



graphic: Peter Veres

Lobbying the Constitution

In the first Congress, and for a few decades afterwards, some of the most wealthy and powerful men often sat in Congress

Tea Party leaders have been hard selling a mythical version of the US Constitution in which it was handed directly from a Christian God to the Christian Founding Fathers. This, in turn, is meant to support an “originalist,” literal interpretation of that Constitution, in turn limiting the powers of Congress. Believing such might lead you to believe that the men who met to write the Constitution were saints, or that the men who arrived in Philadelphia to form the first Congress under that Constitution were paragons of free market virtue.

The new Constitution was submitted to the states on September 17, 1787. Opposition was vigorous, overcome only by “irregularities,” bribes (including of Samuel Adams), trickery and force. When the ninth state, New Hampshire, joined on June 21, 1788, the new union went into effect, but was not complete until Rhode Island signed up on May 29, 1790. After the first elections for the new Congress, held in 1788, the anti-Constitution members, known as anti-Federalists, were outnumbered by the pro-Constitution Federalists.

Lobbying was a well-known art long before the First Congress took its seat. The very structure of our government was cast in stone by lobbying within the Constitutional Convention itself. The issue of top-down, quasi-aristocratic versus bottom-up, democratic governance was at the heart

of the debates and the famous compromises that led to the original US Constitution. Given how the delegates to the Convention were chosen and their biases, it should not be surprising that the result was four branches of government, with only one democratic, the House of Representatives; and three oligarchic or authoritarian; the Senate, Executive and Supreme Court.

To give small (by population) states power, the large states had to consent to a US Senate where small states received the same number of votes as large states. Thus today lobbyists can (and do) “buy” Senators from Wyoming and Alaska at a far cheaper price than they must pay to influence Senators in states where election campaigns cost tens of millions of dollars.

In the first Congress, and for a few decades afterwards, some of the most wealthy and powerful men often sat in Congress, pretending to represent the people of their districts. But as Congress was in session longer, and the volume of law swelled, being a politician increasingly became a specialty, a business in and of itself.

In the second year of the first Congress, Alexander Hamilton, the Secretary of the Treasury, who acted as the agent for American wealth, proposed that the highly discounted Revolutionary War debt — selling for 10 cents on the dollar — be bought back by the Federal government at full value. The catch here was that initially most of those bonds had been bought by the common folks of the new country, but as they decreased in value after the revolutionary war, people sold them off at a loss and by 1788 most of the notes were held by the wealthiest men in Boston, Philadelphia, and New York City.

As members of Congress realized that Hamilton’s plan would be passed and the bonds would be paid in full, their agents scoured the country buying up what notes they could find at 10 to 12 cents on the dollar.

Soldiers who had fought in the American Revolution, and their widows, and local merchants, got 10 cents on the dollar, while the emerging urban capitalist predator class eventually got their wealth and power supercharged.

Fortunately, even before the Constitution was written, the people themselves were lobbying to extend the right to vote. At first this took the form of reducing property requirements for voters. By the 1820’s most states allowed all adult white males to vote, setting the stage for (much) later campaigns to give women and non-whites voting rights.

William P. Meyers is the author of America: Republic or Democracy?, which can be read online at www.williampmeyers.org/republic.html

