



EMPIRE AND NATION

EMPIRE AND NATION



Letters from a Farmer in Pennsylvania

JOHN DICKINSON

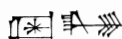


Letters from the Federal Farmer

RICHARD HENRY LEE

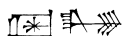
Second Edition

EDITED BY FORREST McDONALD



LIBERTY FUND
INDIANAPOLIS

This book is published by Liberty Fund, Inc., a foundation established to encourage study of the ideal of a society of free and responsible individuals.



The cuneiform inscription that serves as our logo and as the design motif for our endpapers is the earliest-known written appearance of the word “freedom” (*amagi*), or “liberty.” It is taken from a clay document written about 2300 B.C. in the Sumerian city-state of Lagash.

© 1999 by Liberty Fund, Inc.

All rights reserved

First published in 1962 by Prentice-Hall, Inc.

Printed in the United States of America

Library of Congress Cataloging-in-Publication Data

Empire and nation / edited by Forrest McDonald.—2nd ed.

p. cm.

Contents: Letters from a farmer in Pennsylvania / John Dickinson
—Letters from the Federal farmer / Richard Henry Lee.

Includes bibliographical references.

ISBN 0-86597-202-8 (alk. paper).—ISBN 0-86597-203-6 (pbk. :
alk. paper)

1. United States—History—Revolution, 1775-1783—Causes.
2. Great Britain—Colonies—America—Administration. 3. Great
Britain—Colonies—America—Economic policy. 4. United States.
Constitution. 5. United States. Constitutional Convention (1787)
I. Dickinson, John, 1732-1808. Letters from a farmer in
Pennsylvania. II. Lee, Richard Henry, 1732-1794. III. McDonald,
Forrest.

E215.5.E4 1999

973.3'11—dc21

98-2833

04 03 02 01 00 C 6 5 4 3 2
03 02 01 00 99 P 5 4 3 2 1

Liberty Fund, Inc.

8335 Allison Pointe Trail, Suite 300
Indianapolis, IN 46250-1684

CONTENTS



PREFACE TO THE LIBERTY FUND EDITION

vii

INTRODUCTION

ix

Letters from a Farmer in Pennsylvania

I

Letters from the Federal Farmer

87

PREFACE TO THE LIBERTY FUND EDITION



A minor problem arises in connection with the decision to reissue the classic essays in this volume, one that at first blush may seem not minor at all. Richard Henry Lee's authorship of the *Letters from the Federal Farmer* has been questioned. It had, indeed, been challenged even before my first edition appeared in 1962. William W. Crosskey, an erratic and controversial constitutional historian, declared flatly in a 1953 book, *Politics and the Constitution*, that Lee was not the author, but he did not develop the assertion. He promised to discuss the matter fully in a subsequent work, but he died before that work was finished. More recently, in 1974, Gordon Wood published an article in the *William and Mary Quarterly*, in which he analyzed the internal logic of the letters and compared them with other examples of Lee's writings. Wood concluded that there is no definite proof that Lee is the author, despite historians' repeated attribution of the letters to him.

Although Lee apparently never claimed authorship—which was not uncommon among anonymous pensmen—he never denied it, either. Moreover, he was widely assumed at the time to have been the Farmer. At least ten writers (themselves anonymous) asserted in newspapers from New England to Georgia that the letters were Lee's. Conceding that the question cannot be definitively answered unless new evidence turns up, I nonetheless share the view of his contemporaries.

I said that the point is a minor one. In a sense, it does not matter if the author is Lee or someone else. The Richard Henry Lee I describe in the introduction was a real person, but he was also a type that was especially widespread among Virginians of the revolutionary generation: my words could be applied to scores of public men; the names of James Monroe, William Grayson, Arthur Lee, George Wythe, and most of the more ideological anti-Federalist members of the Virginia ratifying convention come immediately to mind. The very fact that the mode of thinking and the ideas about government expressed by the Federal Farmer were in common currency helps explain why the letters were so influential at the time—and why they are of enduring value to those who would understand the framing.

Another prefatory note wants making. In the introduction, I depict John Dickinson and Richard Henry Lee as being poles apart in their approaches to politics and government. And so they were; but viewed from a different perspective they appear as one. Like other leaders during the founding of the American nation, they were imbued with an abiding love of liberty and a concomitant wholesome distrust of government. Those attributes guided their every public word and deed, and we owe them mightily.

INTRODUCTION



At first glance, it might seem that John Dickinson's *Letters from a Farmer in Pennsylvania* and Richard Henry Lee's *Letters from the Federal Farmer* have little in common beyond being epistles from negative-minded agrarians. Two decades and a Revolution separated their publication: Dickinson's *Letters* were published late in 1767, Lee's late in 1787. Their subject matter appears even less related, for Dickinson wrote in opposition to the Townshend Acts, Lee in opposition to the ratification of the Constitution of the United States. Finally, though both men rank among the more celebrated of the Founding Fathers, they stood on opposite sides of the two most important issues of the revolutionary epoch. In the summer of 1776 Lee authored the motion that the colonies should sever their ties with Britain, and Dickinson was among the foremost opponents of the Declaration of Independence. Eleven summers later, Dickinson helped author the Constitution, and Lee was among its foremost opponents.

But in fact they are dealing with the same question, the never-ending problem of the distribution of power in a broad and complex federal system. Despite a persistent myth of a bygone *laissez-faire* paradise (or hell, depending on the point of view), Americans have always been accustomed to fairly extensive governmental interference in their lives, but they have continually argued over just which government should do the interfering. When the British government began to levy taxes on the colonies, when the colonies declared their independence, when the new states joined in a "league of friendship" under the Articles of Confederation, when they formed a "more perfect

union" under the Constitution, the sum total of governmental power that was recognized as legitimate remained essentially the same. What was being changed was the distribution of power, the equilibrium of the federal system. And each time power has shifted, from then until now, Americans have re-argued the question.

As documents that shaped opinion on two critical attempts to relocate power, Dickinson's and Lee's letters are historically significant, but they are at least equally significant as archetypes. Dickinson's view is historical, pragmatic, and in the Burkean sense, conservative; Lee's is immediate, rational, and in the Jeffersonian sense, liberal. Throughout his life, Dickinson explicitly rejected the rationalism of the eighteenth century; "Experience," he once said, "must be our only guide," for "reason may mislead us." As consistently, Lee defended the possibility of a clean, rational break with the past. Because these two attitudes form the principal molds into which Americans have cast their arguments over the location of power—as well as over most other political questions—Dickinson and Lee may well be regarded as models for the American political tradition.

John Dickinson was not, strictly speaking, either a farmer or a Pennsylvanian. He was born in Maryland (1732), grew up and received a thorough education in classics and history in Delaware (1742–53), studied law at the Middle Temple in London (1753–57), then returned and was admitted to the bar in Philadelphia. He rapidly attained a lucrative and prestigious practice; almost as rapidly, he succumbed to the lure of politics, the occupational hazard of lawyers in a popular government. In 1760 he became a member of the Assembly of Delaware, and two years later he was elected to the Assembly of Pennsylvania (until the Revolution, Pennsylvania and Delaware were not entirely separate: they had individual legislatures but a common governor). During most of his remaining life he practiced law in Philadelphia, maintained a country estate in Delaware, and was active in the politics of both colonies/states.

His first major action in Pennsylvania politics demonstrated the stand he was to take all his life, and incidentally won him brief but widespread unpopularity. In 1764 Benjamin Franklin and Joseph

Galloway led a movement to have the Penns' proprietary charter revoked, and thus to transform Pennsylvania into a royal colony. The colonists had abundant grievances against the proprietary governor, and few save Dickinson were willing to take a strong stand against Franklin and Galloway. But Dickinson was instinctively wary of any sudden, decisive action, and he knew too much British history to believe that kings and ministers were repositories of infinite virtue, and so he fought. Within eighteen months his argument—that, bad as the proprietors were, the charter did guarantee certain liberties, and Pennsylvanians had no reason to expect improvement by entrusting themselves to the king and his ministers—proved prophetic. In 1765 the Grenville ministry produced the Stamp Act, and subsequent ministries produced the succession of acts that became stepping stones to revolution.

For the next decade, circumstances placed a premium on Dickinson's particular combination of attitudes and talents. For centuries Englishmen had, when considering something new in politics, justified their espousal (or opposition) by maintaining that they sought only to restore (or preserve) something that Englishmen had always had. Now, in the vast imperial constitutional crisis of 1765–76, the Americans needed a spokesman who could, in this traditional way, justify their resistance to British authority. Whatever their motives for resisting—and these ranged from such sordid aims as grabbing land, repudiating personal debts, and smuggling, to idealistic concern for the supposed natural rights of man—Americans needed someone who could state their case in such a way as to make king and parliament out as radical innovators, and themselves out as defenders of ancient traditions. This, in fact, is just what Dickinson believed to be the case, and few colonists so believing could match Dickinson's knowledge of history and law and his skill with words.

From the Stamp Act Congress (at which he wrote the celebrated resolutions declaring Britain had no right to tax the colonies) until the eve of the Second Continental Congress, Dickinson's was among the most eloquent and respected voices in the colonies. Such was the respect he commanded by 1776 that he could refuse to vote for or sign the Declaration of Independence—for the same conservative,

pragmatic, and historical reasons that he opposed the Stamp Act—and yet continue to be generally regarded as a patriot.

This enormous prestige was built largely upon the *Letters from a Pennsylvania Farmer*. The immediate background of these essays lay in two loosely connected sets of events. The first was an act, passed at about the time of the Stamp Act, that required each colony to furnish food and shelter for soldiers stationed within its boundaries; this did not tax the colonies, but it required them to tax themselves. To hedge on this issue while contesting the larger issue of parliament's right to tax directly, most colonies were careful to comply only in part or to offer the services as a voluntary gift, making no reference to the parliamentary law. New York, which had more troops than anyone else, flatly refused to comply, and its assembly was prorogued, an action that took some of the luster from the victory the colonies were winning in the Stamp Act controversy.

The other set of events was the Declaratory Act and the Townshend Acts. In March, 1766, parliament repealed the Stamp Act, but not without simultaneously declaring that it had the right to legislate for the colonies "in all cases whatsoever." Fifteen months later, it passed the Townshend Acts, imposing duties to be paid by the colonists on certain items they imported (paper, glass, lead, paints, tea), and reorganizing the entire colonial customs machinery—an action which one historian has called "England's most fateful action."

In taking these steps, Britain was making the most dangerous of all political blunders: it was stating its position clearly and as an absolute. Until that moment, the imperial system had worked, and it had worked precisely because it had never been clearly defined. Now, parliament was declaring, in effect, "This is what the empire is, and this is what it shall be." The Stamp Act had been easy for the colonists to react to, for it was gross, and resisting it necessitated no final commitment on the nature of the imperial system. The Declaratory and Townshend Acts were the opposite: the taxes imposed were subtle, being small and painlessly collected, but resisting them was an irreversible step. In 1765, the tax issue had been clear and the imperial issue muddled; in 1767, it was the other way around. Small wonder that the colonists hesitated before taking their stand.

For once, Dickinson hesitated not at all; or if he did, it was only long enough to learn whether anyone else would take up the gauntlet, and no longer. By the time the new customs commissioners arrived in America, Dickinson had his twelve epistolary essays ready as a greeting of unwelcome. He dated his first letter November 5, 1767, the seventy-ninth anniversary of the landing of William the Third at Torbay, the occasion that “gave Constitutional Liberty to all Englishmen.” The letters were published in twelve installments in the weekly *Pennsylvania Chronicle and Universal Advertiser*, beginning with the issue of November 30. Their impact and their circulation were unapproached by any publication of the revolutionary period except Thomas Paine’s *Common Sense*. (Indeed, because they were a crucial step toward transforming the mass circulation pamphlet into the soberest forum for debating public issues, they helped make *Common Sense* possible.) They were quickly reprinted in newspapers all over the colonies, and published in pamphlet form in Philadelphia (three editions), Boston (two editions), New York, Williamsburg, London, Paris, and Dublin. Immediately, everyone took Dickinson’s argument into account: Americans in assemblies, town meetings, and mass meetings adopted resolutions of thanks; British ministers wrung their hands; all the British press commented, and a portion of it applauded; Irish malcontents read avidly; even the dilettantes of the Paris salons discussed the *Pennsylvania Farmer*.

But the consequences were a good deal more important than just that. Parliament had posed a rigid, narrow, arbitrary definition of its powers; Dickinson countered with a subtle, pluralistic, historical, realistic definition of the imperial constitution; but his view was, in its way, as brittle and as absolute as was parliament’s. Parliament’s claim admitted only of acceptance or rejection; Dickinson pleaded for conciliation, flexibility, mutual concession, but by the very act of attempting to pin down the location of power in the empire, he reduced the empire to a form in which concession was impossible. In the long run, Dickinson’s system admitted no more of compromise than did parliament’s. Together, they forced everyone on both sides to face and give a firm answer to a forbidden question: what is the nature and distribution of power in the imperial system? To force a

firm answer to that question was to invite destruction, for the only viable federal system is one in which power is free to shift.

Richard Henry Lee—a Virginia aristocrat who was, like Dickinson, born in 1732—was a weaker and more attractive breed of man. He was as rash as Dickinson was prudent, as flamboyant as Dickinson was straightlaced, as cunning as Dickinson was straightforward. Both got into political hot water from time to time, but when Dickinson did so, his action usually reeked of integrity, and when Lee did so his action usually smacked of the unsavory.

The most significant differences were two. The first was that mentioned earlier: that Dickinson was in the historical and Lee was in the rationalist tradition. In the historical view, men have such rights as they have won over the years; in the rationalist view, men are born with certain rights, whether they are honored in a particular society or not. The other difference lay in their talents for expressing themselves. Dickinson wrote extremely well, but was a mediocre speaker; Lee was a mediocre writer and a brilliant orator. Dickinson's influence was felt wherever men could read; Lee's was confined to the range of his own voice, and so in the decade before independence, when Dickinson's word reached everyone, Lee's scarcely reached across the Potomac.

But there soon came a day when the voice spoke louder than the pen. Amid the smoke and flames of 'seventy-five and 'seventy-six, in the halls of the first and second Continental Congresses, Lee and his cohort Patrick Henry and their kindred soul Sam Adams seized leadership. By their shrewd maneuvers and their ringing appeals to the rights of man, they swayed the men who held the fate of the colonies in their hands, and thus brought revolution where those like Dickinson had sought stability.

In another decade, Dickinson and his kind had their day again: in 1787, they wrote the Constitution of the United States. This occasioned for Lee—as it did for several of his friends of 1776—the last great political battle of his life.

The Constitution located power not only in a new place but also in a new way, and for each reason it encountered a ready-made

set of enemies. It took some (but not all) powers then being exercised by the states, shifted them upstream, and thereby created a new general government. Automatically, almost everyone with a vested interest, political or economic, in the system of the Articles of Confederation—under which the states were all-but-sovereign republics—fought the change. At the same time the Constitution relocated power, it distributed the new national power among three branches of government; but at each axis the lines of separation were left blurred, shifting, and sometimes nonexistent. The result was a most irrational (and therefore viable) system: a many-faceted government in which it was impossible to pin down the location of power. Automatically, almost all rationalists—most of whom were republican idealogues—also fought the change.

Even before the Constitution appeared in September, 1787, Lee stood poised, pen in hand, ready to attack it. A believer in a national government founded on “proper” principles, he joined others who opposed a national government founded on any principles, and together they attempted to weld a united opposition to ratification. The center of this activity was New York. George Clinton, governor of New York and a devout foe of nationalism, likewise was ready with articles denouncing the Constitution before it existed; and Clinton’s printer, Thomas Greenleaf (publisher of the *New York Journal and Weekly Advertiser*, and printer to the state), printed and distributed Lee’s five *Letters from the Federal Farmer* as a pamphlet, as he did the writings of many other anti-Federalists.

Lee’s letters were dated October 8–15, 1787. The popularity of this pamphlet—it sold several thousand copies—as well as the momentum the Federalists were achieving, induced Lee to write a new series of essays. The new series, titled the same as the first, consisted of thirteen letters, dated from December 25, 1787, to January 25, 1788. It was not nearly so successful as the first, and it soon fell into obscurity.

In 1888, during the centennial celebrations of the ratification of the Constitution, Paul Leicester Ford published a book called *Pamphlets on the Constitution*, in which he republished Lee’s first series of letters. He dismissed the thirteen additional letters as “largely

repetitions of the first,” and because Ford’s book has for many years been the only easily available copy of Lee’s work, the second series of letters all but disappeared from memory.

The present editor agrees with Ford’s judgment in the main: letters 8–10, which are concerned largely with representation, letters 11 and 12, concerned with the Senate, letters 13 and 14, concerned with appointive offices, and letter 15, concerned with the judicial branch, are all not only repetitive of Lee’s earlier arguments, but are also extremely verbose and tedious. Letters 6, 7, 16, and 17, on the other hand, are much more interesting, and they all bear directly on the central question in all these essays, balance in the federal system. For that reason these four of the second series are included in this collection.

The texts of both Dickinson’s and Lee’s *Letters* in the present edition are from first editions in the John Carter Brown Library, Brown University. The Dickinson text has been followed as closely as possible, even to the reproduction of errors. Thus, for example, Dickinson regularly misspelled the name of British statesman George Grenville, rendering it Greenville, and Dickinson’s rendition has been followed here. In a few instances, however, absolute faithfulness to the original would yield absurd or misleading results, and minor modifications have been made. Dickinson’s letters posed additional problems, for he followed the common pre-revolutionary practice of using a variety of typographical effects to achieve emphasis, and it has not always been possible to reproduce this convention with modern type. Inasmuch as no definitive edition of Lee’s *Letters* exists—the eighteenth-century printings vary widely—the John Carter Brown Library edition has been standardized in terms of spelling, punctuation, and capitalization in order to make the substance more accessible to the modern reader.

FORREST McDONALD

*Letters from a Farmer
in Pennsylvania*

TO THE INHABITANTS
OF THE BRITISH COLONIES



JOHN DICKINSON



LETTER I

My dear Countrymen,

I am a *Farmer*, settled, after a variety of fortunes, near the banks of the river *Delaware*, in the province of *Pennsylvania*. I received a liberal education, and have been engaged in the busy scenes of life; but am now convinced, that a man may be as happy without bustle, as with it. My farm is small; my servants are few, and good; I have a little money at interest; I wish for no more; my employment in my own affairs is easy; and with a contented grateful mind, undisturbed by worldly hopes or fears, relating to myself, I am completing the number of days allotted to me by divine goodness.

Being generally master of my time, I spend a good deal of it in a library, which I think the most valuable part of my small estate; and being acquainted with two or three gentlemen of abilities and learning, who honor me with their friendship, I have acquired, I believe, a greater knowledge in history, and the laws and constitution of my country, than is generally attained by men of my class, many of them not being so fortunate as I have been in the opportunities of getting information.

From my infancy I was taught to love *humanity* and *liberty*. Enquiry and experience have since confirmed my reverence for the lessons then given me, by convincing me more fully of their truth and excellence. Benevolence toward mankind, excites wishes for their welfare, and such wishes endear the means of fulfilling them. *These* can be found in liberty only, and therefore her sacred cause ought to be espoused by every man on every occasion, to the utmost of his power. As a charitable, but poor person does not withhold his *mite*, because he cannot relieve *all* the distresses of the miserable, so should not any honest man suppress his sentiments concerning freedom, however small their influence is likely to be. Perhaps he “may touch



some wheel,"* that will have an effect greater than he could reasonably expect.

These being my sentiments, I am encouraged to offer to you, my countrymen, my thoughts on some late transactions, that appear to me to be of the utmost importance to you. Conscious of my own defects, I have waited some time, in expectation of seeing the subject treated by persons much better qualified for the task; but being therein disappointed, and apprehensive that longer delays will be injurious, I venture at length to request the attention of the public, praying, that these lines may be *read* with the same zeal for the happiness of *British America*, with which they were *wrote*.

With a good deal of surprise I have observed, that little notice has been taken of an act of parliament, as injurious in its principle to the liberties of these colonies, as the *Stamp Act* was: I mean the act for suspending the legislation of *New York*.

The assembly of that government complied with a former act of parliament, requiring certain provisions to be made for the troops in *America*, in every particular, I think, except the articles of salt, pepper and vinegar. In my opinion they acted imprudently, considering all circumstances, in not complying so far as would have given satisfaction, as several colonies did: But my dislike of their conduct in that instance, has not blinded me so much, that I cannot plainly perceive, that they have been punished in a manner pernicious to *American* freedom, and justly alarming to all the colonies.

If the *British* parliament has legal authority to issue an order, that we shall furnish a single article for the troops here, and to compel obedience to *that* order, they have the same right to issue an order for us to supply those troops with arms, clothes, and every necessary; and to compel obedience to *that* order also; in short, to lay *any burthens* they please upon us. What is this but *taxing* us at a *certain sum*, and leaving to us only the *manner* of raising it? How is this mode more tolerable than the *Stamp Act*? Would that act have appeared more pleasing to *Americans*, if being ordered thereby to raise the sum total of the taxes, the mighty privilege had been left to them, of saying

* POPE.

how much should be paid for an instrument of writing on paper, and how much for another on parchment?

An act of parliament, commanding us to do a certain thing, if it has any validity, is a *tax* upon us for the expense that accrues in complying with it; and for this reason, I believe, every colony on the continent, that chose to give a mark of their respect for *Great Britain*, in complying with the act relating to the troops, cautiously avoided the mention of that act, lest their conduct should be attributed to its supposed obligation.

The matter being thus stated, the assembly of *New York* either had, or had not, a right to refuse submission to that act. If they had, and I imagine no *American* will say they had not, then the parliament had *no right* to compel them to execute it. If they had not *this right*, they had *no right* to punish them for not executing it; and therefore *no right* to suspend their legislation, which is a punishment. In fact, if the people of *New York* cannot be legally taxed but by their own representatives, they cannot be legally deprived of the privilege of legislation, only for insisting on that exclusive privilege of taxation. If they may be legally deprived in such a case, of the privilege of legislation, why may they not, with equal reason, be deprived of every other privilege? Or why may not every colony be treated in the same manner, when any of them shall dare to deny their assent to any impositions, that shall be directed? Or what signifies the repeal of the *Stamp Act*, if these colonies are to lose their *other* privileges, by not tamely surrendering *that* of taxation?

There is one consideration arising from this suspension, which is not generally attended to, but shows its importance very clearly. It was not *necessary* that this suspension should be caused by an act of parliament. The crown might have restrained the governor of *New York*, even from calling the assembly together, by its prerogative in the royal governments. This step, I suppose, would have been taken, if the conduct of the assembly of *New York* had been regarded as an act of disobedience *to the crown alone*; but it is regarded as an act of “disobedience to the authority of the BRITISH LEGISLATURE.”* This

* See the act of suspension.

gives the suspension a consequence vastly more affecting. It is a parliamentary assertion of the *supreme authority* of the *British* legislature over these colonies, in *the point of taxation*, and is intended to COMPEL *New York* into a submission to that authority. It seems therefore to me as much a violation of the liberties of the people of that province, and consequently of all these colonies, as if the parliament had sent a number of regiments to be quartered upon them till they should comply. For it is evident, that the suspension is meant as a *compulsion*; and the *method* of compelling is totally indifferent. It is indeed probable, that the sight of redcoats, and the hearing of drums, would have been most alarming; because people are generally more influenced by their eyes and ears, than by their reason. But whoever seriously considers the matter, must perceive that a dreadful stroke is aimed at the liberty of these colonies. I say, of these colonies; for the cause of *one* is the cause of *all*. If the parliament may lawfully deprive *New York* of any of *her* rights, it may deprive any, or all the other colonies of *their* rights; and nothing can possibly so much encourage such attempts, as a mutual inattention to the interests of each other. *To divide, and thus to destroy*, is the first political maxim in attacking those, who are powerful by their union. He certainly is not a wise man, who folds his arms, and reposes himself at home, viewing, with unconcern, the flames that have invaded his neighbor's house, without using any endeavors to extinguish them. When Mr. *Hampden's* ship money case, for *Three Shillings and Four-pence*, was tried, all the people of *England*, with anxious expectation, interested themselves in the important decision; and when the slightest point, touching the freedom of *one* colony, is agitated, I earnestly wish, that *all the rest* may, with equal ardor, support their sister. Very much may be said on this subject; but I hope, more at present is unnecessary.

With concern I have observed, that *two* assemblies of this province have sat and adjourned, without taking any notice of this act. It may perhaps be asked, what would have been proper for them to do? I am by no means fond of inflammatory measures; I detest them. I should be sorry that anything should be done which might justly displease our sovereign, or our mother country: But a firm, modest exertion of a free spirit, should never be wanting on public occasions.