Mr. Chairman ... I rose yesterday to ask a question which arose in my own mind. When I asked that question, I thought the meaning of my interrogation was obvious: The fate of this question and of America may depend on this: Have they said, we, the States? Have they made a proposal of a compact between states? If they had, this would be a confederation: It is otherwise most clearly a consolidated government. The question turns, Sir, on that poor little thing—the expression, We, the people, instead of the States, of America. I need not take much pains to show that the principles of this system are extremely pernicious, impolitic, and dangerous. Is this a monarchy, like England—a compact between prince and people, with checks on the former to secure the liberty of the latter? Is this a Confederacy, like Holland—an association of a number of independent states, each of which retains its individual sovereignty? It is not a democracy, wherein the people retain all their rights securely. Had these principles been adhered to, we should not have been brought to this alarming transition, from a Confederacy to a consolidated Government. We have no detail of these great consideration, which, in my opinion, ought to have abounded before we should recur to a government of this kind. Here is a revolution as radical as that which separated us from Great Britain. It is radical in this transition; our rights and privileges are endangered, and the sovereignty of the states will be relinquished: And cannot we plainly see that this is actually the case? The rights of conscience, trial by jury, liberty of the press, all your immunities and franchises, all pretensions to human rights and privileges, are rendered insecure, if not lost, by this change, so loudly talked of by some, and inconsiderately by others. Is this tame relinquishment of rights worthy of freemen? Is it worthy of that manly fortitude that ought to characterize republicans: It is said eight States have adopted this plan. I declare that if twelve States and a half had adopted it, I would, with manly firmness, and in spite of an erring world, reject it. You are not to inquire how your trade may be increased, nor how you are to become a great and powerful people, but how your liberties can be secured; for liberty ought to be the direct end of your Government. Having premised these things, I shall, with the aid of my judgment and information, which, I confess, are not extensive, go into the discussion of this system more minutely. Is it necessary for your liberty that you should abandon those great rights by the adoption of this system? Is the relinquishment of the trial by jury and the liberty of the press necessary for your liberty? Will the abandonment of your most sacred rights tend to the security of your liberty? Liberty, the greatest of all earthly blessings—give us that precious jewel, and you may take every thing else: But I am fearful I have lived long enough to become an fellow: Perhaps an invincible attachment to the dearest rights of man, may, in these refined, enlightened days, be deemed old fashioned: If so, I am contented to be so: I say, the time has been when every pore of my heart beat for American liberty, and which, I believe, had a counterpart in the breast of every true American: But suspicions have gone forth—suspicions of my integrity—publicly reported that my professions are not real. 23 years ago was I supposed a traitor to my country; I was
then said to be the bane of sedition, because I supported the rights of my country: I may be thought suspicious when I say our privileges and rights are in danger. But, Sir, a number of the people of this country are weak enough to think these things are too true: I am happy to find that the Honorable Gentleman on the other side declares they are groundless: But, Sir, suspicion is a virtue, as long as its object is the preservation of the public good, and as long as it stays within proper bounds: Should it fall on me, I am contented: Conscious rectitude is a powerful consolation: I trust there are many who think my professions for the public good to be real. Let your suspicion look to both sides: There are many on the other side, who possibly may have been persuaded of the necessity of these measures, which I conceive to be dangerous to your liberty. Guard with jealous attention the public liberty. Suspect every one who approaches that jewel. Unfortunately, nothing will preserve it but downright force: Whenever you give up that force, you are inevitably ruined. I am answered by gentlemen, that though I might speak of terrors, yet the fact was, that we were surrounded by none of the dangers apprehended. I conceive this new Government to be one of those dangers: It has produced those horrors which distress many of our best citizens. We are come hither to preserve the poor commonwealth of Virginia, if it can be possibly done: Something must be done to preserve your liberty and mine: The Confederation; this same despised Government, merits, in my opinion, the highest encomium: It carried us through a long and dangerous war: It rendered us victorious in that bloody conflict with a powerful nation: It has secured us a territory greater than any European monarch possesses: And shall a Government which has been thus strong and vigorous, be accused of imbecility and abandoned for want of energy? Consider what you are about to do before you part with this Government. Take longer time in reckoning things: Revolutions like this have happened in almost every country in Europe: Similar examples are to be found in ancient Greece and ancient Rome: Instances of the people losing their liberty by their carelessness and the ambition of a few. We are cautioned by the Honorable Gentleman who presides, against faction and turbulence: I acknowledge that licentiousness is dangerous, and that it ought to be provided against: I acknowledge also the new form of Government may effectually prevent it: Yet, there is another thing it will as effectually do: it will oppress and ruin the people. There are sufficient guards placed against sedition and licentiousness: For when power is given to this Government to suppress these, or, for any other purpose, the language it assumes is clear, express, and unequivocal; but when this Constitution speaks of privileges, there is an ambiguity, Sir, a fatal ambiguity; an ambiguity which is very astonishing: In the clause under consideration, there is the strangest language that I can conceive. I mean, when it says that there shall not be more Representatives than one for every 30,000. Now, Sir, how easy is it to evade this privilege? "The number shall not exceed one for every 30,000." This may be satisfied by one Representative from each State. Let our numbers be ever so great, this immense continent, may, by this artful expression, be reduced to have but 13 Representatives: I confess this construction is not natural; but the ambiguity of the expression lays a good ground for a quarrel. Why was it not clearly and unequivocally expressed, that they should be entitled, to have one for every 30,000? This would have obviated all disputes; and was this difficult to be done? What is the inference? When population increases, and a state shall send Representatives in this proportion, Congress may remand them, because the right of having one for every 30,000 is not clearly expressed: this possibility of reducing the number to one for each state approximates to probability by that other expression, "but each state shall at least have one Representative." Now, is it not clear that, from the first expression, the number might be reduced so much that some States should have no Representatives at all, were it not
for the insertion of this last expression? And as this is the only restriction upon them, we may fairly
conclude that they may restrain the number to one from each State: Perhaps the same horrors may
hang over my mind again. I shall be told I am continually afraid: But, Sir, I have strong cause of
apprehension: In some parts of the plan before you, the great rights of freemen are endangered, in
other parts absolutely taken away. How does your trial by jury stand? In civil cases gone—not sufficiently
secured in criminal—this best privilege is gone: But we are told that we need not fear; because those in
power, being our Representatives, will not abuse the power we put in their hands: I am not well versed
in history, but I will submit to your recollection, whether liberty has been destroyed most often by the
licentiousness of the people, or by the tyranny of rulers? I imagine, sir, you will find the balance on the
side of tyranny: Happy will you be if you miss the fate of those nations, who, omitting to resist their
oppressors, or negligently suffering their liberty to be wrested from them, have groaned under
intolerable despotism. Most of the human race are now in this deplorable condition: And those nations
who have gone in search of grandeur, power, and splendor, have also fallen a sacrifice, and been the
victims of their own folly: While they acquired those visionary blessings, they lost their freedom. My
great objection to this Government is, that it does not leave us the means of defending our rights, or of
waging war against tyrants: It is urged by some gentlemen, that this new plan will bring us an acquisition
of strength, an army, and the militia of the States: This is an idea extremely ridiculous: Gentlemen
cannot be earnest. This acquisition will trample on our fallen liberty: Let my beloved Americans guard
against that fatal lethargy that has pervaded the universe: Have we the means of resisting disciplined
armies, when our only defence, the militia, is put into the hands of Congress? The Honorable Gentleman
said, that great danger would ensue if the Convention rose without adopting this system: I ask, Where is
that danger? I see none: Other Gentlemen have told us within these walls, that the Union is gone—-or,
that the Union will be gone: Is not this trifling with the judgment of their fellow-citizens? Till they tell us
the grounds of their fears, I will consider them as imaginary: I rose to make inquiry where those dangers
were; they could make no answer: I believe I never shall have that answer: Is there a disposition in the
people of this country to revolt against the dominion of laws? Has there been a single tumult in Virginia?
Have not the people of Virginia, when laboring under the severest pressure of accumulated distresses,
manifested the most cordial acquiescence in the execution of the laws? What could be more awful than
their unanimous acquiescence under general distresses? Is there any revolution in Virginia? Whither is
the spirit of America gone? Whither is the genius of America fled? It was but yesterday, when our
enemies marched in triumph through our country. Yet the people of this country could not be appalled
by their pompous armaments: They stopped their career, and victoriously captured them. Where is the
peril, now, compared to that? Some minds are agitated by foreign alarms: Happily for us, there is no real
danger from Europe: that country is engaged in more arduous business: from that quarter there is no
cause of fear: You may sleep in safety forever for them. Where is the danger? If, Sir, there was any, I
would recur to the American spirit to defend us;--- that spirit which has enabled us to surmount the
greatest difficulties: To that illustrious spirit I address my most fervent prayer, to prevent our adopting a
system destructive to liberty. Let no Gentlemen be told, that it is not safe to reject this Government.
Wherefore is it not safe? We are told there are dangers; but those dangers are ideal; they cannot be
demonstrated: To encourage us to adopt it, they tell us that there is a plain, easy way of getting
amendments: When I come to contemplate this part, I suppose that I am mad, or that my countrymen
are so: The way to amendment is, in my conception, shut. Let us consider this plain, easy way: "The
Congress, whenever two thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the Legislatures of two thirds of the several states, shall call a Convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by the Conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress. Provided, that no amendment which may be made prior to the year 1808, shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate." Hence it appears that three-fourths of the States must ultimately agree to any amendments that may be necessary. Let us consider the consequence of this: However uncharitable it may appear, yet I must tell my opinion, that the most unworthy character may get into power, and prevent the introduction of amendments: Let us suppose (for the case is supposable, possible, and probable) that you happen to deal those powers to unworthy hands; will they relinquish powers already in their possession, or agree to amendments? Two-thirds of the Congress, or, of the State Legislatures, are necessary even to propose amendments: If one-third of these be unworthy men, they may prevent the application for amendments; but what is destructive and mischievous, is, that three-fourths of the State Legislatures, or of the State Conventions, must concur in the amendments when proposed: In such numerous bodies, there must necessarily be some designing bad men: To suppose that so large a number as three-fourths of the States will concur, is to suppose that they will possess genius, intelligence, and integrity, approaching to miraculous. It would indeed be miraculous that they should concur in the same amendments, or even in such as would bear some likeness to one another. For four of the smallest States, that do not collectively contain one-tenth part of the population of the United States, may obstruct the most salutary and necessary amendments: Nay, in these four States, six tenths of the people may reject these amendments; and suppose, that amendments shall be opposed to amendments (which is highly probable) is it possible, that three-fourths can ever agree to the same amendments? A bare majority in these four small States may hinder the adoption of amendments; so that we may fairly and justly conclude, that one-twentieth part of the American people, may prevent the removal of the most grievous inconveniences and oppression, by refusing to accede to amendments. A trifling minority may reject the most salutary amendments. Is this an easy mode of securing the public liberty? It is, Sir, a most fearful situation, when the most contemptible minority can prevent the good of the majority? If then Gentlemen standing on this ground, are come to
that point, that they are willing to bind themselves and their posterity to be oppressed, I am amazed
and inexpressibly astonished. If this be the opinion of the majority, I must submit; but to me, Sir, it
appears perilous and destructive: I cannot help thinking so: Perhaps it may be the result of my age;
these may be feelings natural to a man of my years, when the American spirit has left him, and his
mental powers, like the members of the body, are decayed. If, Sir, amendments are left to the twentieth
or tenth part of the people of America, your liberty is gone forever. We have heard that there is a great
deal of bribery practiced in the House of Commons in England; and that many of the members raised
themselves to preferments, by selling the rights of the people: But, Sir, the tenth part of that body
cannot continue oppressions on the rest of the people. English liberty is in this case, on a firmer
foundation than American liberty. It will be easily contrived to procure the opposition of one tenth of
the people to any alteration, however judicious. The Honorable Gentleman who presides, told us, that
to prevent abuses in our Government, we will assemble in Convention, recall our delegated powers, and
punish our servants for abusing the trust reposed in them. Oh, Sir, we should have fine times indeed, if
to punish tyrants, it were only sufficient to assemble the people. Your arms wherewith you could defend
yourselves, are gone; and you have no longer an aristocratical; no longer democratical spirit. Did you
ever read of any revolution in a nation, brought about by the punishment of those in power, inflicted by
those who had no power at all? You read of a riot act in a country which is called one of the freest in the
world, where a few neighbors cannot assemble without the risk of being shot by a hired soldiery, the
engines of despotism. We may see such an act in America. A standing army we shall have also, to
execute the execrable commands of tyranny: And how are you to punish them? Will you order them to
be punished? Who shall obey these orders? Will your Mace-bearer be a match for a disciplined
regiment? In what situation are we to be? The clause before you gives a power of direct taxation,
unbounded and unlimited: Exclusive power of Legislation in all cases whatsoever, for ten miles square;
and over all places purchased for the erection of forts, magazines, arsenals, dockyards, etc. What
resistance could be made? The attempt would be madness. You will find all the strength of this country
in the hands of your enemies: Those garrisons will naturally be the strongest places in the country. Your
militia is given up to Congress also in another part of this plan: They will therefore act as they think
proper: All power will be in their own possession: You cannot force them to receive their punishment:
Of what service would militia be to you, when most probably you will not have a single musket in the
State; for as arms are to be provided by Congress, they may or may not furnish them. Let me here call
your attention to that part which gives the Congress power, "To provide for organizing, arming, and
disciplining the militia, and for governing such part of them as may be employed in the service of the
United States, reserving to the States respectively, the appointment of the officers, and the authority of
training the militia, according to the discipline prescribed by Congress." By this, Sir, you see that their
control over our last and best defence is unlimited. If they neglect or refuse to discipline or arm our
militia, they will be useless: the States can do neither, this power being exclusively given to Congress:
The power of appointing officers over men not disciplined or armed is ridiculous: So that this pretended
little remains of power left to the States may, at the pleasure of Congress, be rendered nugatory. Our
situation will be deplorable indeed: Nor can we ever expect to get this government amended, since I
have already shewn, that a very small minority may prevent it; and that small minority interested in the
continuance of the oppression: Will the oppressor let go the oppressed? Was there even an instance?
Can the annals of mankind exhibit one single example, where rulers overcharged with power willingly let
go the oppressed, though solicited and requested most earnestly? The application for amendments will therefore be fruitless. Sometimes the oppressed have got loose by one of those bloody struggles that desolate a country. A willing relinquishment of power is one of those things which human nature never was, nor ever will be capable of: The Honorable Gentleman's observations respecting the people's right of being the agents in the formation of this Government, are not accurate in my humble conception. The distinction between a National Government and a Confederacy is not sufficiently discerned. Had the delegates who were sent to Philadelphia a power to propose a Consolidated Government instead of a Confederacy? Were they not deputed by States, and not by the people? The assent of the people in their collective capacity is not necessary to the formation of a Federal Government. The people have no right to enter into leagues, alliances, or confederations: They are not the proper agents for this purpose: States and sovereign powers are the only proper agents for this kind of Government: Shew me an instance where the people have exercised this business: Has it not always gone through the Legislatures? I refer you to the treaties with France, Holland, and other nations: How were they made? Were they not made by the States? Are the people therefore in their aggregate capacity, the proper persons to form a Confederacy? This, therefore, ought to depend on the consent of the Legislatures; the people having never sent delegates to make any proposition for changing the Government. Yet I must say, at the same time, that it was made on grounds the most pure, and perhaps I might have been brought to consent to it so far as to the change of Government; but there is one thing in it which I never would acquiesce in. I mean the changing it into a Consolidated Government; which is so abhorrent in my mind. The Honorable Gentleman then went on to the figure we make with foreign nations; the contemptible one we make in France and Holland; which, according to the substance of my notes, he attributes to the present feeble Government. An opinion has gone forth, we find, that we are a contemptible people: The time has been when we were thought otherwise: Under the same despised Government, we commanded the respect of all Europe: Wherefore are we now reckoned otherwise? The American spirit has fled from hence: It has gone to regions, where it has never been expected: It has gone to the people of France in search of a splendid Government—a strong energetic Government. Shall we imitate the example of those nations who have gone from a simple to a splendid Government? Are those nations more worthy of our imitation? What can make an adequate satisfaction to them for the loss they have suffered in attaining such a Government for the loss of their liberty? If we admit this Consolidated Government it will be because we like a great splendid one. Some way or other we must be a great and mighty empire; we must have an army, and a navy, and a number of things: When the American spirit was in its youth, the language of America was different: Liberty, Sir, was then the primary object. We are descended from a people whose Government was founded on liberty: Our glorious forefathers of Great-Britain, made liberty the foundation of every thing. That country is become a great, mighty, and splendid nation; not because their Government is strong and energetic; but, Sir, because liberty is its direct end and foundation: We drew the spirit of liberty from our British ancestors; by that spirit we have triumphed over every difficulty: But now, Sir, the American spirit, assisted by the ropes and chains of consolidation, is about to convert this country to a powerful and mighty empire: If you make the citizens of this country agree to become the subjects of one great consolidated empire of America, your Government will not have sufficient energy to keep them together: Such a Government is incompatible with the genius of republicanism: There will be no checks, no real balances, in this Government: What can avail your specious imaginary balances, your rope-dancing, chain-rattling,
ridiculous ideal checks and contrivances? But, Sir, we are not feared by foreigners: we do not make nations tremble: Would this, Sir, constitute happiness, or secure liberty? I trust, Sir, our political hemisphere will ever direct their operations to the security of those objects. Consider our situation, Sir: Go to the poor man, ask him what he does; he will inform you, that he enjoys the fruits of his labour, under his own fig-tree, with his wife and children around him, in peace and security. Go to every other member of society, you will find the same tranquil ease and content; you will find no alarms or disturbances: Why then tell us of dangers to terrify us into an adoption of this new Government? And yet who knows the dangers that this new system may produce; they are out of the sight of the common people: They cannot foresee latent consequences: I dread the operation of it on the middling and lower classes of people: It is for them I fear the adoption of this system. I fear I tire the patience of the Committee, but I beg to be indulged with a few more observations: When I thus profess myself an advocate for the liberty of the people, I shall be told, I am a designing man, that I am to be a great man, that I am to be a demagogue; and many similar illiberal insinuations will be thrown out; but, Sir, conscious rectitude, out-weighs those things with me: I see great jeopardy in this new Government. I see none from our present one: I hope some Gentleman or other will bring forth, in full array, those dangers, if there be any, that we may see and touch them.
To the People of the State of New York:

In the course of the preceding papers, I have endeavored, my fellow citizens, to place before you, in a clear and convincing light, the importance of Union to your political safety and happiness. I have unfolded to you a complication of dangers to which you would be exposed, should you permit that sacred knot which binds the people of America together be severed or dissolved by ambition or by avarice, by jealousy or by misrepresentation. In the sequel of the inquiry through which I propose to accompany you, the truths intended to be inculcated will receive further confirmation from facts and arguments hitherto unnoticed. If the road over which you will still have to pass should in some places appear to you tedious or irksome, you will recollect that you are in quest of information on a subject the most momentous which can engage the attention of a free people, that the field through which you have to travel is in itself spacious, and that the difficulties of the journey have been unnecessarily increased by the mazes with which sophistry has beset the way. It will be my aim to remove the obstacles from your progress in as compendious a manner as it can be done, without sacrificing utility to despatch.

In pursuance of the plan which I have laid down for the discussion of the subject, the point next in order to be examined is the "insufficiency of the present Confederation to the preservation of the Union." It may perhaps be asked what need there is of reasoning or proof to illustrate a position which is not either controverted or doubted, to which the understandings and feelings of all classes of men assent, and which in substance is admitted by the opponents as well as by the friends of the new Constitution. It must in truth be acknowledged that, however these may differ in other respects, they in general appear to harmonize in this sentiment, at least, that there are material imperfections in our national system, and that something is necessary to be done to rescue us from impending anarchy. The facts that support this opinion are no longer objects of speculation. They have forced themselves upon the sensibility of the people at large, and have at length extorted from those, whose mistaken policy has had the principal share in precipitating the extremity at which we are arrived, a reluctant confession of the reality of those defects in the scheme of our federal government, which have been long pointed out and regretted by the intelligent friends of the Union.

We may indeed with propriety be said to have reached almost the last stage of national humiliation. There is scarcely anything that can wound the pride or degrade the character of an
independent nation which we do not experience. Are there engagements to the performance of which we are held by every tie respectable among men? These are the subjects of constant and unblushing violation. Do we owe debts to foreigners and to our own citizens contracted in a time of imminent peril for the preservation of our political existence? These remain without any proper or satisfactory provision for their discharge. Have we valuable territories and important posts in the possession of a foreign power which, by express stipulations, ought long since to have been surrendered? These are still retained, to the prejudice of our interests, not less than of our rights. Are we in a condition to resent or to repel the aggression? We have neither troops, nor treasury, nor government. Are we even in a condition to remonstrate with dignity? The just imputations on our own faith, in respect to the same treaty, ought first to be removed. Are we entitled by nature and compact to a free participation in the navigation of the Mississippi? Spain excludes us from it. Is public credit an indispensable resource in time of public danger? We seem to have abandoned its cause as desperate and irretrievable. Is commerce of importance to national wealth? Ours is at the lowest point of declension. Is respectability in the eyes of foreign powers a safeguard against foreign encroachments? The imbecility of our government even forbids them to treat with us. Our ambassadors abroad are the mere pageants of mimic sovereignty. Is a violent and unnatural decrease in the value of land a symptom of national distress? The price of improved land in most parts of the country is much lower than can be accounted for by the quantity of waste land at market, and can only be fully explained by that want of private and public confidence, which are so alarmingly prevalent among all ranks, and which have a direct tendency to depreciate property of every kind. Is private credit the friend and patron of industry? That most useful kind which relates to borrowing and lending is reduced within the narrowest limits, and this still more from an opinion of insecurity than from the scarcity of money. To shorten an enumeration of particulars which can afford neither pleasure nor instruction, it may in general be demanded, what indication is there of national disorder, poverty, and insignificance that could befall a community so peculiarly blessed with natural advantages as we are, which does not form a part of the dark catalogue of our public misfortunes?

This is the melancholy situation to which we have been brought by those very maxims and councils which would now deter us from adopting the proposed Constitution; and which, not content with having conducted us to the brink of a precipice, seem resolved to plunge us into the abyss that awaits us below. Here, my countrymen, impelled by every motive that ought to influence an enlightened people, let us make a firm stand for our safety, our tranquillity, our dignity, our reputation. Let us at last break the fatal charm which has too long seduced us from the paths of felicity and prosperity.

It is true, as has been before observed that facts, too stubborn to be resisted, have produced a species of general assent to the abstract proposition that there exist material defects in our national system; but the usefulness of the concession, on the part of the old adversaries of federal measures, is destroyed by a strenuous opposition to a remedy, upon the only principles that can give it a chance of success. While they admit that the government of the United States is destitute of energy, they contend against conferring upon it those powers which are requisite to supply that energy. They seem still to aim at things repugnant and irreconcilable; at an augmentation of federal authority, without a diminution of State authority; at sovereignty in the Union, and complete independence in the members. They still, in fine, seem to cherish with blind devotion
the political monster of an imperium in imperio. This renders a full display of the principal
defects of the Confederation necessary, in order to show that the evils we experience do not
proceed from minute or partial imperfections, but from fundamental errors in the structure of the
building, which cannot be amended otherwise than by an alteration in the first principles and
main pillars of the fabric.

The great and radical vice in the construction of the existing Confederation is in the principle of
LEGISLATION for STATES or GOVERNMENTS, in their CORPORATE or COLLECTIVE CAPACITIES, and as
contradistinguished from the INDIVIDUALS of which they consist. Though this principle does not run
through all the powers delegated to the Union, yet it pervades and governs those on which the
efficacy of the rest depends. Except as to the rule of appointment, the United States has an
indefinite discretion to make requisitions for men and money; but they have no authority to raise
either, by regulations extending to the individual citizens of America. The consequence of this is,
that though in theory their resolutions concerning those objects are laws, constitutionally binding
on the members of the Union, yet in practice they are mere recommendations which the States
observe or disregard at their option.

It is a singular instance of the capriciousness of the human mind, that after all the admonitions
we have had from experience on this head, there should still be found men who object to the new
Constitution, for deviating from a principle which has been found the bane of the old, and which
is in itself evidently incompatible with the idea of GOVERNMENT; a principle, in short, which, if it is
to be executed at all, must substitute the violent and sanguinary agency of the sword to the mild
influence of the magistracy.

There is nothing absurd or impracticable in the idea of a league or alliance between independent
nations for certain defined purposes precisely stated in a treaty regulating all the details of time,
place, circumstance, and quantity; leaving nothing to future discretion; and depending for its
execution on the good faith of the parties. Compacts of this kind exist among all civilized
nations, subject to the usual vicissitudes of peace and war, of observance and non-observance, as
the interests or passions of the contracting powers dictate. In the early part of the present century
there was an epidemical rage in Europe for this species of compacts, from which the politicians
of the times fondly hoped for benefits which were never realized. With a view to establishing the
equilibrium of power and the peace of that part of the world, all the resources of negotiation were
exhausted, and triple and quadruple alliances were formed; but they were scarcely formed before
they were broken, giving an instructive but afflicting lesson to mankind, how little dependence is
to be placed on treaties which have no other sanction than the obligations of good faith, and
which oppose general considerations of peace and justice to the impulse of any immediate
interest or passion.

If the particular States in this country are disposed to stand in a similar relation to each other, and
to drop the project of a general DISCRETIONARY SUPERINTENDENCE, the scheme would indeed be
pernicious, and would entail upon us all the mischiefs which have been enumerated under the
first head; but it would have the merit of being, at least, consistent and practicable Abandoning
all views towards a confederate government, this would bring us to a simple alliance offensive
and defensive; and would place us in a situation to be alternate friends and enemies of each
other, as our mutual jealousies and rivalships, nourished by the intrigues of foreign nations, should prescribe to us.

But if we are unwilling to be placed in this perilous situation; if we still will adhere to the design of a national government, or, which is the same thing, of a superintending power, under the direction of a common council, we must resolve to incorporate into our plan those ingredients which may be considered as forming the characteristic difference between a league and a government; we must extend the authority of the Union to the persons of the citizens, -- the only proper objects of government.

Government implies the power of making laws. It is essential to the idea of a law, that it be attended with a sanction; or, in other words, a penalty or punishment for disobedience. If there be no penalty annexed to disobedience, the resolutions or commands which pretend to be laws will, in fact, amount to nothing more than advice or recommendation. This penalty, whatever it may be, can only be inflicted in two ways: by the agency of the courts and ministers of justice, or by military force; by the coercion of the magistracy, or by the coercion of arms. The first kind can evidently apply only to men; the last kind must of necessity, be employed against bodies politic, or communities, or States. It is evident that there is no process of a court by which the observance of the laws can, in the last resort, be enforced. Sentences may be denounced against them for violations of their duty; but these sentences can only be carried into execution by the sword. In an association where the general authority is confined to the collective bodies of the communities, that compose it, every breach of the laws must involve a state of war; and military execution must become the only instrument of civil obedience. Such a state of things can certainly not deserve the name of government, nor would any prudent man choose to commit his happiness to it.

There was a time when we were told that breaches, by the States, of the regulations of the federal authority were not to be expected; that a sense of common interest would preside over the conduct of the respective members, and would beget a full compliance with all the constitutional requisitions of the Union. This language, at the present day, would appear as wild as a great part of what we now hear from the same quarter will be thought, when we shall have received further lessons from that best oracle of wisdom, experience. It at all times betrayed an ignorance of the true springs by which human conduct is actuated, and belied the original inducements to the establishment of civil power. Why has government been instituted at all? Because the passions of men will not conform to the dictates of reason and justice, without constraint. Has it been found that bodies of men act with more rectitude or greater disinterestedness than individuals? The contrary of this has been inferred by all accurate observers of the conduct of mankind; and the inference is founded upon obvious reasons. Regard to reputation has a less active influence, when the infamy of a bad action is to be divided among a number than when it is to fall singly upon one. A spirit of faction, which is apt to mingle its poison in the deliberations of all bodies of men, will often hurry the persons of whom they are composed into improprieties and excesses, for which they would blush in a private capacity.

In addition to all this, there is, in the nature of sovereign power, an impatience of control, that disposes those who are invested with the exercise of it, to look with an evil eye upon all external attempts to restrain or direct its operations. From this spirit it happens, that in every political
association which is formed upon the principle of uniting in a common interest a number of lesser sovereignties, there will be found a kind of eccentric tendency in the subordinate or inferior orbs, by the operation of which there will be a perpetual effort in each to fly off from the common centre. This tendency is not difficult to be accounted for. It has its origin in the love of power. Power controlled or abridged is almost always the rival and enemy of that power by which it is controlled or abridged. This simple proposition will teach us how little reason there is to expect, that the persons intrusted with the administration of the affairs of the particular members of a confederacy will at all times be ready, with perfect good-humor, and an unbiased regard to the public weal, to execute the resolutions or decrees of the general authority. The reverse of this results from the constitution of human nature.

If, therefore, the measures of the Confederacy cannot be executed without the intervention of the particular administrations, there will be little prospect of their being executed at all. The rulers of the respective members, whether they have a constitutional right to do it or not, will undertake to judge of the propriety of the measures themselves. They will consider the conformity of the thing proposed or required to their immediate interests or aims; the momentary conveniences or inconveniences that would attend its adoption. All this will be done; and in a spirit of interested and suspicious scrutiny, without that knowledge of national circumstances and reasons of state, which is essential to a right judgment, and with that strong predilection in favor of local objects, which can hardly fail to mislead the decision. The same process must be repeated in every member of which the body is constituted; and the execution of the plans, framed by the councils of the whole, will always fluctuate on the discretion of the ill-informed and prejudiced opinion of every part. Those who have been conversant in the proceedings of popular assemblies; who have seen how difficult it often is, where there is no exterior pressure of circumstances, to bring them to harmonious resolutions on important points, will readily conceive how impossible it must be to induce a number of such assemblies, deliberating at a distance from each other, at different times, and under different impressions, long to co-operate in the same views and pursuits.

In our case, the concurrence of thirteen distinct sovereign wills is requisite, under the Confederation, to the complete execution of every important measure that proceeds from the Union. It has happened as was to have been foreseen. The measures of the Union have not been executed; the delinquencies of the States have, step by step, matured themselves to an extreme, which has, at length, arrested all the wheels of the national government, and brought them to an awful stand. Congress at this time scarcely possess the means of keeping up the forms of administration, till the States can have time to agree upon a more substantial substitute for the present shadow of a federal government. Things did not come to this desperate extremity at once. The causes which have been specified produced at first only unequal and disproportionate degrees of compliance with the requisitions of the Union. The greater deficiencies of some States furnished the pretext of example and the temptation of interest to the complying, or to the least delinquent States. Why should we do more in proportion than those who are embarked with us in the same political voyage? Why should we consent to bear more than our proper share of the common burden? These were suggestions which human selfishness could not withstand, and which even speculative men, who looked forward to remote consequences, could not, without hesitation, combat. Each State, yielding to the persuasive voice of immediate interest or convenience, has successively withdrawn its support, till the frail and tottering edifice seems ready to fall upon our heads, and to crush us beneath its ruins.
PUBLIUS

1. "I mean for the Union."