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FROM JOHN JAY TO GEORGE WASHINGTON, 7 JANUARY 1787

To George Washington

Dear Sir

New York 7 Jan^y 1787

They who regard the public good with more attention & attachment than they do mere personal¹ Concerns, must feel and confess the Force of such Sentiments as are expressed in your Letter to me by Col. Humphreys² last Fall.³ The Situation of our Affairs calls⁴ not only for Reflection and Prudence but for Exertion. What is to be done? is a common Question, but it is a Question not easy to answer.

Would the giving *any* further Degree of Power to Congress, do the Business? I am much inclined to think it would not—for among other Reasons

It is natural to suppose there will always be members who will find it convenient to make their *Seats* subservient to⁵ partial & personal Purposes; and they who may be *able* and *willing* to concert and promote useful and national measures, will seldom be unembarrassed by the Ignorance, Prejudices, Fears, or interested Views of others.

In so large a Body Secrecy and Dispatch will be too uncommon and foreign as well as local Influence will frequently oppose and sometimes frustrate the wisest measures.

Large assemblies often misunderstand or neglect the Obligations of Character Honor and Dignity; and will collectively do or omit Things which individual Gentlemen in private Capacities would not approve. As the many divide Blame and also divide Credit, too little a Portion of either falls to each Mans Share to affect him strongly; even in Cases where the whole Blame or the whole Credit must be national. It is not easy for those to think and feel as Sovereigns, who have been always accustomed to think and feel as Subjects.

The *executive* Business of Sovereignty depending on so many Wills, and those wills moved by such a Variety of contradictory motives and Inducements, will in general be but feebly done—

Such a Sovereign however *theoretically* responsible, cannot be effectually so in its Departments and Officers, without adequate Judicatories—

I therefore promise myself nothing very desireable from any Change which does not divide the Sovereignty into its proper⁶ Departments—Let congress legislate, let others execute, let others judge.

Shall we have a King? Not in my opinion while other Expedients remain untried. Might we not have a Governor General limited in his Prerogatives and Duration? Might not Congress be divided into an upper and a lower House? the former appointed for Life, the latter annually; and let the Governor *general* (to preserve the Ballance) with the Advice of a council formed, for that *only* purpose of the great judicial Officers, have a Negative on their Acts.⁷ our Government should in some Degree be suited to our manners and Circumstances, and they you know are not strictly democratical.

What Powers should be granted to the Government so constituted is a Question which deserves much Thought—I think the more the better—The States retaining only so much as may be necessary for domestic Purposes; and all their principal officers civil and military being commissioned and removable by the national Governm^t.

These are short Hints—Details would exceed the Limits of a Letter, and to You be superfluous.

A Convention is in Contemplation, and I am glad to find your name among those of its intended Members.

To me the Policy of *such* a Convention appears questionable. Their Authority is to be derived from Acts of the State Legislatures. Are the State Legislatures [^]authorized[^] either by themselves or others, to alter Constitutions? I think not. They who hold Commissions, can by virtue of them neither retrench nor Extend the Powers conveyed by them—

Perhaps it is intended that this Convention shall not *ordain*, but only *recommend*—If so—there is Danger that their Recommendations will produce endless Discussions, and perhaps Jealousies and party Heats.

Would it not be better, for Congress plainly and in strong Terms to declare, that the present foederal Government is inadequate to the Purposes for which it was instituted—That they forbear to point out its *particular* Defects, or to ask for an Extension of any *particular* powers, lest improper Jealousies should thence arise; but that in their opinion it would be expedient for the People of the States without Delay to appoint State Conventions (in the way they chuse the General Assemblies) with the *sole* and express power of appointing Deputies to a general Convention; who or the majority of whom should take into Consideration the Articles of Confederation, & make such alterations amendments and additions thereto as to them should appear necessary and proper and which being by them ordained and published should have the same Force & Obligation which all or any of the present Articles now have—

No alteration in the Government should I think be made, nor if attempted will easily take place, unless deduceable from the only Source of just authority—the People.⁸

accept my dear Sir my warmest and most cordial wishes for your Health and Happiness, and believe me to be, with the greatest Respect and Esteem your most ob^t. & hb^{le} Serv^t.

John Jay

His Excellency General Washington⁹

ALS, DLC: Washington, Ser. 4 (EJ: [10393](#)). Endorsed. Dft, NNC (EJ: [8424](#)). Endorsed by JJ: "... in an^r. to 15 Aug^t. last". JJ's draft contains many excisions, only the most important of which have been noted below.

1. In the draft JJ excised: "~~ob~~ Interests".

2. David Humphreys (1752–1818), formerly aide-de-camp to GW, went abroad in 1784 as secretary to the Commission for Negotiating Treaties of Commerce with Foreign Powers. By this date he was back in his native Connecticut and serving in its assembly. For the letter carried by Humphreys, see [GW to JJ, 15 Aug. 1786](#), above.

3. In the draft JJ excised "The Tide ~~Stream~~ of our affairs run rapidly against us".

4. In the draft JJ excised "loudly".

5. In the draft JJ excised "State or".

6. In the draft JJ excised "three distinct".

7. This proposal is similar to the New York Council of Revision created under the New York state constitution of 1777, on which see [JJSP](#), 1: 202–3. The question of whether to have a king was later raised by "West-Chester Farmer" in *Daily Advertiser* (New York), 8 June 1787, [DHRC](#), 13: 128–30, a piece that echoes themes presented in this letter but makes different specific constitutional proposals.

8. In the draft JJ wrote "unless ~~it can be fairly deduced to~~ deduceable from the only true Source of legi just authority the People—".

9. GW included an abstract of this letter in his memorandum Sentiments of M^r. Jay, Gen. Knox, and M^r. Madison on a Form of Government Previous to the General Convention Held at Philadelphia in May 1787, c. April 1787, [AD](#), [DLC](#): Washington, ser. 4 (EJ: [12496](#)); [PGW](#): Confederation Series, 5: 163–66. On the roles of JJ and GW in constitutional reform, see "[Supporting a Strengthened Constitutional Structure](#)" (editorial note), above.

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