

# TRIUMPHANT PLUTOCRACY

The Story of  
American Public Life  
from 1870 to 1920

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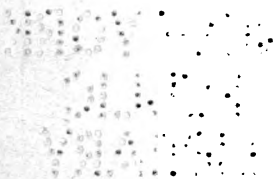
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## X. WHO MADE THE CONSTITUTION

I have written in some detail of the economic changes and of the changes in economic policy that have occurred in the United States during the past 50 years. The first year that I went to Washington (1870) the population of Chicago was 298,977; today (1920) it is 2,701,705; the population of Detroit was 79,577; today it is 993,739; the population of Minneapolis was 13,006; today it is 380,582; the population of Dakota was 14,181; today it is 1,281,569. I have watched the Middle West grow from a sparsely settled wilderness, the home of Indians and of buffaloes, to the greatest center of agriculture and of industry in the world. I have watched the public domain slip out of the hands of the people, and into the hands of speculators, of corporations and of monopolies. I have seen the bankers, the trust magnates and the masters of transportation and other forms of monopoly rise from obscurity to their present position of domination in public affairs. I have watched the growth of the plutocracy—the few who rule industry, the Government and the press because they are rich.

In the halls of the Capitol at Washington, I have watched these plutocrats, through their representatives on the floor of the Senate and the House, erect the governmental machinery that they required for the preservation of their power. Step by step and move by move I fought the system of imperialism which the McKinley administration enabled them to establish as the accepted policy of the country. The fight lasted twelve years. When it was over, the interests that I had opposed were the triumphant masters of the field.

When I entered the Senate, I did not understand what it was that I was facing. When I left the Senate, because Mark Hanna and the forces behind

Mark Hanna willed that I should leave, I knew that the forms of our government and the machinery of its administration were established and maintained for the benefit of the class that held the economic and political power.

I realized that the machinery of government had been constructed by the ruling economic class to preserve and guarantee its own economic interests. Documents like the Constitution, which I, as a child, had been taught to regard as almost divine in their origin, stood before me for what they were—plans prepared by business men to stabilize business interests.

At the time that our Constitution was drawn up, Adam Smith wrote of the government in the "mother country" (*Wealth of Nations*, Book V., Ch. 1, published in 1776), "Civil government, so far as it is instituted for the security of property, is in reality instituted for the defense of the rich against the poor, or of those who have some property against those who have none at all." Again he stated (Book 1, Ch. 10), "Whenever the legislature attempts to regulate the differences between masters and their workmen, its counsellors are always the masters."

Concerning this same epoch a well-known modern historian writes: "During the period we are discussing (1760-1832) . . . the classes that possessed authority in the State, and the classes that had acquired the new wealth, landlords, churchmen, judges, manufacturers, one and all understood by government the protection of society from the fate that had overtaken the privileged classes in France." (*The Town Laborer*, J. L. & B. Hammond, N. Y. Longmans, 1917, p. 321). It was this government by landlords and manufacturers that the framers of the Constitution knew, and they knew no other. Their idea of government was the British idea—a machine for protecting the rich against the poor; a device for safe-

guarding and defending privilege against the clamorous and revolutionary demands of the populace. Their goal was the protection of the propertied interests and they drew the Constitution with that end in view.

Furthermore, it was the leading business men of the colonists, in their own persons, who drew up the Constitution and forced through its ratification. "The movement for the Constitution," writes Charles A. Beard, the distinguished student of American Government, "was originated and carried through principally by four groups of personality interests, which had been adversely affected under the Articles of Confederation—money, public securities, manufacturers, and trade and shipping." (An Economic Interpretation of the Constitution, New York, Mac-Millan 1914, p. 324.) These events transpired nearly a century-and-a-half ago, and ever since that time we have been building up the kind of a government that bankers, manufacturers and merchants needed for their enrichment.

This point is so fundamental to a proper understanding of what I have to say about the machinery of American Government that I desire to emphasize it. School teachers talk to children and public men harangue their constituents as though the Constitution were a document drawn to establish human liberty. By these means our ideas as to the intention of the framers of the Constitution have been utterly distorted. Anyone who wishes to know the facts should examine the Journal of the Constitutional Convention. There the record is as plain as the road at noonday. The Constitution was not drawn up to safeguard liberty. Its framers had property rights in their minds' eye and property deeds in their pockets, and its most enthusiastic supporters were the leading bankers, manufacturers and traders of the Federated States.

The Constitution was made to protect the rights of property and not the rights of man.

These facts are neither secret nor hidden. They are a part of the public record that may be consulted in any first class library. Properly understood, they furnish the intellectual key that will open the mind to an appreciation of many of the most important events that have occurred in the United States during the past century.

The convention that framed the Constitution of the United States convened at Philadelphia in 1787 behind closed doors. All of the delegates were sworn to secrecy. Madison reported the proceedings of the convention in longhand and his notes were purchased in 1837 by Congress and published by the Government nearly half a century after the convention had finished its work. These notes disclose the forces that dominated the work of the convention and show that the object which the leaders of the convention had in view was not to create a democracy or a government of the people, but to establish a government by the property classes in the interests of the rights of property rather than the rights of man. All through the debates ran one theme: How to secure a government, not by the people and for the people, but by the classes and for the classes, with the lawyers in control.

Jefferson was not a member of the convention. As the author of the Declaration of Independence he was not wanted in the convention, and so he was sent to France on a diplomatic mission.

I will give two extracts from these proceedings to illustrate this point; they are typical, and are as follows:

Madison (p. 78) quotes Sherman of Connecticut as saying: "The people should have as little to do as may be about the Government. They want information and are constantly liable to be misled."

Again (p. 115) Mr. Gerry is quoted as follows:

“Hence in Massachusetts the worst men get into the legislature. Several members of that body had lately been convicted of infamous crimes. Men of indigence, ignorance and baseness, spare no pains, however dirty, to carry their point against men who are superior to the artifices practiced.” This is the burden of the debates through page after page of the two volumes.

The chief contention in the Constitutional Convention was over representation in the United States Senate. The smaller states feared that they would be dominated by the larger ones and, after much debate, it was agreed that each state, no matter what its wealth or population, should have two votes in the Senate of the United States, while the House of Representatives should represent the people and the number of delegates from each state should be in proportion to the population. As a concession to the larger states, a provision was inserted requiring that all money bills should originate in the House of Representatives, and this was considered important, in view of the fact that the states of small area and small population, such as Delaware and Rhode Island, had an equal voice with large states like Virginia and Pennsylvania in the Senate of the United States.

The southern states believed they had obtained protection for their peculiar institution (slavery) by securing representation in the House of Representatives for the slave population. At the same time, the southern slave-holders and the northern slave-traders combined to secure the insertion of a clause (Article 1, Section IX, Clause 1) permitting the slave trade to continue until 1808.

At the time of framing the Constitution, and for many years thereafter, it was supposed and intended that the Senate should represent the states while the House represented the people. No vested interest ever thought of gaining control of the Senate for the pur-

pose of advancing the commercial or financial position of any combination, corporation or individual. It was not until a third of a century after the adoption of the Constitution that the southern states began to look to the Senate for the protection of their interests and to insist upon the admission of a slave state whenever a free state asked for admission to the Union.

The immediate purpose behind the creation of a Senate that was not elected by the people, but that came from the state legislatures and thus spoke in name of states rather than of masses of citizens, was the protection of the small colonies against the large ones. The interests that dominated both the small and the large colonies, however, were the business interests. Therefore, this struggle between those who wanted one form of Senate and those who wanted another was a struggle between contending and competing business groups. It was not in any sense a struggle between the champions of liberty and the advocates of property rights.

This fact is made evident by an examination of the interests of these men who made up the Constitutional Convention of 1787. There were fifty-five delegates present in the Convention. A majority were lawyers; most of them came from towns; there was not one farmer, mechanic or laborer among them; five-sixths had property interests. Of the 55 members, 40 owned revolutionary scrip; 14 were land speculators; 24 were money-lenders; 11 were merchants; 15 were slave-holders. Washington, the big man of the Convention, was a slave-holder, land speculator and a large scrip owner.

Jefferson was in France!

The Constitution, as framed by the Convention, says nothing about the rights of man. It contains no guarantee of free speech, of free press, of free assemblage, or of religious liberty. It breathes no single hint of freedom. It was made by men who believed in the



English theory, that all governments are created to protect the rights of property in the hands of those who do not produce it.

The revolutionary scrip-paper money, to finance the Revolutionary War, had been used to pay for supplies and to pay the wages of the men that did the fighting. In the years that followed the war, this scrip had been bought up by the financiers and great land-owners and their attorneys for about nine cents on the dollar. The Constitution, as adopted, made it worth one hundred cents on the dollar. This is but one of the many facts which prove that the Constitution, as drawn up by the Convention, was made to protect the rights of property rather than the rights of man.

Throughout the document the framers were careful to guard against too much democracy. The Government was erected in three parts—legislative, executive and judicial—each with a check on the other two. The House of Representatives alone was elected directly by the people, but all of its legislative acts were subject to revision or rejection by the Senate, the members of which were to be selected, not by popular vote but by the vote of the state legislatures. Thus, even the legislative branch of the Government did not represent the popular will. If the legislative branch had been responsible to the people, there were still the President, elected, not by the vote of the people, but by the vote of electors, who were elected by the people; and, last of all, and by no means the least, from the point of view of the vested interests, there was the Supreme Court—its members selected by the President, confirmed by the Senate, sitting for life. Over these supreme judges, the people could not exercise even an indirect control.

This was the Constitution drawn up while Thomas Jefferson was in France. It was submitted to the states for ratification and the states refused to accept it. In all probability it never would have been ratified had Thomas Jefferson not returned from France and thrown his great influence in favor of the first ten

amendments—the Bill of Rights that was added to the Constitution by its business backers, as the necessary price of its adoption by the people.

Article I of these Amendments reads:

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble and to petition the Government for redress of grievances.”

Article IV of the Amendments provides:

“The right of the people to be secure in their persons, houses, paper and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.”

These are the principal guarantees of liberty, inserted in the Constitution after the Convention of business men had finished its work, and inserted because the people insisted upon having them there.

Even at that, the Constitution is a lukewarm document. In it there are no such burning words as those written by Thomas Jefferson thirteen years earlier and published as the Declaration of Independence: “We hold these truths to be self-evident, that all men are created free and equal and are endowed by their Creator with certain inalienable rights; that among these are life, liberty and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends it is the right of the people to alter or abolish it, and to institute a new

government, laying its foundations on such principles and organizing its power in such form as shall seem to them most likely to effect their safety and happiness."

It was not until 1861, when Abraham Lincoln delivered his first inaugural address, that the right of revolution was definitely proclaimed by a responsible statesman, acting under the Constitution. "This country," Lincoln said on that occasion, "with its institutions belongs to the people who inhabit it. Whenever they shall grow weary of the existing government, they can exercise their constitutional right of amendment, or their revolutionary right to dismember or overthrow it."

That revolutionary right, so clearly proclaimed in the Declaration of Independence and so emphatically stated by Lincoln, remains today the avenue left to the American people as a means of escape from the intolerable plutocratic tyranny that the Constitution has set up.

The Constitution is the fundamental law of the United States. It was drawn up 134 years ago by a convention consisting of business men and their lawyer-retainers. It was a document designed to protect property rights, and, through the century and a quarter that it has endured, it has served its purpose so well that it stands today, not only as the chief bulwark of American privilege and vested wrong, but as the greatest document ever designed by man for the safeguarding of the few in their work of exploiting and robbing the many.