



THOMAS JEFFERSON
& JAMES MADISON'S
GUIDE TO UNDERSTANDING AND
TEACHING THE CONSTITUTION



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To the wise men known as our Founding Fathers

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PREFACE

Founded in 2004, the Washington, Jefferson & Madison Institute is an educational, non-profit corporation based in Charlottesville, Virginia. The Charter of the Institute is: “*To Perpetuate the Study of the Teachings and Examples of the Founders of the Republic.*” Its Mission is: “*To instill within educators and students of the rising generation a greater understanding of and appreciation for the Founding Fathers and the Founding Documents of the United States of America.*” The Institute sponsors seminars for teachers and educators focused on the lives and writings of the founders of America.

This publication is intended to assist teachers, students, parents, and citizens in understanding and appreciating the Constitution of the United States of America. It is designed as a handbook for studying the Constitution in the tradition of the founders, using the source documents and writings identified by them as the “best guides” to its principles and meaning. A main purpose of this book is to serve as a teacher and student manual for use in secondary schools, but is also for use by parents in the home, as well as by individual citizens. It is intended to organize and summarize in a clear and usable fashion, all of the sources identified by Thomas Jefferson and James Madison as those required to teach and understand our constitutional liberties and unalienable rights.

While it is impossible to include herein the entire texts of *Locke*, *Sidney* and the *Federalist Papers*, every effort has been made to include the relevant quotes and excerpts from such works deemed necessary to discover and comprehend the principles they contain. Obviously, wherever possible, it is in the best interest of the teacher and students to delve and dig deeper into the source documents themselves, and to read and study the original texts and writings. In this regard, this book is designed as a guide to such research and activity, providing a path to achieve understanding and learning both in and outside the classroom.

It is incumbent upon each of us to study and ponder the heritage of liberty, and to assist in fulfilling the intent of our Founding Fathers to “advance and diffuse” this essential knowledge concerning human rights, equality, and the Constitution into our nation’s schools and homes, which in the past have stood on the front line as guardians of the “sacred fire of liberty.”¹ To that end, this work embodies the fondest hope of the author for all American youth, that they may also be bestowed with (as in 1744, New England lawyer Josiah Quincy Jr. willed to his own son), “*Algernon Sidney's works, [and] John Locke's works ... May the spirit of liberty rest upon [them]!*”²

¹ George Washington, *First Inaugural Address*, April 30, 1789.

² Evert Duyckinck and George Duyckinck, ed., *Cyclopaedia of American Literature* (Charles Scribner, New York, 1856), p. 609.

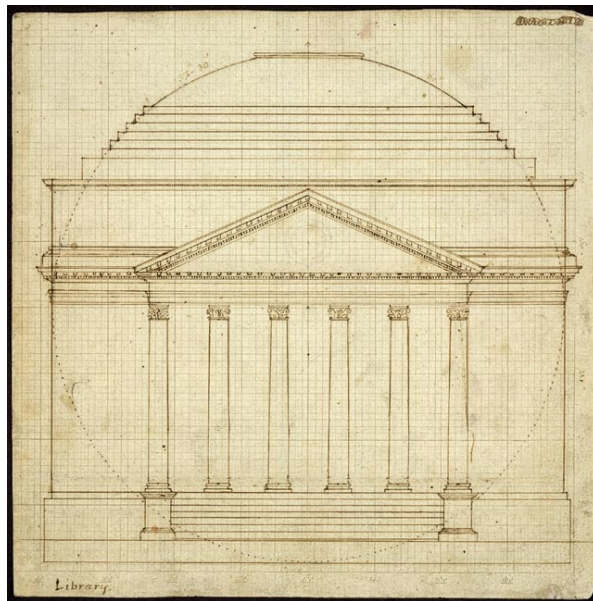
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“Every government degenerates when trusted to the rulers of the people alone.
The people themselves, therefore, are its only safe depositories.
And to render even them safe, their minds must be improved ...”

--Thomas Jefferson, Notes on the State of Virginia, 1787

I.
INTRODUCTION
THOMAS JEFFERSON AND JAMES MADISON



*On Education
and the
Teaching of the Constitution*

I.

Thomas Jefferson was a firm believer in the value of education, particularly in its role in both strengthening and preserving the American republic. He felt that his crowning achievement was as founder and “Father of the University of Virginia” (from the epitaph that he directed to be inscribed on his gravestone). Jefferson “had faith in the ‘common man’ and his ability to elect wise and virtuous leaders if that man were educated to do so.”³ Jefferson wrote the Bill for the More General Diffusion of Knowledge, the Bill for Establishing a Public Library, and the Bill for Establishment of a System of Public Education, among others.⁴ He stated:

“I think by far the most important bill in our whole code is that for the diffusion of knowledge among the people. No other sure foundation can be devised for the preservation of freedom, and happiness.”⁵

No other founder labored as long, or as diligently, during his lifetime to establish a regular school system accessible to all citizens and youth. He wrote:

“I have indeed two great measures at heart, without which no republic can maintain itself in strength: 1. That of general education, to enable every man to judge for himself what will secure or endanger his freedom. 2. To divide every county into hundreds, of such size that all the children of each will be within reach of a central school in it.”⁶

For Jefferson, the purpose of education in a republic is:

“To form the statesmen, legislators and judges, on whom public prosperity and individual happiness are so much to depend; To expound the principles and structure of government, ... and a sound spirit of legislation, which ... shall leave us free to do whatever does not violate the equal rights of another; ... to develop the reasoning faculties of our youth, enlarge their minds, cultivate their morals, and instill into them precepts of virtue and order ...”⁷

With these thoughts and convictions in his heart, Jefferson’s last great dream was to found a public university in Virginia. Beginning with his first concept in 1800, and after the investment of much of his personal time, money and labor, and lobbying to the state legislature with the valuable assistance of several influential friends, the University of Virginia was chartered by the Commonwealth of Virginia on January 25, 1819, and opened for classes in March 1825.

³ Meg Brulatour, *Background for the State of Education in New England: Post-Revolutionary War to Mid-19th Century* (Essay, Virginia Commonwealth University).

⁴ Steven Tozer, Paul C. Violas, Guy B. Senes, *School and Society: Historical and Contemporary Perspectives.*, (McGraw-Hill, New York, 1995), pp. 30-31.

⁵ Andrew Lipscomb and Albert Bergh, ed., *The Writings of Thomas Jefferson*, 20 Volumes, (Washington, D.C.: 1903-1904), 5:396 (Memorial Edition, cited as “ME”).

⁶ *Id.*, Thomas Jefferson to John Tyler, 1810, ME 12:393.

⁷ Thomas Jefferson, *Report for the Commissioners for the University of Virginia*, August 4, 1818 (Special Collections Department, University of Virginia Library).

That same year, Jefferson's long-time friend and collaborator, James Madison, wrote to a mutual friend concerning Jefferson, the University, and the diffusion of knowledge:

"Your old friend, Mr. Jefferson, still lives, and will close his illustrious career by bequeathing to his Country a magnificent Institute for the advancement and diffusion of knowledge; which is the only guardian of true liberty, the great cause to which his life has been devoted."⁸

Madison himself was also a great believer in the power of education in a free republic. He said,

"A popular government without popular information or the means of acquiring it is but a prologue to a farce or a tragedy, or perhaps both. Knowledge will forever govern ignorance: And a people who mean to be their own Governors, must arm themselves with the power which knowledge gives."⁹

In preparation for the opening of classes, Jefferson corresponded with Madison regarding the teaching of the Constitution at the new University. Their concern was that students be instructed in the true "principles of government" upon which the Constitutions of the United States and of the Commonwealth of Virginia "were genuinely based." The results of that mutual correspondence and collaboration were brought forth in a meeting of the Board of Visitors on March 4, 1825. Not only were Jefferson, the author of the Declaration of Independence and our third President and Madison, "the Father of the Constitution" and fourth President, members of this Board, but it also included three other eminent men of Virginia, George Loyall, John H. Cocke, and Joseph C. Cabell. The following resolution, adopted by Jefferson, Madison, and the Board on that day, sets forth an immensely valuable, and profoundly significant description of the authentic sources of American principles of government and of the Constitution:

"A resolution was moved and agreed to in the following words:

Whereas, it is the duty of this Board to the government under which it lives, and especially to that of which this University is the immediate creation, to pay especial attention to the principles of government which shall be inculcated therein, and to provide that none shall be inculcated which are incompatible with those on which the Constitutions of this State, and of the United States were genuinely based, in the common opinion; and for this purpose it may be necessary to point out specially where these principles are to be found legitimately developed:

Resolved, that it is the opinion of this Board that as to the general principles of liberty and the rights of man, in nature and in society, the doctrines of Locke, in his "Essay concerning the true original extent and end of civil government," and of Sidney in his "Discourses on government," may be considered as those generally approved by our fellow citizens of this, and the United States, and that on the distinctive principles of the government of our State, and of that of the United States, the best guides are to be found in,

⁸ James Madison to George Thomson, June 30, 1825, *The Writings of James Madison*, 4 Volumes (J.B. Lippincott & Co., Philadelphia, 1865) 3:492.

⁹ *Id.*, James Madison to W. T. Barry, August 4, 1822, 3:276.

1. The Declaration of Independence, as the fundamental act of union of these States.
2. The book known by the title of “The Federalist,” being an authority to which appeal is habitually made by all, and rarely declined or denied by any as evidence of the general opinion of those who framed, and of those who accepted the Constitution of the United States, on questions as to its genuine meaning.
3. The Resolutions of the General Assembly of Virginia in 1799 on the subject of the alien and sedition laws, which appeared to accord with the predominant sense of the people of the United States.
4. The valedictory [farewell] address of President Washington, as conveying political lessons of peculiar value. ...”¹⁰

It is much more than noteworthy that Jefferson and Madison (and their “fellow citizens”) determined that these specific “founding” documents and books constitute the “best guides” to teaching and understanding the Constitution and our republican form of government. It is also extremely enlightening that out of all of the numerous books that Jefferson and Madison had read and studied on politics and government (including Plato, Aristotle, Cicero, Montesquieu, Rousseau, Hobbes, Bolingbroke), that they would choose Locke and Sidney’s writings as the two works containing the “general principles of liberty and rights of man, in nature and in society.”

Three of the American sources listed by Jefferson, Madison, and the Board, being the Declaration of Independence, The Federalist Papers, and George Washington’s Farewell Address, became widely accepted and have often been referred to, along with the U. S. Constitution itself (and the Bill of Rights), as America’s “Founding Documents.” And, one of the two British works, Locke’s Second Treatise on Government, has become standard required reading in many college-level U. S. history and U. S. government courses, and a discussion of Locke’s ideas is included in most states’ standards of learning for public secondary schools. However, the other British source cited by them, Sidney’s Discourses Concerning Government has indeed, regrettably, been largely neglected and forgotten.¹¹

While many educators would agree that The Federalist Papers are valuable in understanding the Constitution, probably few would give equal weight to Washington’s Farewell Address. In contrast to our times, during the 19th Century prominent Constitutional text books written for use in public schools included the entire text of the Farewell Address, such as Furman Sheppard’s “The Constitutional Text-Book: A Practical and Familiar Exposition of the Constitution of the United States,”¹² and Harvard law professor Joseph Story’s “A Familiar Exposition of the Constitution of the United States.”¹³ By comparison, few of our modern high school U. S. history and civics textbooks include, or fully discuss and analyze the Farewell Address, or significant excerpts from The Federalist, or cover either of the primary sources listed by Jefferson and Madison, nor do justice to the principles they contain. As a result, unless teachers (or parents) supplement their lessons, students

¹⁰ *Minutes of the Board of Visitors*, March 4, 1825, ME 19:460-61 (cited as “Minutes”).

¹¹ See, e.g., Alan Craig Houston, *Algernon Sidney and the Republican Heritage in England and America* (Princeton University Press, New Jersey, 1991).

¹² Childs & Peterson, Philadelphia, 1855.

¹³ Harper & Brothers, New York, 1884.

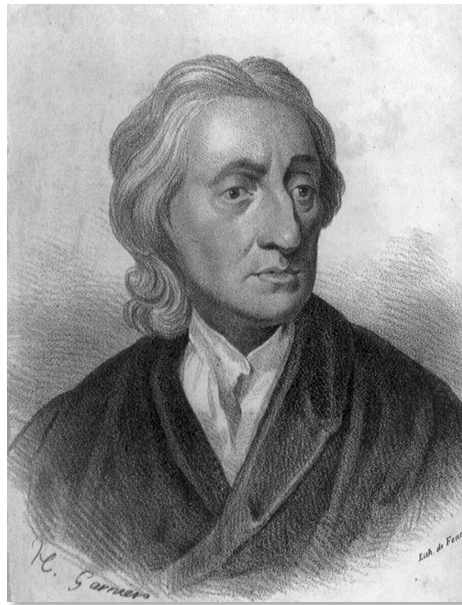
generally receive only a meager taste or small portion of the banquet of liberty's knowledge bequeathed to us by America's founders.

Finally, and most importantly, we learn from Jefferson and Madison's list of sources and "best guides," that the Constitution is based upon certain principles. These principles formed the basis for the raising up and establishment of our democratic, constitutional republic, which was designed to "secure the Blessings of Liberty" to us and our posterity. True principles, of course, are timeless and unchanging, and their applications are universal. As Algernon Sidney wrote, "... truth is comprehended by examining principles."¹⁴

In the Constitution we have a finished structure. Like a building, the Constitution is the external manifestation of the principles of liberty, but it does not set forth the principles themselves. In order to fully appreciate the Constitution's meaning and application, we must not only look at its outward modes and manners of construction, but inwardly at its intended design, examining the blueprints underlying its operation and purpose. Fortunately, our Founding Fathers have left to us a rich legacy by clearly describing their plans and blueprints, providing to both past and future generations the keys of knowledge and understanding. The purpose of this Guide is to examine those sources they identified and to discover those distinctive principles.

¹⁴ Algernon Sidney, *Discourses Concerning Government* (London: A. Millar, London, 1751), I:3:8 (cited as "*Discourses*").

II.
JOHN LOCKE



(1632–1704)

and his
“Essay Concerning the True Original,
Extent and End of Civil Government”

II.

John Locke was born August 29, 1632. He was an Oxford scholar, medical researcher and physician, political operative, economist and ideologue for a revolutionary movement, as well as being one of the great philosophers of the late seventeenth and early eighteenth century. Locke summed up the Enlightenment in his belief in the middle class and its right to freedom of conscience and right to property, in his faith in science, and in his confidence in the goodness of humanity. His influence upon philosophy and political theory has been incalculable.

Educated at Christ Church College, Oxford, he became (1660) a lecturer there in Greek, rhetoric, and philosophy. He studied medicine, and his acquaintance with scientific practice had a strong influence upon his philosophical thought and method. In 1666, Locke met Anthony Ashley Cooper, the future 1st Earl of Shaftesbury, and soon became his friend, physician, and adviser. After 1667, Locke had minor diplomatic and civil posts, most of them through Shaftesbury. In 1675, after Shaftesbury had lost his offices, Locke left England for France, where he met French leaders in science and philosophy.

Returning to England in 1679, he soon retired to Oxford, where he stayed quietly until, suspected of radicalism by the government, he went to Holland and remained there several years (1683–89). In Holland he completed the noted *Essay Concerning Human Understanding* (1690), which was published in complete form after his return to England at the accession of William and Mary to the English throne. Locke's "Two Treatises of Civil Government" (also published in 1690) (the Second Treatise is titled an "*Essay Concerning the True Original, Extent and End of Civil Government*") were published after the Glorious Revolution of 1688 brought William of Orange and Mary to the throne, but they were written in the throes of the Whig revolutionary plots against Charles II in the early 1680s. Locke's fame increased, and he became known in England and in America as the leading philosopher of freedom.¹⁵ He died on October 28, 1704.

Locke is most renowned for his political theory. In his second work Locke gives us a theory of natural law and natural rights which he uses to distinguish between legitimate and illegitimate civil governments, and to argue for the legitimacy of revolt against tyrannical governments. Locke believed that the original state of nature was happy and characterized by reason and tolerance. In that state all people were equal and independent, and none had a right to harm another's "life, health, liberty, or possessions." The state was formed by social contract because in the state of nature each was his own judge, and there was no protection against those who lived outside the law of nature. The state should be guided by natural law. Rights of property are very important, because each person has a right to the product of his or her labor. Locke forecast the labor theory of value. The policy of governmental checks and balances, as delineated in the Constitution of the United States, was set down by Locke, as was the doctrine that revolution in some circumstances is not only a right but an obligation.¹⁶

Thomas Jefferson cited Locke, among others, as a source of the principles of the Declaration of Independence. He said,

¹⁵ Biographical information quoted largely from <http://oregonstate.edu/instruct/phl302/philosophers/locke.html>

¹⁶ See: <http://www.bartleby.com/65/lo/Locke-Jo.html>

“This was the object of the Declaration of Independence. Not to find out new principles, or new arguments, never before thought of, not merely to say things which had never been said before; but to place before mankind the common sense of the subject, in terms so plain and firm as to command their assent, and to justify ourselves in the independent stand we are compelled to take. Neither aiming at originality of principle or sentiment, nor yet copied from any particular and previous writing, it was intended to be an expression of the American mind, and to give to that expression the proper tone and spirit called for by the occasion. All its authority rests then on the harmonizing sentiments of the day, whether expressed in conversation, in letters, printed essays, or in the elementary books of public right, as Aristotle, Cicero, Locke, Sidney, etc.”¹⁷

As mentioned in the Introduction, Jefferson also included Locke’s *Second Treatise* as one of the two works containing the “general principles of liberty and rights of man, in nature and in society.”¹⁸ Locke is the preeminent resource for understanding the philosophy of natural law.

¹⁷ Jefferson to Henry Lee, May 8, 1825, ME 16:118-19.

¹⁸ *Minutes*, ME 19:460-61.

A COMPARISON OF EXCERPTS FROM JOHN LOCKE'S
SECOND TREATISE ON CIVIL GOVERNMENT
AND THE DECLARATION OF INDEPENDENCE

John Locke, <i>Second Treatise on Civil Government</i> , 1693	Thomas Jefferson, <i>Declaration of Independence</i> , 1776
<p>The state of nature has a <i>law of nature</i> to govern it, which obliges every one: and reason, which is that law, teaches all mankind, who will but consult it, that being all <i>equal and independent</i>, no one ought to harm another in his <i>life, health, liberty, or possessions</i>. (Ch. 2, sec. 6)</p> <p>... <i>such revolutions happen not upon every little mismanagement in public affairs</i>. Great mistakes in the ruling part, many wrong and inconvenient laws, and all the slips of human frailty will be borne by the people without mutiny or murmur. But if a <i>long train of abuses</i>, prevarications, and artifices, all tending the same way, make the design visible to the people, and they cannot but feel what they lie under, and see whither they are going, it is not to be wondered that <i>they should then rouse themselves, and endeavor to put the rule into such hands which may secure to them the end for which government was at first erected . . .</i> (Ch. 19, sec. 225)</p> <p>...whenever the Legislators endeavour to take away, and destroy the Property of the People, or to reduce them to Slavery under Arbitrary Power, they put themselves into a state of War with the People, who are thereupon absolved from any farther Obedience ... [Power then] devolves to <i>the People, who have a Right to resume their original Liberty, and, by the Establishment of a new Legislative</i> (such as they shall think fit) provide for their own <i>Safety and Security</i>, which is the end for which they are in Society. (Chapter 19, sec. 222) [<i>emphasis added</i>].</p>	<p>When in the Course of human events, it becomes necessary for one people...to assume...the <i>separate and equal</i> station to which the <i>Laws of Nature</i>...entitle them... We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are <i>Life, Liberty and the pursuit of Happiness</i>.</p> <p>... <i>Governments long established should not be changed for light and transient causes</i>; and accordingly all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a <i>long train of abuses</i> and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, <i>it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security</i>.</p>

QUOTES FROM JOHN LOCKE'S
SECOND TREATISE ON CIVIL GOVERNMENT¹⁹

EQUALITY

"A state also of equality, wherein all the power and jurisdiction is reciprocal, no one having more than another." (*Chapter 2, sec. 4*).

"For in that state of perfect equality, where naturally there is no superiority or jurisdiction of one over another, what any may do in prosecution of that law, everyone must needs have a right to do." (*Chapter 2, sec. 8*).

"Though I have said above... That all men by Nature are equal, I cannot be supposed to understand all sorts of Equality: Age or Virtue may give Men a just Precedency: Excellency of Parts and Merit may place others above the common level: Birth may subject some, and Alliance or Benefits others, to pay an Observance to those to whom Nature, Gratitude or other Respects may have made it due; and yet all this consists with the Equality which all men are in, in respect of Jurisdiction or Dominion one over another, which was the Equality I there spoke of... being that equal Right that every Man hath, to his natural Freedom, without being subjected to the Will or Authority of any other Man." (*Chapter 6, sec. 54*)

LIBERTY

"To understand political power aright, and derive from it its original, we must consider what state all men are naturally in, and that is, a state of perfect freedom to order their actions, and dispose of their possessions and persons as they think fit, within the bounds of the law of Nature, without asking leave or depending upon the will of any other man." (*Chapter 2, sec. 4*)

"The state of nature has a law of nature to govern it, which obliges every one: and reason, which is that law, teaches all mankind, who will but consult it, that being all equal and independent, no one ought to harm another in his life, health, liberty, or possessions." (*Chapter 2, sec. 6*)

"He that in the state of nature, would take away that freedom, that belongs to anyone in that state, must necessarily be supposed to have a design to take away everything else, that freedom being the foundation of all the rest. As he that in the state of society, would take away the freedom belonging to those of that society or commonwealth, must be supposed to design to take away from them everything else." (*Chapter 3, sec. 17*).

"Freedom of Men under Government is, to have a standing Rule to live by, common to every one of that Society, and made by the Legislative Power erected in it; a Liberty to follow my own Will in all things, where the Rule prescribes not; and not to be subject to the inconstant, uncertain, unknown, Arbitrary Will of another Man: as Freedom of Nature is, to be under no other restraint but the Law of Nature." (*Chapter 4, sec. 22*)

¹⁹ All quotes are from: John Locke, "Essay Concerning the True Original, Extent, and End of Civil-Government," *Two Treatises of Government* (Awnsham & John Churchill, London, 1698).

LAW AND FREEDOM

"Wherever Law ends, Tyranny begins." (*Chapter 18, sec. 202*)

"[The positive laws of commonwealths often are ...] "the fancies and intricate contrivances of men, following contrary and hidden interests put into words; for so truly are a great part of the municipal laws of countries, which are only so far right, as they are founded on the law of nature." (*Chapter 2, sec. 12*)

"And that all men may be restrained from invading others' rights, and from doing hurt to one another, and the law of nature be observed, which willeth the peace and preservation of all mankind, the execution of the law of nature is in that state, put into every man's hands, whereby everyone has a right to punish the transgressors of that law to such a degree, as may hinder its violation." (*Chapter 2, sec. 7*)

"Law, in its proper Notion, is the Direction of a free and intelligent Agent to his proper Interest." (*Chapter 6, sec. 57*)

"The end of law is not to abolish or restrain, but to preserve and enlarge freedom: For in all the states of created beings capable of laws, where there is no law, there is no freedom." (*Chapter 6, sec. 57*)

"A man may owe honour and respect to an ancient or wise man; defence to his child or friend; relief and support to the distressed; and gratitude to a benefactor, to such a degree, that all he has, all he can do, cannot sufficiently pay it; but all these give no authority, no right to anyone of making laws over him from whom they are owing." (*Chapter 6, sec. 70*)

"These are the bounds, which the trust that is put in them by the society, and the law of God and Nature, have set to the legislative power of every commonwealth. First, they are to govern by promulgated established laws, not to be varied in particular cases, but to have one rule for rich and poor, for the favourite at court, and the countryman at plough. Secondly, these laws also ought to be designed for no other end ultimately than the good of the people." (*Chapter 11, sec. 142*)

PROPERTY RIGHTS

"Everyone has property in his own person. This nobody has any right to but himself. The labour of his body, and the work of his hands, we may say, are properly his." (*Chapter 5, sec. 27*)

"'Tis true, governments cannot be supported without great charge, and 'tis fit everyone who enjoys his share of the protection, should pay out of his estate his proportion of the maintenance of it." (*Chapter 11, sec. 140*)

"Should a robber break into my house, and with a dagger at my throat make me seal deeds to convey my estate to him, would this give him any title? Just such a title, by his sword, has an unjust conqueror, who forces me into submission. The injury and the crime is equal, whether committed by the wearer of a crown, or some petty villain. The title of the offender, and the number of his followers, make no difference in the offence, unless it be to aggravate it. The only difference is, great robbers punish little ones, to keep them in their obedience; but the great ones are rewarded with laurels and triumphs,

because they are too big for the weak hands of justice in this world, and have the power in their own possession, which should punish offenders." (*Chapter 16, sec. 176*).

TYRANNY

"Whenever violence is used, and injury done, though by hands appointed to administer justice, it is still violence and injury, however coloured with the name, pretences, or forms of law." (*Chapter 3, sec. 20*)

"Their power, in the utmost bounds of it, is limited to the public good of the society. It is a power, that hath no other end but preservation, and therefore can never have a right to destroy, enslave, or designedly to impoverish the subjects." (*Chapter 11, sec. 135*)

"Tyranny is the exercise of power beyond right, which nobody can have a right to." (*Chapter 18, sec. 199*).

"(Tyranny is) ... when the governor, however entitled, makes not the law, but his will, the rule; and his commands and actions are not directed to the preservation of the properties of his people, but the satisfaction of his own ambition, revenge, covetousness, or any other irregular passion." (*Chapter 18, sec. 199*)

"Whenever the power that is put in any hands for the government of the people, and the protection of our properties, is applied to other ends, and made use of to impoverish, harass or subdue them to the arbitrary and irregular commands of those that have it; there it presently becomes tyranny, whether those that thus use it are one or many." (*Chapter 18, sec. 201*)

"The legislature acts against the trust reposed in them, when they endeavour to invade the property of the subject, and to make themselves, or any part of the community, masters, or arbitrary disposers of the lives, liberties or fortunes of the people." (*Chapter 19, sec. 221*)

"He" (the supreme executive) "also acts contrary to his trust, when he either employs the force, treasure and offices of the society, to corrupt the representatives, and gain them to his purposes; or openly pre-engages the electors, and prescribes to their choice, such, whom he has by solicitations, threats, promises, or otherwise won them to his designs, and employs them to bring in such, who have promised beforehand, what to vote, and what to enact." (*Chapter 19, sec. 222*)

RIGHT OF REVOLUTION

"He and all the rest of mankind are one community, make up one society distinct from all other creatures. And were it not for the corruption, and viciousness of degenerate men, there would be no need of any other; no necessity that men should separate from this great and natural community, and by positive agreements combine into smaller and divided associations." (*Chapter 9, sec. 128*)

"For then mankind will be in a far worse condition than in the state of nature, if they shall have armed one or a few men with the joint power of a multitude, to force them to obey at pleasure the exorbitant and unlimited decrees of their sudden thoughts, or unrestrained, and till that moment unknown wills without having any measures set down which may guide and justify their actions." (*Chapter 11, sec. 137*)

"And thus the community perpetually retains a supreme power of saving themselves from the attempts and designs of anybody, even of their legislators, whenever they shall be so foolish, or so wicked, as to lay and carry on designs against the liberties and properties of the subject." (*Chapter 13, sec. 149*)

"The rulers ... exercising a power the people never put into their hands (who can never be supposed to consent, that anybody should rule over them for their harm), do that, which they have not a right to do. And where the body of the people, or any single man, is deprived of their right, or is under the exercise of a power without right, then they have a liberty to appeal to heaven, whenever they judge the cause of sufficient moment." (*Chapter 14, sec. 159*)

"... whenever the Legislators endeavour to take away, and destroy the Property of the People, or to reduce them to Slavery under Arbitrary Power, they put themselves into a state of War with the People, who are thereupon absolved from any farther Obedience ... [Power then] devolves to the People, who have a Right to resume their original Liberty, and, by the Establishment of a new Legislative (such as they shall think fit) provide for their own Safety and Security, which is the end for which they are in Society." (*Chapter 19, sec. 222*)

"But if a long train of abuses, prevarications and artifices, all tending the same way, make the design visible to the people, and they cannot but feel, what they lie under, and whither they are going, 'tis not to be wondered, that they should then rouse themselves, and endeavour to put the rule into such hands, which may secure to them the ends for which government was at first enacted." (*Chapter 19, sec. 225*)

Locke's Epitaph (*excerpt, translated from Latin*):

"Stay, traveler: near this place lies JOHN LOCKE. If you ask what sort of man he was, the answer is that he was contented with his modest lot. Bred a scholar, he used his studies to devote himself to truth alone. This you may learn from his writings which will show you anything else that is to be said about him more faithfully than the doubtful eulogies of an epitaph. His virtues, if he had any, were too slight for him to offer them to his own credit or as an example to you. Let his vices be buried with him. Of good life, you have an example, should you desire it, in the gospel; of vice, would there were none for you; of mortality, surely (and you may profit by it) you have one here and everywhere. ..."²⁰

²⁰ Roger Woolhouse, *Locke: A Biography* (Cambridge University Press, New York, 2007), p.1.

Locke's Second Treatise on Government

Study Questions

1. What similarities are there between the excerpts from Locke's *Second Treatise* and those from the Declaration of Independence (p. 9)?
2. Locke states that "all men by Nature are equal" but clarifies that he does not mean all forms of equality. According to Locke, in what ways are men are not equal? In what important way does Locke confirm that men are equal? How is this principle of equality stated in the Declaration of Independence?
3. Locke states, "Wherever Law ends, Tyranny begins." How does the rule of law contribute to the order of society and assist in preventing both tyranny and anarchy?
4. How do laws direct individuals as agents to their "proper interest"?
5. How do laws "preserve and enlarge freedom? Give some examples.
6. According to Locke, the "labor of [your] body and the work of [your] hands" properly belong to whom? How are these property rights significant, and different from the ownership of land?
7. Why does Locke say taxes are justified?
8. Proper governmental power is limited to what great purpose? The government can never have the right to do what things against its subjects?
9. How does Locke define tyranny? How is tyranny a breach of trust?
10. What is arbitrary power? How does it diminish or destroy liberty? Give an example and explain.
11. A "community perpetually retains a supreme power" of what?
12. According to Locke, when is the right of revolution justified? How does this relate to the Declaration of Independence?

Additional Resources:

Locke's Second Treatise on Government, <http://www.wjmi.org/DOCS/2dtreat.htm>

John Locke, Stanford Encyclopedia of Philosophy, <http://plato.stanford.edu/entries/locke/>

John Locke – Overview, Internet Encyclopedia of Philosophy, <http://www.iep.utm.edu/l/locke.htm>

III.
ALGERNON SIDNEY



(1622–1683)

and his
“Discourses Concerning Government”

III.

Thomas Jefferson cited Algernon Sidney's writings as one of the sources for the "authority" of the Declaration of Independence. He endorsed Sidney's *Discourses Concerning Government* as "a rich treasure of republican principles" and "probably the best elementary book of the principles of government, as founded in natural right which has ever been published in any language."²¹ And, as previously mentioned, Jefferson, together with James Madison, stated that "the general principles of liberty and the rights of man, in nature and society" were to be found in Locke's *Second Treatise* and in Sidney's *Discourses Concerning Government*.²² Jefferson's sentiments regarding Sidney reflected those mutually shared by John Adams -- Adams wrote to Jefferson in 1823:

"I have lately undertaken to read Algernon Sidney on government. . . . As often as I have read it, and fumbled it over, it now excites fresh admiration that this work has excited so little interest in the literary world. As splendid an edition of it as the art of printing can produce -- as well for the intrinsic merit of the work, as for the proof it brings of the bitter sufferings of the advocates of liberty from that time to this, and to show the slow progress of moral, philosophical, and political illumination in the world -- ought to be now published in America."²³

In the late 18th Century, Sidney was a popular hero, whose life, death and writings were well-known to all of the Founding Fathers and to the American public in general at the time of the revolution.²⁴ Yet in our day -- while Locke is generally well-known and is cited in many American History and Government textbooks as a source of the principles of liberty and of the Declaration of Independence -- Sidney is not. Who was this man celebrated for over a century as a "true martyr of liberty"?²⁵ And, what relevance does *Discourses Concerning Government* have to the modern study of American liberty?

Algernon Sidney was born in Kent, England ten years before Locke, in 1622. He lived for six years in France with his father, the Earl of Leicester, who served there as Ambassador. Later, as a Colonel in the army, he joined the fight for parliamentary government, taking up arms against King and fought gallantly in the battle of Marston Moor in 1644. Sidney was elected to the famous Long Parliament in 1646. He opposed Cromwell's reign in 1653; and in 1660, after a brief restoration to the Rump Parliament, he chose voluntary exile in Europe when the Commonwealth collapsed under Charles II. It was during this exile that Sidney penned his *Discourses Concerning Government*.

²¹ Thomas Jefferson to John Trumbull, 18 January 1789, *The Papers of Thomas Jefferson*, Julian P. Boyd, ed. (Princeton: Princeton University Press, 1950), 14:467-68; Thomas Jefferson to Mason Locke Weems, 13 December 1804, in "Catalogue of the Library of Thomas Jefferson," W. Millicent Sowbery, ed. (Washington, DC: Library of Congress, 1953), 3:13.

²² *Minutes*, ME 19:460-61.

²³ Adams to Jefferson, September 17, 1823, *The Adams-Jefferson Letters*, Lester J. Cappon, ed. (Simon & Shuster, New York, 1971), 598.

²⁴ c.f. generally, Alan Craig Houston, *Algernon Sidney and the Republican Heritage in England and America* (Princeton: Princeton University Press, 1991), 223-278.

²⁵ c.f. Algernon Sidney, *Discourses Concerning Government*, Thomas G. West, ed. (Liberty Fund, Inc., Indianapolis, 1996), Introduction, xvi (cited as "West").

After wandering about Europe for nearly twenty years, Sidney returned to England and soon worked in cooperation with William Penn to achieve greater freedom of religion in England. Finally, he pursued with other Whigs a strategy to restore an independent Parliament to England under the reign of Charles II. In 1681, after King Charles dismissed Parliament, Sidney joined in a revolutionary plot to restore representative government and was eventually captured, charged with treason and imprisoned in the Tower of London. John Locke, who never worked closely with Sidney, and who was alleged to be part of the same plot, fled from the English continent when the conspiracy was exposed. Sidney was not so fortunate. After a long and illegally administered trial, he was ultimately convicted and beheaded on December 7, 1683. While in prison, he wrote and completed his *Apology* on the day of his death and it is included in the 1751 (London) edition of his *Discourses* (his final words are included in this Guide following the Quotes).

After the successful revolution of 1688 in England, which drove out King James and restored Parliament under William of Orange, such high "regard was had for Sidney's innocence, and the justice due to his memory," that the new Parliament on February 13, 1689, made it one of their first acts to repeal his conviction and to expunge all of the trial proceedings from the public record.²⁶ Sidney's *Discourses Concerning Government* was first published in England in 1698 (with several later printings), and in America in 1805.

Written in argument against Filmer's *Patriarcha* (which argued for the divine right of kings to rule, without popular consent), *Discourses* reviews the history, strengths and weaknesses of governments from Biblical through Greek and Roman times, to the European and English eras. A contemporary of Sidney, Bishop Burnett, stated that Sidney "studied the history of government in all its branches, beyond any man I ever knew."²⁷ Sidney's primary arguments in *Discourses* are: (1) political power is different from paternal power, and kings do not have an inherited or divine right to rule; (2) people have the divine (natural) right of liberty which includes the right to choose their governors; (3) a popular, republican form of government is best; (4) virtue is necessary for rulers and the populace to maintain a prosperous and free society; and (5) kings and magistrates are subject to the common law.²⁸ A thoughtful reading and consideration of Sidney's writings should restore him to his rightful position alongside Locke in the study of the principles of the American republic.

²⁶ "Memoirs of Algernon Sidney, Esq.", *Discourses*, xxviii (cited as "*Memoirs*").

²⁷ *Memoirs*, xxviii. Sidney's father was a scholar in his own right, and maintained an extraordinary library containing several thousand volumes, including philosophical, political, historical and religious writings, ancient and modern, to which Sidney had access from his early years. *West*, xxviii.

²⁸ *West*, xix

SELECTED QUOTES FROM SIDNEY'S
DISCOURSES CONCERNING GOVERNMENT ²⁹

LIBERTY

"The principle of liberty in which God created us ...includes the chief advantages of the life we enjoy, as well as the greatest helps towards felicity, that is the end of our hopes in the other." I:2:5

"Liberty ...is not a licentiousness of doing what is pleasing to every one against the command of God; but an exemption from all human laws, to which they have not given their assent." I:2:6

"The whole fabric of tyranny will be much weakened, if we prove, that nations have a right to make their own laws, constitute their own magistrates; and that such as are so constituted owe an account of their actions to those by whom, and for whom, they are appointed." I:2:8

"For if the liberty of one man cannot be limited or diminished by one, or any number of men [unless by common justice for crimes], and none can give away the right of another, 'tis plain that the ambition of one man, or of any faction of citizens, or the mutiny of an army, cannot give a right to any over the liberties of a whole nation." II:5:82.

"That exemption from the dominion of another, which we call liberty ...is the gift of God and nature." I:17:44.

"Property is also an appendage to liberty; and it is impossible for a man to have a right to land or goods, if he has no liberty, and enjoys his life only at the pleasure of another, as it is to enjoy either, when he is deprived of them." III:16:318.

LAW

"Every man ought to be just, true, and charitable; and if they were so, laws would be of no use ..." III:1:254.

"Laws are made to keep things in good order without the necessity of having recourse to force." III:13:306.

"Law must be given to all, and the good can be no otherwise distinguished from the bad, and the wise from the foolish, than by the observation or violation of it." III:13:307.

"It is not therefore the king that makes the law, but the law that makes the king." III:14:310.

"If the safety of the people be the supreme law, and this safety extend to, and consist in, the preservation of their liberties, goods, lands, and lives, that law must necessarily be the root and the beginning, as well as the end and the limit, of all magistratical power, and all laws must be subservient and subordinate to it." III:16:318.

²⁹ All quotes are from: Algernon Sidney, *Discourses Concerning Government* (London: A. Millar, London, 1751), I:3:8 (cited as "*Discourses*").

"We are free-men governed by our own laws, and ...no man has a power over us, which is not given and regulated by them." III:17:329.

"No law made by man can be perfect, and there must be in every nation a power of correcting such defects as in time may arise or be discovered." III:22:357.

"Laws ought to aim at perpetuity; but the virtues of a man die with him, and very often before him. . . If virtue may in any respect be said to outlive the person, it can only be when good men frame such laws and constitutions as by favoring it preserve themselves. This has never been done otherwise, than by balancing the powers in such a manner, that the corruption which one or a few men might fall into, should not be suffered to spread the contagion to the ruin of the whole." III:43:446.

GOVERNMENT

"There can be no peace, where there is no justice; nor any justice, if the government instituted for the good of a nation be turned to its ruin." I:6:15

"The rights of particular nations cannot subsist, if general principles contrary to them are received as true." I:4:11

"A civil society is composed of equals, and fortified by mutual compacts." II:2:68

"Governments are not set up for the advantage, profit, pleasure or glory of one or a few men, but for the good of the society." II:3:70

"Those multitudes that enter into such contracts, and thereupon form civil societies, act according to their own will: Those that are engaged in none, take their authority from the law of nature; their rights cannot be limited or diminished by any one man, or number of men; and consequently whoever does it, or attempts the doing of it, violates the most sacred laws of God and nature." II:5:81.

"For if the liberty of one man cannot be limited or diminished by one, or any number of men [unless by common justice for crimes], and none can give away the right of another, 'tis plain that the ambition of one man, or of any faction of citizens, or the mutiny of an army, cannot give a right to any over the liberties of a whole nation." II:5:82.

"Those who have no sense of right, reason or religion, have a natural propensity to make use of their strength to the destruction of such as are weaker than they ..." II:8:95.

"All human constitutions are subject to corruption, and must perish, unless they are timely renewed, and reduced to their first principles." II:13:117.

"If the public safety be provided, liberty and propriety secured, justice administered, virtue encouraged, vice suppressed, and the true interest of the nation advanced, the ends of government are accomplished ..." III:21:351.

"Men are valiant and industrious, when they fight for themselves, and their country; they prove excellent in all of the arts of war and peace, when they are bred up in virtuous exercises, and taught by their fathers and masters to rejoice in the honors gained by them: they love their country, when the

good of every particular man is comprehended in the public prosperity, and the success of their achievements is improved to the general advantage: they undertake hazards and labors for their government, when it is justly administered; when innocence is safe and virtue honored ...they do not spare their persons, purses, or friends, when the public powers are employed for the public benefit, and imprint the like affections in their children from infancy." II:28:217.

"They who admit of no participants in power, and acknowledge no rule but their own will, set up an interest in themselves against that of their own people, lose their affections, which is their most important treasure, and incur their hatred, from whence results their greatest danger." II:30:242.

"If force be the root of the right that is pretended, another force, by the same rule, may overturn, extinguish, or transfer it to another hand. If contracts have intervened, the force ceases; and the right that afterwards doth accrue to the persons, must proceed from, and be regulated according to those contracts." II:31:245.

"Whatsoever therefore proceeds not from the consent of the people, must be 'de facto' only, that is, void of all right; and it is impossible there should be a right of destroying that which is grounded upon none; and by the same rule that one man enjoys what he gained by violence, another may take it from him." III:31:403.

"Those who delegate powers, do always retain to themselves more than they give, they [the people] who send these men [representatives], do not give them an absolute power of doing whatsoever they please, but retain to themselves more than they confer upon their deputies: they must therefore be accountable to their principals ..." III:38:423.

"The legislative power is always arbitrary, and not to be trusted in the hands of any who are not bound to obey the laws they make." III:45:455.

VIRTUE

"Machiavel, discoursing on these matters, finds virtue to be so essentially necessary to the establishment and preservation of liberty, that he thinks it impossible for a corrupted people to set up a good government, or for a tyranny to be introduced if they be virtuous; and makes this conclusion, 'That where the matter (that is, the body of the people) is not corrupted, tumults and disorders do not hurt; and where it is corrupted, good laws do no good:' which being confirmed by reason and experience, I think no wise man has ever contradicted him." II:11:104-05.

"[Rome] that city which had overthrown the greatest powers of the world must, in all appearance, have lasted for ever, if their virtue and discipline had not decayed, or their forces been turned against themselves." II:15:128.

"All things in nature have their continuance from a principle in nature suitable to their original: all tyrannies have had their beginnings from corruption. ...The contrary is seen in all popular and well-mixed governments: they are ever established by wise and good men, and can never be upheld otherwise than by virtue: the worst men always conspiring against them, they must fall, if the best have not power to preserve them." II:19:146-47.

"Corruption will always reign most, where those who have the power do most favour it, where the rewards of such crimes are greatest, easiest, and most valued, and where the punishment of them is least feared. ...liberty cannot be preserved, if the manners of the people are corrupted ..." II:25:201.

"Like effects will ever proceed from the like causes. When vanity, luxury, and prodigality are in fashion, the desire for riches must necessarily increase in proportion to them: and when the power is in the hands of base mercenary persons, they will always (to use the courtiers phrase) make as much profit of their places as they can. Not only matters of favour, but of justice too, will be exposed to sale; and no way will be open to honors or magistracies, but by paying largely for them. He that gets an office by these means, will not execute it gratis: he thinks he may sell what he has bought: and would not have entered by corrupt ways, if he had not intended to deal corruptly." II:25:203.

"Virtue is the dictate of reason, or the remains of divine light, by which men are made beneficent and beneficial to each other. Religion proceeds from the same spring; and tends to the same end; and the good of mankind so entirely depends upon the two, that no people ever enjoyed anything worth desiring that was not the product of them; and whatsoever any have suffered that [which] deserves to be abhorred and feared, has proceeded either from the defect of these, or the wrath of God against them. If any [leader] therefore has been an enemy to virtue and religion, he must also have been an enemy to mankind, and most especially to the people under him." II:27:212.

"Fruits are always of the same nature with the seeds and roots from which they come, and trees are known by the fruits they bear: as a man begets a man, and a beast a beast, that society of men which constitutes a government upon the foundation of justice, virtue, and the common good, will always have men to promote those ends; and that which intends the advancement of one man's desire and vanity, will abound in those that will foment them. All men follow that which seems advantageous to themselves. Such as are bred under a good discipline, and see that all benefits, procured to their country by virtuous actions, redound to the honor and advantage of themselves, their children, friends, and relations, contract, from their infancy, a love to the public, and look upon the common concerns as their own. When they have learnt to be virtuous, and see that virtue is in esteem, they seek no other preferments than such as may be obtained that way; and no country ever wanted great numbers of excellent men, where this method was established." II:28:218.

"If vice and corruption prevail, liberty cannot subsist; but if virtue have the advantage, arbitrary power cannot be established." II:30:241-242. [Copied by Thomas Jefferson in his *Commonplace Book*]

"Men are naturally propense to corruption; and if he, whose will and interest it is to corrupt them, be furnished with the means, he will never fail to do it. Power, honor, riches, and the pleasures that attend them, are the baits by which men are drawn to prefer a personal interest before the public good; and the number of those who covet them, is so great, that he who abounds in them will be able to gain so many to his service as shall be sufficient to subdue the rest. It is hard to find a tyranny in the world that has not been introduced in this way; for no man by his own strength could ever subdue a multitude" III:6:275.

Algernon Sidney's final words, from his "Apology," written by his own hand in the Tower of London, on the Day of His Execution -- December 7, 1683:

"Being ready to die under an accusation of many crimes, I thought it fit to leave this as a testimony unto the world, that, as I had from my youth endeavored to uphold the common rights of mankind, the laws of this land, and the true protestant religion, against corrupt principles, arbitrary power; and popery, I do now willingly lay down my life for the same; and having a sure witness within me, that God doth absolve, and uphold me, in the utmost extremities, am very little solicitous, though man doth condemn me. . . . I believe that the people of God in England have, in these late years, generally grown faint: some, through fear, have deflected from the integrity of their principles; some have been too deeply plunged themselves in worldly cares, and, so as they might enjoy their trades and wealth, have less regarded the treasure that is laid up in heaven: but I think there are very many who have kept their garments unspotted; and hope that God will deliver them, and the nation for their sakes. God will not suffer this land, where the gospel hath of late flourished more than any other part of the world, to become a slave of the world, he will not suffer it to become a land of graven images: he will stir up witnesses of the truth, and, in his own time, spirit his people to stand up for his cause, and deliver them. I lived in this belief, and am now about to die in it; I know that my Redeemer lives; and, as he hath in great measure upheld me in the day of my calamity, hope that he will still uphold me by his spirit in this last moment, and giving me grace to glorify him in my death, receive me into the glory prepared for those that fear him, when my body shall be dissolved. Amen."³⁰

³⁰ Algernon Sidney, *Apology on the Day of His Death, Discourses*, lii.

Discourses Concerning Government

Study Questions

1. Sidney states that liberty is not “licentiousness” or of doing what one pleases against moral laws, but instead it is an exemption from what? Why must it be qualified by “assent”? How do we consent to the just laws which govern us?
2. According to Sidney, liberty is “the gift” of whom, and of what? Why is it important to understand that our individual rights are divine, and inherent in the laws of nature, as opposed to being granted by our rulers or by the state?
3. Does one man, or do a “faction of men,” have an unconditional right to limit, diminish or give away our individual rights? Under what circumstances may our rights justly or properly be limited, diminished or given away?
4. What is an “appendage” to liberty? Why is this true?
5. If every man were “just, true and charitable” what would be of no use? Is a king above the law? Why or why not? Explain.
6. According to Sidney, what is the “supreme law” and the “end and limit” of magisterial [governmental] power?
7. There can be no peace where there is no what? Do you agree? Why or why not?
8. How do human constitutions avoid corruption and ruin? How can we renew to our Constitution’s “first principles”?
9. How are the “true interests of the nation advanced, [and] the ends of government accomplished”?
10. Why is force a false source, or foundation, of rights?
11. Our Constitution is based upon the principle of “delegated powers.” What does Sidney say “We the people” (who delegated the power) retain? This delegation creates a responsibility of “what” between representatives and citizens?
12. Do you think that it is possible for a “corrupted people” to set up a good government? Why or why not? According to Sidney why did Rome fall?
13. Sidney states that virtue is the “dictate of reason” and the “spring” of religion, and that “the good of mankind” entirely depends upon both virtue and religion? Do you agree? Why or why not?
14. How is public virtue a check against arbitrary power?

Additional Resources:

Selections from Algernon Sidney’s *Discourses Concerning Government*, <http://www.wjmi.org/DOCS/sidney.htm>

IV.
THOMAS JEFFERSON



(1743–1826)

and
“The Declaration of American Independence”

IV.

*"I have sworn upon the altar of God eternal hostility
against every form of tyranny over the mind of man."*³¹

Thomas Jefferson -- author of the Declaration of Independence and the Statute of Virginia for Religious Freedom, third president of the United States, and founder of the University of Virginia -- voiced the aspirations of a new America as no other individual of his era. As public official, historian, philosopher, plantation owner, and family man, he served his country for over 50 years. In addition, he was known as an avid inventor, architect and gardener.

He was born April 13, 1743, at Shadwell, Virginia. His father Peter Jefferson was a successful planter and surveyor and his mother Jane Randolph a member of one of Virginia's most distinguished families. Having inherited a considerable landed estate from his father when he died in 1757, Jefferson began building Monticello when he was twenty-six years old. Three years later, he married Martha Wayles Skelton, with whom he lived happily for ten years until her death. Their marriage produced six children, but only two survived to adulthood. Jefferson, who promised his wife on her deathbed that he would never remarry, maintained Monticello as his home throughout his life, always expanding and changing the house. His daughter, Martha Jefferson Randolph remained his closest confidant and supporter throughout his life, spending much of her life at Monticello.

Having attended the College of William and Mary, Jefferson practiced law and served in local government as a magistrate, county lieutenant, and member of the House of Burgesses in his early professional life. As a member of the Continental Congress, he was chosen in 1776 to draft the Declaration of Independence, which has been regarded ever since as a charter of American and universal liberties. The document proclaims that all men are equal in rights, regardless of birth, wealth, or status, and that the government is the servant, not the master, of the people.

After Jefferson left Congress in 1776, he returned to Virginia and served in the legislature. Elected governor from 1779 to 1781, he suffered an inquiry into his conduct during his last year in office that, although finally fully repudiated, left him with a life-long prickliness in the face of public criticism.

During the brief private interval in his life following his governorship, Jefferson wrote "Notes on the State of Virginia." In 1784, he entered public service again, in France, first as trade commissioner and then as Benjamin Franklin's successor as minister. During this period, he avidly studied European culture, sending home to Monticello, books, seeds and plants, statues and architectural drawings, scientific instruments, and information.

In 1790 he accepted the post of Secretary of State in the nation's first cabinet under his friend George Washington. His tenure was marked by his opposition to the pro-British policies of Alexander Hamilton. In 1796, as the presidential candidate of the Democratic Republicans, he became vice-president after losing to John Adams by three electoral votes.

³¹ Thomas Jefferson to Benjamin Rush, September 23, 1800, ME 10:173.

Four years later, he defeated Adams and became president, the first peaceful transfer of authority from one party to another in the history of the young nation. Perhaps the most notable achievements of his first term were the purchase of the Louisiana Territory from France in 1803 and his support of the Lewis and Clark expedition. His second term, a time when he encountered more difficulties on both the domestic and foreign fronts, is most remembered for his efforts to maintain neutrality in the midst of the conflict between Britain and France; his efforts did not avert war with Britain in 1812.

Jefferson was succeeded as president in 1809 by his close friend James Madison, and during the last seventeen years of his life, he remained at Monticello. During this period, he sold his collection of books to the government to form the nucleus of the Library of Congress. Jefferson embarked on his last great public service at the age of seventy-six, with the founding of the University of Virginia. He spearheaded the legislative campaign for its charter, secured its location, designed its buildings, planned its curriculum, and served as the first Rector on the Board of Visitors.

Jefferson died on July 4, 1826, just hours before his close friend John Adams passed away, on the 50th anniversary of the signing of the Declaration of Independence. Thomas Jefferson's epitaph (written by him) reads:

HERE WAS BURIED
THOMAS JEFFERSON

AUTHOR OF THE
DECLARATION
OF AMERICAN INDEPENDENCE
OF THE
STATUTE OF VIRGINIA
FOR
RELIGIOUS FREEDOM
AND FATHER OF THE
UNIVERSITY OF VIRGINIA

BORN APRIL 2, 1743 O.S.³²
DIED JULY 4, 1826³³

³² O.S. stands for "old style" calendar. His birth date was April 13, 1743 based upon the modern calendar.

³³ Biography largely quoted from Monticello online: <http://www.monticello.org/jefferson/biography.html>

A BRIEF ACCOUNT OF THE DECLARATION

On Thursday, the 4th of July, 1776, Jefferson, the author of the Declaration of American Independence, and one of the delegates from Virginia to the Second Continental Congress in Philadelphia, recorded that the wind was out of the southeast and the temperature was 76 degrees Fahrenheit, which was very pleasant for that time of year (in contrast, most of that June had been unusually hot and humid). Forty to fifty representatives from the thirteen colonies had been meeting for many weeks in Pennsylvania's brick State House (later to be known as Independence Hall), and on this day their debates did not end until evening. The formal resolution declaring political independence from Great Britain had been submitted to the Congress on June 7th by Richard Henry Lee, a delegate from Virginia. It read: "*Resolved, That these United Colonies are, and of right ought to be, free and independent States, that they are absolved from all allegiance to the British Crown, and that all political connection between them and the State of Great Britain is, and ought to be, totally dissolved.*"

On Monday, July 1, 1776, Lee's resolution was debated by Congress. Throughout that day and into the evening the bold supporters of American independence, led by the eloquence of John Adams, a delegate from Massachusetts, argued for severing the colonies' ties with their mother country, England. The opposition was led by John Dickinson of Pennsylvania, and was supported primarily by delegates from New York and South Carolina. Adams carried the day, and on Tuesday, July 2nd the solemn vote was taken in the affirmative. Acknowledging that the delegates were in fact committing treason against the King of England, Benjamin Franklin remarked: "We must all hang together, or most assuredly we shall all hang *separately*."³⁴

On the day the Declaration was actually signed by all of the delegates (August 2, 1776), they pondered the gravity of their act. Thirty five years later, Benjamin Rush recounted this fact to John Adams: "... scarcely a word was said of the solicitude and labors and fears and sorrows and sleepless nights of the men who projected, proposed, defended, and subscribed the Declaration of Independence. ... Do you recollect the pensive and awful silence which pervaded the house when we were called up, one after another, to the table of the President of Congress to subscribe what was believed by many at that time to be our own death warrants? . . ."³⁵ What had finally moved these men to pass this dangerous accord? In the same letter, Benjamin Rush also asked Adams. "Do you recollect your memorable speech upon the day on which the vote was taken?" According to Daniel Webster, on the day of the great debate before the vote was taken in Congress, John Adams (who was not known as a great orator), stood and eloquently declared:

Sink or swim, live or die, survive or perish, I give my heart and hand to this vote. It is true, indeed, that in the beginning we aimed not at independence. But there's a Divinity which shapes our ends. . . . Why then should we defer the Declaration? . . . You and I, indeed, may rue it. We may not live to the time when this Declaration may be made good. We may die; die colonists, die slaves; die it may be, ignominiously and on the scaffold. Be it so, be it so. If it be the pleasure of Heaven that my country shall require the poor offering of my life, the victim shall be ready. . . . But while I do live, let me have a country, or at least the hope of a country, and that a free country.

³⁴ *Ben Franklin Laughing*, P. M. Zall, ed., (University of California Press, 1980), p. 154.

³⁵ Letter of Benjamin Rush to John Adams, July 20, 1811 (reflecting on the July 4th celebration that year).

But whatever may be our fate, be assured . . . that this Declaration will stand. It may cost treasure, and it may cost blood; but it will stand, and it will richly compensate for both. Through the thick and gloom of the present, I see the brightness of the future, as the sun in heaven. We shall make this a glorious, an immortal day. When we are in our graves, our children will honor it. They will celebrate it with thanksgiving, with festivity, with bonfires and illuminations. On its annual return they will shed tears, copious, gushing tears, not of subjection or of slavery, not of agony and distress, but of exultation, of gratitude, of joy. Sir, before God, I believe the hour is come. My judgment approves this measure, and my whole heart is in it. All that I have, and all that I am, and all that I hope, in this life, I am now ready here to stake upon it; and I leave off as I begun, that live or die, survive or perish, I am for the Declaration. It is my living sentiment, and by the blessing of God it shall be my dying sentiment, *Independence, now, and Independence for ever!*"³⁶

The delegates passed the resolution. Late that same night, Adams wrote to his wife Abigail with respect to the events of that day: "The Second Day of July 1776, will be the most memorable Epoch, in the History of America. I am apt to believe that it will be celebrated, by succeeding Generations, as the great anniversary Festival. It ought to be commemorated, as the Day of Deliverance by solemn Acts of Devotion to God Almighty. It ought to be solemnized with Pomp and Parade, with Shows, Games, Sports, Guns, Bells, Bonfires and Illuminations from one End of this Continent to the other from this Time forward forever more."³⁷ On the morning of July 5th, copies of the Declaration were dispatched by members of Congress to various assemblies, conventions, and committees of safety as well as to the commanders of Continental troops.

On Monday, July 8, 1776, the first public reading of the newly printed Declaration (one of two hundred John Dunlap broadsides) was celebrated and church bells were rung throughout Philadelphia. At that time, the Liberty Bell hung in the steeple of the Pennsylvania State House. It was commissioned from the London firm of Lester & Pack in 1752, and was cast with an inscription from Leviticus 25:10: "Proclaim Liberty throughout all the land unto the habitants thereof." While there is no contemporary account of the Liberty Bell ringing, most historians believe it was one of the bells rung that day. On July 9th, General George Washington, who was then stationed in Brooklyn Heights with the Continental Army in preparation for the Battle of New York, had several brigades drawn up at 6:00 p.m. in the evening to hear it read aloud.³⁸ Its enduring words still ring familiar and true in our day.

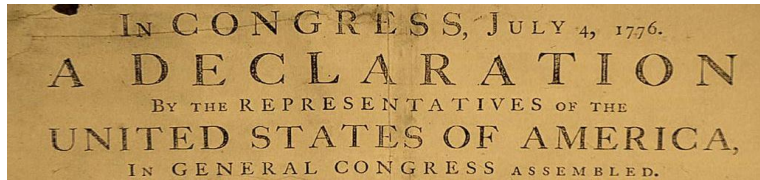
The Declaration of Independence stands as a timeless statement of human liberty, rights and equality. The signers of the Declaration pledged to it their "lives, their fortunes and their sacred honor." Jefferson said, "The Declaration of Independence... [is the] declaratory charter of our rights, and of the rights of man."³⁹ The Declaration is America's first and foremost founding document. It sets forth our understanding of human rights based upon the principles of natural law, and the legitimate authority and purpose of government. (the entire text of the Declaration is included in the Appendix to this Guide).

³⁶ *The Works of Daniel Webster*, 4th ed. (Boston, 1851), 1:133–36.

³⁷ John Adams to Abigail Adams, *The Book of Abigail and John: Selected Letters of the Adams Family, 1762-1784*, (Harvard University Press, 1975), p. 142.

³⁸ Malone, et. al. *The Story of the Declaration of Independence*, p. 82.

³⁹ Jefferson to Samuel Adams Wells, 1819, ME 15:200.



The Basic Principles of the Declaration of Independence

"The Laws of Nature and of Nature's God" -- are the foundation of the political principles of American independence. As set forth in the writings of Locke, Sidney, and others, it means that nature has inherent laws by which each individual has a conscience, accountability for one's actions, and a duty to not harm others or their property. It is not the "law of the jungle," nor license, but a moral code that binds us together in families and communities, manifest in English common law, and in religion. It recognizes the innate ability of all people and their magistrates to use reason and faith to choose virtue, the common good and civility, over vice and corruption.

"We hold these truths to be self-evident" (Jefferson used the words in his first draft, *"sacred and undeniable"*) -- confirms that there are certain truths that all people are bound to acknowledge, such as the equality of the rights of man, including the right to govern his life and property.

"...that all men are created equal" -- As John Locke wrote, "...all men by Nature are equal... cannot be supposed to understand all sorts of Equality... [but] in respect of Jurisdiction or Dominion one over another... being that equal Right that every Man hath, to his natural Freedom, without being subjected to the Will or Authority of any other Man."⁴⁰ We are all equal in the eyes of our Creator, equal in our natural rights, and equal before the law.

"...that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness." A religious people rose in rebellion against Great Britain in 1776, and the vast majority of American colonists believed in God, the Bible, and in the creation of man. Even for deists like Jefferson, there was an acknowledgement that God is the author of liberty and of the natural rights of each person. He wrote in 1774: "The God who gave us life gave us liberty at the same time; the hand of force may destroy, but cannot disjoin them."⁴¹ Jefferson also recorded that, "Happiness is the aim of life. Virtue is the foundation of happiness."⁴² Our natural rights are divine gifts and not subject to human grants. The term "unalienable" means incapable of being sold or transferred.

"...the consent of the governed" -- Governments are properly the result of the choice of the governed. As John Jay wrote in Federalist No. 2, "Nothing is more certain than the indispensable necessity of government; and it is equally undeniable that whenever and however it is instituted, the people must cede to it some of their natural rights, in order to vest it with requisite powers." The people are sovereign and they delegate to government the power to rule.

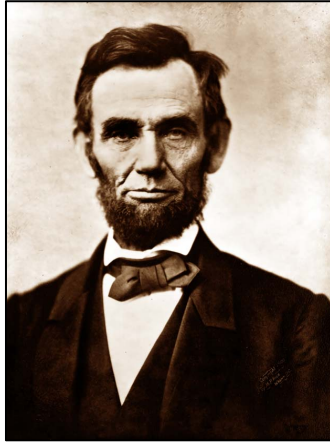
"... it is the Right of the People to alter or to abolish it, and to institute new Government." Under the circumstances of "a long train of abuses" -- consisting of violations of individual and societal liberties and usurpations of power, there is a right and a duty to revolt against tyranny.

⁴⁰ *Second Treatise on Government* (Chapter 6, sec. 54)

⁴¹ *Rights of British America*, 1774. ME 1:211.

⁴² Thomas Jefferson to William Short, October 31, 1819, ME 15:223.

ABRAHAM LINCOLN ON THE DECLARATION OF INDEPENDENCE



Abraham Lincoln, who greatly admired Thomas Jefferson, said: "I have never had a feeling politically that did not spring from the sentiments embodied in the Declaration of Independence."⁴³ He felt that Jefferson's principles are "the axioms of free society" and that in the Declaration, Jefferson introduced "an abstract truth, applicable to all men and all times ..."⁴⁴

Concerning the relationship of the Declaration of Independence to the Constitution, Lincoln wrote the following meditation on Proverbs 25:11 – "A word fitly spoken *is like* apples of gold in pictures of silver."

"[The prosperity of the United States] is not the result of accident. It has a philosophic cause. Without the *Constitution* and the *Union*, we could not have attained the result; but even these are not the primary cause of our great prosperity. There is something back of these, entwining itself more closely about the human heart. That something, is the principle of "Liberty to all" -- the principle that clears the *path* for all -- gives hope to all -- and, by consequence, *enterprise* and *industry* to all.

The expression of that principle, in our Declaration of Independence, was most happy, and fortunate. *Without* this, as well as *with* it, we could have declared our independence of Great Britain; but *without* it, we could not, I think, have secured our free government and consequent prosperity. The assertion of that *principle*, at *that time*, was the word "*fitly spoken*" which has proven an "apple of gold" to us. The *Union*, and the *Constitution*, are the *picture* of *silver*, subsequently framed around it. The picture was made, not to *conceal*, or *destroy* the apple; but to *adorn* and *preserve* it. The *picture* was made for the apple -- *not* the apple for the picture.

So let us act, that neither *picture*, or *apple* shall ever be blurred, bruised or broken ...

That we may so act, we must study, and understand the points of danger."⁴⁵

⁴³ Speech at Independence Hall, February 21, 1860, *American Patriotism*, S. Hobart Peabody, ed. (American Book Exchange, New York, 1880), p. 507.

⁴⁴ Roy P. Basler, ed., *The Collected Works of Abraham Lincoln* (Rutgers University Press, New Brunswick, New Jersey, 1953), 3:375-76.

⁴⁵ *Id.*, 4:168 (*italics* in original).

“While Lincoln believed that as the American union found its clearest expression in the Constitution, the principle of liberty was best expressed in the Declaration of Independence. The metaphor of “apples of gold” in “pictures of silver” helped Lincoln clarify the connection between the means (the Constitution) and ends (the Declaration) of American self-government. Even though he was devoted to the Union, he understood that the Union (and thus the Constitution) was a means to a higher end -- namely, the protection of individual rights. To forget that the constitutional union existed for this end, was like forgetting that frames of silver are made to show off a more valuable object, like apples of gold. Lincoln’s illustration suggests how means could be mistaken for ends in themselves. “Pictures” or settings made of silver could be mistaken as the main object of beauty, thereby obscuring or blurring the real object to be noticed—the apples of gold. Similarly, without human liberty and individual rights as the aim of the Constitution and the Union, the republican forms of government could become instruments of oppression.”⁴⁶

Historian Richard Hofstadter said, “In Lincoln’s eyes the Declaration of Independence thus becomes once again what it had been to Jefferson — not merely a formal theory of rights, but an instrument of democracy.”⁴⁷ In this same vein, James M. McPherson, another noted historian wrote, “The ‘first cause,’ the central vision that guided Lincoln ... was preservation of the United States and its constitutional government ... It was rooted in the Declaration of Independence and the ideals of liberty and equal opportunity that the Declaration had implanted as a revolutionary new idea on which the United States was founded.”⁴⁸ Abraham Lincoln’s personal conviction of, and firm reliance upon, the principles of the Declaration of Independence enabled him to preserve the Union, and the Constitution, during its greatest test during the American Civil War, and resulted in his *Emancipation Proclamation* -- followed by the 13th Amendment which abolished slavery.

When the decision was finally made by Congress in the 1964 Civil Rights Act and 1965 Voting Rights Act to abolish the last vestiges of the “Jim Crow” restrictions on voting and property rights against Blacks in the old South, it was based on an appeal to the founding principles of the Declaration of Independence, referred to often by Martin Luther King, Jr. and other leaders in the civil rights movement.⁴⁹ For example, in his well-known “I Have a Dream Speech” on August 28, 1963, King exclaimed, “I have a dream that one day this nation will rise up and live out the true meaning of its creed: *“We hold these truths to be self-evident: that all men are created equal.”*” Lincoln described the identical connection between the principles of the Declaration and civil rights in an 1858 speech (commenting on Fourth of July celebrations) when he recited the same phrase stating: “... *That* is the electric cord in that Declaration that links the hearts of patriotic and liberty-loving men together, that will link those patriotic hearts as long as the love of freedom exists in the minds of men throughout the world.”⁵⁰

⁴⁶ Quoted from the National Endowment for the Humanities online: “*Fragment on the Constitution and Union (1861)—The Purpose of the American Union*” http://edsitement.neh.gov/view_lesson_plan.asp?id=734

⁴⁷ Richard Hofstadter, *American Political Tradition* (Alfred A. Knopf, New York, 1967), p. 129-130.

⁴⁸ James M. McPherson, *Abraham Lincoln and the Second American Revolution* (Oxford University Press, New York, 1991), p. 115-116.

⁴⁹ Thomas G. West and Douglas A. Jeffrey, *The Rise & Decline of Constitutional Government in America* (Claremont Institute, 2006), p. 24.

⁵⁰ “Electric Cord Speech,” Chicago, July 11, 1858, Basler, *The Collected Works of Abraham Lincoln*, Vol. II, p.500.

The Declaration of Independence

Study Questions

1. What does this phrase from the Declaration mean to you – “to assume among the Powers of earth, the separate and equal station to which the Laws of Nature and of Nature’s God entitle them”? What are some of the “laws of nature” that affect you, and society?
2. How are “all men created equal”? How are we not equal? In what ways can we uphold the equal rights of others?
3. According to the Declaration, from whom do our rights originate -- including the rights of “Life, Liberty and the Pursuit of Happiness”? What does “unalienable” mean? Do you agree with the premise of the divine nature or basis of our liberty?
4. What truths do you hold or believe in that are “self-evident” or obvious? Do you agree that the truths listed in the Declaration are “self-evident”? Why or why not?
5. How does the Declaration’s view of “natural rights” influence your ideas of liberty? If our basic rights are not inherent at birth and were only granted by men (or by the state or government), how would that change or affect your view of liberty?
6. According to the Declaration, what is a primary purpose of government with respect to our individual rights? If a government becomes destructive of the fundamental rights of the people, what does the Declaration say is their right?
7. According to the Declaration, from where does a government legitimately “derive” or receive its power? In what other ways have governments historically obtained power? Give examples.
8. What are two other primary purposes of government set forth at the end of the Declaration’s “preamble”? How do these purposes relate to the language in the Preamble to the Constitution?
9. According to Abraham Lincoln what is the important relationship between the Declaration and the Constitution? How should the Constitution preserve the ideals of the Declaration? How do the principles of the Declaration give life and meaning to the Constitution?

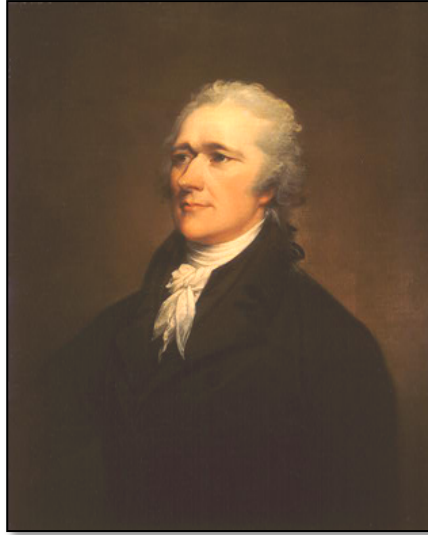
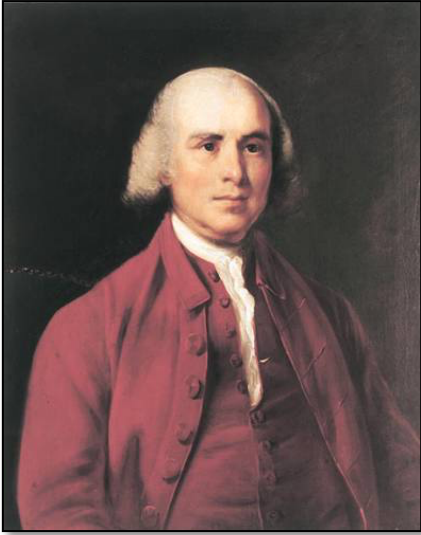
Additional Resources:

An excellent resource for teaching the Declaration is “*A Guide to the Declaration of Independence*”: http://www.founding.com/the_guide/

Also see: National Endowment for the Humanities – “*The American Mind – Understanding the Declaration of Independence*”: http://edsitement.neh.gov/view_lesson_plan.asp?id=723

For Jefferson’s thoughts on liberty and the origin of our rights, see: “*Thomas Jefferson Quotes on Politics & Government, -- Inalienable Rights*”: <http://etext.virginia.edu/jefferson/quotations/jeff0100.htm>

V.
JAMES MADISON, ALEXANDER HAMILTON, JOHN JAY



*“Publius”
And the
“Federalist Papers”*

V.

The Federalist Papers were written following the Constitutional Convention by Alexander Hamilton, James Madison and John Jay, as eighty-five essays addressed “To the people of the State of New York” and published in the New York newspapers between October 27, 1787 and April 4, 1788, under the pen name of “*Publius*” (a collective pseudonym for Hamilton, Madison and Jay), in support of the new Constitution, arguing for its superiority over the Articles of Confederation. The Federalist was also intended to influence Americans in all thirteen states to approve the new Constitution. To this end, the authors were willing to set aside their political differences in pursuit of the common goal of ratification.

One of the three authors, James Madison (1751-1836), of Montpelier, Virginia, was thirty-six years old in 1787 and had been among the most prominent leaders in the Federal Convention. Later he was called the “Father of the Constitution” because of the great part he played in shaping the Constitution, including the *Virginia Plan*. Also, in 1789, Madison became a representative from Virginia to the first session of Congress, and proposed amendments that, following deliberation and modification, became the Bill of Rights. He later served as Secretary of State under President Thomas Jefferson and as the Fourth President of the United States.

Another author, Alexander Hamilton (1755-1804), of New York city, originator of the project to write The Federalist, was the youngest member of the team, thirty-two years old in 1787. During the War of Independence, Hamilton was an assistant (Aide-de-camp) to General George Washington and rose to the rank of lieutenant colonel; he participated in the decisive battle of Yorktown. Later Hamilton was a leader in bringing about the Federal Convention of 1787. He served as Secretary of Treasury under President Washington and established a sound financial foundation for the United States.

John Jay (1745-1829), at forty-two, was the oldest of the three authors. A New Yorker, he served as a member of the delegation that negotiated the Treaty of Paris (1783) to officially end the War of Independence, and head of foreign affairs under the Articles of Confederation. In 1789, Jay became the first Chief Justice of the Supreme Court of the United States.⁵¹

Concerning *The Federalist Papers*, George Washington said, “[they] have thrown new light upon the science of government; they have given the rights of man a full and fair discussion, and explained them in so clear and forcible a manner as cannot fail to make a lasting impression.”⁵² And, Thomas Jefferson stated that they constitute “the best commentary on the principles of government which ever was written.”⁵³

The Federalist is, by far, the most authoritative text and commentary for interpreting the Constitution and provides significant insights into the intent of the framers. The Papers essentially detail the “how” and “why” behind each article and provision of the Constitution -- providing for us a thorough description and analysis of the structure and meaning of the Constitution. They address

⁵¹ The short biographies of the three authors are from: John J. Patrick, *Liberty and Order in Constitutional Government: Ideas and Issues in the Federalist Papers* (The Virginia Jefferson Association, Richmond, 1989), p. 3.

⁵² George Washington to George Armstrong, April 25, 1788, *The Writings of George Washington*, Jared Sparks, ed. (Harper & Brothers, New York, 1847) 9:352.

⁵³ Thomas Jefferson to James Madison, November 18, 1788, ME 7:183.

the political themes of: (i) federalism, (ii) checks and balances, (iii) the separation of powers, (iv) pluralism, and (v) representation. Significantly, however, the *Federalist* reveals that the key to our American system of government (a *Republic*) is channeling and “checking” human nature in respect to ambition and power among leaders, and encouraging civic virtue among the people, in whom the power resides. Clinton Rossiter, a noted historian and constitutional scholar summarized the message of *The Federalist*:

“[T]he message of *The Federalist* reads:
no happiness without liberty,
no liberty without self government,
no self government without constitutionalism,
no constitutionalism without morality – and
none of these great goods without stability and order.”⁵⁴

Rossiter’s conclusion is that *The Federalist* is “the most important work of political science ever written in the United States.” Hence, it could be stated that no other work is of greater value to students, teachers, and citizens in our journey to learn and appreciate the applied genius that is the Constitution of the United States of America.

Understanding and Teaching the Federalist Papers

This chapter is intended to introduce the format, key ideas, and primary arguments of Publius. A selection of six of the most notable and significant *Federalist Papers*⁵⁵ are set forth in this Guide (Numbers 1, 2, 10, 39, 51, and 78). Each of these papers should be individually read and studied, and following each Paper, there is a corresponding set of study questions to assist in understanding and/or teaching the main concepts. Portions of each Paper are highlighted to emphasize significant principles and points that relate to each of the study questions. Of course, it would be in the best interest of every student to read and study all eighty-five of the *Federalist Papers* in order to fully comprehend the purpose and meaning of the Constitution. Note: It will be very helpful for students to have a dictionary to look up the definitions of uncommon words.

John J. Patrick⁵⁶ shared the following insights and teaching ideas for *The Federalist*: “The Ideas of *The Federalist* should be essential elements of civic education, because they are core values and principles of the American heritage and foundations of national unity in a pluralistic society. These ideas are also keys to understanding how American government works.

“Recent assessments of the curriculum and of students' knowledge indicate a need to emphasize *The Federalist* in secondary schools. Secondary school textbooks in history and government tend to avoid detailed examination of political ideas in history and our contemporary society. One analyst writes: “The lack of intellectual history in the texts has had some serious consequences, one of which is that students get a rather profound misunderstanding of the Constitution. ... Rarely have they (the textbooks) mentioned the political philosophy of the Framers.”⁵⁷

⁵⁴ Clinton Rossiter, ed., *Federalist Papers* (Mentor Edition, 1961), Preface.

⁵⁵ The selected *Federalist Papers* are from the McLean Edition (New York, March 17, 1788).

⁵⁶ Professor, Indiana University, author of *The Oxford Guide to the United States Government* (2001), ERIC (ED) contributor, the Commission on the Bicentennial of the U.S. Constitution, and the Center for Civic Education.

⁵⁷ Frances FitzGerald, *America Revised: History Schoolbooks in The Twentieth Century* (New York, Vintage Books, 1980), p. 152.

Another deficiency of the textbook-dominated curriculum of secondary schools is neglect of primary sources -- the documents that directly communicate to students the ideas and ways of thinking and writing of Americans in other times. In particular, most students have little or no exposure to documents on American political ideas, including the ideas of the Founding Fathers in such fundamental sources as *The Federalist Papers*.

“There is an obvious need to emphasize ideas of *The Federalist Papers* in the secondary school curriculum. These ideas certainly fit standard educational goals and curriculum guides for courses in history, government, and civics. They are also core components of the American civic heritage and keys to civic literacy. Finally, they have enduring relevance to contemporary citizenship and government.”⁵⁸

HOW CAN YOU TEACH IDEAS OF THE FEDERALIST PAPERS?

“Ideas of *The Federalist Papers* are congruent with the content of standard secondary school courses, such as American history, government, civics, and studies of Western Civilization in world history. Therefore, there is no need to create special courses or units of study on *The Federalist Papers* because examination of these documents can be infused into standard coursework...

“Use *The Federalist Papers* to teach core concepts of American constitutional government, such as republicanism, federalism, separation of powers, judicial review, national security, civil liberties, popular sovereignty, an energetic executive, limited government, the rule of law, free government, and so forth. Excerpts from selected essays can be used to explicate these civic concepts; for example, essays 47-51 are classic discussions of the American conception of separation of powers; essays 78-83 explain and justify novel American ideas on an independent judiciary and judicial review; essays 9, 10, 37, 39, 51 treat the American idea of federalism in an extended republic.

“Show how core concepts of *The Federalist* are rooted in Western Civilization by teaching connections of the European Age of Enlightenment to the theory and practice of politics in eighteenth-century America. Compare these ideas and the institutions of government around the world in the 18th, 19th, and 20th centuries. Through this global comparative analysis, students can learn how American ideas on constitutional government are related to civic cultures of other times and places.

“Encourage deliberation, reflection, and rational decision-making about perennial issues of constitutional government that are raised by *The Federalist Papers*. These essays can be used to spark debate on questions that have permeated our constitutional history, such as how to have majority rule with protection of minority rights; how to have a powerful national government that is also strictly limited by law; how to maintain national security while protecting civil liberties, including the freedom of dissenters; and how to balance effective national government with meaningful rights for state governments. Discussions of these issues in *The Federalist* can be assigned in concert with readings about specific instances of these issues in history and current events.”⁵⁹ U. S. Government and Civics classes serve as the gate to the rising generation’s knowledge of the Constitution and its principles, and *The Federalist* is the key to that gate.

⁵⁸ John J. Patrick, *Teaching the Federalist Papers* (ERIC Clearinghouse for Social Studies/Social Science Education, Bloomington IN, 1988)(<http://www.liberty1.org/eric.htm>).

⁵⁹ Id.

Alexander Hamilton, Number 1
THE FEDERALIST: ADDRESSED TO THE PEOPLE
OF THE STATE OF NEW YORK
INTRODUCTION

AFTER an unequivocal experience of the inefficacy of the subsisting federal government, you are called upon to deliberate on a new Constitution for the United States of America. The subject speaks its own importance; comprehending in its consequences nothing less than the existence of the UNION the safety and welfare of the parts of which it is composed, the fate of an empire in many respects the most interesting in the world. It has been frequently remarked that it seems to have been reserved to the people of this country, by their conduct and example, to decide the important question, whether societies of men are really capable or not of establishing good government from reflection and choice, or whether they are forever destined to depend for their political constitutions on accident and force. If there be any truth in the remark, the crisis at which we are arrived may with propriety be regarded as the era in which that decision is to be made; and a wrong election of the part we shall act may, in this view, deserve to be considered as the general misfortune of mankind.

This idea will add the inducements of philanthropy to those of patriotism, to heighten the solicitude which all considerate and good men must feel for the event. Happy will it be if our choice should be directed by a judicious estimate of our true interests, unperplexed and unbiased by considerations not connected with the public good. But this is a thing more ardently to be wished than seriously to be expected. The plan offered to our deliberations affects too many particular interests, innovates upon too many local institutions, not to involve in its discussion a variety of objects foreign to its merits, and of views, passions, and prejudices little favorable to the discovery of truth.

Among the most formidable of the obstacles which the new Constitution will have to encounter may readily be distinguished the obvious interest of a certain class of men in every State to resist all changes which may hazard a diminution of the power, emolument, and consequence of the choices they hold under the State establishments; and the perverted ambition of another class of men, who will either hope to aggrandize themselves by the confusions of their country, or will flatter themselves with fairer prospects of elevation from the subdivision of the empire into several partial confederacies than from its union under one government.

It is not, however, my design to dwell upon observations of this nature. I am well aware that it would be disingenuous to resolve indiscriminately the opposition of any set of men (merely because their situations might subject them to suspicion) into interested or ambitious views. Candor will oblige us to admit that even such men may be actuated by upright intentions; and it cannot be doubted that much of the opposition which has made its appearance, or may hereafter make its appearance, will spring from sources, blameless at least if not respectable the honest errors of minds led astray by preconceived jealousies and fears. So numerous indeed and so powerful are the causes which serve to give a false bias to the judgment, that we, upon many occasions, see wise and good men on the wrong as well as on the right side of questions of the first magnitude to society. This circumstance, if duly attended to, would furnish a lesson of moderation to those who are ever so thoroughly persuaded of their being in the right in any controversy. And a further reason for caution, in this respect, might be drawn from the reflection that we are not always sure that those who advocate the truth are influenced by purer principles than their antagonists. Ambition, avarice, personal animosity, party opposition, and many other motives not more laudable than these, are apt to operate as well upon those who support as those who oppose the right side of a question. Were there not even these

inducements to moderation, nothing could be more ill-judged than that intolerant spirit which has at all times characterized political parties. For in politics, as in religion, it is equally absurd to aim at making proselytes by fire and sword. Heresies in either can rarely be cured by persecution.

And yet, however just these sentiments will be allowed to be, we have already sufficient indications that it will happen in this as in all former cases of great national discussion. A torrent of angry and malignant passions will be let loose. To judge from the conduct of the opposite parties, we shall be led to conclude that they will mutually hope to evince the justness of their opinions, and to increase the number of their converts by the loudness of their declamations and by the bitterness of their invectives. An enlightened zeal for the energy and efficiency of government will be stigmatized as the offspring of a temper fond of despotic power and hostile to the principles of liberty. An over-scrupulous jealousy of danger to the rights of the people, which is more commonly the fault of the head than of the heart, will be represented as mere pretense and artifice, the stale bait for popularity at the expense of public good. It will be forgotten, on the one hand, that jealousy is the usual concomitant of violent love, and that the noble enthusiasm of liberty is too apt to be infected with a spirit of narrow and illiberal distrust. On the other hand, it will be equally forgotten that the vigor of government is essential to the security of liberty; that, in the contemplation of a sound and well-informed judgment, their interests can never be separated; and that a dangerous ambition more often lurks behind the specious mask of zeal for the rights of the people than under the forbidding appearance of zeal for the firmness and efficiency of government. History will teach us that the former has been found a much more certain road to the introduction of despotism than the latter, and that of those men who have overturned the liberties of republics, the greatest number have begun their career by paying an obsequious court to the people, commencing demagogues and ending tyrants.

In the course of the preceding observations, I have had an eye, my fellow-citizens, to putting you upon your guard against all attempts, from whatever quarter, to influence your decision in a matter of the utmost moment to your welfare by any impressions other than those which may result from the evidence of truth. You will, no doubt, at the same time have collected from the general scope of them that they proceed from a source not unfriendly to the new Constitution. Yes, my countrymen, I own to you that after having given it an attentive consideration, I am clearly of opinion it is your interest to adopt it. I am convinced that this is the safest course for your liberty, your dignity, and your happiness. I affect not reserves which I do not feel. I will not amuse you with an appearance of deliberation when I have decided. I frankly acknowledge to you my convictions, and I will freely lay before you the reasons on which they are founded. The consciousness of good intentions disdains ambiguity. I shall not, however, multiply professions on this head. My motives must remain in the depository of my own breast. My arguments will be open to all and may be judged of by all. They shall at least be offered in a spirit which will not disgrace the cause of truth.

I propose, in a series of papers, to discuss the following interesting particulars: -- The utility of the UNION to your political prosperity -- The insufficiency of the present Confederation to preserve that Union -- The necessity of a government at least equally energetic with the one proposed, to the attainment of this object -- The conformity of the proposed Constitution to the true principles of republican government -- Its analogy to your own State constitution -- and lastly, The additional security which its adoption will afford the preservation of that species of government, to liberty, and to property.

In the progress of this discussion I shall endeavor to give a satisfactory answer to all the objections which shall have made their appearance, that may seem to have any claim to your attention.

It may perhaps be thought superfluous to offer arguments to prove the utility of the UNION, a point, no doubt, deeply engraved on the hearts of the great body of the people in every State, and one which, it may be imagined, has no adversaries, But the fact is that we already hear it whispered in the private circles of those who oppose the new Constitution, that the thirteen States are of too great extent for any general system, and that we must of necessity resort to separate confederacies of distinct portions of the whole. This doctrine will, in all probability, be gradually propagated, till it has votaries enough to countenance an open avowal of it. For nothing can be more evident to those who are able to take an enlarged view of the subject than the alternative of an adoption of the new Constitution or a dismemberment of the Union. It will therefore be of use to begin by examining the advantages of that Union, the certain evils, and the probable dangers, to which every State will be exposed from its dissolution. This shall accordingly constitute the subject of my next address.

PUBLIUS

**The Federalist Papers
No. 1 (Hamilton)**

Study Questions

1. What important question was reserved to the people of this country to decide concerning government?
2. Explain the influences or interests that may cause certain classes of men in every state to resist the changes under the new Constitution.
3. What motives and spirit often characterize political parties?
4. What characteristic of government is essential to the security of liberty? How is it achieved?
5. According to Publius, something often lurks [or hides] behind the “specious [deceptive] mask of zeal [passion] for the rights of the people” – what is it?
6. What does Publius believe is the “safest course for your liberty, your dignity, and your happiness”?
7. Describe the purposes of the Federalist Papers listed by Publius.
8. According to Publius, what stands in conformity [compliance] to the “true principles of republican government”?
9. A great concern was “whispered in private circles” by those who oppose the new constitution – was it valid? What view of the subject does Publius encourage readers to take?

John Jay, Number 2
CONCERNING DANGERS FROM FOREIGN FORCE AND INFLUENCE

WHEN the people of America reflect that they are now called upon to decide a question, which in its consequences must prove one of the most important that ever engaged their attention, the propriety of their taking a very comprehensive, as well as a very serious, view of it will be evident.

Nothing is more certain than the indispensable necessity of government; and it is equally undeniable that whenever and however it is instituted, the people must cede to it some of their natural rights, in order to vest it with requisite powers. It is well worthy of consideration, therefore, whether it would conduce more to the interest of the people of America that they should, to all general purposes, be one nation, under one federal government, than that they should divide themselves into separate confederacies and give to the head of each the same kind of powers which they are advised to place in one national government.

It has until lately been a received and uncontradicted opinion that the prosperity of the people of America depended on their continuing firmly united, and the wishes, prayers, and efforts of our best and wisest citizens have been constantly directed to that object. But politicians now appear who insist that this opinion is erroneous, and that instead of looking for safety and happiness in union, we ought to seek it in a division of the States into distinct confederacies or sovereignties. However extraordinary this new doctrine may appear, it nevertheless has its advocates; and certain characters who were much opposed to it formerly are at present of the number. Whatever may be the arguments or inducements which have wrought this change in the sentiments and declarations of these gentlemen, it certainly would not be wise in the people at large to adopt these new political tenets without being fully convinced that they are founded in truth and sound policy.

It has often given me pleasure to observe that independent America was not composed of detached and distant territories, but that one connected, fertile, wide-spreading country was the portion of our western sons of liberty. Providence has in a particular manner blessed it with a variety of soils and productions and watered it with innumerable streams for the delight and accommodation of its inhabitants. A succession of navigable waters forms a kind of chain round its borders, as if to bind it together; while the most noble rivers in the world, running at convenient distances, present them with highways for the easy communication of friendly aids and the mutual transportation and exchange of their various commodities.

With equal pleasure I have as often taken notice that Providence has been pleased to give this one connected country to one united people -- a people descended from the same ancestors, speaking the same language, professing the same religion, attached to the same principles of government, very similar in their manners and customs, and who, by their joint counsels, arms, and efforts, fighting side by side throughout a long and bloody war, have nobly established their general liberty and independence.

This country and this people seem to have been made for each other, and it appears as if it was the design of Providence that an inheritance so proper and convenient for a band of brethren, united to each other by the strongest ties, should never be split into a number of unsocial, jealous, and alien sovereignties.

Similar sentiments have hitherto prevailed among all orders and denominations of men among us. To all general purposes we have uniformly been one people; each individual citizen everywhere enjoying the same national rights, privileges, and protection. As a nation we have made peace and war; as a nation we have vanquished our common enemies; as a nation we have formed alliances, and made treaties, and entered into various compacts and conventions with foreign states.

A strong sense of the value and blessings of union induced the people, at a very early period, to institute a federal government to preserve and perpetuate it. They formed it almost as soon as they had a political existence; nay, at a time when their habitations were in flames, when many of their citizens were bleeding, and when the progress of hostility and desolation left little room for those calm and mature inquiries and reflections which must ever precede the formation of a wise and well-balanced government for a free people. It is not to be wondered at that a government instituted in times so inauspicious should on experiment be found greatly deficient and inadequate to the purpose it was intended to answer.

This intelligent people perceived and regretted these defects. Still continuing no less attached to union than enamored of liberty, they observed the danger which immediately threatened the former and more remotely the latter; and being persuaded that ample security for both could only be found in a national government more wisely framed, they, as with one voice, convened the late convention at Philadelphia to take that important subject under consideration.

This convention, composed of men who possessed the confidence of the people, and many of whom had become highly distinguished by their patriotism, virtue, and wisdom, in times which tried the minds and hearts of men, undertook the arduous task. In the mild season of peace, with minds unoccupied by other subjects, they passed many months in cool, uninterrupted, and daily consultation; and finally, without having been awed by power, or influenced by any passions except love for their country, they presented and recommended to the people the plan produced by their joint and very unanimous councils.

Admit, for so is the fact, that this plan is only recommended, not imposed, yet let it be remembered that it is neither recommended to blind approbation, nor to blind reprobation; but to that sedate and candid consideration which the magnitude and importance of the subject demand, and which it certainly ought to receive. But, as has been already remarked, it is more to be wished than expected that it may be so considered and examined. Experience on a former occasion teaches us not to be too sanguine in such hopes. It is not yet forgotten that well-grounded apprehensions of imminent danger induced the people of America to form the memorable Congress of 1774. That body recommended certain measures to their constituents, and the event proved their wisdom; yet it is fresh in our memories how soon the press began to teem with pamphlets and weekly papers against those very measures. Not only many of the officers of government, who obeyed the dictates of personal interest, but others, from a mistaken estimate of consequences, from the undue influence of ancient attachments or whose ambition aimed at objects which did not correspond with the public good, were indefatigable in their endeavors to persuade the people to reject the advice of that patriotic Congress. Many, indeed, were deceived and deluded, but the great majority of the people reasoned and decided judiciously; and happy they are in reflecting that they did so.

They considered that the Congress was composed of many wise and experienced men. That, being convened from different parts of the country, they brought with them and communicated to

each other a variety of useful information. That, in the course of the time they passed together in inquiring into and discussing the true interests of their country, they must have acquired very accurate knowledge on that head. That they were individually interested in the public liberty and prosperity, and therefore that it was not less their inclination than their duty to recommend only such measures as, after the most mature deliberation, they really thought prudent and advisable.

These and similar considerations then induced the people to rely greatly on the judgment and integrity of the Congress; and they took their advice notwithstanding the various arts and endeavors used to deter, and dissuade them from it. But if the people at large had reason to confide in the men of that Congress, few of whom had been fully tried or generally known, still greater reason have they now to respect the judgment and advice of the convention, for it is well known that some of the most distinguished members of that Congress, who have been since tried and justly approved for patriotism and abilities, and who have grown old in acquiring political information, were also members of this convention, and carried into it their accumulated knowledge and experience.

It is worthy of remark that not only the first, but every succeeding Congress, as well as the late convention, have invariably joined with the people in thinking that the prosperity of America depended on its Union. To preserve and perpetuate it was the great object of the people in forming that convention, and it is also the great object of the plan which the convention has advised them to adopt. With what propriety, therefore, or for what good purposes, are attempts at this particular period made by some men to depreciate the importance of the Union? Or why is it suggested that three or four confederacies would be better than one? I am persuaded in my own mind that the people have always thought right on this subject, and that their universal and uniform attachment to the cause of the Union rests on great and weighty reasons, which I shall endeavor to develop and explain in some ensuing papers. They who promote the idea of substituting a number of distinct confederacies in the room of the plan of the convention seem clearly to foresee that the rejection of it would put the continuance of the Union in the utmost jeopardy. That certainly would be the case, and I sincerely wish that it may be as clearly foreseen by every good citizen that whenever the dissolution of the Union arrives, America will have reason to exclaim, in the words of the poet: "FAREWELL! A LONG FAREWELL TO ALL MY GREATNESS."

PUBLIUS

The Federalist Papers
No. 2 (Jay)

Study Questions

1. How is government vested with requisite [necessary] powers?
2. What considerations lead to the great question whether America should become one nation or remain separate confederacies? Can you think of others?
3. Publius states that the “wishes, prayers, and efforts of our best and wisest citizens” have been constantly directed towards what object?
4. According to Publius, how has Providence blessed our country?
5. What characteristics distinguished the men of the Constitutional Convention?
6. The prosperity of America depends upon what important attribute?
7. If the dissolution of America’s Union ever arrives, the consequence will be described by what words?

James Madison, Number 10
THE UTILITY OF THE UNION AS A SAFEGUARD
AGAINST DOMESTIC FACTION AND INSURRECTION

AMONG the numerous advantages promised by a well-constructed Union, none deserves to be more accurately developed than its tendency to break and control the violence of faction. The friend of popular governments never finds himself so much alarmed for their character and fate as when he contemplates their propensity to this dangerous vice. He will not fail, therefore, to set a due value on any plan which, without violating the principles to which he is attached, provides a proper cure for it. The instability, injustice, and confusion introduced into the public councils have, in truth, been the mortal diseases under which popular governments have everywhere perished, as they continue to be the favorite and fruitful topics from which the adversaries to liberty derive their most specious declamations. The valuable improvements made by the American constitutions on the popular models, both ancient and modern, cannot certainly be too much admired; but it would be an unwarrantable partiality to contend that they have as effectually obviated the danger on this side, as was wished and expected. Complaints are everywhere heard from our most considerate and virtuous citizens, equally the friends of public and private faith and of public and personal liberty, that our governments are too unstable, that the public good is disregarded in the conflicts of rival parties, and that measures are too often decided, not according to the rules of justice and the rights of the minor party, but by the superior force of an interested and overbearing majority. However anxiously we may wish that these complaints had no foundation, the evidence of known facts will not permit us to deny that they are in some degree true. It will be found, indeed, on a candid review of our situation, that some of the distresses under which we labor have been erroneously charged on the operation of our governments; but it will be found, at the same time, that other causes will not alone account for many of our heaviest misfortunes; and, particularly, for that prevailing and increasing distrust of public engagements and alarm for private rights which are echoed from one end of the continent to the other. These must be chiefly, if not wholly, effects of the unsteadiness and injustice with which a factious spirit has tainted our public administration.

By a faction I understand a number of citizens, whether amounting to a majority or minority of the whole, who are united and actuated by some common impulse of passion, or of interest, adverse to the rights of other citizens, or to the permanent and aggregate interests of the community.

There are two methods of curing the mischiefs of faction: the one, by removing its causes; the other, by controlling its effects.

There are again two methods of removing the causes of faction: the one, by destroying the liberty which is essential to its existence; the other, by giving to every citizen the same opinions, the same passions, and the same interests.

It could never be more truly said than of the first remedy that it was worse than the disease. Liberty is to faction what air is to fire, an aliment without which it instantly expires. But it could not be a less folly to abolish liberty, which is essential to political life, because it nourishes faction than it would be to wish the annihilation of air, which is essential to animal life, because it imparts to fire its destructive agency.

The second expedient is as impracticable as the first would be unwise. As long as the reason of man continues fallible, and he is at liberty to exercise it, different opinions will be formed. As long

as the connection subsists between his reason and his self-love, his opinions and his passions will have a reciprocal influence on each other; and the former will be objects to which the latter will attach themselves. The diversity in the faculties of men, from which the rights of property originate, is not less an insuperable obstacle to a uniformity of interests. The protection of these faculties is the first object of government. 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 the society into different interests and parties.

The latent causes of faction are thus sown in the nature of man; and we see them everywhere brought into different degrees of activity, according to the different circumstances of civil society. A zeal for different opinions concerning religion, concerning government, and many other points, as well of speculation as of practice; an attachment to different leaders ambitiously contending for pre-eminence and power; or to persons of other descriptions whose fortunes have been interesting to the human passions, have, in turn, divided mankind into parties, inflamed them with mutual animosity, and rendered them much more disposed to vex and oppress each other than to co-operate for their common good. So strong is this propensity of mankind to fall into mutual animosities that where no substantial occasion presents itself the most frivolous and fanciful distinctions have been sufficient to kindle their unfriendly passions and excite their most violent conflicts. But the most common and durable source of factions has been the various and unequal distribution of property. Those who hold and those who are without property have ever formed distinct interests in society. Those who are creditors, and those who are debtors, fall under a like discrimination. 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 principal task of modern legislation and involves the spirit of party and faction in the necessary and ordinary operations of government.

No man is allowed to be a judge in his own cause, because his interest would certainly bias his judgment, and, not improbably, corrupt his integrity. With equal, nay with greater reason, a body of men are unfit to be both judges and parties at the same time; yet what are many of the most important acts of legislation but so many judicial determinations, not indeed concerning the rights of single persons, but concerning the rights of large bodies of citizens? And what are the different classes of legislators but advocates and parties to the causes which they determine? Is a law proposed concerning private debts? It is a question to which the creditors are parties on one side and the debtors on the other. Justice ought to hold the balance between them. Yet the parties are, and must be, themselves the judges; and the most numerous party, or in other words, the most powerful faction must be expected to prevail. Shall domestic manufacturers be encouraged, and in what degree, by restrictions on foreign manufacturers? are questions which would be differently decided by the landed and the manufacturing classes, and probably by neither with a sole regard to justice and the public good. The apportionment of taxes on the various descriptions of property is an act which seems to require the most exact impartiality; yet there is, perhaps, no legislative act in which greater opportunity and temptation are given to a predominant party to trample on the rules of justice. Every shilling with which they overburden the inferior number is a shilling saved to their own pockets.

It is in vain to say that enlightened statesmen will be able to adjust these clashing interests and render them all subservient to the public good. Enlightened statesmen will not always be at the helm. Nor, in many cases, can such an adjustment be made at all without taking into view indirect and

remote considerations, which will rarely prevail over the immediate interest which one party may find in disregarding the rights of another or the good of the whole.

The inference to which we are brought is that the causes of faction cannot be removed and that relief is only to be sought in the means of controlling its effects.

If a faction consists of less than a majority, relief is supplied by the republican principle, which enables the majority to defeat its sinister views by regular vote. It may clog the administration, it may convulse the society; but it will be unable to execute and mask its violence under the forms of the Constitution. When a majority is included in a faction, the form of popular government, on the other hand, enables it to sacrifice to its ruling passion or interest both the public good and the rights of other citizens. To secure the public good and private rights against the danger of such a faction, and at the same time to preserve the spirit and the form of popular government, is then the great object to which our inquiries are directed. Let me add that it is the great desideratum by which alone this form of government can be rescued from the opprobrium under which it has so long labored and be recommended to the esteem and adoption of mankind.

By what means is this object attainable? Evidently by one of two only. Either the existence of the same passion or interest in a majority at the same time must be prevented, or the majority, having such coexistent passion or interest, must be rendered, by their number and local situation, unable to concert and carry into effect schemes of oppression. If the impulse and the opportunity be suffered to coincide, we well know that neither moral nor religious motives can be relied on as an adequate control. They are not found to be such on the injustice and violence of individuals, and lose their efficacy in proportion to the number combined together, that is, in proportion as their efficacy becomes needful.

From this view of the subject it may be concluded that a pure democracy, by which I mean a society consisting of a small number of citizens, who assemble and administer the government in person, can admit of no cure for the mischiefs of faction. A common passion or interest will, in almost every case, be felt by a majority of the whole; a communication and concert results from the form of government itself; and there is nothing to check the inducements to sacrifice the weaker party or an obnoxious individual. Hence it is that such democracies have ever been spectacles of turbulence and contention; have ever been found incompatible with personal security or the rights of property; and have in general been as short in their lives as they have been violent in their deaths. Theoretic politicians, who have patronized this species of government, have erroneously supposed that by reducing mankind to a perfect equality in their political rights, they would at the same time be perfectly equalized and assimilated in their possessions, their opinions, and their passions.

A republic, by which I mean a government in which the scheme of representation takes place, opens a different prospect and promises the cure for which we are seeking. Let us examine the points in which it varies from pure democracy, and we shall comprehend both the nature of the cure and the efficacy which it must derive from the Union.

The two great points of difference between a democracy and a republic are: first, the delegation of the government, in the latter, to a small number of citizens elected by the rest; secondly, the greater number of citizens and greater sphere of country over which the latter may be extended.

The effect of the first difference is, on the one hand, to refine and enlarge the public views by passing them through the medium of a chosen body of citizens, whose wisdom may best discern the true interest of their country and whose patriotism and love of justice will be least likely to sacrifice it to temporary or partial considerations. Under such a regulation it may well happen that the public voice, pronounced by the representatives of the people, will be more consonant to the public good than if pronounced by the people themselves, convened for the purpose. On the other hand, the effect may be inverted. Men of factious tempers, of local prejudices, or of sinister designs, may, by intrigue, by corruption, or by other means, first obtain the suffrages, and then betray the interests of the people. The question resulting is, whether small or extensive republics are most favorable to the election of proper guardians of the public weal; and it is clearly decided in favor of the latter by two obvious considerations.

In the first place it is to be remarked that however small the republic may be the representatives must be raised to a certain number in order to guard against the cabals of a few; and that however large it may be they must be limited to a certain number in order to guard against the confusion of a multitude. Hence, the number of representatives in the two cases not being in proportion to that of the constituents, and being proportionally greatest in the small republic, it follows that if the proportion of fit characters be not less in the large than in the small republic, the former will present a greater option, and consequently a greater probability of a fit choice.

In the next place, as each representative will be chosen by a greater number of citizens in the large than in the small republic, it will be more difficult for unworthy candidates to practice with success the vicious arts by which elections are too often carried; and the suffrages of the people being more free, will be more likely to center on men who possess the most attractive merit and the most diffusive and established characters.

It must be confessed that in this, as in most other cases, there is a mean, on both sides of which inconveniences will be found to lie. By enlarging too much the number of electors, you render the representative too little acquainted with all their local circumstances and lesser interests; as by reducing it too much, you render him unduly attached to these, and too little fit to comprehend and pursue great and national objects. The federal Constitution forms a happy combination in this respect; the great and aggregate interests being referred to the national, the local and particular to the State legislatures.

The other point of difference is the greater number of citizens and extent of territory which may be brought within the compass of republican than of democratic government; and it is this circumstance principally which renders factious combinations less to be dreaded in the former than in the latter. The smaller the society, the fewer probably will be the distinct parties and interests composing it; the fewer the distinct parties and interests, the more frequently will a majority be found of the same party; and the smaller the number of individuals composing a majority, and the smaller the compass within which they are placed, the more easily will they concert and execute their plans of oppression. Extend the sphere and you take in a greater variety of parties and interests; you make it less probable that a majority of the whole will have a common motive to invade the rights of other citizens; or if such a common motive exists, it will be more difficult for all who feel it to discover their own strength and to act in unison with each other. Besides other impediments, it may be remarked that, where there is a consciousness of unjust or dishonorable purposes, communication is always checked by distrust in proportion to the number whose concurrence is necessary.

Hence, it clearly appears that the same advantage which a republic has over a democracy in controlling the effects of faction is enjoyed by a large over a small republic -- is enjoyed by the Union over the States composing it. Does this advantage consist in the substitution of representatives whose enlightened views and virtuous sentiments render them superior to local prejudices and to schemes of injustice? It will not be denied that the representation of the Union will be most likely to possess these requisite endowments. Does it consist in the greater security afforded by a greater variety of parties, against the event of any one party being able to outnumber and oppress the rest? In an equal degree does the increased variety of parties comprised within the Union increase this security? Does it, in fine, consist in the greater obstacles opposed to the concert and accomplishment of the secret wishes of an unjust and interested majority? Here again the extent of the Union gives it the most palpable advantage.

The influence of factious leaders may kindle a flame within their particular States but will be unable to spread a general conflagration through the other States. A religious sect may degenerate into a political faction in a part of the Confederacy; but the variety of sects dispersed over the entire face of it must secure the national Councils against any danger from that source. A rage for paper money, for an abolition of debts, for an equal division of property, or for any other improper or wicked project, will be less apt to pervade the whole body of the Union than a particular member of it, in the same proportion as such a malady is more likely to taint a particular county or district than an entire State.

In the extent and proper structure of the Union, therefore, we behold a republican remedy for the diseases most incident to Republican Government. And according to the degree of pleasure and pride we feel in being republicans, ought to be our zeal in cherishing the spirit, and supporting the character of federalists.

PUBLIUS

The Federalist Papers
No. 10 (Madison)

Study Questions

1. A “well constructed Union” has a tendency to break and control what?
2. How does Publius define a “faction”?
3. What are the two methods of curing the mischiefs of faction? What are the two methods of removing the causes of faction? Why is the first remedy worse than the disease itself?
4. What is the first object of government?
5. Describe the “latent [hidden] causes of faction” that are “sown in the nature of man.”
6. What “forms the principal task of modern legislation”?
7. If the causes of faction cannot be removed, relief is only to be sought by doing what?
8. What is the great dilemma to “the republican principle” of a faction consisting of a minority, or in the case “when a majority is included in a faction”?
9. How has a pure democracy “been found incompatible with personal security, or the rights of property”?
10. How does Publius define a republic? What are the two great points of difference between a democracy and a republic?
11. In what ways does a republic serve to “refine and enlarge the public views”?
12. What two methods help ensure that Representatives of the people are “a fit choice” and “established characters”?
13. By extending the sphere of the republic, you make it less probable for a majority to do what to other citizens?
14. How does a “national Council” counteract the dangers of factions within particular States or variety of sects?
15. Give some examples of modern-day factions and describe how they are a threat to our freedom and liberty.

James Madison, Number 39
THE CONFORMITY OF THE PLAN TO REPUBLICAN
PRINCIPLES: AN OBJECTION IN RESPECT TO
THE POWERS OF THE CONVENTION EXAMINED

THE last paper having concluded the observations which were meant to introduce a candid survey of the plan of government reported by the convention, we now proceed to the execution of that part of our undertaking.

The first question that offers itself is whether the general form and aspect of the government be strictly republican. It is evident that no other form would be reconcilable with the genius of the people of America; with the fundamental principles of the Revolution; or with that honorable determination which animates every votary of freedom to rest all our political experiments on the capacity of mankind for self-government. If the plan of the convention, therefore, be found to depart from the republican character, its advocates must abandon it as no longer defensible.

What, then, are the distinctive characters of the republican form? Were an answer to this question to be sought, not by recurring to principles but in the application of the term by political writers to the constitutions of different States, no satisfactory one would ever be found. Holland, in which no particle of the supreme authority is derived from the people, has passed almost universally under the denomination of a republic. The same title has been bestowed on Venice, where absolute power over the great body of the people is exercised in the most absolute manner by a small body of hereditary nobles. Poland, which is a mixture of aristocracy and of monarchy in their worst forms, has been dignified with the same appellation. The government of England, which has one republican branch only, combined with an hereditary aristocracy and monarchy, has with equal impropriety been frequently placed on the list of republics. These examples, which are nearly as dissimilar to each other as to a genuine republic, show the extreme inaccuracy with which the term has been used in political disquisitions.

If we resort for a criterion to the different principles on which different forms of government are established, we may define a republic to be, or at least may bestow that name on, a government which derives all its powers directly or indirectly from the great body of the people, and is administered by persons holding their offices during pleasure for a limited period, or during good behavior. It is essential to such a government that it be derived from the great body of the society, not from an inconsiderable proportion or a favored class of it; otherwise a handful of tyrannical nobles, exercising their oppressions by a delegation of their powers, might aspire to the rank of republicans and claim for their government the honorable title of republic. It is sufficient for such a government that the persons administering it be appointed, either directly or indirectly, by the people; and that they hold their appointments by either of the tenures just specified; otherwise every government in the United States, as well as every other popular government that has been or can be well organized or well executed, would be degraded from the republican character. According to the constitution of every State in the Union, some or other of the officers of government are appointed indirectly only by the people. According to most of them, the chief magistrate himself is so appointed. And according to one, this mode of appointment is extended to one of the co-ordinate branches of the legislature. According to all the constitutions, also, the tenure of the highest offices is extended to a definite period, and in many instances, both within the legislative and executive departments, to a period of years. According to the provisions of most of the constitutions, again, as well as according to the most

respectable and received opinions on the subject, the members of the judiciary department are to retain their offices by the firm tenure of good behavior.

On comparing the Constitution planned by the convention with the standard here fixed, we perceived at once that it is, in the most rigid sense, conformable to it. The House of Representatives, like that of one branch at least of all the State legislatures, is elected immediately by the great body of the people. The Senate, like the present Congress and the Senate of Maryland, derives its appointment indirectly from the people. The President is indirectly derived from the choice of the people, according to the example in most of the States. Even the judges, with all other officers of the Union, will, as in the several States, be the choice, though a remote choice, of the people themselves. The duration of the appointments is equally conformable to the republican standard and to the model of State constitutions. The House of Representatives is periodically elective, as in all the States; and for the period of two years, as in the State of South Carolina. The Senate is elective for the period of six years, which is but one year more than the period of the Senate of Maryland, and but two more than that of the Senates of New York and Virginia. The President is to continue in office for the period of four years; as in New York and Delaware the chief magistrate is elected for three years, and in South Carolina for two years. In the other States the election is annual. In several of the States, however, no explicit provision is made for the impeachment of the chief magistrate. And in Delaware and Virginia he is not impeachable till out of office. The President of the United States is impeachable at any time during his continuance in office. The tenure by which the judges are to hold their places is, as it unquestionably ought to be, that of good behavior. The tenure of the ministerial offices generally will be a subject of legal regulation, conformably to the reason of the case and the example of the State constitutions.

Could any further proof be required of the republican complexion of this system, the most decisive one might be found in its absolute prohibition of titles of nobility, both under the federal and the State governments; and in its express guaranty of the republican form to each of the latter.

"But it was not sufficient," say the adversaries of the proposed Constitution, "for the convention to adhere to the republican form. They ought with equal care to have preserved the federal form, which regards the Union as a Confederacy of sovereign states; instead of which they have framed a national government, which regards the Union as a consolidation of the States." And it is asked by what authority this bold and radical innovation was undertaken? The handle which has been made of this objection requires that it should be examined with some precision.

Without inquiring into the accuracy of the distinction on which the objection is founded, it will be necessary to a just estimate of its force, first, to ascertain the real character of the government in question; secondly, to inquire how far the convention were authorized to propose such a government; and thirdly, how far the duty they owed to their country could supply any defect of regular authority.

First. -- In order to ascertain the real character of the government, it may be considered in relation to the foundation on which it is to be established; to the sources from which its ordinary powers are to be drawn; to the operation of those powers; to the extent of them; and to the authority by which future changes in the government are to be introduced.

On examining the first relation, it appears, on one hand, that the Constitution is to be founded on the assent and ratification of the people of America, given by deputies elected for the special

purpose; but, on the other, that this assent and ratification is to be given by the people, not as individuals composing one entire nation, but as composing the distinct and independent States to which they respectively belong. It is to be the assent and ratification of the several States, derived from the supreme authority in each State the authority of the people themselves. The act, therefore, establishing the Constitution will not be a national but a federal act.

That it will be a federal and not a national act, as these terms are understood by the objectors -- the act of the people, as forming so many independent States, not as forming one aggregate nation -- is obvious from this single consideration: that it is to result neither from the decision of a majority of the people of the Union, nor from that of a majority of the States. It must result from the unanimous assent of the several States that are parties to it, differing no otherwise from their ordinary assent than in its being expressed, not by the legislative authority, but by that of the people themselves. Were the people regarded in this transaction as forming one nation, the will of the majority of the whole people of the United States would bind the minority, in the same manner as the majority in each State must bind the minority; and the will of the majority must be determined either by a comparison of the individual votes, or by considering the will of the majority of the States as evidence of the will of a majority of the people of the United States. Neither of these rules has been adopted. Each State, in ratifying the Constitution, is considered as a sovereign body independent of all others, and only to be bound by its own voluntary act. In this relation, then, the new Constitution will, if established, be a federal and not a national constitution.

The next relation is to the sources from which the ordinary powers of government are to be derived. The House of Representatives will derive its powers from the people of America; and the people will be represented in the same proportion and on the same principle as they are in the legislature of a particular State. So far the government is national, not federal. The Senate, on the other hand, will derive its powers from the States as political and coequal societies; and these will be represented on the principle of equality in the Senate, as they now are in the existing Congress. So far the government is federal, not national. The executive power will be derived from a very compound source. The immediate election of the President is to be made by the States in their political characters. The votes allotted to them are in a compound ratio, which considers them partly as distinct and coequal societies, partly as unequal members of the same society. The eventual election, again, is to be made by that branch of the legislature which consists of the national representatives; but in this particular act they are to be thrown into the form of individual delegations from so many distinct and coequal bodies politic. From this aspect of the government it appears to be of a mixed character, presenting at least as many federal as national features.

The difference between a federal and national government, as it relates to the operation of the government, is by the adversaries of the plan of the convention supposed to consist in this, that in the former the powers operate on the political bodies composing the Confederacy in their political capacities; in the latter, on the individual citizens composing the nation in their individual capacities. On trying the Constitution by this criterion, it falls under the national not the federal character; though perhaps not so completely as has been understood. In several cases, and particularly in the trial of controversies to which States may be parties, they must be viewed and proceeded against in their collective and political capacities only. But the operation of the government on the people in their individual capacities, in its ordinary and most essential proceedings, will, in the sense of its opponents, on the whole, designate it, in this relation, a national government.

But if the government be national with regard to the operation of its powers, it changes its aspect again when we contemplate it in relation to the extent of its powers. The idea of a national government involves in it not only an authority over the individual citizens, but an indefinite supremacy over all persons and things, so far as they are objects of lawful government. Among a people consolidated into one nation, this supremacy is completely vested in the national legislature. Among communities united for particular purposes, it is vested partly in the general and partly in the municipal legislatures. In the former case, all local authorities are subordinate to the supreme; and may be controlled, directed, or abolished by it at pleasure. In the latter, the local or municipal authorities form distinct and independent portions of the supremacy, no more subject, within their respective spheres, to the general authority than the general authority is subject to them, within its own sphere. In this relation, then, the proposed government cannot be deemed a national one; since its jurisdiction extends to certain enumerated objects only, and leaves to the several States a residuary and inviolable sovereignty over all other objects. It is true that in controversies relating to the boundary between the two jurisdictions, the tribunal which is ultimately to decide is to be established under the general government, But this does not change the principle of the case. The decision is to be impartially made, according to the rules of the Constitution; and all the usual and most effectual precautions are taken to secure this impartiality. Some such tribunal is clearly essential to prevent an appeal to the sword and a dissolution of the compact; and that it ought to be established under the general rather than under the local governments, or, to speak more properly, that it could be safely established under the first alone, is a position not likely to be combated.

If we try the Constitution by its last relation to the authority by which amendments are to be made, we find it neither wholly national nor wholly federal. Were it wholly national, the supreme and ultimate authority would reside in the majority of the people of the Union; and this authority would be competent at all times, like that of a majority of every national society to alter or abolish its established government. Were it wholly federal, on the other hand, the concurrence of each State in the Union would be essential to every alteration that would be binding on all. The mode provided by the plan of the convention is not founded on either of these principles. In requiring more than a majority, and particularly in computing the proportion by States, not by citizens, it departs from the national and advances towards the federal character; in rendering the concurrence of less than the whole number of States sufficient, it loses again the federal and partakes of the national character.

The proposed Constitution, therefore, even when tested by the rules laid down by its antagonists, is, in strictness, neither a national nor a federal Constitution, but a composition of both. In its foundation it is federal, not national; in the sources from which the ordinary powers of the government are drawn, it is partly federal and partly national; in the operation of these powers, it is national, not federal; in the extent of them, again, it is federal, not national; and, finally in the authoritative mode of introducing amendments, it is neither wholly federal nor wholly national.

PUBLIUS

The Federalist Papers
No. 39 (Madison)

Study Questions

1. Publius states that “all our political experiments on the capacity of mankind for self-government” rest on the plan of the convention strictly conforming to what form of government?
2. How does Publius define a republic in No. 39? How is this definition compare to the definition in No. 10? Does the Constitution conform to the core definitions of a republic? How?
3. How are the House of Representatives, the Senate, and the President elected? For how long? What other constitutions does Publius use for a comparison?
4. As used by Publius, the term “national” means a direct relationship between the federal government and the people, or those features of the federal government that concern the nation as a whole, and “federal” means an indirect relationship with the people through a division and sharing of power between the federal government and the states, respectively, defined as “federalism.” What is the main concern of the “adversaries of the proposed Constitution” concerning the national aspects of the republic as applied to the states?
5. As set forth by Publius, what five elements must be examined “in order to ascertain the real character of the government”?
6. Why must the Constitution be approved by the unanimous assent [consent] of the states by the voice of the people and not by their legislatures? How does this apply to the Preamble of the Constitution?
7. From whom, or from what body, do the House of Representatives, the Senate, and the President, respectively, derive their powers, respectively?
8. How does Publius explain that in *the operation* of the government it is national in character, but in *the extent* of those powers it is federal in character?
9. How does the principle of federalism separate and allocate power between and among the local or municipal authorities and the general [federal] authority?
10. How does the amendment process under the Constitution maintain both a national and a federal character?
11. Summarize how, according to Publius, the Constitution establishes a central government that is in composition both national and federal in its character.

James Madison, Number 51
THE MEANING OF THE MAXIM, WHICH REQUIRES A
SEPARATION OF THE DEPARTMENTS OF POWER,
EXAMINED AND ASCERTAINED

TO WHAT expedient, then, shall we finally resort, for maintaining in practice the necessary partition of power among the several departments as laid down in the Constitution? The only answer that can be given is that as all these exterior provisions are found to be inadequate the defect must be supplied, by so contriving the interior structure of the government as that its several constituent parts may, by their mutual relations, be the means of keeping each other in their proper places. Without presuming to undertake a full development of this important idea I will hazard a few general observations which may perhaps place it in a clearer light, and enable us to form a more correct judgment of the principles and structure of the government planned by the convention.

In order to lay a due foundation for that separate and distinct exercise of the different powers of government, which to a certain extent is admitted on all hands to be essential to the preservation of liberty, it is evident that each department should have a will of its own; and consequently should be so constituted that the members of each should have as little agency as possible in the appointment of the members of the others. Were this principle rigorously adhered to, it would require that all the appointments for the supreme executive, legislative, and judiciary magistracies should be drawn from the same fountain of authority, the people, through channels having no communication whatever with one another. Perhaps such a plan of constructing the several departments would be less difficult in practice than it may in contemplation appear. Some difficulties, however, and some additional expense would attend the execution of it. Some deviations, therefore, from the principle must be admitted. In the constitution of the judiciary department in particular, it might be inexpedient to insist rigorously on the principle: first, because peculiar qualifications being essential in the members, the primary consideration ought to be to select that mode of choice which best secures these qualifications; second, because the permanent tenure by which the appointments are held in that department must soon destroy all sense of dependence on the authority conferring them.

It is equally evident that the members of each department should be as little dependent as possible on those of the others for the emoluments annexed to their offices. Were the executive magistrate, or the judges, not independent of the legislature in this particular, their independence in every other would be merely nominal.

But the great security against a gradual concentration of the several powers in the same department consists in giving to those who administer each department the necessary constitutional means and personal motives to resist encroachments of the others. The provision for defense must in this, as in all other cases, be made commensurate to the danger of attack. Ambition must be made to counteract ambition. The interest of the man must be connected with the constitutional rights of the place. It may be a reflection on human nature that such devices should be necessary to control the abuses of government, But what is government itself but the greatest of all reflections on human nature? If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself. A dependence on the people is, no doubt, the primary control on the government; but experience has taught mankind the necessity of auxiliary precautions.

This policy of supplying, by opposite and rival interests, the defect of better motives, might be traced through the whole system of human affairs, private as well as public. We see it particularly displayed in all the subordinate distributions of power, where the constant aim is to divide and arrange the several offices in such a manner as that each may be a check on the other -- that the private interest of every individual may be a sentinel over the public rights. These inventions of prudence cannot be less requisite in the distribution of the supreme powers of the State.

But it is not possible to give to each department an equal power of self-defense. In republican government, the legislative authority necessarily predominates. The remedy for this inconveniency is to divide the legislature into different branches; and to render them, by different modes of election and different principles of action, as little connected with each other as the nature of their common functions and their common dependence on the society will admit. It may even be necessary to guard against dangerous encroachments by still further precautions. As the weight of the legislative authority requires that it should be thus divided, the weakness of the executive may require, on the other hand, that it should be fortified. An absolute negative on the legislature appears, at first view, to be the natural defense with which the executive magistrate should be armed. But perhaps it would be neither altogether safe nor alone sufficient. On ordinary occasions it might not be exerted with the requisite firmness, and on extraordinary occasions it might be perfidiously abused. May not this defect of an absolute negative be supplied by some qualified connection between this weaker department and the weaker branch of the stronger department, by which the latter may be led to support the constitutional rights of the former, without being too much detached from the rights of its own department?

If the principles on which these observations are founded be just, as I persuade myself they are, and they be applied as a criterion to the several State constitutions, and to the federal Constitution, it will be found that if the latter does not perfectly correspond with them, the former are infinitely less able to bear such a test.

There are, moreover, two considerations particularly applicable to the federal system of America, which place that system in a very interesting point of view.

First. In a single republic, all the power surrendered by the people is submitted to the administration of a single government; and the usurpations are guarded against by a division of the government into distinct and separate departments. In the compound republic of America, the power surrendered by the people is first divided between two distinct governments, and then the portion allotted to each subdivided among distinct and separate departments. Hence a double security arises to the rights of the people. The different governments will control each other, at the same time that each will be controlled by itself.

Second. It is of great importance in a republic not only to guard the society against the oppression of its rulers, but to guard one part of the society against the injustice of the other part. Different interests necessarily exist in different classes of citizens. If a majority be united by a common interest, the rights of the minority will be insecure. There are but two methods of providing against this evil: the one by creating a will in the community independent of the majority -- that is, of the society itself; the other, by comprehending in the society so many separate descriptions of citizens as will render an unjust combination of a majority of the whole very improbable, if not impracticable. The first method prevails in all governments possessing an hereditary or self-appointed authority.

This, at best, is but a precarious security; because a power independent of the society may as well espouse the unjust views of the major as the rightful interests of the minor party, and may possibly be turned against both parties. The second method will be exemplified in the federal republic of the United States. Whilst all authority in it will be derived from and dependent on the society, the society itself will be broken into so many parts, interests and classes of citizens, that the rights of individuals, or of the minority, will be in little danger from interested combinations of the majority. In a free government the security for civil rights must be the same as that for religious rights. It consists in the one case in the multiplicity of interests, and in the other in the multiplicity of sects. The degree of security in both cases will depend on the number of interests and sects; and this may be presumed to depend on the extent of country and number of people comprehended under the same government. This view of the subject must particularly recommend a proper federal system to all the sincere and considerate friends of republican government, since it shows that in exact proportion as the territory of the Union may be formed into more circumscribed Confederacies, or States, oppressive combinations of a majority will be facilitated; the best security, under the republican forms, for the rights of every class of citizen, will be diminished; and consequently the stability and independence of some member of the government, the only other security, must be proportionally increased, justice is the end of government. It is the end of civil society. It ever has been and ever will be pursued until it be obtained, or until liberty be lost in the pursuit. In a society under the forms of which the stronger faction can readily unite and oppress the weaker, anarchy may as truly be said to reign as in a state of nature, where the weaker individual is not secured against the violence of the stronger; and as, in the latter state, even the stronger individuals are prompted, by the uncertainty of their condition, to submit to a government which may protect the weak as well as themselves; so, in the former state, will the more powerful factions or parties be gradually induced, by a like motive, to wish for a government which will protect all parties, the weaker as well as the more powerful. It can be little doubted that if the State of Rhode Island was separated from the Confederacy and left to itself, the insecurity of rights under the popular form of government within such narrow limits would be displayed by such reiterated oppressions of factious majorities that some power altogether independent of the people would soon be called for by the voice of the very factions whose misrule had proved the necessity of it. In the extended republic of the United States, and among the great variety of interests, parties, and sects which it embraces, a coalition of a majority of the whole society could seldom take place on any other principles than those of justice and the general good; whilst there being thus less danger to a minor from the will of a major party, there must be less pretext, also, to provide for the security of the former, by introducing into the government a will not dependent on the latter, or, in other words, a will independent of the society itself. It is no less certain than it is important, notwithstanding the contrary opinions which have been entertained, that the larger the society, provided it lie within a practicable sphere, the more duly capable it will be of self-government. And happily for the republican cause, the practicable sphere may be carried to a very great extent by a judicious modification and mixture of the federal principle.

PUBLIUS

The Federalist Papers
No. 51 (Madison)

Study Questions

1. In order for the separate departments of government [executive, legislative, and judiciary] to each have a “will of its own,” the members of each department should have as little agency or power as possible over the others in what two areas or matters?
2. The “great security against a gradual concentration of the several powers in the same department consists in giving to those who administer each department the necessary constitutional means and personal motives” to do what?
3. Publius states that if men were angels, what would not be necessary? Do you agree? Why or why not?
4. In “framing a government which is to be administered by men over men,” what is the great difficulty?
5. Ambition must be made to counteract what? Can you think of a better way to check possible abuses of power?
6. What are the differences between a “single republic” and a “the compound republic of America”?
7. Under the Constitution, in order to achieve a “double security to the rights of the people,” the power surrendered by the people is divided between which two distinct governments? And, how many departments within each government? How does this function today?
8. Publius states that “it is of great importance in a republic not only to guard the society against the oppression of its rulers, but to guard one part of the society” against what tendency?
9. There are two methods of protecting the rights of the minority from the majority. How does the federal republic of the United States exemplify the second method?
10. Publius states that “In a free government the security for civil rights must be the same as that for religious rights.” What is the connection between civil and religious liberty? If religious rights suffer, how can that affect our civil rights (or visa versa)? Cite examples and explain.
11. According to Publius, what is the end [main purpose] of civil government? Do you agree? Why or why not?
12. What features make “the extended [large] republic of the United States” more capable of self-government? How do Constitutional principles effectively provide for the freedom and liberty of 50 states and over 300 million people?

Alexander Hamilton, Number 78
A VIEW OF THE CONSTITUTION OF THE
JUDICIAL DEPARTMENT IN RELATION TO
THE TENURE OF GOOD BEHAVIOUR

WE proceed now to an examination of the judiciary department of the proposed government.

In unfolding the defects of the existing Confederation, the utility and necessity of a federal judicature have been clearly pointed out. It is the less necessary to recapitulate the considerations there urged as the propriety of the institution in the abstract is not disputed; the only questions which have been raised being relative to the manner of constituting it, and to its extent. To these points, therefore, our observations shall be confined.

The manner of constituting it seems to embrace these several objects: 1st. The mode of appointing the judges. 2nd. The tenure by which they are to hold their places. 3rd. The partition of the judiciary authority between different courts and their relations to each other. First. As to the mode of appointing the judges: this is the same with that of appointing the officers of the Union in general and has been so fully discussed in the two last numbers that nothing can be said here which would not be useless repetition.

Second. As to the tenure by which the judges are to hold their places: this chiefly concerns their duration in office, the provisions for their support, the precautions for their responsibility.

According to the plan of the convention, all judges who may be appointed by the United States are to hold their offices during good behavior; which is conformable to the most approved of the State constitutions, and among the rest, to that of the State. Its propriety having been drawn into question by the adversaries of that plan is no light symptom of the rage for objection which disorders their imaginations and judgments. The standard of good behavior for the continuance in office of the judicial magistracy is certainly one of the most valuable of the modern improvements in the practice of government. In a monarchy it is an excellent barrier to the despotism of the prince; in a republic it is a no less excellent barrier to the encroachments and oppressions of the representative body. And it is the best expedient which can be devised in any government to secure a steady, upright, and impartial administration of the laws.

Whoever attentively considers the different departments of power must perceive that, in a government in which they are separated from each other, the judiciary, from the nature of its functions, will always be the least dangerous to the political rights of the Constitution; because it will be least in a capacity to annoy or injure them. The executive not only dispenses the honors but holds the sword of the community. The legislature not only commands the purse but prescribes the rules by which the duties and rights of every citizen are to be regulated. The judiciary, on the contrary, has no influence over either the sword or the purse; no direction either of the strength or of the wealth of the society, and can take no active resolution whatever. It may truly be said to have neither FORCE nor WILL but merely judgment; and must ultimately depend upon the aid of the executive arm even for the efficacy of its judgments.

This simple view of the matter suggests several important consequences. It proves incontestably that the judiciary is beyond comparison the weakest of the three departments of power; that it can never attack with success either of the other two; and that all possible care is requisite to

enable it to defend itself against their attacks. It equally proves that though individual oppression may now and then proceed from the courts of justice, the general liberty of the people can never be endangered from that quarter; I mean so long as the judiciary remains truly distinct from both the legislature and the executive. For I agree that "there is no liberty if the power of judging be not separated from the legislative and executive powers." And it proves, in the last place, that as liberty can have nothing to fear from the judiciary alone, but would have everything to fear from its union with either of the other departments; that as all the effects of such a union must ensue from a dependence of the former on the latter, notwithstanding a nominal and apparent separation; that as, from the natural feebleness of the judiciary, it is in continual jeopardy of being overpowered, awed, or influenced by its co-ordinate branches; and that as nothing can contribute so much to its firmness and independence as permanency in office, this quality may therefore be justly regarded as an indispensable ingredient in its constitution, and, in a great measure, as the citadel of the public justice and the public security.

The complete independence of the courts of justice is peculiarly essential in a limited Constitution. By a limited Constitution, I understand one which contains certain specified exceptions to the legislative authority; such, for instance, as that it shall pass no bills of attainder, no ex post facto laws, and the like. Limitations of this kind can be preserved in practice no other way than through the medium of courts of justice, whose duty it must be to declare all acts contrary to the manifest tenor of the Constitution void. Without this, all the reservations of particular rights or privileges would amount to nothing.

Some perplexity respecting the rights of the courts to pronounce legislative acts void, because contrary to the Constitution, has arisen from an imagination that the doctrine would imply a superiority of the judiciary to the legislative power. It is urged that the authority which can declare the acts of another void must necessarily be superior to the one whose acts may be declared void. As this doctrine is of great importance in all the American constitutions, a brief discussion of the grounds on which it rests cannot be unacceptable.

There is no position which depends on clearer principles than that every act of a delegated authority, contrary to the tenor of the commission under which it is exercised, is void. No legislative act, therefore, contrary to the Constitution, can be valid. To deny this would be to affirm that the deputy is greater than his principal; that the servant is above his master; that the representatives of the people are superior to the people themselves; that men acting by virtue of powers may do not only what their powers do not authorize, but what they forbid.

If it be said that the legislative body are themselves the constitutional judges of their own powers and that the construction they put upon them is conclusive upon the other departments it may be answered that this cannot be the natural presumption where it is not to be collected from any particular provisions in the Constitution. It is not otherwise to be supposed that the Constitution could intend to enable the representatives of the people to substitute their will to that of their constituents. It is far more rational to suppose that the courts were designed to be an intermediate body between the people and the legislature in order, among other things, to keep the latter within the limits assigned to their authority. The interpretation of the laws is the proper and peculiar province of the courts. A constitution is, in fact, and must be regarded by the judges as, a fundamental law. It therefore belongs to them to ascertain its meaning as well as the meaning of any particular act proceeding from the legislative body. If there should happen to be an irreconcilable variance between the two, that which has the superior obligation and validity ought, of course, to be preferred; or, in other words, the

Constitution ought to be preferred to the statute, the intention of the people to the intention of their agents.

Nor does this conclusion by any means suppose a superiority of the judicial to the legislative power. It only supposes that the power of the people is superior to both, and that where the will of the legislature, declared in its statutes, stands in opposition to that of the people, declared in the Constitution, the judges ought to be governed by the latter rather than the former. They ought to regulate their decisions by the fundamental laws rather than by those which are not fundamental.

This exercise of judicial discretion in determining between two contradictory laws is exemplified in a familiar instance. It not uncommonly happens that there are two statutes existing at one time, clashing in whole or in part with each other and neither of them containing any repealing clause or expression. In such a case, it is the province of the courts to liquidate and fix their meaning and operation. So far as they can, by fair construction, be reconciled to each other, reason and law conspire to dictate that this should be done; where this is impracticable, it becomes a matter of necessity to give effect to one in exclusion of the other. The rule which has obtained in the courts for determining their relative validity is that the last in order of time shall be preferred to the first. But this is a mere rule of construction, not derived from any positive law but from the nature and reason of the thing. It is a rule not enjoined upon the courts by legislative provision but adopted by themselves, as consonant to truth and propriety, for the direction of their conduct as interpreters of the law. They thought it reasonable that between the interfering acts of an equal authority that which was the last indication of its will should have the preference.

But in regard to the interfering acts of a superior and subordinate authority of an original and derivative power, the nature and reason of the thing indicate the converse of that rule as proper to be followed. They teach us that the prior act of a superior ought to be preferred to the subsequent act of an inferior and subordinate authority; and that accordingly, whenever a particular statute contravenes the Constitution, it will be the duty of the judicial tribunals to adhere to the latter and disregard the former.

It can be of no weight to say that the courts, on the pretense of a repugnancy, may substitute their own pleasure to the constitutional intentions of the legislature. This might as well happen in the case of two contradictory statutes; or it might as well happen in every adjudication upon any single statute. The courts must declare the sense of the law; and if they should be disposed to exercise WILL instead of JUDGMENT, the consequence would equally be the substitution of their pleasure for that of the legislative body. The observation, if it proved anything, would prove that there ought to be no judges distinct from that body.

If, then, the courts of justice are to be considered as the bulwarks of a limited Constitution against legislative encroachments, this consideration will afford a strong argument for the permanent tenure of judicial offices, since nothing will contribute so much as this to that independent spirit in the judges which must be essential to the faithful performance of so arduous a duty.

This independence of the judges is equally requisite to guard the Constitution and the rights of individuals from the effects of those ill humors which the arts of designing men, or the influence of particular conjunctures, sometimes disseminate among the people themselves, and which, though they speedily give place to better information, and more deliberate reflection, have a tendency, in the meantime, to occasion dangerous innovations in the government, and serious oppressions of the minor

party in the community. Though I trust the friends of the proposed Constitution will never concur with its enemies in questioning that fundamental principle of republican government which admits the right of the people to alter or abolish the established Constitution whenever they find it inconsistent with their happiness; yet it is not to be inferred from this principle that the representatives of the people, whenever a momentary inclination happens to lay hold of a majority of their constituents incompatible with the provisions in the existing Constitution, would, on that account, be justifiable in a violation of those provisions; or that the courts would be under a greater obligation to connive at infractions in this shape than when they had proceeded wholly from the cabals of the representative body. Until the people have, by some solemn and authoritative act, annulled or changed the established form, it is binding upon themselves collectively, as well as individually; and no presumption, or even knowledge, of their sentiment can warrant their representatives in a departure from it prior to such an act. But it is easy to see that it would require an uncommon portion of fortitude in the judges to do their duty as faithful guardians of the Constitution, where legislative invasions of it had been instigated by the major voice of the community.

But it is not with a view to infractions of the Constitution only that the independence of the judges may be an essential safeguard against the effects of occasional ill humors in the society. These sometimes extend no farther than to the injury of the private rights of particular classes of citizens, by unjust and partial laws. Here also the firmness of the judicial magistracy is of vast importance in mitigating the severity and confining the operation of such laws. It not only serves to moderate the immediate mischiefs of those which may have been passed but it operates as a check upon the legislative body in passing them; who, perceiving that obstacles to the success of an iniquitous intention are to be expected from the scruples of the courts, are in a manner compelled, by the very motives of the injustice they meditate, to qualify their attempts. This is a circumstance calculated to have more influence upon the character of our governments than but few may be aware of. The benefits of the integrity and moderation of the judiciary have already been felt in more States than one; and though they may have displeased those whose sinister expectations they may have disappointed, they must have commanded the esteem and applause of all the virtuous and disinterested. Considerate men of every description ought to prize whatever will tend to beget or fortify that temper in the courts; as no man can be sure that he may not be tomorrow the victim of a spirit of injustice, by which he may be a gainer today. And every man must now feel that the inevitable tendency of such a spirit is to sap the foundations of public and private confidence and to introduce in its stead universal distrust and distress.

That inflexible and uniform adherence to the rights of the Constitution, and of individuals, which we perceive to be indispensable in the courts of justice, can certainly not be expected from judges who hold their offices by a temporary commission. Periodical appointments, however regulated, or by whomsoever made, would, in some way or other, be fatal to their necessary independence. If the power of making them was committed either to the executive or legislature there would be danger of an improper complaisance to the branch which possessed it; if to both, there would be an unwillingness to hazard the displeasure of either; if to the people, or to persons chosen by them for the special purpose, there would be too great a disposition to consult popularity to justify a reliance that nothing would be consulted but the Constitution and the laws.

There is yet a further and weighty reason for the permanency of the judicial offices which is deducible from the nature of the qualifications they require. It has been frequently remarked with great propriety that a voluminous code of laws is one of the inconveniences necessarily connected with the advantages of a free government. To avoid an arbitrary discretion in the courts, it is

indispensable that they should be bound down by strict rules and precedents which serve to define and point out their duty in every particular case that comes before them; and it will readily be conceived from the variety of controversies which grow out of the folly and wickedness of mankind that the records of those precedents must unavoidably swell to a very considerable bulk and must demand long and laborious study to acquire a competent knowledge of them. Hence it is that there can be but few men in the society who will have sufficient skill in the laws to qualify them for the stations of judges. And making the proper deductions for the ordinary depravity of human nature, the number must be still smaller of those who unite the requisite integrity with the requisite knowledge. These considerations apprise us that the government can have no great option between fit characters; and that a temporary duration in office which would naturally discourage such characters from quitting a lucrative line of practice to accept a seat on the bench would have a tendency to throw the administration of justice into hands less able and less well qualified to conduct it with utility and dignity. In the present circumstances of this country and in those in which it is likely to be for a long time to come, the disadvantages on this score would be greater than they may at first sight appear; but it must be confessed that they are far inferior to those which present themselves under the other aspects of the subject.

Upon the whole, there can be no room to doubt that the convention acted wisely in copying from the models of those constitutions which have established good behavior as the tenure of their judicial offices, in the point of duration; and that so far from being blamable on this account, their plan would have been inexcusably defective if it had wanted this important feature of good government. The experience of Great Britain affords an illustrious comment on the excellence of the institution.

PUBLIUS

The Federalist Papers
No. 78 (Hamilton)

Study Questions

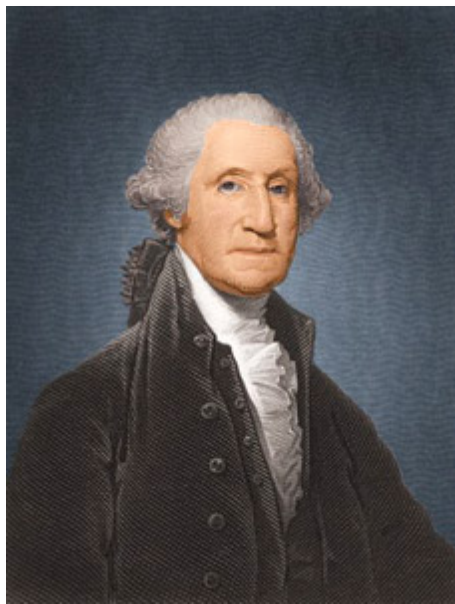
1. The manner of constituting a judiciary embraces what three objects?
2. Under the plan of the Convention, how long do judges serve that are appointed by the United States?
3. What reasons does Publius give for why this term of service for judges is the “most valuable of the modern improvements in the practice of government”?
4. Why is the judicial branch, as compared to the legislative and the executive, likely to “be the least dangerous to the political rights of the Constitution”?
5. Why is it such a danger to liberty if “the power of judging be not separated from the legislative and executive powers”?
6. How is “the complete independence of the courts of justice” essential to a Constitution of limited powers?
7. What arguments are set forth as to why the Supreme Court must have the power to declare acts of Congress unconstitutional? How did Publius’ set the groundwork for the Supreme Court’s holding [ruling] in “*Marbury vs. Madison*”⁶⁰ that confirmed this doctrine?
8. Why is it important for the judiciary to serve as a “check” on the legislative branch?
9. What power is superior to both the judicial and the legislative power?
10. Why is it important for the courts to “declare the sense of the law” and not to “exercise WILL instead of JUDGMENT”? How is legislating from the bench an usurpation of power and a form of tyranny?
11. How does an independent judiciary serve to guard the Constitution against the “arts of designing men” and the dangers of factions?
12. Why are few men qualified to serve as judges? What qualification [requisite] of a judge is important to unite along with skill and knowledge of the laws?

Additional Resources: _____

John J. Patrick, *Teaching the Federalist Papers* (ERIC Digests, 1988): <http://www.wjmi.org/DOCS/eric.htm>
John J. Patrick and Clair W. Eller, *Lessons on the Federalist Papers* (ERIC/OAH, Indiana University, 1987)
John Fonte and John Andrews, *Why the Federalist Belongs in the Classroom*, (The Independence Institute, 1991):
<http://www.liberty1.org/whythe~1.htm>

⁶⁰ For information and teaching ideas on this case, See: <http://www.landmarkcases.org/marbury/home.html>

VI.
GEORGE WASHINGTON



(1732–1799)

*and his
“Farewell Address”*

VI.

*“First in war, first in peace, first in the hearts of his countrymen”*⁶¹

On April 30, 1789, George Washington, standing on the balcony of Federal Hall on Wall Street in New York, took his oath of office as the first President of the United States. ‘As the first of every thing, in our situation will serve to establish a Precedent,’ he wrote James Madison, “it is devoutly wished on my part, that these precedents may be fixed on *true principles*.”⁶²

Born on February 22, 1732 into a Virginia planter family, he learned the morals, manners, and body of knowledge requisite for an 18th century Virginia gentleman. He pursued two intertwined interests: military arts and western expansion. At 16 he helped survey Shenandoah lands for Thomas, Lord Fairfax. Commissioned a lieutenant colonel in 1754, he fought the first skirmishes of what grew into the French and Indian War. The next year, as an aide to Gen. Edward Braddock, he escaped injury although four bullets ripped his coat and two horses were shot from under him.

From 1759 to the outbreak of the American Revolution, Washington managed his lands around Mount Vernon and served in the Virginia House of Burgesses. Married to a widow, Martha Dandridge Custis, he devoted himself to a busy and happy life. But like his fellow planters, Washington felt himself exploited by British merchants and hampered by British regulations. As the quarrel with the mother country grew acute, he moderately but firmly voiced his resistance to the restrictions.

When the Second Continental Congress assembled in Philadelphia in May 1775, Washington, one of the Virginia delegates, was elected Commander in Chief of the Continental Army. On July 3, 1775, at Cambridge, Massachusetts, he took command of his ill-trained troops and embarked upon a war that was to last six grueling years. As General Washington, he led the Colonial Army to victory over the British in the Revolutionary War, making the Declaration of Independence a reality.

During the War he realized early that the best strategy was to harass the British. He reported to Congress, "we should on all Occasions avoid a general Action, or put anything to the Risque, unless compelled by a necessity, into which we ought never to be drawn." Ensuing battles saw him fall back slowly, then strike unexpectedly. Finally in 1781 with the aid of French allies -- he forced the surrender of Cornwallis at Yorktown.

Washington longed to retire to his fields at Mount Vernon. But he soon realized that the Nation under its Articles of Confederation was not functioning well, so he became a prime mover in the steps leading to the Constitutional Convention at Philadelphia in 1787. Although he did not take part in the debates, he played a pivotal role in the forging of the Constitution of the United States in the Convention. When the new Constitution was ratified, he was called upon by a grateful nation to serve as its first leader and the Electoral College unanimously elected Washington as the first President of the United States of America.

⁶¹ Words from the eulogy written by Henry Lee for George Washington, adopted by Congress immediately after Washington's death.

⁶² W. Abbott, ed., *The Papers of George Washington* (University of Virginia Press, Charlottesville, 1987), 2:216-17.

He did not infringe upon the policy making powers that he felt the Constitution gave Congress. But the determination of foreign policy became preponderantly a Presidential concern. When the French Revolution led to a major war between France and England, Washington refused to accept entirely the recommendations of either his Secretary of State Thomas Jefferson, who was pro-French, or his Secretary of the Treasury Alexander Hamilton, who was pro-British. Rather, he insisted upon a neutral course until the United States could grow stronger.

To his disappointment, two parties were developing by the end of his first term. Wearied of politics, and feeling old, he retired at the end of his second. Washington enjoyed less than three years of retirement at Mount Vernon, for he died of a throat infection December 14, 1799. For months the Nation mourned him.⁶³

Thomas Jefferson remembered Washington in a letter written fourteen years after his death:

“I think I knew General Washington intimately and thoroughly; and were I called on to delineate his character, it should be in terms like these.

His mind was great and powerful, without being of the very first order; his penetration strong, though, not so acute as that of a Newton, Bacon, or Locke; and as far as he saw, no judgment was ever sounder. It was slow in operation, being little aided by invention or imagination, but sure in conclusion. Hence the common remark of his officers, of the advantage he derived from councils of war, where hearing all suggestions, he selected whatever was best; and certainly no General ever planned his battles more judiciously. But if deranged during the course of the action, if any member of his plan was dislocated by sudden circumstance, he was slow in re-adjustment. The consequence was, that he often failed in the field, and rarely against an enemy in station, as at Boston and York. He was incapable of fear, meeting personal dangers with the calmest unconcern. Perhaps the strongest feature in his character was prudence, never acting until every circumstance, every consideration, was maturely weighed; refraining if he saw a doubt, but, when once decided, going through with his purpose, whatever obstacles opposed. His integrity was most pure, his justice the most inflexible I have ever known, no motives of interest or consanguinity, of friendship or hatred, being able to bias his decision. He was, indeed, in every sense of the words, a wise, a good, and a great man. His temper was naturally high toned; but reflection and resolution had obtained a firm and habitual ascendancy over it. If ever, however, it broke its bonds, he was most tremendous in his wrath. In his expenses he was honorable, but exact; liberal in contributions to whatever promised utility; but frowning and unyielding on all visionary projects and all unworthy calls on his charity. His heart was not warm in its affections; but he exactly calculated every man's value, and gave him a solid esteem proportioned to it. His person, you know, was fine, his stature exactly what one would wish, his deportment easy, erect and noble; the best horseman of his age, and the most graceful figure that could be seen on horseback. . . .

⁶³ Biography from the White House online: <http://www.whitehouse.gov/about/presidents/georgewashington/>

On the whole, his character was, in its mass, perfect, in nothing bad, in few points indifferent; and it may truly be said, that never did nature and fortune combine more perfectly to make a man great, and to place him in the same constellation with whatever worthies have merited from man an everlasting remembrance.

For his was the singular destiny and merit, of leading the armies of his country successfully through an arduous war, for the establishment of its independence; of conducting its councils through the birth of a government, new in its forms and principles, until it had settled down into a quiet and orderly train; and of scrupulously obeying the laws through the whole of his career, civil and military, of which the history of the world furnishes no other example. . . .

We knew his honesty . . .

I felt on his death, with my countrymen, that ‘verily a great man hath fallen this day in Israel.’”⁶⁴

Washington’s life and character exemplify the principles and maxims contained in his Farewell Address. George Washington is a model of civic virtue for all Americans.

On Washington’s birthday, February 22, 1842, Abraham Lincoln delivered an address to the Springfield Washingtonian Temperance Society and concluded, “We are met to celebrate this day. Washington is the mightiest name on earth -- long since mightiest in the cause of civil liberty; still mightiest in moral reformation. On that name, a eulogy is expected. It cannot be. To add brightness to the sun, or glory to the name of Washington, is alike impossible. Let none attempt it. In solemn awe pronounce the name, and in its naked deathless splendor, leave it shining on.”⁶⁵ And so, it is the responsibility of every American citizen to teach our children to both remember and honor our nation’s Founding Father.

⁶⁴ Jefferson to Dr. Walter Jones, January 2, 1814, ME 14:48-52.

⁶⁵ Abraham Lincoln, John George Nicolay, John Hay, *Abraham Lincoln: Complete Works* (The Century Company, New York, 1907), pp. 63-64.

PREFACE TO THE FAREWELL ADDRESS

Near the close of Washington's second term in office, having determined to finally retire from public life to his beloved home at Mount Vernon, one final task weighed upon his mind -- he wished to impart his final counsel to his fellow citizens in the form of a Valedictory Address -- a discourse that he hoped might be read and remembered for generations to come. Within it he would set forth the fundamental maxims of American Liberty.

Washington carefully prepared his Farewell Address with the assistance of Alexander Hamilton and James Madison. Although titled as an "address," it was never given orally. President Washington delivered it to his Cabinet, and four days later, on September 19, 1796, it was published in Philadelphia, and later in other newspapers. As it was at the University of Virginia, Washington's Farewell Address has since been venerated as one of America's Founding Documents. It was used extensively in schools, in universities, and included in manuals for Constitutional education throughout the nineteenth century and early twentieth century. Sadly, it has been largely ignored in the modern, secondary school curriculum.

Abraham Lincoln shared his sentiments concerning the Farewell Address when he issued this Presidential Proclamation on February 19, 1862:

"It is recommended to the people of the United States that they assemble in their customary places of meeting for public solemnities on the twenty-second day of February instant, and celebrate the anniversary of the birth of the Father of His Country by causing to be read to them his *immortal Farewell address*."⁶⁶

We hear much about "rights" in our time, but seemingly less of civic duty and individual responsibility. Ironically, though neglected, George Washington's Farewell Address not only sets forth the true principles of liberty, but effectively constitutes "the handbook of an American citizen's responsibilities." It teaches the importance of union to our republic, loyalty to the Constitution, mutual respect among people and nations, the value of honesty, and the need for public virtue. It confirms that morality and religion are indispensable to our individual and collective happiness and constitute the "twin pillars" of America's political prosperity.

The distinguished constitutional scholar, J. Reuben Clark, Jr., revered Washington's Farewell Address and stated that it "ranks with the Declaration of Independence and the Constitution itself as a sailing chart for this nation. . . ." ⁶⁷ It would be of great value to us individually and to our republic if all teachers, students, and citizens, young and old, followed Lincoln's advice to annually read and study Washington's Farewell Address.

⁶⁶ Abraham Lincoln, Executive Letter dated February 19, 1862, James D. Richardson, ed., *Messages and Papers of the Presidents*, (Government Printing Office, Washington D.C., 1902), 5:3289-90.

⁶⁷ J. Reuben Clark, Jr., *Stand Fast by Our Constitution* (Deseret Book Company, Salt Lake City, 1973), pp. 24-25. J. Reuben Clark served as Under Secretary of State to President Calvin Coolidge and U. S. Ambassador to Mexico, and was the author of the *Memorandum on the Monroe Doctrine* (U. S. Government Printing Office, 1930).

SELECTED QUOTES FROM
WASHINGTON'S FAREWELL ADDRESS

AMERICAN NAME

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.

UNION

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.

Your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

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

THE HAND OF PROVIDENCE

No people can be bound to acknowledge and adore the invisible hand, which conducts in the affairs of men more than the people of the United States. -- Every step, by which they have been advanced to the character of an independent nation, seems to have been distinguished by some token of providential agency.

LIBERTY HAS A PRICE

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.

RESPECT FOR AUTHORITY; OBEDIENCE TO LAWS

This government, the off-spring of our 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 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.

All obstructions to the execution of the Laws, all combinations and Associations, under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberation

and action of the Constituted authorities, are destructive of this fundamental principle and of fatal tendency. They serve to organize faction; to give it an artificial and extraordinary force; to put in the place of the delegated will of the Nation the will of a party, often a small but artful and enterprising minority of the Community, and, according to the alternate triumphs of different parties, to make the public administration the Mirror of the ill concerted and incongruous projects of faction rather than the organ of consistent and wholesome plans, digested by common counsels and modified by mutual interests.

SEPARATION OF POWERS

Liberty itself will find in such a Government, with powers properly distributed and adjusted, its surest guardian.

It is important, likewise, that the habits of thinking in a free Country should inspire caution in those entrusted with its administration to confirm themselves within their respective constitutional spheres, avoiding 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 predominates 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 by 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.

DANGERS OF THE “SPIRIT OF PARTY”

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries which result gradually incline the minds of men to seek security and repose in the absolute power of an individual, and sooner or later the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purposes of his own elevation on the ruins of Public Liberty. . . .

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

VIRTUE AND MORALITY

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.

'Tis 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?

Can it be that Providence has not connected the permanent felicity [happiness] of a nation with its virtue?

EDUCATION

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.

PUBLIC CREDIT

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 vigorous 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. The execution of these maxims belongs to your Representatives; but it is necessary that public opinion should cooperate.

FOREIGN RELATIONS

Observe good faith and justice towards 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.

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.

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

HONESTY

I hold the maxim no less applicable to public than to private affairs that honesty is always the best policy.

[spelling modernized]

[Note: the entire text of the Farewell Address is included in the Appendix to this Guide].

Washington's Farewell Address

Study Questions

1. According to Washington, why should the name of “American” be more important than “Virginian,” “Californian,” “Irish-American,” or “African-American,” etc.?
2. What is the main prop [support] of our liberty? How does the love of liberty endear us to the preservation of the union?
3. How was “providential agency” manifest in the birth of the American nation?
4. Is liberty free or does it have a price? Give some examples from American history and today.
5. What three duties are “enjoined by the fundamental maxims of true liberty”?
6. What “obstructions to the execution of the laws” and other dangers of factions are identified by Washington?
7. How does the “spirit of encroachment [infringement]” of power between the separate departments of government tend to create despotism? What human tendency must be checked?
8. Describe the specific warnings Washington gives concerning the “spirit of party.” What are some of the advantages and disadvantages of political parties?
9. What dispositions and habits form the “great pillars” of political prosperity and human happiness? What are some of the consequences of a deterioration of religious and moral principles in society?
10. According to Washington, what is a “necessary spring of popular government?”
11. How important is the “general diffusion of knowledge”? Why is education, particularly with respect to a republican form of government, so important to maintain freedom? Explain.
12. Washington says that we should “cherish public credit.” Do you agree? How can the “accumulation of debt” threaten our national and individual strength and security?
13. What does Washington say we should cultivate with all nations? In what ways can foreign relations be affected by “an habitual hatred or an habitual fondness” toward particular nations?
14. Why is “honesty the best policy”? In government? In business? In personal relationships? What are some of the consequences of dishonesty to our society? Give some examples.

Additional Resources:

PBS: *Rediscovering George Washington*, <http://www.pbs.org/georgewashington/classroom/index.html>

Nat'l Endowment for the Humanities: *George Washington*, http://edsitement.neh.gov/view_lesson_plan.asp?id=315

VII. CONCLUSION



*“To Perpetuate the Study of the
Teachings and Examples of the Founders of the Republic”*

VII.

Just outside of the Rotunda at the University of Virginia stands a statue of Thomas Jefferson, sculpted by Moses Ezekiel, and “presented to the people” on May 25, 1910. When I first visited the University in May 2004, as I admired this great work of art, I noticed the inscription on the upper base of the statue which reads: “TO PERPETUATE THE TEACHINGS AND EXAMPLES OF THE FOUNDERS OF THE REPUBLIC.” I was profoundly impressed with the spirit and significance of this statement. I reflected upon it much, recorded it in my journal, and later decided that this testimonial should serve as basis for the *Charter* of The Washington, Jefferson & Madison Institute.

As conveyed by the words of this inscription, it is incumbent upon each of us to study and ponder America’s Founding Documents and the writings and lives of our Founding Fathers. Thomas Jefferson said: “If a nation expects to be ignorant and free, in a state of civilization, it expects what never was and never will be.”⁶⁸ He also stated: “I know of no safe depository of the ultimate powers of the society but the people themselves; and if we think them not enlightened enough to exercise their control with a wholesome direction, the remedy is not to take it from them, but to inform their discretion by education. This is the true corrective of abuses of constitutional power.”⁶⁹ The diffusion of knowledge and an enlightened citizenry are essential elements required to maintain liberty.

We may ask, have we studied and learned the principles of the Constitution in the tradition of the Founding Fathers? Are the Constitution and principles of liberty expounded by the Founding Fathers being taught in our schools? Has their history been diluted? Abraham Lincoln stated: “Let it [reverence for the laws and Constitution] be taught in schools, seminaries and in colleges; let it be written in primers, in spelling books and in almanacs; let it be preached from the pulpit, proclaimed in legislative halls, enforced in courts of justice. In short, let it become the political religion of the nation.”⁷⁰ In his Inaugural Address on April 30, 1789, as our nation’s first President under the newly adopted Constitution, George Washington said: “The preservation of the sacred fire of liberty, and the destiny of the republican model of government, are justly considered deeply, perhaps as finally, staked on the experiment entrusted to the hands of the American people.”⁷¹ Vigilance in learning and imparting liberty's knowledge is part of liberty's price.

⁶⁸ Thomas Jefferson to Charles Yancey, 1816. ME 14:384.

⁶⁹ Thomas Jefferson to William C. Jarvis, 1820. ME 15:278.

⁷⁰ Abraham Lincoln, *Speeches and Writings: 1832-1858*, Don Fehrenbacher, ed. (Library of America, New York, 1989), pp. 32-33.

⁷¹ Saxe Commins, ed., *Basic Writings of George Washington* (Random House, New York, 1948), p. 560.

APPENDIX

IN CONGRESS, JULY 4, 1776

A DECLARATION

BY THE REPRESENTATIVES OF THE

UNITED STATES OF AMERICA

IN GENERAL CONGRESS ASSEMBLED

WHEN in the Course of human Events, it becomes necessary for one People to dissolve the Political Bands which have connected them with another, and to assume among the Powers of the Earth, the separate and equal Station to which the Laws of Nature and of Nature's God entitle them, a decent Respect to the Opinions of Mankind requires that they should declare the causes which impel them to the Separation.

WE hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness -- That, to secure these Rights, Governments are instituted among Men, deriving their just Powers from the Consent of the Governed, that whenever any Form of Government becomes destructive of these Ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its Foundation on such Principles, and organizing its Powers in such Form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient Causes; and accordingly all Experience hath shown that Mankind are more disposed to suffer, while Evils are sufferable than to right themselves by abolishing the Forms to which they are accustomed. But when a long Train of Abuses and Usurpations, pursuing invariably the same Object, evinces a Design to reduce them under absolute Despotism, it is their Right, it is their Duty, to throw off such Government, and to provide new Guards for their future Security. Such has been the patient Sufferance of these Colonies; and such is now the Necessity which constrains them to alter their former Systems of Government. The History of the present King of Great-Britain is a History of repeated Injuries and Usurpations, all having in direct Object the Establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid World.

HE has refused his Assent to Laws, the most wholesome and necessary for the public Good.

HE has forbidden his Governors to pass Laws of immediate and pressing Importance, unless suspended in their Operation till his Assent should be obtained; and, when so suspended, he has utterly neglected to attend to them.

HE has refused to pass other Laws for the Accommodation of large Districts of People, unless those People would relinquish the Right of Representation in the Legislature, a Right inestimable to them, and formidable to Tyrants only.

HE has called together Legislative Bodies at Places unusual, uncomfortable, and distant from the Depository of their public Records, for the sole Purpose of fatiguing them into Compliance with his Measures.

HE has dissolved Representative Houses repeatedly, for opposing with manly Firmness his Invasions on the Rights of the People.

HE has refused for a long Time, after such Dissolutions, to cause others to be elected; whereby the Legislative Powers, incapable of Annihilation, have returned to the People at large for their exercise; the State remaining in the mean time, exposed to all the Dangers of Invasion from without, and Convulsions within.

HE has endeavored to prevent the Population of these States; for that Purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their Migrations hither, and raising the Conditions of new Appropriations of Lands.

HE has obstructed the Administration of Justice, by refusing his Assent to Laws for establishing Judiciary Powers.

HE has made Judges dependent on his Will alone, for the Tenure of their Offices, and the Amount and Payment of their Salaries.

HE has erected a Multitude of new Offices, and sent hither Swarms of Officers to harass our People, and eat out their Substance.

HE has kept among us, in Times of Peace, Standing Armies, without the consent of our Legislatures.

HE has affected to render the Military independent of and superior to the Civil Power.

HE has combined with others to subject us to a Jurisdiction foreign to our Constitution, and unacknowledged by our Laws; giving his Assent to their Acts of pretended Legislation:

FOR quartering large Bodies of Armed Troops among us:

FOR protecting them, by a mock Trial, from Punishment for any Murders which they should commit on the Inhabitants of these States:

FOR cutting off our Trade with all Parts of the World:

FOR imposing Taxes on us without our Consent:

FOR depriving us, in many Cases, of the Benefits of Trial by Jury:

FOR transporting us beyond Seas to be tried for pretended Offenses:

FOR abolishing the free System of English Laws in a neighboring Province, establishing therein an arbitrary Government, and enlarging its Boundaries, so as to render it at once an Example and fit Instrument for introducing the same absolute Rule into these Colonies:

FOR taking away our Charters, abolishing our most valuable Laws, and altering fundamentally the Forms of our Governments:

FOR suspending our own Legislatures, and declaring themselves invested with Power to legislate for us in all Cases whatsoever.

HE has abdicated Government here, by declaring us out of his Protection and waging War against us.

HE has plundered our Seas, ravaged our Coasts, burnt our Towns, and destroyed the Lives of our People.

HE is, at this Time, transporting large Armies of foreign Mercenaries to compleat the Works of Death, Desolation, and Tyranny, already begun with circumstances of Cruelty and Perfidy, scarcely paralleled in the most barbarous Ages, and totally unworthy the Head of a civilized Nation.

HE has constrained our fellow Citizens taken Captive on the high Seas to bear Arms against their Country, to become the Executioners of their Friends and Brethren, or to fall themselves by their Hands.

HE has excited domestic Insurrections amongst us, and has endeavored to bring on the Inhabitants of our Frontiers, the merciless Indian Savages, whose known Rule of Warfare, is an undistinguished Destruction, of all Ages, Sexes and Conditions.

IN every stage of these Oppressions we have Petitioned for Redress in the most humble Terms: Our repeated Petitions have been answered only by repeated Injury. A Prince, whose Character is thus marked by every act which may define a Tyrant, is unfit to be the Ruler of a free People.

NOR have we been wanting in Attentions to our British Brethren. We have warned them from Time to Time of Attempts by their Legislature to extend an unwarrantable Jurisdiction over us. We have reminded them of the Circumstances of our Emigration and Settlement here. We have appealed to their native Justice and Magnanimity, and we have conjured them by the Ties of our common Kindred to disavow these Usurpations, which, would inevitably interrupt our Connections and Correspondence. They too have been deaf to the Voice of Justice and of Consanguinity. We must, therefore, acquiesce in the Necessity, which denounces our Separation, and hold them, as we hold the rest of Mankind, Enemies in War, in Peace, Friends.

WE, therefore, the Representatives of the UNITED STATES OF AMERICA, in GENERAL CONGRESS, Assembled, appealing to the Supreme Judge of the World for the Rectitude of our Intentions, do, in the Name, and by the Authority of the good People of these Colonies, solemnly Publish and Declare, That these United Colonies are, and of Right ought to be, **FREE AND INDEPENDENT STATES**; that they are absolved from all Allegiance to the British Crown, and that all political Connection between them and the State of Great-Britain is, and ought to be totally dissolved; and that as **FREE AND INDEPENDENT STATES**, they have full Power to levy War, conclude Peace, contract Alliances, establish Commerce, and to do all other Acts and Things which **INDEPENDENT STATES** may of right do. And for the support of this Declaration, with a firm Reliance on the Protection of divine Providence, we mutually pledge to each other our Lives, our Fortunes, and our sacred Honor.

Signed by ORDER **and in** BEHALF **of the** CONGRESS,

JOHN HANCOCK, PRESIDENT.

ATTEST.

CHARLES THOMPSON, SECRETARY.

New Hampshire

Josiah Bartlett,
Wm. Whipple,
Matthew Thornton.

Delaware

Caesar Rodney,
Geo. Read,
[Tho M:Kean.]

Massachusetts

[John Hancock]
Saml. Adams,
John Adams,
Robt. Treat Paine,
Elbridge Gerry.

Maryland

Samuel Chase,
Wm. Paca,
Thos. Stone,
Charles Carroll, of Carrollton.

Rhode Island

Step. Hopkins,
William Ellery.

Virginia

George Wythe,
Richard Henry Lee,
Ths. Jefferson,
Benja. Harrison,
Thos. Nelson, jr.
Francis Lightfoot Lee,
Carter Braxton.

Connecticut

Roger Sherman,
Saml. Huntington,
Wm. Williams

New York

Wm. Floyd,
Phil. Livingston,
Frans. Lewis,
Lewis Morris

New Jersey

Richd. Stockton,
Jno. Witherspoon,
Fras. Hopkinson,
John Hart,
Abra. Clark.

Pennsylvania

Robt. Morris,
Benjamin Rush,
Benja. Franklin,
John Morton,
Geo. Clymer,
Jas. Smith,
Geo. Taylor,
James Wilson,
Geo. Ross.

North Carolina

Wm. Hooper,
Joseph Hewes,
John Penn.

South Carolina

Edward Rutledge
Thos. Heyward, junr.
Thomas Lynch, junr.
Arthur Middleton.

Georgia

Button Gwinnett,
Lyman Hall,
Geo. Walton.

WASHINGTON'S FAREWELL ADDRESS

September 19, 1796

To the PEOPLE of the United States:

Friends and Fellow-Citizens:

1. 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.

2. I beg you at the same time to do me the justice to be assured that this resolution has not been taken without strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that in withdrawing the tender of service, which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest, no deficiency of grateful respect for your past kindness, but am supported by a full conviction that the step is compatible with both.

3. The acceptance of and continuance hitherto in the office to which your Suffrages have twice called me have been a uniform sacrifice of inclination to the opinion of duty and to a deference to what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this previous to the last Election had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our Affairs with foreign Nations and the unanimous advice of persons entitled to my confidence impelled me to abandon the idea.

4. 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.

5. 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.

6. In looking forward to the moment which is intended to terminate the career of my political life my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me, and for the opportunities I have thence enjoyed of manifesting my inviolable attachment by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise and as an instructive example in our annals that under circumstances in which the Passions, agitated in every direction, were liable to mislead; amidst appearances sometimes dubious; vicissitudes of fortune often discouraging; in situations in which not unfrequently want of Success has countenanced the spirit of criticism, the constancy of your support was the essential prop of the efforts and guaranty of the plans by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave as a strong incitement to unceasing vows that Heaven may continue to you the choicest tokens of its beneficence; that your Union and brotherly affection may be perpetual; that the free Constitution, which is the work of your hands may be sacredly maintained; that its Administration in every department may be stamped with wisdom and Virtue; that, in fine, the happiness of the people of these States, under the auspices of liberty, may be made complete by so careful a preservation and so prudent a use of this blessing as will acquire to them the glory of recommending it to the applause, the affection, and adoption of every nation which is yet a stranger to it.

7. Here, perhaps, I ought to stop. But a solicitude for your welfare which can not 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 appears 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 to bias his counsel. Nor can I forget as an encouragement to it your indulgent reception of my sentiments on a former and not dissimilar occasion.

8. 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.

9. 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.

10. 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.

11. 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.

12. The North, in an unrestrained intercourse with the South, protected by the equal laws of a common government, finds in the productions of the latter great additional resources of maritime and commercial enterprise and precious materials of manufacturing industry. The South, in the same intercourse, benefiting by the same agency of the North, sees its agriculture grow and its commerce expand. Turning partly into its own channels the sea men 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.

13. While then every part of our country thus feels an immediate and particular Interest in Union, all the parts combined can not 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 governments, 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 to you the preservation of the other.

14. These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the UNION as a primary object of patriotic desire. 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. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective Subdivisions, will afford a

happy issue to the experiment. 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.

15. In contemplating the causes which may disturb our Union it occurs as matter of serious concern that any ground should have been furnished for characterizing the 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 heartburnings which spring from these misrepresentations; they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our Western country have lately had a useful lesson on this head. They have seen in the negotiation by the executive and in the unanimous ratification by the Senate of the Treaty with Spain, and in the universal satisfaction at that event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the general government and in the Atlantic states unfriendly to their interests in regard to the MISSISSIPPI. They have been witnesses to the formation of two treaties -that with G:[reat] Britain and that with Spain -which secure to them everything they could desire in respect to our foreign relations toward confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the UNION by which they were procured? Will they not henceforth be deaf to those advisers, if such there are, who would sever them from their brethren and connect them with Aliens?

16. 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 off-spring of our 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.

17. All obstructions to the execution of the Laws, all combinations and Associations, under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberation and action of the Constituted authorities, are destructive of this fundamental principle and of fatal tendency. They serve to organize faction; to give it an artificial and extraordinary force; to put in the place of the delegated will of the Nation the will of a party, often a small but artful and enterprising minority of the Community, and, according to the alternate triumphs of different parties, to make the public administration the Mirror of the ill concerted and incongruous projects of faction rather than the organ of consistent and wholesome plans, digested by common counsels and modified

by mutual interests. However combinations or Associations of the above description may now and then answer popular ends, they are likely in the course of time and things to become potent engines by which cunning, ambitious, and unprincipled men will be enabled to subvert the Power of the People, and to usurp for themselves the reins of Government, destroying afterwards the very engines which have lifted them to unjust dominion.

18. Towards 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 can not 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; the 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 persons and property.

19. 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.

20. 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.

21. The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries which result gradually incline the minds of men to seek security and repose in the absolute power of an individual, and sooner or later the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purposes of his own elevation on the ruins of Public Liberty.

22. Without looking forward to an extremity of this kind (which nevertheless ought not to be entirely out of sight), the common and continual mischiefs of the spirit of Party are sufficient to make it the interest and duty of a wise People to discourage and restrain it.

23. 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 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.

24. There is an opinion that parties in free countries are useful checks upon the Administration of the Government, and serve to keep live the spirit of Liberty. This within certain limits is probably true; and in Governments of 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.

25. It is important, likewise, that the habits of thinking in a free Country should inspire caution in those intrusted with its administration to confirm themselves within their respective constitutional spheres, avoiding 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 predominates 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 by 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.

26. 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.

27. 'Tis 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?

28. 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.

29. 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 vigorous 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. The execution of these maxims belongs to your Representatives; but it is necessary that public opinion should cooperate. To facilitate to them the performance of their duty it is essential that you should practically bear in mind that toward the payment of debts there must be Revenue; that to have Revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper objects (which is always a choice of difficulties), ought to be a decisive motive for a candid construction of the Conduct of the Government in making it, and for a spirit of acquiescence in the measures for obtaining Revenue which the public exigencies may at any time dictate.

30. Observe good faith and justice towards [towards] 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 advantages 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 possible by its vices?

31. 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. Hence frequent collisions, obstinate, envenomed, and bloody contests. The Nation prompted by ill will and resentment sometimes impels to War the Government contrary to the best calculations of policy. The Government sometimes participates in the national propensity, and adopts through passion what reason would reject. At other times it makes the animosity of the Nation subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty, of Nations has been the victim.

32. 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.

33. As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public Councils! Such an attachment of a small or weak toward a great and powerful Nation dooms the former to be the satellite of the latter.

34. 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.

35. 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.

36. Europe has a set of primary interests which to use 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 combination and collisions of her friendships or enmities.

37. 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.

38. 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, Rivalship, Interest, Humor, or Caprice?

39. 'Tis 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.

40. Taking care always to keep ourselves by suitable establishments on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

41. 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 Government 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 of 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.

42. In offering to you, my Countrymen, these counsels of an old and affectionate friend I dare not hope they will make the strong and lasting impression, I could wish; that they will control the usual current of the passions or prevent our Nation from running the course which has hitherto marked the Destiny of Nations, but if I may even flatter myself that they may be productive of some partial benefit, some occasional good; that they may now and then recur to moderate the fury of party spirit, to warn against the Impostures of pretended patriotism; this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

43. How far in the discharge of my Official duties I have been guided by the principles which have been delineated the public Records and other evidences of my conduct must Witness to you and to the world. To myself, the assurance of my own conscience is that I have at least believed myself to be guided by them.

44. In relation to the still subsisting war in Europe my proclamation of the 22d of April 1793 is the index to my Plan. Sanctioned by your approving voice and by that of Your Representatives in both Houses of Congress, the spirit of that measure has continually governed me; uninfluenced by any attempts to deter or divert me from it.

45. After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our Country, under all the circumstances of the case, had a right to take, and was bound in duty and interest to take a Neutral position. Having taken it, I determined as far as should depend upon me to maintain it with moderation, perseverance, and firmness.

46. The considerations which respect the right to hold this conduct it is not necessary on this occasion to detail. I will only observe, that according to my understanding of the matter, that right, so far from being denied by any of the Belligerent Powers, has been virtually admitted by all.

47. The duty of holding a Neutral conduct may be inferred, without anything more, from the obligation which justice and humanity impose on every Nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity toward other Nations.

48. The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me a predominant motive has been to endeavor to gain time to our country to settle and mature its recent institutions, and to progress without interruption to that degree of strength and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

49. 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.

50. 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 favourite object of my heart, and the happy reward, as I trust, of our mutual cares, labours and dangers.

AFTERWORD

Accolades from Teachers for
THE WASHINGTON, JEFFERSON & MADISON INSTITUTE
and its Continuing Education Seminars

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U.S. Government Teacher
Fluvanna County High School, Virginia

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Kallan Parsley
U.S. History Teacher
Nelson County Middle School, Virginia

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