

opponents but they bear so small a proportion to its friends that there is little or no doubt of its taking place.—Three States have already decided in its favor—two unanimously and the other by a majority of two to one;—these are the only States whose conventions have as yet determined upon the subject, but from every information, the others will be found pretty fully in sentiment with them.—The establishment of an energetic general Government will disappoint the hopes and expectations of those who are unfriendly to this Country—give us a national respectability—and enable us to improve those commercial and political advantages which Nature and situation have placed within our reach. . . .

1. FC, Washington Papers, DLC. Printed: Fitzpatrick, XXIX, 345–46. Newenham (1732–1814) represented the county of Dublin in the Irish Parliament. Newenham and Washington had begun to correspond regularly in 1784. Washington described him as “a warm friend to America during her whole struggle” (Fitzpatrick, XXVII, 414, 416–18).

377. One of the People: Antifederal Arguments Maryland Journal, 25 December

For some time Federalists and Antifederalists had accused one another of deliberately misleading the public. This item is a Federalist rebuttal to a number of alleged Antifederalist misrepresentations. It was reprinted in the January 1788 issue of the Philadelphia *American Museum* and in eight newspapers by 10 March: N.H. (1), Mass. (1), Conn. (2), N.Y. (1), N.J. (1), Pa. (1), S.C. (1). The reprint in the *Massachusetts Gazette*, 15 January, was unique. The *Gazette* inserted a bracketed comment after each Federalist answer. These comments have been placed in angle brackets.

ARGUMENT I.

It has been published to the people, that Doctor Franklin was opposed to the constitution, and consented to sign it merely as a witness.¹

ANSWER.

Doctor Franklin, in his speech, assigning his reasons for agreeing to the constitution, (printed in the *Maryland Gazette*, &c. of December 18th)² says, “I hope, therefore, that for our sakes, as a part of the people, and for the sake of our posterity, we shall act heartily and unanimously in recommending this constitution wherever our influence may extend.” (It is sincerely hoped many of the members of the Massachusetts state convention may experience the same *witnessing* influence by which the doctor was actuated, when the all-important question respecting the federal constitution is to be decided.)

II.

It has been published, that Mr. Jay had changed his opinion, and affirmed the new constitution to be the most artful *trap* that had ever been laid to catch the liberties of mankind.³

ANSWER.

Mr. Jay, in his letter to Mr. Vaughan, of Philadelphia, (printed in the *Maryland Journal*, &c. of the 18th December) says, “You have my authority to deny the change of sentiment it imputes to me, and to declare that, in my opinion, it is advisable for the people of America to adopt the constitution proposed by the late convention.”⁴ (What think ye of this, gentlemen, is Mr. Jay federal or anti-federal?—Is another better acquainted with his sentiments, than he himself is?)

III.

It is asserted, in the *Maryland Gazette*, &c. of the 11th December, under the Baltimore head, that Mr. Ellsworth, of Connecticut, WITHDREW FROM THE CONVENTION.⁵

ANSWER.

Mr. Ellsworth and Mr. Sherman, in their joint letter, enclosing the constitution to their legislature, (published in the *Pennsylvania Herald*, of the 10th November ult.)⁶ say, “We wish it may meet the approbation of the several states, and be the means of securing their rights, and lengthening out their tranquility.” (The sentiments contained in the letter just mentioned, are by no means congenial with the insinuation, that Mr. Ellsworth withdrew from the convention from motives of dislike to its proceedings.)

IV.

Mr. Richard Henry Lee, in a letter to the Governor of Virginia, (published “by the request of several Gentlemen,” in the *Maryland Journal*, &c. of last Friday) says, “It has hitherto been supposed a fundamental maxim, that in governments rightly balanced, the different branches of legislature should be unconnected, and that the legislative and executive powers, should be *separate*.”⁷

ANSWER.

In the *British* constitution, which is thought to be the best balanced in the world, the legislative and executive powers are not separate. Montesquieu, speaking on this subject, says, the executive power ought to have a *share* in the legislature by the power of rejecting; otherwise it would soon be stripped of its prerogative.⁸ (Whose judgment, in regard to the affairs of government, ought to have most weight, *simple Dick's*, or the great MONTESQUIEU's?)

V.

Mr. Richard Henry Lee says, in the same publication, “the president is for four years duration, (and Virginia for example) has one vote of thirteen in the choice of him, and this *thirteenth vote* not of the people, but electors, *two removes from the people*.”

ANSWER.

By the constitution, the president is to be chosen by *ninety-one electors*, each having one vote of this number, *Virginia has twelve*, so that instead of the *thirteenth vote* in the choice of president, (*Virginia for example*) has somewhat less than an *eighth*. (Such a sad mistake as Mr. Lee has made, indicates either the most consummate weakness or wickedness, and by which of these the anti-federal champion was guided, the public will determine.)

The constitution also admits of the people choosing the electors, so that the electors may be only *one remove from the people*. (Mr. Lee, it seems by this, has only missed the fact by ONE HALF!! this *trivial* mistake in an anti-federalist is, however, hardly worth noticing.)

VI.

It is also said by Mr. Richard Henry Lee, that the people of this country have thought a bill of rights necessary to regulate the exercise of the great power given to their rulers, as appears by the various bills or declaration of rights, whereon the government of the *greater number of the states* are founded.

ANSWER.

Only *four states*⁹ appear, by the book of constitutions,¹⁰ to have a bill of rights, which are the *lesser number of states*. (What think ye of (Sir) RICHARD, now?)

These, Mr. Goddard, are the arguments used to prejudice the minds of the people against the constitution, some of which, it seems, "*several Gentlemen*" requested you to publish. For this time, we will suppose these gentlemen to have been ignorant of the deceptions they have thus publicly countenanced, because no gentleman would knowingly propagate or countenance untruths.

December 22, 1787.

1. For a statement that Franklin had signed the Constitution only as a witness, see "Extract of a letter from Queen Anne's county, (Maryland), November 12," Philadelphia Freeman's Journal, 21 November (CC:278). This item was reprinted in the Baltimore Maryland Gazette on 7 December.

2. See CC:77 for Franklin's 17 September speech in the Constitutional Convention which was printed in the Virginia Independent Chronicle on 5 December.

3. For this report, see Philadelphia Independent Gazetteer, 24 November (CC:290-A). It was reprinted in the Maryland Journal on 30 November.

4. For Jay's letter of 1 December which was first printed in the Philadelphia Independent Gazetteer and Pennsylvania Packet on 7 December, see CC:290-B.

5. This report was first printed in the Massachusetts Gazette on 20 November (CC:Vol. 2, Appendix I). The Massachusetts Centinel, on 21 November (CC:Vol. 2, Appendix I), corrected the report, stating that Ellsworth approved the Constitution "though obliged by domestick concerns to return home prior to its being signed." This report, however, was not reprinted in Baltimore.

6. For the Sherman-Ellsworth letter to the Governor of Connecticut, 26 September, which was first published in the New Haven Gazette on 25 October, see CC:192.

7. Richard Henry Lee's letter of 16 October was first published in the Petersburg Virginia Gazette on 6 December (CC:325) and reprinted in the Maryland Journal on 21 December.

8. Spirit of Laws, I, Book XI, chapter VI, 228-31.

9. On 28 December an errata in the Maryland Journal stated that five states, not four, had bills of rights. Only one other newspaper and the American Museum printed this correction.

10. See CC:355, note 1.

378. Publius: The Federalist 27

New York Packet, 25 December

Alexander Hamilton wrote this essay, which was also printed in the New York Journal on 25 December. It was reprinted in the New York Daily Advertiser and the New York Independent Journal on 26 December.

For a general discussion of the authorship, circulation, and impact of The Federalist, see CC:201.

The FEDERALIST, No. 27.

To the People of the State of New-York.

It has been urged in different shapes that a constitution of the kind proposed by the Convention, cannot operate without the aid of a military force to execute its laws. This however, like most other things that have been alledged on that side, rests on mere general assertion; unsupported by any precise or intelligible designation of the reasons upon which it is founded. As far as I have been able to divine the latent meaning of the objectors, it seems to originate in a pre-supposition that the people will be disinclined to the exercise of foederal authority in any matter of an internal nature. Waving any exception that might be taken to the inaccuracy or inexplicitness of the distinction between internal and external, let us enquire what ground there is to pre-suppose that disinclination in the people? Unless we presume, at the same time, that the power of the General Government will be worse administered than those of the State governments, there seems to be no room for the presumption of ill-will, disaffection or opposition in the people. I believe it may be laid down as a general rule, that their confidence in and obedience to a government, will commonly be proportioned to the goodness or badness of its administration. It must be admitted that there are exceptions to this rule; but these exceptions depend so entirely on accidental causes, that they cannot be considered as having any relation to the intrinsic merits or demerits of a constitution. These can only be judged of by general principles and maxims.

Various reasons have been suggested in the course of these papers, to induce a probability that the General Government will be better administered than the particular governments: The principal of which reasons are that the extension of the spheres of election will present a greater option, or latitude of choice to the people, that through the medium of the State Legislatures, which are select bodies of men, and