

AMERICA'S CAESAR

The Decline and Fall of
Republican Government in
the United States of America

by Greg Loren Durand

Volume One

Institute for Southern Historical Review
Toccoa, Georgia

America's Caesar:
The Decline and Fall of Republican Government
in the United States of America

Fifth Edition

Volume One
ISBN 0 615825 62 1

Copyright © 2014
Greg Loren Durand
All Rights Reserved

The original contents of this book are the intellectual property of the author.
Reproduction of this book or pirating of any portion thereof without the express
and written permission of the author is hereby prohibited.

Printed in Dixie.

Deo Vindice!

For a catalogue listing of other available titles, please write
to the following address or visit our website:

Institute for Southern Historical Review
Post Office Box 2027
Toccoa, Georgia 30577

www.southernhistoricalreview.org

The author acknowledges his indebtedness to John Charles Ainsworth and Gerard Cote for supplying some of the documentation used in writing portions of this book. Special thanks are also due to John Holzmann, Russell Lee, MacDonald King Aston, and Nicole Hansard for their valuable critique and suggestions.

This book is dedicated to the brave Confederate soldiers who paid the ultimate price to preserve Liberty for their posterity.
Their Cause is not lost. *Deo Vindice!*

TABLE OF CONTENTS

Introduction 11

PART ONE:

Northern Agitation and the Roots of Disunion

Chapter One:

The Evolution of the Federalist Faction 15

Supporting Document:

George Washington’s Farewell Address 31

Supplementary Essay:

An Iconoclastic View of the Constitution 39

Chapter Two:

Early Tensions Between North and South 47

Supporting Document:

Josiah Quincy’s Speech in Opposition to the Bill for the Admission of Louisiana 61

Supplementary Essay:

The Turbulence of Boston and Its Effect on New England 73

Chapter Three:

A Brief History of the African Slave Trade 79

Supplementary Essay:

The Bible View of Slavery 89

Supplementary Essay:

The African Slave Trade 111

Chapter Four:

The “Higher Law” of Abolitionism 117

Supporting Document:

Report on the Delivery of Abolition Materials in the Southern States 147

Supplementary Essay:

The Myth of Abolition in the Northern States 151

Chapter Five:

The Negro and the Territorial Dispute 155

Supporting Document:

Excerpts From Dred Scott v. John F.A. Sandford 171

Supplementary Essay:

The History of the Dred Scott Decision 179

Chapter Six:

Racial Attitudes in the North and South 189

Supporting Document:

John C. Calhoun's Speech in the United States Senate 217

Supplementary Essay:

Religion and the Demise of Slavery 221

PART TWO:

Abraham Lincoln and the Birth of a Modern Empire

Chapter Seven:

State Sovereignty and the Right of Secession 231

Supporting Document:

John C. Calhoun's Response to Daniel Webster 259

Supplementary Essay:

The Constitutional Right of Secession 283

Chapter Eight:

The Departure of the Southern States 291

Supporting Document:

Ordinances of Secession of the Southern States 299

Supporting Document:

Declarations of the Causes of Secession of the Southern States 309

Supplementary Essay:

On the Permanence of the Union 325

Chapter Nine:

The Economic Background of the War 333

Supporting Document:

Col. John B. Baldwin's Testimony Regarding His Interview With Abraham Lincoln . . . 351

Supplementary Essay:

The True Purpose of the Civil War 359

Chapter Ten:

Hostilities Commence in the Charleston Harbor 365

Supporting Document:

General G.P.T. Beauregard's Report on the Battle of Fort Sumter 379

Supplementary Essay:

The Beginning of the War Between the States 385

Chapter Eleven:

Lincoln Circumvents the Constitution and the Laws 391

Supporting Document:

Abraham Lincoln's Address to Congress in Special Session 417

Supporting Document:

Clement Vallandigham's Response to Lincoln's Address to Congress 429

Chapter Twelve:

The Reign of Terror in the Northern States 445

Supporting Document:

Ex Parte Merryman 459

Supplementary Essay:

Magna Charta: The Foundation of American Liberties 469

Chapter Thirteen:

The Course of the War is Changed 475

Supporting Document:

John C. Breckinridge's Speech in the Senate 497

Supplementary Essay:

Executive Power 501

Chapter Fourteen:

The Effects of the Emancipation Proclamation 515

Supporting Document:

Statements in the House of Representatives on the Creation of West Virginia 527

Supplementary Essay:

How Lincoln Secured His Re-Election 533

Chapter Fifteen:

The Seizure and Conscription of Southern Slaves 541

Supporting Document:

Report of General Rufus A. Saxton to Secretary of War Edwin M. Stanton 553

<i>Supplementary Essay:</i> The Fidelity of the Negroes During the War	559
---	-----

PART THREE:

The Radical Republicans and the Second American Revolution

Chapter Sixteen:

The Genesis of the Civil Rights Movement	565
<i>Supporting Document:</i> Andrew Johnson's Veto of the Freedmen's Bureau Bill	579
<i>Supporting Document:</i> Andrew Johnson's Veto of the Civil Rights Bill	587

Chapter Seventeen:

The Social Effects of the War on the South	595
<i>Supporting Document:</i> Robert Lewis Dabney's Letter to Major-General Oliver O. Howard	613
<i>Supplementary Essay:</i> Southern Race Relations Before and After the War	623

Chapter Eighteen

The Military Occupation of the Southern States	635
<i>Supporting Document:</i> Andrew Johnson's Veto of the First Reconstruction Bill	657
<i>Supporting Document:</i> Opinion of Attorney General Henry Stanbery on the First Reconstruction Act	665

Chapter Nineteen:

The Purpose of the Fourteenth Amendment	677
<i>Supporting Document:</i> The Unconstitutionality of the Fourteenth Amendment	691
<i>Supplementary Essay:</i> There is No "Fourteenth Amendment".	709

PART FOUR:

The Triumph of Democratic Socialism in the Twentieth Century

Chapter Twenty:

The “New Nation” Enters the First World War	715
<i>Supporting Document:</i>	
George William Norris’ Speech in the Senate	727
<i>Supplementary Essay:</i>	
Imperial Sovereignty	731

Chapter Twenty-One:

The Deception of Roosevelt’s “New Deal”	739
<i>Supporting Document:</i>	
Louis T. McFadden’s Speech in the House of Representatives	755
<i>Supplementary Essay:</i>	
Executive Control of the Social and Economic Life of the States	769

Chapter Twenty-Two:

The Nature of the Federal Reserve System	791
<i>Supporting Document:</i>	
Louis T. McFadden’s Speech in the House of Representatives	809
<i>Supplementary Essay:</i>	
The Unconstitutionality of the National Debt	829

Chapter Twenty-Three:

The Socialist Utopia of Federal Insurance	847
<i>Supporting Document:</i>	
Daniel Reed’s Speech in the House of Representatives	865
<i>Supplementary Essay:</i>	
The Redistribution of Power From Society to the State	873

Chapter Twenty-Four:

A Permanent State of National Emergency	883
<i>Supporting Document:</i>	
Emergency Powers Statutes	891
<i>Supplementary Essay:</i>	
An Essay on Constitutional Dictatorship	907

Chapter Twenty-Five:

The Cold War in the United States 911

Supporting Document:

The Original Draft of the Declaration of Independence 927

Supplementary Essay:

A Treatise on Military Government 931

Conclusion 945

Appendix One:

The Nature of Civil Liberty 957

Appendix Two:

Lincoln and Democracy 969

Appendix Three:

The Permanent Constitution of the Confederate States of America. 983

Appendix Four:

A View of the Permanent Confederate Constitution 997

Appendix Five:

The Cult of Lincoln. 1001

Appendix Six:

The Duty of the Hour 1013

Appendix Seven:

The Right of Revolution 1023

Bibliography 1039

Name Index 1057

Subject Index 1069

INTRODUCTION

Americans have been surprised and confused about the growth of their government because *they have been watching the wrong facts*. They have been obsessed with the introverted view of government and did not see the exterior factors that stimulate government most powerfully.

The impact of war on government is evident throughout American history. Each war enlarged the capacity of the government to do things. Thereafter the enlarged capacity of the government turned out to be too useful to be given up (emphasis in original).¹

It is a given axiom of warfare, whether such warfare is prosecuted in the clash of physical weapons or merely in the clash of opposing worldviews, that one cannot be an effective soldier without fully understanding the mindset and strategies of his enemy. The main purpose of this book, therefore, is to unveil the so-called “war powers” of the President of the United States — the very heart and soul of the bureaucratic machinery operating today in Washington, D.C. — and explain how “an ignorant, boorish, third-rate, backwoods lawyer”² came to invoke these powers in the mid-Nineteenth Century to nearly single-handedly dismantle a Union of sovereign States which had endured for a mere seventy-two years. If the reader retains nothing else, let this one fact remain permanently impressed upon his mind — the “separation of powers,” believed so necessary by the framers of the Constitution for the United States of America to “guarantee a Republican Form of Government,”³ ended on

1. E.E. Schattschneider, *Two Hundred Million Americans in Search of a Government* (New York: Holt, Rinehart and Winston, 1969), page 610.

2. *New York World*, 19 June 1864.

3. U.S. Constitution, Article IV, Section 4.

15 April 1861 when the sixteenth President, Abraham Lincoln, called forth 75,000 troops to make war on the seceded States of the South. At that time, the former confederated Union of sovereign States, which had been held together by mutual friendship and trust, gave way to a consolidated Nation wherein the States were subjugated to a centralized Government at the point of a bloody bayonet. Today, nearly one hundred and forty years later, the Union established by our forefathers in the Constitution has yet to be restored.

PART ONE

Northern Agitation and the Roots of Disunion

Of all the curses disgorged on mankind from Pandora's Box, there is hardly any worse in its consequence, than faction. It is the fruitful parent of legions of calamities. Civil war, with all its horrors, marches in its train, and is its lineal and legitimate descendant.

— Matthew Carey

CHAPTER ONE

The Evolution of the Federalist Faction

The Union as a Treaty Between Two Nations

In 1866, Edward A. Pollard, the editor of the Richmond *Examiner*, wrote these insightful words: “No one can read aright the history of America, unless in light of a North and a South: two political aliens existing in a Union imperfectly defined as a confederation of States. If insensible or forgetful of this theory, he is at once involved in an otherwise inexplicable mass of facts, and will in vain attempt an analysis of controversies, apparently the most various and confused.”¹ Pollard was absolutely correct. Understanding the nature of the American Union as “a treaty between two nations of opposite civilizations”² is indeed the key to properly assembling the complex puzzle of American history, especially the period of 1861-1865 which saw both sections locked in deadly combat with one another.

Though the signing of the Treaty of Paris in 1783 brought an end to open war between England and the American States, the hostility of the former against the latter was by no means abated. According to John Scott, “[H]ostilities were not yet over; they had only assumed another and scarcely less harassing and dangerous form. Baffled in field operations, King George resorted to a subtle expedient to regain, or if that should prove impracticable, to destroy, his former subjects.”³ Thus began what George Washington described as the “war

1. Edward A. Pollard, *The Lost Cause* (New York: E.B. Treat and Company, 1866), page 46.

2. Pollard, *ibid.*, page 47.

3. John Scott, *The Lost Principle: The Sectional Equilibrium, How It Was Created, How It Was Destroyed, and How It May Be Restored* (Richmond, Virginia: James Woodhouse and Company,

of imposts.”⁴ Pollard further explained the effects of this commercial assault on America:

The close of the Revolution was followed by a distress of trade that involved all of the American States. Indeed, they found that their independence, commercially, had been very dearly purchased: that the British Government was disposed to revenge itself for the ill-success of its arms by the most severe restrictions on the trade of the States, and to affect all Europe against any commercial negotiations with them. The tobacco of Virginia and Maryland was loaded down with duties and prohibitions; the rice and indigo of the Carolinas suffered similarly; but in New England the distress was out of all proportion to what was experienced in the more fortunate regions of the South, where the fertility of the soil was always a ready and considerable compensation for the oppression of taxes and commercial imposts. Before the Revolution, Great Britain had furnished markets for more than three-fourths of the exports of the eight Northern States. These were now almost actually closed to them. Massachusetts complained of the boon of independence, when she could no longer find a market for her fish and oil of fish, which at this time constituted almost wholly the exports of that region, which has since reached to such insolence of prosperity, and now abounds with the seats of opulence. The most important branch of New England industry — the whale fisheries — had almost perished; and driven out of employment, and distressed by an unkind soil, there were large masses of the descendants of the Puritans ready to move wherever better fortune invited them, and the charity of equal laws would tolerate them.⁵

Compounding the financial devastation caused by being cut off from trade with Great Britain, the New England States also found themselves saddled with enormous public debts. Massachusetts in 1784, for example, had a debt of \$5 million.⁶ Such was the economic condition of the country following the struggle for independence from British rule. Right from the beginning, the two sections had different interests; the warm climate and long planting season of the South created an agricultural economy which was mainly self-sufficient, while the harsher climate and shorter planting season of the North created a manufacturing economy which relied heavily on commercial trade. The differing economies naturally engendered differing political worldviews — the agricultural South inclined towards decentralization of power and finance, private enterprise, and free trade while the manufacturing North inclined towards centralization of power and finance, government

1860), page 68.

4. George Washington, letter to James McHenry, 22 August 1785; in W.W. Abbot, *The Papers of George Washington: Confederation Series* (Charlottesville, Virginia: University Press of Virginia, 1994), Volume III, page 199.

5. Pollard, *Lost Cause*, page 55.

6. Forrest McDonald, *E Pluribus Unum: The Formation of the American Republic, 1776-1790* (Indianapolis, Indiana: Liberty Fund, Inc., 1979), page 225.

subsidies and internal improvement, and protectionism in the way of a high import tariff system. These differences were the root cause of the bitter animosities which have existed between the two sections right from the beginning. As noted by one historian, “[O]utcroppings of sectional differences based upon occupations left their imprint upon the compromises of the Constitution itself, and upon the objections north and south to its ratification.”⁷ Pierce Butler of South Carolina considered the interests of the North and South to be “as different as the interests of Russia and Turkey.”⁸ Patrick Henry of Virginia would argue for his State’s rejection of the Constitution for the same reason: “There is a striking difference, and great contrariety of interests, between the states. They are naturally divided into carrying and productive states. This is an actual, existing distinction, which cannot be altered.”⁹ Henry’s colleague, John Tyler, agreed: “So long as climate will have effect on men, so long will the different climates of the United States render us different.”¹⁰

The Illegal Proceedings of the Philadelphia Convention

The theory which has dominated the history books for the last two hundred years is that, in the years immediately following the War for Independence, the country was in chaos and close to collapse due to the weaknesses inherent in the Articles of Confederation:

In the early spring of 1787, after the most violent winter but one in almost a decade, ominous calm descended upon the land. The very life of the Republic was on trial. (No external enemy threatened its shores, and no enemy agents conspired to destroy it from within, but it was in mortal danger nonetheless, for the freest people in the world had ceased to care whether the Republic lived or died.)

Or so it had seemed for four years and more, and especially for the last two. During those four years, and especially for the last two, everywhere one looked closely the Union seemed to be coming apart.¹¹

There are, however, good reasons to question the veracity of this claim. In a letter to

7. Jesse T. Carpenter, *The South as a Conscious Minority, 1789-1861* (New York: New York University Press, 1930), page 8.

8. Pierce Butler, in Max Farrand (editor), *The Records of the Federal Convention of 1787* (New Haven, Connecticut: Yale University Press, 1913), Volume II, page 449.

9. Patrick Henry, speech delivered on 12 June 1788; in Jonathan Elliott (editor), *The Debates in the Several State Conventions on the Adoption of the Federal Constitution* (Washington, D.C.: Self-published, 1837), Volume III, page 328.

10. John Tyler, speech delivered on 25 June 1788; Elliott, *ibid.*, page 600.

11. McDonald, *E Pluribus Unum*, page 227.

the Marquis de Lafayette, George Washington wrote, "I expect that many blessings will be attributed to our new government, which are now taking their rise from that industry and frugality, into the practice of which the people have been forced from necessity. I really believe that there never was so much labor and economy to be found before in the country, as at the present moment."¹² These words were penned while the States were still united under the Articles. Speaking of the Articles, Thomas Jefferson said, "With all the imperfections of our present government, it is, without exception, the best existing or the best that ever did exist."¹³ Early in 1787, Benjamin Franklin declared that the country as a whole was "so prosperous" that there was "every reason for profound thanksgiving." Farmers were "paid better prices than ever for their products" and the value of their lands were rising in value. Nowhere in Europe were the laboring classes "so well paid, fed, or clothed."¹⁴ Historian Charles Austin Beard wrote:

It may very well be that Franklin's view of the general social conditions just previous to the formation of the Constitution is essentially correct and that the defects in the Articles of Confederation were not the serious menace to the social fabric which the loud complaints of advocates of change implied. It may be that "the critical period" was not such a critical period after all; but a phantom of the imagination produced by some undoubted evils which could have been remedied without a political revolution.... It does not appear that any one has really inquired just what precise facts must be established to prove that "the bonds of the social order were dissolving".... When it is remembered that most of our history has been written by Federalists, it will become apparent that great care should be taken in accepting, without reserve, the gloomy pictures of the social conditions prevailing under the Articles of Confederation.¹⁵

As noted above, independence was hard on both the North and the South, but the latter, due to its self-sufficiency, was able to revive its prosperity. Virginia at that time was far and above the most prosperous of all the thirteen States. In New England, however, things were far different: "Massachusetts had long since reached the point of being unable to support itself except by shrewd trading."¹⁶

12. Washington, quoted by Scott, *Lost Principle*, page 168.

13. Thomas Jefferson, letter to Edward Carrington, 4 August 1787; in Julian P. Boyd (editor), *The Papers of Thomas Jefferson* (Princeton, New Jersey: Princeton University Press, 1955), Volume XI, page 678.

14. Benjamin Franklin, quoted by Matthew Carey, *The American Museum*, January 1787, Volume I, page 5.

15. Charles Austin Beard, *An Economic Interpretation of the Constitution of the United States* (New York: The Macmillan Company, 1935), pages 47-48.

16. McDonald, *E Pluribus Unum*, page 218.

The Articles contained the following provision at Article XIII: “Every State shall abide by the determination of the United States in Congress assembled, on all questions which by this confederation are submitted to them. And the Articles of this Confederation shall be inviolably observed by every State, and the Union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them; unless such alteration be agreed to in a Congress of the United States, and be afterwards confirmed by the legislatures of every State.” In accordance with this provision, delegates from twelve of the thirteen States were sent to the Constitutional Convention in Philadelphia in May of 1787 “for the sole and express purpose of revising the Articles of Confederation” and making such “alterations and provisions therein as shall render the Federal Constitution adequate to the exigencies of the Government and the preservation of the Union,”¹⁷ However, the drafting of the Constitution and its ratification two years later altered the very nature of the American civil structure:

The general Federal Convention that framed the Constitution at Philadelphia was a secret body; and the greatest pains were taken that no part of its proceedings should get to the public until the Constitution itself was reported to Congress. The Journals were confided to the care of Washington and were not made public until many years after our present Government was established. The framers of the Constitution ignored the purposes for which they were delegated; they acted without any authority whatever; and the document, which the warring factions finally evolved from their quarrels and dissensions, was revolutionary. This capital fact requires iteration, for it is essential to an understanding of the desperate struggle to secure the ratification of that then unpopular instrument.

“Not one legislature in the United States had the most distant idea when they first appointed members for a convention, entirely commercial... that they would without any warrant from their constituents, presume on so bold and daring a stride,” truthfully writes the excitable Gerry of Massachusetts in his bombastic denunciation of “the fraudulent usurpation at Philadelphia.” The more reliable Melancton Smith of New York testifies that “previous to the meeting of the Convention the subject of a new form of government had been little thought of and scarcely written upon at all.... The idea of a government similar to” the Constitution “never entered the minds of the legislatures who appointed the Convention and of but very few of the members who composed it, until they had assembled and heard it proposed in that body.”

“Had the idea of a total change been stated,” asserts the trustworthy Richard Henry Lee of Virginia, “probably no state would have appointed members to the Convention.... Probably not one man in ten thousand in the United States... had an idea that the old ship was to be destroyed.”¹⁸

17. Resolution of the United States in Congress Assembled, 21 February 1787; quoted by George McHenry, *The Cotton Trade: Negro Slavery in the Confederate States* (London: Saunders, Otley, and Company, 1863), page 145.

18. Albert J. Beveridge, *The Life of John Marshall* (Boston: Houghton Mifflin Company, 1916), Volume I, pages 323-325.

According to George McHenry, a Southern historian writing in 1863, “[T]he members of the Convention who voted for the Constitution became nothing less than a body of secessionists; they created what might be called a peaceable revolution, for they disregarded their instructions from the respective States....”¹⁹ More recently, John W. Burgess referred to the actions of the Convention as a *coup d’etat*: “What they actually did, stripped of all fiction and verbiage, was to assume constituent powers, ordain a constitution of government and of liberty, and demand a plebiscite over the heads of all existing legally ordained powers. Had Julius or Napoleon committed these acts they would have been pronounced *coups d’etat*.”²⁰ The members certainly exceeded their delegated powers to merely revise the Articles and their subsequent appeal directly to the people of the States, rather than to the legislatures of the States, as required by that document, was revolutionary to the core. James Madison admitted as much when, in justifying the actions of the Convention, he appealed to the “transcendent and precious right of the people ‘to abolish or alter their governments as to them shall seem most likely to effect their safety and happiness.’”²¹ Even George Washington himself admitted that “in strict propriety a Convention so holden may not be legal.”²² It is therefore not surprising that an oath of absolute secrecy bound everyone present at the Convention, and that the journals were not released to the public until Madison’s death several decades later.

It is rare to find any mention of the illegal nature of the Convention in modern history textbooks. However, this subject was foremost in the minds of many of the Anti-Federalist opponents of the Constitution, particularly Patrick Henry, who said:

I have the highest respect for those gentlemen who formed the Convention, and, were some of them not here, I would express some testimonial of esteem for them. America had, on a former occasion, put the utmost confidence in them — a confidence which was well placed; and I am sure, sir, I would give up any thing to them; I would cheerfully confide in them as my representatives. But, sir, on this occasion, I would demand the cause of their conduct. Even from that illustrious man who saved us by his valor, I would have a reason for his conduct: that liberty which he has given us by his valor, tells me to ask this reason; and sure I am, were he here, he would give us that reason. But there are other gentlemen here, who can give us this information. The people gave them no power to use their name. That they exceeded their power is perfectly clear. It is not mere curiosity that actuates me: I wish to hear the real, actual, existing danger, which should lead us to take these steps, so

19. McHenry, *Cotton Trade*, page 147.

20. John W. Burgess, *Political Science and Comparative Constitutional Law* (Boston: Ginn and Company, 1896), Volume I, page 105.

21. James Madison, *The Federalist*, Number XL.

22. Washington, letter to John Jay, 10 March 1787; quoted by Garry Willis, *Cincinnatus: George Washington and the Enlightenment* (Garden City, New York: Doubleday and Company, 1984), page 154.

dangerous in my conception. Disorders have arisen in other parts of America; but here [in Virginia], sir, no dangers, no insurrection or tumult have happened; every thing has been calm and tranquil. But, notwithstanding this, we are wandering on the great ocean of human affairs. I see no landmark to guide us. We are running we know not whither. Difference of opinion has gone to a degree of inflammatory resentment in different parts of the country which has been occasioned by this perilous innovation. The federal Convention ought to have amended the old system; for this purpose they were solely delegated; the object of their mission extended to no other consideration. You must, therefore, forgive the solicitation of one unworthy member to know what danger could have arisen under the present Confederation, and what are the causes of this proposal to change our government.²³

Henry spoke these words during the Virginia convention which assembled at Richmond on 2 June 1788. His audience did not take his wisdom to heart, however, and, choosing to ignore the illegality of the Philadelphia proceedings, the State convention finally ratified the Constitution three weeks later on the twenty-fifth of June. It was generally believed that without Virginia's assent, the Constitution would never have gone into effect.²⁴ Thus, the "Old Dominion" placed her seal of approval upon a revolution, the outworking of which would seven decades later saturate her soil with the blood of her own sons.

"Anti-Federalist" Distrust of the Constitution

In his Farewell Address, published in 1796, George Washington warned:

The unity of government which constitutes you one people is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence, the support of your tranquility at home; your peace abroad; of your safety; of your prosperity; of that very liberty which you so highly prize. But as it is easy to foresee, that from different causes and from different quarters, much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed, it is of infinite moment, that you should properly estimate the immense value of your national Union to your collective and individual happiness; that you should cherish a cordial, habitual and immovable attachment to it; accustoming yourselves to think and speak of it as the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can in any event be abandoned, and indignantly frowning

23. Patrick Henry, in Elliott, *Debates in the Several State Conventions*, Volume III, pages 22-23.

24. Scott, *Lost Principle*, pages 55-56. The ninth State — New Hampshire — had, unbeknownst to the Virginia convention delegates, ratified the Constitution in June of 1788, and the Union was thereby already established according to Article VII. However, it is certainly true that without the influence and wealth of Virginia, the Union could not have long survived.

upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

In contemplating the causes which may disturb our union, it occurs as a matter of serious concern, that any ground should have been furnished for characterizing parties by geographical discriminations: Northern and Southern; Atlantic and Western; whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence, within particular districts, is to misrepresent the opinions and aims of other districts. You cannot shield yourselves too much against the jealousies and heart burnings which spring from these misrepresentations; they tend to render alien to each other those who ought to be bound together by fraternal affection....

Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally. This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness and is truly their worst enemy.

It serves always to distract the public councils and enfeeble the public administration. It agitates the community with ill-founded jealousies and false alarms; kindles the animosity of one part against another; foments occasional riot and insurrection. It opens the door to foreign influence and corruption, which find a facilitated access to the government itself through the channels of party passion. Thus the policy and the will of one country are subjected to the policy and will of another.²⁵

Washington's warning came too late, for the "spirit of party" (faction), which would eventually bring the country to ruin in less than two generations, had already begun to sprout in the soil of American liberty. Ironically, its roots went deep into the very system of government which Washington called upon his countrymen to cherish and defend. James Madison, often credited as the "father of the Constitution," wrote, "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 principle task of modern legislation, and involves the spirit of party and faction in the necessary and ordinary operations of the government." He stressed the economic origin of this political diversity: "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 society into different interests and parties."²⁶ Since these diverse interests, which, according to Madison, would be constantly vying with one another for control over the government, would come into the

25. Washington, Farewell Address; published in the Boston (Massachusetts) *Independent Chronicle*, 26 September 1796.

26. Madison, *The Federalist*, Number X.

public arena with antagonistic political views and contradictory economic agendas, it was therefore necessary that a system be set up whereby they would be effectively checked and balanced: “The only remedy is to enlarge the sphere and thereby divide the community into so great a number of interests and parties that, in the first place, a majority will not be likely, at the same moment, to have a common interest separate from that of the whole, or of the minority; and, in the second place, that, in case they should have such an interest, they may not be so apt to unite in the pursuit of it.”²⁷ Such was the theory behind the United States Constitution — a theory which the unfolding of American history over the next several decades proved to have been in error.

These factions were present and active right from the start:

...[T]here were three classes in the National Convention that formed our Constitution — the purely Democratic, who had a constant dread of Federal encroachments, and were for gauging the power of the General Government to the lowest scale; a Democratic Republican party, that desired to invest the Federal Government with just enough power to make it efficient, and no more; and the Monarchists, “a small but active division,” who utterly repudiated a Republican form of government. This faction ultimately attached themselves to the Federal party.²⁸

Prior to the ratification and implementation of the Constitution in 1789, the men who became known as “Anti-Federalists”²⁹ voiced their fears that there were serious flaws in the proposed system of government which would eventually move it in the direction of consolidation, thereby usurping the sovereignty of the several States. The majority of the opponents of ratification were from the South, and Virginia in particular, and were men who recognized the danger posed to the liberties of the people of both sections by special commercial interests in the Northeast. As William Grayson pointed out, “With respect to the citizens of the Eastern and Middle States, perhaps the best and surest means of discovering their general dispositions, may be by having recourse to their interests.”³⁰ Northern delegate to the Philadelphia

27. Madison, in Elliott, *Debates in the Several State Conventions*, Volume V, page 163.

28. Stephen D. Carpenter, *The Logic of History: Five Hundred Political Texts Being Concentrated Extracts of Abolitionism* (Madison, Wisconsin: self-published, 1864), page 24.

29. “Anti-Federalist” was a deliberate misnomer attached by those who favored a more centralized form of government to those who favored a federal union of sovereign States. Hence, the “Anti-Federalists” were actually the true federalists, while those who pirated the name “Federalists” were the real *anti*-federalists. As is too often the case, misleading labels are applied to the opposing party in a debate for the purpose of diverting the public’s attention from the real issues at hand. This same tactic would be used with great success just two generations later when the so-called Republican party rose to power by denouncing the supporters of the Constitution as “traitors.”

30. William Grayson, quoted by Scott, *Lost Principle*, page 124.

Constitutional Convention, Nathaniel Gorham, had already candidly admitted that “the Eastern States had no motive to Union but a commercial one.”³¹ Virginian delegates Edmund Randolph and George Mason objected throughout the Convention that the “energetic government” outlined by the delegates would prove to be a Northern-dominated oligarchy. Mason, who “would rather chop off his right hand than put it to the Constitution” as it was written,³² believed that the document would “produce a monarchy or a corrupt, oppressive aristocracy,” and that the new Government would “most probably vibrate some years between the two, and then terminate in one or the other.”³³ He also predicted that, in ratifying the Constitution, the “Southern States... will deliver themselves bound hand & foot to the Eastern States....”³⁴ This prediction was echoed by Benjamin Harrison when he stated, “If the Constitution is carried into effect, the States south of the Potomac will be little more than appendages to those to the northward of it.”³⁵

Luther Martin of Maryland believed that the hidden agenda of the advocates of the Constitution was “the total abolition and destruction of all state governments.” It was his suspicion that the compact was made to seem “federal” enough on the surface for the benefit of the unsuspecting public, but that once ratified, all such appearances would be dropped “to render it wholly and entirely a national government.”³⁶ An equally suspicious William Grayson predicted that Northern delegates would demand “a very strong government, & wish to prostrate all the state legislatures,” and then added, “[B]ut I don’t learn that the people are with them.”³⁷ In a letter to Massachusetts Governor James Bowdoin, Elbridge Gerry, Rufus King, and Samuel Holten warned that the proposed revision of the Articles of Confederation was premature, and that the country’s republican institutions were in danger from “plans artfully laid, & vigorously pursued, which had they been successful, we think, would inevitably have changed our republican

31. Nathaniel Gorham, quoted by Robert Allen Rutland, *The Ordeal of the Constitution* (Boston: Northern University Press, 1983), page 13.

32. George Mason, in James Madison (editor), *Notes of Debate in the Federal Convention of 1787* (New York: W.W. Norton and Company, 1966), page 566.

33. Mason, in Robert Allen Rutland (editor), *The Papers of George Mason* (Chapel Hill, North Carolina: The University of North Carolina Press, 1970), Volume III, pages 991, 993.

34. Mason, in Madison, *Debate in the Federal Convention*, pages 549-550.

35. Benjamin Harrison, letter to George Washington, 4 October 1787; quoted by Bernard Janin Sage, *The Republic of Republics: A Retrospect of Our Century of Federal Liberty* (Philadelphia, Pennsylvania: William W. Harding, 1878), page 246.

36. Luther Martin, in Elliott, *Debates in the Several State Conventions*, Volume I, pages 344, 389.

37. Grayson, letter to James Madison, 29 May 1787; in Farrand, *Records of the Federal Convention*, Volume II, page 414.

Governments, into baleful Aristocracies.”³⁸ One anonymous Anti-Federalist in South Carolina expressed his apprehension in verse:

When thirteen states are moulded into one
Your rights are vanish'd and your honors gone;
The form of Freedom shall alone remain,
As Rome had Senators when she hugg'd the chain.

In Five short years of Freedom weary grown
We quit our plain republics for a throne;
Congress and President full proof shall bring
A mere disguise for Parliament and King.³⁹

In a letter which was uncannily prognostic of events to come, another anonymous Anti-Federalist from Virginia warned that the proposed system of government would lead directly to a destructive civil war between the States which would terminate in a centralized tyranny:

The new constitution in its present form is calculated to produce despotism, thralldom and confusion, and if the United States do swallow it, they will find it a bolus, that will create convulsions to their utmost extremities. Were they mine enemies, the worst imprecation I could devise would be, may they adopt it. For tyranny, where it has been chained (as for a few years past) is always more cursed, and sticks its teeth in deeper than before.... Our present constitution, with a few additional powers to Congress, seems better calculated to preserve the rights and defend the liberties of our citizens, than the one proposed, without proper amendments. Let us therefore, for once, show our judgment and solidity by continuing it, and prove the opinion to be erroneous, that levity and fickleness are not only the foibles of our tempers, but the reigning principles in these states. There are men amongst us, of such dissatisfied tempers, that place them in Heaven, they would find something to blame; and so restless and self-sufficient, that they must be eternally reforming the state. But the misfortune is, they always leave affairs worse than they find them. A change of government is at all times dangerous, but at present may be fatal, without the utmost caution, just after emerging out of a tedious and expensive war....

Beware my countrymen! Our enemies — uncontrolled as they are in their ambitious schemes, fretted with losses, and perplexed with disappointments — will exert their whole power and policy to increase and continue our confusion. And while we are destroying one another, they will be repairing their losses, and ruining our trade. Of all the plagues that

38. Elbridge Gerry, Rufus King, and Samuel Holten, letter to James Bowdoin, 3 September 1785; quoted by Robert Allen Rutland, *The Ordeal of the Constitution* (Boston: Northern University Press, 1983), page 7.

39. Charleston (South Carolina) *State Gazette*, 28 January 1788; quoted by Louie M. Miner, *Our Rude Forefathers American Political Verse 1783-1788* (Cedar Rapids, Iowa: Torch Press, 1937), page 204.

infest a nation, a civil war is the worst. ...[W]hen a civil war is kindled, there is then forth no security of property nor protection from any law. Life and fortune become precarious. And all that is dear to men is at the discretion of profligate soldiery, doubly licentious on such an occasion. Cities are exhausted by heavy contributions, or sacked because they cannot answer exorbitant demand. Countries are eaten up by the parties they favor, and ravaged by the one they oppose. Fathers and sons sheath their swords in one another's bowels in the field, and their wives and daughters are exposed to the rudeness and lust of ruffians at home. And when the sword has decided quarrel, the scene is closed with banishments, forfeitures, and barbarous executions that entail distress on children then unborn. May Heaven avert the dreadful catastrophe!

In the most limited governments, what wranglings, animosities, factions, partiality, and all other evils that tend to embroil a nation and weaken a state, are constantly practised by legislators. What then may we expect if the new constitution be adopted as it now stands? The great will struggle for power, honor and wealth; the poor will become a prey to avarice, insolence and oppression. And while some are studying to supplant their neighbors, and others striving to keep their stations, one villain will wink at the oppression of another, the people be fleeced, and the public business neglected. From despotism and tyranny good Lord deliver us.⁴⁰

Another man, writing under the *nom de plume* "A Federal Republican," enumerated the inherent dangers of investing Congress "with the formidable powers of raising armies, and lending money, totally independent of the different states," and pointed out that "they will moreover, have the power of leading troops among you in order to suppress those struggles which may sometimes happen among a free people, and which tyranny will impiously brand with the name of sedition." He also warned that, working hand-in-hand with these standing armies would be the "Continental collector" of taxes, against whose abuses there would be scant remedy available to the Citizen of one of the States. He concluded with these words:

Thus will you be necessarily compelled either to make a bold effort to extricate yourselves from these grievous and oppressive extortions, or you will be fatigued by fruitless attempts into the quiet and peaceable surrender of those rights, for which the blood of your fellow citizens has been shed in vain. But the latter will, no doubt, be the melancholy fate of a people once inspired with the love of liberty, as the power vested in congress of sending troops for suppressing insurrections will always enable them to stifle the first struggles of freedom.⁴¹

Thomas Jefferson, who had venerated the Government under the Articles of Confederation as "the best existing or the best that ever did exist," said of the new Constitution, "I confess there are things in it which stagger all my dispositions to subscribe to what such an

40. "Philanthropos," Alexandria (Virginia) *Advertiser*, 6 December 1787.

41. "A Federal Republican," Portsmouth (Virginia) *Register*, 5 March 1788.

assembly has proposed. Their President seems a bad edition of a Polish king.... Indeed, I think, all the good of this new Constitution might have been couched in three or four articles to be added to the old and venerable fabric.”⁴² On another occasion, he went on, “Our [State] Convention has been too much impressed by the [Shays] insurrection in Massachusetts, and on the spur of the moment they are setting up a kite to keep the hen yard in order.”⁴³

It was the opinion of leading Virginians, such as George Mason and Patrick Henry, that the South would be much better off forming its own confederacy and would be more likely to prosper without political connection with the Northern States.⁴⁴ It was Henry’s fear that the Constitution was a device to consolidate all the monetary and military powers of the country into the hands of the Executive branch:

...[W]here and when did freedom exist when the purse and the sword were given up from the people? Unless a miracle in human affairs interposed, no nation ever retained its liberty after the loss of the purse and the sword. Can you prove, by any argumentative deduction, that it is possible to be safe without one of them? If you give them up, you are gone.⁴⁵

Henry, who had refused to even attend the Convention at Philadelphia because he “smelt a rat,”⁴⁶ enjoyed such a prominent reputation as a statesman that he represented a formidable obstacle to the ratification of the Constitution by the Old Dominion State. Viewed as “the great adversary who will render the event [ratification] precarious,” he was routinely denounced by Federalists, both publicly and privately, as the “nefarious and highly Criminal P. Henry”⁴⁷ and “a very Guilty man.”⁴⁸ One New Hampshire Federalist confidently stated that the ratification process would have been smooth if God had confined both Henry and Mason

42. Jefferson, letter to John Adams, 13 November 1787; quoted by Scott, *Lost Principle*, page 223.

43. Jefferson, quoted by Scott, *ibid.*

44. Cyrus Griffin, letter to Thomas Fitzsimons, 18 February 1788; in Edmund C. Burnett (editor), *Letters and Correspondence of Members of the Continental Congress* (Washington, D.C.: Carnegie Institution of Washington, 1921), Volume VIII, page 700.

45. Henry, response to Madison on 9 June 1787; in Elliot, *Debates in the Several State Conventions*, Volume V, page 169.

46. Henry, quoted by Edmund Randolph, letter to James Madison, 1 March 1787; in Moncure Daniel Conway, *Omitted Chapters of History Disclosed in the Life and Papers of Edmund Randolph* (New York: G.P. Putnam's Sons, 1888), page 65.

47. Edward Carrington, letter to William Short, 21 October 1787; quoted by Rutland, *Ordeal of the Constitution*, page 169.

48. St. John Crevecoeur, letter to William Short, 20 February 1788; quoted by Rutland, *ibid.*, page 191.

“to the regions of darkness.”⁴⁹

The “Anti-Federalists” Are Condemned as “Rebels”

According to Charles Beard, not more than five percent of the population of the entire country, or about 160,000 voters, took part in the election of delegates to the several State conventions.⁵⁰ The vast majority of the people were either completely ignorant of the new system or were opposed to it. In general, those who were in favor of the Constitution lived in the cities and commercial centers, while those opposed to it lived in the interior agricultural districts of the States. In the end, the friends of the Constitution won the day, not because of the inherent qualities of the instrument itself, but because they were better funded and better organized than the opposition:

Talent, wealth, and professional abilities were, generally speaking, on the side of the Constitutionalists. The money to be spent on the campaign of education was on their side also; and it was spent in considerable sums for pamphleteering, organizing parades and demonstrations, and engaging the interest of the press....

The opposition on the other hand suffered from the difficulties connected with getting a backwoods vote out to the town and county elections. This involved sometimes long journeys in bad weather, for it will be remembered that the elections were held in the late fall and winter.... [T]hey had no money to carry on their campaign; they were poor and uninfluential — the strongest battalions were not on their side. The wonder is that they came so near to defeating the Constitution at the polls.⁵¹

Though the Anti-Federalists were certainly varied in their political backgrounds, they all seemed to have one thing in common: nearly to a man, they foresaw “a great variety of impending woes to the good people of the southern States”⁵² should the Constitution go into effect between the several States. In the words of George Mason, “the Constitution as it stood was swollen with dangerous doctrine”⁵³ — doctrine which would be taken advantage of by, as Richard Henry Lee characterized the Federalists, a faction “of monarchy men, military

49. Nicholas Gilman, letter to John Sullivan, 23 March 1788; in Burnett, *Letters and Correspondence*, Volume VIII, page 709.

50. Beard, *Economic Interpretation of the Constitution*, page 250.

51. Beard, *ibid.*, pages 251-252.

52. Patrick Dollard, Providence (Rhode Island) *United States Chronicle*, 3 July 1788; in Elliott, *Debates in the Several State Conventions*, Volume IV, page 337.

53. Mason, in Farrand, *Records of the Federal Convention*, Volume II, page 631.

men, aristocrats and drones whose noise, impudence and zeal exceeds all belief.”⁵⁴

The “noise” generated by the Federalists was certainly loud, and for good reason: The Anti-Federalists had been amazingly accurate in their assessment of the opposing party, some of whose members privately were planning to “overset our state dung cart with all its dirty contents,”⁵⁵ and who spoke amongst themselves of “the Revolution” to destroy “the monstrous system of State governments.”⁵⁶ Alexander Hamilton, the arch-Federalist who “hated Republican Government, and never failed on every occasion to advocate the excellence of and avow his attachment to a Monarchic form of Government,”⁵⁷ was so enamored with the British system of government that he called for the virtual annihilation of the several State governments.⁵⁸ He advocated the appointment of a Senate and Executive for life as well as the creation of a subservient House of Commons in order to “check the imprudence of democracy,”⁵⁹ and suggested that the “rich and well born” should have “a distinct, permanent share in the government”⁶⁰ because “the mass of the people... seldom judge or determine right.”⁶¹ During a speech delivered in New York in 1792, he exclaimed, “The People! Gentlemen, I tell you the people are a great Beast!”⁶² Gouverneur Morris of Pennsylvania, the man responsible for writing the final draft of the Constitution, shared the views of Hamilton, believing that the Congress “ought to be composed of men of great and established property — aristocracy; men who, from pride, will support consistency and permanency; and to make them completely independent, they must be chosen for life, or they will be a useless body. Such an aristocratic body will keep down the turbulence of democracy.”⁶³

Since it was essential to Federalist plans that the people of the States — the very

54. Richard Henry Lee, letter to George Mason, 1 October 1787; in Burnett, *Letters and Correspondence*, Volume VIII, pages 652-653.

55. Benjamin Rush, quoted by Rutland, *Ordeal of the Constitution*, page 27.

56. David Humphreys, letter to Alexander Hamilton, 1 September 1787; in U.S. Government, *Documentary History of the Constitution of the United States* (Washington, D.C.: 1904), Volume IV, page 269.

57. George Edmonds, *Facts and Falsehoods Concerning the War on the South 1861-1865* (Memphis, Tennessee: A.R. Taylor and Company, 1904), page 92.

58. *House Documents* (Fifteenth Congress, First Session), Volume III, pages 22, 129; Elliott, *Debates in the Several State Conventions*, Volume V, page 202.

59. Hamilton, in Elliott, *ibid.*, Volume I, pages 421-422.

60. Hamilton, in Elliott, *ibid.*, pages 450.

61. Hamilton, in Elliott, *ibid.*, page 422.

62. Hamilton, quoted by Edmonds, *Facts and Falsehoods*, page 92.

63. Morris, in Elliott, *Debates in the Several State Conventions*, page 475.

people whom the Federalists held in such contempt — be led to willingly accept the new system of government, the Anti-Federalists had to either be silenced or discredited. As would become their trademark, Federalist writers chose to avoid direct debate as much as possible and began instead to unleash a volley of vicious epithets against their dissenters: “So soon as the banner of Federalism was unfurled, and the inclination of leading characters had become known, every avenue to the popular mind was choked with slander. The very atmosphere was impregnated by its foul breath.... He who would indulge in the luxury of defamation, may gratify that horrid appetite by consulting the memorials of that period.”⁶⁴ Opponents of ratification were caricatured by the press as “spirits of discord,” “selfish patriots,” and “pettifogging antifederal scribblers” who were conspiring against the country as “the confirmed tools and pensioners of foreign courts” and were “fabricating the most traitorous productions” designed to discredit the new Constitution. For their “treason,” the Anti-Federalists deserved “the most opprobrious gibbet of popular execration odium and infamy.”⁶⁵ One New Jersey newspaper suggested that Federalists adopt the name of “Washingtonians,” while the label of “Shayites” (rebels) should be applied to the Anti-Federalists.⁶⁶ Another Federalist from Hartford, Connecticut wrote, “Shun, my countrymen, the sham patriot, however dignified, who bids you *distrust the Convention*. Mark him as a dangerous member of society.... Fix your eyes on those who love you... on those whose views are not bounded by the town or county which they may represent, nor by the state in which they reside, nor even by the union — their philanthropy embraces the interest of all nations” (emphasis in original).⁶⁷ The Anti-Federalist response to this type of journalism was equally as passionate: “It is an excellent method when you cannot bring reason for what you assert, to fall to ribaldry and satire... instead of arguments, spit out a dozen mouthfuls of names, epithets, and interjections in a breath, cry Tory! Rebel! Tyranny! Centinel! Anarchy! Sidney! Monarchy! Misery! George the Third! Destruction! Arnold! Shays! Confusion! & c. & c.”⁶⁸ This tension between the “Federalists” and the “Anti-Federalists,” though carried on under different names throughout the decades subsequent to the adoption of the Constitution in 1789, eventually culminated, just as the latter feared, in a sectional clash of arms in 1861 and the subjugation of one party to the other.

64. Scott, *Lost Principle*, page 111.

65. “Cato,” Philadelphia *Independent Gazetteer*, 17 November 1787; “A Federal Centinel,” *New-Hampshire Spy*, 23 November 1787; quoted by Rutland, *Ordeal of the Constitution*, page 27.

66. Rutland, *ibid.*, page 32.

67. An anonymous Federalist, quoted by Rutland, *ibid.*, page 27.

68. *Poughkeepsie County Journal*, 22 April 1788; quoted by Rutland, *ibid.*, page 203.

SUPPORTING DOCUMENT

George Washington's Farewell Address

26 September 1796

Friends and Fellow Citizens: The period for a new election of a citizen, to administer the executive government of the United States, being not far distant, and the time actually arrived, when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed to decline being considered among the number of those out of whom a choice is to be made. I rejoice that the state of your concerns, external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety; and am persuaded, whatever partiality may be retained for my services, that, in the present circumstances of our country, you will not disapprove my determination to retire.

The impressions, with which I first undertook the arduous trust, were explained on the proper occasion. In the discharge of this trust, I will only say, that I have, with good intentions, contributed toward the organization and administration of the Government, the best exertions of which a very fallible judgment was capable. Not unconscious, in the outset, of the inferiority of my qualifications, experience in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and every day the increasing weight of years admonishes me more and more, that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services, they were temporary, I have the consolation to believe, that while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger, natural to that solicitude urge me on an occasion like the present, to offer to your solemn contemplation, and to recommend to your

frequent review, some sentiments; which are the result of much reflection, of no inconsiderable observation, and which appear to me all important to the permanency of your felicity as a people. These will be offered to you with the more freedom, as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive as his counsel. Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence, the support of your tranquility at home, your peace abroad; of your safety, of your prosperity, of that very liberty which you so highly prize. But as it is easy to foresee, that from different causes and from different quarters, much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed, it is of infinite moment, that you should properly estimate the immense value of your national Union to your collective and individual happiness; that you should cherish a cordial, habitual and immovable attachment to it; accustoming yourselves to think and speak of it as the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can in any event be abandoned, and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth or choice, of a common country, that country has a right to concentrate your affections. The name of "American," which belongs to you, in your national capacity, must always exalt the just pride of patriotism, more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits and political principles. You have in a common cause fought and triumphed together. The independence and liberty you possess are the work of joint councils, and joint efforts; of common dangers, sufferings and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest. Here every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The North, in an unrestrained intercourse with the South, protected by the equal laws of a common Government, finds in the production of the latter, great additional resources of maritime and commercial enterprise and precious materials of manufacturing industry. The South in the same intercourse, benefitting by the agency of the North, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the North, it finds its particular navigation invigorated; and while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength, to which itself is unequally adapted. The East, in a

like intercourse with the West, already finds, and in the progressive improvement of interior communications, by land and water, will more and more find a valuable vent for the commodities which it brings from abroad, or manufactures at home. The West derives from the East supplies requisite to its growth and comfort, and what is perhaps of still greater consequence, it must of necessity owe the secure enjoyment of indispensable outlets for its own productions to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as one nation. Any other tenure by which the West can hold this essential advantage, whether derived from its own separate strength, or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While then every part of our country thus feels an immediate and particular interest in union, all the parts combined cannot fail to find in the united mass of means and efforts greater strength, greater resource, proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations; and, what is of inestimable value, they must derive from union an exemption from those broils and wars between themselves, which so frequently afflict neighboring countries, not tied together by the same government; which their own rivalships alone would be sufficient to produce, but which opposite foreign alliances, attachments and intrigues would stimulate and embitter. Hence, likewise, they will avoid the necessity of those overgrown military establishments which, under any form of government, are inauspicious to liberty and which are to be regarded as particularly hostile to republican liberty. In this sense it is that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear you to the preservation of the other.

Is there a doubt whether a common government can embrace so large a sphere? Let experience solve it. To listen to mere speculation in such a case were criminal. It is well worth a fair and full experiment. With such powerful and obvious motives to union affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who in any quarter may endeavor to weaken its bands.

In contemplating the causes which may disturb our union, it occurs as a matter of serious concern, that any ground should have been furnished for characterizing parties by geographical discriminations: Northern and Southern; Atlantic and Western; whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence, within particular districts, is to misrepresent the opinions and aims of other districts. You cannot shield yourselves too much against the jealousies and heart burnings which spring from these misrepresentations; they tend to render alien to each other those who ought to be bound together by fraternal affection.

To the efficacy and permanency of your union, a Government for the whole is indispensable. No alliances however strict between the parts can be an adequate substitute. They must inevitably experience the infractions and interruptions which all alliances in all times have experienced. Sensible of this momentous truth, you have improved upon your first

essay, by the adoption of a constitution of Government, better calculated than your former for an intimate union, and for the efficacious management of your common concerns. This Government, the offspring of your own choice uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government. But the constitution which at any time exists till changed by an explicit and authentic act of the whole people is sacredly obligatory upon all. The very idea of the power and the right of the people to establish government presupposes the duty of every individual to obey the established government.

Toward the preservation of your government and the permanency of your present happy state, it is requisite not only that you steadily discountenance irregular oppositions to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretexts. One method of assault may be to effect in the forms of the Constitution alterations which will impair the energy of the system, and thus to undermine what cannot be directly overthrown. In all the changes to which you may be invited remember that time and habit are at least as necessary to fix the true character of governments as of other human institutions; that experience is the surest standard by which to test the real tendency of the existing constitution of a country; that facility in changes upon the credit of mere hypothesis and opinion exposes to perpetual change, from the endless variety of hypothesis and opinion; and remember especially that for the efficient management of your common interests in a country so extensive as ours a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name where the government is too feeble to withstand the enterprises of faction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the State, with particular reference to the founding of them on geographical discriminations. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally. This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness and is truly their worst enemy.

It serves always to distract the public councils and enfeeble the public administration. It agitates the community with ill-founded jealousies and false alarms; kindles the animosity of one part against another; foment occasionally riot and insurrection. It opens the door to foreign influence and corruption, which find a facilitated access to the government itself through the channels of party passion. Thus the policy and the will of one country are sub-

jected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of government, and serve to keep alive the spirit of liberty. This within certain limits is probably true; and in governments of a monarchical cast patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency it is certain there will always be enough of that spirit for every salutary purpose; and there being constant danger of excess, the effort ought to be by force of public opinion to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent its bursting into a flame, lest, instead of warming, it should consume.

It is important, likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism.

A just estimate of that love of power and proneness to abuse it which predominate in the human heart is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions of the others, has been evinced by experiments, ancient and modern; some of them in our country and under our own eyes. To preserve them must be as necessary as to institute them.

If in the opinion of the people the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this in one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism who should labor to subvert these great pillars of human happiness — these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, Where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle.

It is substantially true that virtue or morality is a necessary spring of popular government. The rule indeed extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the

foundation of the fabric? Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it is essential that public opinion should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering also that timely disbursements to prepare for danger frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by exertions in time of peace to discharge the debts which unavoidable wars have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear.

Observe good faith and justice toward all nations. Cultivate peace and harmony with all. Religion and morality enjoin this conduct. And can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and at no distant period a great nation to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt that in the course of time and things the fruits of such a plan would richly repay any temporary advantage which might be lost by a steady adherence to it? Can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachments for others should be excluded, and that in place of them just and amicable feelings toward all should be cultivated. The nation which indulges toward another an habitual hatred or an habitual fondness is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur.

So, likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter without adequate inducement or justification. It leads also to concessions to the favorite nation of privileges denied to others, which is apt doubly to injure the nation making the concessions by unnecessarily parting with what ought to have been retained, and by exciting jealousy, ill will, and a disposition to retaliate in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted, or deluded citizens (who devote themselves to the favorite nation) facility to betray or sacrifice the interests of their own country without odium, sometimes even with popularity, gilding with the appearances of a virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good the base or foolish compliances of ambition, corruption, or infatuation.

Against the insidious wiles of foreign influence (I conjure you to believe me, fellow citizens) the jealousy of a free people ought to be constantly awake, since history and experience prove that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike of another cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots who may resist the intrigues of the favorite are liable to become suspected and odious, while its tools and dupes usurp the applause and confidence of the people to surrender their interests.

The great rule of conduct for us in regard to foreign nations is, in extending our commercial relations to have with them as little political connection as possible. So far as we have already formed engagements let them be fulfilled with perfect good faith. Here let us stop. Europe has a set of primary interests which to us have none or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves by artificial ties in the ordinary vicissitudes of her politics or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation; when we may choose peace or war, as our interest, guided by justice, shall counsel. Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalry, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliances with any portion of the foreign world, so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than to private affairs that honesty is always the best policy. I repeat, therefore, let those engagements be observed in their genuine sense. But in my opinion it is unnecessary and would be unwise to extend them. Taking care always to keep ourselves by suitable establishments on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies. Harmony, liberal intercourse with all nations are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand, neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the Govern-

ment to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that by such acceptance it may place itself in the condition of having given equivalents for nominal favors, and yet being reproached with ingratitude for not giving more. There can be no greater error than to expect or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

Though in reviewing the incidents of my Administration I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence, and that, after forty-five years of my life dedicated to its service with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love toward it which is so natural to a man who views in it the native soil of himself and his progenitors for several generations, I anticipate with pleasing expectation that retreat in which I promise myself to realize without alloy the sweet enjoyment of partaking in the midst of my fellow-citizens the benign influence of good laws under a free government — the ever-favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors and dangers.

Geo. Washington.

This address was published on 26 September 1796 in the Boston Independent Chronicle.

SUPPLEMENTARY ESSAY

An Iconoclastic View of the Constitution

by Edward A. Pollard

An effect of great civil commotions in the history of a people is to liberate reason, and to give to intelligence the opportunity to assert itself against the traditions and political idolatries of the past. Such a period is essentially one of political iconoclasm — the breaking of idols which we find we have heretofore unduly cherished, and with it the recovery from the delusions of an unworthy and traditional worship. When there is little in the present to interest men, and their lives are passed in an established routine, it is natural for them to exaggerate and to adorn the past. But when the present has its own historical convulsions, it is then that men find new standards with which to judge the past, and a period in which right to estimate it — destroying or dwarfing, it is true, much that before claimed their admiration or enchained their worship; but, on the other hand, oftentimes exalting what before had had an obscure and degraded place in popular estimation. It is in such periods that the native historian of his country finds the justest time for determining the correct value of the past, and distinguishing between what were its mere idols, and what should have been its true aspirations.

It is thus, from the stand-point of the recent great war in America, that one may justly contemplate the true value of its past history, measure correctly its great men of a former period, and master the delusions of an old political idolatry. The world knows how before this war the people of North America had, for nearly three-quarters of a century, worshipped, as its two political idols, the Federal Constitution and the Union of States formed under it. Looking back at these from the present period in American history, which has freed us from the restraints of mere sentiment and tradition, he who thus makes the calm and intelligent retrospect is astonished to find what extravagance and delusion were in the minds of these worshippers, and what acts of devotion were made to what were oftentimes but gilded images

of clay.

For two generations of men, the almost miraculous wisdom of the Federal Constitution of America has been preached and exclaimed, until it was thought to be political blasphemy to impugn it. Its praises were hymned by poets. The public orator was listened to with impatience who had not some exaggerated tribute to pay to the sacred virtues of what Daniel Webster called the “consti-*tew*-tion,” and the almost angelic excellence of “the forefathers” who had framed it. It was seriously asserted, that in this instrument had been combined the political wisdom of all ages, and that it was the epitome of the human science of government. The insolent heights to which this extravagance arose were astonishing. The world's last hopes of good government were said to be contained in these dozen pages of printed matter.

Unhappily for such hopes, or for such boasts, we are now at a period when we may estimate the right value of this wonderful Constitution, and take the severe judgment of history upon it. We may now dare to state that judgment briefly: it is, that never did a political instrument contain, from the necessity of its circumstances, a nobler principle, or present the folly and ignorance of men in more glaring defects, than did the Federal Constitution of the United States.

It is no longer required, by the political fashion of the times, for an American to say, that the men who formed this Constitution were either intellectual giants or wonderful scholars. Beyond a few names — such as Randolph and Patrick Henry, “the forest-born Demosthenes” of Virginia, Pinckney and Luther Martin, of Maryland, Hamilton, of New York, and Franklin, of Pennsylvania — the Convention which formed this instrument may be described as a company of very plain men, but little instructed in political science, who, in their debates, showed sometimes the crudities and chimeras of ignorant reform, and exhibited more frequently a loose ransacking of history for precedents and lessons, such as rather might have been expected in a club of college sophomores than in a council of statesmen.

The two last names mentioned on the list of distinction in the Convention — Hamilton and Franklin — may be taken as examples of American exaggeration of their public men, which, indeed, more peculiarly belonged to the people of the Northern States — that division of the American people which after-events have classified as *Yankees*. Hamilton, who had a school of his own in the Convention, was readily exalted as an idol by the party which he so early begot in the history of his country. The man who was honored by pageants and processions in the streets of New York, at the close of the Convention, must be declared, by the just and unimpassioned historian, to have been superficial as a statesman, and defective as a scholar. He had, indeed, neither the intuition of genius, nor the power of analysis. He was a man of little mind. But he had studied a peculiar style of writing, which Washington was weak enough to take for a model, and, it is said, sometimes appropriated. There was no point or sharp edges in the style either of Alexander Hamilton or George Washington. Both wrote and spoke in those long sentences in which common places are pompously dressed up, and in which the sense is so overlaid with qualifications that it is almost impossible to probe it. But Washington made no pretensions to literature and scholarship, while Hamilton had

no titles to fame other than these. And in these it must be confessed that he had scarcely any other merit than that of a smooth constructor of words, a character which with the vulgar often passes for both orator and statesman.

Benjamin Franklin was thoroughly a representative Yankee, the first clear-cut type we recognize in history of that materialism, coarse selfishness, pelf, low cunning, and commercial smartness, which passes with the contemporary Yankee as the truest philosophy and highest aim of life. It is alike curious and amusing to examine the grounds of estimation in the minds of his countrymen, which conferred the high-sounding title of *philosopher* on an old gentleman in blue stockings, who, in France, was the butt of the Parisian wits, and who left a legacy of wisdom to posterity in the *Maxims of Poor Richard*. How many modern Yankees have been educated in the school of "maxims" of Franklin it would be difficult to over-estimate. If a gross and materialistic value of things is to pass as "philosophy"; if the hard maxims of selfishness, and the parings of penuriousness, such as *Poor Richard* dings to American youth, do really contain the true lessons and meaning of life, then we may declare, in the phrases of Yankee admiration, that Benjamin Franklin was a philosopher and a sage, who eclipsed all other lights in the world, and "whipped the universe." But really, after all, may we not doubt the value of this cookery-book philosophy of smart things; think it doubtful whether the mighty problem of how pence make pounds, be the largest or best part of human wisdom; and conclude that Benjamin Franklin, though not the greatest celebrity America has ever produced, was neither worse nor better than a representative Yankee.

We are almost inclined to laugh at the part which this queer figure acted in the Convention which formed the Constitution of the United States. No member had more clap-traps in the way of political inventions. His ignorance of political science and of popular motives was alike profound; and we find him proposing to govern the country after a fashion scarcely less beautiful and less practicable than the Republic of Plato and the Arcadia of Sydney. He thought that magistrates might serve the public from patriarchal affection or for the honor of titles. He quoted in the Convention a maxim that sounds curiously enough to American ears: that "in all cases of public service, the less profit, the greater honor." He was in favor of the nonsense of a plural executive. He insisted in the Convention on the practicability of "finding three or four men in all the United States with public spirit enough to bear sitting in peaceful council, for perhaps an equal term, merely to preside over our civil concerns, and see that our laws were duly executed." Such was the political sagacity of this person, who, it must be confessed, made what reputation he had rather in the handbooks of Yankee economy than in monuments of statesmanship.

But we shall find a better key to the real value of the Constitution in a summary review of its debates, than in a portraiture, however interesting, of the men who composed it. The Convention of delegates assembled from the different States at Philadelphia, on the second Monday in May, 1787, had met on a blind errand. They had been called by Congress, "for the sole and express purpose of *revising* the Articles of Confederation, and reporting to Congress and the several legislatures such *alterations* and provisions therein, as shall, when agreed to in Congress and confirmed by the States, render the Federal constitution adequate

to the exigencies of government and the preservation of the Union.”

This singularly confused language, in the call of the Convention, naturally gave rise to differences of opinion. One party in the Convention — representing what was known as the New Jersey proposition — took the ground that its power was limited to a mere revision and amendment of the existing Articles of Confederation: that it was, therefore, necessary to take the present federal system as the basis of action, to proceed upon terms of the federal equality of the States; in short, to remedy the defects of the existing government, not to supplant it. Hamilton and his party were for a new and violent system of reform. They were said to favor the establishment of a monarchy. The extent to which this was true is, that they were in favor of the annihilation of the State governments and the permanent tenure of public offices. A third party in the Convention avoided both extremes, insisted upon a change of the federal principle, and proposed a “national” government, in the sense of a supreme power with respect to certain objects common between the States, and committed to it, and which would have some kind of direct compulsory action upon *individuals*. The word “national” was used only in this limited sense. The great defect of the existing Confederation was, that it had no power to reach individuals, and thus enforce its decrees. The proposed Union, or “national” government, was to be a league of States, but with power to reach individuals; and yet these only in certain severely defined respects, and through powers expressly delegated by the States. In the nature of things, this power could not act upon the States collectively; that is, not in the usual and peaceful mode in which governments are conducted. All that was claimed for it, and all that could be claimed for it, was to reach individuals in those specifications of authority that the States should make to it.

The plan of this party was no sooner developed in the Convention than it met the furious opposition of the smaller States. It was declared by Luther Martin, that those who advocated it “wished to establish such a system as could give their own States undue power and influence in the government over the other States.” Both Mr. Randolph, of Virginia, and Mr. Pinckney, of Maryland, who had brought before the Convention drafts of the plan referred to, agreed that the members of the Senate should be elected by the House of Representatives; thus, in effect, giving to the larger States power to construct the Senate as they chose. Mr. Randolph had given additional offence to the smaller States. He proposed that, instead of an equal vote by States, “the right of suffrage in the National Legislature ought to be proportioned to the quotas of contribution, or to the number of free inhabitants.”

There was thus excited in the Convention a jealousy between the larger and smaller States; the former insisting upon a preponderating influence in both houses of the National Legislature, and the latter insisting on an equality of representation in each house. This jealous controversy is tracked through the debates of the Convention. It proceeded to a degree of warmth and anger in which the Convention was on the point of dissolution. When the vote was taken, five States were for an equality of representation and five against it. At this critical period, a conference committee was appointed. It resulted in a compromise; the opponents of an unequal representation agreeing to yield their objections to it in the lower House, provided its advocates would pledge themselves to support an equal representation

in the Senate: and on this basis of agreement was reared the Constitution of the United States of America.

The reader must observe here, that the great distinguishing feature of this Constitution, the peculiar virtue of the American system — namely, the mixed representation of *the people* and *the States* — was purely the result of a jealousy between the larger and the smaller States, the fruit of an accident. It contained the true virtue of a political instrument, which, as we shall see, was otherwise full of faults and glaring with defects. It was that in which it was original. But it was not an *a priori* discovery. It was not the result of the wisdom of our ancestors. History abounds in instances where accidental or empirical settlements have afterwards been discovered to contain great elements of wisdom and virtue; and it has been natural and pleasing for succeeding generations to account these rather as the result of human reason and prescience, than as the product of blind circumstances. But we are forced to confess, that in that great political novelty of the American system — in which the world was to see, for the first time combine and harmonized, the principle of geographical sovereignties with that of a confederate unity, which, for certain purposes, was to stand for national identity — the “wisdom” of our forefathers had no part, but acted unconsciously under the pressure of circumstances, or the direction of divine Providence.

This statement is not pleasant to American vanity. But it is due to the truth of history. It is highly probable that the framers of the Constitution did not fully comprehend the importance of the principles of the combination of State sovereignty with that of the simple republic on which they had stumbled. If they had, it might be supposed that they would have defined with a much severer accuracy the political relations of the States and the General Government; for it has been for the want of such accuracy that room has been found, at least for disputation, and the creation of two political parties, which have run through the whole of American history.

And here it is we must turn from the consideration of that principle in the Constitution which was its distinctive feature and its saving virtue, to view briefly the enormous defects and omissions of an instrument that has shared so much of the undue admiration of the world.

It is impossible to resist the thought, that the framers of the Constitution were so much occupied with the controversy of jealousy between the large and the small States that they overlooked many great and obvious questions of government, which have since been fearfully developed in the political history of America. Beyond the results and compromises of that jealousy, the debates and the work of the Convention show one of the most wonderful blanks that has, perhaps, ever occurred in the political inventions of civilized mankind. They left behind them a list of imperfections in political prescience, a want of provision for the exigencies of their country, such as has seldom been known in the history of mankind.

A system of negro servitude existed in some of the States. It was an object of no solicitude in the Convention. The only references in the Constitution to it are to be found in a provision in relation to the rendition of fugitives “held to service or labor,” and in a mixed and empirical rule of popular representation. However these provisions may imply the true

status of slavery, how much is it to be regretted that the Convention did not make (what might have been made so easily) an explicit declaration on the subject, that would have put it beyond the possibility of dispute, and removed it from even the plausibilities of party controversy!

For many years the very obvious question of the power of the General Government to make "internal improvements" has agitated the councils of America; and yet there is no text in the Constitution to regulate the matter which should have stared its authors in the face, but what may be derived, by the most forced and distant construction, from the powers of Congress "to regulate commerce," and to "declare war," and "raise and support armies."

For a longer period, and with a fierceness once almost fatal to the Union, has figured in the politics of America, "the tariff question," a contest between a party for revenue and a party for protective prohibitions. Both parties have fought over that vague platitude of the Constitution, the power of Congress "to regulate commerce"; and in the want of a more distinct language on a subject of such vast concern, there has been engendered a controversy which has progressed from the threshold of the history of the Union up to the period of its dissolution.

With the territorial possessions of America, even at the date of the Convention, and with all that the future promised in the expansion of a system that yet scarcely occupied more than the water-slopes of a continent, it might be supposed that the men who formed the Constitution would have prepared a full and explicit article for the government of the territories. That vast and intricate subject — the power of the General Government over the territories, the true nature of these establishments, the status and political privileges of their inhabitants — is absolutely dismissed with this bald provision in the Constitution of the United States: "New States may be admitted by Congress into this Union" — Art. IV, Sec. 3.

But however flagrant these omissions of the Constitution, and however through them sprung up much that was serious and deplorable in party controversy, we must lose neither sight nor appreciation of the one conspicuous and characteristic virtue of this instrument. That was the combination of State rights with an authority which should administer the common concerns of the States. This principle was involved in the construction of the Senate. It was again more fully and perfectly developed in the amendments of the Constitution; these amendments having a peculiarity and significance as parts of the instrument, since they were, in a certain sense, conditions precedent made by the States to their ratification of it. They provide: "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people." "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

It may be said, that whereas the element of the States was recognized in the construction of the Senate, that element was precisely adjusted and admeasured in the amendments which we have just quoted. In the debates in the legislatures of the different States on the ratification of the Constitution, it was never doubted that their original existence was already recognized in it; not only in the text of the instrument, but in the composition *by States* of the

Convention that framed it, and in the ratification *by States* which was necessary to promulgate it, and give it force and existence. The design of the amendments referred to, was simply to adjust in the more precise language a vital and important element in the new system, and to declare formally what sense the States had of it, and with what understanding they approved it.

But even if these official texts are — as a party in America has long contended — insufficient to establish the political element of the States, and to measure it as the depository of sovereignty by the rule of reserved rights, we are left a rule of construction as to the true nature of the American Union, which is completely out of the reach of any ingenious torture of language, and far above any art of quibble on words. That rule is found in the historical circumstances and exigencies in which the Constitution of the United States was formed. It is decisive. For surely there is no juster measure of a grant of political power than the necessity which originated it, if that necessity be at once intelligible and precise.

Such was the necessity which originated the Constitution of the United States. It was a necessity for purely economical purposes. It could not have been intended as a revolution in the sense of a proclamation of new civil polity; for the civil institutions of the States, as derived from the common law of England, were already perfect and satisfactory, and have remained without material change for nearly a century. The Constitution of the United States was thus not a political revolution. It was a convenience of the States, growing out of their wants of a system by which they might have a common agent and a uniform code on concerns common between themselves. Is it too much to conclude, therefore, that the new Union had no mission apart from the States; that it was the government of the States; that, in short, it could not have been intended to destroy the very bodies which invoked it as a benefactor to each as well as to all?

It is in this sense that the moral grandeur of the American Union is interpreted: in this sense that its great political virtue was contained. There was put before the eye of mankind, not a consolidated nationality; not a simple republic, with an anomalous and indefinable appendage of “States,” which were not provinces, or cantons, or territories, and yet subordinate; but a spectacle such as it had never seen — an association of coequal and sovereign States, with a common authority, the subjects of which were yet sufficient enough to give it the effect of an American and national identity: “a republic of republics”; a government which derived its entire life from the good-will, the mutual interests, and the unconstrained devotion of the States which at once originated and composed it.

It may be said that the admission of the sovereignty of the States breaks at once the bond of their association. Yet, this can be said only in a low and narrow sense. The wants and hopes of men operate with the same effect in political bodies as in the social community. Men will scarcely withdraw from a society in which they are alike happy and fortunate. Nor was it to be supposed that any of the American States would be so mad as to withdraw from a Union through which they were to be profited and to ascend, as long as it fulfilled its designs of affording them protection against foreign powers, commercial interchanges, justice and welcome among themselves, the charms and benefits of social intercourse; or that

after these, its essential designs might have, within the exigencies of history or the possibilities of human depravity, ceased to be fulfilled, any State could be held in it without violating quite as well the spirit of republican institutions, and the obligations of public morals, as the written text of a compact.

Such undoubtedly were the designs and the law of the American Union. It was a compact which covered only the interests which it specified; yet quite large enough to stand as an American nationality for all practical purposes. It had no dynastic element; it had no mission separate from the States; it had no independent authority over *individuals*, except within the scope of the powers delegated to it by the States. The States retained the power to control their own soil, their own domestic institutions, and their own morals. In respect to the powers which they *prohibited* to the General Government, they retained, of *necessity*, the right of exclusive judgment. That Government was not a mere league; it did have the power to reach *individuals* within the scope of powers delegated by the States; and as to *these* powers, its own courts — the Federal judiciary — were made the exclusive judge. In this sense — only in this sense — it had the qualities of a government; but a government founded exclusively on the good of the States, resting in their consent, and to which the law of force was as foreign in respect of its maintenance, as it had been in respect of its ordination.

The Union was beautiful in theory. It might have been beautiful in practice. If it did prove in the history of America rather a rough companionship, scarcely ever a national identity in the common concerns intrusted to it, such was not the result of inherent defects, but of that party abuse and usurpation, in which have been wrecked so many of the political fabrics of mankind.

The preceding essay was extracted from Edward A. Pollard, A Southern History of the War (New York: Charles B. Richardson, Publisher, 1866).