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WHEN THE FEDERAL DIE WAS CAST

By CLIFTON WILLIAMS,* B.A., LL.B.

The year 1786 found Alexander Hamilton a lawyer in private life. His term in Congress expired in the summer of 1783. The year 1786 also marks the lowest ebb to which our national affairs ever descended, when we consider prospects along with actual conditions. The colonies were floundering in an ocean of unpaid debts and broken obligations, and vying with each other in retaliatory measures that were unmistakably the totterings of a house divided against itself. Finance was debauched. Public bankruptcy was racing with private distress. A worthless currency was followed by barbarous laws to enforce its circulation. Actual war was breaking out in Massachusetts in the form of Shay's Rebellion. The thirteen states were equal, and being submissive to nothing had nothing by which to settle their disagreements. There was no law, because law is a rule of action prescribed by a superior power to an inferior, and there was no superior power among the states. Thinking men saw from the divine order of things that to have happiness we must have law; and to have law, we must have legislative, judicial and executive powers vested in a creation sufficiently strong to be superior.

First among these thinking men was Hamilton. His letter written from Washington's camp to Duane in 1780, setting forth the plans for a stronger union, was the first time the idea was put on paper. As early as 1782 he persuaded the New York Legislature to pass a resolution recommending the holding of a constitutional convention. These were the first two expressions of a remedy for the disintegration of the general government which was spreading to the individual states. From this time Hamilton labored constantly to materialize the fancy of his fertile brain which seemed to take naturally to the governmental problems of the day. Wherever he could have any influence he was urging the state legislatures to adopt constitutional resolutions. Although he met on every hand that disinterested sluggishness familiar to the ox driver and a national carelessness befitting a spendthrift, he had enough confidence in humanity to predict that the people could be aroused to see the precipice they were actually drifting to. Hamilton believed in the power of the press,

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and with numerous articles and essays in the newspapers, he moulded public opinion into receptacles for his "Continental thinking." He used the influence of his private correspondence to come in touch with those who thought as he did, and to move them to action, thus establishing lighthouses, here and there, on the rocky shores of national disaster.

The inevitable result of the continuous interstate warring and jealousy was the mortification of Commerce, and this was the first emergency that created an opportunity for those who "thought continentally." Virginia and Maryland had a commercial convention and out of desperation the plan was extended to the other states by a resolution calling for a convention at Annapolis in September, 1786. Hamilton and some of his friends made a special effort to become delegates from New York with a steady purpose in view and when the little convention assembled, the members lost sight of the commercial question which they had met to consider, because a keen thinker had taken advantage of their assemblage and had switched them off to a greater topic. The convention closed without touching upon commerce but it yielded to the master mind and issued an address drafted by Hamilton himself, setting forth the wrecking conditions and immediate dangers of the country, and calling another convention on the fourteenth of next May at Philadelphia, when the delegates should come with general powers in order to supply the grave need of a complete reorganization of the Government. A convention assembled to make commercial arrangements had adjourned to consider government organization! Such was the influence of one man; but the crisis was yet to come.

The different state legislatures met to select delegates to the Philadelphia Convention. Hamilton gained an election to the legislature of New York and was at once confronted with a circumstance very damaging to possible hope. Governor Clinton controlled the majority of the votes there and the first thing that was done was to vote down the grant of a permanent revenue to Congress. Hamilton fought for the measure with eloquent argument, but the votes counted against him, and it seemed that Clinton and his followers had dealt a death blow to New York's support of any confederacy. In the face of this discouragement, despite the hostile majority, Hamilton set about to force New York to be represented in the convention and carried through a resolu-

tion for the appointment of five delegates. The Senate cut it down to three. Then the hostile majority marshalled its forces again and elected, as Hamilton's colleagues to the convention, Chief Justice Yates and John Lansing, Jr.—two of the most uncompromising Clintonians and State-rights men in New York, who could be relied on to vote against any form of improved Federal Government.

Thus the champion of the cause of stronger union went to the convention with his hands tied. The voting was to be by states and it seemed that Yates and Lansing construed their presence to mean that they were to cast a two-thirds majority vote of New York against anything that Hamilton favored. There he was, a member of the convention actually convened to consider what he had labored so long and faithfully for, helpless in the hands of the majority from New York. The climax had come in the drama of our federal organization and the leading man was bound hand and foot behind the scenes. Minor characters filled the stage. It was a time of amateur attempts and disastrous blunders. From out the babble of propositions and suggestions, the principal character's voice, like the command of a mortally wounded general in the trench, went up from behind the scenes in his speech wherein many find he proposed an aristocracy. Be that as it may, he was but little heard because of his condition. The moments were growing into hours and the interstate audience was becoming impatient and yet no happy issue was coming from calamity, when an event took place, hardly known in history, but as important as it is obscure,—Yates and Lansing abandoned the convention and went back to New York! Hamilton was thereby released and came upon the stage gathering up the best fragment of the confusion with the same quick sagacity that turned the Annapolis Convention to such good account. His eloquence was heeded. A Federal Constitution was agreed on and Hamilton put his name and that of New York to it along with the other states. The federal die was cast.

As the journey progressed on across the Rubicon of our constitutional history, many important events and hard struggles took place, but it was a winning fight from this time. True, there was much opposition to the adoption of the agreed constitution in many of the states, but the adoption did not need to be unanimous, hence there was a wide range of possibility. The die was actually

cast when the delegates from the states agreed to the terms of a constitution and signed it as "We the people of the United States." The master brains and political leaders of the entire country were there and they decided "to form a more perfect union, establish justice, promote the general welfare, and secure to *themselves* and *their* posterity, the blessings of liberty." Surely, when leaders agreed, the decision was made. But even after decision, in the contests to convince the people that the convention had done the proper thing, we were fortunate to have Hamilton in the thickest of the fight. He had to go back to Yates and Lansing and Governor Clinton in New York. He did not only defeat them, but their leader, Melancthon Smith, stood up in the New York legislature and said, "Mr. Hamilton has convinced me that I should vote for the Constitution." While this good work was going on in New York, Hamilton was assisting in the convincing of other states by that journal of journals, *The Federalist*. The framing and adoption of the Constitution was a play in which the leading man appeared in every act and scene.

In every enterprise there must be a leader. Every cause must have a champion. When men are assembled, no matter how great they are, some one will forge to the front as the inevitable head, one will be superior for a given purpose. Hamilton began his career as champion of the cause for stronger union by being the first to see the needs, the first to suggest the remedy, and cleared his title as such by being the leading factor at every critical moment. A series of events like this must necessarily have a climax. The Climax in this series was in the Philadelphia Convention. Every climax must have a deciding event, which in this case was the abandonment of the convention by Yates and Lansing. By being traitors to the State-rights cause, of Governor Clinton they released the leader of the cause for union, who had been a helpless minority in their hands, and made it possible for him to cast the die for union and turn the course of events from the climax downward toward the cause he stood for. Notice the hazard of events—A career as a constitutional organizer made possible by two traitors to an opposing cause.

We, to-day, as students of the history of the past, can take a given event and form endless conjectures based on the contingency of a different ending of that event. There is no limit to the range of the hypothesis. There are numerous places in our history where

an "if" could change all subsequent history. We might say, if Washington had not conquered Cornwallis we would have had no independence, or if Grant had not taken Richmond we would have had no Union; but it can be just as well said that if Yates and Lansing had not abandoned the Constitutional Convention and freed the powers of Hamilton, the fruits of Washington's victory would have been blighted and Grant would have had no union to defend.

History, of course, is but an accumulation of events, great and small. Small events may have the same balancing effect on the great, as a mere fragment may have on the scales when large particles are balanced. The fragments are naturally obscure, so we do not wonder much after all, that when the great event of the successful framing of the constitution is commemorated, men lose sight of the minor event that tipped the balance for Union: but while we are enjoying the prosperous results that follow, while we willingly take oath to support the constitution, and while we honor Hamilton to whom honor is due many times multiplied by what actually goes to his name, we might incidentally thank God that Yates and Lansing left the convention.

Human as we are, we prefer to honor humans first. Events come and go, cannot strive, and have no souls to live after them. Then 'tis well we bestow our honor, and in more abundance on the name of the man who had the foresight to prescribe the remedy for our governmental ailment, the brains to plan the great structure, the courage to defend it against all odds, the broad-mindedness to accept alterations for the best interests, and finally the tact to master an emergency. His natural generalship led us out of Colonial darkness into national light when he was once free to act.

It is distasteful to conjecture what gloom we might now be in if the federal die had not been cast as it was. We know the conditions that preceded. We live in the best that has occurred since, and commensurate with our gratitude should be our determination to do honor to whom honor is due. We have not builded monuments as we should. So let us rectify the ingratitude of the past by declaring the monument to Hamilton shall be this great and happy union, a monument lashed on one side by the Atlantic breakers and on the other by the waters of the Pacific.