Miracle at Philadelphia

The Story of the Constitutional Convention May to September 1787

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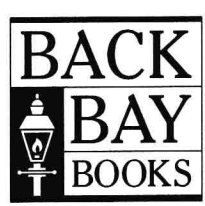

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Books by Catherine Drinker Bowen

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BELOVED FRIEND
The Story of Tchaikowsky and Nadejda von Meck
(*In Collaboration with B. von Meck*)

FREE ARTIST
The Story of Anton and Nicholas Rubinstein

YANKEE FROM OLYMPUS
Justice Holmes and His Family

JOHN ADAMS AND THE AMERICAN REVOLUTION

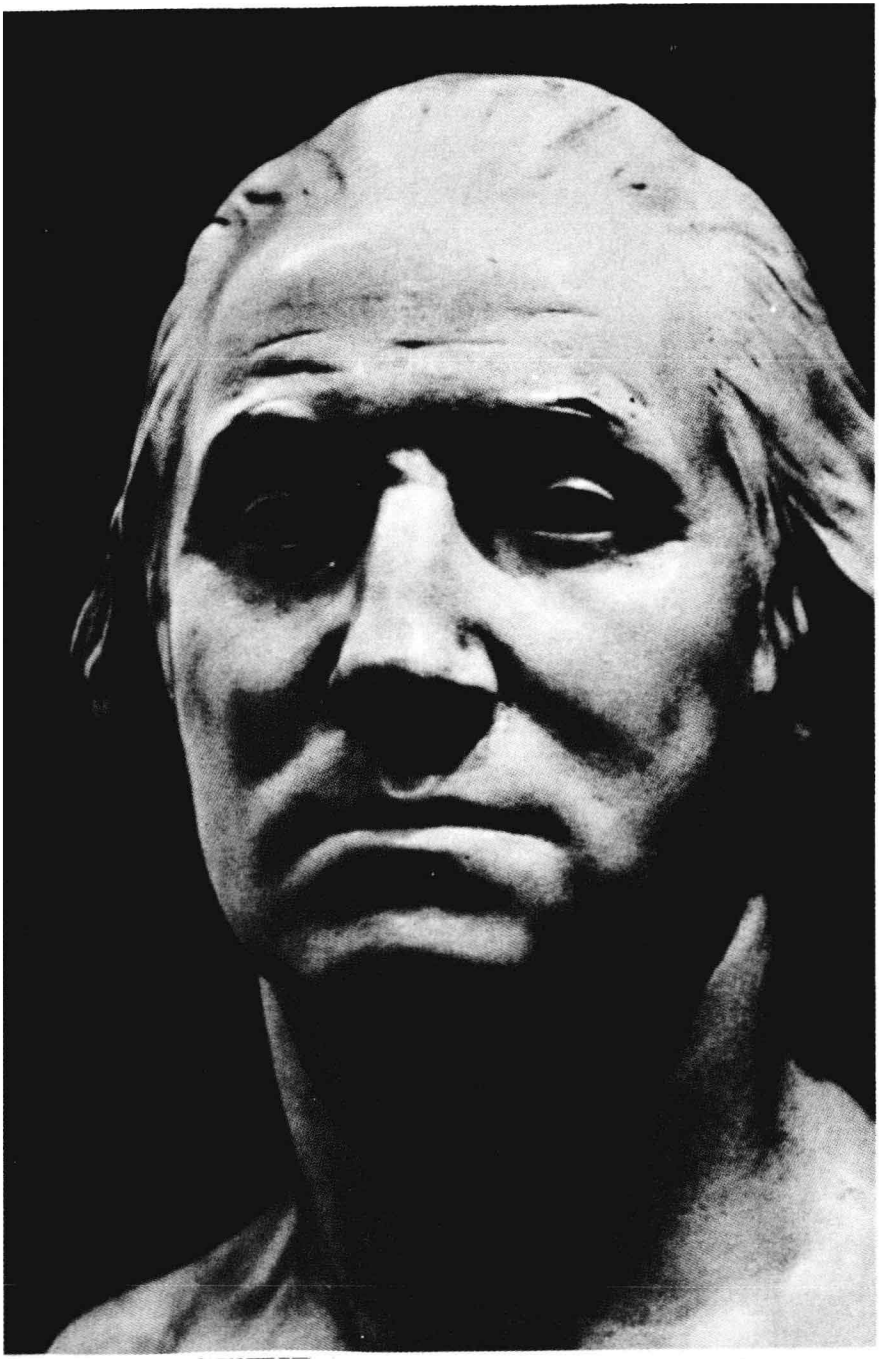
THE WRITING OF BIOGRAPHY

THE LION AND THE THRONE
The Life and Times of Sir Edward Coke

ADVENTURES OF A BIOGRAPHER

FRANCIS BACON
The Temper of a Man

MIRACLE AT PHILADELPHIA
The Story of the Constitutional Convention,
May to September 1787



Nina Leen, LIFE Magazine © 1964, Time, Inc.

GEORGE WASHINGTON
(bust by Houdon)

for

EDWARD WEEKS

Foreword by

Warren E. Burger
Chairman of the Commission on the Bicentennial
of the United States Constitution

I first read *Miracle at Philadelphia* upon its publication twenty years ago. I sensed at that time that it was a singular work of narrative history. The years, and more frequent use of the Constitution, have confirmed my initial impression. Mrs. Bowen's book remains for me the best single popular work on how the "miracle" of our Constitution came to pass, how difficult it was to achieve, and what a boon it was to the cause of freedom everywhere.

Mrs. Bowen draws from sources well known to historians and students of constitutional law, but — at least in my view — no one has ever told this remarkable story so well. A reader can almost hear Patrick Henry's fuming that he would not accept appointment as a delegate to the Philadelphia Convention because he "smelt a rat." The "rat" he smelled was the replacement of the Articles of Confederation with a Constitution creating a strong national government. In his view we had not fought a revolution to rid ourselves of one distant despot only to set up a domestic version of the same — more republican in form, perhaps, but nonetheless a despotism of centralized power.

The effect of Henry's great debating powers and fiery oratory is reflected in the narrow margin of the Virginia Ratifying Convention's final vote of 89 to 79 in favor of the document — despite the fact that the document bore the signatures of three most prominent Virginians of the day, George Washington, James Madison, and John Blair.

One shudders to think what would have happened had Patrick Henry prevailed in Richmond. Earlier, there had been close votes in Massachusetts and New Hampshire in favor of ratification; Rhode Island had emphatically rejected it by popular referendum. With the Anti-Federalist views of Governor Clinton leading the opposition, sentiment in New York was sharply divided. Only when Alexander Hamilton managed to delay New York's vote until after the results in Virginia were received did New York ratify by a vote of 30 to 27.

Reaching across two centuries, the author reveals the parochial views of those who were content with each state issuing its own currency and free to exclude commerce from other states. Where would we be had not Chief Justice Marshall in 1824, using the Commerce Clause, made us a "common market" even before that phrase had currency? And think what Europe might be like today if it had had a common market in 1824.

Mrs. Bowen makes these great events come alive for us almost as if she were reporting on contemporary events. Of course she was working with one of the greatest stories in our history — indeed in the history of human liberty. I suppose the book initially attracted me because of the interest in history all lawyers share. A judge dealing often with the meaning of the Constitution needs to understand its origins. But Mrs. Bowen's book exerted a fascination for me well beyond the concerns of a lawyer. I had read and admired her previous work, such as her books on Oliver Wendell Holmes, John Adams, Lord Coke, and Francis Bacon. Concerned as all these books were with law and history, with the never-ending search for freedom and security, there seems to have been a natural culmination in this most compelling account of the creation of our Constitution.

Our Constitution has had as great an impact on humanity as the splitting of the atom. As Chairman of the Commission on the Bicentennial of the United States Constitution, I applaud the republication of this extraordinary work, and recommend it to anyone who wants to know about the creation of the oldest existing national constitution, and who enjoys the excitement of world-historic drama told by a master storyteller.

Author's Preface

MIRACLES do not occur at random, nor was it the author of this book who said there was a miracle at Philadelphia in the year 1787. George Washington said it, and James Madison. They used the word in writing to their friends: Washington to Lafayette, Madison to Thomas Jefferson.

Every miracle has its provenance, every miracle has been prayed for. The wine was first water in Cana; there was a wedding and a need. If miracles are men's wishes fulfilled, so with the miracle at Philadelphia. Since the beginning, the country had moved toward this moment, toward self-government, toward union. One can count the experiments: The Fundamental Orders of Connecticut in 1639; West New Jersey's Fundamental Laws of 1677; the Albany Plan of Union in 1754; the Resolutions, Instructions, Declarations, Articles and Ordinances that ran throughout the Revolution, from the year 1765. Trial, error, success, retreat. Plans of union and plans of government, until, four years after the Peace of Paris, Americans attempted the grand national experiment.

My book celebrates that experiment. Its aim throughout is evocation, suggestion. I greatly desire that my readers may see Convention delegates as they rise and address the Chairman, Washington, or face each other in committee. Above all I want to call back the voices: James Wilson's cold, cutting logic; Gouverneur Morris's easy ironic flow, Roger Sherman's drawling Yankee common sense; Madison's quiet, extraordinary performance day after day. When I stop the narrative to inform on some point, it is only in order to clarify the scene, remind readers of historical facts which make the story pertinent.

It will early be plain that I wrote in admiration of the Con-

vention and the delegates. Their very failings appeared interesting; that certain members were moved by self-interest only made the scene more credible and more dramatic. No doubt I shall be charged with an outmoded romanticism — this writer is an Old Whig, she has Bancroftian notions. It is true, and I count myself in good company, notably with that intellectual skeptic, Justice Holmes, who, after reading Beard's *An Economic History of the Constitution,* wrote in protest to his friend Pollock in England, "You and I believe that high-mindedness is not impossible to man."

Miracle at Philadelphia is a narrative, taken from source, from contemporary reports of the Federal Convention, from newspapers, diaries, the letters and utterances of delegates and their friends. To these men the situation in the states was critical and they said so, repeatedly and often; they believed the Union needed saving and needed it quickly. No one can read their speeches in Convention and miss the tenseness of the moment, miss the delegates' dread lest the Convention dissolve with nothing accomplished. In the fifth Convention week, Washington wrote to Hamilton that he almost despaired. His words on the page carry conviction. The General meant what he said, was wrung by it and sought support. Washington did not protest that the Union would founder without a new constitution and a firmer government. But there had been times when he so protested, and Madison and Hamilton with him.

Historians have suggested that these fears were mistaken and that the thirteen states were doing well enough in 1787, respected by Europe and recovering at home from the devastation of a six-year war. The evidence as I see it does not bear this out. And no field has been more thoroughly explored. From Bancroft to Charles Warren to McLaughlin to E. S. Corwin (whose wonderful book weighs five pounds on the bathroom scales) everyone has tried his hand. And from Charles Beard in 1913 to Benjamin Wright, McIlwain, Nevins, Jensen, Mason, Morris, Handlin, Nettels, Hacker, Main, Brown, Morgan, McDonald, Rossiter, Bailyn *et alii,* historians disagree. One group says the Convention was shockingly "conservative," a body of prosperous landholders and merchants out to solidify their interests. Another group (the

current revisionists) reverts to the old Bancroft-Beveridge idealism which looked on the Convention delegates as men fired by conviction, eager to create a new government that would be acceptable to the people.

Having read the volumes concerned and in large part studied the evidence on which these works are based, I make my own interpretation and shall stand by it; my book does not enter into academic controversy. About twenty years ago, I first read Max Farrand's *Records of the Federal Convention*, four volumes of speeches as reported by delegates, together with elaborately footnoted letters and speeches made later. At the time, I had published a biography of Justice Oliver Wendell Holmes and was preparing to write about John Adams. The Federal Convention did not come into either book, but the delegates and that extraordinary scene stayed in my mind. As years went by and I wrote biographies of Chief Justice Coke and Lord Chancellor Bacon, things began to fall into place: the story turned to Independence and America's break with the past—to what was retained of English political heritage and what was rejected in the fateful year 1787.

But I did not write my book in order to pronounce Gladstonian eulogies over the United States Constitution. Said Justice Holmes, "The Constitution is an experiment, as all life is an experiment." It is the men who made this experiment with whom I am concerned, and the fortunate moment when they met. Considering the immense amount of literature on the subject, it is surprising how little the average American knows about the making of our Constitution. He confuses the Federal Convention with the Confederation Congress, sitting in New York at the same time. He even confuses the Constitution with the first ten amendments — the Bill of Rights. He forgets for how many years thirteen states had existed under the Articles of Confederation before that document was supplanted by the United States Constitution. Most books on the Constitution begin *after* the Convention of '87, going on to show the development of our Constitution through Supreme Court decisions in the nineteenth century.

My book, on the other hand, begins in May of 1787 and finishes in September, except for three chapters on ratification, ending a year later. In the midst of summer and at the heart of argument

I have a digression. The reader leaves the State House and in company with various genial foreigners is taken on a "Journey through the American states." It seemed pertinent to let readers see at first hand this country for which the Convention was creating a government. For much the same reason I have used offstage voices throughout: Jefferson and John Adams and Tom Paine from Europe, Sam Adams from Boston — all intensely concerned with what was going on in Philadelphia. John Adams said something I did not include. Writing about history, he asked a friend, "Are not these facts as new to you as any political tale that could be brought to you from Arabia, or by special messenger from Sirius, the dog-star?"

The Federal Convention, viewed from the records, is startlingly fresh and "new." The spirit behind it was the spirit of compromise, seemingly no very noble flag to rally round. Compromise can be an ugly word, signifying a pact with the devil, a chipping off of the best to suit the worst. Yet in the Constitutional Convention the spirit of compromise reigned in grace and glory; as Washington presided, it sat on his shoulder like the dove. Men rise to speak and one sees them struggle with the bias of birthright, locality, statehood — South against North, East against West, merchant against planter. One sees them change their minds, fight against pride, and when the moment comes, admit their error. If the story is old, the feelings behind it are new as Monday morning.

If all the tales are told, retell them, Brother.
If few attend, let those who listen feel.

CATHERINE DRINKER BOWEN

It appears to me, then, little short of a miracle, that the Delegates from so many different States (which States you know are also different from each other), in their manners, circumstances, and prejudices, should unite in forming a system of national Government, so little liable to well founded objections.

WASHINGTON TO LAFAYETTE, *February 7, 1788*

Delegates Who Attended the Federal Convention

New Hampshire	John Langdon Nicholas Gilman
Massachusetts	Elbridge Gerry Nathaniel Gorham Rufus King Caleb Strong
Rhode Island	No appointment
Connecticut	William Samuel Johnson Roger Sherman Oliver Ellsworth
New York	Robert Yates Alexander Hamilton John Lansing, Junior
New Jersey	David Brearley William Churchill Houston William Paterson William Livingston Jonathan Dayton
Pennsylvania	Thomas Mifflin Robert Morris George Clymer Jared Ingersoll Thomas Fitzsimons James Wilson Gouverneur Morris Benjamin Franklin

Delaware	George Read
	Gunning Bedford, Junior
	John Dickinson
	Richard Bassett
	Jacob Broom
Maryland	James McHenry
	Daniel of St. Thomas Jenifer
	Daniel Carroll
	John Francis Mercer
	Luther Martin
Virginia	George Washington
	Edmund Randolph
	John Blair
	James Madison, Junior
	George Mason
	George Wythe
	James McClurg
Georgia	William Few
	Abraham Baldwin
	William Pierce
	William Houstoun
North Carolina	Alexander Martin
	William Richardson Davie
	Richard Dobbs Spaight
	William Blount
	Hugh Williamson
South Carolina	John Rutledge
	Charles Pinckney
	Charles Cotesworth Pinckney
	Pierce Butler

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