Gouverneur Morris politely excused himself from the company of the beautiful young lady. The woman was a wealthy widow who had welcomed Morris to dinner in her Philadelphia home after he had completed another long day of work at the Constitutional Convention. Morris had important work to do on this September evening of 1787. To him had fallen the task of writing the final version of the Constitution. He and his fellow delegates had labored throughout the hot summer on the document, and now he had a mere few days to put their thoughts into final form.

Morris gripped his cane and bid farewell to his hostess. He walked down the streets of Philadelphia, using the cane to keep his wooden leg from slipping out beneath him on the cobblestone streets. As Morris walked, he pondered the phraseology of the Preamble to the Constitution. Should the opening words of the document list all the states individually as the creators of this new government? This was the suggestion of the convention’s Committee of Style. No, Morris thought. He decided that he would begin the Constitution with the phrase, “We the People of the United States.” Morris smiled to himself as he reached the boarding house where he was rooming. These words, he knew, would change everything.

**Background**

Gouverneur Morris was born on January 31, 1752, at his family’s estate of Morrisiana in New York. He was given his mother’s maiden name as his first name. (How Americans pronounced this French name is unclear, though it was likely “Gov-er-nur.”) Morris entered King’s College (now Columbia University) of New York at age twelve. During a visit home, Morris’s right arm was badly burned when a pot of scalding water overturned on him. The arm was badly crippled for the rest of his life.

In 1771, at the age of nineteen, Morris was admitted to the New York bar. He took an interest in politics but hesitated to join the Patriot cause. An aristocrat, he worried that a revolution would lead to the breaking down of the social order. “The mob begin to think and to reason,” Morris said of his fellow Americans in 1774. “Poor reptiles!” But he eventually decided to align himself with the Revolutionary movement, hoping that he could steer it away from radical paths.

**Revolution and Loss**

In 1775, Morris was elected to New York’s Provincial Congress, an assembly organized by the Patriots. Morris became a leading advocate of American independence, and he helped write New York’s new constitution of 1777. The next year, Morris was sent to the Continental Congress. He served on a military committee and visited Valley Forge during the famous winter of 1777–1778. The sight of the suffering soldiers shocked Morris: “The skeleton of an army presents itself to our eyes in a naked, starving condition, out of health, out of spirits.” Morris soon became the soldiers’ champion in Congress.
Morris signed the Articles of Confederation in 1778. The following year he moved to Philadelphia and resumed his law practice. Shortly thereafter, Morris lost his left leg after a carriage accident in the city. His left ankle was caught in the turning spokes of a moving carriage's wheel. Doctors amputated the leg just below the knee. The rumor was that Morris was fleeing a jealous husband at the time. Morris never denied that this was the case. In fact, he seemed to enjoy the story—true or not—since it added to his reputation as a great lover.

Morris had to use a wooden leg for the rest of his life. Neither this handicap nor his mangled right arm seemed to lessen his attractiveness to women, both married and unmarried. “Gouverneur Morris kept us in a continual smile,” recalled one young woman.

In 1781, Morris became the Assistant United States Superintendent of Finance. Lacking funds, he struggled to supply George Washington’s army during the Yorktown campaign of 1781. Aggravated by Congress’ failure to support the troops, Morris began to hint to some that the Continental Army itself might employ force if Congress did not act. In March 1783, the officers assembled at a barn in Newburgh, New York. Talk of treason was in the air, as many officers whispered about marching on Philadelphia. Fortunately for the republic, Washington himself quelled the conspiracy by appearing at the gathering.

Writing the Constitution
In 1787, Morris was chosen as part of Pennsylvania’s delegation to the Constitutional Convention. He was eager to replace the Articles of Confederation with a system that concentrated more power in the national government. Under the Articles, he said, “the fate of America was suspended by a hair.”

At the convention, Morris became a leader of the nationalist bloc. He advocated a lifetime term for the president, a Senate appointed by the president, and a federal property qualification for voting. Though he lost on these and other issues, Morris spoke 173 times during the convention, more than any other delegate. He was also the only delegate to make a lengthy speech against the institution of slavery.

Morris was appointed to the Committee of Style as the debates ended. The other four members of the committee gave Morris the task of editing the final language of the Constitution. Morris worked on the document for four days to fashion a concise and clear finished product. He also glossed the Constitution’s wording to enhance the power of the new federal government. Most significantly, Morris began the Preamble with the phrase, “We the people,” to signal that the new government was not the creature of the states but the work of the entire nation.

Paris, Retirement, and Death
Morris took no part in the ratification debates. He turned down an offer from Alexander Hamilton to co-author a defense of the Constitution, a series of essays that became The Federalist Papers. After the adoption of the Constitution, Morris succeeded Thomas Jefferson as ambassador to France. Morris showed personal courage by remaining at his post during the bloody Reign of Terror. He was the only foreign diplomat to do so.

Morris returned to the United States in 1799. In 1809, he married a member of the prominent Randolph family of Virginia. In 1812, distressed by the United States’ war against Great Britain, Morris called for the secession of New York and New England.
from the Union. He wrote an *Address to the People of the State of New York* in which he argued for the legality of secession under the Constitution.

Morris lived long enough to see his plans for secession discredited. Four years after the failed secessionist proposal, Morris died at Morristiana at the age of sixty-four.

Reading Comprehension Questions
1. What two physical disabilities afflicted Morris?
2. What role did Morris play in the Newburgh Conspiracy of 1783?
3. What role did Morris play at the Constitutional Convention?

Critical Thinking Questions
4. What were Morris’s shortcomings as a human being? What were his strengths?
5. Did Morris’s justification of secession at the end of his life contradict his support of a strong central government at the Constitutional Convention?
Directions: For each clause of the Preamble, rewrite a version in your own words.

1. We the People of the United States,

2. in Order to form a more perfect Union,

3. establish Justice,

4. insure domestic Tranquility,

5. provide for the common defense,

6. promote the general Welfare,

7. and secure the Blessings of Liberty

8. to ourselves and our Posterity,

9. do ordain and establish this Constitution for the United States of America.
1. We the People of the United States
2. in Order to form a more perfect Union
3. establish Justice
4. insure domestic Tranquility
5. provide for the common defense
6. promote the general Welfare
7. and secure the Blessings of Liberty
8. to ourselves and our Posterity
9. do Ordain and establish this Constitution for the United States of America
Thomas Jefferson accurately represented the convictions of his fellow colonists when he observed in the Declaration of Independence that a government, to be considered legitimate, must be based on the consent of the people and respect their natural rights to “life, liberty and the pursuit of happiness.” Along with other leading members of the founding generation, Jefferson understood that these principles dictated that the government be given only limited powers that, ideally, are carefully described in written charters or constitutions.

Modern theorists like John Locke and the Baron de Montesquieu had been making the case for limited government and separation of powers during the century prior to the American Revolution. Colonial Americans were quite familiar with Locke’s argument from his Two Treatises of Government that “Absolute Arbitrary Power, or Governing without settled standing Laws, can neither of them consist with the ends of Society and Government…. Locke added that the reason people “quit the freedom of the state of Nature [is] to preserve their Lives, Liberties and Fortunes.” Civil society has no higher end than to provide for the safety and happiness of the people, and this is best done under a system of known rules or laws that apply equally to “the Rich and Poor, . . . the Favorite at Court, and the Country Man at plough.” For his part, Montesquieu argued that only where governmental power is limited in scope, and then parceled out among different departments, will people be free from oppression. Constitutional government, for modern natural rights theorists, should be limited government dedicated to the comfortable preservation of the people—that is, to their security, freedom, and prosperity.

John Adams echoed the beliefs of many Americans when he argued that only by creating a balance of forces within the government could the people hope to escape despotism and misery. An unchecked legislature, he observed, would be capable not only of making tyrannical laws, but of executing them in a tyrannical manner as well. In his famous draft of a constitution for the commonwealth of Massachusetts, Adams declared that the “legislative, executive and judicial power shall be placed in separate departments, to the end that it might be a government of laws, and not of men.” This document, along with his Defence of the Constitutions of Government of the United States of America, containing a strong case for checks and balances in government, were well known to the delegates who attended the Constitutional Convention of 1787.

James Wilson, one of the foremost legal scholars of the founding period and a delegate from Pennsylvania at the Constitutional Convention, agreed with Adams’ insistence that the power of government should be divided to the end of advancing the peace and happiness of the people. In the words of Wilson, “In government, the perfection of the whole depends on the balance of the parts, and the balance of the parts consists in the independent exercise of their separate powers, and, when their powers are separately exercised, then in their mutual influence and operation on one another. Each part acts and is acted upon, supports and is supported, regulates and is regulated by the rest.”

Both the Articles of Confederation and the Constitution of the United States provided for governments with limited powers. As John Jay had discovered as America’s secretary of foreign affairs, the power of the central government was severely limited under the Articles and, hence, could be trusted to a unitary legislative department. Fear of governmental tyranny and a desire to preserve the power enjoyed by the new states resulted in the creation of a central government that could not effectively oversee interstate commerce or do other things that were critical to ensuring the safety and happiness of the people. In a letter to Edmund Randolph at the end of 1786, George Washington bemoaned the “awful situation of our affairs” which he attributed to “the want of sufficient power...
in the federal head.” Washington quickly joined the movement to create a new governmental system that was equal to “the exigencies of Union,” to quote from the instructions given the delegates to the Constitutional Convention of 1787.

The Constitution of 1787 grew out of a plan drafted largely by James Madison during the winter and spring before the Convention. The “Virginia Plan” proposed a central government that was supreme over the states. Evidence that the national government was to be entrusted with considerable power could be found in the provisions for a bicameral legislature and independent executive and judicial departments.

The delegates who attended the Constitutional Convention were sufficiently versed in modern political theory to understand that they would have to divide the power of the national government if they intended to entrust it with real authority over the lives of the people and the states. They understood the dangers of imparting considerable political power to a unitary sovereign. In this connection, there was never any doubt in their minds that they should create a government of “delegated and enumerated” powers, that is, that the government should only be entrusted with specified (enumerated) powers that derived directly from the people. While they worried about the “turbulence and follies” of democracy, they recognized that government had to be based on the consent of the people to be legitimate.

The Virginia Plan anticipated the bicameral legislature and independent executive and judicial departments found in the United States Constitution today. Building on Madison’s model, the delegates assigned responsibilities to the departments based on their peculiar characteristics. The six-year term of senators, for example, seemed to make this a proper institution to involve in foreign policy (e.g., ratification of treaties) since senators would have more time than members of the House of Representatives to acquaint themselves with international affairs and their longer terms and larger constituencies (entire states) also would give them more freedom to attend to matters other than the immediate interests of constituents back home. The House of Representatives was entrusted with the important power to initiate revenue (taxation) bills precisely because the members of this chamber are tied so closely to the people by short terms and small districts.

In addition to matching powers and governmental responsibilities, the delegates were careful to position each department to “check and balance” the other departments. Examples are the executive’s veto power, the congressional impeachment power, and the judicial review power entrusted to the Supreme Court, the only national court formally established by the Constitution. Although in good Lockean fashion the legislative department was designed to be the preeminent department, it was still subjected to checks by the other branches of the government. Separation of powers as well as the system of checks and balances were devices for reducing the threat of governmental tyranny; not excluding legislative tyranny.

However, the constitutional arrangement, put into its final wording by Gouverneur Morris, was not driven entirely by a desire to eliminate the threat of tyrannical government. The system of separated and divided powers also was intended to promote competence in government. The president can employ his veto not only to check legislative action that he considers irresponsible, but to provoke Congress to improve a legislative enactment. The Senate can use its authority to ratify presidential nominations of cabinet officers or judges to ensure that qualified candidates are named to fill these positions.

Writing in Federalist No. 9, Alexander Hamilton identified the principle of separated and divided powers, along with checks and balances, as among the inventions of the new science of politics that had made republican government defensible. Madison described in Federalist No. 51 the benefits of the governmental arrangement represented in the new Constitution: “In the compound republic of America, the power surrendered by the people is first divided between two distinct governments, and then the portion allotted to each subdivided among distinct and separate departments. Hence a double security arises to the rights of the people. The different governments will control each other, at the same time that each will be controlled by itself.” Significantly, Anti-Federalists as well as Federalists agreed that governmental powers should be limited and that these powers should be subject to internal as well as external checks.

Limited Government
It is important to emphasize that the Framers settled on an arrangement that divided yet blended the legislative, executive, and judicial powers. This facilitates interdepartmental checking while promoting mature deliberation. Their aim was to create a decent and competent democracy, something beyond mere non-tyrannical government. They placed the whole of the government, and even the people, under constitutional limitations. The Constitution is the supreme law of the land, not the enactments of Congress or the order of the president or the momentary will of the people. As Chief Justice Marshall declared in Marbury v. Madison (1803), “The distinction between a government with limited and unlimited powers is abolished, if those limits do not confine the persons on whom they are imposed, and if acts prohibited and acts allowed, are of equal obligation.” Even the desires of the people are held in check by the Constitution. The political system still meets the criteria of democratic government, however, since the people hold the power, through their representatives, to amend the Constitution.

The paradigm of constitutional government embraced by the American people in 1787, that is, limited government based on the consent of the people and committed to the protection of fundamental rights, has become the dominant model throughout the world. The rhetoric of rights, whether couched in the language of natural rights or human rights, is universally appealing. Also universally accepted is the argument that rights are most secure when governmental powers are limited in scope and subject to internal and external checks.

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Suggestions for Further Reading