

inviting the direction of your illustrious leader, you will retire to some yet unsettled country, smile in your turn, “and mock when their fear cometh on.”—But let it represent also, that should they comply with the request of your late memorial, it would make you more happy, and them more respectable.—That while the war should continue, you would follow their standard in the field,—and that when it came to an end, you would withdraw into the shade of private life, and give the world another subject of wonder and applause—an army victorious over its enemies—victorious over itself.

Viewpoint 13B
*American Soldiers Should Act
in the Nation's Interest (1783)*

George Washington (1732–1799)

INTRODUCTION *George Washington was appointed commander in chief of the Continental Army in 1775; he stayed in that position until December 1783, after the Revolutionary War had successfully ended with American independence. One of the main challenges he faced throughout the conflict was discontent within his own ranks. In March 1783 Washington called a special meeting to respond to concerns raised by an anonymous letter suggesting that military officers take drastic action against Congress to get their promised pay and pensions. Washington viewed the idea as a strong threat to the creation of America's new republic. The following viewpoint is excerpted from Washington's address to officers under his command in which he strongly condemned any action to withhold their services or otherwise coerce America's civilian government, and promised that they would eventually receive just treatment from Congress. Washington was able to win officers to his view. His 1783 retirement from the Continental Army to private life was short: he served as America's first president from 1789 to 1797.*

What comments does Washington make about the author of viewpoint 13A? What does he appeal to in asking military officers to reject any plan to act against Congress?

Gentlemen:

By an anonymous summons, an attempt has been made to convene you together. How inconsistent with the rules of propriety! How unmilitary! And how subversive of all order and discipline, let the good sense of the Army decide.

In the moment of this summons, another anonymous production was sent into circulation, addressed more to the feelings and passions than to the reason and judgment of the Army. The author of the piece is entitled to much credit for the goodness of his pen, and I could wish he had as much credit for the rectitude of

From John Marshall, *The Life of George Washington, etc. etc.* 2nd ed., Philadelphia, 1848.

his heart; for, as men see through different optics and are induced by the reflecting faculties of the mind to use different means to attain the same end, the author of the address should have had more charity than to mark for suspicion the man who should recommend moderation and longer forbearance—or, in other words, who should not think as he thinks and acts as he advises. But he had another plan in view, in which candor and liberality of sentiment, regard to justice, and love of country have no part; and he was right to insinuate the darkest suspicion to effect the blackest design.

That the address is drawn with great art and is designed to answer the most insidious purposes; that it is calculated to impress the mind with an idea of premeditated injustice in the sovereign power of the United States, and rouse all those resentments which must unavoidably flow from such a belief; that the secret mover of this scheme (whoever he may be) intended to take advantage of the passions while they were warmed by the recollection of past distresses, without giving time for cool, deliberative thinking, and that composure of mind which is so necessary to give dignity and stability to measures is rendered too obvious, by the mode of conducting the business, to need other proof than a reference to the proceedings.

Thus much, gentlemen, I have thought it incumbent on me to observe to you, to show upon what principles I opposed the irregular and hasty meeting which was proposed to have been held on Tuesday last, and not because I wanted a disposition to give you every opportunity consistent with your own honor and the dignity of the Army to make known your grievances. If my conduct heretofore has not evinced to you that I have been a faithful friend to the Army, my declaration of it at this time would be equally unavailing and improper. But as I was among the first who embarked in the cause of our common country; as I have never left your side one moment but when called from you on public duty; as I have been the constant companion and witness of your distresses, and not among the last to feel and acknowledge your merits; as I have ever considered my own military reputation as inseparably connected with that of the Army; as my heart has ever expanded with joy when I have heard its praises, and my indignation has arisen when the mouth of detraction has been opened against it, it can scarcely be supposed, at this late stage of the war, that I am indifferent to its interests. But how are they to be promoted? The way is plain, says the anonymous addresser.

*This dreadful alternative, of either deserting
our Country . . . or turning our arms against
it . . . has something so shocking in it that
humanity revolts at the idea.*

A DREADFUL PLAN

If war continues, remove into the unsettled country; there establish yourselves and leave an ungrateful country to defend itself. But who are they to defend? Our wives, our children, our farms, and other property which we leave behind us, or, in this state of hostile separation, are we to take the two first (the latter cannot be removed) to perish in a wilderness, with hunger, cold, and nakedness?

If peace takes place, never sheath your swords, says he, until you have obtained full and ample justice. This dreadful alternative, of either deserting our country in the extremest hour of her distress or turning our arms against it (which is the apparent object, unless Congress can be compelled into instant compliance), has something so shocking in it that humanity revolts at the idea. My God! What can this writer have in view, by recommending such measures? Can he be a friend to the Army? Can he be a friend to this country? Rather, is he not an insidious foe? Some emissary, perhaps, from New York, plotting the ruin of both by sowing the seeds of discord and separation between the civil and military powers of the continent? And what a compliment does he pay to our understandings when he recommends measures in either alternative, impracticable in their nature?

But here, gentlemen, I will drop the curtain, because it would be as imprudent in me to assign my reasons for this opinion as it would be insulting to your conception to suppose you stood in need of them. A moment's reflection will convince every dispassionate mind of the physical impossibility of carrying either proposal into execution. . . .

With respect to the advice given by the author, to suspect the man who shall recommend moderate measures and longer forbearance, I spurn it, as every man who regards that liberty and reveres that justice for which we contend undoubtedly must; for if men are to be precluded from offering their sentiments on a matter which may involve the most serious and alarming consequences that can invite the consideration of mankind, reason is of no use to us—the freedom of speech may be taken away and, dumb and silent, we may be led, like sheep, to the slaughter.

FAITH IN CONGRESS

I cannot, in justice to my own belief and what I have great reason to conceive is the intention of Congress, conclude this address without giving it as my decided opinion that that honorable body entertains exalted sentiments of the services of the Army; and, from a full conviction of its merits and sufferings, will do it complete justice. That their endeavors to discover and establish funds for this purpose have been unwearied, and will not cease till they have succeeded, I have not a doubt.

But like all other large bodies where there is a variety of different interests to reconcile, their deliberations are slow. Why then should we distrust them, and, in consequence of that distrust, adopt measures which may cast a shade over that glory which has been so justly acquired, and tarnish the reputation of an Army which is celebrated through all Europe for its fortitude and patriotism? And for what is this done? To bring the object we seek nearer? No! Most certainly, in my opinion, it will cast it at a greater distance. . . .

Let me entreat you, gentlemen, on your part, not to take any measures which, viewed in the calm light of reason, will lessen the dignity and sully the glory you have hitherto maintained. Let me request you to rely on the plighted faith of your country, and place a full confidence in the purity of the intentions of Congress; that, previous to your dissolution as an Army they will cause all your accounts to be fairly liquidated, as directed in their resolutions, which were published to you two days ago, and that they will adopt the most effectual measures in their power to render ample justice to you for your faithful and meritorious services. And let me conjure you, in the name of our common country, as you value your own sacred honor, as you respect the rights of humanity, and as you regard the military and national character of America, to express your utmost horror and detestation of the man who wishes, under any specious pretenses, to overturn the liberties of our country, and who wickedly attempts to open the floodgates of civil discord and deluge our rising empire in blood.

FOR FURTHER READING

Bruce Chadwick, *George Washington's War: The Forging of a Revolutionary Leader and the American Presidency*. Naperville, IL: Sourcebooks, 2005.

Joseph J. Ellis, *His Excellency: George Washington*. New York: Alfred A. Knopf, 2004.

Thomas J. Fleming, *Liberty! The American Revolution*. New York: Viking, 1997.

Both Armstrong's letter and Washington's reply can be read and found at <http://www.earlyamerica.com/earlyamerica/milestones/newburgh/index.html>.

CREATING A NEW GOVERNMENT

Viewpoint 14A

*A Strong National Government Is Necessary to
Ensure the Nation's Survival (1783)*

George Washington (1732–1799)

INTRODUCTION *As American independence became a reality in 1783, political debate turned towards the social and political future of the new nation, consisting*

of thirteen new states united by the Articles of Confederation. In one of his last acts as commander in chief of the Continental Army, George Washington wrote a letter in 1783 to the state governors in which he announced his intention to retire to private life and described some of his ideas about government and America's future. He contended that the choices America's citizens made now could determine whether the new nation would be "respectable and prosperous, or contemptible and miserable." A main point Washington wanted to raise was the danger of states going their separate ways and effectively dissolving the Union—a prospect he considered dangerous both to national survival and to the well-being of the American people. The necessity for greater national unity was a prime motivation for the Philadelphia Convention of 1787—a meeting Washington chaired, and which created the U.S. Constitution to replace the Articles of Confederation.

Why might Washington want to address state governors in his letter? What advantages does Washington perceive the new nation possessing? What four elements does he deem critical?

The citizens of America, placed in the most enviable condition as the sole lords and proprietors of a vast tract of continent, comprehending all the various soils and climates of the world and abounding with all the necessities and conveniences of life, are now, by the late satisfactory pacification, acknowledged to be possessed of absolute freedom and independency. They are, from this period, to be considered as the actors on a most conspicuous theater, which seems to be peculiarly designated by Providence for the display of human greatness and felicity. Here they are not only surrounded with everything which can contribute to the completion of private and domestic enjoyment, but Heaven has crowned all its other blessings by giving a fairer opportunity for political happiness than any other nation has ever been favored with. Nothing can illustrate these observations more forcibly than a recollection of the happy conjuncture of times and circumstances under which our republic assumed its rank among the nations.

The foundation of our empire was not laid in the gloomy age of ignorance and superstition but at an epoch when the rights of mankind were better understood and more clearly defined than at any former period. The researches of the human mind, after social happiness, have been carried to a great extent; the treasures of knowledge, acquired by the labors of philosophers, sages, and legislators through a long succession of years, are laid open for our use; and their collected wisdom may be happily applied in the establishment of our forms of

From John Marshall, *The Life of George Washington, etc. etc.* 2nd ed., Philadelphia, 1848.

government. The free cultivation of letters, the unbounded extension of commerce, the progressive refinement of manners, the growing liberality of sentiment, and, above all, the pure and benign light of revelation have had a meliorating influence on mankind and increased the blessings of society. At this auspicious period, the United States came into existence as a nation; and, if their citizens should not be completely free and happy, the fault will be entirely their own.

A TEST FOR AMERICANS

Such is our situation, and such are our prospects; but notwithstanding the cup of blessing is thus reached out to us; notwithstanding happiness is ours, if we have a disposition to seize the occasion and make it our own; yet it appears to me there is an option still left to the United States of America, that it is in their choice, and depends upon their conduct, whether they will be respectable and prosperous, or contemptible and miserable, as a nation. This is the time of their political probation; this is the moment when the eyes of the whole world are turned upon them; this is the moment to establish or ruin their national character forever; this is the favorable moment to give such a tone to our federal government as will enable it to answer the ends of its institution; or this may be the ill-fated moment for relaxing the powers of the Union, annihilating the cement of the Confederation, and exposing us to become the sport of European politics, which may play one state against another, to prevent their growing importance and to serve their own interested purposes. For, according to the system of policy the states shall adopt at this moment, they will stand or fall; and by their confirmation or lapse, it is yet to be decided whether the Revolution must ultimately be considered as a blessing or a curse—a blessing or a curse not to the present age alone, for with our fate will the destiny of unborn millions be involved. . . .

FOUR NECESSARY ELEMENTS

There are four things which, I humbly conceive, are essential to the well-being, I may even venture to say to the existence, of the United States as an independent power.

First, an indissoluble union of the states under one federal head.

Second, a sacred regard to public justice.

Third, the adoption of a proper peace establishment; and,

Fourth, the prevalence of that pacific and friendly disposition among the people of the United States which will induce them to forget their local prejudices and policies; to make those mutual concessions which are requisite to the general prosperity; and, in some

instances, to sacrifice their individual advantages to the interest of the community.

These are the pillars on which the glorious fabric of our independency and national character must be supported. Liberty is the basis; and whoever would dare to sap the foundation, or overturn the structure, under whatever specious pretext he may attempt it, will merit the bitterest execration and the severest punishment which can be inflicted by his injured country.

On the three first articles I will make a few observations, leaving the last to the good sense and serious consideration of those immediately concerned.

Under the first head, although it may not be necessary or proper for me, in this place, to enter into a particular disquisition on the principles of the Union, and to take up the great question which has been frequently agitated—whether it be expedient and requisite for the states to delegate a larger proportion of power to Congress or not—yet it will be a part of my duty, and that of every true patriot, to assert without reserve, and to insist upon, the following positions: That, unless the states will suffer Congress to exercise those prerogatives they are undoubtedly invested with by the constitution, everything must very rapidly tend to anarchy and confusion. That it is indispensable to the happiness of the individual states that there should be lodged somewhere a supreme power to regulate and govern the general concerns of the confederated republic, without which the Union cannot be of long duration. That there must be a faithful and pointed compliance, on the part of every state, with the late proposals and demands of Congress, or the most fatal consequences will ensue. That whatever measures have a tendency to dissolve the Union, or contribute to violate or lessen the sovereign authority, ought to be considered as hostile to the liberty and independency of America, and the authors of them treated accordingly. And lastly, that unless we can be enabled, by the concurrence of the states, to participate of the fruits of the Revolution and enjoy the essential benefits of civil society, under a form of government so free and uncorrupted, so happily guarded against the danger of oppression as has been devised and adopted by the Articles of Confederation, it will be a subject of regret that so much blood and treasure have been lavished for no purpose, that so many sufferings have been encountered without a compensation, and that so many sacrifices have been made in vain.

Many other considerations might here be adduced to prove that, without an entire conformity to the spirit of the Union, we cannot exist as an independent power. It will be sufficient for my purpose to mention but one or two which seem to me of the greatest importance.

It is only in our united character, as an empire, that our independence is acknowledged, that our power can be

regarded, or our credit supported, among foreign nations. The treaties of the European powers with the United States of America will have no validity on a dissolution of the Union. We shall be left nearly in a state of nature; or we may find, by our own unhappy experience, that there is a natural and necessary progression from the extreme of anarchy to the extreme of tyranny, and that arbitrary power is most easily established on the ruins of liberty abused to licentiousness.

FOR FURTHER READING

Bruce Chadwick, *George Washington's War: The Forging of a Revolutionary Leader and the American Presidency*. Naperville, IL: Sourcebooks, 2005.

Joseph J. Ellis, *His Excellency: George Washington*. New York: Alfred A. Knopf, 2004.

Thomas J. Fleming, *Liberty! The American Revolution*. New York: Viking, 1997.

Viewpoint 14B Strong State Governments Are Maintaining Freedom and Prosperity (1787)

James Winthrop (1752–1821)

INTRODUCTION *The Articles of Confederation, ratified by the former colonies in 1781, formed the basis of the national government of the United States for several years. Under the Articles Congress had the power to declare war and enter into foreign alliances, but it had little power to raise taxes, make laws, or create a national economic or trade policy. Political leaders met in Philadelphia in 1787 and came up with a new blueprint for national government—the Constitution—which then had to be ratified by the states. The following viewpoint is taken from a 1787 newspaper article arguing that such a new Constitution was not needed and that the new nation was indeed prospering under its current weak central government. The author, "Agrippa," is believed by most historians to be James Winthrop, a librarian and teacher at Harvard University.*

What argument does Winthrop make about the governments of large states. What objections does he have to the proposed Constitution and its "consolidation" of the states?

Having considered some of the principal advantages of the happy form of government under which it is our peculiar good fortune to live, we find by experience, that it is the best calculated of any form hitherto invented,

Massachusetts Gazette (Boston), December 3, 1787, reprinted in *American History Told by Contemporaries*, Albert B. Hart, ed., New York: Macmillan, 1901.

to secure to us the rights of our persons and of our property, and that the general circumstances of the people shew an advanced state of improvement never before known. We have found the shock given by the war in a great measure obliterated, and the publick debt contracted at that time to be considerably reduced in the nominal sum. The Congress lands are fully adequate to the redemption of the principal of their debt, and are selling and populating very fast. The lands of this state, at the west, are, at the moderate price of eighteen pence an acre worth near half a million pounds in our money. They ought, therefore, to be sold as quick as possible. An application was made lately for a large tract at that price, and continual applications are made for other lands in the eastern part of the state. Our resources are daily augmenting.

We find, then, that after the experience of near two centuries our separate governments are in full vigour. They discover, for all the purposes of internal regulation, every symptom of strength, and none of decay. The new system is, therefore, for such purposes, useless and burdensome.

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It is impossible for one code of laws to suit
Georgia and Massachusetts.
— ■ —

Let us now consider how far it is practicable consistent with the happiness of the people and their freedom. It is the opinion of the ablest writers on the subject, that no extensive empire can be governed upon republican principles, and that such a government will degenerate to a despotism, unless it be made up of a confederacy of smaller states, each having the full powers of internal regulation. This is precisely the principle which has hitherto preserved our freedom. No instance can be found of any free government of considerable extent which has been supported upon any other plan. Large and consolidated empires may indeed dazzle the eyes of a distant spectator with their splendour, but if examined more nearly are always found to be full of misery. The reason is obvious. In large states the same principles of legislation will not apply to all the parts. The inhabitants of warmer climates are more dissolute in their manners, and less industrious, than in colder countries. A degree of severity is, therefore, necessary with one which would cramp the spirit of the other. We accordingly find that the very great empires have always been despotick. They have indeed tried to remedy the inconveniences to which the people were exposed by local regulations; but these contrivances have never answered the end. The laws not being made by the people, who felt the inconveniences, did not suit their circumstances. It is under such tyranny

that the Spanish provinces languish, and such would be our misfortune and degradation, if we should submit to have the concerns of the whole empire managed by one legislature. To promote the happiness of the people it is necessary that there should be local laws; and it is necessary that those laws should be made by the representatives of those who are immediately subject to the want of them. By endeavouring to suit both extremes, both are injured.

AGAINST CONSOLIDATION

It is impossible for one code of laws to suit Georgia and Massachusetts. They must, therefore, legislate for themselves. Yet there is, I believe, not one point of legislation that is not surrendered in the proposed plan. Questions of every kind respecting property are determinable in a continental court, and so are all kinds of criminal causes. The continental legislature has, therefore, a right to make rules in all cases by which their judicial courts shall proceed and decide causes. No rights are reserved to the citizens. The laws of Congress are in all cases to be the supreme law of the land, and paramount to the constitutions of the individual states. The Congress may institute what modes of trial they please, and no plea drawn from the constitution of any state can avail. This new system is, therefore, a consolidation of all the states into one large mass, however diverse the parts may be of which it is to be composed. The idea of an uncompounded republic, on an average, one thousand miles in length, and eight hundred in breadth, and containing six millions of white inhabitants all reduced to the same standard of morals, of habits, and of laws, is in itself an absurdity, and contrary to the whole experience of mankind. The attempt made by Great-Britain to introduce such a system, struck us with horror, and when it was proposed by some theorists that we should be represented in parliament, we uniformly declared that one legislature could not represent so many different interests for the purposes of legislation and taxation. This was the leading principle of the revolution, and makes an essential article in our creed. All that part, therefore, of the new system, which relates to the intergovernment of the states, ought at once to be rejected.

FOR FURTHER READING

Keith L. Dougherty, *Collective Action under the Articles of Confederation*. New York: Cambridge University Press, 2001.

Christopher M. Duncan, *The Anti-Federalists and Early American Political Thought*. DeKalb: Northern Illinois University Press, 1995.

David C. Hendrickson, *Peace Pact: The Lost World of the American Founding*. Lawrence: University Press of Kansas, 2003.

Robert W. Hoffert, *A Politics of Tensions: The Articles of Confederation and American Political Ideas*. Niwot: University Press of Colorado, 1992.

Viewpoint 15A A Republic Must Be Small and Uniform to Survive (1787)

“Brutus”

INTRODUCTION *The U.S. Constitution was written by delegates meeting in a special convention in Philadelphia from May to September 1787. The product of the Constitutional Convention, which then had to be ratified by the states, faced widespread debate. Numerous pamphlets and newspaper articles were published as federalists (supporters of the Constitution) sparred with anti-federalists. The following viewpoint is taken from the first of sixteen articles by “Brutus” published in the New York Journal between October 1787 and April 1788 and widely reprinted elsewhere. Some historians have suggested that the author was Robert Yates (1738–1801), a New York delegate to the Constitutional Convention who refused to sign the Constitution.*

“Brutus” criticizes the proposed Constitution for greatly centralizing the powers of the national government. He argues that republican government has proved practical only in communities where the population was manageable small and homogeneous, unlike that of America. Many anti-federalist writers like “Brutus” argued that the size and diversity of America’s population meant that a national regime could not effectively govern without sacrificing the personal liberties Americans valued.

What arguments and reasons does the author use to support the idea that free republics only exist in small areas? Which, if any, of his predictions have come true?

The first question that presents itself on the subject is, whether a confederated government be the best for the United States or not? Or in other words, whether the thirteen United States should be reduced to one great republic, governed by one legislature, and under the direction of one executive and judicial; or whether they should continue thirteen confederated republics, under the direction and controul of a supreme federal head for certain defined national purposes only?

This enquiry is important, because, although the government reported by the convention does not go to a perfect and entire consolidation, yet it approaches so near to it, that it must, if executed, certainly and infallibly terminate in it. . . .

CAN A NATION BE LARGE AND FREE?

It is here taken for granted, that all agree in this, that whatever government we adopt, it ought to be a free

From an editorial by “Brutus” that appeared in the October 18, 1787, *New York Journal*.

one; that it should be so framed as to secure the liberty of the citizens of America, and such an one as to admit of a full, fair, and equal representation of the people. The question then will be, whether a government thus constituted, and founded on such principles, is practicable, and can be exercised over the whole United States, reduced into one state?

If respect is to be paid to the opinion of the greatest and wisest men who have ever thought or wrote on the science of government, we shall be constrained to conclude, that a free republic cannot succeed over a country of such immense extent, containing such a number of inhabitants, and these increasing in such rapid progression as that of the whole United States. Among the many illustrious authorities which might be produced to this point, I shall content myself with quoting only two. The one is the baron [Charles-Louis] de Montesquieu, spirit of laws, chap. xvi. vol. I [book VIII]. “It is natural to a republic to have only a small territory, otherwise it cannot long subsist. In a large republic there are men of large fortunes, and consequently of less moderation; there are trusts too great to be placed in any single subject; he has interest of his own; he soon begins to think that he may be happy, great and glorious, by oppressing his fellow citizens; and that he may raise himself to grandeur on the ruins of his country. In a large republic, the public good is sacrificed to a thousand views; it is subordinate to exceptions, and depends on accidents. In a small one, the interest of the public is easier perceived, better understood, and more within the reach of every citizen; abuses are of less extent, and of course are less protected.” Of the same opinion is the marquis Beccaria [Cesare di Beccaria].

History furnishes no example of a free republic, any thing like the extent of the United States. The Grecian republics were of small extent; so also was that of the Romans. Both of these, it is true, in process of time, extended their conquests over large territories of country; and the consequence was, that their governments were changed from that of free government to those of the most tyrannical that ever existed in the world.

Not only the opinion of the greatest men, and the experience of mankind, are against the idea of an extensive republic, but a variety of reasons may be drawn from the reason and nature of things, against it. In every government, the will of the sovereign is the law. In despotic governments, the supreme authority being lodged in one, his will is law, and can be as easily expressed to a large extensive territory as to a small one. In a pure democracy the people are the sovereign, and their will is declared by themselves; for this purpose they must all come together to deliberate, and decide. This kind of government cannot be exercised, therefore, over a country of any considerable extent; it must be confined to a single city, or at

least limited to such bounds as that the people can conveniently assemble, be able to debate, understand the subject submitted to them, and declare their opinion concerning it.

THE CONSENT OF THE PEOPLE

In a free republic, although all laws are derived from the consent of the people, yet the people do not declare their consent by themselves in person, but by representatives, chosen by them, who are supposed to know the minds of their constituents, and to be possessed of integrity to declare this mind.

In every free government, the people must give their assent to the laws by which they are governed. This is the true criterion between a free government and an arbitrary one. The former are ruled by the will of the whole, expressed in any manner they may agree upon; the latter by the will of one, or a few. If the people are to give their assent to the laws, by persons chosen and appointed by them, the manner of the choice and the number chosen, must be such, as to possess, be disposed, and consequently qualified to declare the sentiments of the people; for if they do not know, or are not disposed to speak the sentiments of the people, the people do not govern, but the sovereignty is in a few. Now, in a large extended country, it is impossible to have a representation, possessing the sentiments, and of integrity, to declare the minds of the people, without having it so numerous and unwieldy, as to be subject in great measure to the inconvenience of a democratic government.

The territory of the United States is of vast extent; it now contains near three millions of souls, and is capable of containing much more than ten times that number. Is it practicable for a country, so large and so numerous as they will soon become, to elect a representation, that will speak their sentiments, without their becoming so numerous as to be incapable of transacting public business? It certainly is not.

THE DIVERSITY OF THE UNITED STATES

In a republic, the manners, sentiments, and interests of the people should be similar. If this be not the case, there will be a constant clashing of opinions; and the representatives of one part will be continually striving against those of the other. This will retard the operations of government and prevent such conclusions as will promote the public good. If we apply this remark to the condition of the United States, we shall be convinced that it forbids that we should be one government. The United States includes a variety of climates. The productions of the different parts of the union are very variant, and their interests, of consequence, diverse. Their manners and habits

differ as much as their climates and productions; and their sentiments are by no means coincident. The laws and customs of the several states are, in many respects, very diverse, and in some opposite; each would be in favor of its own interests and customs, and, of consequence, a legislature, formed of representatives from the respective parts, would not only be too numerous to act with any care or decision, but would be composed of such heterogenous and discordant principles, as would constantly be contending with each other.

The laws cannot be executed in a republic, of an extent equal to that of the United States, with promptitude. . . .

— ■ —
*A free republic cannot long subsist over
a country of the great extent of these states.*
— ■ —

In a republic of such vast extent as the United States, the legislature cannot attend to the various concerns and wants of its different parts. It cannot be sufficiently numerous to be acquainted with the local condition and wants of the different districts, and if it could, it is impossible it should have sufficient time to attend to and provide for all the variety of cases of this nature, that would be continually arising.

THE ABUSE OF POWER

In so extensive a republic, the great officers of government would soon become above the controul of the people, and abuse their power to the purpose of aggrandizing themselves, and oppressing them. The trust committed to the executive offices, in a country of the extent of the United States, must be various and of magnitude. The command of all the troops and navy of the republic, the appointment of officers, the power of pardoning offences, the collecting of all the public revenues, and the power of expending them, with a number of other powers, must be lodged and exercised in every state in the hands of a few. When these are attended with great honor and emolument, as they always will be in large states, so as greatly to interest men to pursue them, and to be proper objects for ambitious and designing men, such men will be ever restless in their pursuit after them. They will use the power, when they have acquired it, to the purposes of gratifying their own interest and ambition, and it is scarcely possible, in a very large republic, to call them to account for their misconduct, or to prevent their abuse of power.

These are some of the reasons by which it appears, that a free republic cannot long subsist over a country of the great extent of these states. If then this new constitution is calculated to consolidate the thirteen states into one, as it evidently is, it ought not to be adopted.

Viewpoint 15B *A Viable Republic Can Be Large and Diverse (1787)*

James Madison (1751–1836)

INTRODUCTION *Political theorist and future president James Madison played a significant role in both instigating and influencing the 1787 Constitutional Convention. During the ensuing months of debate he wrote numerous articles and pamphlets urging ratification of the Constitution. These included the famous Federalist Papers, a series of newspaper articles he coauthored with Alexander Hamilton and John Jay under the pseudonym "Publius." The following viewpoint is taken from The Federalist No. 10, Madison's first and most famous contribution to the series; the article was originally published on November 22, 1787, in the New York Daily Advertiser. Madison was responding in part to arguments made by "Brutus" and other anti-federalists who believed that republican governments were viable only in small communities where the "interests of the people should be similar." Madison argues here that republican governments in such situations are vulnerable to the problems of "factions"—the ability of local majorities motivated by selfish concerns to dominate government, create bad law, and tyrannize the minority. Creating a government over a larger territory, Madison contends, can "extend the sphere" and prevent a single faction from gaining control over the government.*

How does Madison define and describe "factions"? How does he differentiate between a republic and a democracy? Which of the arguments found here can be seen as direct answers to arguments by "Brutus" in the opposing viewpoint?

To the People of the State of New-York.

Among the numerous advantages promised by a well-constructed Union, none deserves to be more accurately developed than its tendency to break and control the violence of faction. . . .

THE DANGERS OF FACTIONS

By a faction, I understand a number of citizens, whether amounting to a majority or minority of the whole, who are united and actuated by some common impulse of passion, or of interest, adverse to the rights of other citizens, or to the permanent and aggregate interests of the community.

There are two methods of curing the mischiefs of faction: the one, by removing its causes; the other, by controlling its effects.

From an open letter "To the People of the State of New-York" by "Publius" (James Madison) that appeared in the November 22, 1787, *New York Daily Advertiser*.

There are again two methods of removing the causes of faction: the one, by destroying the liberty which is essential to its existence; the other, by giving to every citizen the same opinions, the same passions, and the same interests.

It could never be more truly said than of the first remedy, that it was worse than the disease. Liberty is to faction what air is to fire, an aliment without which it instantly expires. But it could not be less folly to abolish liberty, which is essential to political life, because it nourishes faction, than it would be to wish the annihilation of air, which is essential to animal life, because it imparts to fire its destructive agency.

The second expedient is as impracticable as the first would be unwise. As long as the reason of man continues fallible, and he is at liberty to exercise it, different opinions will be formed. As long as the connection subsists between his reason and his self-love, his opinions and his passions will have a reciprocal influence on each other: and the former will be objects to which the latter will attach themselves. The diversity in the faculties of men, from which the rights of property originate, is not less an insuperable obstacle to a uniformity of interests. The protection of these faculties is the first object of government. From the protection of different and unequal faculties of acquiring property, the possession of different degrees and kinds of property immediately results; and from the influence of these on the sentiments and views of the respective proprietors, ensues a division of the society into different interests and parties.

THE CAUSES OF FACTION

The latent causes of faction are thus sown in the nature of man; and we see them everywhere brought into different degrees of activity, according to the different circumstances of civil society. A zeal for different opinions concerning religion, concerning government, and many other points, as well of speculation as of practice; an attachment to different leaders ambitiously contending for pre-eminence and power; or to persons of other descriptions whose fortunes have been interesting to the human passions, have, in turn, divided mankind into parties, inflamed them with mutual animosity, and rendered them much more disposed to vex and oppress each other than to co-operate for their common good. So strong is this propensity of mankind to fall into mutual animosities, that where no substantial occasion presents itself, the most frivolous and fanciful distinctions have been sufficient to kindle their unfriendly passions and excite their most violent conflicts. But the most common and durable source of factions has been the various and unequal distribution of property. Those who hold and those who are without property have ever formed distinct interests in society. Those who are creditors, and those

who are debtors, fall under a like discrimination. A landed interest, a manufacturing interest, a mercantile interest, a moneyed interest, with many lesser interests, grow up of necessity in civilized nations, and divide them into different classes, actuated by different sentiments and views. The regulation of these various and interfering interests forms the principal task of modern legislation, and involves the spirit of party and faction in the necessary and ordinary operations of the government. . . .

It is in vain to say that enlightened statesmen will be able to adjust these clashing interests, and render them all subservient to the public good. Enlightened statesmen will not always be at the helm. Nor, in many cases, can such an adjustment be made at all without taking into view indirect and remote considerations, which will rarely prevail over the immediate interest which one party may find in disregarding the rights of another or the good of the whole.

The inference to which we are brought is, that the causes of faction cannot be removed, and that relief is only to be sought in the means of controlling its effects.

If a faction consists of less than a majority, relief is supplied by the republican principle, which enables the majority to defeat its sinister views by regular vote. It may clog the administration, it may convulse the society; but it will be unable to execute and mask its violence under the forms of the Constitution. When a majority is included in a faction, the form of popular government, on the other hand, enables it to sacrifice to its ruling passion or interest both the public good and the rights of other citizens. To secure the public good and private rights against the danger of such a faction, and at the same time to preserve the spirit and the form of popular government, is then the great object to which our inquiries are directed. . . .

COMPARING REPUBLICS AND DEMOCRACIES

From this view of the subject it may be concluded that a pure democracy, by which I mean a society consisting of a small number of citizens, who assemble and administer the government in person, can admit of no cure for the mischiefs of faction. A common passion or interest will, in almost every case, be felt by a majority of the whole; a communication and concert result from the form of government itself; and there is nothing to check the inducements to sacrifice the weaker party or an obnoxious individual. Hence it is that such democracies have ever been spectacles of turbulence and contention; have ever been found incompatible with personal security or the rights of property; and have in general been as short in their lives as they have been violent in their deaths. . . .

A republic, by which I mean a government in which the scheme of representation takes place, opens a different

prospect, and promises the cure for which we are seeking. Let us examine the points in which it varies from pure democracy, and we shall comprehend both the nature of the cure and the efficacy which it must derive from the Union.

The two great points of difference between a democracy and a republic are: first, the delegation of the government, in the latter, to a small number of citizens elected by the rest; secondly, the greater number of citizens, and greater sphere of country, over which the latter may be extended.

The effect of the first difference is, on the one hand, to refine and enlarge the public views, by passing them through the medium of a chosen body of citizens, whose wisdom may best discern the true interest of their country, and whose patriotism and love of justice will be least likely to sacrifice it to temporary or partial considerations. Under such a regulation, it may well happen that the public voice, pronounced by the representatives of the people, will be more consonant to the public good than if pronounced by the people themselves, convened for the purpose. On the other hand, the effect may be inverted. Men of factious tempers, of local prejudices, or of sinister designs, may, by intrigue, by corruption, or by other means, first obtain the suffrages, and then betray the interests, of the people. The question resulting is, whether small or extensive republics are more favorable to the election of proper guardians of the public weal; and it is clearly decided in favor of the latter by two obvious considerations:

In the first place, it is to be remarked that, however small the republic may be, the representatives must be raised to a certain number, in order to guard against the cabals of a few; and that, however large it may be, they must be limited to a certain number, in order to guard against the confusion of a multitude. Hence, the number of representatives in the two cases not being in proportion to that of the two constituents, and being proportionally greater in the small republic, it follows that, if the proportion of fit characters be not less in the large than in the small republic, the former will present a greater option, and consequently a greater probability of a fit choice.

In the next place, as each representative will be chosen by a greater number of citizens in the large than in the small republic, it will be more difficult for unworthy candidates to practise with success the vicious arts by which elections are too often carried; and the suffrages of the people being more free, will be more likely to centre in men who possess the most attractive merit and the most diffusive and established characters.

It must be confessed that in this, as in most other cases, there is a mean, on both sides of which inconveniences will be found to lie. By enlarging too much the

number of electors, you render the representative too little acquainted with all their local circumstances and lesser interests; as by reducing it too much, you render him unduly attached to these, and too little fit to comprehend and pursue great and national objects. The federal Constitution forms a happy combination in this respect; the great and aggregate interests being referred to the national, the local and particular to the State legislatures.

— ■ —
*The extent of the Union gives it the
most palpable advantage.*
— ■ —

EXTENDING THE SPHERE

The other point of difference is, the greater number of citizens and extent of territory which may be brought within the compass of republican than of democratic government; and it is this circumstance principally which renders factious combinations less to be dreaded in the former than in the latter. The smaller the society, the fewer probably will be the distinct parties and interests composing it; the fewer the distinct parties and interests, the more frequently will a majority be found of the same party; and the smaller the number of individuals composing a majority, and the smaller the compass within which they are placed, the most easily will they concert and execute their plans of oppression. Extend the sphere, and you take in a greater variety of parties and interests; you make it less probable that a majority of the whole will have a common motive to invade the rights of other citizens; or if such a common motive exists, it will be more difficult for all who feel it to discover their own strength, and to act in unison with each other. Besides other impediments, it may be remarked that, where there is a consciousness of unjust or dishonorable purposes, communication is always checked by distrust in proportion to the number whose concurrence is necessary.

Hence, it clearly appears, that the same advantage which a republic has over a democracy, in controlling the effects of faction, is enjoyed by a large over a small republic,—is enjoyed by the Union over the States composing it. Does the advantage consist in the substitution of representatives whose enlightened views and virtuous sentiments render them superior to local prejudices and to schemes of injustice? It will not be denied that the representation of the Union will be most likely to possess these requisite endowments. Does it consist in the greater security afforded by a greater variety of parties, against the event of any one party being able to outnumber and oppress the rest? In an equal degree does the increased variety of parties comprised within the Union, increase

this security. Does it, in fine, consist in the greater obstacles opposed to the concert and accomplishment of the secret wishes of an unjust and interested majority? Here, again, the extent of the Union gives it the most palpable advantage.

The influence of factious leaders may kindle a flame within their particular States, but will be unable to spread a general conflagration through the other States. A religious sect may degenerate into a political faction in a part of the Confederacy; but the variety of sects dispersed over the entire face of it must secure the national councils against any danger from that source. A rage for paper money, for an abolition of debts, for an equal division of property, or for any other improper or wicked project, will be less apt to pervade the whole body of the Union than a particular member of it; in the same proportion as such a malady is more likely to taint a particular county or district, than an entire State.

In the extent and proper structure of the Union, therefore, we behold a republican remedy for the diseases most incident to republican government. And according to the degree of pleasure and pride we feel in being republicans, ought to be our zeal in cherishing the spirit and supporting the character of Federalists.

FOR FURTHER READING

Bernard Bailyn, ed., *The Debate on the Constitution*. New York: Library of America, 1993.

Max M. Edling, *A Revolution in Favor of Government: Origins of the U.S. Constitution and the Making of the American State*. New York: Oxford University Press, 2003.

John P. Kaminski and Richard Lefler, eds., *Creating the Constitution: A History with Documents*. Madison, WI: The Center for the Study of the American Constitution, 1991.

Marvin Meyer, *The Mind of the Founder: Sources of the Political Thought of James Madison*. Hanover, NH: University Press of New England, 1981.

Herbert Storing, *What the Antifederalists Were For*. Chicago: University of Chicago Press, 1981.

Viewpoint 16A *The Constitution Needs a Bill of Rights (1788)*

Patrick Henry (1736–1799)

INTRODUCTION *A recurring criticism of the Constitution created in Philadelphia in 1787 was that it lacked a bill of rights—a list of fundamental freedoms retained by the people that the government could not infringe upon. Beginning in Virginia in 1776, many of the new states had included a bill of rights in the constitutions they wrote during the American Revolution. However, the new federal constitution did not include such a list. Those opposed to creating a more powerful national government argued that this omission was evidence that such a government could threaten people's liberties. One*

influential advocate of this view was Patrick Henry, a longtime Virginia political leader whose oratorical skills had helped to inspire the American Revolution. He dominated Virginia state politics during the 1770s and 1780s, serving both as governor and leading member of Virginia's House of Delegates. The following viewpoint is taken from a speech made in June 1788 before a special convention meeting to decide whether to ratify the new Constitution. Henry argues that the Constitution—lacking a bill of rights—will supersede Virginia's constitution and its state bill of rights, thus endangering the people's freedoms.

What examples of government abuses of rights does Henry suggest might happen? Some historians have argued that Henry and other anti-federalists were more concerned about retaining the powers of the state governments than about individual liberties; do the excerpts presented here support or refute that theory?

Mr. Chairman.—The necessity of a Bill of Rights appear to me to be greater in this Government, than ever it was in any Government before. . . .

VIRGINIA'S EXAMPLE

Let us consider the sentiments which have been entertained by the people of America on this subject. At the revolution, it must be admitted, that it was their sense to put down those great rights which ought in all countries to be held inviolable and sacred. Virginia did so we all remember. She made a compact to reserve, expressly, certain rights. When fortified with full, adequate, and abundant representation, was she satisfied with that representation? No.—She most cautiously and guardedly reserved and secured those invaluable, inestimable rights and privileges, which no people, inspired with the least glow of the patriotic love of liberty, ever did, or ever can, abandon. She is called upon now to abandon them, and dissolve that compact which secured them to her. She is called upon to accede to another compact which most infallibly supercedes and annihilates her present one. Will she do it?—That is the question. If you intend to reserve your unalienable rights, you must have the most express stipulation. For if implication be allowed, you are ousted of those rights. If the people do not think it necessary to reserve them, they will be supposed to be given up. How were the Congressional rights defined when the people of America united by a confederacy to defend their liberties and rights against the tyrannical attempts of Great-Britain? The States were not then contented with implied reservation. No, Mr. Chairman. It was expressly declared in our Confederation that every right was retained by the States respectively,

From Patrick Henry's speech before the Virginia ratifying convention, June 16, 1788.

which was not given up to the Government of the United States. But there is no such thing here. You therefore by a natural and unavoidable implication, give up your rights to the General Government. Your own example furnishes an argument against it. If you give up these powers, without a Bill of Rights, you will exhibit the most, absurd thing to mankind that ever the world saw—A Government that has abandoned all its powers—The powers of direct taxation, the sword, and the purse. You have disposed of them to Congress, without a Bill of Rights—without check, limitation, or controul. And still you have checks and guards—still you keep barriers—pointed where? Pointed against your weakened, prostrated, enervated State Government! You have a Bill of Rights to defend you against the State Government, which is bereaved of all power; and yet you have none against Congress, though in full and exclusive possession of all power! You arm yourselves against the weak and defenceless, and expose yourselves naked to the armed and powerful. Is not this a conduct of unexampled absurdity? . . .

THE PEOPLE WANT A BILL OF RIGHTS

In this business of legislation, your Members of Congress will lose the restriction of not imposing excessive fines, demanding excessive bail, and inflicting cruel and unusual punishments.—These are prohibited by your Declaration of Rights. What has distinguished our ancestors?—That they would not admit of tortures, or cruel and barbarous punishments. But Congress may introduce the practice of the civil law, in preference to that of the common law.—They may introduce the practice of France, Spain, and Germany—Of torturing to extort a confession of the crime. They will say that they might as well draw examples from those countries as from Great-Britain; and they will tell you, that there is such a necessity of strengthening the arm of Government that they must have a criminal equity, and extort confession by torture, in order to punish with still more relentless severity. We are then lost and undone.—And can any man think it troublesome, when we can by a small interference prevent our rights from being lost?—If you will, like the Virginian Government, give them knowledge of the extent of the rights retained by the people, and the powers themselves, they will, if they be honest men, thank you for it.—Will they not wish to go on sure grounds?—But if you leave them otherwise, they will not know how to proceed; and being in a state of uncertainty, they will assume rather than give up powers by implication. A Bill of Rights may be summed up in a few words. What do they tell us?—That our rights are reserved.—Why not say so? Is it because it will consume too much paper? Gentlemen's reasonings against a Bill of Rights, do not satisfy me. Without saying which has the right side, it remains doubtful. A Bill of Rights

is a favourite thing with the Virginians, and the people of the other States likewise. It may be their prejudice, but the Government ought to suit their geniuses, otherwise its operation will be unhappy. A Bill of Rights, even if its necessity be doubtful, will exclude the possibility of dispute, and with great submission, I think the best way is to have no dispute. In the present Constitution, they are restrained from issuing general warrants to search suspected places, or seize persons not named, without evidence of the commission of the fact, &c. There was certainly some celestial influence governing those who deliberated on that Constitution:—For they have with the most cautious and enlightened circumspection, guarded those indefeasible rights, which ought ever to be held sacred. The officers of Congress may come upon you, fortified with all the terrors of paramount federal authority.—Excisemen may come in multitudes:—For the limitation of their numbers no man knows.—They may, unless the General Government be restrained by a Bill of Rights, or some similar restriction, go into your cellars and rooms, and search, ransack and measure, every thing you eat, drink and wear. They ought to be restrained within proper bounds. With respect to the freedom of the press, I need say nothing; for it is hoped that the Gentlemen who shall compose Congress, will take care as little as possible, to infringe the rights of human nature.—This will result from their integrity. They should from prudence, abstain from violating the rights of their constituents. They are not however expressly restrained.—But whether they will intermeddle with that palladium of our liberties or not. I leave you to determine.

Viewpoint 16B

The Constitution Does Not Need a Bill of Rights (1788)

Alexander Hamilton (1755–1804)

INTRODUCTION *Alexander Hamilton, a military aide to General George Washington during the Revolutionary War, and later secretary of the treasury during Washington's presidency, was one of the leading pro-Constitution participants in the debate over whether the states should ratify the document. He collaborated with James Madison and John Jay in writing a series of letters to newspapers under the pseudonym "Publius." The essays, which defended the Constitution against various criticisms, were published in 1788 in book form as The Federalist.*

Hamilton wrote the bulk of the essays, including No. 84, from which the following viewpoint is taken. In this essay he takes up the criticism that the new Constitution lacked a bill of rights. Hamilton asserts that the rights of Americans are protected by state constitutions, and that the new federal government is

not being given express power to infringe upon individual liberties. The structure of the new government, he argues, with its separation of powers between its branches and the guaranteed right of people to elect their representatives, among other features, is enough to ensure the people's liberties. Hamilton goes on to conclude that a listing of rights might be dangerous, because it could be construed to mean that any rights not explicitly listed would lack protection.

Hamilton was partially successful in convincing others of his arguments. The states ultimately voted to ratify the new Constitution. However, enough people raised concerns about the lack of a bill of rights to convince the new Congress to immediately amend the document. These amendments—the federal Bill of Rights—were completed in 1791.

What are the true sources of liberty, according to Hamilton? In his view, in what ways is the whole Constitution a bill of rights?

To the People of the State of New-York.

In the course of the foregoing review of the constitution I have taken notice of, and endeavoured to answer, most of the objections which have appeared against it. There however remain a few which either did not fall naturally under any particular head, or were forgotten in their proper places. These shall now be discussed: but as the subject has been drawn into great length, I shall so far consult brevity as to comprise all my observations on these miscellaneous points in a single paper.

Bills of rights . . . are not only unnecessary in the proposed constitution, but would even be dangerous.

The most considerable of these remaining objections is, that the plan of the convention contains no bill of rights. . . .

It has been several times truly remarked, that bills of rights are in their origin, stipulations between kings and their subjects, abridgments of prerogative in favor of privilege, reservations of rights not surrendered to the prince. Such was Magna Charta, obtained by the Barons, sword in hand, from king John. . . . Such also was the declaration of right presented by the lords and commons to the prince of Orange in 1688, and afterwards thrown into the form of an act of parliament, called the bill of rights. It is evident, therefore, that according to their primitive signification, they have no application to constitutions

From *The Federalist No. 84* by Alexander Hamilton, under the pseudonym Publius (New York, 1788).

