

Reading Guide
These Truths: A History of the United States, Part 1, pages 1-149
By Jill Lepore

Chapter 4
“The Constitution of a Nation”

“Slavery became the crucial divide in Philadelphia because slaves factored in two calculations: in the wealth they represented as property and in the population they represented as people. The two could not be separated.” – p. 123

“It is essential that public opinion should be enlightened.” –Washington’s Farewell Address

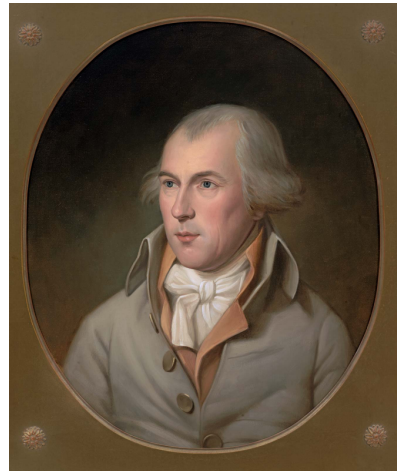
“The newspaper would hold the Republic together...the telegraph would hold the Republic together...the Internet would hold the Republic together. “Each time, the assertion would be both right and wrong.” – p. 145

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*In Chapter 4... Jill Lepore recounts the creation of the United States Constitution, a remarkable but imperfect document, one both far-seeing and hobbled by compromises over the institution of slavery. It is a critically important chapter to understand, because this form of government was new, and it held both noble ideals, ingenious deals, and one accursed compromise, as the founders tried to avoid reckoning with the nations’ original sin of slavery. The reckoning could not be avoided, only delayed.*

p. 109-111    *Notes matter:* One of James Madison’s important contributions at the secret Constitutional Convention in Philadelphia was to take meticulous notes of the proceedings.

p. 110    England’s constitution is unwritten; the new United States would have a written constitution, and its origins preserved. *This matters, as it provides us with insights to why they wrote what they wrote—and why they left other stuff out.*



James Madison

**I.**

p. 111    The world’s first written, drafted constitutions were written by eleven of the American states before the U.S. Constitution, making the People the “source of all authority and the original of all power.” *This is truly a revolutionary idea in modern history.*

p.112    Massachusetts constitution insisted on giving the people “a right to revolution.”

The word “**democracy**” had a negative connotation in the late 1700s. *Think about how the word socialism is used to attack some people in political speeches.*

Aristotle posited there are three forms of government; monarchy, aristocracy, polity, governments by the one, the few, and the many. They thought the best way to avoid corruption was to blend the three. *Power in the hands of the mob, many thought, was nothing but trouble.*

p. 113 But drafters of the Constitution leaned toward democracy – if the people had property, were male, and were white. Landless men did not get to vote.

Government with three branches: **executive** (governor or President), **judicial** (Supreme Court), **legislative** (an Upper House & a Lower House, or Senate & House of Representatives).

p. 113-114 Vermont was an independent republic from 1777 to 1791, and it banned slavery. Massachusetts and Pennsylvania outlawed slavery as well.

p. 113-114 Read the case of **Bett**, or Elizabeth Freeman... Massachusetts and Pennsylvania outlawed slavery as well.

p. 116 **Shays Rebellion** in western Massachusetts – an anti-tax protest

p. 115-116 The **Articles of Confederation** were not working as the operating system of the new United States for several reasons –different currencies, no power of the central government to tax, how to determine taxes (by property or by populations?—and are slaves people or property?) *Here's where the three-fifths idea was raised. This will have big consequences later in history.*



p. 117-119 A last effort to revise the **Articles of Confederation** in Annapolis, Maryland, September 1786. Poorly attended. Led James Madison to write a list of vices of the U.S. political system. The last one? The danger a majority posed to the minority. He argued that a Constitution was what could restrain the tyranny of the people. *This is a BIG notion.*

## II.

p. 119 A small group of six decided to create a national government. **James Madison, Benjamin Franklin, Gouverneur Morris, James Wilson, George Washington, Edmund Randolph.**



p. 120 The story of Washington's false teeth is unnerving.

p. 121 Edmund Randolph: “Our chief danger arises from the democratic parts of our constitutions....an excess of democracy.”

The participants made a pledge to keep their deliberations secret for fifty years. *What are the advantages of such secrecy? What are the drawbacks?*

p. 121-122. The Constitution tried to take the energy of the Revolution and temper it by promising representation. “No qualification of wealth, of birth, of religious faith, or of civil profession is permitted to fetter the judgment or disappoint the inclination of the people.” – James Madison

p. 122 The biggest, most divisive question: How to apportion each state’s representation in the new national government? *Why was that so divisive? Because of slavery.* Southern states had grown more dependent on slavery, while in the Northern states had been fading away.

p. 123 “Slavery became the crucial divide in Philadelphia because slaves factored in two calculations: in the wealth they represented as property and in the population they represented as people. The two could not be separated.” –Jill Lepore

Small states wanted equal representation for each state; large states wanted representation in the federal legislature to be proportionate to population.

*And for the latter question....Are slaves people or property?*

If slaves were admitted as people, then why aren’t they admitted as citizens...and then why not admitted as equals to white people?

If they were admitted as property, then why isn’t other property admitted in the determination?



p. 125 They settled on **the Connecticut Compromise** – equal representation in the Senate (2 senators per state) and proportionate representation in the House of Representatives (1 representative for every 30,000 people). And each slave would count as three-fifths of a person.

The biggest consequence of this Three-Fifths Compromise was that slave states were granted greater representation than free states. If not for the three-fifths rule the representatives of free states would have outnumbered the representatives of slave states 57 to 33. *This would come to have huge consequences on the United States to this day.*

p. 126 The delegates also agreed that the slave trade would be allowed to continue for 20 years, until 1808.

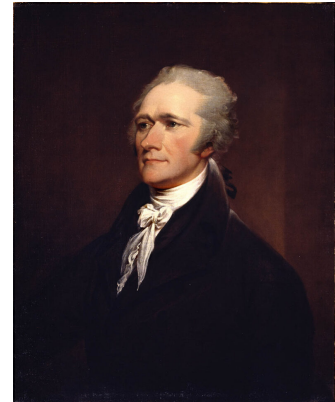
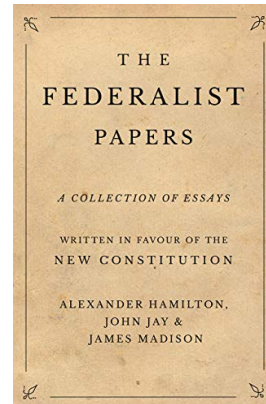
p. 127 “The Constitution did not lift [the curse of slavery.] Instead, it tried to hide it.” -- Lepore

George Mason Proposes the addition of a **Bill of Rights**. The idea was struck down. *It would not stay down.*

p. 128 “The debate over ratifying the Constitution produced some of the most heated political writing in American history.

p. 128-129 *The Federalist Papers*, 85 essays written under the pen name Publius, were written by Alexander Hamilton (author of 51 of the essays), James Madison (22), and John Jay (12), argued in favor of the new Constitution.

Two opposing factions arose: the Federalists and the Anti-Federalists. Anti-Federalists, among whom was Thomas Jefferson, decried the Constitution’s lack of individual liberties.



p. 130 “Ratification proved to be a nail-biter.” The Federalist promise to propose a Bill of Rights tipped the balance in favor of ratification by nine of the states, though it was New York and Virginia –the big states—which were essential.

### III.

p. 131 The first Congress met at Federal Hall in New York City – “a monument to republicanism.” *What does republicanism mean?*

p. 133 George Washington, first President, elected unopposed, gave an inaugural address, which has become a tradition.

p. 134 Washington increasingly felt the burden of slavery, that his own slaves were a moral burden. But he did not emancipate his own slaves before taking his oath of office. “Few of Washington’s decisions would have such lasting and terrible consequences as this one failure to act.” -- Lepore



p. 134 Washington appointed secretaries to lead several departments. This became the President’s cabinet of advisors.

p. 135 Congress drafted a Bill of Rights and established a national judiciary with 1789’s Judiciary Act. The judiciary was deemed the weakest of the three branches. *History has proved that to be not true, and current events today underscore how important the Supreme Court is.*

p. 136 The story of a colony of emancipated slaves in the west African colony of Sierra Leone -- of Harry Washington, Quobna Ottobah Cugoana, and Frank Peters, who was reunited with his mother in Sierra Leone after a life spent in American slavery.

p. 136-137 And the new government of the United States opted not to do anything to impeded the slave trade until 1808.

p. 138 Benjamin Franklin's last public act was to urge abolition. Congress did no such thing.

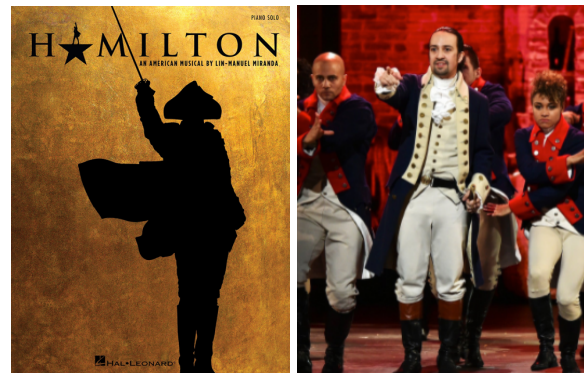
**"The Bill of Rights is the list of the powers Congress does not have."** --Lepore  
The Bill of Rights ensures individuals of certain rights that cannot be taken away.

**"Much of American political history is a disagreement between those who favor a strong federal government and those who favor the states."** *(Today it is the Democratic Party which favors the former and the Republican Party which prefers the latter. Which is the better way to solve problems? Allow a more powerful central government take action or leave it to more local, decentralized governments that are less powerful but closer to their people?)*

This states-versus-federal dispute took the form of an early debate over **Alexander Hamilton's economic plan to pay down the nation's debt.**

There were three types of debt to pay: (1) Private debt held by individual people, (2) the debts incurred by the states during the war, and (3) the debts incurred by the Continental Congress.

p. 138-139 Hamilton proposed the federal government pay off the Continental Congress' debts and the states' debts by establishing a national bank. A national bank could stabilize a national currency. Jefferson opposed a national bank. *(This is a challenging concept to understand. Watch the musical Hamilton! for a fun way to understand this debate.)* Washington agreed with Hamilton.



Other challenges:

Where to locate the nation's capital ... the "dinner table bargain" (*remember Hamilton! "I want to be in the room where it happens..."*) Hamilton supported a southern location in return for their support to assume the states' debts.

Southerners opposed Hamilton's emphasis on manufacturing over agriculture. Jefferson, from agricultural Virginia, favored tariffs (taxes on imports) "because it falls exclusively on the rich" -- that is, only the rich buy fancy imported goods.

p. 141 The nation's first stock market crash occurred in **the Panic of 1792**.  
William Duer & John Pintard → "As with so many financial crises, the story began with ambition and ended with corruption."

The financial innovation called **bankruptcy protection**, as opposed to throwing someone in debtors' prison, changed the nature of the American economy. *Why? It encouraged some level of risk-taking without chance of going to priuons, and that encouraged more investment, which when those business risks paid off, led to prosperity.*

p. 141-142 The agreements following the Panic of 1792 was the foundation of what would become the New York Stock Exchange.

#### IV.

p. 142-144 Haiti, the most prosperous Caribbean colony. 40,000 whites, 28,000 free people of color, and 450,000 enslaved people

**The Haitian Revolution of 1791**, second war for independence in the Western world, was inspired by the American and French Revolutions, but because it was a slave revolt led by Boukman and **Toussaint L'Ouverture**. But because it was a slave rebellion, it terrified slave-holding Americans rather than gain their support. Americans feared uprisings by blacks more then they supported uprisings for liberty.



p. 144-145 James Madison also feared factions in American politics – factions can deceive people --but factions emerged and formed political parties. What helped them form were **newspapers.**

*“The newspaper would hold the Republic together...the telegraph would hold the Republic together...the Internet would hold the Republic together. “Each time, the assertion would be both right and wrong.”*

p. 145 Newspapers soon aligned with the two emerging political parties, the **Federalists** and the **Democratic-Republicans**. These newspapers *“weren’t especially interested in establishing facts; they were interested in staging a battle of opinions.”* *Does this sound like today’s political polarization and “fake news” due to social media?*

p. 145-146 September 1796 George Washington opts not to run for a third term – “possible the most important act of his presidency.” It set a two-term precedent for Presidents to come for 140 years.

**Washington’s Farewell Address** – Warnings about the dangers of disunion: Against political parties: “...it is essential that public opinion should be enlightened.”

Passion is the source of every problem, and reason is its only remedy.

p. 147 Washington’s death... his two wills... the weight of slavery weighed on his conscience. “Upon the decease of my wife...all the slaves which I hold in my own right shall receive their freedom.” 123 of the 300 slaves at Mount Vernon were owned by Washington; the rest were his wife Martha’s.

p. 148 Sierra Leone rose in rebellion against its tyrannical colonial government. Harry Washington, formerly one of George Washington’s slaves, was named the leader of the exiled rebels.

p. 149 The Constitution came to be seen as something pure, like Scripture, handed down from the heavens. But that idea ignored the fighting, the rivalries, the fatefully flawed compromises and arguments that led to its creation. It is a remarkable but imperfect document, one whose flaws would allow a people to be enslaved for another 75 years, only to be ended by bloodshed and death.

