon wider consultation and deeper reflection, a luxury both precious and not often afforded to public officials, even in the slower pace of the eighteenth century.

p.56 Second, though the Virginia Plan made no mention of slavery, one feature would ignite a conflagration over that most volatile issue. The conflict would concern a central question for any representative government: who is to be represented? The Virginia Plan offered two alternatives. One approach would assign representatives "proportioned to the quotas of contribution" of that state – that is, the number of representatives could be based on the wealth of each state as reflected in the taxes it paid. That calculation would include the value of a state's slaves, who counted as property for tax purposes. Accordingly, quotas of contribution would give representation based on southern slaves. But many questioned how to calculate "quotas of contribution" in an era without widespread taxation or reliable statistical information. Generally, that alternative was dismissed as impractical.

p. 57 The problem of representation would bring slavery into the center of the East room, trailed by a host of thorny questions. How exactly, should slaves be counted? Were they people or were they property? What stake did they have in the government? What did the government have in them? How on earth could the principles of representative democracy be reconciled with slavery?

p. 64 The delegates next argued over how to select the second legislative branch (the future Senate), which would become the prize in the long battle over representation. Modeled on the British House of Lords and the upper house of the Maryland legislature, this second house was intended to stabilize the government against swings in public passions. Noting that the Convention was a response to the "turbulence and follies of democracy," Randolph explained that "a good Senate" would check that "tendency."

p. 65 When the delegates returned on the following day, June 9, the simmering conflict exploded. Led by New Jersey delegates, the small states started to fight. They insisted that each state must have exactly the same voting strength in Congress, just as they did under the Articles, and as they did at the Convention. They were "astonished" and "alarmed" that the

Virginia Plan would base a state's voting strength on its population. It was unthinkable. Each sovereign state was the equal of every other state. The conflict reflected fundamentally different visions of the nation. Was it to be an amalgam of autonomous states, or a single nation? The delegates had to choose.

p. 67 As reflected in the debates on Monday, June 11, Wilson cut a deal with the South Carolinians. He and John Rutledge yoked the democratic principle of equal representation to the southerners' need to protect slavery. To secure representation in Congress based on population, Wilson embraced the fiction that southern slaves should be partly represented. Though Wilson made the deal in order to establish democracy, future abolitionists would denounce his Faustian bargain as a central feature of the Constitution's "covenant with death."

p. 68 In America in 1787, slavery was ubiquitous. The census of 1790 counted 681,000 slaves, or one-sixth of the total population. Nearly half of the slaves lived in Virginia, where they constituted one-third of that most populous state. Even Pennsylvania had 3,700 slaves.

p. 70 In 1787 only Massachusetts banned slavery, and that state's prohibition came from a court ruling, not from a legislative act. Four other states (New Hampshire, Connecticut, Rhode Island, and Pennsylvania) had "gradual emancipation" laws that freed children of slave parents. New York adopted gradual emancipation in 1799, and New Jersey followed in 1804. Under those statutes, slaves were held in northern states into the 1840s. In 1802, Virginia enacted a manumission law allowing masters to set slaves free, but not many took the opportunity to do so.

p.77 After reviewing the arithmetic of voting by the thirteen states, as well as the merger of the Scottish and English parliaments at the beginning of the century, Franklin's remarks closed by noting that in 1774 the Continental Congress had adopted per-state voting only because it lacked a way to count the population of each state.

p. 80 The large-state/slave-state alliance briefly enjoyed success beyond even Wilson's goals. As soon as the vote was tallied in favor of proportional representation in the House of Representatives, Sherman moved to give each state but one vote in the Senate, as he had urged early in the day. "The smaller states would never agree to the plan," he cautioned, "on any other principle."

p. 89 Moreover, the large states were undeniably united in attacking the one-state/one-vote standard. Madison could declaim all day about the diverse interests of the large states, but they stood together now. What were they up to? What other schemes would unfold once the Big Three had effective control over Congress? What should the small-state delegates believe – Madison's ceaseless droning, or their own experience?

p. 94 Though his timing was impeccable. Hamilton missed the mark on substance. He would be haunted for years by accusations about what he said in his daylong peroration, one of the "flagrant errors in his career." Lulled by the promise that the Convention's deliberations were secret, aiming to inspire a new vision of American government. Hamilton committed the unforgivable gaffe of the political naïf. He said what he thought.

What he thought was that democracy was a poor basis for a government. "The voice of the people has been said to be the voice of God," he told his colleagues, but "it is not true in fact. The people are turbulent and changing; they seldom judge or determine right." Better to give power to "the rich and well born," not to "the mass of the people." This much of Hamilton's remarks, though badly stated, was not wildly at odds with the views of more than a few delegates. But he had more on his mind.

p. 99 Despite the rejection of the New Jersey alternative, much remained unresolved. The small-state delegates were not prepared to give up equal state votes. The Convention had still to imagine a national executive who would not become a monarch, and how to select him. They also had to accommodate the western expansion of the nation.

And slavery, as well, was not through with them.

p. 104 Madison thus proposed to define the two house of Congress in terms of slavery, imprinting the practice deep in the nation's genetic material. One part of Congress would have the specific duty of protecting slavery.

The proposal died of neglect. No one but Madison commented on it for the remaining eleven weeks of deliberation.

Why had he set off on such a quixotic initiative with no visible allies? Had he projected onto the Convention's impasse his own turmoil as a ambivalent slave owner? Such a misjudgment would be rare for Madison, who was ordinarily a perceptive political observer.

p. 105 In truth, the Virginian more often came out on the short end of contests at the convention. By one scholar's count, "of seventy-one specific proposals that Madison moved, seconded, or spoke unequivocally in regard to, he was on the losing side forty times." Madison himself was modest about his contributions. In the year before his death, he rejected the statement that he was "the writer of the Constitution." The charter was not, he insisted, "the offspring of a single brain. It ought to be regarded as the work of many heads and many hands." Indeed it ought.

p. 107 When the delegates reconvened on Monday, July 2, Ellsworth promptly presented a motion calling for equal state votes in the Senate. The small states had placed all their hopes on this measure, which Roger Sherman had lost on June 11 by a 6-5 margin. By Sherman's axiom, if the small states wanted to vote again, something had changed. The delegates sat anxiously as the roll call began. Massachusetts voted first, then Connecticut, then New York. Was the Convention going to make a momentous shift, or only spin its wheels again?

p. 114 Madison disparaged giving the "exclusive privilege of originating money bills" to the House of Representatives, the concession to the large states. Similar limitations in state

constitutions had been easily evaded, he said, a view that Major Butler of South Carolina shared. Madison denounced equal state votes in the Senate as an “injustice.”

p. 129 But who owned what in the West? The only certainty was that George III of England had relinquished his title. After that, six states competed for ownership with each other, with Indian tribes, and with speculators. Many settlers were simple squatters, with no legal right to the land they occupied. It would take a generation to resolve the contending claims.

Even more urgent than who owned the West, though, was the territory’s impact on the fledgling nation perched on the Atlantic Coast. Some of the delegates feared westerners, portraying them as a cross between Vandals and beasts of the forest. These easterners dreaded the day when such wild creatures would outnumber the civilized residents of the thirteen states. Rufus King in 1786 worried that westward emigration would drain away people needed in the East, while future President James Monroe fretted that westerners’ “interests will be opposed to ours.”

p. 130 Washington was right to wonder about the loyalty of westerners. Spanish archives from the era, one scholar concluded, establish the westerners’ “treachery, fickleness, and untrustworthiness.”

Westerners’ leading complaint concerned the Mississippi. For ten years and more, America had sought the right to ply its waters, since all western trade naturally flowed down them. In a sharp setback, Spain closed the river to Americans at the end of the war for independence. By 1786, John Jay of New York was representing Congress in negotiations with Spain. In return for trade advantages, including the opening of Spanish ports to American ships, Jay proposed that the United States forgo all trade on the Mississippi for twenty-five years. Southerners hotly denounced those terms, forcing Jay to abandon the negotiation. Westerners now had an even better reason to distrust the Atlantic states.

p. 133 In Philadelphia, the delegates had to decide how new states would be admitted to the Union. Not only western lands promised new states: Vermont would join the Union as soon as New York abandoned its claim to that territory, while Maine was expected to separate from Massachusetts and seek statehood. Still, the great growth would be in the West, which troubled many delegates. On July 6, Rufus King of Massachusetts cautioned that equal state

votes in the Senate would give as many as ten votes to new states in the Northwest Territory even though all those states together would have fewer people than Pennsylvania.

p. 134 Three days later, Nathaniel Gorham of Massachusetts rose. Gorham, who had an anxious side, was anxious about the West. If the new government allocated one representative for every 40,000 people, he warned, western states might one day “out-vote the Atlantic.” The Atlantic states should keep the government “in their own hands, [so they] may take care of their own interest.” Gouverneur Morris echoed Gorham the next day, urging the original thirteen states to “keep a majority of votes in their own hands.”

Two days later, George Mason fought back on behalf of states yet to come. He spoke plainly:

“Ought we to sacrifice what we know to be right in itself, lest it should prove favorable to states which are not yet in existence. [T]he western states...[must] be treated as equals, and subjected to no degrading discriminations. They will have the same pride....which we have, and will either not unite with or will speedily revolt from the Union if they re not...placed on an equal footing.”

p. 134 Morris responded by sharing his dislike of all things western. Though he was the sturdiest challenger to slavery at the Convention, the aristocrat did not mince words in belittling the frontier. Having seen backcountry representatives in Pennsylvania’s Assembly, Morris was sure they were not “equally enlightened”:

“The busy haunts of men, not the remote wilderness, was the proper school of political talents. If the Western people get the power into their hands they will ruin the Atlantic interests. The back members are always the most averse to the best measures.”

p. 135 The bill guaranteed to residents of the territory many rights that would be left out of the Constitution, including the rights to “peaceable worship,” to due process of law, and to be protected against cruel and unusual punishments. Only after ratification of the Bill of Rights in 1791 would Americans in the Atlantic states possess similar rights. Uniquely, the legislation also declared that “the means of education shall forever be encouraged”; on slavery, the bill was silent.

This time a fellow Pennsylvanian James Wilson, challenged him. "The majority of people wherever found," he insisted, should govern "in all questions. By denying that principle, Great Britain had lost its American colonies. Surely the new nation should not make the same mistake by denying the rights of westerners.

p. 136 The principle of equal treatment for new states – embraced unanimously by Congress in New York, and more reluctantly by the Philadelphia Convention – was novel. Beginning with Rome and continuing through Venice, republics had grown by conquest and colonization, but did not extend equal status to their new lands. America would take a different approach. New states would stand equal to their predecessors. On this issue, Mason, Wilson, and Madison held the delegates to their republican ideals. The former colonials would not become colonizers.

Westerners had to be encouraged by the decisions of the second week of July. In both New York and Philadelphia, the feather's touch had been applied, and the pivot turned decisively in the direction of fairness and equality for the West.

On slavery, the outcome would be far less clear.

p. 144 Others have tried to link Rev. Cutler's trip to the Ipswich Miracle, which took place in New York on July 13, while the reverend was away. That was the day Congress approved the Northwest Ordinance. At the very last minute of floor debate, Nathan Dane moved to add a sixth article to the ordinance, which provided: "There shall be neither slavery nor involuntary servitude in the said territory." It imposed unequivocal abolition, the bugbear of every southerner and the provision that Cutler claimed to have written. As a concession to slave owners in other parts of the country, Article Six included a "fugitive slave provision," requiring the return of escaped slaves to their masters. Dane's Article Six was approved by unanimous vote and became an honored part of the nation's founding documents.

Describing the event in a letter to Rufus King, Dane's surprise and delight was palpable:

"When I drew the ordinanceI had no idea the States would agree to the sixth Article prohibiting Slavery -; as only Massachusetts of the Eastern States was present -; and therefore omitted it in the draft -; but finding the House favorably disposed on this subject after we had completed the other parts I moved the article -; which was agreed to without opposition."

Those states supporting Dane's Article Six included slave-owning stalwarts: Virginia, North Carolina, South Carolina[!] and Georgia.

How did this miracle happen? More particularly, how did it happen at the same time that Major Butler of South Carolina was threatening to lead southern delegates out of the Philadelphia Convention because he suspected northerners wanted to abolish slavery?

p. 147 Almost seventy years after the Convention, another explanation came from Edward Coles, who had been a personal secretary to Madison. Writing in 1856, Coles attributed to Madison the statement that Congress and the Convention executed a coordinated compromise on the "distracting question of slavery." The coordinated compromise, according to Coles, required northerners to accept fugitive slave provisions in both the Constitution and the Northwest Ordinance to ensure that southerners could retrieve their escaped property. That agreement supposedly "creat[ed] the great unanimity by which the [Northwest] Ordinance passed" with its ban on slavery, and also made the Constitution "more acceptable to the slave holders."

p. 147 Although the Framers were guarded in later remarks about the Convention's debates, they did explain most key decisions. But never – not even during bitter debate over the Missouri Compromise in 1819 and 1820 with Rufus King and Charles Pinckney on opposite sides in the Congress and with Madison watching from the sidelines – did any suggest there had been a coordinated settlement over slavery. Indeed, while Cole's version would gratify the human desire to organize facts into patterns, his hearsay report came far too late to command much regard.

p. 148 The first question recurs: How *did* the Ipswich Miracle happen in New York on July 13? How did those anonymous nobodies in Congress achieve abolition (albeit geographically limited) when the celebrated Framers in Philadelphia – Washington, Franklin, Madison, Hamilton – prudently declined to raise the issue? The very obscurity of Congress may provide some answer. Being eclipsed by the Convention may have given it the latitude to do the right thing. That the northwest lands held very few slaves and were largely unsettled certainly enhanced that freedom to act.

p. 152 One overriding factor reduced the urgency of discussions about the presidency: the tall man who presided over them. Every delegate, and most Americans, assumed that George Washington would be the first president.

p. 154 Where were the examples to copy? Few nations in the eighteenth century had nonhereditary executives. The Netherlands, supposedly a republic, was led by the stadtholder of the House of Orange, a hereditary office. Switzerland close no overall leader. The delegates viewed with disgust the corrupted election processes for the Holy Roman emperor and the king of Poland.

p. 154-155 Mason and Dr. Franklin successfully argued for removal of the president by legislative impeachment, an English practice for discharging the king's ministers. Having no political ambitions and little concern about offending the General, Mason put the matter frankly "Shall any man be above justice? Above all, shall that man be above it who can commit the most extreme injustice?" Without impeachment, Franklin urged, the only way to remove an unjust leader was assassination. Impeachment permits "regular punishment" or "honorable acquittal."

p. 156 Gerry of Massachusetts wanted to deploy a battery of public officers in selecting the president. State legislatures would choose electors; if no candidate commanded a majority of electors, then the House of Representatives would select two candidates from the four with the most electoral votes; the Senate would choose the president from the two finalists. In Gerry's process, only state governors would play no role. According to Madison, "The *noes* were so predominant" that the roll of states was not called.

p. 161 Undeterred, the Virginian moved to a third item. The national capital, he argued, should not be in the same city as any state capital. In its thirteen years, Congress had resided in many places, including New York Philadelphia, Annapolis, Trenton, Princeton, and Lancaster, Pennsylvania. Mason warned that having state and national governments in the same place "tended to give a provincial tincture to the national deliberations."

Perceiving the tepid reception for his motion, Mason withdrew it "for the present." He had won on the big one, the presidency. He might find openings for raising the other issues after the recess. All in all, it had not been a bad day's work.

p. 163 As the Convention neared its late July recess, John Rutledge could feel the moment approaching, and he intended to make the most of it.

p. 165 The five committee members left only a modest trail behind them. From one perspective, their draft was a remarkable cut-and-paste job, reaching beyond the nineteen resolutions to borrow provisions from the despised Article of Confederation, from state constitutions, and even from Charles Pinckney's almost-forgotten plan.

p. 171 In mid-July, Rutledge again demanded a "specification of the powers" for Congress. Randolph now agreed with him. Without such a specification, Randolph protested, Congress could "violat[e] all the laws and constitutions of the states." Nevertheless, the Convention approved a resolution giving Congress broad power to legislate.

In all cases for the general interests of the Union, and also in those to which the States are separately incompetent, or in which the harmony of the United States may be interrupted by individual legislation.

p. 173 The committee's third transformation of the Constitution was far less successful. In fact it would trigger an insurrection in the East Room.

The committee members fabricated three brand-new provisions that were dear to southerners. First they guaranteed that the importation of slaves could never end. They banned any taxes on exported goods. Finally, they required that "navigation acts" (that is, legislation concerning interstate, and foreign trade) be approved by a two-thirds vote of each house of Congress.

No prior action by the Convention even implied these three provisions. They so completely favored the South that one scholar, in resentful tribute to Rutledge's skills, called them a "monument to Southern craft and gall." The guarantee of the slave trade could help only the southern states, while the ban on export taxes would protect southern tobacco, rice and indigo.

p. 182 Through many weeks before the recess, only Jenifer and Martin had attended the Convention. With Jenifer supporting a strong government and Martin opposed, the two canceled each other out on eighteen separate ballots, including whether there would be per-state voting in the Senate, and the choice between the New Jersey and Virginia plans. The deadlock took a toll on collegiality, which was chafed further by Martin's bumptious ways.

As one delegate put it, he was "so extremely prolix that he never speaks without tiring the patience of all who hear him."

Having an uneven number of Maryland delegates present would end the stalemates, but the Marylanders still were arguing over whether the Convention should only amend the Articles or should write a new Constitution. Mercer, newly arrived, asked whether the state's people would support the entirely new government outlined by Rutledge's committee. Martin predicted they would not, then wheeled on Jenifer, his nemesis through many hot weeks. With Jenifer's support, the attorney general sputtered, they might have prevented the Convention from undertaking a completely new Constitution.

p. 183 At the Convention on the following day, McHenry showed the others some specific amendments to the committee report. (They were already down to four Maryland delegates, since Martin left for New York that morning.) McHenry's propositions expressed Maryland's interests as a small slaveholding state with a lively trade through the port of Baltimore.

p. 185 On August 7, Gouverneur Morris demanded a property qualification for voting in national elections. Only landowners should vote, he said, as was true for many state elections. His reasoning was tortuous: true democracy, he said, required denying the vote to those without property, who otherwise "will sell them [their votes] to the rich."

Yet three days later the South Carolinians began to agitate for property qualifications for those *holding* national office. Charles Pinckney insisted that the president should have \$100,000 of property, with judges and congressmen having half that amount. That would ensure that those officials would be "independent and respectable." Rutledge seconded, explaining that his committee had not included such a provision, "being embarrassed by the danger on one side of displeasing the people by making [the requirements] high, and on the other of rendering them nugatory by making them low.

p. 186 On the following day, Gouverneur Morris insisted on fourteen years of residence for senators. Major Butler of South Carolina, an Irish immigrant, offered surprising support. Had he held office upon arriving in America, he told the delegates, "his foreign, habits, opinions and attachments would have rendered him an improper agent in public affairs."

Wilson made the question personal. Noting that he was an immigrant – a fact always plain from his accent – Wilson was distressed that he might be “incapacitated from holding a place under the very Constitution which he had shared in the trust of making.” While living in Maryland, Wilson related, his immigrant status had placed him “under certain legal incapacities, which never ceased to produce chagrin.” Even if one does not wish public office, “to be incapable of being appointed [is] mortifying.”

p. 187 Another crusade ended in failure that August. For weeks, Madison had argued unsuccessfully that Congress must have the power to veto state laws. Young Charles Pinckney took up that cause on August 23. To avoid an immediate vote on the controversial provision, Madison suggested it be referred to a committee for study. The opponents of the measure needed no further study. George Mason asked if every road or bridge in the nation should be subject to congressional veto? John Rutledge was categorical. By binding states “hand and foot.” this provision “would damn and ought to damn the constitution.” By a narrow margin, the delegates refused to refer the question to a committee.

On two issues, the bedazzling elements of money and power led the delegates down circuitous paths. The first was broached by that inveterate stirrer-of-pots, Gouverneur

Morris. On Thursday, August 16, the Pennsylvania delegate proposed to remove Congress’s power to “emit bills on the credit of the United States.” Though the phrase is murky to modern readers, Morris aimed to bar the national government from issuing paper money. A few delegates opposed the idea, but most competed to applaud it. Major Butler was “urgent” in his support, while a New Hampshireman preferred rejecting the Constitution to retaining the words “and emit bills.” A Delaware delegate declaimed that those three words, if not deleted, “would be as alarming as the mark of the Beast in Revelations.”

p. 188 The second intersection of money and power focused on whether the House of Representatives should have exclusive power to originate tax and spending bills. That exclusive power was part of a the compromise brokered by Dr. Franklin in the first Committee of Eleven; it was intended to compensate large states for accepting per-state voting in the Senate. Giving the House authority over “money bills” would empower the larger sates, which should dominate that branch of the Congress.

Other large-state delegates grew alarmed. Randolph of Virginia demanded that the money bill provision be reconsidered. Admitting that he did not much care for it, he

insisted that the large states should at least get what they had been promised in the Franklin compromise. Mason advanced a more principled argument. The House of Representatives, like the House of Commons, would be elected by the people and should control money matters.

p. 191 The General recognized Rufus King of Massachusetts, King was angry; the three-fifths ratio, he spat out, was "a most grating circumstance."

King was one of nature's lucky ones. Of middle size, he was darkly handsome and well spoken. Having been born to a wealthy merchant family, he married into a wealthier one. Though only thirty-two, the Harvard-educated lawyer had already earned high regard at the Convention. One delegate recorded that there was "something peculiarly strong and rich in his expression, clear and convincing in his arguments." From his time in the Confederation Congress, King was known to oppose slavery. His efforts to exclude slavery from the Northwest Territory helped lay the groundwork for the Ipswich Miracle. By nature pragmatic, King ordinarily took thoughtful positions. But on Wednesday, August 8, after absorbing the pro-South provisions of the draft Constitution, King was as hot as the brick walkways outside the Senate House.

He told the delegates that he had been willing to accept the three-fifths ratio as the price of creating a strong national government. The Rutledge Committee's report "put an end to all these hopes" by ensuring the continued importation of slaves and banning export taxes. The result had "so much inequality and unreasonableness" that Northern states could never be reconciled to it.

p. 192 Sherman's soft words did not work on Gouverneur Morris. Prodded by King's outburst, the Pennsylvanian reared up on his peg leg, brimming over with rage and righteousness. He moved that representatives be allocated according to the number of "free inhabitants," expunging the three-fifths ratio. Then, declaring that he "never would concur in upholding domestic slavery," he delivered the first abolitionist speech in American political life.

p. 194 By concentrating his fire on the slave trade, Morris attacked the most vulnerable of the pro-South provisions. The brutality of the passage from Africa, and the high mortality rate among the enslaved, were widely reviled. While the Convention sat, a Philadelphia magazine carried an emotional depiction of the journey:

The rolling sea hurries the heaving hearts: the sighing souls escape!...the groans of a hundred men, the sighs of a hundred women, the cries of a hundred youths are one!.....Silence prevails, and the dead bodies are thrown to the watchful sharks, whose ravenous jaws are glutted with the flesh of men! The markets in the west are full of slaves. The fathers of oppression are there: their flinty hearts regard them as beasts of burden.

p. 195 Tuesday, August 21, was a hot rainy day from Philadelphia's seemingly limitless supply of sultry weather. When several delegates moved to soften the ban on export taxes, southerners replied with harsh ultimatums. Major Butler "strenuously opposed" export taxes, while a North Carolinian predicted that giving Congress the power to levy such taxes would "destroy the last hope of an adoption of the [Constitution]." The five slave states and their Connecticut allies defeated a proposal to allow Congress to impose such taxes with a two-thirds vote.

p. 198 The respected John Dickinson of Delaware rose. His words had special force. After inheriting thirty-seven slaves, Dickinson had freed them all just one year before; under Delaware law he not only lost the value of the slaves, but also had to post a bond

for each he set free. Dickinson told the delegates it was "inadmissible on every principle of honor and safety that the importation of slaves should be authorized."

p.199 At this key juncture, another ambivalent slaveholder from Virginia entered the fray. While serving on Rutledge's committee, Edmund Randolph helped produce the package of prosouthern provisions. Ever changeable, Randolph now announced that he could never agree to a Constitution that exempted slave imports from taxation, which would "revolt the Quakers, the Methodists, and many others in the states having no slaves." Then again, he added, striking the clause might drive South Carolina and Georgia from the Union. A committee would have to find some middle ground. Randolph surely could not.

p. 202 Livingston presented the committee's report on Friday, August 24, just two days after the panel was named. General Pinckney had given ground on several points. Using a euphemism for slaves ("such persons as the several states....shall think proper to admit"), the slave trade would continue until 1800, but thereafter Congress could stop it. Moreover, slave imports would be taxed like other imports. Finally, no two-thirds majority requirement would apply to navigation laws.

p. 203 The delegates greeted the Fugitive Slave Clause doubtfully. Wilson complained of the expense of tracking down fugitives and delivering them up. Sherman "saw no more propriety in the public seizing and surrendering a slave or servant, than a house." The South Carolinians withdrew the motion, but they were busy that night with Sherman and the New Englanders. To secure the Fugitive Slave Clause, they agreed to give up the two-thirds requirement for navigation acts.

p. 204 In the Convention's last week, John Rutledge tied down one last loose end on slavery, securing a provision that the twenty-year extension of the slave trade could never be amended. It was the only provision in the Constitution with that protection.

p. 205 Fifteen years after, Rufus King's regret focused on the three-fifths ratio and the "preponderance which it has given to the slave-holding states over the other states." It was one of the Constitution's greatest blemishes." The nonslave delegates, he said, "injudiciously" agreed to the ratio because they thought that it would mean the South would play extra direct taxes. But the national government – reflecting the South's extra power under the three-fifths ratio – rarely imposed direct taxes, so the North never got the financial advantage it sought.

For seven decades after the Convention, the three-fifths ratio gave southern politicians extra power they wielded to protect the slave system, following the example set by Rutledge and General Pinckney. The Fugitive Slave Clause proved an important link in the chains of American slavery, making freedom even more elusive for southern slaves and leaving blacks in free states always vulnerable to seizure and enslavement. In a lawsuit over the fugitive slave provision, the *Dred Scott* case, the Supreme Court declared in 1857 that enslaved humans were property – the assertion from which even Connecticut's Roger Sherman recoiled.

p. 206 But King and Madison had grown old and their solutions were fanciful. The problem that defied resolution in 1787 had only become more intractable. When southern guns fired on Fort Sumter in April 1861, a grandson of John Adams wrote in his diary, "We the children of the third and fourth generation are doomed to pay the penalties of the compromises made by the first."

p. 208 The small and large states arm-wrestled for advantage. Rutledge won approval for both houses of Congress to elect the president by joint ballot, which would dilute the small states' advantage in the Senate. Dayton of New Jersey countered that each state

should cast one vote when Congress voted on the president, which would nullify Rutledge's notion. Dayton's motion lost by one vote.

p. 214 Having the number of electors equal the total of all senators and congressmen would please the large states; it also gave extra electors to slave states through the three-fifths ratio. To gratify small states, each state cast an equal vote when the Senate decided elections.

p. 216 History has not been generous to David Brearley, often ignoring his role in the creation of the American presidency. Asked to solve the most difficult problem remaining before the Convention and to do so on an impossible timetable, his committee produced a solution that the Convention could accept. Major flaws could be repaired in the future, and still might be. Brearley could take satisfaction in discharging a difficult duty that fell to him rather to those with more glittering reputations.

p. 217 The other dissidents may have planned to announce their opposition that day, or they, too, may have been provoked by Morris's suggestion that the people should not be

given much time to consider the Constitution. Whatever prompted them, three prominent delegates seized the moment to challenge the nascent charter.

p. 226 These reasons, though, had easy refutations. The "supreme" federal charter would override state constitutions, as Wilson knew; after all he wrote that part of the draft Constitution. And if a bill of rights was superfluous, why had Pennsylvania and seven other states adopted them, while other state constitutions listed specific rights as inalienable.

p. 222 From Gerry, the metaphor had particular impact. In the words of Rev. Manasseh Cutler, "Few old bachelors...have been more fortunate in matrimony than Mr. Gerry." Though Gerry was forty-three years old and of most appearance (so modest that Rev. Cutler estimated his age at fifty-five), his wife was described as "young, very handsome, and exceedingly amiable."

Five days later, Gerry shared with his wife his fears for the future. "I am exceedingly distressed at the proceedings of the Convention," Gerry wrote, "and almost sure they will if not altered materially lay the foundation of a civil war." By August 29, he wrote,

“I have been a spectator for some time, for I am very different in political principles from my colleagues.” Gerry remained in Philadelphia, he explained three days later, only “to prevent my colleagues from saying that I broke up” the Massachusetts delegation.

p. 223 Mason seemed to reach dissident status later than the ones. Like Randolph and Gerry, the Virginian disliked the aristocratic Senate, expressing his view on August 8 with a household metaphor:

An aristocratic body, like the screw in mechanics, working its way by
Slow degrees, and holding fast whatever it gains, should ever be suspected
Of an encroaching tendency.

p. 226 These reasons, though, had easy refutations. The “supreme” federal charter would override state constitutions, as Wilson knew; after all, he wrote that part of the draft Constitution. And if a bill or rights was superfluous, why had Pennsylvania and seven other states adopted them, while other state constitutions listed specific rights as inalienable.

p. 227 Although the dire predictions proved wrong, the dissidents could take satisfaction in the power of their last-minute demand for a bill of rights. That demand became the great rallying point for opponents of ratification. As Patrick Henry told the Virginia ratifying convention:

“You have a Bill of Rights to defend you against the State Government, which is bereaved of all power; and yet you have none against Congress, though [it is] in full and exclusive possession of all power! You arm yourselves against the weak and defenseless, and expose yourselves naked to the armed and powerful.”

p. 230 Three had found much common cause during the summer. James Madison, Rufus King, and Gouverneur Morris had earned their places with diligent labor, often jointly pushing to strengthen the national government. The last committee member, though, was a surprising choice.

Alexander Hamilton had been away from Philadelphia more than he had been there,

returning only three days before this committee appointment. He could not even cast a vote; with two New York delegates still boycotting the Convention, the state had no delegation officially present. Hamilton's daylong speech in the third week of June stood as an embarrassing failure. Indeed, on the Convention's final day he remarked that "no man's ideas were more remote from the [Constitution] than [my] own." Yet owing to his undoubted talents and commitment to the new nation, he was placed on this final committee.

The delegates entrusted the committee to these younger men, ignoring political considerations, because the job seemed largely ministerial. Madison wrote that their task was "to revise the style of and arrange the articles which had been agreed to by the House." According to Dr. McHenry's notes, the panel was supposed to "revise and place the several parts under their proper heads."

p. 234 The new structure streamlined the charter, an effect that Morris reinforced with rigorous editing. A good example was the allocation of seats in the House of Representatives. The final compromise was complex: each state had a specific number of representatives for the first election, but future allocations would be based on census

totals. Rutledge's committee outlined the compromise in three sections that extended for 268 words; Morris placed it in one section with 100 fewer words.

p. 237 The final avalanche of activity came on a very long Saturday, September 15. In more than two dozen votes, the delegates approved only one change, adding the second method of amending the constitution through congressional action and state ratification.

All that was left was to incorporate the last changes in the document and to sign it. The delegates had Sunday to make their travel plans.

In the public mind, two delegates stood head and shoulders above the others. With sardonic resentment, John Adam summarized the popular version of the nation's birth: [T]hat Dr. Franklin's electrical rod smote the earth and out sprung General Washington. That Franklin electrified him with his rod and thence forward these two conducted all policy, negotiation, legislation, and war.

When it came to imaging the government structure, analyzing counterproposals, striking compromises, muscling through deals, the Convention's leadership had come from John Rutledge and James Wilson, from James Madison and Gouverneur Morris, and from Oliver Ellsworth and George Mason. Washington sat at the front of the room, grave but silent, while Franklin was an infrequent participant. Yet on the Convention's last day, with the work done, Dr. Franklin and the general stepped comfortably back to their natural places at center stage. They played the roles that only they could play, and they played them flawlessly.

p. 239 After indulging two quips, Franklin insisted, "I agree to this Constitution, with all its faults, if they are such, because I think a general government necessary for us." No second convention would do better because men always bring them "all their prejudices, their passions, their errors of opinion, their local interests, and their selfish view." His declaration for the Constitution was unqualified:

It therefore astonishes me, sir, to find this system approaching so near to perfection as it does; and I think it will astonish our enemies.... Thus I consent, sir, to this Constitution because I expect no better, and because I am

not sure that it is not the best. The opinions I have had of its errors, I sacrifice to the public good.

The doctor's speech, according to Dr. McHenry of Maryland, was "plain", insinuating, persuasive." And "in any event of the system," McHenry added waspishly, the speech "guarded the Doctor's fame." Franklin finished with a direct plea to the dissidents.

I cannot help expressing a wish that every member of the Convention who may still have objection to [the constitution] would with me, on this occasion, doubt a little of his own infallibility – and to make manifest our unanimity, put his name to this instrument.

To secure those precious signatures, Gouverneur Morris had contrived a verbal sleight of hand. Rather than have the signers attest that they personally agreed with the Constitution, Morris drafted the following statement to appear above the signatures:

Done in Convention, by the unanimous consent of the states [*not*, that is, of the *delegates*] present the 17th of September. In witness whereof we have hereunto subscribed our names.

In this way, the signers affirmed only that the states had voted for the Constitution, as indeed they had.

p. 264 So far, Americans have amended the Constitution twenty-seven times. The most recent change bars any modification in congressional pay from taking effect until after the next biennial election. Remarkably, Congress approved that provision in 1789 but the states did not ratify it until 1992, more than two centuries later.

Still, every session of Congress brings scores of suggestions for amendments. The most visible recent proposals would prohibit burning the flag and would bar same-sex marriages.

And so, as the delegates intended, the story of the Constitution continues. Born in secrecy, the child of lofty idealism and rough political bargains, the Constitution is a story that will continue as long as the nation does.

p. 265 Even after the essential repair achieved by the Twelfth Amendment, the elector system still can be defeat the popular will. Some analyses conclude that the

system exaggerates the influence of large states, and through history it has favored the nomination of candidates from large states. Four of the first five presidents were from Virginia, the most populous state in the early republic. From 1840 to 1920, America elected seven presidents from Ohio, while New Yorkers and Californians won nine presidential elections in the twentieth century.

Yet, as a legacy of the small states' tenacity at the Convention, the elector system gives those states extra electoral votes. Because each state's electoral vote total is based on its number of representatives and senators, the system skews in favor of voters in smaller states.

In the 2004 election, for example, California received one electoral vote for each of its representatives and senators, or 55 electoral votes. With Californians casting over 12.4 million votes for president, each of California's electoral votes that year (for one representative and two senators). With only 312,000 Alaskans voting, the state cast one electoral vote for every 104,000 Alaskans who voted. Each Alaskan's vote carried more than twice the weight of a Californians.

- p. 266
- In 1876, Democrat Samuel Tilden won almost 52 percent of the popular vote but fell short of a majority of the electoral votes when fraud allegations prevented the recording of votes from three southern states. A commission created by Congress reviewed the fraud allegations. Voting on party lines (8-7), the commission awarded every disputed electoral vote to Rutherford Hayes, who won the final electoral count 185-184.
 - In the 1888 election, Benjamin Harrison lost the popular election by 90,000 votes to his Democratic opponent, Grover Cleveland, but won handily in the electoral college, 233-168.
 - In 2000, George W. Bush was defeated in the popular count by half-million votes, but won in the electoral college, 271-266. The Supreme Court prevented Florida state courts from reviewing claims by Democrat Albert Gore that the votes were counted incorrectly, even though Bush won Florida by only 537 votes of 5.9 million votes cast.
- p. 266
- Other problems have infected the elector system. In the four candidate election of 1824, the House of Representatives chose John Quincy Adams even though his leading opponent, Andrew Jackson, attracted more than 30

percent more popular votes.(151,271 – 113,122) and also more electoral votes (99-84).

On eight occasions, “faithless” electors have refused to vote for the candidate to whom they were pledged, while protest movements in two southern states in 1960 produced “unpledged” electors who hoped to trade their support for political advantage. In recent elections, campaigns have focused obsessively on battleground states, where the shift of a few thousand votes might tip the state’s electoral votes one way or the other, completely ignoring many states. And the electors themselves are rarely the “assembly of wise men and learned elders” intended by the Convention delegates; one study has called the “a state-by-state collection of political hacks and fat cats.”

p. 267 The delegates adopted the elector system in 1787 because of the physical barriers to conducting a nationwide election for president. Fearing the voters would not have access to information about the candidates, they could not imagine the logistics of taking a national ballot. Two hundred and twenty years later, those reasons against popular election of the president no longer apply.