

Letter from New York, 24, 31 October⁶

[24 October] “I received your favor of the 24th ultimo enclosing the doings of the Convention at Philadelphia, directed to His Excellency the President of Congress in three days after the date, which favor I should have highly prized had you not, at the same time, enjoined it upon me to make my objections to them (if any I had), and likewise that I would point out any alterations that may be made in our present Articles of Confederation which will better secure the natural rights, privileges, and liberties of human nature, and at the same time effectually support the authority and dignity of the states, and public faith” (if it were in my power to do it).

“I now sit down”⁷ to comply with the first part of your requisition; the second part must defer to a future opportunity, being convinced that if it be in my power to devise a better form of government than

that proposed by the Convention, it will require some time to consider of it, and what strikes me forcibly at this time is that if I succeed, it will entitle me to an infinite deal of merit. Popular applause, you know, is a jewel of inestimable value.

I have considered the Federal Constitution attentively and, to tell the truth, under the influence of a prepossession against it, I was determined to object to it, if I could possibly find any objectionable parts, because I am in the horrors about losing my popularity and importance; and besides this, I had conceived the idea of framing a constitution myself, which I was convinced would do much better than anything the Convention could do. The Convention was composed of men who have high notions of grandeur, power, etc. These things you know are abominable in my mind; you have been long since acquainted with my extreme modesty in aspiring after places of honor, and accepting places of profit, even when they have been forced upon me. Notwithstanding all this, I am obliged to confess (which I do to you in confidence, for I would not wish such a confession should be publicly known) that the Federal Constitution contains a variety of peculiar *excellencies*. This declaration, I make with reluctance, for reasons which I shall assign in my next; you must excuse me if I do not mention one-half of them—I must be concise—shall mention only those which I conceive are capital, and would first observe generally the form of government prescribed appears to me to be so plain, simple, explicit, and easy to be understood, that none but idiots, the interested, and willfully blind can avoid seeing, understanding, and fully comprehending “the powers to be delegated” to the Congress of the United States. There does not appear to be in it any doubtful expression, any ambiguous terms, any double entendres. In fact, it does not appear to contain any snake in the grass. A child may easily understand it—may look at it, and handle it, without the least danger of being bit.

“The form of government recommended most probably will be attended with” less expense than any government in Europe—less than any other adequate form the states could devise, and much less than our present system of policy costs the people, and which can easily be supported, especially if the people are wise enough to retrench some of the unnecessary expense of the state governments, and prohibit the importation of “foreign luxuries and foreign vices,” which cannot be done, but by an energetic government capable of putting in execution prohibitory laws uniformly throughout the states.

A gradual increase of our manufactures will gradually diminish the *necessity* of importation, and a gradual diminution of importations will *lay us under* the necessity of manufacturing. The support therefore of our manufactures depends on a government capable

of restraining importations. Necessity may do something, but extremely necessitous indeed must that country be which has nothing to export! If it hath anything to export, it may import whatever luxuries it pleases, unless there be a government capable of laying a restraint. Idle, therefore, and vain must be the whims of those who would risk the manufacturing interest of this country on the necessities of the people.

The people, I conceive, who "first opposed British tyranny," and "were complimented by the patriots of that day in *halls* and under liberty poles as being the fountain and origin from whence all power was derived" will readily see that by the proposed Constitution they will lose no power, nor any right or privilege which they have ever held sacred and dear. There is not a single power granted to the Congress, by this Constitution, but what the people have ever granted to the assemblies of the states, and there is no privilege held by the people, with respect to the choice of their legislature and executive authority, but what is secured to them by this Constitution. The whole of the difference consists in this: part of the power granted by the people to the governor and assemblies of the states will be, by this Constitution, taken out of their hands and placed in the President of the United States and the Congress. The sole question, therefore, is which would answer the purposes of the people of the United States the best? No man can doubt here, nature and our own experience proves that without a national government, we can have no pretensions to the character or advantages of a national community. Without this, we are but a number of banditti, exposed to the craft and power of one another, and finally, will altogether fall a sacrifice to our own folly, and the power of foreign nations. So far therefore, I conceive, will the people consider themselves deprived of power, by the adoption of this Constitution, that they will acknowledge that it is the only plan in which they can delegate power with safety and to real advantage.

"The chief agents in this new-formed government, planned out by Convention," do not "assume the *humble* title of President, Senate, and Representatives." The Constitution plainly, openly, and without disguise tells us the titles, offices, powers, and privileges of these "chief agents," and the purposes of their appointment. What snake in the grass is there here? The legislative and executive powers prescribed by this Constitution are clearly defined, judiciously limited, and constitutionally settled. What reason have we therefore to be jealous that the Constitution, under the disguise of such *humble* appellations, aims at the dignity and powers of the King, Lords, and Commons of the British Parliament? There is no more resemblance

between this and the British government than there is between this and the government of the State of Connecticut. With equal propriety might the governor, upper and lower house of Assembly, be called King, Lords, and Commons, as the President, Senate, and Representatives in Congress. Such a whim could never have entered the noddle of any man of sense, unless it were for the purpose of frightening those who have been taught to start at the sound of "king." It is with the same design that nurses tell children many strange stories about raw-head and bloody-bones. But this is not all. These "chief agents" are to become hereditary. Why not as well the governor, upper and lower house of Assembly become hereditary? People had better be on their guard against it. It is impossible to tell what men may do with power in their hands. Those who now have a seat in the upper house may take it in their heads that, under the *humble* title of assistant, they will in "effect" become lords, and devise some method of making such a dignity hereditary. People ought to be jealous—extremely jealous of their liberties.

But some particular parts of the Constitution I will take notice of being singularly *excellent*. And first, the third paragraph, section 2, Article 1. saith, that "representation and direct taxation, shall be apportioned among the several states, which may be included in this union, according to their respective numbers, &c." It is manifest that representation and direct taxation ought to be proportioned among the people alike; it was an evidence of the wisdom of the Convention to establish (constitutionally) a rule of proportion between the states for their representation and direct taxation. These points ought to be put out of dispute. The only question is, whether the rule is a just one? To this it may be observed that the Convention consisted of the best-informed men from each state, and, as it is evident, it was a point which engaged their particular attention, we cannot doubt of its being as just a rule as could be established. There being three-fifths of the slaves in the Southern States, added to make an equality among the states, makes it evident that it was a rule adopted not at random, but on mature deliberation and the clearest evidence of its justice. Had the Convention, in the establishment of this rule of proportion between the states, added three-fifths (not "two-fifths") of the "horned cattle, horses, and hogs" to the number of *free persons*, I should have considered it singularly hard on the Northern States that the Convention had paid no attention to the subject, and that in the article of representation and direct taxation, they had paid more regard to beasts than men. But to proceed. "The number of representatives shall not exceed *one* for every thirty thousand," etc. The annihilation of our state assemblies I do not think

will originate in the smallness of our representation in Congress, nor that bribery and corruption would be prevented merely on account of a larger representation. If bribery and corruption must necessarily take place in all kinds of government, except our state governments (which may be thought to be immaculate, by some members of these honorable bodies), this Constitution proposes certainly the lesser will by establishing a small representation, for it will cost about nine-tenths less to corrupt Congress than it does to corrupt a British House of Commons.

An overabundant representation is an evil which this country has long complained of. We have in these states between two and three thousand legislators;⁸ seven-eighths of which might be conveniently spared as useless and burthensome on the public. It was with good reason therefore that the Convention fixed the representation to *one in thirty thousand*. Sixty-five (not "sixty-eight") Representatives is in all conscience enough to represent the present number of inhabitants; as much wisdom, integrity, knowledge, and patriotism may be found in that number as in sixty thousand, and certainly they can proceed with greater dispatch. When the country increases to "double the number of Great Britain and Ireland," representation will be increased accordingly and not confined to twenty-seven *only* for the Northern States and thirty-eight (not "forty-one") for the Southern. This particular has not been noticed by *everybody*, probably on account of its being lost in the "elegance of the style." I would recommend it to all such to "read it over three or four times," perhaps they will discover that if the proportion of representation had been fixed as the proportion now stands in the states, neither building, town, nor city could have contained the representatives of such a number of people.

Another excellency which I observe in this Constitution is the organization of the Congress; this is founded on so good principles, on the experience of ages, and is so agreeable to all the states that no objection can be made to it unless it be by those who are predetermined to object to the whole system.

"I would now make" some observations on section 4th, "which is in these words: 'The times, places and manner of holding elections for senators and representatives, shall be prescribed in each state by the legislature thereof; but Congress may at any time alter, or make such regulations, except as to the place of choosing senators.'" This clause appears to be extremely inoffensive in its nature and safe in its consequences. Let the time and manner of election be what they will, they can neither influence nor oblige the people to choose any other than such men as they please. The reason of this visionary

clause is obvious. In the State of Connecticut, should the several towns regulate the election of their representatives as they should think proper, they might proceed so essentially various as to create great perplexity and inconvenience; the legislature therefore claim the right of regulating the elections in every town. For the same reasons and upon the same principles does the Constitution grant to Congress the power of regulating the elections in the several states, if they should proceed so diversely as to create perplexities. Marvelous, indeed, must be the sagacity of him who discovers art, design, and despotic power wrapped up in this very harmless clause!

"Passing over many lesser matters, I proceed to section 7 which is in these words: 'All bills for raising a revenue shall originate in the house of *Representatives*; but the *Senate* may propose, or concur with amendments, as on other bills.' I would here only observe" that this proves that the framers of the Constitution were no servile imitators of the British theory of government, nor under the special influence of Mr. [John] Adams's sentiments, for "the British House of Commons will not suffer the House of Lords to make the least alteration in a money bill."

"I now proceed to section 8, in these words: 'The Congress shall have power to lay and collect taxes, duties and excises to pay the debts, and provide for the common defence, and general welfare of the United States.' And the second paragraph of the 3d section, Article 4 contains these words: 'The Congress shall have power to dispose of, and make all needful rules and regulations respecting the *territory*, and other *property* belonging to the United States.' By the first recited paragraph we vest Congress with" those powers which, in reason and good policy, Congress always ought to have been invested with. By each of the states holding an absolute, independent sovereignty, the honor and credit of the United States is lost—their safety is endangered—their trade nearly annihilated—the resources of the country unapplied to public good purposes—their wealth squandered away, and in every way the people have been plagued, cheated, and bamboozled by the present system of policy. None but those, therefore, who fear losing the opportunity of fingering public money will lament a permanent, judicious union of the wealth of the nation. The body of the people must be convinced that the purse of the nation will be as safe in the hands of their Representatives in Congress, as of their representatives in the state assemblies. That Congress will lay heavier taxes, and use more despotic powers over the property of the people, than the assemblies have done, no rational man can believe. Direct taxation will be greatly lessened, because Congress can and will make use of such resources for the support of government

as the states, divided as they are, never could do. "By the second," Congress is enabled to manage the property the states have in the western lands for general benefit. Is this conveying away territory to foreign nations? Is this robbing the people of their property? Into whose hands could the people place the management of their property with so much propriety as into the hands of a government capable of securing and defending it—capable of increasing its value and disposing of it to the best advantage? Unreasonably jealous must that man be who suspects that the property of the United States will be applied by the Congress to the purposes of private emolument, or to the base purposes of bribery and corruption, any more than those who are jealous and suspicious of all men but themselves. What is the plain, simple language of such men to the people? Your liberties, privileges, and property will all be ruined if you grant power to anybody but to us. In our hands you are perfectly secure! Wonderful integrity and wisdom!

"Now I will submit to the good sense of the people of these states whether" in the present political situation of the country, the general interest and welfare of the states can be promoted? Whether a sufficient provision can be made for the national defense? Whether public justice can be administered? Whether private property is well secured? Or, whether the commerce of the states is not tending to a total annihilation and their manufactures withering in the blossom? Whether injustice and oppression does not openly appear in our land? Whether licentiousness, which advances nigh to a contempt of all order and subordination, and even to rebellion, does not dare to erect its demoniac head? Whether we are not falling a sacrifice to the artifice and ungenerous designs of one another? Whether our Union is anything more than nominal? And in short, whether we can much longer exist as a nation?

The Constitution of government proposed by the Convention I do not think will operate as a magical charm. I have no idea that it will, at its first establishment, drive every evil out of the country or conjure into it every kind of national benefit; but I believe that, by a wise administration under it, it will do all that a wise and good form of government can do. It will by degrees, and in due time, answer all the purposes expressed in the Preamble, viz.: "form a more perfect union, establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity." This is all we want by it, and all we have reason to expect from it, and so much as this it promises. To be so far influenced, therefore, by jealousies, by sinister motives, by partial advantages, by popular and ambitious

views, by the intrigues of designing men, or by dogmatical opinions, as to refuse the giving of it a fair trial, "would not argue, in my opinion the highest degree of prudence" or wisdom.

[31 October] Before I proceed to any further particular remarks on the Constitution, I would observe that it was manifestly the opinion of a majority of the citizens of America that a national government, of energy and efficiency, ought to be established over the United States for the better security and promotion of the interests of the individual, as well as the confederated states. Upon this opinion, they did proceed to the election of delegates to meet in Philadelphia for the express purpose of forming a system of government that should be the best calculated to answer these purposes. This Convention consisted of men in whom the people could place as great a degree of confidence as in any body of men they could have selected (perhaps if I should say the greatest, I should not say amiss). The interest of every individual state, and of the United States, was better known and understood than it was possible it should be by any individual on the continent, and without doubt, every article, section, and paragraph of the Constitution was fully debated, investigated, and maturely considered before it was agreed on and adopted. These things being so, I would ask, whether if any objections are made to the whole, or any part thereof, they ought not to be clearly stated and fully proved to be exceptionable? This I think is necessary to be done, in order to do justice to ourselves as well as to the Constitution itself. My being fearful of losing some importance among my fellow citizens, or a sinecure, or because I am friendly to a licentious state of government, or because I am jealous that other men will abuse their trust, or that I am enamored with my own notions, I do not think is a sufficient reason for objections, or a proof that such objections are founded in truth. Now all the objections I have heard, or read, or that have arose in my own mind, appear to me to be specious— destitute of reason and argument, and to have originated in selfish motives. They are uniformly calculated to excite jealousies, and raise parties, in order to prevent its adoption, which is an event (I presume to say) not wished for from a zeal to promote the public good.

Objecting to detached parts of the Constitution is by no means a fair and just method of treatment. In this way, the divine Constitution and administration might be made to appear, in the view of many, very exceptionable. In the present case, the most important, if not the only, question to be determined is whether all the parts form such a system of government as will answer the purposes of the people. Objections also, which are made on account of a jealousy

that the powers of government will be abused, are unreasonable and unwarrantable. *We*, like all other nations, are so circumstanced that we must place confidence somewhere. We must place the powers of government in the hands of some individuals; this is unavoidable, if we have a government; and is it reasonable that because there is a possibility of men's abusing their trust, that we should resolve not to have any kind of government? Which, I presume to say, is the case at this time. We have much law but no government as a nation. Or is it reasonable that I should raise objections to this Constitution, because I may probably be overlooked in the elections? The wisdom of this country undoubtedly consists in establishing a government the best calculated to prevent abuses; and I believe if the Constitution in question was to be candidly examined and compared with the constitution of every other nation now existing, it would be found to contain many excellencies which others are deficient in. The powers granted are but sufficient to answer the purposes of a good government. I presume no one unnecessary power can be pointed out and proved. And these are as well guarded as it is possible for powers to be guarded constitutionally; if these powers should be abused, it will not be the fault of the Constitution.

But omitting many things which might be observed with great propriety, shall proceed to some remarks on some particular paragraphs of the Constitution.

"The 9th paragraph of section 8" empowers Congress "to constitute tribunals inferior to the supreme court." There would have been an essential defect in the national system of government had it been destitute of judicial powers; for, notwithstanding the tribunals established by the authority of the states are adequate to the purposes of their respective governments, yet they are not, and, in the nature of things, cannot have jurisdiction in a variety of national questions and causes. This is a sufficient reason for such an establishment; and as the institution of inferior courts is founded on principles which are assented to as good, by the suffrages of the people for ages, no reasonable or sufficient objection can be made to this paragraph.

"The 12th paragraph of section 8" is in these words: "To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years." "Guns, swords, and bayonets" are indisputably necessary to the defense and safety of a nation, and when under the control and regulation of a wise and judicious government, a government capable of making a proper application of them, nobody need be afraid of there being "a great deal of mischief." But by being in the hands of parties who are engaged in party disputes and under the control of passion and heated

animosity, without a government of sufficient power to control and regulate their conduct (which is too much the case at present), everyone has reason to fear them. The military force of a nation ought to be under the government and control of a national government. This none will deny, and, in this particular, the powers of Congress were deficient; for altho, by the Articles of Confederation, Congress was enabled to raise and commission armies, yet had no power to provide for their support. This grant of power provides for this deficiency; but as a guard against the unnecessary exercise of this power and to prevent the establishment of a standing army in times of peace, it is added that no money shall be applied to the support of an army for a longer time than two years. All money bills must originate in the House of Representatives; we have therefore no reason to fear that money will be appropriated to the support of an army unless an army should be necessary. This part of the paragraph is so far from being exceptionable that it is a real excellency and a sufficient guard against the support of standing armies.

I would next remark: "the 15th paragraph which is in these words: 'Congress shall have power to provide for calling forth the militia, to execute the laws of the union, suppress insurrections, and repel invasions.' " These states, not to mention other nations, have ever made the military power their last resort for executing their laws; this is seldom ever applied to, but on some occasions it is indispensably necessary. The principle is therefore good and agreeable to the sense of the people ever since the settlement of the country. Placing such a power in the hands of Congress is the only matter of objection; but, if Congress is invested with power to make laws, the power of executing laws in the most ample and effectual manner ought to be lodged there also. Without this, there would have been an inconceivable absurdity in the Constitution. The construction, but on this particular part, is too absurd to bear a serious refutation. "In fact it means (it is said) to convert the militia of the states into a standing army, under the entire command and control of Congress." But who are the militia? The militia comprehends all the male inhabitants from sixteen to sixty years of age; it includes the knowledge and strength of the nation. Against whom will they turn their swords? Against themselves!—to execute laws which are unconstitutional, unreasonable, and oppressive upon themselves! Absurdity itself could never have thought of raising an objection on this ground. The Constitution in this respect is certainly liberal. It puts the utmost degree of confidence in the people, and is fully correspondent to our ideas of government. It is a sufficient proof that despotism

was not the aim of the Convention; had it have been, the execution of the laws of the Union (as a last resort) might have been placed in the hands of a standing army in the service and pay of Congress. In such a case, much might have been said. That when the Congress resort to the militia, which is the body of the people, for the support and execution of the laws of the Union, it is done in confidence that the laws are just and good, and worthy of the support of the people, otherwise Congress can have no reason to expect support from that quarter.

My next remark is on "the first paragraph of section 9th in these words: 'The migration, or importation of such persons, as any other states now existing shall think proper to admit, shall not be prohibited, by Congress, prior to the year 1808,'" etc. This sentence is neither dark nor mysterious; the meaning and intention is obvious. The doctrine of slavery is unpopular in this country and contrary to the sentiments of the more sensible part of the people. Nevertheless, it being imported with the original settlers of the Southern States from Great Britain, and practiced on ever since, it cannot be got rid of at one stroke. The interests of the Southern States are immediately involved in it. Their system of business cannot be altered at once without ruin. In this circumstance, the Constitution does everything which a constitution could reasonably do. It provides for the interest of the Southern States, and, at the same time, manifests to the world that slavery is inconsistent with the views and sentiments of this country, which error will be reformed as soon as it can be done consistent with the interest of the people. This paragraph is founded on a good and sufficient reason, and will not warrant the illiberal inferences which have been drawn from it.

"I shall make one short remark on the 8th paragraph of this section, viz.: 'That no title of nobility shall be granted by the United States.'" This is [gr]ounded on the strictest principles of republicanism and is agreeable to the general sentiments of the citizens of America. How it could enter into any man's head that this was exceptionable because "the officers of the army had incorporated themselves into a society, known by the name of the *Cincinnati*," I cannot conceive. If it was the original intention of the officers to obtain the dignity and rank of nobility, surely this Constitution is the only means by which such a design could be frustrated. Such a bugbear story may serve to alarm the fears of the credulous, ignorant, and jealous; for my own part, in the exercise of government established on this Constitution, I have no more apprehensions from that society than I have from the society of Freemasons. What will the one have to do with the government more than the other? Our present situa-

tion is favorable to such a design, and I cannot think of anything that will so effectually prevent its execution as a well-constituted government which prohibits every kind of royal honors.

"Omitting many other" excellent parts of this Constitution, "I will just make one observation on the 7th Article, which says: 'The ratification of *nine* states shall be sufficient for the establishment of this constitution, *between the states so ratifying the same;*'" which I do not think by any means incompatible "with the 13th Article of our Confederation." The will of a majority of the people hath always been considered by the people of this country as sufficient to determine and bind the minority; and upon this principle the article alluded to ought to be construed. It would be extremely absurd to suppose that nine states could not determine four, while four could determine and control nine, which would be the case if the ratification of every individual state was necessary to establish this Constitution, agreeable to the construction some have put on the 13th Article of the Confederation. The Convention, however, do not make it obligatory on four states, if so many [sh]ould refuse their assent. No hardship or compulsion can be complained of in this case. Every state may act entirely free.

The oblique hint lately given in public, that it [w]ould be advisable to separate the four Northern States from the rest, proves the author to be no real friend to the welfare of the country.

"One thing more" I will mention as an excellence of the resolves of the Convention, which is that it is recommended that a convention be chosen by each state for the purpose of examining its merits and to ratify or reject it. "The meaning of this measure" is easily comprehended and easily explained; there does not appear to be any hidden meaning in it nor dark design. The Convention was willing and desirous that it should be thoroughly examined and maturely considered by the sensible part of every state, and as it should by them be found, so to be treated. The impropriety, and indeed the impossibility of the Constitution's being treated as a subject of this nature ought to be by the people at large or by town meetings, was notoriously manifest; the Convention therefore proposed the only method that could be thought of to have its merits or demerits fairly determined.

The remarks of some that this Constitution covers art and design—that it contains dark and hidden mysteries—that it is incomprehensible—and that the people will lose their liberties and establish a despotic government are as reasonable and calculated to produce the same effects on the minds of the people as that of an almanac maker, who, through wantonness, should predict that a comet would appear next year, whose fiery tail would approach so near the earth as to set it

on fire. The credulous and ignorant would be frightened with the apprehension of approaching destruction, and the sensible and judicious would laugh at the visionary tale.

I have now given you my real sentiments on the Federal Convention. Whatever my secret wishes may be with respect to its fate, I confess I have not sagacity enough to find out anything materially exceptionable. Notwithstanding which, I already anticipate the pleasure I shall enjoy, on some one man's "arranging his ideas so properly" as to prove uncontestedly, that the members of the Convention were a set of designing knaves and ignorant fools, and that it is within the compass of his abilities to form a constitution worth forty of that which is now proposed. "In the meantime, I am, etc., yours."