



## READING ROOM

### THE FOUNDERS SERIES

*In this series, we will look at our founding fathers and mothers. We hope to inspire you to give the founders a “second chance.” They still have something to say to us today that is valuable and worth knowing.*

## SAMUEL ADAMS...MUCH MORE THAN A BEER

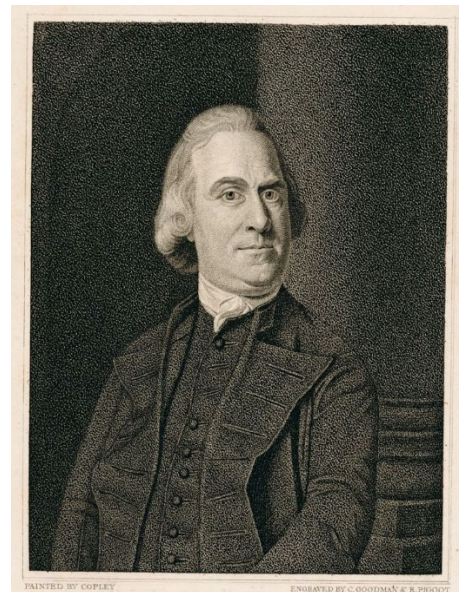
by Gary Scott Smith

*June 7, 2022*

Millions of Americans today are concerned about social justice. Issues ranging from abortion to environmental devastation to racial disparities in income, education, convictions, and imprisonment roil our nation. Similarly, more than 250 years ago, many American colonists were deeply troubled by perceived social injustices. In the 1760s and early 1770s, they protested that the British were denying them fundamental political, economic, social, and religious freedoms.

Most of those who strongly denounced alleged British oppression, led civil protest movements, and created political bodies to try to change the policies of Parliament and King George III are well known today—most notably [Thomas Jefferson](#), [Benjamin Franklin](#), [John Adams](#), John Hancock, and Patrick Henry. The person, however, who arguably played the most significant role in the colonists’ decision to declare independence from Britain—Samuel Adams—is largely forgotten. More than any other American, Adams publicized colonists’ grievances, defended their rights, and rallied them to protest English policies. Nevertheless, today most

Americans know his name only in connection with a brand of beer.



***Samuel Adams***

Samuel Adams provides a good role model for dealing with current social justice issues. His belief in transcendent moral standards, argument that the success of Americans’ quest for independence (and later of their new nation) depended on their virtue, methods for mobilizing public opinion, and perseverance in the face of major obstacles can guide us as we confront pressing social issues today.

Adams's pious parents took him to South (Congregational) Church in Boston every week, charged him to read the Bible daily, and diligently instructed him in Christian teaching. As a student at Harvard, Adams was deeply affected by the First Great Awakening—a series of revivals that swept New England—especially by reading the books of theologian Jonathan Edwards. As he aged, Adams became increasingly convinced that God furnished norms for society and government, which he argued the British had violated. He challenged Americans to revere these divine standards, base their social and political structures on scriptural principles, and behave virtuously. If they did, God, who providentially directed history, would enable them to gain their independence and to flourish as a new republic.

“HE ALSO STRONGLY OPPOSED THE EFFORTS OF BRITISH ANGLICANS TO ESTABLISH THEIR CHURCH THROUGHOUT THE COLONIES AND INSISTED THAT RELIGIOUS AND CIVIL POWER MUST BE SEPARATED.”

Deeply disturbed by British control of American affairs, Adams organized Committees of Correspondence in Massachusetts, which served as a model for other colonies, and helped lead the Boston Sons of Liberty. While serving as a member of the Massachusetts General Court from 1765 to 1774, he denounced many British policies and campaigned for American independence by publishing essays in the *Boston Gazette* and organizing protests and boycotts. Adams led Boston's economic warfare against England in response to the Coercive Acts of 1774. He also strongly opposed the efforts of British Anglicans to establish their church throughout the colonies and insisted that religious and civil power must be separated.

Others at the time agreed that Adams was more indispensable to the revolution than any other American. “Would you believe,” a British military officer wrote in 1775, “that this immense continent, from New England

to Georgia, is moved and directed by one man!—a man of ordinary birth?” Adams, he complained, had used his “talent for factious intrigue” to provoke revolution. John Adams declared that his cousin was “a wedge of steel” who severed the lifeline “which tied North America to Great Britain.” Some New England Tories censured Adams as the “grand Incendiary” who ignited the colonial conflagration and labeled Boston's resistance against the crown and Parliament the “Adams' conspiracy.” Thomas Jefferson called Adams “truly the *Man of the Revolution.*”

Few founders made as substantial a financial and personal sacrifice as did Adams to help Americans win their independence and the nascent republic to survive. As Adams told his wife, “I have long ago learned to deny my self many of the sweetest Gratifications in Life for the Sake of my Country.” After his death, the Boston *Independent Chronicle*, speaking for many, declared that “the Father of the American Revolution” had been “the undeviating friend of civil and religious liberty.” Throughout his long life, Samuel Adams, inspired by his faith in God and confidence in republican principles, worked energetically and effectively to achieve and sustain American independence.

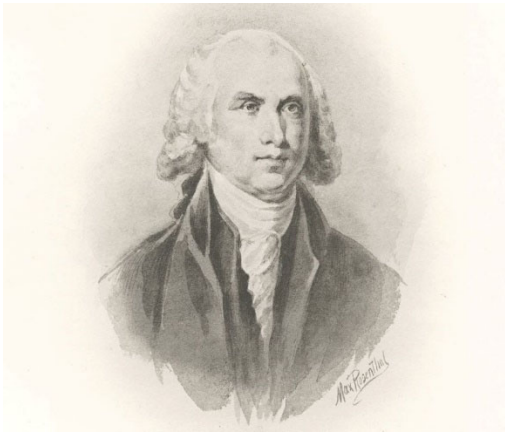
To preserve our republic in these tumultuous times, we need to emulate Adams's belief in transcendent truths, passionate promotion of the tenets of democracy, diligent labors to organize citizens to support just causes, and willingness to make sacrifices for the common good. We can seek to live virtuously to set a good moral example. And, as Adams helped mobilize colonists to end British oppression and secure their independence, we can prod and help marshal citizens to provide greater justice in American society by working to improve education, preserve our environment, reduce abortion, poverty, and racism, and end human trafficking.

## WHICH BEATLE IS JAMES MADISON?

by G. Patrick Lynch

June 9, 2022

If we think about the most prominent of the [American Founding Fathers](#) as the Beatles, then [Jefferson](#), [Washington](#) and [Hamilton](#) have gotten most of the attention from folks, much like Paul McCartney, John Lennon and Ringo Starr. They were the fan favorites and most prominent. But what about [James Madison](#)? I think he is much like George Harrison. Moreover, putting aside Harrison's prodigious song writing abilities with the Beatles and afterwards, it is his sublime guitar work and his ability to fit musically with the other three that mirror the role Madison should play in our understanding of the American political system today.



**James Madison**

Why bother to read and study Madison today? No one individual in US history played a bigger role in helping to shape the institutional arrangements that have been the source of so much discussion and debate since the 2016 election. If you want to understand why the US system was designed as it was, you have to read his work.

Madison is perhaps best known as one of our nation's first Presidents, one of the co-authors of the [Federalist Papers](#), ally of Thomas Jefferson and good friend of George Washington. But he also was an instrumental

figure in the Constitutional Convention, writing the only surviving notes we have of the meeting. He is the historical lens through which we view the shaping of the Constitution as well as one of its most famous public defenders.

“WHY BOTHER TO READ AND STUDY  
MADISON TODAY?”

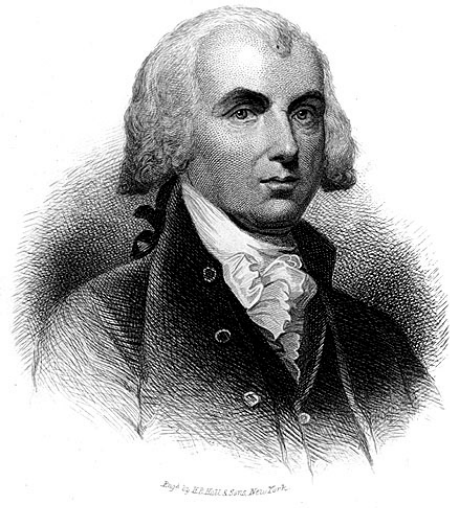
The most obvious reason to continue to study Madison today is because he is the author of the most well known of the *Federalist Papers*, [Federalist #10](#). In that widely cited and read essay he coined the phrase “the mischief of factions.” What are factions and why are they important? Madison uses the term “faction” to describe groups of like-minded people in a self-governing political system who act on their group's interest. The concern that Madison and the Founders were trying to address was that of self-interest in a large and extended republic.

It's important to recall two things when understanding the importance of faction and Madison's essay. The first is that many political thinkers had concluded that representative self-government, in the form of a direct democracy, a republic, or some other form like that of Venice, could survive because the interests of the citizens in a smaller geographic area would align or largely be similar. The difficulty of scaling up to a large country with different regional interests seemed intractable. How could a large polity self-govern if they had many different interests at odds with each other across a large territory?

The second thing to remember is that a lot of contemporary research has confirmed Madison's recognition of the critical danger that factions pose to democratic governance. Much of the early application of contemporary public choice in politics examined the role that organized interests could play in constitutional formation, agenda setting in committee settings as well as extracting government privileges in legislatures, what came to be known as rent seeking. Madison and the Founders were correct to be worried about factions, and they built their unique and successful system as a way to curtail the power that factions would attempt to wield.



Today students of American politics often equate factions with interest groups, but the term really applies to any group with shared interests, for example political parties, which only evolved after the ratification of the [Constitution](#). It is perhaps somewhat humorous to note that while Madison is America's most famous political thinker of the risks of factions, he was also one of the founders of one of the two first political parties - the Democratic Republican party that opposed the Federalist Party. Perhaps he warned the public about factions because he understood exactly how likely it was that our system would be subject to their influence.



*James Madison*

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## GET BACK!...TO MADISON: MORE REASONS TO READ MADISON

by Hans Eicholz

*June 14, 2022*

From: Hans Eicholz  
Date: June 14, 2022  
To: G. Patrick Lynch  
Cc: OLL

Subject: Get Back!...to Madison...More Reasons to read Madison

Pat:

I heartily second your reasons for reading [James Madison](#) and want to build on your insight into Madison's role in the formation of what is often called the First Party System in the United States. There were good reasons for his doing so. One way to explore why he entered into opposition against his former ally, [Alexander Hamilton](#), is to contemplate two texts in conjunction with each other and ask, why do they appear so profoundly different in their implications?

The first text is Madison's [Federalist Essay Number 39](#), near the end of which he contemplates the role of the Supreme Court in deciding on questions of jurisdiction between the various branches and levels of government, both state and federal. Madison writes:

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 the 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.

This passage was written sometime between October of 1787 and May of 1788 in the attempt to secure ratification of the Constitution. By 1800, however, the same year that would see [Thomas Jefferson](#) elected to the highest office, the situation had clearly changed on a number of fronts.

Reflecting on a whole range of constitutional issues, Madison issued a special report from the Virginia House of Delegates that reviewed many of the principal legislative developments during the first decade under the new fundamental law of the land--issues that ranged from the incorporation of a national Bank to the passage of the [Alien and Sedition Acts](#) and the special resolutions issued by the states of Virginia and Kentucky. In this report Madison took what appears to be a very different position on who the ultimate arbitrators on matters of legal jurisdiction should be:

It appears to your committee to be a plain principle, founded in common sense, illustrated by common practice, and essential to the nature of compacts, that where resort can be had to no tribunal superior to the authority of the parties, the parties themselves must be the rightful judges, in the last resort, whether the bargain made has been pursued or violated. The Constitution of the United States was formed by the sanction of the States, given by each in its sovereign capacity. It adds to the stability and dignity, as well as to the authority of the Constitution, that it rests on this legitimate and solid foundation. The States then, being the parties to the constitutional compact, and in their sovereign capacity, it follows of necessity that there can be no tribunal above their authority to decide, in the last resort, whether the compact made by them be violated; and, consequently, as the parties to it, they must themselves decide, in the last resort, such questions as may be of sufficient magnitude to require their interposition. (See Madison's January 18th, 1800 letter to Jefferson [on page 349 of this text.](#))

What on earth has happened? Was he being inconsistent, or is there a deeper consistency in his understanding of the genius of republican government, a term he often used to describe the spirit if not the letter of the Constitution? Tracing the developments in Madison's thoughts from the first to the second text, I would argue,

is perhaps one of the very best ways to educate oneself about the nature of American government and its history.

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## IS MADISON'S FEDERALIST THEORY STILL RELEVANT TODAY?

by Colleen Sheehan

*June 16, 2022*

From: [Colleen Sheehan](#)

Date: June 16, 2022

To: G. Patrick Lynch, Hans Eicholz

Cc: OLL

Subject: Is Madison's *Federalist* Theory Still Relevant Today?

Gentlemen:

Politics is the great divider in contemporary society, topping the long list of issues upon which Americans disagree, including racial justice, climate change, attitudes towards police power, foreign policy, the economy, and a plethora of religious and social issues. The recent presidential election – and the one before that – brought rancor and vitriol to a new level. Disagreement, anger, resentment, even hatred, all too often characterize politics in the United States today. To paraphrase P. G. Wodehouse: Americans have the look of a people “who had drunk the cup of life and found a dead beetle at the bottom.” The country is in a kind of cold uncivil war; it is regressing, as if suffering a mid-life crisis.



***James Madison***

You may recall that [James Madison](#), one of the chief architects of the American constitutional order, argued that the latent causes of faction are sown in the nature of man and that government is necessary because men are not angels. Rather than attempting to remove the causes of faction, Madison’s solution was to make the multiplicity of interests and views (that the causes of faction produce) work to our advantage in a large republic. Let the many and varied narrow views and selfish interests cancel each other out, so that justice and the general good can ultimately be obtained. In Madison’s scheme, the *space* of the extended territory means that *time* is required to form a majority coalition, and during this time deliberation is to take place within the walls of Congress and throughout the entire body of the citizenry. How much space needed to produce the requisite time depends on a number of factors having to do with the difficulty or ease of [communication](#):

Whatever facilitates a general intercourse of sentiments, as good roads, domestic commerce, a free press, and particularly a *circulation of newspapers through the entire body of the people, and Representatives going from, and returning among every part of them*, is equivalent to a contraction of territorial limits....

Madison’s plan, then, was to prevent majority factions from forming and ruling and to refine and enlarge the public views, thereby producing a just majority/public opinion that would sit in judgment on public decisions.

What does this have to do with us today? The size and population of the United States has increased a hundred-fold since 1787, accompanied by incredible advances in technology, thus allowing an even greater number of citizens in an even larger republic to communicate effectively and, when desired, to unite together to form a majority. Indeed, the Internet, and what it has spawned – Email, Facebook, Instagram, Twitter, IMing – have revolutionized communications across the nation and face of the globe. The question today is whether communication is too swift and facile, making it too easy for a majority faction to form. Presently, a large territorial space doesn’t mean more time and energy are required to form a majority. Advances in communication technology have, as it were, shrunk the large republic, in essence recreating the problem of the small republic.

In sum, our age of instant and hyper communication has resulted in the spread of prejudice and thoughtless ideology at the expense of the slower, deliberative, and measured communicative processes envisioned by Madison. This is part (but only part) of the reason the nation is so ideologically fragmented today.

We are now full circle, back to the issue we began with. Politics in America today is fractured and factionalized; hyper-partisan and polarized. Democrats versus Republicans, Progressives versus Conservatives. Left versus Right. In some cases, generation versus generation. For the moment, leave aside the important substantive question of whether the American people actually share a common cause that could form the foundation of public agreement and concord. We still have the procedural issue to address – again.

On the basis of Madison’s own formulation of how space plus or minus ease of communication equals time and opportunity for deliberation, it is clear that the old equilibrium formula that produced moderation and justice is no longer viable (though the “multiplicity” factor still plays a role). This is not to say that Madison’s theoretical framework is no longer relevant. As long as the objective is popular self-government, then the only way this can feasibly be achieved is within a political structure and civic environment conducive to public

deliberation and the formation of genuine public opinion. No one thought through the challenge of republicanism more than James Madison.

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## HOW TO READ A CONSTITUTION...HAMILTON STYLE

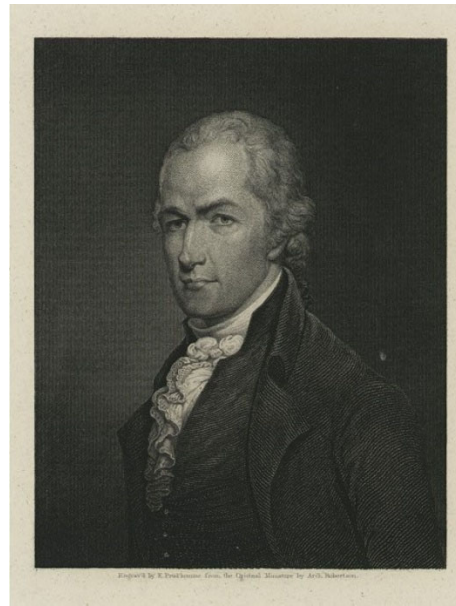
by Hans Eicholz

June 21, 2022

To continue the Beatles analogy, if [James Madison](#) was the George Harrison of his day, certainly [Alexander Hamilton](#) was a lead vocalist of the caliber of John Lennon, and there are very good reasons why he resonates so well today that he is the subject of an all-time leading musical!

Madison may well be one of the most important writers of our “constitutional notes,” but it is to Hamilton that we owe the most creative and even original expressions of those passages into legislative and political “music.”

Indeed, for some people, including Madison himself, Hamilton might be regarded as having been altogether *too* creative and *too* impressionistic. But in an age that looks to the exercise of government in so many aspects of our lives and at all levels of politics, it is no wonder that Hamilton has become the rock star of the Founding Band. It is precisely because of this creative aspect of Hamilton’s constitutional interpretation that he merits close and sustained reading.



*Alexander Hamilton*

As a native of the Caribbean island of Nevis, the young Hamilton dreamed of adventure and fame, and longed for a stage on which to perform feats of greatness. To a boyhood friend he once wrote:

I’m confident, Ned that my Youth excludes me from any hopes of immediate Preferment nor do I desire it, but mean to prepare the way for futurity. I’m no Philosopher you see and may be justly said to Build Castles in the Air. Folly makes me ashamed and be youll Conceal it, yet Neddy we have seen such Schemes successful when the Projector is Constant. I shall Conclude saying I wish there was a War.

Moving to America with the help of a wealthy benefactor, Hamilton found his stage of preferment in the mainland colonies, and in New York in particular. And he also got his war!

Hamilton was early drawn to the American cause of independence. In his first writings he was clearly a Patriot Whig who opposed arbitrary authority and the claims of Parliamentary supremacy. But just as clearly, he was among the first to worry about the centrifugal forces of disorder that he saw threatening the unity and stability of the newly independent states after 1776. Tracing this very

early development was the purpose behind the collection of texts in *The Revolutionary Writings of Alexander Hamilton*.

From here one can see in the *Continentalist Essays* the very first expression of his interest in the effective use of government power, its energetic exercise by Congress, and the need for financial stability. These formed the basis for his later involvement with Jay and Madison as Publius in the *Federalist Papers*. The spirit of his contributions to the Federalist project can be found right here in these earliest writings.

It would be altogether too easy to simply assert that Hamilton was always eager for the exercise of authority. Setting his revolutionary writings alongside his *Federalist Papers*, we find glowing passages in favor of liberty and limited government. And here is where the reader will find an interesting conundrum.

Hamilton is best known for his defense of what is sometimes referred to as the implied powers doctrine. The issue derives from a very old problem in the interpretation of law. If a law grants the power to collect the mails, it seems reasonable to imply that the law includes the authority to build post offices and appoint postmasters. But how far can such an implication actually extend? The problem is a critical one for any government that is based on the idea of enumerated powers within a federal distribution of state and national authorities.

“HAMILTON IN FACT WROTE SOME OF THE STRONGEST LANGUAGE ARGUING THAT THE DISTINCTION BETWEEN THE STATE GOVERNMENTS AND THE NATIONAL GOVERNMENT...”

Hamilton in fact wrote some of the strongest language arguing that the distinction between the state governments and the national government was one of delegated and reserved powers. He used this argument

most famously in his essay against the inclusion of a Bill of Rights, which many of the opponents of the Constitution regarded as its most damaging omission. In *Essay number 84*, he argued,

“I go further, and affirm, that bills of rights, in the sense and to the extent they are contended for, are not only unnecessary in the proposed constitution, but would even be dangerous. They would contain various exceptions to powers not granted; and on this very account, would afford a colourable pretext to claim more than were granted.” And in fact, in just two paragraphs prior to this passage, he had asserted, “Here in strictness, the people surrender nothing; and as they retain everything, they have no need of particular reservations.”

Later, however, as the first Secretary of the Treasury under Washington, Hamilton would assert that the power to create corporations was merely a means implied in the nature of sovereignty. The only limiting constraint on the use of such a means was in the delegation of the specific enumerated powers:

The only question,” he wrote to Washington, “must be, as in every other case, whether the means to be employed, or in this case the corporation to be erected, has a natural relation to any of the acknowledged objects or lawful ends of the Government? Thus, a corporation may not be erected by Congress for superintending the police of the city of Philadelphia, because they are not authorized to regulate the police of that city. But one may be erected in relation to the collection of taxes, or to the trade with foreign countries, or to the trade between the States, or with Indian tribes...

Thus to establish a national bank, for Hamilton, was perfectly consistent with the need to exercise the enumerated powers of “collecting taxes, to that of borrowing money; to that of regulating trade between the states; and to those of raising and maintaining fleets and armies.” But was Hamilton strict enough?

Madison did not think so. While in the convention, Madison had actually moved for including the power to



incorporate, but that motion was voted down. Lacking it, he said, meant that the national government did not have it. Was he being too strict?

In one way or another, it is precisely this very early dispute over how one should read the Constitution that rests ultimately at the bottom of nearly every subsequent disagreement about the meaning and nature of our fundamental law. That is one very important reason to read Hamilton!

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## THOMAS JEFFERSON'S LAST-MINUTE FLIP-FLOP ON THE FUTURE OF AMERICAN DEMOCRACY

by Dennis C. Rasmussen

June 23, 2022

As [Thomas Jefferson](#) neared his death—which came on July 4, 1826, the fiftieth anniversary of the adoption of the [Declaration of Independence](#)—he composed some of the most famous and optimistic lines ever to emerge from his pen. He had been invited to attend celebrations of the Golden Jubilee far and wide, but at age eighty-three he was far too frail to do so. He instead sat down on June 24 to write a self-consciously eloquent message about the significance of the anniversary to Roger Weightman, the mayor of Washington, DC, who was overseeing the festivities in the nation's capital.

Jefferson painstakingly edited [this letter](#), which he knew would be his final public statement. After expressing his regrets at being unable to travel to Washington, Jefferson stepped back to reflect on the meaning and impact of the Declaration that the nation was celebrating:

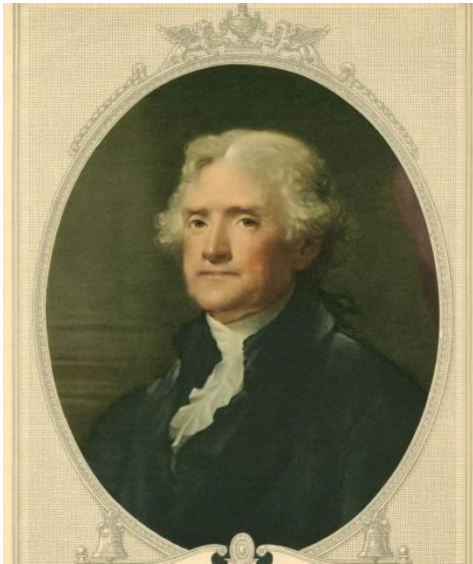
may it be to the world what I believe it will be, (to some parts sooner, to others later, but finally to all.) the Signal of arousing men to burst the chains, under which Monkish ignorance and superstition had persuaded them to bind themselves, and to assume the blessings &

security of self government ... all eyes are opened, or opening to the rights of man. the general spread of the light of science has already laid open to every view the palpable truth that the mass of mankind has not been born, with saddles on their backs, nor a favored few booted and spurred, ready to ride them legitimately, by the grace of god. these are grounds of hope for others. for ourselves let the annual return of this day, for ever refresh our recollections of these rights and an undiminished devotion to them.

Here was a classic statement of Jeffersonian optimism if ever there was one: the [American Revolution](#) had not only burst the chains of oppression and secured the blessings of self-government for this country—apparently for good—but paved the way for the rest of the world to do so as well (“to some parts sooner, to others later, but finally to all”). The imagery about the masses not being born with saddles on their backs, nor the favored few with boots and spurs, was [borrowed](#) from a speech that one of [Oliver Cromwell's](#) soldiers had delivered from the scaffold almost a century and a half earlier, but this kind of appropriation and repurposing was considered unobjectionable at the time. We can perhaps also ignore for the moment the obvious applicability of this imagery to the enslaved people who labored and cared for Jefferson even as he wrote this message. This was as lyrical and uplifting of a vision as anything the founders ever penned, an unmistakable expression of faith in the American experiment. And it fits perfectly with the abiding optimism that Jefferson had exhibited for the great majority of his career, at least up until 1816.

For anyone who has read the prior decade of Jefferson's correspondence, however, it all rings rather hollow. As I recount in my recent book, [Fears of a Setting Sun: The Disillusionment of America's Founders](#), Jefferson had spent the past ten years issuing countless dire warnings about what he regarded as imminent threats to the American republic. These threats, as he saw them, were many and varied, including the federal government's [lack of accountability](#) to the popular will, the spread of industry

and the [rage for banks](#) and financial speculation, the [usurpations of the Supreme Court](#) under Chief Justice [John Marshall](#), and the [resurgence of Federalist principles](#) under a different guise. The two greatest threats in Jefferson's eyes, however, were the entrenched sectional divisions that the Missouri crisis had brought to light and the steady march of consolidation in all three branches of the federal government.



*Thomas Jefferson*

Start with the Missouri crisis (1819–1821), which was the nation's first major conflict over the spread of slavery. Jefferson described his alarm about the growing tensions between North and South in [a letter](#) to John Holmes, a Republican from Maine, in April 1820. He had long since “ceased to read newspapers or pay any attention to public affairs, confident they were in good hands,” he told Holmes, “but this mementous question, like a fire bell in the night, awakened and filled me with terror. I considered it at once as the knell of the Union.” In explaining why he saw the conflict over Missouri as the union's death knell, Jefferson all but prophesied the path to the Civil War: “a geographical line, coinciding with a marked principle, moral and political, once conceived and held up to the angry passions of men, will never be obliterated; and every new irritation will mark it deeper and deeper.” Jefferson concluded the letter with an unforgettable expression of regret: “I am now to die in the belief that the useless sacrifice of themselves, by the

generation of '76. to acquire self government and happiness to their country, is to be thrown away by the unwise and unworthy passions of their sons, and that my only consolation is to be that I live not to weep over it.” The current generation was, Jefferson moaned, perpetrating an “act of suicide on themselves and of treason against the hopes of the world.” One would be hard pressed to compose a clearer, more forceful articulation of disillusionment than this, and it is all the more striking coming from the most perennially optimistic of the founders.

Nor was Jefferson's missive to Holmes an anomaly. Letters on “the Missouri question” poured forth from Monticello during this period, equal parts rage and despair. Jefferson [told John Adams](#) that “from the battle of Bunker's hill to the treaty of Paris we never had so ominous a question,” and he [added](#) to Hugh Nelson, the representative from his House district in Virginia, that “the Missouri question ... is the most portentous one which ever yet threatened our Union. in the gloomiest moment of the revolutionary war I never had any apprehensions equal to what I feel from this source.” To William Short, a fellow Virginian whom he regarded almost as an adopted son, Jefferson [wrote](#) that “I have been among the most sanguine in believing that our Union would be of long duration. I now doubt it much, and see the event at no great distance ... my only comfort & confidence is that I shall not live to see this: and I envy not the present generation the glory of throwing away the fruits of their fathers sacrifices of life & fortune, and of rendering desperate the experiment which was to decide ultimately whether man is capable of self government.” Jefferson had always taken great joy in peering into the nation's glorious future, but now he saw little in store but impending disunion and civil war.

During the subsequent years, Jefferson was kept mired in the depths of despair by what he regarded as the illegitimate and dangerous centralization of political power within the federal government, particularly after [John Quincy Adams's](#) election to the presidency in 1824. Jefferson became an increasingly ardent—even fanatical—states-rightser in his old age, and he found the

tendency toward what he called “consolidation” so distressing that he began to wonder whether a breakup of the union might soon be not only inevitable, but desirable. In December 1825 he [wrote](#) to William Branch Giles, a former senator and soon-to-be governor of Virginia: “take together the decisions of the federal court, the doctrines of the President, and the misconstructions of the constitutional compact, acted on by the legislature, and it is but too evident that the three ruling branches ... are in combination to strip ... the States authorities of the powers reserved by them and to exercise themselves all functions foreign and domestic.” Virginia should not resort to violence except as “the last resource,” Jefferson told Giles, but he did not think that secession was at all out of the question. On the contrary, he declared that a separation of the states would be necessary “when the sole alternatives left are the dissolution of our union ... or submission to a government without limitation of powers. between these two evils when we must make a choice, there can be no hesitation.” In other words, he had concluded that dissolving the union was preferable to consolidation—and consolidation was nearly upon them.

Jefferson reached a similar conclusion—and issued a similar threat—in a letter that he [wrote](#) to William Gordon, a member of the Virginia House of Delegates, on New Year’s Day of 1826. “It is but too evident,” he remarked, “that the branches of our foreign department of govmt, Exve, judiciary and legislative are in combination to usurp the powers of the domestic branch.” (Note that Jefferson had resorted to identifying the federal government of the United States as the nation’s “foreign department,” whereas the state legislatures were the “domestic branch.”) To Gordon too he insisted that they should not resort to arms—at least “not yet, nor until the evil, the only, greater one than separ[atio]n, shall be all but upon us, that of living under a government of discretion. between these alternatives there can be no hesitation.” The following week Jefferson [wrote](#) to Claiborne Watts Gooch, a co-editor of the *Richmond Enquirer*, to lament “all the evils which the present lowering aspect of our political horison so ominously portends.” America’s political order, he suggested, could

hardly even be described as a free government at this point: “that, at some future day, which I hoped to be very distant, the free principles of our government might change, with the change of circumstances, was to be expected. but I certainly did not expect that they would not over-live the generation which established them.”

Strikingly, it was just five months later that Jefferson composed the famous letter to Weightman that virtually overflowed with confidence and idealism. What could have led Jefferson to pivot from bemoaning “all the evils which the present lowering aspect of our political horison so ominously portends” on January 9 to delivering an inspiring tribute to American democracy on June 24? It is impossible to say with any certainty, at a remove of almost two centuries, what motivated this abrupt reversal, but several possibilities spring to mind. The letter to Weightman may have represented a genuine, last-minute change of heart on Jefferson’s part—a reversion to his more customary optimism, perhaps spurred by reflection on the jubilee. Or it may have represented a rather more calculated attempt to secure his own historical legacy, which he knew would be intimately bound up with his role in the Revolution and above all his authorship of the Declaration of Independence; the fiftieth anniversary of the adoption of his beloved Declaration is perhaps the single occasion on which Jefferson would have been most eager to ring a hopeful note. Or it may have represented simply a polite attempt to put on a good face for his fellow citizens who were eager to celebrate the republic at its half-century mark, along with those who had founded it. Perhaps most likely is that the letter was prompted by some combination of these motives.

What is certain is that the letter to Weightman represented a stark departure from Jefferson’s outlook during his final decade, not the culmination of it. Throughout his old age, the great optimist’s faith in America’s future had been emphatically riddled with doubts.

# MIND YOUR MANNERS: MERCY OTIS WARREN ON THE CHARACTER OF THE AMERICAN PEOPLE

by Megan Russo

June 28, 2022

Why should we care about [Mercy Otis Warren](#)'s political writings today? Just because she's a woman? No, but then again, maybe yes.

Even if we keep sex and gender out of it, Warren was impressive in her own right. At an early age, she studied the classics—history, literature, political theory, and philosophy—with her brother, [James Otis](#). During the War of Independence and the debates over the [Constitution](#), she drew upon this rich education while writing political poems, plays, and tracts for general consumption. Perhaps most impressively, in her three-volume [History of the Rise, Progress, and Termination of the American Revolution](#), she imparts the wisdom she gained through study and experience by commenting on human nature in general and the character of the American people in particular.

But should we keep sex out of it? No legitimate historical account of her life could. As a woman, when her brother and fellow-pupil went off to study at Harvard, Mercy Otis was relegated, she explained, “to the narrow circle of domestic cares.” (Although as the daughter of Mr. Otis and the wife of Mr. Warren, her hearth was at the center of many of Massachusetts's most important political affairs). She published nearly all of her writings under a pseudonym. Only her later writings, her *History* and a collection of poems and plays, were published under her own name.



*Mercy Otis Warren*

By publishing in her own name, however, Warren drew sharp criticism from even those who had once been her admirers. Although at first encouraging her to write an account of the war, [John Adams](#) changed his tune after reading her descriptions of his own principles and public service. “History is not the Province of the Ladies,” he then told [Elbridge Gerry](#).

In response to Adams, we could almost imagine her singing Dolly Parton's famous refrain, “My mistakes are no worse than yours just because I'm a woman.” Mrs. Warren, however, refused to respond to many of Adams's very detailed challenges and critiques, for, she explained, Adams had failed to address her in a manner due to a wife or a lady.

While the weaknesses of Warren's work may not have been caused by her sex, its strength rests in her attention to the all-important influence of domestic manners and private virtue—precisely what [Tocqueville](#) tells us is the mark of the American woman.

In Warren's account, after the Providence of God, the character of the American people seems to have been the single greatest cause of victory over England. That character was born and raised in the *narrow circle of domestic cares*.



Consider her description of the American camps:

The ladies of the principal American officers repaired to the camp. Harmony and hospitality, united with that simplicity which had hitherto been characteristic of the domestic taste, style, and manners of the most respectable Americans, reigned among them for several months, without the smallest interruptions.

The manners and virtues of General [Washington](#) and his troops (as well as the presence of the opposing vices among the Hessians and the British) were responsible for bringing many loyalists back to the “American standard.” They also served to earn the respect of the English.

After commenting on the severe and merciless treatment of the captured “brave and unfortunate” American soldiers, Warren writes:

This was far from being the spirit of Americans; their victories were generally accompanied with so much moderation, that even their enemies acknowledged their generosity. General Burgoyne and others had often done this; and lord Cornwallis now expressed both pleasure and surprise, at the civility, kindness, and attention, shewn by the victor to the vanquished foe.

Warren shares these accounts not simply to congratulate the heroes of the Founding era but to encourage the American people to return to their characteristic virtue. She sees that, while virtue is important in war, it is all the more necessary in the life of a republic—for a republic requires much more than “passive obedience” on the part of its citizens.

Again, Warren turns her attention to the private virtue of the American people. Though private virtue is not the same as public virtue, private virtue is its source. How could a citizen sacrifice his own interests for the sake of his country or the public good (*res publica*) if he has not first developed those habits which impel him to curb his own “interest or appetite?”

To conclude, I would like to borrow the words of one of Warren’s contemporary critics, who condemns her *History* as “the product of a mind that had not yet yielded to the assertion that all political attentions lay outside of the road of female life.”

For this, for teaching that the narrowest circle has the widest impact on the political sphere, we ought to be grateful to Mercy Otis Warren, one of our Founding Mothers.

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## FOUNDING MOTHER ELIZABETH SCHUYLER HAMILTON...REMEMBER ME!

by Melissa Matthes

June 30, 2022

When the wife, mother or sister of a famous man is invoked, the first inclination is to wonder how that woman might have influenced her celebrated male counterpart. It is a reasonable question. The next question is whether that woman is worth remembering on her own, without her prominent male counterpart. That, too, can be a substantive exploration. So, when Alexander Hamilton’s wife, Elizabeth Schuyler Hamilton is recalled, we might pause and wonder, “Is the most significant feature of her life that she was married to [Alexander Hamilton](#)?” “Is that what we should remember about her?” “Would we remember her without Alexander?”

The answer, I think, to these questions is a bit of an unsatisfying “yes” and “no.” Yes, we should remember her beyond her famous husband, but no, we probably wouldn’t recall her without Alexander. And that, in itself, is an important reminder about the archive of American history. First, memory is an important element of Elizabeth Schuyler’s life. She is credited with being the primary agent who ensured that Hamilton’s writings were not only preserved but published. She along with her son, John Church Hamilton, published a biography of

Alexander, as well as petitioned the Library of Congress to buy and thus preserve her late husband's work into perpetuity. We don't know her motivations. Perhaps she believed in her husband's political project or perhaps, she hoped like Jackie Kennedy, to control the narrative of her husband's life, particularly as it related to his infidelity. We do know that she burned many of her love letters, perhaps, in a bid to tell her story in her own way. But she also was able to provide detailed evidence that her husband, not [James Madison](#), had written [George Washington's Farewell Address](#). After Hamilton's death, many of his so-called enemies were then arguing that Madison was the primary author. Eliza's efforts resulted in Hamilton being recorded as the author of this important piece of American political thought. So, in these ways, "yes" one of the significant features of Elizabeth Schuyler's life was that she was dedicated to her prominent husband's legacy and thus she gifted to the American project the preservation of a founding father's work.



*Elizabeth Schuyler Hamilton*

But, also, yes, we should remember her without her husband, because she does the vital work of preserving the story of American democracy. As George Will has aptly noted in his [The Conservative Sensibility](#), creating a "useable past" is part of what maintains contemporary American democracy. Neglect of the Founder's principles, Will insists, puts our democracy at risk.

Democracy is fragile, vulnerable. And, thus, we must be intentional, like Elizabeth Schuyler, about its preservation. The preservation of the past is also aspirational. While the 1619 project might argue that the useable past of America's founding reveals the structural racism that animates American political life today, Schuyler's preservation of Alexander Hamilton's work was intended to showcase how an orphan born outside what would become the United States, resisted the plantation economy and argued for a genuinely united country. Indeed, this is part of the success of Lin-Manuel Miranda's musical. In this way, we might name Elizabeth Schuyler Hamilton a founding mother or at least a custodial parent of American democracy.

But, Elizabeth suffered, too, because she was married to a famous man. And, her pain is recorded, made visible, in large part, because of the man to whom she was married. Not only was Hamilton killed in a rather absurd duel with Aaron Burr, but Hamilton publicly humiliated her, not only by being unfaithful but by writing a detailed pamphlet (aka [The Reynolds Pamphlet](#)) confessing his adultery to save his political reputation. This, however, reveals more about Alexander than Elisabeth. In quick succession she mourns the death of her son (who is also killed in a duel) as well as both her parents. The middle years of her life are configured by grief. Perhaps, in remembering Elizabeth Schuyler's grief we are also recalling all the unknown women of the early republic who also suffered miscarriages, the tragic loss of young children, and the despair of women married to unfaithful men. Those anonymous women suffered, too, but those losses existed without the possibility of being named and later recalled. Remembering Eliza's grief can perhaps embrace their unrecorded grief as well.

Elizabeth lives quite a long time after Alexander dies - 50 years, to be exact. And, during that time, she becomes a well-known and significant philanthropist, working for the [New York Orphan Asylum Society](#). The organization was involved in the feeding, clothing, and educating of young children. Since Alexander was an orphan and the Hamiltons took care of a young foster child, Fanny, for most of her childhood, this work dovetailed with both

Elizabeth's commitment to children and to her husband's legacy. Elizabeth also showed herself quite savvy with money. After Alexander died, she and her eight children were left impoverished. But because of both the generosity of others as well as her work ethic and financial acumen, she was able to preserve the family home and eventually lift her family from penury to respectability. She served as an assistant director for the Orphan Asylum Society for over 40 years and the work she did continues to this day at the Graham Windham - the oldest non-profit and non-sectarian child welfare agency in America.

So, no, Elizabeth Schuyler would probably not be remembered if she had not been married to a famous man. But, yes, we should remember her independent of that relationship because she preserved the work that reminds us of those aspirational founding principles, that luminous moment, as George Will calls it, of the American Founding upon which the preservation of contemporary American democracy may very well rest.

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## ABIGAIL ADAMS' PATRIOTISM

by Elizabeth Amato

July 5, 2022

[A Gallup poll shows](#) a worrisome decline in patriotism among younger Americans. A mere half of Americans 35 and younger report being proud of their country. A generational shift is occurring that will have far-reaching consequences for the future of America if young Americans aren't sure that their country has worth and esteem. How can America have a future if young Americans aren't proud?

The last few years have strained Americans. We've lived through the pandemic, the lockdowns, remote learning, racial strife, civil unrest, riots, a contentious election, and economic hardship. Many Americans feel overburdened by events and some aren't proud of our history. The danger of declining patriotism is that Americans have less

confidence in themselves that they can contribute meaningfully to the preservation and improvement of their country.



*Abigail Adams*

Abigail Adams can help us move towards mending the conflicting sentiments that many Americans may have about their country. She was feisty, opinionated, and a proud patriot. Married to [John Adams](#), she was both the wife who supported his career and the woman who emerges in her own right. As a founding mother, Abigail modeled how to be a spirited and independent-minded woman.

Patriotism is an often defined to love of country. Certainly, Abigail was a patriot, but as she understood, patriotism is not a love that blinds you to your country's shortcomings. Love means that you want what is good for your country. It makes you willing to endure hardship, setbacks, and disappointments on its behalf. Why? Because you think that your efforts matter and your contributions will make it better.

That's the kind of patriotism that motivated Abigail Adams. She understood what was good and worth preserving and, as we'll see in the next post, where reform was needed.

What drew Abigail to support the patriot cause was that she believed that the traditional liberties and self-government of colonial legislatures were worth defending and preserving against a distant parliament and overweening King.

The [American Revolution](#) tested Abigail Adams's mettle. She had grit to spare. Abigail endured the better part of a decade by herself while John served in the Continental Congress and in European diplomatic posts. During this time, Abigail had to manage the farm (the family's main source of income). It was a task for which she had no prior preparation. Managing the farm was a sacrifice she borne so that John could be available for public service. She hoped that "the public will reap what I sacrifice." She had to hire farmhands during labor shortages, buy equipment, collect rent, deal with surly and uncooperative tenants, pay taxes, cope with inflation, and, like all farmers, wage the eternal struggle against hungry caterpillars and other pests. Nor did it help that as a married woman the laws and customs prevented her from conducting business in her name.

After the war, Abigail found herself in semi-public roles that, though informal and not elected, nevertheless, carried significant public duties. The prospect of joining John abroad at his diplomatic post caused her some hesitation. She was self-conscious about cutting "an awkward figure" among European women knowing that she would, in a way, represent American women.

Abigail rose to the occasion and made use of her public role. When the Adams were presented at Court to King George III and his wife, Abigail made a subtle political statement. Compared to the ostentatious fashionable dresses of the day, Abigail wore an "elegant but plain" white dress calculated to project republican virtue and restraint.

Upon John's election to the presidency, Abigail reflected somberly on the public role that being "Mrs. Presidentress," the then-term for first lady, would require of her. She was "anxious" about the increased public scrutiny, the inevitable comparisons to Martha Washington, and that she would have to be more politically prudent in voicing her opinions. Despite her

desire for the quiet of private life, Abigail threw herself into the role of first lady. She aimed to set a tone for social life in the Capitol in which partisans could enjoy each other's company amicably.

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## ABIGAIL ADAMS ARGUES FOR MORE "LEARNED WOMEN"

by Elizabeth Amato

July 7, 2022

In the previous post on Abigail Adams, I noted that she was a staunch advocate of traditional American liberties and showed great fortitude during tough times.

But Abigail was no mere defender of the status quo. No insignificant amount of her attraction to the cause for independence is the prospect of fashioning new laws. With keen anticipation, she wondered what "code of Laws will be Established, how shall we be govern'd so as to retain our Liberties?"

More farsighted than others, Abigail understood that political independence presented a unique opportunity to reconsider and revise existing laws to be more consistent with the principles of liberty and theory of representation invoked by the colonists. She was a patriot who believed that America could meaningfully reform to make good on the promise of liberty inherent in the political principles advanced by the [Declaration](#). She saw that these principles created a groundwork of mutually shared commitments that would one day be the instruments of advancing political and personal liberty for women.

In her deservedly famous "remember the ladies" letter, Abigail asked [John](#) that the Continental Congress advance a more "generous" policy towards women than their forebears have. Should the men of the Continental Congress fail to do so, she threatened that women will "foment a rebellion" and will not honor the laws in which they have neither voice nor representation. Abigail foresaw, even if some of the leading men of the



revolution may not have, that the principles of the American founding pledged greater liberty to all Americans.

Abigail shrewdly observed that consistent application of the revolution's principles require that women have a role in shaping how rights, liberties, and civic duties should be applied to them. The principles of the Declaration are not glittering generalities—all sparkle and no substance—and, as Abigail's example makes clear, Americans then and up to the present day will look upon its principles in order to make principled claims for liberty.

One of the chief ways of improving the status and personal lives of American women was through education. Abigail's education, though better than most women, was spotty compared to her brother's and she felt the difference. In response to John lamenting the poor education of men in America, Abigail retorted sharply what about the sorry state of education for women. (In subsequent letters, John did not forget to mention the education of women.) What America needed was a "liberal plan" for education for America's sons and daughters. Abigail argued that "If we mean to have Hero Statesmen and Philosophers, we should have learned women." America cannot truly be a home for "learning and virtue" if the education of women is neglected.

In the republican dispensation of the founding, Abigail sought a foothold for women in political life that could be broadened in the future. Abigail connected women's education to their civic responsibility. A woman might not "hold the Reigns of Government," but, as Abigail argued, she should be educated so that she may "judg[e] how they are conducted." Abigail reminds us that the one of the most fundamental premise of our government is the capacity of the people—women included—to judge their government. Though they could not hold elected officials accountable at the ballot box, women should cultivate their political judgment.

Abigail saw that reverence and love for one's country is the starting point not the end point of patriotism. We must "add to." America can be great if our citizens undertake to add something of themselves to it. What Abigail shows us is that love of one's county springs from

the attachment and honor for what it is and a hope for what we can add to it.

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## THE WRITTEN LEGACY OF GOUVERNEUR MORRIS: CONSTITUTIONAL WISDOM WE CANNOT AFFORD TO FORGET

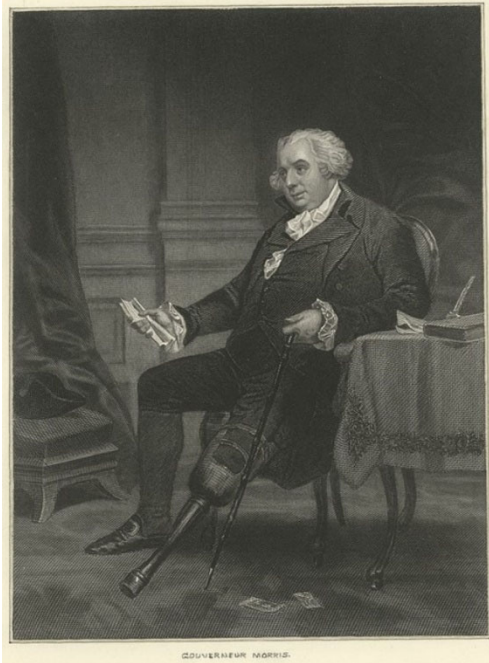
by Melanie Miller

July 12, 2022

We the People. It is a phrase that shows up everywhere, on the banners of protestors on both sides of an issue, as the name of an expletive-laden song by Kid Rock, in the title of many books, many art exhibitions, and, of course, on t-shirts. Who wrote "We the People of the United States of America"? And what are we--we *the people of the United States of America* -- missing out on if we don't know about that man and what he has to teach us about being Americans, and what he *meant* when he wrote those words? The short answer: a great deal.

The Preamble to the [US Constitution](#) was written by a 35-year-old man named [Gouverneur Morris](#). He wrote with a beautiful but spare eloquence that resembles that of [Lincoln](#), and he was considered one of the greatest speakers of his day. [George Washington](#) respected Morris and enjoyed his company, Since [Alexander Hamilton](#) receives much attention these days, it is worth mentioning that they were great friends: indeed, Hamilton's wife told Morris he was her husband's "best friend" when Hamilton was dying, and it was Morris who gave his funeral oration. Morris despised and opposed slavery; he admired and *respected* women. He had an extraordinary life and performed extraordinary services for our country, but he had no interest in popularity in his own time, or in his posterity, one of the reasons he has largely been overlooked. Among his services: chairing (and doing the work of) critical committees of the Continental Congress during the Revolutionary War;

managing, along with his friend Robert Morris, the finances of the country during the Revolution; playing a major role at the [Constitutional Convention](#) - some scholars are now beginning to suggest he deserves to be considered its "Father" more than [James Madison](#); serving as our minister to France during the worst violence of the [French Revolution](#); advocating and initiating the Erie Canal; and overseeing the design of the Manhattan street grid we walk today.



*Gouverneur Morris*

This post, however, is concerned with the phrase "We the People of the United States." Because Morris was well known for his talents as a writer, he was chosen to compile and polish the final draft of the Constitution and to write the Preamble. As originally drafted in the Convention, the sentence began "We the people of the States of New Hampshire, Massachusetts," etc. At first glance that might seem to say the same thing, but look again. Morris changed the lead-in words in a way that was practical, because it was not yet known if all the states would sign on -- Rhode Island had not sent a delegate -- but it was also profound because it reflected his strong belief that we are first and foremost a united people without regard to our states of residence, and that the Constitution was not to be an agreement between the states but an agreement among all of the people. During

the Convention, Morris reiterated this position forcefully. As recorded in [Madison's notes](#), he told the delegates that he had come "as a Representative of America; he flattered himself he came here in some degree as a Representative of the whole human race." Morris's experiences during the Revolution had left him with little respect for the governments of the states or their ability to rise above local prejudices and interests for the good of all citizens. "State attachments, and State importance have been the bane of this Country," he urged. This position was relevant in many of the most important debates at the Convention: for example, Morris pushed for senators to be elected from the population at large; and in the debates regarding representation in the House, specifically, whether slaves should be counted in determining the number of representatives a state could have, something the southern states demanded. Morris denounced this in the most searing anti-slavery speech of the summer.

But returning to "We the People" - here, there is a critical adjunct to Morris's conception of the Constitution as a commitment by the people of all the states, one that seems to be forgotten or ignored by many in the current day: the necessity of compromise if the Constitution was going to work. As Morris pointed out in the cover letter sent with the Constitution to the states, "Individuals entering into Society must give up a Share of Liberty to preserve the Rest." Further on, he noted that "In all our Deliberations on this Subject we kept steadily on our View that which appears to us the greatest Interest of every true american. The Consolidation of our Union in which is involved our Prosperity Felicity Safety perhaps our national Existence."

The Constitution is our greatest national treasure, but only if we understand it. Morris had a profound grasp of human nature, and knew that unless this concept of the necessity of sacrificing some liberty was understood and accepted by the American people, the Constitution would have failed at the outset. That message could not be more on point for our country today.

## GOUVERNEUR MORRIS ON THE WORD "LIBERTY": AN EMPTY SOUND?

by Melanie Miller

July 14, 2022

Is it enough for a nation to have a constitution purporting to guarantee liberty and justice? Gouverneur [Morris](#) would say emphatically no: a consistent theme in his writings is that a constitution must be suited to the people it governs. As noted in the last post, he understood human nature, and the conflicting interests that agitate society.

What would Morris say about Americans of today? Would he believe we are suited to the constitution we have? In considering this question, it is worth looking at his thoughts about why the French of the late 18th century were *not* suited to American-style democracy. Morris arrived in Paris in early 1789, just as the first stirrings of the [French Revolution](#), inspired by events in America, were underway. Morris soon concluded, however, that an American-type constitution would not work in France. The French, Morris said, “want an American Constitution with the Exception of a King instead of a President, without reflecting that they have not American Citizens to support that Constitution,” and he accurately predicted the turmoil and chaos -- and in the end, the despotism -- that would result. The claim by the first and all succeeding revolutionary regimes of being “patriotes” (all opponents were branded “aristocrats”) and, later, the omnipresent catch phrase “Liberté, Égalité, Fraternité.” did not impress Morris. “I have liv’d too long to regard men’s expressions,” he wrote to Madame de Lafayette,

so that all sentences rounded off by fair or foul words, such as liberty, patriotism, virtue, treason, aristocracy, crime, are to me the equivalent of blank paper.

Some months after his arrival, he was waiting for his carriage to pick him up at the Palais Royale when

the Head and Body of Mr. de Foulon are introduced in Triumph. The Head on a Pike, the Body dragged naked on the Earth...This mutilated Form of an old Man of seventy five is shewn to Bertier, his Son in Law, the Intend[ant] [royal administrative agent] of Paris, and afterwards he also is put to death and cut to Pieces, the Populace carrying about the mangled Fragments with a Savage Joy. Gracious God what a People!

The propensity to mob violence and its use as a political tool by the revolutionary leaders was one reason he considered the people unready for democratic government: the butchering of the old man was one of many horrific scenes that would take place in France before and during the Terror. Morris did not believe his fellow citizens would do such a thing; that July night, in a letter to a friend, he reflected:

I was never till now fully apprized of the mildness of American character. I have seen my countrymen enraged and threatening. It has even happened that in an affray some Lives were lost. But we know not what it is to slay the defenseless Victim who is in our Power.

Corruption was another obstacle identified by Morris. It had been at the core of the previous royal regimes, with offices and contracts bought and awarded without regard to qualifications. The new National Assembly was also politically corrupt, dominated by members seeking to profit from the new government and at the same time subject to the rhetoric of demagogues capitalizing on popular discontent. Morris wrote to [Jefferson](#) about it:

Virtue once gone Freedom is but a Name for I do not believe it to be among possible Contingencies that a corrupted People should be for one Moment free.

Mutual trust was also required for a successful government. In France, he told Jefferson, rampant

Suspicion, that constant Companion of Vice and Weakness, has loosened every Band of social

Union and blasts every honest Hope in the Moment of its budding.

Unwillingness to govern with moderation and disinterest in compromise also doomed the French Revolution. Morris observed with dismay "the Violence and Excess of those Persons who, either inspired by an enthusiastic Love of Freedom or prompted by sinister Designs, are disposed to drive every Thing to Extremity" and to disaster. And so it proved: in the two and a half years from the time news of Morris's nomination as minister to France arrived in early 1792 until he was relieved of the post in August 1794, the French government had changes of power entailing seven different heads of foreign affairs. Four of them were condemned as traitors and three of them died on the guillotine while one defected to the Austrians. Each successive administration was the mortal enemy of its predecessors; the "Constitution of 1791" had soon proved unworkable and was denounced by all who had previously championed it.

It is important to know that Morris genuinely loved France. He wished for the happiness of its people; but, he told a fellow diplomat a month before the King was executed, he did not indulge in the "Illusions of Hope" for establishment of a good constitution and government because he did not yet perceive

that Reformation of Morals without which Liberty is but an empty Sound.

Morris gives us much to think about in our current times.

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## JOHN JAY: LEGAL AND CONSTITUTIONAL FRAMER

by Jonathan Den Hartog

July 19, 2022

[John Jay](#) (1745–1829) was one of the most significant members of the founding generation, but his reputation hasn't kept pace with that reality. Most Americans, if they wrack their brains, might be able to come up with vague

memories of the Jay Treaty, his contributions to the [Federalist Papers](#), or his place on the Supreme Court.

A quick glance at his resume suggests tremendous contributions over 27 years in public service. Trained as a lawyer in New York, Jay served as President of Congress, Ambassador to Spain, Negotiator of the Paris Peace Treaty that ended the War for Independence, Secretary for Foreign Affairs under the Articles of Confederation, first Chief Justice of the Supreme Court, special diplomat to England, and two-term governor of New York. In these roles, Jay regularly worked with other well-known founders such as [George Washington](#), [John Adams](#), [Benjamin Franklin](#), [Alexander Hamilton](#), and [Thomas Jefferson](#).

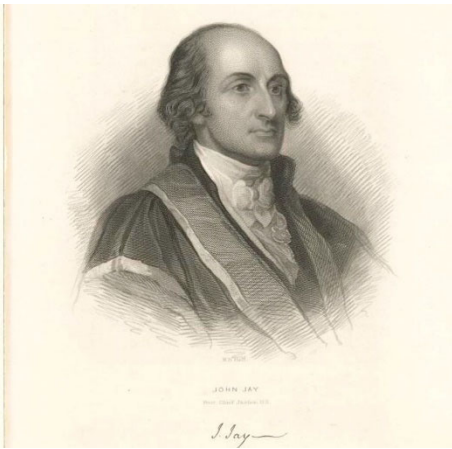
Through these efforts, we could identify many important contributions, such as his persistent diplomacy in the American national interest or his growing public opposition to slavery.

Here, I want to emphasize Jay's contribution to setting the country on a solid legal and constitutional footing. In fact, legal and constitutional matters were Jay's concerns throughout his career.

Early in the [American Revolution](#), Jay realized that after declaring independence, New York needed a new legal structure. Thus, he was active at New York's first constitutional convention, helping to structure its state government in a responsible way. With that constitution in place, Jay sought the appointment as first Chief Justice of New York.

This same constitutional concern informed Jay's actions a decade later when considering national affairs. At that point, Jay was serving as the Secretary of Foreign Affairs for Congress, the permanent position under the [Articles of Confederation](#) tasked with implementing treaties and diplomacy. From that position, Jay witnessed the weaknesses of the Confederation and testified that a lack of national structure was leading to violation of treaties and infringement on rights. To rectify that, Jay corresponded with figures such as Washington and Adams, both to diagnose the problems and present a way forward.





### *John Jay*

Although New York did not appoint Jay to the Constitutional Convention, he approved of the proposed Constitution. He eagerly partnered with Alexander Hamilton and [James Madison](#) on the project of drafting essays for the newspapers—the [essays that would become the \*Federalist Papers\*](#). In 1787, Jay was the most senior and well-known of the trio. He launched into the project, contributing (after Hamilton’s #1) the next four. His contribution likely would have been even greater had he not been injured in a street riot in New York City, followed by a lingering illness through the winter.

Still, Jay’s contributions made several important points. In #2, Jay advanced a vision of national flourishing if the country could recognize and formalize its preexisting union, found in its geography, language, culture, and shared sacrifice in the War for Independence. Subsequent contributions discussed the need for national unity for issues of war and peace. His final essay (#64) argued for effective control of diplomatic affairs, which he believed could be handled better in the Senate than in a wide open assembly.

Jay advocated for the Constitution not only in the *Federalist Papers* but in [a stand-alone essay, “An Address to the People of the State of New-York.”](#) Here, Jay urged practical considerations for New Yorkers. Their trade would be enhanced by entering the new Constitutional union. If the [Constitution](#) was imperfect, amendment from within was a better alternative than expecting a new convention to produce an ideal document.

Finally, Jay demonstrated suave political tactics at the New York ratifying convention. Rather than dismissing his opponents out of hand, Jay listened to their concerns and made a careful defense of the Constitution. Through patience and reasoned arguments, Jay and his Federalists won the day and made New York the 11th state to ratify the Constitution.

Given Jay’s outlook, it’s no surprise that when multiple offices in the new government were opened to him, Jay chose the office of First Chief Justice of the Supreme Court. Now, with the Constitution ratified, it would have to be implemented and interpreted. Jay followed close legal and textual reasoning in his decisions—even when they proved not to be popular.

Jay’s decisions continue to matter today, not least because the U.S. is still living with the Constitutional framework he worked to build. His career and writings demonstrated a commitment to the rule of law and to constitutional forms. Those structures allow for the pursuit of justice and the gradual amelioration of society through careful, sustained efforts. The course for lasting change is to defend the legal and constitutional order as a bulwark against anarchy and to reform moderately and prudently.

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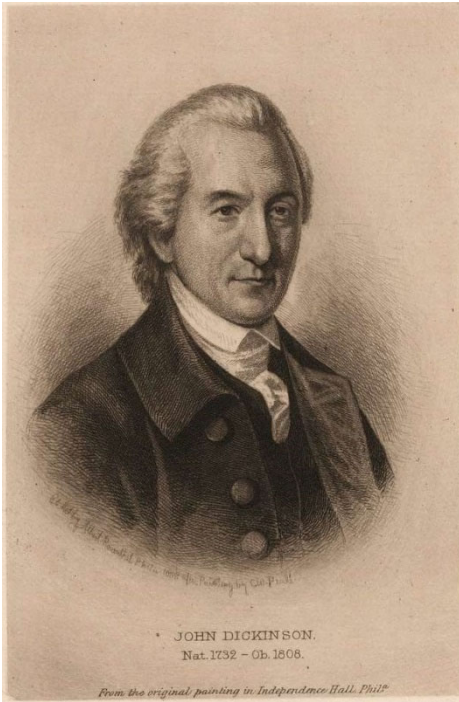
## “A PERPETUAL JEALOUSY, RESPECTING LIBERTY”: JOHN DICKINSON ON FUNDAMENTAL RIGHTS

by Jane Calvert

July 21, 2022

Although few Americans today have heard of [John Dickinson](#), he was a central figure of the Founding era. Writing more for the American cause than any other figure, he was America’s first celebrity, known around the Atlantic World as the spokesman for American rights and liberties. But because many of his ideas were not

appreciated at the time and historians failed to understand him, he was written out of history.



### *John Dickinson*

Of the leading Founders, Dickinson alone sought to protect the fundamental rights of all Americans, including women and Black people, at a time when most believed they had virtually none. As a lawyer, he represented poor widows and women accused of heinous crimes. He defended a mixed-race servant woman accused of infanticide and concealment, arguing that “women have suffered, no doubt, for the concealment of a dead child,” and it was a “harsh statute” under which they would be punished, especially since women were considered guilty until proven innocent. He also sought to protect women’s rights of religious liberty and public speech, using gender-inclusive language in his draft of America’s first constitution, the 1776 [Articles of Confederation](#). The clause was rejected. But Dickinson had always thought women capable of contributing valuable ideas to public political debates. He listened to his mother and his wife, who themselves read law and wrote poetry, and he encouraged women such as British historian [Catharine Macaulay](#) and [Mercy Otis Warren](#), the American pamphleteer and historian, in their work of

enlightening the public. Women, he knew, could be models of virtue and patriotism as much as men.

Similarly, slavery had troubled Dickinson since he was young because of the harm it did to both the enslaved and the enslaver. The practice turned whites into tyrants and deprived Blacks of their God-given right to liberty. Early in his career, he passed legislation to prevent the enslavement of free Blacks. He tried to make enslavement easy on his own slaves by treating them kindly and sometimes purchasing whole families at their request to prevent them from being separated, until he realized that nothing short of freedom would suffice. By 1786, he had freed all his slaves. Although he lost a significant sum, he gained an easy mind. He continued to support those whom he had enslaved with lodging and provisions, and he wrote abolition legislation for Delaware. It did not pass.

Neither did these priorities appear in the new [Constitution](#) Dickinson helped create in 1787. The Framers “laboured to form the best plan they could,” he explained. But he also knew that they were fallible mortals whose efforts were inherently flawed. He believed that as experience was the Framers’ guide, so must it be for future Americans. Far from imagining that posterity should view the Constitution as sacred or set in stone, all-encompassing and unchangeable, the Framers “provided for making at any time amendments on the authority of the people, without shaking the stability of the government.” The people could, he explained, “*amend* it, wherever it is *defective*.” As though to demonstrate their meaning, ten amendments were included to remedy deficiencies in the original document. Critically, the [Tenth Amendment](#) instructed future generations that all rights could not be codified in a written document. Rights, said Dickinson, “are not annexed to us by parchments and seals. They are created in us by the decrees of Providence, which establish the laws of our nature. They are born with us; exist with us; and cannot be taken from us by any human power, without taking our lives.”

With the Constitution in place, Dickinson believed that the only way to preserve this “democratical republic” was

to ensure that citizens received liberal education that emphasized subjects such as history and science, so they could learn the lessons of the past, of nature, and about objective truths. He also believed there should be a “reformation of manners,” by which he meant morality. To this end, he hoped Americans would turn to religion, but not the benighted faith of anti-intellectual evangelical zealots or intolerant and punishing [Old Testament](#) judgments. Rather, he advocated the liberal Christianity of faiths like Quakerism, drawn from the [New Testament](#), that viewed government as a necessary good to aid the unfortunate and to protect the rights of all humans, male and female, rich and poor, black and white. Such faith would compel Americans to love one another and consider the common good above their individual interests. But as important as religion was to Dickinson, he himself was unaffiliated with any church, and to him, the only acceptable government was one that allowed complete liberty of conscience in which no American would be compelled to practice a faith in which he *or she* did not believe.

Most Americans have come to agree with Dickinson that the rights of all should be protected. And they would also do well to remember his words: “A *perpetual jealousy*, respecting liberty, is absolutely requisite in all free states.”

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## BENJAMIN FRANKLIN AND AMERICAN UNION

by Steve Ealy

July 26, 2022

Under the dateline Philadelphia, May 9 [1754], [Franklin’s \*The Pennsylvania Gazette\*](#) printed an item based on dispatches from Major [George Washington](#) which detailed French advances and British losses along the Monongahela River. The item also noted that “the Indian Chiefs” from that region had requested British assistance because the French were moving their Indian allies from the north closer to British settlements

so that they could join in attacks on settlers. This brief report closed with an editorial comment.

The Confidence of the French in this Undertaking seems well-grounded on the present disunited State of the British Colonies, and the extreme Difficulty in of bring so many different Governments and Assemblies to agree in any speedy and effectual Measures for our common Defense and Security; while our enemies have the very great Advantage of being under one Direction, with one Council, and one Purse.

Immediately under this report was the first editorial cartoon in an American newspaper bearing the caption, “[JOIN, or DIE.](#)”



A month after this report, a conference called by the British Board of Trade was held in Albany, New York, to discuss the very question of colonial defense. Franklin attended as Pennsylvania’s delegate and had prepared a draft of “[The Albany Plan of Union](#)” for the meeting. Franklin outlined the offices of this union—a “President General” appointed by the Crown and a “Grand Council” with proportional representation to be elected by representatives of the people in each of the colonies. The powers to be exercised by this Union included making treaties and regulating trade with Indian tribes, establishing new settlements, and passing laws to govern those settlements, raising and regulating a military force, and collecting taxes. Any laws passed “shall not be repugnant but as near as may be agreeable to the Laws of England.”

In a note, Franklin added to his materials from the Albany Convention forty-five years later. He reported that after much debate it was unanimously agreed to and copies were sent for approval to each colonial assembly and to London for the King. It received no approval from any source. Franklin concluded, “The Crown disapprov’d it, as having plac’d too much Weight in the democratic Part of the [Constitution](#); and every Assembly as having allow’d too much to Prerogative. So it was totally rejected.”

Once Franklin had thought of union among the colonies, the idea never died. From December 1764 until March 1775, he was in London as an agent for American interests. On returning to Philadelphia in 1775, he was immediately appointed as one of Pennsylvania’s delegates to the Second Continental Congress. By July, he had drafted “Proposed [Articles of Confederation](#).”

With one exception, Franklin’s “proposed articles” is a forward-looking document. The exception involved the possibility of reconciliation with Great Britain. In that event, the confederation would be terminated, but if the colonies and mother country remain at odds, “this Confederation is to be perpetual.”

In a preface to his notes on the debates at the Constitutional Convention, a preface that he never polished or published, James Madison suggests that Franklin’s [plan](#), though never acted upon, became the basis for the Articles of Confederation that were adopted. This can be seen in some of the stylistic features of each. The opening article in Franklin’s draft: “The Name of the Confederacy shall henceforth be *The United Colonies of North America*.” Article I of the Articles: “The Stile of this confederacy shall be ‘The United States of America.’” Franklin’s second article calls for a “firm League of Friendship . . . for their common Defense . . . the Security of their Liberties and Propertys, the Safety of their Persons and Families, and their mutual and general welfare.” The Articles’ third provision parallels this.

Franklin’s radically democratic and national sympathies, however, are highlighted by a comparison of the operational and organizational details of his draft document with the Articles of Confederation adopted in

1781. The Articles’ Article II announces the “sovereignty, freedom, and independence” of each state, while among the powers given to the confederation in Franklin’s draft, Congress is authorized to “make such general Ordinances as tho’ necessary to the General Welfare, particular Assemblies cannot be competent to; viz., those that may relate to our general Commerce or general Currency . . . “

Franklin’s plan calls for the election of Delegates, and representation in Congress that would be proportional based on population (Franklin suggested one delegate for every 5,000 males between the ages of 16 and 60), while the Articles provide for one vote per state. Franklin’s plan allows for majority rule in both passing legislation and in amending the basic document (a majority of colonial assemblies was necessary), while the Articles required nine states to pass legislation, and amendment of the Articles required a unanimous vote on the part of all state legislatures.

When, after a few years of operation, many concerned citizens concluded that the Articles of Confederation should be radically revised or scrapped entirely, Franklin was selected to be part of Pennsylvania’s delegation to the Constitutional Convention. At the Convention, he was most effective as a conciliator and diplomat, cooling tempers and offering compromises that kept the delegates talking and moving toward a workable new government.

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## BENJAMIN FRANKLIN AT THE CONSTITUTIONAL CONVENTION

by Steve Ealy

July 27, 2022

At 81, [Benjamin Franklin](#) was the senior statesman at a convention of young men. He was three times the age of the Convention’s youngest delegate (Jonathan Dayton of New Jersey, aged 26), and twice the average age for all



delegates (41). [Alexander Hamilton](#) was 30, [James Madison](#) 35, and [George Washington](#) 55.

Franklin was also the most renowned American of the age. Georgia delegate William Pierce kept a journal in which he wrote [character sketches](#) of the delegates in attendance, and his entry on Franklin captures his widespread fame.

Dr. Franklin is well known to be the greatest phylosopher of the present age;--all the operations of nature he seems to understand,--the very heavens obey him, and the Clouds yield up their Lightning to be imprisoned in his rod. But what claim he has to the politician, posterity must determine. It is certain that he does not shine much in public Council,--he is no Speaker, nor does he seem to let politics engage his attention. He is, however, a most extraordinary Man, and tells a story in a style more engaging than anything I ever heard. Let his Biographer finish his character. He is 82 years old, and possesses an activity of mind equal to a youth of 25 years of age.

Franklin served as an unofficial host for delegates, opening his garden to them with a keg of dark beer or a cup of tea at the ready. George Washington's first stop upon arriving in Philadelphia was to pay a call on Franklin at his home just blocks from Independence Hall.



*Benjamin Franklin*

Franklin would have been the only contender against Washington to serve as the convention's presiding officer, but he intended to nominate Washington for that position. He was unable to perform that duty because stormy weather prevented him from attending the Convention's opening session, and the entire Pennsylvania delegation nominated Washington at his request.

James Madison kept detailed [notes](#) of the Convention's proceedings. In his entry for May 25, 1787, after describing Washington's unanimous election as president of the Convention, he makes the following observation: "The nomination came with particular grace from Penna, as Doctr. Franklin alone could have been thought of as a competitor. The Doctr. Was himself to have made the nomination of General Washington, but the state of the weather and his health confined him to his house."

Because his poor health prevented him from walking the short distance from his home to the Pennsylvania State House, he was transported to and from the Convention in a sedan chair he had brought home when he returned from Paris. He often wrote out long speeches and asked for a colleague to read them.

Despite William Pierce's doubts about his political skills, Franklin had a lengthy career in politics, beginning with his appointment as clerk of the Pennsylvania Assembly in 1736. As early as 1757, when he accepted the nomination as Pennsylvania's agent in England to negotiate long-standing disputes with the Proprietors, Franklin served the colonies first and then the newly liberated nation as an emissary and ambassador for many years. The skills that he honed while performing those roles, along with his moderate temperament that was always in search of ways to bring contending parties together, served him well during the Convention.

Franklin thought beyond American borders when he considered the possibilities set in motion by the Convention. In October, well before even one state had ratified the Constitution, Franklin sent a copy of the document to Ferdinand Grand, a Paris banker he had met while on his diplomatic mission to France to raise both political and financial support for the new nation. His

accompanying note reflects his optimistic and universal outlook.

[I send you the enclos'd the propos'd](#) new Federal Constitution for these States. I was engag'd 4 Months of the last Summer in the Convention that form'd it. It is now sent by Congress to the several States for their Confirmation. If it succeeds, I do not see why you might not in Europe carry the Project of good Henry the 4th into Execution, by forming a Federal Union and One Grand Republick of all its different States & Kingdoms; by means of a like Convention; for we had many Interests to reconcile.”

In a future post, I will discuss Franklin's role at the Convention and some of the issues he was most concerned about. Here I note his final reflections after an arduous summer of debate as he watched delegates sign the newly agreed to [Constitution](#), as recounted in Madison's notes:

[Whilst the last members were signing it](#) Doctr. Franklin looking towards the President Chair, at the back of which a rising sun happened to be painted, observed to a few members near him, that Painters had found it difficult to distinguish in their art a rising from a setting sun. I have, said he, often and often in the course of the Session and the vicissitudes of my hopes and fears at to its issue looked at that behind the President without being able to tell whether it was rising or setting; But now at length I have the happiness to know that it is a rising and not a setting Sun.

## BENJAMIN FRANKLIN AT THE CONSTITUTIONAL CONVENTION, PART 2

by Steve Ealy

July 28, 2022

In 1776, [Benjamin Franklin](#) served as President of the Pennsylvania Constitutional Convention that produced the most radically democratic constitution of any of the colonies/states. Among the provisions of Pennsylvania's constitution were a unicameral legislature elected annually directly by the citizens of the colony and a plural executive council consisting of twelve members which could act with a quorum of the president and five other members. Both house of representatives and executive council had strict term limits, with representatives being restricted to four years of service in any seven-year period, and members of the executive council restricted to three years in any seven-year period. Franklin was fond of arguing for a unicameral legislature by telling the story of a two headed snake which died of thirst because each head wanted to go in a different direction to find water and therefore it went nowhere.

As he listened to the [debates](#) in the Constitutional Convention in 1787, he must have felt under personal attack, because that body was extremely suspicious of unlimited democracy and sought to establish institutional checks on unruly popular majorities. During the debate on August 7 over the proper qualifications to vote, he made his general view clear: “It is of great consequence that we shd. not depress the virtue & public spirit of our common people; of which they displayed a great deal during the war, and which contributed to the favorable issue of it. . . . He did not think that the elected had any right in any case to narrow the rights of the electors.”

As the Convention moved into the details of the structure of the new government, animosity grew as the issue of representation was discussed. The Virginia Plan, introduced early in the proceedings by [Edmund Randolph](#), proposed a bicameral legislature in which

states would receive proportional representation (based on either free population or size of contributions to the public treasury) in the first house, and the members of the second house would be selected by those elected to the first.



***Benjamin Franklin***

[The debate initially developed](#) as an argument between delegates from large states and small states, and later the question of slavery became involved as delegates discussed just who should be counted in determination of proportional voting.

On June 11, Franklin offered thoughts to try to moderate the increasingly angry debate; he had written them out and asked [James Wilson](#) to read his speech.

It has given me great pleasure to observe that till this point, the proportion of representation, came before us, our debates were carried on with great coolness & temper. If anything of a contrary kind, has on this occasion appeared, I hope it will not be repeated; for we are sent here to *consult*, not to *contend*, with each other; and declarations of a fixed opinion, and of determined resolution, never to change it, neither enlighten nor convince us. *Positiveness and warmth on one side, naturally beget the like on the other; and tend to create and augment discord &*

division in a great concern, wherein harmony & Union are extremely necessary to give weight to our Councils, and render them effectual in promoting & securing the common good.

[Later in the long speech](#) he suggests that if rough equality of size was of real importance, perhaps parts of Pennsylvania could be lopped off and given to New Jersey and Delaware. Whether or not this was a serious suggestion, his speech lasted long enough to allow tempers to cool a bit.

In early July, Franklin was appointed to the committee to make a recommendation to the Convention about representation and Franklin moved that they recommend proportional representation in the first house and state equality in the second. [This proposal would be approved](#) by the Convention on July 16, thus settling the issue that came closest to derailing the entire enterprise.

In her history of the Constitutional Convention, [Miracle at Philadelphia](#), Catherine Drinker Bowen suggests that Franklin was responsible for this anonymous item published in the *Pennsylvania Packet* on July 19, three days after the compromise was reached. “So great is the unanimity, we hear, that prevails in the Convention upon all great federal subjects, that it has been proposed to call the rooms in which they assemble—Unanimity Hall.”

As the Convention was coming to a close on September 17, Franklin had written another speech which [James Wilson](#) read for him. He had, during the Convention, supported or accepted positions which he had opposed for most of his political career—a unitary executive and a bicameral legislature being two of the major compromises he made with himself. [The opening passage](#) showed him in a self-reflective mood but was also designed to encourage those who were opposed to the document prepared by the Convention to be a little less sure of themselves.

I confess that there are several parts of this constitution which I do not at present approve, but I am not sure I shall never approve them: For having lived long, I have experienced many instances of being obliged by better information,

or fuller consideration, to change opinions even on important subjects, which I once thought right, but found to be otherwise. It is therefore that the older I grow, the more apt I am to doubt my own judgment, and to pay more respect to the judgment of others.

He also had one last trick up his sleeve. Franklin asked all delegates to sign the [Constitution](#) as witnesses, not approvers, to “the unanimous consent of the States present,” but those opposed did not fall for it. His opponents thought their signatures would be taken as agreement and therefore refused to sign.

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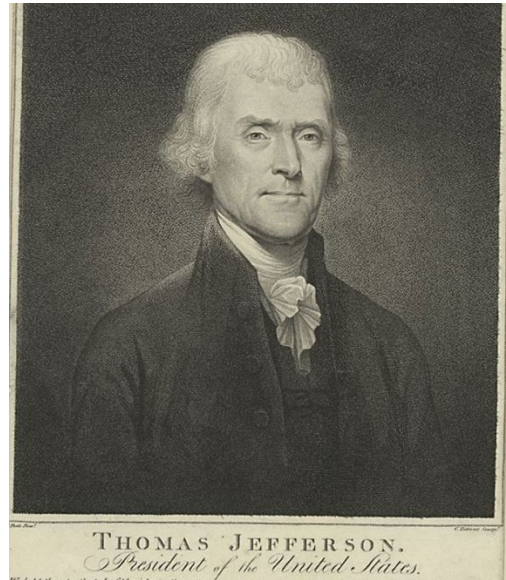
## JEFFERSON AND THE PRINCIPLE OF NATURAL EQUALITY

by Jason Jividen

August 2, 2022

Not long after his debates with Stephen Douglas, [Abraham Lincoln](#) was invited by Henry L. Pierce and a group of Boston-area Republicans to a festival honoring [Thomas Jefferson](#)’s birthday. Unable to attend, on April 6, 1859, Lincoln wrote the group a letter celebrating Jefferson’s political principles as the “definitions and axioms of free society.” According to Lincoln, the crisis over the expansion of slavery required a spirited defense of the fundamental ideas expressed in the [Declaration of Independence](#). “All honor to Jefferson,” Lincoln wrote. All honor “to the man who, in the concrete pressure of a struggle for national independence by a single people, had the coolness, forecast, and capacity to introduce into a merely revolutionary document, an abstract truth, applicable to all men and all times, and so to embalm it there, that today, and in all coming days, it shall be a rebuke and a stumbling-block to the very harbingers of re-appearing tyranny and oppression.” According to Lincoln, that abstract truth was the principle that all human beings are created equal. In the realm of political philosophy, we

often refer to this as “natural equality.” Lincoln understood that, by enshrining this idea in the Declaration of Independence, Jefferson left to future generations a bedrock principle of American government.



*Thomas Jefferson*

According to the Declaration, we are created equal in the sense that, by nature, we are all endowed by our Creator with the same unalienable rights, among which are life, liberty, and the pursuit of happiness. If we follow the thinking of [John Locke](#) and many other social contract theorists, this equality means that no human being is wise or virtuous enough to merit a claim to rule others by nature. Two individuals might be very different when it comes to their intelligence, talents, morality, etc., but as creatures of the same rank and species, they are not so different that our reason would tell us one is clearly the natural ruler and the other the natural subject. We are neither gods, nor beasts, but human beings. If no one has a natural claim to rule then the only legitimate way for one to claim political authority over another is through that other’s consent. This is the fundamental idea that Jefferson saw in Locke (and others), and that Lincoln saw in Jefferson. Moreover, the notion that such rights are unalienable suggests there are certain things that cannot be consented away. Thus, by definition, legitimate popular governments are necessarily limited governments, constituted by the people, to secure the natural rights of the people. Such principles help us to see



the reasons why the British government over America was tyrannical. They gave voice to the reasons why chattel slavery was unjust and unnatural, something Jefferson certainly admitted. They served as the basis for the argument that, whatever compromises might be made with the peculiar institution, it should be placed on the path of ultimate extinction. One should consider Jefferson's condemnation of slavery in the original draft of the Declaration, in his *Summary View of the Rights of British America* (1774), and [Notes on the State of Virginia, Query XVIII \(1785\)](#).

On June 24, 1826, near the end of his life, Jefferson was invited by Washington, D.C. mayor Roger Weightman to a fiftieth anniversary celebration of the Declaration of Independence. Unable to attend, the elderly and ill Jefferson wrote to Weightman, and he proclaimed once again the crucial importance of the idea of natural equality. Jefferson suggested that, since the American Revolution, we had come to understand better the “palpable truth, that the mass of mankind has not been born with saddles on their backs, nor a favored few booted and spurred, ready to ride them legitimately, by the grace of God.” The spread of enlightenment and self-government, reason and free opinion in America “are grounds of hope for others. For ourselves, let the annual return of this day forever refresh our recollections of these rights, and an undiminished devotion to them.” Jefferson would pass away just a few days later on the fourth of July.

In recognizing the fundamental importance of the principle of natural equality, Jefferson helped future generations to see that, rightly understood, popular government is not based merely upon the will of the stronger or the preferences of the greatest number. Rather, it begins from a central idea. Natural equality of unalienable rights serves as the moral and theoretical ground of majority rule and legitimate, limited government by consent of the governed. As Lincoln suggested, the idea serves, “in all coming days,” as “a rebuke and a stumbling-block to the very harbingers of re-appearing tyranny and oppression.” If we take seriously the claim that, according to the Law of Nature and Nature's God, the principles of the Declaration are

true for all human beings, everywhere and always, then these ideas are as relevant today as they were for Lincoln and for Thomas Jefferson.

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## COMMON SENSE WITH THOMAS PAINE

by Jason Sorens

August 4, 2022

What does it mean to be an American? I don't mean, “What are the legal requirements to be an American citizen?” but something more like, “What are the characteristics that make someone a part of the American people?” After all, American citizens could reject their American-ness, and people who are not yet citizens may nevertheless consider themselves to be American.

They say the United States is a country founded on an idea. If that's true, then birth and descent don't make you an American any more than law does. Instead, you might be an American if you identify with the history and traditions of the country, and especially if you identify with the “American idea.”

Excepting only [Thomas Jefferson](#), arguably no Founding Father better exemplifies the American idea – in all its complexities and even contradictions – than [Thomas Paine](#). Before his death, however, many Americans had come to reject Paine's ideas and even [questioned his citizenship](#) after he returned to the country from France.

Thomas Paine's place in the canon of American political thought would be secured by [Common Sense](#) alone, the bestselling American publication of all time and the spark that lit the fuse of American independence, but his later works elaborate and defend a secular, Enlightenment-liberal, natural rights philosophy that prefigures contemporary American political ideologies from left-liberalism to libertarianism.



### ***Thomas Paine***

Paine was a classical liberal who flirted with anarchism. In *Common Sense*, Paine says that “Society in every state is a blessing,” but “Government, *even in its best state* [emphasis added], is but a necessary evil; in its worst state an intolerable one.” The contrast between voluntary society and involuntary government would be familiar to later theorists of spontaneous versus planned order. Paine abhorred coercive hierarchies, especially inherited ones, as manifestly irrational, stupid, and bent toward tyranny.

Thus, Paine’s case for American independence was *ideological*. The American ideal, based on natural rights, consent, and bottom-up order and tending toward splendid pacifism in international affairs, could not be reconciled with the archaic British system of aristocracy, monarchy, and established religion, with its penchant for European power politics. Drawing on [John Locke](#)’s state of nature theory, Paine contended that a rational human being would consent only to a political system in which he has a say, that is, a democracy, either directly or by a representative.

Paine’s enthusiasm for decentralized, popular governance led him to support the [French Revolution](#). He was

elected to the French National Assembly as a Girondin, a moderate republican in opposition to the more extreme, centralizing Jacobins. When the Jacobins came to power, Paine was arrested.

In response to English parliamentarian [Edmund Burke](#)’s *Reflections on the Revolution in France*, Paine wrote a philosophical defense of the French Revolution in the two-volume *Rights of Man*. Here he contends that government arises out of a compact among the citizens, who alienate to the “common stock of society” only those natural rights that are “defective” in the power to execute them, such as the ability to judge in one’s own cause. Other rights are retained by the people.

Paine claims that the ideas animating the French Revolution are identical to those that underlay the American [Declaration of Independence](#). Indeed, the [Declaration of the Rights of Man and of the Citizen](#) has some strongly liberal clauses endorsing “natural and imprescriptible rights” and the principle that “the law ought to prohibit only actions hurtful to society.” However, it also says that “[t]he nation is essentially the source of all sovereignty,” a claim of authority that could be read in a collectivistic fashion (perhaps some people are not true members of the nation and need to be forcibly assimilated). Paine makes it clear that he sees “the nation” and “the people” as having the same meaning. Thus, the sovereignty claim is merely meant to exclude extra-popular sources of legitimacy, such as conquest or the divine right of kings.

For the first time, in *Rights of Man*, Paine develops a case for a limited social welfare state, a theme he further develops in the 1795 essay *Agrarian Justice*. Paine’s argument is simple: The institution of private property has made most people better off than they would have been in the pre-civilization state, but it has made some people worse off. The beneficiaries of private property must compensate the victims through a universal basic income.

The contemporary American left therefore sometimes claims Paine. But it is doubtful that he would have supported the vast modern welfare state. His argument for a universal basic income appears to be inspired by the

Lockean Proviso on appropriation. But Nozick and others have argued plausibly that for nearly all competent adults, the Lockean Proviso is satisfied in advanced industrial societies.

Paine's final major work was [The Age of Reason](#), published in three parts in 1794, 1795, and 1807. He argued for deism and against miracles and the supernatural. By the early 1800s, Americans were becoming more religious and Enlightenment values were in decline, and thus, Paine's views became deeply unpopular, even though other major American figures, such as Thomas Jefferson, quietly agreed with him.

Thomas Paine's writings can be disorganized, but they are also enjoyable to read. He has a pungent style. Paine doesn't merely *reject*, he *repudiates*; he doesn't merely *disagree*, he *scorns*. Paine occupies that middle ground between high political philosophy and low political pamphleteering, a zone of free-wheeling political debate where both principles and personalities are thrown about.

If you want to understand the American ideal, thinking through Paine's central arguments is essential. In the end, I say he's a moderate left-libertarian populist. What do you think?

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## MARTHA WASHINGTON: FIRST IN THE HEART OF THE PRESIDENT

by Kirstin Anderson Birkhaug

August 9, 2022

At [George Washington's](#) funeral, General Henry Lee said of the great man that he was "first in war, first in peace, and first in the hearts of his countrymen." These are some of the most famous words spoken regarding Washington, America's first president, sometimes called the father of his country. Less famous is the second half of this sentence in which Lee says that Washington "was second to none in the humble and endearing scenes of private

life." On equal footing with his victories in war and politics, Lee placed Washington's attentiveness to his family.

George Washington famously had no children; when he died, he left behind only his wife of forty years, Martha. If indeed, as Lee said, Washington was as attentive to his wife as he was to his career, then surely it is our duty to attend to her as well. There is no way to understand George without understanding Martha and their marriage. In this way, Martha has her own role to play in the story of America's origins.



*Martha Washington*

[Martha Dandridge](#) was born on June 21, 1731, the oldest daughter of a colonel and his wife. She was born and raised in Virginia and took great pride in being a Virginian. When asked later in life whether she would like to be born again, she replied in the negative, on account of the possibility that she might not be born a Virginian. In the aristocratic Virginian society, Martha was a member of its highest echelons. Her existing letters show that she was likely well-educated in the English style, and she was versed in the practical accomplishments of ladies of her stature. She married once before George Washington, to Daniel Custis, the son of a family friend, in 1749. Their marriage, which endured until Custis's death in 1757, produced four children, all of whom Martha would outlive.

George Washington’s courting of the widowed Mrs. Custis was brief. Washington was then one of Virginia’s most famous war heroes, a colonel well known in society. He paid his respects to her in 1758, and in just two visits forged their engagement. They married on January 6, 1759.

From that time, Martha would dutifully follow her husband as he rose to even greater heights. During the [American Revolution](#), she would journey with George and live within the military encampments, including those at Valley Forge in the terrible winters of 1777 and 1778. She was known to be a woman who prioritized her husband’s needs above all else, allowing nothing to stand between her and George when she could be of service to him. Some of Martha’s few remaining letters show that she often sacrificed her own happiness for the sake of George, perhaps knowing that he was fated for greatness. This only continued when George was elected the first president of the United States under the [Constitution](#). This position required the couple to move from Martha’s beloved Virginia to the US capital, then in New York. As First Lady, Martha would prove a quick hand at leading society, ensuring that while her husband led in politics, society remained lively, happy, and fashionable. Her leadership of the burgeoning “court” of the United States paved the way for all First Ladies who have followed her, and revealed once again her desire to support her husband with the tools at her disposal.

The interior of Martha’s heart and soul, her relationship with her husband and her thoughts on the world around her, have been lost in time. Martha ordered most of her personal correspondence destroyed, especially the letters between her and her husband. But from the stories told of her, and from what little has survived of her own records, it is clear that Martha Washington provided the private basis upon which a public George Washington rose to prominence. There is perhaps no story in history older than that of the faithful wife who stands behind the great man. This has been the story of Martha Washington, and this, as many have noted, is how she likely would have wanted her legacy remembered. But this narrative is

never as simple as it seems. Martha’s story reveals the mutual dependence of marriage, the importance of the most fundamental human relationships, and the interconnectedness of the public and the private. Could Washington have been the great man we remember if not for the woman for whom, in his own words, he “retain[ed] an unalterable affection...which neither time nor distance can change”? Washington himself seemed to know how important Martha was, and the extent to which he relied on her in private to be the man he was in public. For that, Martha Washington deserves our consideration, and her life invites us to understand the complexity of the marriage story when we consider the great men of our history.

Wharton, Anne Hollingsworth. *Martha Washington*. New York: Scribner & Sons, 1897. <https://search.library.wisc.edu/catalog/9913292745102121>.

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## MARTHA WASHINGTON: FIRST IN THE HEART OF THE PRESIDENT

by Kirstin Anderson Birkhaug

August 9, 2022

At [George Washington](#)’s funeral, General Henry Lee said of the great man that he was “first in war, first in peace, and first in the hearts of his countrymen.” These are some of the most famous words spoken regarding Washington, America’s first president, sometimes called the father of his country. Less famous is the second half of this sentence in which Lee says that Washington “was second to none in the humble and endearing scenes of private life.” On equal footing with his victories in war and politics, Lee placed Washington’s attentiveness to his family.

George Washington famously had no children; when he died, he left behind only his wife of forty years, Martha. If indeed, as Lee said, Washington was as attentive to his



wife as he was to his career, then surely it is our duty to attend to her as well. There is no way to understand George without understanding Martha and their marriage. In this way, Martha has her own role to play in the story of America's origins.



*Martha Washington*

[Martha Dandridge](#) was born on June 21, 1731, the oldest daughter of a colonel and his wife. She was born and raised in Virginia and took great pride in being a Virginian. When asked later in life whether she would like to be born again, she replied in the negative, on account of the possibility that she might not be born a Virginian. In the aristocratic Virginian society, Martha was a member of its highest echelons. Her existing letters show that she was likely well-educated in the English style, and she was versed in the practical accomplishments of ladies of her stature. She married once before George Washington, to Daniel Custis, the son of a family friend, in 1749. Their marriage, which endured until Custis's death in 1757, produced four children, all of whom Martha would outlive.

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Wharton, Anne Hollingsworth. *Martha Washington*. New York: Scribner & Sons, 1897. <https://search.library.wisc.edu/catalog/9913292745102121>.

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## DOLLEY MADISON: QUEEN OF AMERICA

by Melissa Matthes

August 11, 2022

One of the animating questions of the women’s movement in America has long been how much or even whether women should use the qualities and skills traditionally associated with their sex or whether they should try to overcome those qualities in order to achieve equality in public and private life. [Dolley Madison](#) is clearly an early advocate for judiciously using all those qualities and skills traditionally associated with femininity and in the early republic she became known, ironically, as the Queen of America.

Some readers may recall that Dolley Madison was well known for her parties. But these were more than fetes, rather they were her early attempts to create the habits and practices of a democratic republic in everyday life. When [Jefferson](#) was running for president, [Martha Washington](#)’s parties were widely criticized in the press for imitating the “paraphernalia of court aristocracy” (*Parlor Politics*, p. 20). For example, Martha had an elevated platform at her parties and she received her guests while sitting. Jefferson had worried about these features after his time as ambassador in Paris. He understood how easily aristocracies took hold through manners and ceremonies. So, when Jefferson arrived at

the President’s House, he reduced the Republican Court created by the Washingtons to only two official receptions, New Year’s Day and the Fourth of July. However, his intimate dinner parties were among the most well-known in Washington City. It was where the work of politics was done. And Dolley Madison was right there with him.

Because Jefferson was a widower, Dolley initially helped him plan and host these parties. Jefferson was hospitable and generous and was even known to serve the food himself. Eventually, when Dolley lived in the President’s House, the parties became known as “squeezes” because there would be so many people that they had to squeeze together into the rooms. They were democratic affairs, with a mix of people, men and women, high and low. And it was this seeming commitment to democracy or what Jefferson called “the pell-mell” (the mixing) that resulted in the scandalous [Merry Affair](#). The Prime Minister of England and his wife were received for dinner at the President’s House. Traditional etiquette required President Jefferson to escort the lady of honor, Mrs. Merry, to the dining room and to her seat. Instead, Jefferson took the arm of Dolley Madison and sat her next to him. The Federalist press was aflame with outrage. In his official dispatch on December 7, 1803, Minister Merry complained of his treatment and noted, “the excess of the democratic ferment in this people is conspicuously evinced by the dregs having got up to the top” (*Parlor Politics*, p. 38).

When [James Madison](#) inherited the Jeffersonian Presidential House, it was in disarray, a metaphor for the state of the Union itself. While Jefferson had been a charismatic leader, his strength was in opposition. He was less talented in cultivating what came next. The early republic was plagued with tensions around how (or even whether) to create national unity and what would constitute a recognizable national authority. By inventing her unique style, Dolley Madison made republicanism, with its particularly ideological and abstract ideals of manners, into a working reality. She tied the government, symbolized by the national capital and the President’s House, more closely to the lives of ordinary Americans

than any other politician before her. She brought a unique combination of glamor with a self-consciously democratic flair.

Yet, for all her innovations and commitments to creating republican habits and culture, Dolley Madison still had some of the dispositions of an enslaver. She and James owned close to 75 slaves at [Montpelier](#). After James died, financial pressures compelled her to sell many of her slaves to her creditors. This was the plantation economy – enslaved people were counted as an asset. But Dolley did worse than that. In a fit of pique, she sold Ellen, the daughter of her personal enslaved maid, Sukey, as well as Sukey herself, because Ellen had dared to try to escape on the *Pearl*.

[Free blacks and abolitionists](#) had organized the escape, attempting to make the 200-mile-plus journey to the free state of New Jersey in April 1848. Ellen was most likely “aided by Paul Jennings, one of the most well-known former Madison slaves who was then living as a freedman in Washington City. The “[Pearl Incident](#)” was the largest non-violent slave escape attempt in American history. ...The runaways were recaptured and Ellen was jailed in Baltimore. Abolitionists heard her story and a local physician bought her freedom and helped her get to Boston.” (Women of Montpelier) History did not record what happened to Sukey. Part of the reason that Sukey’s story is lost is because she did not know how to read and write. The Madisons did not teach their slaves to do so.

Generally, it is not appropriate to hold historical figures to the ethical standards of the present; but, in this instance, Dolley Madison had the religious and social resources to behave otherwise. She had been raised as a Quaker in a family which opposed slavery. Her father had freed his slaves and moved his family to Philadelphia because of this prohibited act. (It was against the law to free slaves in North Carolina in 1783.) Dolley also had nearby political models – her contemporaries [Eliza](#) and [Alexander Hamilton](#) did not own slaves. Even her husband, James, had asked her to free their slaves when she died. She did not. The abolitionist newspaper of the time, *The Liberator*, complained that Dolley was not as poor as she claimed

and had behaved unjustly. Finally, psychologically, Dolley knew the pain of losing a child – her youngest son and first husband had both died of yellow fever on the same day in 1793.

There was both ruthlessness and a sense of entitlement to her behavior. The plantation household was obviously a cruel and complicated place of loyalty, domination, and dependence. There was also the striking irony that when Dolley fled the President’s House in 1814 before the British burned it to the ground, she turned to two of her slaves and asked them to ensure that the Gilbert Stuart painting of [George Washington](#) was preserved. Paradoxically, it was enslaved hands that cut the 8-foot canvas of the slave-holding father of liberty from its frame and brought it to safety.

So how might we understand the complexity of Dolley Madison’s commitments and behaviors? One way is to turn to James Fenimore Cooper. Two decades later, Cooper would worry that the institution of slavery was damaging the ethical sensibility of the slaveholder, “it leads to sin in its consequences, in a way peculiarly its own, and may be set down as an impolitic and vicious institution.” (*The American Democrat: Or, Hints on the Social and Civic Relations of the United States of America*, 1838; [reprinted, 1981](#)). Cooper worried that slavery was damaging the very foundations of American democracy: autonomy, restraint, and education. And, perhaps that’s the lesson of Dolley Madison. She was a pivotal republican whose judgment was jeopardized by the institution that as Cooper noted, “depends on an uncontrolled will, on the one side, and an abject submission, on the other.”

Dolley Madison is a reminder of the corrosive effects of such a relationship on both the enslaver and the slave; there were no democratic practices, no republican habits that could overcome the moral and social degradation embedded in the institution of slavery. That would have to wait for a second American revolution, the Civil War. But rather than dismiss (or cancel) Dolley for her myopia, understanding and remembering her illuminates not only the role of republican women in cultivating some of the most aspirational elements of early American democratic

culture and sensibility, but reminds us, too, of how deeply the acidic effects of slavery corroded the moral and political behavior sometimes of even our otherwise most admirable founders.

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## JOHN WITHERSPOON: A PRESBYTERIAN'S IMPACT ON AMERICA'S FOUNDING

by Paul A. Cleveland

August 16, 2022

[John Witherspoon](#) was born in Scotland and educated in Edinburgh. He was a leading Presbyterian, a signer of the [Declaration of Independence](#), and a member of the Continental Congress. He came to America in 1768 to become president of Princeton College, which was founded in 1746 and was originally named the College of New Jersey. He was well-respected as an educator and taught many students who would go on to become influential judges and legislators, including [James Madison](#).

In 1776, he preached a somewhat divisive sermon titled, "[The Dominion of Providence Over the Passions of Men](#)," in which he took issue with an assertion in [Thomas Paine's](#) popular pamphlet, [Common Sense](#). Paine had argued against the Christian doctrine of original sin. In his sermon, Witherspoon took issue with

that stance and went to great lengths defending the doctrine and criticizing Paine. Nevertheless, he joined Paine as a proponent of independence from England. Despite their religious differences, both men were strong advocates of liberty. As Witherspoon declared in his 1776 sermon, "I willingly embrace the opportunity of declaring my opinion without any hesitation, that the cause in which America is now in arms, is the cause of justice, of liberty, and of human nature."

In addition to this, Witherspoon's position on the doctrine of original sin was important in forming the government of the United States. First, the reality of an embedded sin nature meant that every individual was prone to misuse power. As the British historian [Lord John Acton](#) noted, power in the hands of sinful men tends to be abused. Moreover, as power tends to consolidate in the hands of the few, tyranny, despotism, and corruption will rise. As such, there was a strong suspicion among the founders that power needed to be limited and dispersed. The result of this was both to limit the powers of the federal government and to disperse that power among the three branches of government that were established in the [Constitution](#). Secondly, the concept of federalism is also at the heart of the doctrine of original sin. The sin of Adam, humanity's representative head, doomed humanity and everyone proceeding from him. According to the Christian religion, Adam's failure as our federal head was passed on to humanity. Accordingly, the solution to the problem of sin and evil is to be found in the voluntary atonement of [Christ](#), humanity's second representative. Since many of our founders embraced the Christian religion, or were at least impacted by it, this federalism became firmly fixed in the nature of government that was instituted in the United States. The idea that people can be represented by another is foundational to America's form of government. It is also very Presbyterian at its core.





*John Witherspoon*

Witherspoon's support of independence from England was not without cost. He lost two sons in the Revolutionary War. Nevertheless, he remained committed to the cause because he saw in it biblical principles that always remained the foundation of his life. Later in life, that foundation also led him to call the legislature of New Jersey to abolish slavery. He could not reconcile that practice with his understanding of [scripture](#). Like [William Wilberforce](#) in England, he saw the slave trade as being totally counter to securing peace for everyone.

John Witherspoon was a scholar, minister, educator, and statesman. He, among many, had a profound impact on the formation of the United States of America.

## TWO REASONS TO READ JEFFERSON

by Jeremy D. Bailey

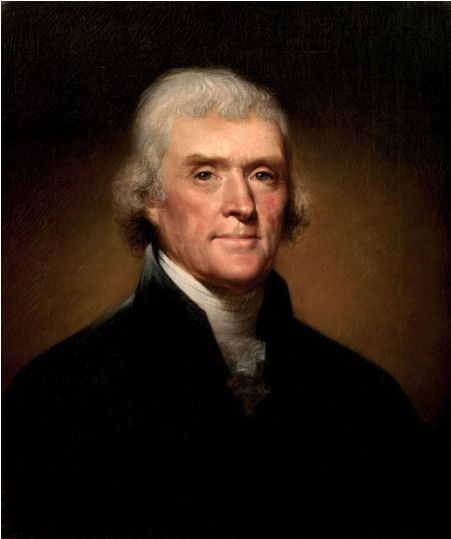
August 18, 2022

We live in a world where attention spans are short and partisan posturing is expected, so why should students bother with reading works by the American Founders, a group of men that did not include philosophers but did include slaveholders? For example, why should anyone read [Thomas Jefferson](#), whose only book appears to be a loose collection of naturalistic observations and who owned several hundred enslaved men, women, and children? There are two reasons. One has to do with slavery and one has to do with living under a constitution.

The easy way to approach Jefferson and slavery is to assume that Jefferson believed that the enslaved men, women, and children he owned under Virginia law were not included when he wrote in the [Declaration of Independence](#) that “all men are created equal.” But it would be hard to actually read Jefferson and reach that conclusion. Again and again, he asserted the fundamental equality of all people – black people included – with respect to the right not to be ruled without one's consent. In the 1770s and 1780s, Jefferson advocated several plans for emancipation. In his draft of the Declaration, he wrote that slavery was “a cruel war on human nature itself.”

This is to say that Jefferson was a slaveholder who wanted to end slavery and yet did not emancipate the people he enslaved. The easy lesson here is hypocrisy and self-interest. But that only gets so far and further questions arise. If Jefferson had been able to convince Virginians to end slavery, what would that have looked like? For most of his life, Jefferson (and other Founders like [James Madison](#)) believed that emancipation would have to take place alongside some sort of separation, most likely some sort of colonization elsewhere. This would be necessary, Jefferson believed, because of the practical consequences of slavery, especially the continuing prejudice of the

enslaver and the just desire for revenge held by the formerly enslaved. On top of this, there was the temporary but serious inequality between the two groups as a consequence of slavery.



*Thomas Jefferson*

Reading Jefferson on slavery thus raises these questions: what should have Jefferson done to end slavery in his own household or in his country? Likewise, what choices were available to other men who believed in natural rights, men like [James Wilson](#), who did not own slaves but nevertheless agreed to a Constitution that allowed it? Would settling these questions in 1790 have resembled Reconstruction in 1870? There are no easy answers here.

A second reason to read Jefferson has to do with the [Constitution](#). Jefferson famously argued that no generation has a right to bind future generations with a fundamental constitution, because the earth “belongs to the living” not the dead. As he put it in a letter to Madison, the relationship of one generation to another can be compared to one nation to another—neither has rightful control over the other. And yet, Jefferson also famously argued for strict construction of the Constitution of 1787, resisting readings of the Constitution by [Alexander Hamilton](#) and the Federalists that would make the Constitution more pliable to interpretation by later generations. Jefferson wanted

frequent constitutional change, but he was no supporter of a “living Constitution.”

Consider the example of the Louisiana Purchase. In 1803, the United States essentially doubled in size when it purchased the vast holdings France held in North America. When Jefferson learned of the Purchase, he celebrated it because it prevented a national emergency (France’s control of the Mississippi) and because it enlarged the scope of liberty – an “empire of liberty,” he called it – in North America. Still, Jefferson believed he had done an “act beyond the Constitution” and drafted a constitutional amendment to constitutionalize the Purchase. The treaty with France required that the inhabitants of the territory be “incorporated” into the United States as soon as possible rather than be treated as second class colonials indefinitely. In Jefferson’s mind, this meant the Purchase changed the United States so fundamentally that it would need an amendment. The Constitution has no provision for such a move.

But others had different readings of the Constitution. Jefferson’s friends and enemies alike believed that the Constitution could be read in a way that gives the national government authority to make the deal. In their view, all nations have the inherent power to add territory, and the Constitution’s power could be used to acquire the territory alongside the process to add new states. For Jefferson, this argument was not persuasive, because by that reasoning, Brazil or England could be made part of the United States. As he put it to one trusted advisor who made this argument, America’s “peculiar security” was a written constitution. Americans should not make it a “blank paper by construction.” Therefore, when confronted with two constructions, it was always better to choose the safer and narrower one.

It is true that the United States did make the Purchase, and there was no constitutional amendment. Jefferson decided not to seek it, and that story is one for a different occasion. But here is the key: Jefferson never argued that the Constitution gave him the power for the Purchase. He resisted the arguments that were given him, and he believed instead that he and the Senators who

voted for the treaty had violated the Constitution. Instead of appealing to the Constitution, he remained silent.

What is the lesson here? Again, the simple answer is hypocrisy. But that answer does not explain why Jefferson resisted appealing to the Constitution and it does not explain why he advocated an amendment in the first place. And, again, there are larger questions lurking. What should Jefferson have done with respect to Louisiana? What should any president do when they are confronted with an emergency or an opportunity that requires “an act beyond the Constitution”?

These two sets of questions, one about slavery and one about constitutions, invite a larger lesson. Constitutions rest on consent and try to achieve justice. But justice is elusive, partly because people do not want to consent to it, and partly because people have different understandings of justice. Thomas Jefferson, more than any other Founder, created a world where justice would take the name of universal and timeless rights and a world in which consent would take the form of a fundamental compact that was to be frequently changed but strictly observed. In the tension between justice and consent, and the parties that speak on their behalf today, our world is still the world of Thomas Jefferson.

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## JAMES WILSON AND THE NEW NATION

by Mark David Hall

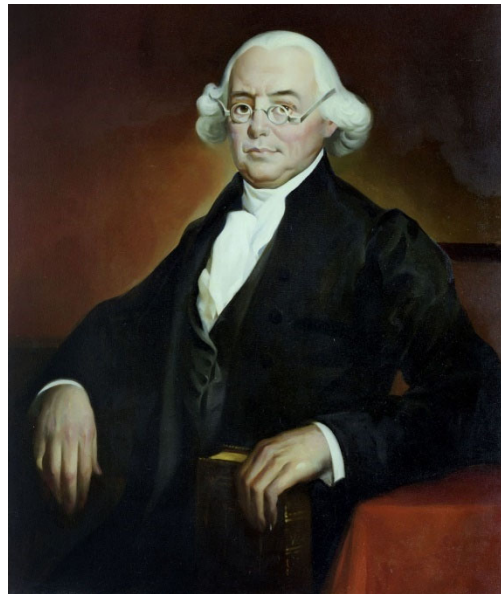
August 23, 2022

In 2007, Gary L. Gregg and I asked more than one hundred history, politics, and law professors who was the most important but forgotten of all American founders. There was widespread agreement that this honor, if it can be called an honor to be a *forgotten* founder, belongs to [James Wilson](#).

[Wilson](#) was born in Carskerdo, Scotland, in 1742. He received a solid classical education that enabled him to win a scholarship to the University of St. Andrews.

Wilson studied there for four years before apprenticing briefly as an attorney and then attending the University of Glasgow where he may have heard lectures by [Adam Smith](#) and Thomas Reid.

In 1765, Wilson immigrated to America and taught Latin and Greek at the College of Philadelphia (now the University of Pennsylvania) for a year before reading law under [John Dickinson](#). He flourished as an attorney and, as the War for American Independence approached, was drawn into politics.



*James Wilson*

Wilson achieved national recognition with his essay, “[Considerations on the Nature and Extent of the Legislative Authority of the British Parliament](#)” (1774). Many patriots rejected Parliament’s claim that it could levy internal taxes on the colonies, but they conceded that it could regulate and/or tax international trade. Wilson’s essay was the first to publicly deny the “legislative authority of the British Parliament over the colonies . . . *in every instance*” (emphasis original). He acknowledged that the colonists owed allegiance to the King in exchange for his protection, but stipulated that if he withdrew his protection the colonists were no longer obligated to obey the Crown. Wilson was able to put this theory into practice when he voted in favor of and signed the [Declaration of Independence](#).

In 1787, the Pennsylvania legislature appointed Wilson to represent the state at the Constitutional Convention. He attended the Convention from start to finish and participated in all of the most significant proceedings. Wilson joined with [Madison](#) in arguing for a powerful national government based immediately upon the authority of the people. He was the most democratic of all delegates, advocating for the direct, popular, and proportional election of representatives, senators, and the president.

Wilson believed that the chief executive should be independent of the legislature, and that he should have a range of powers that would allow him to act with “vigor and dispatch.” As well, he fought for an independent federal judiciary that would possess the power of judicial review. Wilson served on the important five-member Committee of Detail, and many of the earliest full drafts of the [Constitution](#) are in his handwriting.

Under Wilson’s leadership, Pennsylvania became the second state, and the first large one, to ratify the Constitution. As the only member of the state’s ratifying convention who attended the Federal Convention, Wilson was in an excellent position to defend the Constitution. In his “[State House Yard Speech](#)” of October 6, 1787, he responded to the earliest Anti-Federalist criticisms. Gordon Wood, in [The Creation of the American Republic](#), remarked that this speech quickly became “the basis of all Federalist thinking.”

President [Washington](#) appointed Wilson to be Associate Justice of the United States Supreme Court in 1789. The Court had relatively little business during its first decade, but Wilson issued significant opinions in *Hayburn’s Case* (1792), *Chisholm v. Georgia* (1793), and *Ware v. Hylton* (1796).

From 1790 to 1792, Wilson offered a series of law lectures at the College of Philadelphia. Because he believed that law should be “studied and practiced as a science founded in principle” not “followed as a trade depending merely upon precedent,” many of his lectures are devoted to broad moral, epistemological, political, and jurisprudential issues. Consequently, they contain

some of the richest analysis of America’s constitutional order written by a founder.

In the early 1770s, Wilson began speculating heavily in western land. In 1797, an economic downturn devastated an over-leveraged Wilson. Even though he was a sitting Supreme Court Justice, he was thrown into jail on two separate occasions because of unpaid debts. He spent his final days hiding from creditors in Edenton, North Carolina. Wilson died on August 21, 1798, and was buried with little ceremony in Edenton. In 1906, his body was disinterred and reburied in America’s Westminster Abbey—Christ

Church, Philadelphia.

Wilson’s inglorious and early death, his lack of papers, and his service on the Supreme Court at a time when there was little business before that body, conspired to keep him in relative obscurity. However, he is worthy of serious consideration as one of the most thoughtful and systematic political and legal theorists of the founding era. He played a critical role at the Constitutional Convention, and although he did not win every battle, the American constitutional system has developed over time to closely resemble his vision.

In his law lectures, Wilson wrote that:

There is not in the whole science of politicks a more solid or a more important maxim than this—that of all governments, those are the best, which, by the natural effect of their constitutions, are frequently drawn back to their first principles.

If American citizens, like governments, should reflect upon the first principles of our constitutional republic, the political and legal ideas of one of the greatest theorists among the founders simply cannot be ignored.

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**Recommended Reading:**

Mark David Hall, [The Political and Legal Philosophy of James Wilson, 1742-1796](#) (Columbia:

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Kermit L. Hall and Mark David Hall, ed. [Collected Works of James Wilson](#), 2 vols.  
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## BENJAMIN RUSH: FOUNDING FATHER OF AMERICA & PSYCHIATRY

by Isadore Johnson

August 25, 2022

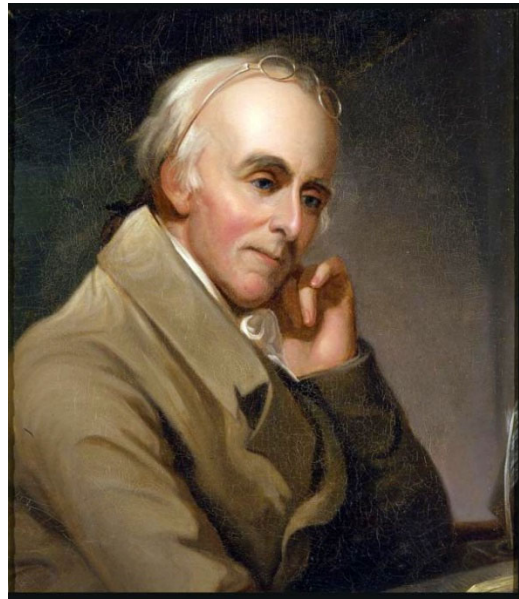
[Franklin](#) isn't the only Founding Father named Benjamin. Benjamin Rush, an American physician, politician, and educator also played an important role in America's founding. Benjamin Rush was both a historical luminary and a brilliant doctor, responsible for influencing Thomas Paine's [Common Sense](#), and organizing the first anti-slavery society in America, while also being the "father of psychiatry."

[Benjamin Rush](#) was born in the Township of Byberry, approximately 14 miles outside of Philadelphia. At 8, he was sent off to live with his aunt and uncle to get an education. By 14, he had graduated from the College of New Jersey (which would later become Princeton). By 22, he received his M.D. from the University of Edinburgh, learning French, Italian, and Spanish as well. This would be the start of a monumental career.

After Rush returned to Philadelphia in 1769, when he was 23, he opened a medical practice and became a professor of chemistry at the College of Philadelphia, now known as the University of Pennsylvania. This is made all-the-more impressive because he was the first professor of chemistry in America. Over the course of his medical career, he [managed to accrue 65 publications to his name](#), wrote the first American textbook on chemistry, and taught approximately 3,000 students during his tenure.

His practice taught him the importance of resisting prejudice. As a doctor, he had to treat poor patients, patients of all races, and patients of diverse religions. Working with a wide array of people, including the

"insane," he challenged the mainstream view that those with mental illness were possessed by demons. Instead, he promoted the idea that mental illness, like physical illness, was able to be cured. Doing this, he eschewed the primitive treatment of the mentally ill, in favor of study and clinical observation. Rush is credited with writing [Medical Inquiries and Observations upon Diseases of the Mind](#), the first psychiatry textbook published in America.



*Benjamin Rush*

Unfortunately, Rush's empiricism was limited when it came to other parts of medicine. A large part of his medical philosophy stemmed from his attempts to find a simple unitary explanation of disease: all diseases were the result of the overstimulation of blood cells. The worse the disease, the more important it was to remove excess blood cells through purging, bloodletting, and other unpleasant therapeutic measures. Overall, his contributions to the health of the mind were more lasting than his thoughts on the health of the body.

Looking only at Rush's experience in medicine would paint an incomplete picture of his contributions to early America. Rush wrote many patriotic essays, became a member of the Sons of Liberty, and was consulted by [Paine](#), when he wrote the influential pamphlet, *Common Sense*. Early on, Rush recognized the evils of slavery, and published a tract on the evils of trading in enslaved peoples. He followed up his tract by

helping to create the first anti-slavery society in America called “[The Pennsylvania Society for Promoting the Abolition of Slavery and the Relief of Free Negroes Unlawfully Held in Bondage](#)”. Rush [argued that slavery went against natural law, disrespected God](#), and he proclaimed equality among men, including those enslaved.

I need say hardly anything in favor of the Intellects of the Negroes, or of their capacities for virtue and happiness... although they have been supposed by some to be inferior to those inhabitants of Europe. The accounts which travelers give of their ingenuity, humanity, and strong attachments to their parents, relations, friends and country, show us that they are equal to the Europeans.

Benjamin Rush was one of the original signers of the [Declaration of Independence](#), representing Pennsylvania. During the war of independence, Rush served as surgeon general of the Middle Department of the Army until 1778. Following the war, Rush continued his civic engagement. As a social reformer, he advocated for free public schools and the improved education of women. He also founded Dickinson College in 1783. By 1790, as he grew in prominence, his lectures were among the leading cultural attractions in Philadelphia.

As a society, we can take important lessons from Benjamin Rush’s life. He demonstrated that you don’t have to be a politician to change the world. Instead, being compassionate and writing what you care about can change the world. Whether it’s influencing someone else’s ideas, penning your own, or getting involved in civic organizations, you can be the change you want to see in this world.

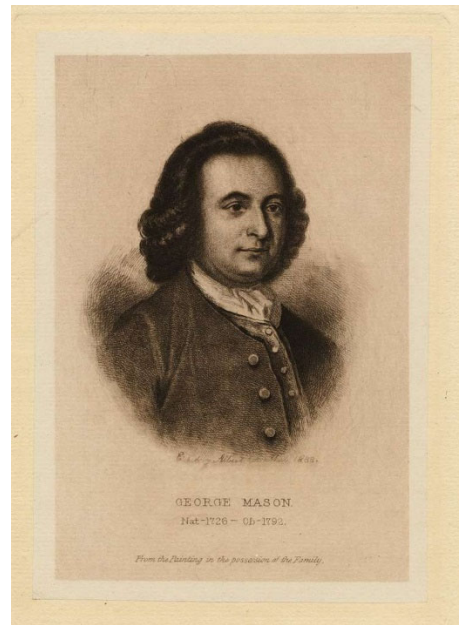
Rush also showed the importance of standing with your principles. Many times, society accepts what is dehumanizing and immoral to others. Asserting the rights and dignity of other people is important and inspires change. His life demonstrates active resistance against the evils in society.

## GEORGE MASON: FATHER OF INALIENABLE RIGHTS

by Isadore Johnson

August 30, 2022

[George Mason](#) was born on December 11, 1725, in Fairfax County, Virginia. His parents died in a boating accident when he was 10, and he was taken in by John Mercer, an uncle, who was both a lawyer and a voracious reader. In 1736, [George Mason](#) began his education under the tutelage of Mr. Williams. He continued his education under Dr. Bridges in 1740, a progenitor of the Society for the Promotion of Christian Knowledge. After Mason returned to his estate, he continued to access Mercer’s library as a way of informally continuing his education. This proved successful, with contemporaries, including Philip Mazzei, declaring him a genius comparable to [Dante](#), [Machiavelli](#), [Galileo](#), or [Newton](#).



*George Mason*

[At 21, in 1746, Mason inherited his father’s estate, which included lots of land and dozens of slaves](#). The next year, Mason joined the Fairfax County Court and, in 1748, tried to win a seat on the House of Burgesses yet failed to win the election. Mason was also interested in real estate speculation and Western Expansion. He invested

in the Ohio Company, and planned to develop, trade, and sell land on the upper Ohio River in 1749, something he stayed involved in until he died.

Mason continued his court duties until 1752, when he stopped attending until 1764. In his time away from the court, he sought out again the House of Burgesses seat in 1758 and this time won. Upon taking this office, he was appointed to the Committee on Propositions and Grievances and the Committee on Privileges and Elections, though he stopped attending sessions between 1759 and 1761. His disdain for politics was palpable in his writing, advising his sons to “prefer the happiness of independence and a private station to the troubles and vexations of public business.” Despite leaving office, Mason remained influential in Virginia politics. He published a response to the [Stamp Act of 1765](#), which condemned the institution of slavery, and advised George William Fairfax and [Washington](#) on how to cause replevin, a common court action, to occur without the use of stamped paper. This contributed to the boycott of British stamps, which prompted the British Parliament to repeal the act the next year. Mason advised Washington on a few other occasions on how to oppose the British.

However, Mason’s efforts culminated in establishing a militia independent of the royal government in 1774. The next year, he became the leader of the Virginia patriots, where, working with George Washington, he procured large amounts of gunpowder and implemented annual elections for militia officers, to avoid appearances of birthright privilege.

In 1776, as Washington became a delegate of the Second Continental Congress, Mason was selected to be his replacement as Fairfax County’s delegate to the third Virginia Convention. He made several attempts to avoid taking on this responsibility, citing his poor health and the importance of parenting his children, as his wife had died a few years before in 1773. He was assigned to the Committee of Safety. Drawing from [Magna Carta](#), the [English Petition of Right of 1628](#), and the [English Bill of Rights](#), Mason authored [Virginia’s Declaration of Rights](#), which became the first authoritative formulation of inalienable rights. From these documents, Mason

derived many ideas which became enshrined in either the [Declaration of Independence](#) or the [Constitution](#), such as these: The role of government is to secure and protect rights, failing to do so, people have a right to amend or abolish it. Property could not be taken for public use without the owner’s consent. A citizen could only be bound by a law accepted by the person or elected representatives. If accused, a person had a right to a speedy and local trial, and was able to face his accusation, with the ability to call for evidence and witnesses.

His opposition to slavery and concern for individual rights made its way into the Constitutional Convention of 1787. [George Mason opposed the continuation of the slave trade, in favor of leased land, manumission, education for bondsmen, and a system of free labor](#). He was also skeptical of plans to create the Constitution, fearing that large and indefinite powers vested in the document would be used against local interests and individual rights. Mason ended up being one of the three delegates that refused to sign the Constitution. His [Objection to this Constitution of Government](#) was widely cited by antifederalists to oppose federal power.

George Mason’s legacy demonstrates that good ideas, such as individual rights, are able to be widely adopted. Despite losing the battle over the Constitution, the subsequent inclusion of the [Bill of Rights](#) demonstrates that ideas carry weight. Mason’s lonely stand reminds us that individuals can make the difference in the fight for justice and freedom.

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## JUDITH SARGENT MURRAY: A WOMAN BETWEEN WORLDS

by Kirstin Anderson Birkhaug

September 1, 2022

In 1792, [Mary Wollstonecraft](#) published her famous work [The Vindication of the Rights of Woman](#). To this day, this work is considered one of the origin points of



western feminism. While Wollstonecraft enjoys great continuing fame, few people know of the American woman who wrote a trailblazing treatise on sexual equality over a decade earlier in 1779 and published it 1790. Her name was Judith Sargent Murray, and she is a political thinker worthy of reconsideration within the context of the Founding era. While scholars of the Founding era often turn to the likes of [Abigail Adams](#) as an early American feminist, there is perhaps no better example than Murray, who herself asked, “Is the needle and the kitchen sufficient to employ the operations of a soul thus organized?”

Born in 1751 to a seafaring merchant and his wife, Judith Sargent was from her earliest days a strong personality. Her family was well-to-do and respected in her hometown of Gloucester, Massachusetts, and it provided its single son with the very best opportunities for education. When her brother squandered his opportunities, Judith was open with her resentment. Indeed, the existing correspondence from Murray’s younger years reveal that she saw her brother’s access to education as an acute injustice when she comparatively had to resign herself to the status of “untaught Muse.” So, Judith Sargent undertook a self-taught education, driven by her voracious appetite for books. It was in her youth and in her own self-education that Judith encountered female thinkers like [Mary Wortley Montagu](#) and [Mary Astell](#), who would begin to shape her understanding of the role of women in the political order.



*Judith Sargent Murray*

She married twice. Her first marriage, in 1769, was to a merchant named John Stevens, which spanned seventeen years and produced no children. Her second marriage, and the one of greatest importance to her writing, was to John Murray in 1788. Judith and John Murray had known each other for many years before they married. He was a controversial character who assisted in the founding of the Universalist church in America. While confirming traditional Calvinists beliefs ubiquitous in New England, such as original sin, predestination, total depravity, salvation through Christ, and trinitarianism, Murray and the Universalists also advanced notions of God as compassionate, of humans as spiritual (as opposed to corporeal) entities, of the spiritual unity of believers, and of temporal (as opposed to eternal) punishment for sins. The Sargent family and the Stevens family (of which Judith was a member when Murray and the Universalists arrived in Gloucester) were taken with this new religious movement, and the Sargents gave Murray land for the building of America's first Universalist church in 1780. Judith herself converted to Universalism in the late 1770s, and her relationship with John Murray remained close and potentially even somewhat romantic, culminating in their eventual marriage.



Judith published a little during her marriage to John Stevens, most notably her [Catechism](#) for the Universalist church, but it was in her relationship to John Murray and her conversion to Universalism that her thought developed the most, and after her marriage to Murray that her career as a writer reached its peak. [On the Equality of the Sexes](#) saw Judith merging her knowledge of women's literature from her childhood with her religious faith. Universalism implied equality; if all believers were one, then they must all be alike in dignity. As such, women were to be respected as the complete equals of men. Take this passage from *On the Equality of the Sexes*:

Yes, ye lordly, ye haughty sex, our souls are by nature *equal* to yours; the same breath of God animates, enlivens, and invigorates us; and that we are not fallen lower than yourselves, let those witness who have greatly towered above the various discouragements by which they have been so heavily oppressed...I dare confidently believe, that from the commencement of time to the present day, there hath been as many females, as males, who, by the *mere force of natural powers*, have merited the crown of applause; who *thus unassisted*, have sized the wreath of fame.

Her self-taught education had laid the foundation for the conviction her religious beliefs would confirm: women deserved political equality. She was the first American woman to write anything of this nature, and she wrote it with conviction and certainty. Judith Sargent Murray was a woman between worlds. She was a feminist who foresaw that the rolling stone of liberalism was headed toward sexual equality. She was a member of the first American sect to attempt to merge liberalism with Christianity. She was a pioneer who saw American destiny as extending beyond the Atlantic coasts. For these reasons, she is often lost in the crevasse between worlds. This fate does not befit her. She deserves the appreciation and study due to her status as America's first feminist. She is worthy of our consideration.

## PATRICK HENRY: AMERICA'S FOUNDING ORATOR

by Isadore Johnson

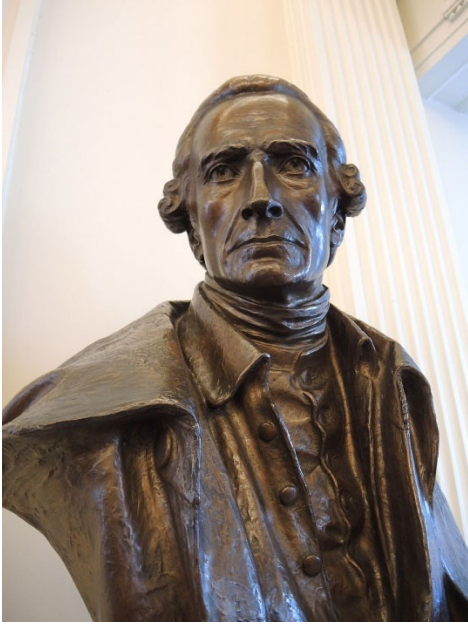
September 6, 2022

[Patrick Henry](#) was born on May 29, 1736, in Hanover County, Virginia. He tried his hand at running a store at 15 but was unsuccessful. In 1754, at age 18, he married Sara Shelton and was given 6 slaves and 300 acres of land as a dowry. Although he tried hard to build a successful plantation, he struggled to grow tobacco at a profit, and in 1757, his farmhouse burned down. But Henry did not give up on trying to make something out of himself. Following the loss of his farmhouse, he managed a tavern for his father-in-law while studying to become a lawyer.

The first major legal case of Patrick Henry's career happened in 1763. The ministers of the Church of England were paid their wages in an annual amount of tobacco. During a shortage, however, tobacco prices spiked, significantly increasing the cost of employing clergy. To control this cost, the [Two-Penny Act](#) was passed by the Virginia Legislature, which limited compensation of the priests to two pennies per pound of tobacco, as opposed to the six pennies that it actually cost. The Anglican clergy successfully petitioned the King to overturn the law and asked for opportunities to seek back pay. Reverend James Maury sued Hanover County for back pay, which the courts agreed had a factual basis, but left the damages for the jury to decide. Patrick Henry, serving as a lawyer for Hanover County, convinced the jury to award only one farthing in damages, effectively nullifying the King's veto of the law. In the process, he denounced the clergy for their deeds and challenged the limits of England's power over the American colonies, in particular, Virginia.

Patrick Henry took a similarly rebellious attitude towards England in his political career. Reacting to the [Stamp Act of 1765](#), nine days after being elected to the Louisa County House of Burgesses, Henry introduced the *Virginia Stamp Act Resolves*, which proclaimed that colonists had the same rights as Britons, and that taxation

should only be enacted by one's representatives. His persuasive and passionate speeches were similar in oratorical style to the evangelical preachers of the Great Awakening. However, Henry was also known to have a shrewd and ornery approach to political power, resorting to waiting out opposition, name-calling, and insulting political opponents.



*Patrick Henry*

Most importantly, Henry was known for being a speaker who sparked the flames of treason. As a member of both the first and second Continental Congresses, he worked with fellow Virginia delegates to call for rebellion, arguing for Americans to unify and create a government: [“Fleets and armies and the present state of things shew that Government is dissolved... I am not a Virginian, but an American.”](#) Although Patrick Henry failed to convince other colonies in the first Continental Congress, he managed to convince many of the importance of rebellion. The next year, at the Virginia Convention of 1775, in defense of his resolutions for equipping the Virginia militia to fight, he crafted his most influential speech. “Is life so dear or peace so sweet, as to be purchased at the price of chains and slavery? Forbid it, Almighty God. I know not what course others take, but as for me, give me Liberty, or give me death.” This speech was heard by [Thomas Jefferson](#) and [George Washington](#) and was influential in Henry's appointment

as commander of the Virginia forces for six months. The following year, Patrick Henry was elected governor of Virginia from 1776 to 1779, and later from 1784 to 1786. As governor, he worked tirelessly to help supply soldiers and equipment to the revolutionary effort.

After the Revolutionary War, Henry was known for his opposition to the ratification of the 1787 [U.S. Constitution](#). He authored several anti-Federalist papers, arguing that a powerful and centralized federal government could evolve into the monarchy America had escaped. His role in producing the anti-Federalist papers helped lead to the eventual [Bill of Rights](#). By 1790, his legal career had blossomed and Henry was offered many appointments to important positions including Secretary of State, Supreme Court Justice, and Attorney General. He declined to accept these offices, aiming instead to spend time with his wife. However, towards the end of his career, he began to warm to the Federalists, and opposed the [Virginia](#) and [Kentucky Resolutions](#) of Jefferson and [Madison](#). He worried that the spirit of the [French Revolution](#) would lead to America's downfall and preached unity, joining the Federalist party and winning a seat in Virginia's legislature, but dying before he assumed office.

Patrick Henry's iconic speech eschewing safety in favor of liberty is still used today in struggles against repressive governments. His [rousing words inspire advocates of freedom to this day](#).

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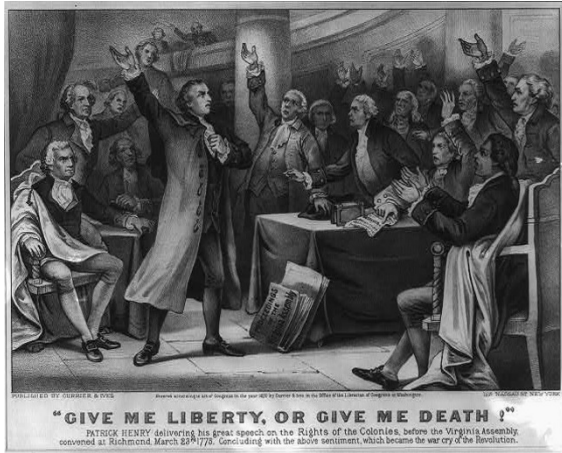
## THE PARANOIA OF PATRICK HENRY

by Joy Buchanan

September 8, 2022

“Guard with jealous attention the public liberty. Suspect everyone who approaches that jewel.” Those are the words of Patrick Henry to the Virginia Ratifying Convention in 1788.

[Patrick Henry](#) was afraid that the newly proposed [US Constitution](#) would infringe on the liberty enjoyed by current Virginians. He sounded almost crazed. He was afraid elected representatives would abuse their power. He was afraid a standing army in the US would mean individual citizens would have little defense against it. He was afraid that future Americans would not have enough power to amend the Constitution.



He feared that the Constitution would set another tyrannical government into motion. Henry imagined the worst-case scenario for someone given the powers of president of the United States:

“[Can \[the President\] not](#) at the head of his army beat down every opposition? Away with your President, we shall have a King: The army will salute him Monarch; your militia will leave you and assist in making him King, and fight against you: And what have you to oppose this force? What will then become of you and your rights? Will not absolute despotism ensue?” It is noted in the manuscript that the stenographer could not keep up with the torrent of terrible possible consequences that Henry was shouting about concerning a chief executive.

Most of his apocalyptic scenarios have not happened ... yet. What inspired me in his speech was his energy more than his arguments. As much as he praised the American spirit of the past that ousted British rule, he was not complacent. He models a kind of patriotism that embraces an American project without holding to any fantasies about the morality of particular American leaders or soundness of American institutions. He would

not have been disillusioned by the scandals and crimes of the American political class. He anticipated it.

Reading Henry, or at least what recordings we have of his speeches, indicates that the American project has been tumultuous from the first years. Something we should not be worried about is turbulence. On the contrary, complacency would seem to be one of the forces to be afraid of. Worst-case scenarios for any foreign venture, social-media platform, or health mandate should be considered and debated openly. If a political post on social media is inflammatory, that is not necessarily a bad thing or a negative sign for democracy. Patrick Henry would have been outrageous on Twitter.

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## A FRIEND TO THE REVOLUTION: MERCY OTIS WARREN AND THE ORDINARY VIRTUES OF REPUBLICANISM

by Sarah Morgan Smith

September 13, 2022

If, as the saying goes, you can judge a man by the company he keeps, then [Mercy Otis Warren](#) ought to be more highly regarded.

The original social networks were driven not by data, but the power of family ties and personal character. Then, as now, who you knew mattered—and Mercy Otis Warren was, in her own words, “connected by consanguinity, or friendship, with many of the principal characters who asserted and defended the rights of an injured country” during the founding period. As a sister, wife, and friend, she had a front-row seat to the work of such luminaries as [James Otis](#), James Warren, [John Adams](#), [George Washington](#), and others.

Warren’s [History of the Rise, Progress, and Termination of the American Revolution](#) is by far her most famous work. Although not published until 1805, it seems possible

that [Warren had made some efforts towards the project even before the completion of the war](#). Even if that were not the case, the manuscript was almost certainly completed by the early 1790s—making it of tremendous lasting value to later day historians who revel in her nearly contemporaneous accounts of the events and persons of the Revolutionary era. Yet Warren’s own participation in the unfolding events of the period as a propagandist and political commentator is hardly mentioned outside of select scholarly circles.



Mercy Otis Warren

Warren wrote prolifically on the most important issues of her time, penning satirical plays criticizing the royal governor in Massachusetts, poems on subjects ranging from the Boston Tea Party to the arc of imperial politics, and even (after the Revolution) a [pamphlet](#) objecting to the newly proposed national [Constitution](#) for its excessive concentration of power away from the people.

Although most of these pieces were first published anonymously, Warren’s talents were well known among her circle of intimates. John Adams, for example, personally requested she compose a poem to commemorate the Boston Tea Party: [“I wish to See a late glorious Event, celebrated, by a certain poetical Pen, which has no equal that I know of in this Country.”](#)

This work, “The Squabble of the Sea Nymphs; or the Sacrifice of the Tuscararoes,” was published on the front page of the *Boston Gazette* on March 21, 1774. Like most of Warren’s writing, it focused on the conflict between virtue and vice, viewing tyranny as the inevitable result of public corruption and liberty as the rightful inheritance of the just.

Perhaps history’s neglect of Warren’s other works stem from their more ephemeral nature, but I suspect, rather, that it is because what is most remarkable about Warren is how entirely unremarkable she was in many respects. Although her intellectual gifts were myriad and her public achievements noteworthy for a woman of the period, the majority of her energy seems to have been devoted to the care of her home and family. In an unpublished poem written in 1766, Warren went so far as to “invite” her beloved husband James to retire from public life. “Come leave the noisy smokey town / where vice and folly reign,” she wrote, comparing the illusive vanity of ambition with the simpler charms of home and family.

James Warren did not accept his wife’s invitation, and in time, she seems to have grown to share some of his sense of public duty. An undated poem in the same collection finds Warren resolving to “Not neglect the smallest part / of social duty while I stay / Let charity in every branch / with fervent friendship mark my way.” These, and several other of Warren’s private poems [have been published in the modern period](#). In combination with her letters, they provide a fascinating glimpse at the interior life of a woman who might be well said to embody the characteristics scholars have labeled “republican motherhood.”

Her public efforts were an outgrowth of her private interest in cultivating the virtue and character of those under her influence; when Warren wrote about the virtues of republicanism, she had in mind the steady virtues of self-control, honesty, thrift, and so forth. Her efforts in support of the [American Revolution](#) and, later, the Republic, were meant to suppress the vices of luxury and corruption associated with men of light substance and little dignity. These values shine forth in her personal letters and in her more propagandistic writings. In an age of widespread public discord and distrust, perhaps we ought to revisit both of them with eyes to see what lasting lessons remain there to be learned.



# JAMES MONROE: THE ANTI-IMPERIALIST PRESIDENT AND FOUNDING FATHER

by Isadore Johnson

September 15, 2022

Although James Monroe didn't sign the [Declaration of Independence](#), he is remembered as a crucial part of American History: the last of the "Founding Father" presidents. Beyond the doctrine named after him, Monroe is also known for presiding over the [Era of Good Feelings](#), and increasing the geographic boundaries of the United States, while remaining ambivalent of the government's power to do so.

[James Monroe](#) was born on April 28, 1758, in Westmoreland County, Virginia. At age 16, Monroe enrolled at the College of William and Mary to study law, but when the American Revolution began, he decided to pause his studies. He and several classmates raided the arsenal of the British royal governor, taking weapons and supplies that they gave to the Virginia militia. After he joined the Continental Army, a battlefield injury to his shoulder left him nearly fatally wounded in the Battle of Trenton.

In 1780, Monroe left the military to study law under the tutelage of [Thomas Jefferson](#). Monroe grew close to Jefferson, [becoming his political protégé](#). In 1782, Monroe was elected to the Virginia House of Delegates, and spent much of his time arguing for the right of the United States to [navigate the Mississippi River which was currently under control of the Spanish](#). In 1785, he attempted to give Congress the right to regulate commerce and was in partial support of James Madison's attempts to create a [Constitution](#). Yet, following the 1787 Federal Convention, Monroe joined the anti-federalists in attempting to oppose ratification, in large part because the Constitution lacked a [Bill of Rights](#).

In 1790, Monroe was elected to the Senate, where he opposed [George Washington's](#) administration as a de facto leader of the anti-federalist party. Despite this

antipathy, Monroe was chosen to be Washington's Minister to France, [using his influence to win the release of Thomas Paine and Adrienne de Lafayette](#) and winning French support for U.S. navigation rights on the Mississippi River.

Monroe was later appointed by Jefferson to be aide to his Minister to France, Robert R. Livingston, to help purchase the mouth of the Mississippi River. Upon realizing that [Napoleon](#) was eager to part ways with the entire province of Louisiana, however, [they purchased the entire territory without consulting Jefferson](#).

In 1812, Monroe lost the presidential election to [James Madison](#), who subsequently picked Monroe to become his Secretary of State. In 1814, following the razing of the U.S. Capitol and White House, Madison tapped Monroe to be his Secretary of War. In command of the war efforts, Monroe commanded General (and future president) [Andrew Jackson](#) to defend against an attack on New Orleans.



James Monroe

When Monroe sought out the presidency in 1816, he was the natural heir to Madison and swept his party to electoral victory. This early part of his presidency was dubbed the Era of Good Feelings because of the favorable peace terms and the booming economy. One

domestic priority was the purchase of Spanish-held Florida for \$5 million. This may have led to the Panic of 1819, as speculators borrowed large amounts of money to buy land to sell to settlers.

Northern States began banning slavery during Monroe's presidency, whereas Southern states saw it as essential to their economies. One touchstone of this conflict was Missouri. The North wanted it to be free, whereas the South wanted it to be a slave state. [The Missouri Compromise](#) pushed the issue down the road, allowing Missouri to join as a slave state, alongside Maine, so that the balance of power wouldn't shift, but also outlawing slavery above 36°30' North. Although Monroe personally believed slavery was wrong, he insisted that any attempt to promote emancipation would cause further problems. He saw slavery as a fixture of southern culture and worried that attempts to abolish it could result in racial warfare.

In 1820, Monroe ran unopposed. With the help of [John Quincy Adams](#), he formulated the [Monroe Doctrine](#), an address declaring the end of European Colonization in the Western Hemisphere. This aimed to forbid Europe from intervening in the American continent and promised that America would stay out of European conflicts. This foreign policy was well received and encouraged more states to enter the Union.

Monroe exemplifies the philosophy of pragmatism. Many challenges and competing conceptions of the good took place under his presidency. Despite his personal opinions, Monroe remained narrowly focused on compromise and growing the economy through land purchases, transportation reform, and avoidance of foreign conflicts. His legacy can serve to remind Americans that there can be a middle way, but that it can struggle to deal with the deeper problems society faces.

## JOHN LELAND: THEOLOGIAN OF THE FIRST AMENDMENT

by Obbie Tyler Todd

September 20, 2022

Evangelicals today are often accused of supporting political figures who seem to contradict their values and beliefs. But why do such coalitions exist in American politics? To answer that question, Americans should look back not to 2020 or 2016 but to 1801, when a 1,235-lb. wheel of cheese made its triumphal entry into the nation's capital. Pulled by six horses, the "Mammoth Cheese" was a gift to the newly elected President, [Thomas Jefferson](#). Inscribed on the red crust was a favorite mantra of Jefferson's: "Rebellion to tyrants is obedience to God."

Almost as striking as the size of the cheese were the senders: the Baptists of Cheshire, Massachusetts. Although Jefferson never disclaimed the Christian faith, the President denied the most basic beliefs of traditional Christianity, from the doctrine of the Trinity to the deity of Christ to the resurrection. Instead, as Thomas S. Kidd has shown in his recent spiritual biography of Jefferson, the Virginian "crafted a rationalist, ethics-focused version of Christianity." Yet two days after the arrival of the cheese, Jefferson invited the leader of the Cheshire Baptists to preach before a joint session of Congress. The preacher's name was John Leland, the so-called "Mammoth Priest," and the President attended Leland's sermon himself. Leland's sermon was based on [Matthew 12:42](#), "And behold a greater than Solomon is here," an allusion to both Jesus Christ *and* the President.

But what could Jefferson, an enlightenment liberal who largely denied the supernatural, possibly have in common with a New England evangelical like Leland? The answer is liberty. In fact, Leland had adopted his ideal of freedom while living in Virginia between 1777 and 1791. In 1788, before Virginia's Constitutional Convention, Leland originally *opposed* ratification for precisely this reason. "What is clearest of all — Religious liberty, is not

sufficiently secured,” he wrote to the Antifederalist candidate. As a populist, Leland was a talented wordsmith and he deployed a host of names throughout his lifetime for state-sponsored religion. He called it “spiritual tyranny,” “a shocking monster,” “a creature of state,” “the worst hag above hell,” “the greatest engine of tyranny in the world,” “anti-Christocracy,” and “that rotten nest-egg, which is always hatching vipers.” Religious liberty was the *raison d’être* of Leland’s life and the bond which tethered him to someone like Jefferson. In 1824, Leland resolved, “here is an arm seventy years old, which, as long as it can rise to heaven in prayer, or wield a pen on earth, shall never be inactive, when the religious rights of men are in jeopardy. Was there a vital fibre in my heart, that did not plead for rational religious liberty, I would chase the felon from his den, and roast him in the flames.” Leland never changed his mind about the ultimate importance of religious liberty. But in 1788, he and the Baptists of Virginia changed their mind about the [Constitution](#). And the reason was [James Madison](#).



John Leland

Madison was not only an architect of the Constitution, but in 1788 he was running as a delegate from Orange County to Virginia’s ratifying convention. Leland, who was also from Orange County, had actually led the opposition to Madison. In Leland’s view, the Federal Constitution lacked a [bill of rights](#) which protected the fundamental freedoms of Americans. But Madison, another non-evangelical founder, struck a deal with the

well-known evangelical preacher: in return for the entire Baptist voting bloc and support for ratification, Madison would include a bill of rights in the Constitution. As Eric C. Smith has shown in his recent biography of the Baptist, “Leland had attained such prominence in the Baptist movement that James Madison himself had come to him, hat in hand, to seek his blessing among Virginia’s Baptists.” Leland, the itinerant revivalist, was also a savvy negotiator (and eventual party whip). The result was the [First Amendment](#). Madison would deliver on his promise in Congress. And Leland would continue campaigning against religious tyranny and extolling Jefferson, whose 1779 Bill for Establishing Religious Freedom finally passed into Virginia law in 1786, largely through Madison’s efforts.

The First Amendment only proscribed a state church at the *national*, not the state, level. The states of Connecticut and Massachusetts, for example, did not disestablish the Congregational Church until 1818 and 1833, respectively. Therefore, in 1791, when the Connecticut General Assembly passed a new bill making it more difficult for dissenters to avoid paying taxes to the established church, Leland authored his most famous work, *The Rights of Conscience Inalienable* (1791). Leland parroted Jefferson in his [Notes on the State of Virginia](#) (1785) when he declared, “Let every man speak freely without fear, maintain the principles that he believes, worship according to his own faith, either one God, three Gods, no God, or twenty Gods.” Indeed, in all of evangelicalism, no figure promoted Jefferson’s ideals more than John Leland, who once referred to the Monticello Sage as “my hero.” Jefferson was not an evangelical nor Leland a Southern aristocrat, and they exercised their consciences much differently, but they both believed in the republican gospel of liberty.



## THINKING ABOUT GOVERNMENT WITH JOHN ADAMS

by Aeon J. Skoble

September 22, 2022

In philosophy classes, students sometimes wonder why we continue to read long-dead thinkers like [Plato](#) or [Descartes](#), and there are two sorts of answers I usually give. One is that, for better or worse, their ideas set the stage for debates that are still engaging, or raised questions that defy easy answers. The other is that, unlike in physics or chemistry, it's not the case that the newer stuff is the truer stuff. It's certainly possible that some 19th-century thinker was trying to refute an argument made by an 18th-century thinker, but failed. [Aristotle](#) isn't necessarily wrong about ethics just because he is writing earlier than [Jeremy Bentham](#). Maybe there are valuable insights in the thinkers of the past.

The same question arises regarding the Founders – [Adams](#), [Franklin](#), [Jefferson](#), [Madison](#), [Sherman](#) – and the same answers apply. When people wonder why we should care what the founders say, they're partly making a legitimate point: the mere fact that something is old and traditional doesn't mean it's true or good. But it also doesn't mean it's wrong or bad. As with Plato and Aristotle and [Locke](#) and [Smith](#), we should be most concerned with whether what the founders say is insightful and helpful about our government and about political philosophy in general.



John Adams

One of the insights the founders brought to their project of establishing a new nation was that while some rights are creations of the political order, other rights are conceptually prior to, and form the justification for, the political order. For instance, it doesn't make sense to talk about voting rights unless you already have a political system in which voting is a thing. The institution of a political order precedes a conception of voting rights. But the right to live and be free, they argued, is true in virtue of our nature as human beings. Therefore *whatever* political order we institute, it would need to be respectful of the right to live and be free. What sorts of institutions, then, should replace British rule in America? The founders didn't just rebel against Britain, they devised a new system of government – influenced by ideas from Locke and [Montesquieu](#), and informed by an understanding of Greek and Roman history.

John Adams has for the most part been underappreciated as a political thinker, especially compared to [Paine](#), Jefferson, Madison, and [Hamilton](#). But actually, Adams was a serious and profound thinker who wrote a good deal about the concepts of liberty, rights, responsibility, and republican government. He was concerned, for example, with the dangers to liberty and order posed by unchecked democracy, yet aware of the need for some system of self-government. He was a tireless advocate of independence, yet skeptical of



popular uprisings. How can liberty, democracy, and republican principles work best together? A survey of his writings reveals that he was thinking about these issues prior to the revolution and kept thinking about them until his death. In several published treatises, as well as lengthy correspondence with such figures as [Mercy Otis Warren](#), [Benjamin Rush](#), and Thomas Jefferson, he explored the tensions between liberty and order. As a collaborator in the drafting of the [Declaration of Independence](#), he helped articulate the case for separation, and for decades after he continued to write defenses of, and engage problems arising from, the new government he'd helped to create. He also authored the constitution of Massachusetts.

Adams was a champion of classical republicanism. He was in favor of self-government, but thought rights had to be safeguarded against majoritarianism. He was an advocate of separation of powers and rule of law. Unlike many of the founders, he neither owned slaves nor approved of slavery. Among his underrated ideas was his interest in the relationship between liberty and virtue, and between liberty and education generally. People who were poorly educated, he thought, would be more susceptible to the machinations of would-be tyrants. How would the people be able to tell the difference between insightful leaders and charlatans if they were ignorant of virtue or ignorant in general? This was a serious problem, he thought, since some kind of leader-figures would inevitably emerge, and whether they were scoundrels or sages made a huge difference to the health of the republic and the state of people's liberties. Adams thought that institutional features such as separation of powers in a mixed regime would help, but not eliminate, the problem, and it's not clear that he thought there was an easy answer. Americans are still faced with this issue today. Does liberty presuppose virtuous people, or is liberty a precondition for our becoming virtuous people? Adams pondered these and related questions until he was 90. Remarkably, he died on July 4, 1826, the 50th anniversary of the signing of the Declaration, the same day as Jefferson, his long-time correspondent on many questions of political philosophy.

## RICHARD HENRY LEE: FOUNDING REVOLUTIONARY AND ANTI-CORRUPTION ADVOCATE

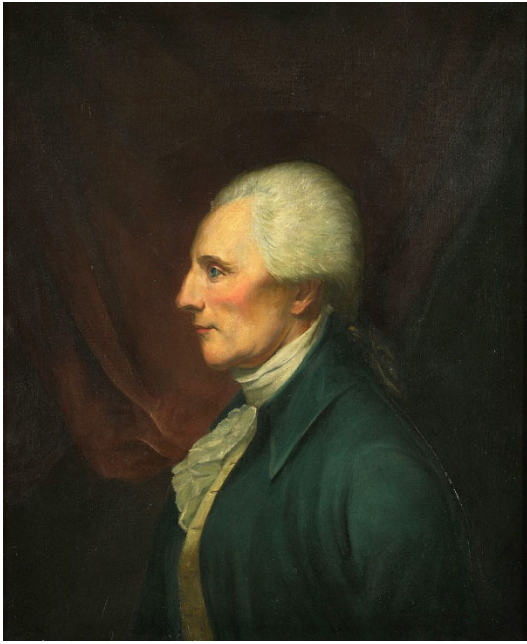
by Isadore Johnson

September 27, 2022

[Richard Henry Lee](#) was born at Stratford Hall in Westmoreland, Virginia, on January 20, 1732. At age 16, Lee moved to Yorkshire, England, for his formal education at Wakefield Academy. In 1750, when he was 18, both of Lee's parents died; he returned to Virginia in 1752 to help his brothers divide the family's estate.

Lee's brother Philip was appointed to the House of Burgesses in 1755, and shortly after, in 1757, Richard Henry Lee was appointed Justice of the Peace for Westmoreland County. In 1758, after Philip Lee was appointed to the governor's Council, Richard Henry Lee was elected to take his place in the House of Burgesses. He was joined by his brothers Thomas Ludwell Lee and Francis Lightfoot Lee, making the Lees a formidable voting block.

Originally quite shy, Richard Henry Lee waited for a topic he cared strongly about to deliver his first speech. His first speech was in support of a motion to "[lay so heavy a duty on slaves as effectually to put an end to that iniquitous and disgraceful traffic within the colony Virginia.](#)" In 1769, as a member of the House of Burgesses, he introduced a bill to tax imported slaves. He repeatedly condemned slavery as an institution throughout his time in elected office. His moral sensibilities reflected not just an opposition to slavery, but also an opposition to corruption.



Richard Henry Lee

Early on in his career, Lee [called for an investigation of John Robinson's treasury because he suspected that Robinson collected paper money for taxes - which was supposed to be destroyed - and instead gave it to his friends](#). After having this malfeasance confirmed, Lee attempted to separate the role of speaker of the House from the role of treasurer so that this wouldn't happen again. Although unsuccessful, Lee took risks to eliminate crooked dealing. This same attitude inspired Lee to push against the abuses of the British government.

[The Stamp Act](#) and the Currency Act by the British pushed Lee in a radical direction. In 1764, he was a member of a committee that sent a letter to King George III, warning against imposing direct taxes on Virginians. He ended up leading a protest against the actions of the British in his home county of Westmoreland. Lee was later chosen as a delegate to the First Continental Congress in 1774. His committee assignments reflected a revolutionary bent, emphasizing the rights of the colonies, avoiding commerce with Britain, and preparing addresses to the king. His committee convinced Congress to launch a boycott against British-made goods while some moderate delegates attempted to reconcile with the British.

The failure of this reconciliation led to a second Continental Congress, where Lee began to articulate justifications for a declaration of independence. On May 17, 1776, he officially moved to “[be... free and independent states, that are absolved from all allegiance to the British Crown, and that all political connection... be totally absolved.](#)” This motion, which came to be known as the [Lee Resolution](#), was deferred for three weeks by John Hancock. The motion had to be tabled because of how vehement the debate became. In the interim, a committee was formed with the goal of preparing a declaration provided the Lee Resolution passed. It did, and on July 4, the [Declaration of Independence](#) passed, establishing a new nation.

From November 1784 to November 1785, Lee served as the sixth President of the Continental Congress. Delegates hoped his success in helping to manage Virginia's finances would manifest in the nation's budget. His governing approach eschewed federal taxes in favor of low spending, foreign loans, and land sales.

Following his presidency, he remained active in state politics until he was re-elected as a delegate in 1787. He opposed the ratification of the [Constitution](#) because he thought it created a “[consolidated” government and lacked a bill of rights](#). Instead, he hoped that there would be amendments to it, similar to the principles of [George Mason's Declaration of Rights](#). Some believe that Lee was one of the authors of a series of anonymous anti-federalist essays called [Letters from the Federal Farmer to the Republican](#). Yet, despite opposing the ratification of the Constitution, Lee became a supporter of the [Washington](#) administration, and he served as one of the first senators of the United States.

Richard Henry Lee is important today because he serves as a demonstration that revolutionary change can come with a soft demeanor. Born an aristocrat, Lee demonstrated a keenness for rooting out corruption and opposing special interests. Described as the “Cicero” of the [American Revolution](#), Lee represents our collective ability to elect honest people who believe in the importance of individual rights, opposing corruption, and striving by their moral compass.

## PHILLIS WHEATLEY: A FIRST

by Susan Love Brown

September 29, 2022

Being first holds a significant place in American culture, for Americans love being Number One, being winners, being the First. For African Americans, being a first has a somewhat different meaning – it signifies another barrier having fallen. It signifies that above all odds, another one has made it! But always accompanying the “first” were counter-pronouncements – that this is an exception; that this person received special privileges; that this only happened because of affirmative action; that this person cheated to get here. Still, the record, in the end, speaks for itself, and the first stands.

Seemingly out of nowhere on December 21, 1767, a young Negro slave girl in Massachusetts published poetry on a level that any educated Englishman could appreciate. [Phillis Wheatley](#) became the first published female poet of African descent in the English colonies. Her story is an extraordinary one – both triumphant and tragic.



Phillis Wheatley

Wheatley wrote during the revolutionary period in North America. She lived through the creation of a new nation and was known by many of the men who brought it into being. In many ways, she represented the problematic situation that the new nation would face from 1776 to the present – the problem of the incredulity that black Americans would face.

She was born around 1753 or 1754 on the west coast of Africa. At the age of seven or eight (this too an estimation), she was sold to a slaver and taken across the Atlantic on a ship named *Phillis* and, after surviving the middle passage of the slave trade, was sold in Boston, Massachusetts, on July 11, 1761, to the Wheatleys, John and Susanna, to become their domestic slave. Their daughter, Mary, taught Phillis to read and write and schooled Phillis in the classics alluded to in so much of her poetry. It became evident to the Wheatleys that they had a prodigy on their hands – a girl from Africa who mastered the English language in only 16 months, and who produced sophisticated poetry, which was eventually published in newspapers in London and in Massachusetts. Wheatley's poetry was very much in the style of Alexander Pope, John Milton, and others who had been the subjects of the lessons she learned.

Her first book of poems was published in London, [Poems on Various Subjects, Religious and Moral](#), in 1773, but only after such prominent men as John Hancock and Thomas Hutchinson met with her and testified to her authenticity. Phillis traveled to London with the Wheatley's son, Nathaniel, and upon her return, she was freed by the Wheatleys on October 18, 1773. Eventually destitute, Phillis Wheatley married John Peters, a free black man, in April 1778, and they had three children. Phillis Wheatley Peters worked as a domestic to support herself and her children before she died on December 5, 1784, at the age of 31.

Phillis Wheatley was deeply religious, as noted in her poem, “On being brought from AFRICA to AMERICA”:

’Twas mercy brought me from my Pagan land,  
Taught my benighted soul to understand  
That there's a God, that there's a Saviour too:  
Once I redemption neither sought nor knew.



Some view our sable race with scornful eye,  
"Their colour is a diabolic dye."  
Remember, Christians, Negroes, black as Cain,  
May be refin'd, and join th' angelic train.

Much of what we know about the views of Phillis Wheatley comes not from her poetry but from the letters that she wrote as she lived through the revolutionary period in American history. Although the people who owned her and subsequently freed her were loyal to England, Phillis supported the American patriots. Her correspondence also reveals her support for the end of slavery. She saw political and religious freedom as inextricably bound. In an unpublished poem signed Phillis Peters written in 1784, she celebrates the end of the Revolutionary War with the opening phrase, "LO! Freedom comes," and goes on to recount the nature of war and the peace finally achieved.

Debates about this woman and her work existed from the beginning, not the least of which was the feeble dismissal of her talent by none other than [Thomas Jefferson](#) and the promotion of her work by abolitionists, who argued that people from Africa were just as capable of accomplishment as Europeans. By her very existence, Phillis Wheatley subverted the stereotype of Africans, and because she lived during the revolutionary period in America, her story adds dimension to the history of Africans in America. She is a literary bridge between that past and this present, an early example of the African American quest for freedom – a quest that predates the nation itself.

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## JOHN MARSHALL, THE GREAT CHIEF JUSTICE

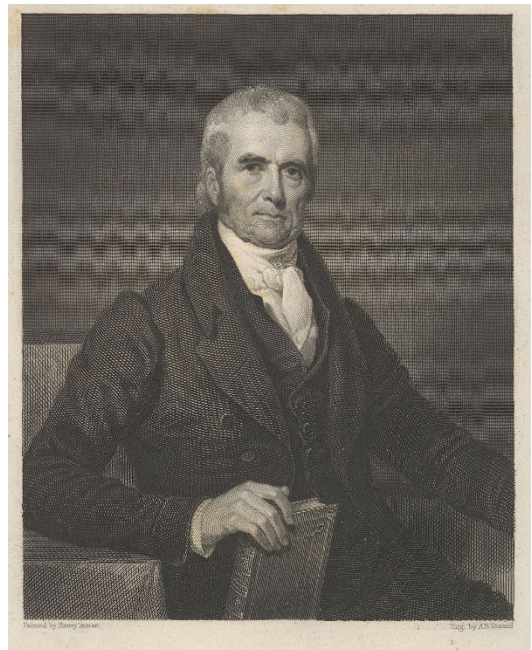
by Matthew J. Franck

October 4, 2022

There is only one judge in American history for whom the epithet "the Great" has been commonly used: [John Marshall](#) (1755–1835), the fourth chief justice of the United States. Yet in a strange way, his outsized

reputation, built on the brilliant eloquence of his groundbreaking interpretations of the [Constitution](#), has obscured as much as it has revealed about his true greatness. In the hands of scholars who attempt to account for Marshall's achievements, he has become a shapeshifter, molded and remolded for others' agendas, and the real Marshall has been largely lost to view. In what follows, I will try to explain this, but first the reader needs a character sketch.

John Marshall was born and raised on the then-frontier of Virginia, the eldest of fifteen children. He shared Randolph ancestry with [Thomas Jefferson](#), which made them second cousins once removed. He had little formal education as a boy and was mostly taught by his father Thomas or relied on himself. During the Revolution he served in the Continental Army. Marshall was a brave officer and leader of men, fought in several notable battles, and was slightly wounded once. Toward the end of the war he undertook several months of legal study at William and Mary and began to practice law. In 1783, he married Mary ("Polly") Ambler and they had eight children, six of whom survived childhood.



John Marshall

Marshall quickly established a successful legal practice in the new state capital of Richmond and became involved in state politics, serving in the legislature and in the state



convention that ratified the U.S. Constitution in 1788. About a decade later he was sent by President [John Adams](#) to Paris as one of three ministers to revolutionary France. The attempt on the part of French officials to elicit bribes from the Americans was exposed in Marshall's dispatches to the U.S. government and the "[XYZ Affair](#)" made him famous overnight. On his return home he was persuaded by [George Washington](#) to run for the House of Representatives. Elected as a Federalist, he was appointed secretary of state about a year later, and chief justice about a year after that. At just 45, with no prior judicial experience, Marshall now came to the center chair on the highest court in the land, just as his cousin Jefferson—the leader of the Republicans (forerunners of today's Democrats)—came to the presidency in the first peaceful change of partisan control of our national government.

When Marshall came to the [Supreme Court](#), its place in our constitutional order was still relatively insignificant. By the time of his death 34 years later, the federal judiciary's stature as a branch of government coequal with the executive and legislative was securely built. Marshall instituted the practice of issuing a single opinion of the Court—often written by him—and in those opinions his Court established the responsibility of the judiciary to prefer the Constitution to conflicting ordinary laws ([Marbury v. Madison](#), 1803); secured the protection of private rights even in contractual or charter relationships with state governments ([Fletcher v. Peck](#), 1810, and [Dartmouth College v. Woodward](#), 1819); and made way for ample national powers that were not hampered by artificially restricted understandings of Congress's constitutional authority ([McCulloch v. Maryland](#), 1819, and [Gibbons v. Ogden](#), 1824). Marshall's estimation of the Constitution's nation-binding purposes was in accord with the American (not merely Virginian) patriotism he had imbibed under Washington's leadership during the Revolution. It was also a better understanding of the Constitution than was on offer by the party of Jefferson, with its retrograde "states' rights" reading of the nation's charter.

In Marshall's day, the justices of the Supreme Court spent only two or three months of the year together in Washington to fulfill their duties on that Court and spent more time presiding (together with district judges) over trials in the federal circuit courts. The most significant trial in Marshall's career was the lengthy 1807 treason trial of former vice president Aaron Burr, prosecuted by the Jefferson administration. In the Burr trial, Marshall established that criminal defendants can demand evidence even in the president's possession, and that the treason clause of the Constitution must be strictly construed in a defendant's favor, else the most serious charge in our political order be brought wantonly to bear against the adversaries of a presidential administration.

Many constitutional precedents large and small were set by Marshall, whose limpid writing and brilliant reasoning have been mistaken by many modern legal scholars for "creativity" on his part. He is commonly understood to have shaped constitutional law to fit his politics, rather than—as was truly the case—seeing his political preferences as fundamentally shaped and constrained by the Constitution.

A case in point: The legal historian Paul Finkelman recently revealed that Marshall had owned—and bought and sold—many more slaves than his biographers had previously realized. Then, reviewing Marshall's record in slavery cases—suits for freedom and maritime slave-trade cases—Finkelman accuses Marshall of shaping the law in favor of slavery. His case rests on the proposition that Marshall is "known" to have been a creative judge whose political agenda molded the law to suit his ends. Therefore, his failure to mold the law in [anti-slavery](#) directions suggests he was the friend of slavery and the enemy of freedom for the enslaved.

But what Finkelman signally fails to do is to show, on the basis of legal principles governing at that time, that Marshall came to the wrong conclusion in all of these slavery cases. In this way, scholars who praise (or condemn) Marshall's "creative" jurisprudence in famous cases like *Marbury* and *McCulloch* fail to show where the "creativity" lies—where exactly Marshall was saying something other than what the Constitution's principles

prescribe. Marshall was a brilliant expositor of the Constitution and the law—and this is the cause of his great reputation—but he understood himself always to be acting under the constraint of legal principles he did not devise but must discern and obey.

If a judge is to aspire to “statesmanship,” it must be of this discerning kind, not of the creative kind permitted and expected in legislators and especially presidents. Understanding the Great Chief Justice must begin with this understanding he had of himself and his work on the Supreme Court.

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## JOHN HANCOCK: THE FIRST U.S. PRESIDENT

by Gary Scott Smith

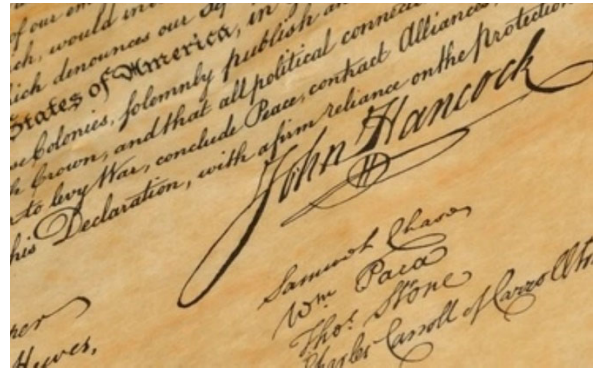
October 6, 2022

He is the answer to the trick question: Who was the first president of the United States? His role as the initial president of the [Continental Congress](#) makes John Hancock, not [George Washington](#), the correct answer. Known perhaps more for his oversized signature on the [Declaration of Independence](#) than anything else he did, Hancock, a wealthy Boston merchant, played a pivotal role in procuring American independence and in Massachusetts politics for two decades in the late 1700s. Only Robert Morris did more to finance the [American Revolution](#), and few other patriots would have lost as much if it had failed.

Today, a Boston-based company, housed in the most prominent building in the city, bears his name, but the patriot leader had nothing to do with John Hancock Financial Services, Inc. In a shrewd marketing move, the business used his name simply because Hancock was a revered founder, Massachusetts’ first governor, and a generous philanthropist who helped rebuild Boston after the devastation of the Revolutionary War.

During his 56 years, Hancock held several important political posts. He served as a Boston selectman, the

president of the Massachusetts Provincial Congress, a delegate to the Continental Congress, the president of the Continental Congress for two-and-a-half tumultuous years, and Massachusetts’ governor for eleven years.



Although usually not mentioned in the list of the nation’s most devout founders alongside [John Jay](#), Patrick Henry, [John Witherspoon](#), Elias Boudinot, Roger Sherman, Samuel Adams, and Charles Carroll, Hancock’s faith was deep, meaningful, and life directing. The life-long member of the Brattle Street (Congregationalist) Church in Boston used many biblical arguments to justify Americans’ declaration of independence and providentialist rhetoric to describe their successful campaign to achieve nationhood.

Hancock strongly believed that a politician’s worldview should direct his work. Therefore, he repeatedly expressed his Christian convictions in public pronouncements in both offices. Hancock insisted that God was sovereign over earthly affairs and assured Americans that they would receive divine blessings if they followed biblical norms in public life and acted virtuously in private affairs.

Consider several examples. Hancock told Continental Army officers in March 1776 that the same God who had prevented the British from conquering Massachusetts would thwart their schemes to defeat other colonies. In his appeal to the new nation in September 1776, Hancock assured citizens that the members of the Continental Congress staunchly relied “on Heaven for the justice of our cause.” “Under the gracious smiles of Providence, assisted by our own most strenuous endeavors,” he declared, Americans “shall finally succeed.” In 1782 Governor Hancock promised that God would ensure

that America's righteous campaign succeeded. The next year his Thanksgiving proclamation implored citizens to thank God for their numerous blessings and to acknowledge "His Goodness and Bounty."

As president of the Continental Congress from 1775 to 1777, Hancock helped convince various factions to work together. As conflicting interests threatened to destroy the fledgling country, Hancock promoted moderation and compromise and prodded Americans to place their shared values and aims above their personal interests. His winsome personality and effective leadership helped provide the unity required to obtain American independence.

As governor, Hancock's faith contributed to his compassion and concern for ordinary citizens. He convinced the state's General Court to grant full pardons to all those who had participated in [Shays' Rebellion](#), an armed attempt to overthrow the state government in 1786-1787. He opposed [slavery](#), argued that state lotteries were harmful to the poor, and opposed brutal punishment of criminals.

Like other founders, Hancock had flaws. He had a large ego, lived more lavishly than almost any other American, and engaged in some questionable business practices. Nevertheless, he was an honest politician who, inspired by his faith, made large sacrifices to aid his nation and generously aided the destitute and needy. His Christian commitment informed his political philosophy and service. Historian Charles Akers argues that Massachusetts voters continually elected Hancock to various offices because he personified republican ideals. For many of his countrymen, he represented "public spirit and Christian patriotism."

## DEBORAH SAMPSON: AMERICAN WARRIOR

by Kirstin Anderson Birkhaug

October 11, 2022

Today, over 1.4 million women serve as active-duty members of the American military. While today's acceptance of women in warfare is relatively new (women were allowed full participation in the Armed Forces with the Women's Armed Services Integration Act of 1948), history is full of myths and stories about renegade female warriors who defied the odds to fight for justice. Consider the traditional Chinese folk tale, *Ballad of Mulan*, or the life of St. Joan of Arc. But today's American women of action can trace the roots of their service to the [American Revolution](#) and a remarkable woman who took the call to arms personally. Her name was [Deborah Sampson](#), and she is recognized as the only pensioned female veteran of the American Revolution. True to her name, which takes inspiration from the great female leader of Israel in the book of [Judges](#), Deborah was a fearless military leader who accepted great personal risk to see the American mission succeed.

Deborah Sampson was born in 1760 in Massachusetts. Though descended from the pilgrims, the Sampsons were poor, a predicament made even worse by the death of Deborah's father when she was five. By age 10, she was an indentured servant. As a woman of relatively low stature, she received little education, though the self-education she managed to accomplish allowed her to find work as a teacher once she completed the terms of her indenture.

Deborah Sampson was just 16 when the Revolutionary War began in 1776. By 1782, she decided to join the fray herself. She fashioned herself into a man by the name of Robert Shurtleff and signed up to join the Massachusetts Regiment. She served under the command of George Webb in the Light Infantry for two years while concealing her gender. Proving herself to be an asset to her regiment, she was assigned several dangerous missions including ones involving spying and scouting and was tasked with

leading a number of successful raids. Deborah also went to tremendous lengths to conceal her identity, knowing that she would no longer be allowed to serve if it became known that Robert Shurtleff was actually a woman. She treated many of her own battle wounds, including personally removing a bullet to her thigh.



Deborah Sampson

The jig was up for Deborah when she fell ill in Philadelphia in late 1783. Taken to a hospital for professional care, her unconscious state led medical professionals to discover the truth. This scrappy and courageous soldier, who had braved great danger, was in fact a young woman. Despite her deception, Deborah was awarded a full honorable discharge from the United States military. She went on to marry, produce three children, and live a relatively quiet life on a farm. However, she was sometimes called upon to give lectures on her experience in the Revolution and she did so enthusiastically.

After her death in 1826, Deborah's husband was awarded spousal pay as the husband of a soldier – the first recorded instance of such a payment made in the new United States. In their decision on the matter, the United States Congress issued a statement which maintained that, apart from Deborah Sampson, the Revolution “furnished no other similar example of female heroism, fidelity and

courage.” Truer words could not have been spoken of Deborah. She was a woman with little in the world – no title, no prestige, little money – but to the American cause, she gave of herself what she could. She gave her service and risked her life and went to great lengths to do so.

In 1623, more than a generation before the American Revolution, English poet John Donne wrote his immortal line, “send not to know / For whom the bell tolls / It tolls for thee.” When the bell of the American Revolution tolled, it tolled for Deborah Sampson. She allowed nothing to stand in the way of her desire to defend the fledgling new nation in its fight for independence. We have long discussed our “[Founding Fathers](#),” and less often our “Founding Mothers,” but we have rarely discussed the woman who is surely the mother of American female military service – the courageous Deborah Sampson, our nation's first warrior woman.

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## ROGER SHERMAN AND THE CREATION OF THE AMERICAN NEW REPUBLIC

by Mark David Hall

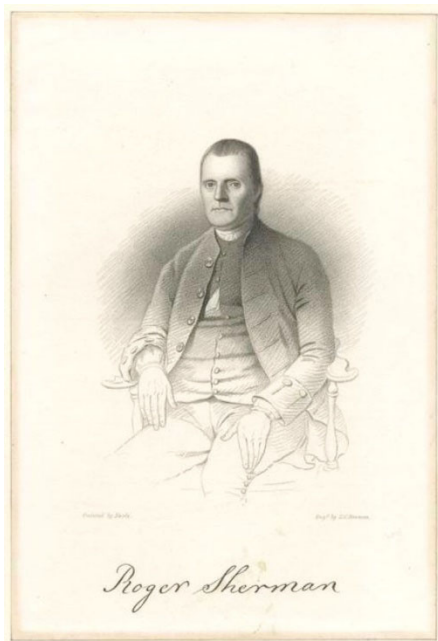
October 13, 2022

In 1777, John Adams described Connecticut's Roger Sherman as “that old Puritan, as honest as an angel, and as firm in the cause of American Independence as Mt. Atlas.” Late in life, Patrick Henry remarked that Sherman and George Mason were “the greatest statesmen he ever knew.” Thomas Jefferson, who was often at odds with both Adams and Henry, shared their admiration for Sherman. He once pointed Sherman out to a visitor and noted “[t]hat is Mr. Sherman of Connecticut, a man who never said a foolish thing in his life.”



Roger Sherman was born in Stoughton, Massachusetts in 1721. Shortly after the death of his father in 1741, he moved to New Milford, Connecticut, where he worked as a cobbler, surveyor, and store owner. Sherman never went to college, but he was a voracious reader. He taught himself advanced mathematics and, in 1750, he began publishing a popular almanac which was issued annually or biannually until 1761. Sherman later studied law and was admitted to the Litchfield bar in 1754.

In 1760, after the death of his first wife (with whom he had seven children), Sherman moved to New Haven. He opened a store next to Yale College and sold general merchandise, provisions, and books. Sherman married Rebecca Prescott three years later, and they had eight children. He was elected to the lower house of the General Assembly and, in 1766, Connecticut voters chose him to be one of the twelve members of the upper house, or Council of Assistants. Traditionally, four Assistants were selected by the General Assembly to serve with the deputy governor as the judges on Connecticut's Superior Court. Sherman was appointed to this court in 1766 and he held both offices until he resigned from the legislature in 1785. He remained a Superior Court Judge until he became a member of the United States House of Representatives in 1789.



**Roger Sherman**

Beginning with the Stamp Act Crisis of 1765, Sherman was a consistent opponent of what he considered to be British abuses of power. In 1776, Sherman was the only delegate to serve on all three of the most important congressional committees: the Board of War, the committee to draft the Declaration of Independence (fellow members included Thomas Jefferson, John Adams, Benjamin Franklin, and Robert Livingston), and the committee to draft what became the Articles of Confederation.

Connecticut's General Assembly asked Sherman and Richard Law to revise the state's laws in 1783. Among Sherman's contributions was a religious liberty statute entitled "An Act for securing the Rights of Conscience in Matters of Religion, to Christians of every Denomination in this State." The revisions also included a law providing for the gradual emancipation of children born to slaves in Connecticut after March 1, 1784.

In 1787, the General Assembly appointed Sherman, Oliver Ellsworth, and William Samuel Johnson to represent Connecticut in the Federal Constitutional Convention. Sherman arrived in Philadelphia convinced that the national government's powers needed to be strengthened, but he was also a firm supporter of both local and limited government. He was instrumental in drafting what became Article 1, Section 8, which enumerates the national government's powers.

Sherman's most significant contribution at the Convention was the "Great" or "Connecticut" Compromise. When it became apparent that the large states would not accept retaining the Articles' provision of one-state-one-vote and the small states would not agree to proportional representation alone, Sherman helped craft the compromise whereby membership in the House of Representatives would be proportionally allocated based on state population while states would be represented equally in the Senate—initially with the senators to be chosen by the state legislatures.

Sherman's contributions at the Federal Convention were neglected for many years, but scholars have recently gained a better appreciation for them. For instance, David Brian Robertson concludes in a 2005 article

published in *The American Political Science Review* that Sherman often outmaneuvered Madison at the Constitutional Convention, and he suggests that the “political synergy between Madison and Sherman . . . very well may have been necessary for the Constitution’s adoption.”

In December of 1788, Sherman was elected to the House of Representatives and, in 1791, he was appointed to the U.S. Senate to fill the unexpired term of William Samuel Johnson. In Congress, he engaged in debates over tariffs, the assumption of state debts, and the creation of a national bank. Although initially opposed to adding a bill of rights to the Constitution, Sherman served on the eleven-member House committee that drafted the amendments, was an active participant in debates over the specific provisions, and was a member of the six-person conference committee that put the amendments into their final form. As well, Sherman argued as well for placing the amendments after the original Constitution rather than interspersing them within the text as originally proposed by Madison. Sherman remained active in politics until his death on July 23, 1793.

Sherman was not a radical thinker, a great author, or a stirring orator—realities that diminished his contemporary and future fame. Nevertheless, as the historian Jack N. Rakove comments in his Pulitzer Prize-winning book *Original Meanings*, “America has had more Shermans in its politics than Madisons, and arguably too few of either, but it was the rivalry between their competing goals and political styles that jointly gave the Great Convention much of its drama and fascination—and also permitted its achievement.” Scholars, teachers, and students who wish to understand America’s founding cannot afford to ignore the contributions of that old Connecticut Puritan, Roger Sherman.

## WHY GEORGE MASON MATTERS

by Daniel L. Dreisbach

October 18, 2022

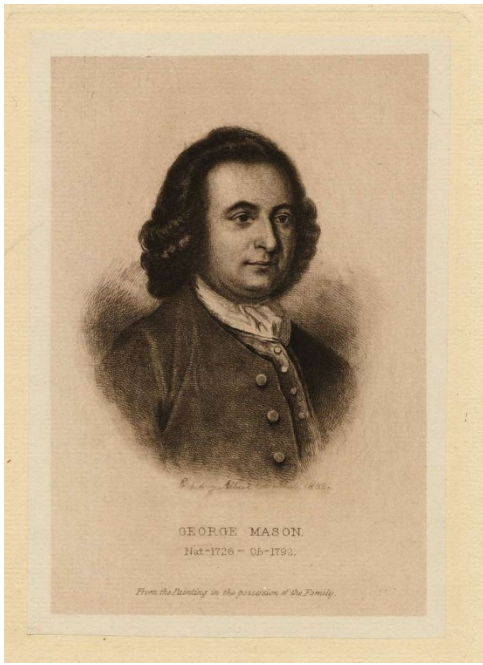
There is an unfortunate tendency among students of the American founding to focus on the accomplishments of a few “famous founders” while ignoring the salient contributions of an expansive fraternity of “[forgotten founders](#).” One almost forgotten figure is [George Mason](#) (1725-1792) of Virginia.

Despite an aversion to public life, Mason played pivotal roles in important assemblies of his state and nation, including the Virginia Conventions in 1775 and 1776, the Constitutional Convention of 1787, and the Virginia ratifying convention in June 1788.

He was one of the most voluble delegates at the Philadelphia Convention of 1787, leaving his mark on the U.S. Constitution. In the end, however, he refused to sign the final document. Chief among his objections was its lack of a bill of rights – a criticism that so resonated with skeptics of the proposed Constitution that its proponents were compelled to add the national Bill of Rights to assuage this concern.

His most enduring legacy was his contribution to key political documents of the founding era. He was the principal draftsman of his state’s first constitution and, most famously, Virginia’s Declaration of Rights, which is still enshrined in the Commonwealth’s laws.

Mason’s legacy is also shaped by the institution of slavery. He was one of Virginia’s largest slaveholders. Slavery was integral to life at Gunston Hall, his plantation on the south bank of the Potomac River. Tellingly, he did not free his slaves in life or in death.



### George Mason

And, yet, his biographers disagree about how to interpret his views on slavery. Some say he was comfortable with slavery, reflecting the attitudes of other southern landowners of his social standing; others claim the institution greatly discomfited him.

We cannot know for sure what was in his heart, but we know some of the things he did and said regarding slavery – and ambiguity arises from the fact that these don't always point in the same direction.

He opposed the continued importation of slaves, although one cannot be certain whether he was motivated by principle or profit or both. As a well-established slave owner, he would have benefitted financially from discontinuing further importation.

Mason made important statements decrying the evils of slavery, especially the deleterious effects of the contemptible institution on morals and manners. Slavery, he wrote, is “that slow Poison, which is daily contaminating the Minds & Morals of our People. Every Gentlemen here is born a petty Tyrant. Practiced in Acts of Despotism & Cruelty, we become callous to the Dictates of Humanity, & all the finer feelings of the Soul.” In the system of slavery, he continued, “we lose that Idea of the Dignity of Man, which the Hand of Nature had

implanted in us, for great & useful purposes. Habituated from our Infancy to trample upon the Rights of Human Nature, every generous, every liberal Sentiment, if not extinguished, is enfeebled in our Minds.”

Mason was the principal draftsman of the seminal Declaration of Rights adopted by the Virginia Convention on June 12, 1776. It was a distilled amalgam of human rights derived from British constitutionalism and common law. It has been celebrated as the first true bill of rights framed by the people acting through elected representatives. It informed many other state declarations of rights, the U.S. Bill of Rights (1791), the French Declaration of the Rights of Man (1789), and the United Nations Universal Declaration of Human Rights (1948).

The Declaration contains sixteen articles, affirming the “inherent rights” of life, liberty, property, and the pursuit of happiness and safety; describing government power as vested in and derived from the people; outlining the separation of the state’s “legislative and executive powers” from the “judiciary”; and enumerating individual rights free from government restrictions.

Perhaps most noteworthy is the final article that, as amended by a young James Madison, boldly declared that “all men are equally entitled to the free exercise of religion, according to the dictates of conscience.” This affirmed the right of religious exercise, not as a mere grant of government benevolence, but as a fundamental, natural right, possessed equally by all citizens, located beyond the reach of civil magistrates and subject only to the dictates of a free conscience.

The first article famously declared (in a sentence that informed the opening lines of the U.S. Declaration of Independence) “THAT all men are by nature equally free and independent, and have certain inherent rights . . . ; namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.” The late Pauline Maier, an eminent historian of the Declaration of Independence, remarked, Mason’s “phrase ‘all men are born equally free and independent’ [as the phrase appeared in Mason’s original draft] influenced the Declaration of Independence and one state Declaration of Rights after

another. Those are perhaps some of the most important words in any American founding document.”

One cannot avoid the contradiction of a slaveholding Virginian proclaiming the great principles of liberty. Mason could be dismissed as a hypocrite. The universal character of the Declaration’s rights claims, however, forced consideration of its implications for enslaved peoples and the institution of slavery and gave it a reach far beyond Virginia’s borders. The immortal words “all men are born equally free and independent” compelled a nation (and people around the world) to confront a contradiction and commence a conversation that would culminate – not immediately, but eventually – in the abolition of slavery in Virginia and the nation.

It would be a mistake to give this one man too much credit for terminating an institution that had existed for millennia in every corner of the world. Nonetheless, his words, refined and amplified in the Declaration of Independence, provoked arguments and set in motion movements that would ultimately undercut slavery and affirm the dignity of all humanity.

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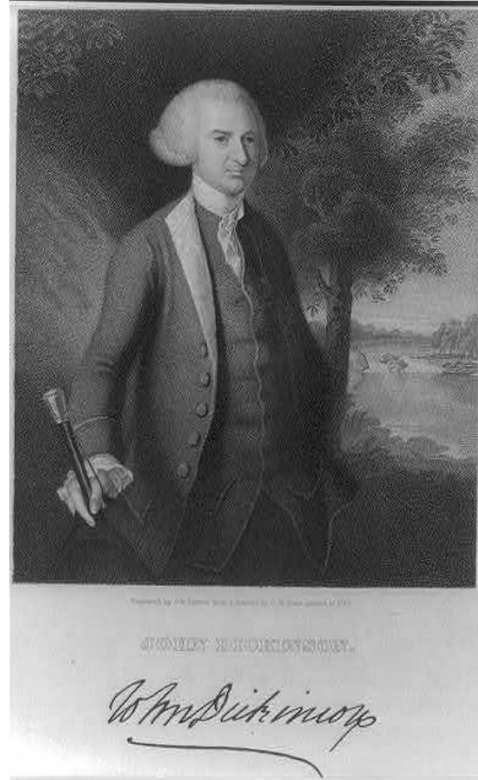
## JOHN DICKINSON: THE “TIMID” FOUNDER

by David F. Forte

October 20, 2022

Did John Adams describe John Dickinson in 1774 as “very modest, delicate, and timid”? Adams, who previously met with Dickinson during the proceedings of the First Continental Congress in Philadelphia, was much more complimentary, saying, “Mr. Dickinson is a very modest Man, and very ingenious, as well as agreeable. He has an excellent Heart, and the Cause of his Country lies near it.” It seems that Adams became miffed when Dickinson was tasked to rewrite Adams’ “Petition to the King” and found that Dickinson had moderated Adams’ more aggressive language. Hence, he was “timid.”

But there was little that Adams could do. By 1774, Dickinson had become the most respected and most famous advocate in all the colonies for the American cause against Parliamentary excess. No other patriot stood anywhere near Dickinson’s record of advocacy and draftsmanship.



**John Dickinson**

John Dickinson was born in 1731 in Maryland, but made his political and legal career in Pennsylvania and Delaware. He came from Quaker stock, but did not join a Quaker Meeting House because he could not accept the Quaker doctrine of pacifism. Nonetheless, Quaker mores undoubtedly influenced him when he freed all of his slaves in 1777.

Early on, the young Dickinson studied law, and then in 1753 he went to England to master the subject at the Middle Temple for three years. There, his public character solidified: lawyer, advocate, and thoroughly British-American. Upon his return, he began a successful law practice in Philadelphia, inherited sizable farmlands, and married well.



In 1760, he entered politics, first as an assemblyman in Delaware, and later, in Pennsylvania. In 1764, he battled Benjamin Franklin's quest to wrest Pennsylvania from the heirs of William Penn and turn it into a crown colony. 1764 also began the time of troubles between Parliament and America and Dickinson was soon in the thick of it. He began pamphleteering against the Sugar Act and the Stamp Act. He attended the Stamp Act Congress and drafted its Declaration of Rights and Grievances. True to his mien, the Declaration was direct but respectful in asserting the rights of the colonies to be free of internal taxes imposed by Parliament. Dickinson also drafted a separate Petition to the King. Independently, Dickinson published a broadside urging civil disobedience to the Stamp Act and a pamphlet calling for a trade embargo against England.

His pen seemed to have an engine of its own. After Parliament repealed the Stamp Act, it sought, in 1767 via the Townshend Acts, to gain revenue not by direct taxes but by raising duties. In confronting this British tactic, Dickinson truly hit his stride. In a series of arresting articles, entitled Letters from a Farmer in Pennsylvania, Dickinson defined taxes by their intent, not their form. If taxes were designed to raise revenue, they could not be imposed upon the colonies but by their consent. If, as true duties, they were designed to regulate the trade of the Empire, then that would be legitimate. The Townshend Acts, though denominated as duties, were truly internal taxes and therefore, illegitimate and unconstitutional.

The Townshend Acts, except for the duty on tea, were repealed in 1770, shortly after the Boston Massacre. That duty on tea, of course, triggered the Boston Massacre in 1773 and the retaliatory Coercive Acts by Parliament. In response, the First Continental Congress met in Philadelphia in 1774 and Dickinson was at the peak of his influence. Dickinson was a prime drafter of the Congress' main document, The Bill of Rights and a List of Grievances, even though he was seated as a delegate late in its deliberations. He also authored letters to the Inhabitants of the British Colonies, and to the Inhabitants of the Province of Quebec, as well as the

forementioned Petition to the King that had gained John Adams's ire.

Following the battles of Lexington and Concord, Dickinson at the Second Continental Congress co-authored the Causes and Necessity of Taking up Arms (1775), and the Olive Branch Petition (1776). Yet, to the everlasting mark on his reputation, he could not bring himself to vote for independence. He stayed away on the day of the vote so that the motion would pass unanimously. In the weeks prior to independence, he drafted the Articles of Confederation with a stronger role for the new government than the delegates would later accept. Nonetheless, after independence, he took up arms in defense of the Revolution.

But the star of his influence had waned. He was at the Constitutional Convention, but had little influence. He seemed to have lost his grounding and his politics became radical, supporting the French Revolution.

John Dickinson was a great advocate but not a political theorist. The right man at the right time, he concretized the American position against Parliament, but when independence came, he timidly demurred and the time of his contribution to the American experiment soon passed.

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## WHO ARE THE REAL FEDERALISTS? WHY WE SHOULD READ JOHN FRANCIS MERCER

by Hans Eicholz

October 25, 2022

Who qualifies as a Founder? Who is a Framers? These are questions about which we often assume general agreement, but the reality is otherwise.

“Founders” can sometimes refer to anyone who supported or participated in the American Revolution through the ratification of the U.S. Constitution, or it can mean only those who participated in the Philadelphia

Convention and/or the various state ratification debates. “Framer” is similarly ambiguous. For some it means anyone who participated in the Philadelphia Convention, but others reserve it only for those who signed off on the finished product.

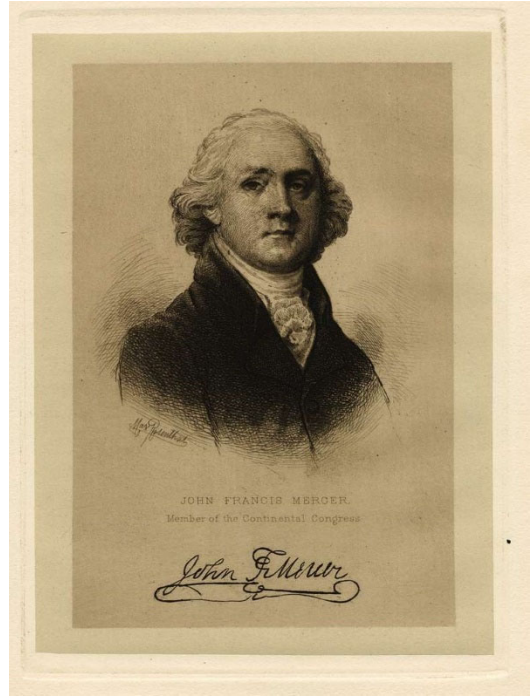
Among the best ways of approaching these questions is examining the contributions of those delegates who participated in the national Convention, but actually chose to oppose rather than endorse the final draft of the Constitution. Among these, John Francis Mercer should be one of the leading contenders for our attention. His contributions to the debates in the Philadelphia Convention argued powerfully against the centralization of power.

Madison recorded some of Mercer’s main arguments in his notes of August 14, 1787, during which Mercer observed that it was in the nature of all governments to form aristocracies and that a proper balance would need to be struck between the executive, a council, and the legislature. While recognizing that the maladministration of the state governments was responsible in large measure for the calling together of the Convention in Philadelphia, Mercer would eventually side with his fellow Marylander, Luther Martin, against ratification of the document.

In his collection *The Complete Anti-Federalist*, Herbert Storing identified Mercer as the most likely candidate for authoring what many believe to be among the most sophisticated of the essays against the Constitution: “A (Maryland) Farmer,” published in the *Maryland Gazette* between February and April of 1788. These essays not only raised the issue of aristocracy, but also, in the third letter published on March 7, 1788, specifically contended against the misappropriation of the term “federalism,” contending that the “Federalists” had improperly applied the name to themselves, and explicitly questioned “whether any form of national government is preferable for the Americans to a league or confederacy.”

Even more interesting, Mercer cited the Swiss confederacy as the better example of a true and stable federal form of constitutional order, while citing the history of the Roman Empire (as recounted by [Edward](#)

[Gibbon](#)) as an example of what not to do. The true protection for liberty, Mercer argued, was to be found in the ability of citizens to vote with their feet: “In small independent States,” [he wrote](#), “the people run away and leave despotism, to reek [sic] its vengeance on itself.”



**John Francis Mercer**

Mercer’s writings present the core themes that animated the opposition to the Constitution. They illustrate the sort of issues that often only narrowly separated Anti-Federalist ideas from the Constitution’s supporters and as such influenced the kinds of arguments that Madison and others would have to make to effectively advocate for ratification. Whatever private intentions, therefore, may have been entertained by those at the Philadelphia Convention, it is proper to consider the arguments of the so-called Anti-Federalists as adding to our understanding of such key terms as “federal” and “national” when deciding on the original meaning of constitutional powers.

Mercer’s statements should be compared to others of his time, including both Madison and Jefferson. Indeed, he had studied law for a short time under Jefferson just before the Revolution, and would later join the Democratic Republican Party in the first years of the early republic. He would break with the party only from opposition to the War of 1812.

The idea of liberty that Mercer espoused, however, would continue on in his heirs. Indeed, his espousal of liberty and his owning of slaves would come into direct tension within his own family. His daughter Margaret Mercer, who was educated largely in her father's own extensive library, would become a leading abolitionist and free all the slaves she inherited upon her father's death.

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## GEORGE WASHINGTON: AMERICA'S FOUNDING FATHER

by Isadore Johnson

October 27, 2022

George Washington was born in Pope's Creek, Westmoreland County, Virginia, on February 22, 1732. Most of his childhood was spent on Ferry Farm, which he inherited at age 11, along with 10 slaves. At Ferry Farm, Washington informally attended a local school to learn reading, writing, legal forms, geometry, and manners in order to become a surveyor. Washington obtained his surveyor's license in 1749 and became surveyor of Culpeper County shortly after.

Interested in exploring the American frontier, he resigned from his job in 1750 and began to purchase land in the valley. Washington followed his half-brother in his military footsteps and was appointed by Virginia's governor, Robert Dinwiddie, as special envoy, to deliver a message to the French. They demanded the French vacate land the British had claimed. This led to a conflict, which eventually spiraled into the French and Indian War.

In 1759, George married Martha Dandridge Custis and began to work on overseeing farms in Mt. Vernon. On his plantation, he experimented with new crops, fertilizers, crop rotation tools, livestock, flour milling, and commercial fishing. During this time, he expanded upon his estate, raising his roof, adding wings, and building a piazza. His businesses became quite successful, in part because Washington was willing to expand into so many

domains. After switching from tobacco to wheat, he built a gristmill, allowing for the production of meal and flour. He also began to make spirits, at one point producing over 11,000 gallons of rye whiskey in one year.



**George Washington**

In 1760, Washington was appointed as Justice of the Peace for Fairfax County, where he attended House of Burgesses meetings on behalf of his estate. During this time, he began to formulate his views on independence. In 1769, he emphasized to George Mason the importance of resisting the strokes of "our lordly masters." Generally, Washington opposed independence, but refused to submit to the "loss of those valuable rights and privileges, which are essential to the happiness of every free State, and without which life, liberty, and property are rendered totally insecure." His middle of the road approach helped him secure approval for the Suffolk Resolves, allowing Virginia to have its own militia.

As relations between the Crown and the colonies soured, Washington was appointed as general of the Continental Army in 1775. Despite seizing Dorchester Heights, Washington wasn't known as a great tactician. For instance, the sites of Trenton, Princeton, and Germantown were lost in part because of ineffective evasive tactics. Despite his relative weakness as a tactician, his discipline helped improve the army. Under his reign, he removed cowardly, inefficient, and dishonest men;

flogged deserters and plunderers; and advocated repeatedly for increases to soldier wages.

A string of losses in Long Island, Kip's Bay, and White Plains rendered Washington incapable of defending New York City, which fell to the British on November 16, 1776. This set back colonial forces significantly. Nevertheless, Washington persevered. On Christmas evening, Washington's troops snuck over the Delaware River, and surprise-attacked Trenton, resulting in a surrender of a key garrison. He managed the same type of attack in Princeton, winning both cities back. This rallied the public! The French, under Rochambeau, allied with the colonies against the British and the combined troops laid siege on General Cornwallis in 1781. Most importantly, Washington's troops managed to win the Battle of Yorktown, which led to the British surrender.

Many attribute Washington's victory over a larger, better supplied army because of his flexibility. Despite losses, he managed to keep the army intact and effectively tapped into public support. On December 23, 1783, George Washington resigned from his commission, aiming to retire from politics. However, the failures of the Articles of Confederation led Washington to attend a convention to create a constitution.

Following the ratification of the Constitution, despite his protestation, Washington was elected unanimously by the electoral college in 1789. Washington used his first term to organize the executive branch and establish administrative procedures and norms that would follow. His leadership demonstrated that executive authority was possible without corruption. For instance, Washington appointed both federalists and antifederalists to his cabinet, including Thomas Jefferson and Alexander Hamilton. Washington was elected for a second term in 1793, at the beginning of the French Revolution and kept the United States out of the European War of 1793. Many appreciated Washington's accomplishments and urged him to seek a third term, which he ultimately refused.

Washington is important today because he exemplified many of the characteristics of the United States and played a key role in shaping American norms. As first president, Washington managed to consolidate power

without corruption, ultimately giving it up. As a businessman, Washington dealt with his affairs using entrepreneurship and innovation. As an idealist, Washington emphasized fundamental rights, which to this day America strives to achieve.

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