other popular leaders, became mercenary instruments for inveigling their countrymen. The more effectually to nourish discord and disorder, the Romans had, to the astonishment of those who confided in their sincerity, already proclaimed universal liberty(6) throughout Greece. With the same insidious views, they now seduced the members from the league, by representing to their pride, the violation it committed on their sovereignty. By these arts, this Union, the last hope of ancient liberty, was torn into pieces; and such imbecility and distraction introduced, that the arms of Rome found little difficulty in compleating the ruin which their arts had commenced. The Achaen were cut to pieces; and Achaia loaded with chains, under which it is groaning at this hour.

I have thought it not superfluous to give the outlines of this important portion of history; both because it teaches more than one lesson; and because, as a supplement to the outlines of the Achaean constitution, it emphatically illustrates the tendency of federal bodies, rather to anarchy among the members, than to tyranny in the head.

(a) This was but another name more specious for the independence of the members on the federal head.

1. Abbé Millot, Elements of Ancient History. Translated from the French (2 vols., New York, [1797]), I, Book II, chapter IV, 183-84. This work, the first part of Millot’s Elements of General History, was first published in 1772.


331. From Roger Sherman
New Haven, 8 December 1

Dear Sir

I am informed that you wish to know my opinion with respect to the new Constitution lately formed by the federal convention, and the Objections made against it.

I suppose it is the general opinion that the present Government of the United States is not sufficient to give them credit and respectability at home. But little faith or confidence can be placed in a government that has only power to enter into engagements, but no power to fulfill them.

To form a just opinion of the new constitution it should be considered, whether the powers to be thereby vested in the federal government are sufficient, and only such as are necessary to secure the common interests of the States; and whether the exercise of those powers is placed in safe hands. In every government there is a trust, which may be abused; but the greatest security against abuse is, that the interest of those in whom the powers of government are vested is the same as that of the people they govern, and that they are dependent on the suffrage of the people for their appointment to, and continuance in office, this is a much greater security than a declaration of rights, or restraining clauses upon paper.

The rights of the people under the new constitution will be secured by a representation in proportion to their numbers in one branch of the legislature, and the rights of the particular State governments by their equal representation in the other branch.

The President, Vice President, and Senators, tho’ chosen for fixed periods, are not eligible as often as the electors shall think proper, which will be a very great security for their fidelity in office, and will likewise give much greater stability and energy to government than an exclusion by rotation. The greatest possible security that a people can have for their civil rights and liberties, is, that no laws can be made to bind them, nor any taxes be imposed upon them without their consent by representatives chosen by themselves. This was the great point contended for in our contest with Great Britain; and will not this be fully secured to us under the new constitution?

Declarations of rights in England were charters granted by Princes, or Acts of Parliament made to limit the prerogatives of the crown, but not to abridge the powers of the Legislature. These observations duly considered will obviate most of the objections that have been made against the constitution. The powers vested in the federal government are only such as respect the common interests of the Union, and are particularly defined. So that each State retains its sovereignty in what respects its own internal government, and a right to exercise every power of a Sovereign State not delegated to the United States. And tho’ the general government in matters within its jurisdiction is paramount to the constitutions & laws of the particular States, yet all acts of the Congress not warranted by the constitution would be void. Nor could they be enforced contrary to the sense of a majority of the States. One excellency of the constitution is that when the government of the United States acts within its proper bounds it will be the interest of the legislatures of the particular States to support it, but when it over steps bounds and interferes with the rights of the State governments it they will be their interest powerful enough to check it; but the powers of each distinction between their jurisdictions will be so obvious, that there will be no great danger of interference or contention between the governments of the particular States & the United States.

The unanimity of the convention is a remarkable circumstance in favour of the constitution, that all the States present concurred in it, and all the members but three out of forty two Signed it, and Governor
Randolph, declared, that tho' he did not think fit to Sign it, he had no fixed determination to oppose it, nor have I heard that he has since made any opposition to it.  

The other two Honorable Gentlemen whom I esteem for their patriotism and good Sense have published their objections, which deserve some notice; and I think the foregoing observations on the principles of the Constitution must evince that their fears are groundless. The people's right of election is doubly Secured, the legislatures of the particular States have right to regulate it. and if they Should fail to do it properly, it may be done by Congress, and what possible motive can either have to injure the people in the exercise of that right—the qualifications of the electors are to remain as fixed by the State constitutions. It is objected that the number of representatives will be too small—but it is my opinion that it will be quite large enough if extended as far as the constitution will admit, the present number in both branches will consist of Ninety one members which is the same number that the States have a right to elect under the confederation, and I have heard no complaint that the number is not sufficient to give information, of the circumstances of the States and to transact the general affairs of the union; nor have any of the States thought fit to keep up the full representation that they are intitled to. It may be said, that the powers of the Congress are increased, its true, nor will the additional powers of Congress make it necessary to increase the number of members they will have the additional powers of regulating commerce, establishing a uniform rule of naturalization, and laws on the Subject of bankruptcies, and to provide for the punishment of counterfeiting coins and Securities of the united States, and to prescribe a uniform mode of organizing, arming and training the Militia under the authority of the Several States, and to promote the progress of Science by Securing, to persons for a limited time the benefit of their writings & inventions. The other powers are the same as Congress have under the articles of confederation with this difference, that they will have authority to carry into effect, what they have now a right to require to be done by the States. It was thought necessary in order to carry into effect the laws of the union, and to preserve justice and harmony among the States, to extend the judicial powers of the confederacy, they cannot be extended beyond the enumerated cases, but may be limited by Congress, and doubtless will be restricted to such cases of importance & magnitude as cannot safely be trusted to the final decision of the courts of the particular States, the Supreme court may have a circuit through the States to make the trials as convenient, and as little expensive to the parties as may be; and the trial by jury will doubtless be allowed in Cases proper for that