

SSU OLLI Week Five: “The James Madison Problem” Of all the Founders, James Madison may be the most difficult to assess. He is at his brilliant best early in his career. As a chief executive, he was mediocre (to be charitable) and his presidency ends in near disaster with the burning of Washington D.C. by British troops during a war that he could have, and should have avoided. Madison’s public life demonstrates a strange combination of practical, hard-headed realism and hopeless utopianism. A rather shy, even timid man, he did his most effective work behind the scenes, in committees, or in one-on-one conferences with the other key players of the revolutionary era. In concert with Hamilton, Madison was one of the prime movers in the movement to establish a stronger, more energetic national government. During the 1780s, he could see that the new nation was drifting dangerously toward chaos, and headed toward a possible crack up. The many irresponsible decisions by the various state governments—which were virtually autonomous, sovereign entities at that time—alarmed Madison, and convinced him that the Revolution was in dire peril of foundering on the rocks of states’ rights. He and Hamilton organized the Annapolis Convention in 1786 to attempt a “patch job” on the inadequate Articles of Confederation. When that effort fizzled, Madison worked heroically to bring about the Constitutional Convention the following year. The young Virginian proves to be the mastermind of “The Miracle of Philadelphia” and the resultant document—which he largely crafted—is still the fundamental law of the land, some two hundred and thirty years later.

Curiously, Madison was not happy with the outcome of the Convention. He had hoped to establish a much more robust central government than the one that emerged from the summer’s deliberations. Strangely enough, for someone who has gone down in history as an ardent exponent of states’ rights, the Madison of 1787 wanted a federal government powerful enough to essentially neuter the influence of the states. He feared that state governments had been taken over by demagogues who threatened economic stability and even posed a threat to property rights by drafting debtor relief laws and issuing worthless paper money. If America was to secure the blessings of the victory over Great Britain, it had to rein in these wild, populist state regimes. Only a nearly all-powerful central government could accomplish such a task. He even introduced a provision at Philadelphia which would have allowed the President and Congress to strike down state legislation, if this ‘council of revision’ deemed necessary! (One wonders why contemporary conservatives admire this guy! The Madison of ’87 seems to be anything BUT a conservative, at least in the sense that term is used today.) He reluctantly settles for the series of compromises that make up the Constitution, realizing that it was the best deal he could manage from such a diverse group of delegates. The next year, he, Hamilton, and John Jay do the heavy lifting to ensure that the Constitution is ratified by the states by writing the extremely persuasive *Federalist Papers*, which are published in every major newspaper in the land. Their efforts are successful—but

only barely. The Constitution is ratified in the Virginia Convention by only a few votes, 89-79, and the vote in New York is even narrower, passing by just 30-27. One could only imagine the fate of the new nation if two of the most influential and wealthy states had rejected the Constitutional settlement.

Madison is known as the 'Father of the Bill of Rights,' but this epithet contains another little piece of irony in his early career. In reality, Madison was very leery about introducing a set of amendments at this early stage in our government's development. He did not see the protections guaranteed by the Bill of Rights as necessary; who were 'we the people' protecting ourselves against? After all, the government of the United States was the embodiment of 'The People.' Were we implying that we had to protect ourselves from ourselves? That seemed both nonsensical and dangerous to Madison. Why introduce a paranoid mind set into the body politic at this formative stage of our national history? A Bill of Rights made sense in a country like England, where The People were set apart from the source of sovereignty—the Crown in Parliament. But in America, mankind had at last a government in which The People themselves were sovereign. We didn't need such protections here. But again, as at the Convention, Madison bowed to necessity, and steered the Bill of Rights through the First Congress.

Madison continued his career as a 'proto-Federalist' during the first years of the Washington administration. He serves as the Chief Executive's liaison to congress, and helps him draft his speeches. No one is a firmer ally of the fledgling national government (then located in New York City) than James Madison. Yet, by 1792 we find Madison in the *anti-federalist* camp as a determined opponent of virtually all of George Washington's policies. And by 1798 he has staked out a strong 'Virginia First' states' rights position in opposition to then President John Adams. (Although it should be noted that Madison never took such an extreme stance as that of his friend Thomas Jefferson who's Kentucky Resolutions of that same year proposed a state's right to 'nullify' federal laws which it deemed unconstitutional.) What happened to trigger such a significant retreat from his earlier position? The answer seems to be that Madison's earlier advocacy of a strong central government was predicated on the assumption that no one interest group would be able to seize the machinery of power and chart the nation's course. The younger Madison was confident that the various geographic and economic interest blocks would 'check and balance' each other, preventing dominance by any single force. But Hamilton's brilliant (and sinister, in the minds of the Republicans) 'takeover' of the Washington administration convinced Madison that now the "1%" of the day was in firm control of our national destiny, and he couldn't accept such a betrayal of the

revolutionary principles of '76. Hence, he becomes something of a 'Rick Perry class' states' rights ideologue, at least for a time.

To Madison's credit, however, in later life he backs off from the harsher critique of centralized power, and regains his earlier balance. During the rising sectional crisis of the 1820s he becomes a staunch opponent of the doctrine of nullification, which is rearing its ugly head again, this time in South Carolina. He insists, perhaps ingenuously, that his hero Jefferson never meant to imply that a state had a right to secede from the Union, and that ultimately the states must submit to federal authority. His last years are plagued with fears that the country he loved so much was again drifting toward anarchy and civil war. And perhaps he felt just a little bit guilty that he had, however unwittingly, helped to unchain these seditious forces.