

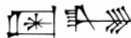
Friends of the Constitution

Friends of the
CONSTITUTION



Writings of the “Other” Federalists
1787–1788

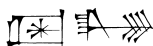
Edited by
Colleen A. Sheehan and Gary L. McDowell



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To our teachers

William B. Allen, Morton J. Frisch, Harry V. Jaffa,
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P R E F A C E

THERE HAS perhaps never been a political act of greater historical consequence than the creation of the American republic. The significance of the act derives not only from the subsequent development of the nation into a major presence in the world but also, and more important, from the purpose of the Founding. It was not hyperbole when “Publius” introduced *The Federalist* by noting that a monumental task seemed to have been reserved to the people of America. That task was to demonstrate “whether societies of men are really capable or not of establishing good government from reflection and choice, or whether they are forever destined to depend for their political constitutions on accident and force.”¹ From the Declaration of Independence through the Federal Convention of 1787 and the struggle over ratification of the Constitution, Americans knew that the eyes of the world were upon them. What the American Founding symbolizes is the importance of principle in the ordering of man’s political life. Its purpose was nothing less than to demonstrate that mankind is capable of self-government. Alexis de Tocqueville put it best when he remarked, “I saw in America more than America.”

There are two influential perspectives in American political thinking that denigrate the role of principle in politics. The first, and perhaps the dominant one today, insists that political life is adequately explained by resort to economics, sociology, or psychology. The other perspective claims that all political and human life can be explained by deconstructionist philosophy. These academic approaches are, we believe, too narrow in their treatment of things political. Certainly human behavior is influenced by such factors as economic interest, social status, ethnicity, and relations of power.

1. *The Federalist*, No. 1, in Alexander Hamilton, James Madison, and John Jay, *The Federalist Papers*, ed. Clinton Rossiter (New York, 1961).

But while it is *influenced* by these forces, it is not *controlled* by them. To view a political phenomenon of such depth and consequence as the American Founding only through the lens of social science analysis or deconstructionist hermeneutics is to see it in a fragmented and distorted way. To reduce all human behavior to self-interest, or fear, or some other subrational or quasi-rational force, is to fail to consider the capacity of the human soul and the possibility of justice. It is to miss even a glimpse of Tocqueville's vista.

A great many of the essays, letters, and pamphlets reproduced in this volume cannot be understood if one is limited by a materialistic or otherwise reductionist reading. Some of the Federalist writers, in fact, attempt to capture the reader's spirit by entwining it with the spirit of the Founding. We should not presume that the pages they left behind were meant only to persuade and inspire their contemporaries and not to influence future generations of Americans as well. But in order to grasp their entreaty at all, we today must rediscover the openness to historical questions and human motivations that they took for granted. The need for this openness among contemporary readers is perhaps best expressed by Charles Warren:

In recent years there has been a tendency to interpret all history in terms of economics and sociology and geography—of soil, of debased currency, of land monopoly, of taxation, of class antagonism, of frontier against sea-coast, and the like—and to attribute the actions of peoples to such general materialistic causes. This may be a wise reaction from the old manner of writing history almost exclusively in terms of wars, politics, dynasties, and religions. But its fundamental defect is, that it ignores the circumstance that the actions of men are frequently based quite as much on sentiment and belief as on facts and conditions. It leaves out the souls of men and their response to the inspiration of great leaders. It forgets that there are such motives as patriotism, pride in country, unselfish devotion to the public welfare, desire for independence, inherited sentiments, and convictions of right and justice. The historian who omits to take these facts into consideration is a poor observer of human nature. No one can write true history who leaves out of account the fact that a man may have an inner zeal for principles, beliefs, and ideals.²

2. Charles Warren, *The Making of the Constitution* (Boston: Little, Brown & Company, 1928), 3.

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While economic and social considerations played their normal role in determining which side of the Founding debate individuals would take, lingering over them does not expose the fact that for most of the Founding generation the debate stemmed from a more fundamental concern: What form of government would best secure the private rights and public happiness of the people? The deepest concern of both Anti-Federalists and Federalists was to fashion the best practicable, if not the best, regime.

This volume is intended to encourage a broader and deeper understanding of the debate over the Constitution and the founding of the American republic. Further, it is designed to invite the reader to engage the questions of political philosophy via the route of thinking about our own polity. This approach of coming to philosophic questions via politics, and not vice-versa, is, we believe, of crucial importance. By employing this method we adopt the approach of the Founders themselves. Education in the politics of the American Founding, for example, provides a pathway to education in political philosophy in a way that does not neglect the political considerations at the heart of *political* philosophy—considerations that were vitally important to the Founders. The converse approach of treating politics solely by way of theory allows students to bypass political concerns and questions rather than think through them. It encourages them to substitute mere abstraction for genuine political understanding. The approach we encourage here stands in sharp contrast to this method. Indeed, it is intended to combat the belief that one can draw philosophic conclusions about constitutional politics without knowing anything about the politics of the Constitution.

Accordingly, this volume is designed to feature primary texts of the “other” Federalists and to encourage readers to pay serious attention to the words and views of the authors themselves. In this way the collection is a source book of primary material. By introducing the reader to the divergent opinions between the supporters and opponents of the Constitution, as well as among the supporters themselves, we have made some of the implicit, more philosophic questions explicit. As such the volume is not simply a historical source book but an introductory reader in the philosophic politics of the American Founding as well.

This collection is intended as a companion volume to *The Federalist* and Anti-Federalist writings. It is meant to be a representative rather than a

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comprehensive collection. These essays have not been chosen to achieve proportion by section of the country or simply because of the repetition or impact of a particular argument though we have endeavored not to neglect any geographic section or influential argument. Rather our primary concern in selection has been to include the most distinctive and richest of the "other" Federalists' essays and to reveal as fully as possible the principles, the range of arguments, as well as the color and flavor of the debate. Read in conjunction with the writings of the Anti-Federalists this volume is intended to give the reader a sense of the controversy that surrounded our national birth; read with *The Federalist* this collection offers the reader a fuller view of the dimensions of Federalist thought. Added to the conveyable editions of *The Federalist* and Anti-Federalist writings currently available, this portable one-volume sampler of "other" Federalist writings makes accessible to students and citizen-readers a broader view of American Founding thought.

The idea for this collection was originally conceived by Professor Herbert Storing, who initially appended a collection of Federalist writings to his essay that now serves as the introduction to this volume. Many of Professor Storing's selections are retained here though we have made substantial additions as well as deletions to his preliminary list. Such additions as selections from "An Essay on the Means of Promoting Federal Sentiments in the United States" by a "Foreign Spectator" were made because they add significantly to our understanding of the principles being explicated during the public debates of 1787 and 1788. Deletions were made to compact the edition and to highlight the more politically and philosophically penetrating essays.

As Professor Storing's introduction shows, the "other" Federalists, from James Wilson and John Dickinson to the more obscure and anonymous penmen, waged the frontline battle in the public defense of the Constitution of 1787. Though often mingled with personal invective and spirited denunciations, the "other" Federalist papers contained herein present the reader with many thoughtful, and sometimes profound, discussions regarding the necessities and the nature of politics, the character of republican government, and the influence of constitutions and laws on the manners and spirit of a people. In studying these essays, the reader is asked to consider the ques-

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tion of the Federalists' purpose. In addition to their general goal of attaining ratification of the proposed Constitution, what were they trying to achieve and why? And how did they think they could best attain their ends? Where did the "other" Federalists agree and disagree? In understanding the politics of the American Founding, can we understand better the philosophic underpinnings of the American republic?

Unlike "Publius" the "other" Federalists did not speak with one voice. But even though the numerous authors took on as many journalistic identities, the question remains whether there is a single body of thought that can be classified as the Federalist viewpoint. Certainly the Federalists agreed on the need for a firmer union and for an energetic but limited government. Further they concurred—not only among themselves but also with the Anti-Federalists—on the wisdom of establishing a representative rather than a direct democracy. Disagreements were present, however, about the proper task of the representative and even about the sovereign authority of the constitutional union though the latter difference of opinion is much less pronounced. And surely there was disagreement among the Federalists regarding the role of government in the formation of the character of the citizenry.

There has been much scholarly controversy in recent years about the American Founders' conception of republican government, particularly in respect to their understanding of the purpose and philosophic character of the polity they created. Did the Founders believe that the ultimate purpose of republicanism was the formation of a virtuous citizenry? Or did they believe that the idea of free, limited government sets parameters not only to governmental powers but reduces the ends of political association as well, thereby precluding the idea of civic education? Furthermore, if republican government depends in some way on a virtuous citizenry, then who—the national government? the state governments? or the private sector?—bears the responsibility for promoting it? If, on the other hand, the idea of free government severs the connection between ethics and politics, then what legitimizes the ultimate authority in the polity?

Human nature is such that on virtually any given issue there will be some disagreement, however small the minority may be. This is certainly true when applied to the issues raised during the ratification of the Constitution,

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including among the Federalists themselves. Nonetheless among reasonable human beings association implies that they have something in common, be it merely a shared usefulness or a union for some higher purpose. The Federalists were united in support of the document drafted in Philadelphia—they were Friends of the Constitution. We are naturally led to ask then, what made them friends? What was the basis for their friendship? Was it mere utility and self-interest that drew them together, or is there prevalent in their writings a shared, more noble vision that inspired their political association? What was it, in sum, that made them together see in America more than America?

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ACKNOWLEDGMENTS

HERBERT STORING was once described as a man of simple republican virtue. We can think of no description that could better fit him, nor one that would have pleased him more. As a scholar he was possessed of a powerful and penetrating mind; as a teacher, he was patient and demanding and always there to help; but, most of all, he was a man of principle. His entire professional life, as Joseph Cropsey has remarked, was preoccupied by his attempt to unfold the “genesis and meaning of the American regime.” Yet he left no major book. His teaching on those matters lies scattered in essays and articles that range from a study of the administrative theories of Herbert Simon to the political thought of Frederick Douglass; it is embedded also in all the doctoral dissertations he supervised during his twenty-one years at the University of Chicago; and, most important, it is impressed on that generation of students whose lives he touched and transformed.

When he began to think about collecting the documents of the American Founding he intended to include the “other” Federalist papers along with the Anti-Federalist writings. Unfortunately for us, he was not able to pursue the original scheme. When Professor Storing died suddenly on 7 September 1977 at the age of forty-nine, it seemed appropriate to some of us to make an effort to fulfill his original plan. This collection is a modest attempt to do so. We are indebted to Joseph Bessette, Murray Dry, David Nichols, Jeffrey Poelvoorde, and Ralph Rossum for their encouragement and support throughout this project.

We have been aided throughout by a good many people who gave freely of their time, their experience, and their expertise. William B. Allen, Steven R. Boyd, Charles F. Hobson, John P. Kaminski, Charles H. Schoenleber, and Robert A. Rutland provided us with sure and safe passage through the forest of early American historical documents. Their suggestions and their

ACKNOWLEDGMENTS

assistance have made this a far better collection than it would have been without their help. We owe a special thanks to John Kaminski for generously making available to us the collections of the Documentary History of the Ratification of the Constitution Project.

The staffs of the libraries of the Pennsylvania Historical Society, the Maryland Historical Society, the New York Historical Society, the Connecticut Historical Society, the State Historical Society of Wisconsin, the State Library of Virginia, Forbes Library, Colonial Williamsburg Foundation, Villanova University, Dickinson College, the Library of Congress, and the American Antiquarian Society were unfailingly helpful. Their generous assistance in locating materials and exploring the identification of many of the authors presented in this volume have made this a better collection than it would have been without them.

This project enlisted an army of assistants. William A. Smith, David R. Greco, Susan Walker, Donna Bartenfelder, Suzanne Fish, Ruth Homolasch, William McConnell, Laura Maziarz, David Razenback, John Roberto, Marta Rubin, Amy Unger, Victoria Kuhn, and Wendy Lehman lent helping hands at various stages of the undertaking. Jamie Gold, Assistant for Academic Programs of the Heritage Foundation, and Gregory Schaller, of the Graduate Program in Political Science at Temple University, made substantial contributions to this work and were indispensable to the project's completion. Mr. Gold's and Mr. Schaller's scholarly care and tireless dedication to the task at hand revealed an even deeper dedication to the purpose of the Founding. With characteristic aplomb and good humor, they made for us a pleasant experience out of what could have been a most onerous task.

This project was handsomely funded by the Office of Academic Affairs and the Graduate School of Arts and Sciences of Villanova University, the Faculty Committee on Research and Development of Dickinson College, the Institute of United States Studies of the University of London, and the Bradley Residents Scholars Program of the Heritage Foundation. For the financial support given us, and the moral support shown us by our spouses, John Doody and Brenda McDowell, and by our friends and colleagues at Dickinson, Institute of United States Studies, Villanova, and Heritage, we are deeply grateful.

EDITORS' NOTE

IN EVERY INSTANCE, the pieces contained herein are presented in their entirety. While every essay in a particular series may not be included, those that are true to the original publication are reproduced here. Brackets are used to signify editorial insertions, which include the addition of missing or illegible text, and where necessary for clarity, the addition of first or full names. Missing text that has not been replaced is indicated by empty brackets []. When necessary, obvious printer's errors and grammatical infelicities (such as a subject-verb disagreement) have been corrected without notation. Generally eighteenth-century spelling and punctuation have been preserved.

Reference notes by the authors have been kept in the main text and are signified by their original symbols; editorial notes are indicated by a number. Editorial notation has been kept to a minimum.

We have relied heavily on the original newspaper and pamphlet versions of the essays. We have also drawn materials from the series edited by Merrill Jensen, John Kaminski, and Gaspare Saladino, *Documentary History of the Ratification of the Constitution* (Madison: State Historical Society of Wisconsin, 1976), referred to herein as *DH* and then followed by volume number and page number; Jonathan Elliot's *Debates*; Paul Leicester Ford's *Pamphlets on the Constitution of the United States* and *Essays on the Constitution of the United States*; W. B. Allen's *George Washington: A Collection and Works of Fisher Ames: As Published by Seth Ames*; James Madison's *Notes of Debates in the Federal Convention of 1787*; and J. Franklin Jameson's *Dictionary of United States History, 1492–1899*.

In order to establish the context of the ratification debates, this volume includes citations to the Anti-Federalist writings contained in Herbert Storing's *The Complete Anti-Federalist* (Chicago: University of Chicago Press, 1981). For example, a reference to the criticism of the proposed judicial power by the Anti-Federalist "Brutus" will be indicated as follows: Storing, 2:9.

EDITORS' NOTE

The first number indicates in which of the seven volumes of *The Complete Anti-Federalist* the essays by "Brutus" appear (volume 2); the second number indicates the place of the essays within the particular volume (for example, the essays by "Brutus" are in the ninth selection in volume 2).

Because this work is designed for classroom use, wherever possible we have also made cross-references to the selection of Anti-Federalist writings designed for students' use by W. B. Allen and Gordon Lloyd, eds., entitled *The Essential Antifederalist* (University Press of America, 1985). Herein it will be cited as Allen, followed by the appropriate page numbers.

Whenever applicable, in both Herbert Storing's essay and the writings herein, the footnotes contain internal cross-references (*Friends* and page number) to provide further information or to refer the reader to the "other" Federalist Paper's place in this volume.

INTRODUCTION

Herbert J. Storing

“The ‘Other’ Federalist Papers: A Preliminary Sketch”

The wise CONSTITUTION let's truly revere,
It points out the course for our EMPIRE to steer,
For oceans of bliss do they hoist the broad sail,
And *peace* is the current, and *plenty* the gale.
Our Freedom we've won, and the prize let's maintain,
Our hearts are all right—
Unite, Boys, Unite,
And our EMPIRE in glory shall ever remain.

—The Grand Constitution: Or,
The Palladium of Columbia. A New Federal Song
(*New Hampshire Recorder*, 23 October 1787)

To an even greater extent than the Anti-Federalists, the “other” Federalist writings stand in the shadow cast by the towering *Federalist* papers. The neglect they have suffered is not altogether undeserved. Taken as a whole, they tend to be rather shallow and routine. That can of course be said of most wide samples of political writing, but it is striking how much of the Federalist effort was directed to mere explication of the Constitution or to criticizing the opposition. Neither of these will concern us much here; but

This essay first appeared in the *Political Science Reviewer* 6 (fall 1976): 215–47, and is reprinted by permission.

Where appropriate, page references will be given to reprints in Paul Leicester Ford, *Pamphlets on the Constitution of the United States* (Brooklyn, 1888); Paul Leicester Ford, *Essays on the Constitution of the United States* (Brooklyn, 1892); or John Back McMaster and Frederick Stone, *Pennsylvania and the Federal Constitution* (Philadelphia, 1888). These will be cited *FP*, *FE*, and *M/S*, respectively.

it is worth reporting that nearly half of the one hundred or so essays and pamphlets that form the basis of the present review are mainly criticisms of specific Anti-Federalist writings. It is hardly too much to say that among the “front line” debaters, the Anti-Federalists criticized the Constitution and the Federalists criticized the Anti-Federalists.

There is nothing in the Federalist writings comparable to the range and depth of *The Federalist*; nor are there the intriguing glimpses of an alternative American polity that emerge from the writings of the Anti-Federalists.¹ Yet these “other” Federalist writings carried the main burden of the public defense of the proposed Constitution in 1787 and 1788; many of them are quite substantial; several of them were vastly more influential than *The Federalist*. Considering the writings of such men as Wilson, Dickinson, Coxe, Sherman, Ellsworth, Noah and Peletiah Webster, Hanson, Jay, Iredell, and the many still-anonymous Federalist writers enables us to fill in our picture of the debate over the Constitution, to see more fully the diversity of Federalist views, and to identify some major themes or issues. What follows is based on a wide though not exhaustive survey of Federalist essays, pamphlets, and published speeches appearing in 1787 and 1788, with the main emphasis on the more penetrating writers and the more fundamental issues. It is meant to be suggestive rather than definitive.

It may be helpful to begin with a sketch of a typical Federalist essay, assuming that it was not merely attacking one of the Anti-Federalists. Our author would be likely to begin with an account of the precarious state of the American Union, emphasizing the economic stagnation, loss of credit, and dangers to commerce and safety caused by American weakness. Looking inward, he would probably refer to Shays’ Rebellion and warn of the likelihood of increased domestic turmoil unless the governing capacity of the Union is strengthened. He would show the defects of the government under the Articles of Confederation, a government incapable of enforcing its resolves. He would describe in fulsome terms the Constitutional Convention under the leadership of the venerable Franklin and the virtuous Washington.

1. See Herbert J. Storing, *What the Anti-Federalists Were For* (Chicago: University of Chicago Press, 1981). This is also the introduction to Herbert J. Storing, ed., *The Complete Anti-Federalist*, 7 vols. (Chicago: University of Chicago Press, 1981).