The

Anti-Thederalist

Writings of the

Melancton Smith

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EDITED AND WITH AN
INTRODUCTION BY
Michael P. Zuckert and Derek A. Webb



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## Introduction

Who is Melancton Smith and whatever is the "Melancton Smith circle"? Why collect the various writings assembled in this volume? Even though Melancton Smith is no longer a household name (if he ever was), the first question is relatively easy to answer. Smith is best known as the leading spokesman for the Anti-Federalists at the New York ratifying convention in the summer of 1788. He is also known as the man who led one faction of the Anti-Federalists to accept ratification without prior conditions at the end of that convention, making New York the eleventh state to ratify the new Constitution. James M. Banner called Smith's change of position to make ratification possible in New York "arguably the nation's most weighty vote in favor of ratification of the Constitution of 1787."

Smith was born in 1744 on Long Island. He moved to Poughkeepsie at a young age and became caught up in the Revolution. Among other duties he served as one of three New York commissioners charged with dealing with Loyalists and other subversives during the Revolution. His commitment to republicanism was still visible later when he objected to the new Constitution as insufficiently republican. He not only helped the Republic by dealing with the Loyalists but also ended up helping himself: he had become wealthy from confiscated Loyalist estates by the end of the war. After the war he was one of those American jacks-of-all-trades who figure so prominently in the history of the early Republic. Land speculator, merchant, sheriff, lawyer, political activist—he plied all of these trades, and perhaps others, during the war and postwar years.

As part of the faction surrounding Governor Clinton in New York politics, he was elected under the Articles of Confederation to the Congress for the period 1785–87. His service in the Congress broadened his horizons and gave him something of a continental perspective, but it appears also to have reinforced his conviction that a "consolidated" (that is, a unitary) government for the whole of the United States would be quite unthinkable.

As one of the founders of the Anti-Federalist committee in New York,

he was a leader of Anti-Federalist organizing efforts in New York State against the Constitution. He stood for election to the ratifying convention both in New York City, where he was resident at the time, and in upstate Dutchess County, where he had once lived and still owned property. He lost in Federalist New York City but won a seat in the upstate race.

His performance at the convention was quite remarkable, as the records of his speeches reprinted here will make evident. It was a battle of giants, as Smith on the Anti-Federalist side faced the great partisan champion of the Federalists, Alexander Hamilton. The exchanges between them rank among the finest examples of political debate in American history. They deserve to be far better known than they are.

When New Hampshire and Virginia ratified the Constitution in the summer of 1788, any serious possibility of New York rejecting it evaporated. With ten states accepting the Constitution, the new government was empowered to begin operation. Although Smith retained strong misgivings till the end (see p. 357, "Essays of a Federal Republican"), he also recognized that New York outside the Union would be untenable. Setting aside his desire for ratification conditional on amendments or a new convention, Smith worked hard to secure votes for the Constitution from his fellow Anti-Federalists.

In retrospect, Smith's action at the convention seems an act of great statesmanship. It proved also to be an act of self-sacrifice, to a degree, at least. The Clinton faction remained unreconciled to the Constitution, and Smith's political career suffered for his trouble. He never again achieved the level of political eminence of his ratifying-convention summer; he never held office, for example, in the new government of the Union. In the 1790s his political loyalties, not surprisingly, moved in the direction of the Jeffersonians and against his old nemesis at the convention, Alexander Hamilton. In the early years under the new Constitution, he became very actively involved in the antislavery movement as vice president of the New York Manumission Society. This political commitment has a significant bearing on the authorship issues we canvass herein. Smith died in 1798, still a relatively young man, a victim of the yellow fever epidemic of that year.

A nice career, a moderately distinguished life of achievement, yet not a career that could be expected to make him a household name. We claim that Smith is more worthy of note than his career as recounted would suggest. Smith left behind him one, perhaps even two, of the greatest political writings of the founding or of any era. The debate over the Constitution

was hard-fought in many of the states—nowhere more so than in New York. The importance of securing ratification in that state and the strength of the opposition to the document there led to the production of what is by general consensus the finest political writing of the period: The Federalist, by Hamilton, James Madison, and John Jay. The Federalist Papers were conceived, written, and printed originally in New York and were particularly addressed to a New York audience.

The two best writings of the ratification debate on the Anti-Federalist side also appeared in New York. We refer to Letters from the Federal Farmer, which appeared in two batches of essays between October 1787 and January 1788, and Brutus, another series of essays, which appeared between October 1787 and April 1788. There is now, as there was then, general agreement that these were political writings of a very high caliber, but strangely nobody ever came forward to claim credit for having written them. Published anonymously, they have remained anonymous. There have, of course, been conjectures and attributions of authorship. Until recently most scholars thought that Richard Henry Lee of Virginia had written Federal Farmer and Robert Yates of New York, Brutus. As we will argue below, these attributions are no longer unquestioningly accepted; in fact, the weight of the evidence points strongly against them.

Instead of Lee and Yates, authorship of both sets of essays is increasingly being attributed to Smith. Serious scholars, whose work we endorse, have proposed Smith as the author of the Federal Farmer; others, equally serious and equally worthy of endorsement, have argued that Smith was Brutus. The problem is that the same man does not appear to be the author of both sets of essays. We thus write of a "Smith circle" of like-minded individuals.

#### - THE HISTORICAL AND LITERARY CASES-

A complete review of the evidence we and other scholars have compiled that links Smith to the two series in question and speaks against the heretofore most widely accepted attributions would far outstrip the space available to us here. We can only summarize that evidence as presented by others and assembled by us. In notes to the texts themselves we have attempted to supply further indications of the links among our three main texts—Brutus, Federal Farmer, and Smith's convention speeches and letters—by calling attention to some of the many suggestively similar passages, turns of phrase, and substantive ideas that appear in the different texts.

### Melancton Smith as the Author of Letters from the Federal Farmer

Case Against Lee as Federal Farmer

In 1974 and 1981 Gordon Wood and Herbert Storing raised doubts about the conventional attribution of *Letters from the Federal Farmer* to Richard Henry Lee. From the last quarter of the nineteenth century until then, every historian who had dealt with the ratification debates, with one exception, had ascribed *Federal Farmer* to Lee. The one exception had been William W. Crosskey, who stated in a note in the second volume of his *Politics and the Constitution* that "the letters from a *Federal Farmer*; usually attributed to Lee, were not written by him. (See discussion of this point in a later volume.)" Unfortunately, Crosskey's death in 1968 prevented him from writing a third volume. That expression of doubt, however, was enough to stimulate Wood and Storing to reexamine the grounds for the attribution and to conclude with Crosskey that most of the evidence from Lee's life and writings points against Lee's authorship.

Lee, Wood noted, had never written an extended piece, confining himself exclusively to private correspondence, occasional newspaper essays, and reports and addresses of various committees of the Continental Congress.<sup>4</sup> The two sets of letters written by *Federal Farmer*; in contrast, totaled 181 pages and were produced in the relatively short time span of four months, beginning in early October 1787 and concluding in late January 1788. Such a prodigious output seems unlikely to have been the work of someone who tended to write less frequently.

Lee chose to express his dissatisfaction with the proposed Constitution in letters written to various figures such as George Mason, William Shippen Jr., Samuel Adams, and Governor Edmund Randolph of Virginia. One of these letters, written to Randolph on October 16, 1787, was published at Lee's request in various newspapers throughout Pennsylvania, New York,

- 1. Gordon Wood, "The Authorship of the Letters from the Federal Farmer," William and Mary Quarterly 31 (April 1974): 299–308; Herbert Storing, ed., The Complete Anti-Federalist, 7 vols. (Chicago: University of Chicago Press, 1981), II, 214–16.
  - 2. Wood, 299.
- 3. William W. Crosskey, *Politics and the Constitution in the History of the United States*, 3 vols. (Chicago: University of Chicago Press, 1953), II, 1300.
  - 4. Wood, 300.

and Connecticut.<sup>5</sup> More than any other document or speech he wrote or delivered, Lee's public letter to Randolph defined his objections to the Constitution for his contemporaries.

Wood and Storing observed that this letter contrasts in various important ways with Letters from the Federal Farmer. To begin with, the tone of the two varies considerably. While Lee's letter was quite emotionally charged, punctuated with phrases such as "highly and dangerously oligarchic" and "the silent, powerful, and ever-active conspiracy of those who govern," Federal Farmer's letters were marked by "moderation, reasonableness, and tentativeness." Furthermore, Lee's letter differs from the views expressed by Federal Farmer on several specific points. Storing observed that "the primary concern of The Federal Farmer is the question of consolidation and the destruction of the states, about which Lee's letter says nothing"; he regarded this difference as "most telling against the case for Lee's authorship." Moreover, Lee suggested changes to the proposed constitution that Federal Farmer did not, such as the abolition of the vice presidency and protections against congressional regulation of southern commerce.8 Federal Farmer, in contrast, rarely displayed any special concern for the South, on one occasion even denigrated southern planters as a "dissipated aristocracy," and drew nearly all of his local references from the northern states. Lee advocated a "privy council" of eleven individuals to be selected by the president, while Federal Farmer suggests an "executive council" of seven or nine members who would be elected by the people and Congress to serve as a check on presidential appointments and decision making. 10 Finally, while Lee said nothing about an executive veto, Federal Farmer proposed a council of revision that would be similar to the arrangement provided under the New York constitution in which the chief magistrate and the judges would veto legislation.<sup>11</sup>

- 6. Wood, 301.
- 7. Storing, II, 215.
- 8. Wood, 302.
- 9. Federal Farmer III, October 10, 1787.
- 10. Wood, 302.
- 11. Ibid.

<sup>5.</sup> Pennsylvania Packet (Philadelphia), December 20, 1787; New York Journal, December 22 and 24, 1787; Pennsylvania Gazette (Philadelphia), January 16, 1788; Freeman's Journal (Philadelphia), January 2, 1788; Connecticut Courant (Hartford), January 21, 1788; American Museum, II (1787) 553–58.

Wood and Storing further pointed out that the evidence on which the Lee attribution rested was relatively slight and questionable in the light of contemporaneous evidence. The attribution appears to have had its origin in a December 24, 1787, article in the *Connecticut Courant*. That article, written by the pseudonymous author "New England," singled out Lee as the author of *Letters from the Federal Farmer*. This piece was widely reprinted in Massachusetts and, according to Wood and Storing, appears to have been the ultimate source of the attribution.<sup>12</sup> Wood noted, however, that given Lee's unpopularity throughout Connecticut (on the grounds of a dispute with a Connecticut merchant named Silas Deane and mistaken rumors that he had an unfriendly relationship with George Washington), it was good Federalist politics to connect him with the Anti-Federalist literature circulating in New England.<sup>13</sup>

Moreover, those who were in a position to know did not generally cite Lee as the author. Edward Carrington, a colleague of Lee's in New York when Lee would have been writing *Federal Farmer*; sent a copy of the pamphlets to Thomas Jefferson but said that "the author was not known." In February 1788, a writer in the *New York Journal* expressed admiration for *Federal Farmer* but declared "who he is I know not." Timothy Pickering and Noah Webster, two individuals who had written extensive reviews of *Federal Farmer*; gave no indication that they knew the author. Lee himself never acknowledged authorship, nor did his grandson and early biographer

- 12. The article was reprinted in at least seven newspapers. It was likely on the basis of this article that George Cabot of Massachusetts penciled in the words "Rd Henry Lee supposed" on his copy of the Letters from the Federal Farmer. This copy was obtained by the Boston Athenaeum, which then noted in its 1874 catalog that Lee was the author of Federal Farmer. In 1878 Joseph Sabin listed Lee as the author of both sets of letters by Federal Farmer in A Dictionary of Books Relating to America from Its Discovery to the Present Time and cited the Boston Athenaeum as his source. The historian Paul Leicester Ford (1865–1902) picked up this attribution in Sabin and included it in his 1888 Pamphlets on the Constitution of the United States. From there it was passed on to future historians.
  - 13. Wood, 304.
- 14. Edward Carrington to Thomas Jefferson, June 9, 1788, in W. C. Ford, ed., "Federal Constitution in Virginia," Massachusetts Historical Society Proceedings, 2nd series, 17 (1903), 501.
  - 15. New York Fournal, February 14, 1788.
- 16. American Magazine 1 (1788): 422; Pickering to Charles Tillinghast, December 6, 1787.

suggest that he had written the essays.<sup>17</sup> Given the otherwise public nature of Lee's opposition to the Constitution, Wood and Storing argued that it would have been odd for Lee to have written the letters and yet never take credit for them. It must be said, however, that this objection to the Lee attribution could apply to any number of other possible candidates for authorship of *Federal Farmer*; including Smith.

#### Case for Smith as Federal Farmer

In 1987 and 1989 Robert Webking and Joseph Kent McGaughy took the investigation one step further. Convinced by the arguments of Wood and Storing that Lee was unlikely to have written *Federal Farmer*; they sought a more likely candidate. Both concluded that the evidence points to Melancton Smith.

Webking drew this conclusion on the basis of a close comparison of *Letters from the Federal Farmer* and the speeches Smith delivered at the New York ratifying convention. He discovered "a remarkable degree of correspondence in general thrust as well as in particular points and concerns" and noted that the arguments each used against the Constitution were "so much alike in so many particulars, including fundamental issues and points raised by no other Anti-Federalists," that the possibility that the correspondence was a mere coincidence or a result of borrowing was slight.<sup>19</sup>

Webking noted four general areas in which *Federal Farmer* and Smith displayed such correspondence. First, and perhaps most important, both held a similar view of the theory and importance of representation. *Federal Farmer* counted as his one "important" objection to the proposed Constitution that "no substantial representation of the people is provided for in [the] government," and Smith devoted two of his four major speeches at the ratifying convention to the topic of representation.<sup>20</sup> Both embraced the view that representatives should mirror those they represent. *Federal* 

<sup>17.</sup> Richard H. Lee, *Memoir of the Life of Richard Henry Lee* (Philadelphia, 1825), I, 240.

<sup>18.</sup> Robert H. Webking, "Melancton Smith and the Letters from the Federal Farmer," William and Mary Quarterly 44 (July 1987): 510–28; Joseph Kent McGaughy, "The Authorship of The Letters from the Federal Farmer, Revisited," New York History, April 1989, 153–70.

<sup>19.</sup> Webking, 512.

<sup>20.</sup> Webking, 513, 515; Federal Farmer V, October 13, 1787; Smith speeches, June 20 and 21, 1788.

Farmer thought that a representative branch should "possess abilities to discern the situation of the people and of public affairs, a disposition to sympathize with the people." Smith similarly argued that representatives "should be a true picture of the people."21 Against this standard, both judged the House of Representatives to be woefully inadequate. The large congressional districts would have a ratio of representatives to citizens of one to thirty thousand, a number both found to be far too large. Such large districts would favor the "natural aristocrats," who would be better known and better organized than those from the middle classes. Both agreed this was problematic because the middle classes possessed virtues that made them naturally well suited to leadership in republican government. Federal Farmer described men from these classes as "nervous and firm in their opinions and habits"; Smith observed that such men were "more frugal, more restrained and temperate, and less ambitious than the aristocrats."22 Both were concerned that if natural aristocrats were not elected, popular demagogues "destitute of principle" would be the other likely alternative.<sup>23</sup> Finally, both quoted the same passage from Cesare Beccaria, who observed that in all political societies "there is an effort to confer on one part the height of power and happiness, and to reduce the others to the extreme of weakness."24

Second, Federal Farmer and Smith proposed similar remedies for the problems regarding representation. Both acknowledged the difficulties in obtaining a more adequate representation in such a large country; their ideal of representation simply could not be fully realized.<sup>25</sup> Furthermore, even calculating such an ideal was an imperfect science and would not admit of "mathematical certainty."<sup>26</sup> Still, both observed that some general guidelines could be laid down. Federal Farmer said that while fifteen representatives would clearly be too few, fifteen hundred would be both unwieldy and

<sup>21.</sup> Webking, 514, 515; Federal Farmer VII, December 31, 1787; Smith speech, June 21, 1788.

<sup>22.</sup> Webking 514, 516; Federal Farmer VII, December 31, 1787.

<sup>23.</sup> Webking 513, 516; Federal Farmer IX, January 4, 1788; Smith speech, June 21, 1788.

<sup>24.</sup> Webking 516-17; Federal Farmer VII, December 31, 1787; Smith speech, June 21, 1788.

<sup>25.</sup> Webking, 518; Federal Farmer IX, January 4, 1788; Smith speech, June 23, 1788.

<sup>26.</sup> Webking, 518; Federal Farmer VII, December 31, 1787; Smith speech, June 21, 1788.

improper.<sup>27</sup> Smith offered a similar range, arguing that "ten is too small, and a thousand too large a number."28 Indeed, both were willing to see the number of representatives doubled. Federal Farmer recommended that the number be doubled "at least" and that the ratio might be set at one to twelve thousand.<sup>29</sup> In an amendment he proposed at the convention, Smith concurred with the idea of doubling the representation and argued that the ratio should be one to twenty thousand.<sup>30</sup> Both were also sensitive to the possibility that the representative body might grow too large and unwieldy for public debate. Accordingly, they propose that an upper limit be set when this happened and that the number of representatives be reapportioned according to each state's population.<sup>31</sup> They agreed that doubling the number of representatives would increase costs by about \$20,000, but that amount could easily be compensated for by reducing the size of the state legislatures.<sup>32</sup> Finally, both insisted that members of the House of Representatives should be elected in districts by majority vote. Statewide elections governed by plurality voting, both argued, favored powerful and well-organized minorities at the expense of majorities.<sup>33</sup> Federal Farmer and Smith intended that these reform measures would start the government "on the right basis" with the right principles, helping to set the tone for how the government would operate for the next twenty-five to fifty years.<sup>34</sup>

Third, in addition to their concerns about representation, *Federal Farmer* and Smith agreed that the powers of the federal government should be limited in two decisive ways. First, the federal government should continue to raise money through requisitions from the state governments and be permitted to levy internal taxes only when the states failed to meet their quota. Second, the states ought to be able to check the federal government's use of state militias. *Federal Farmer* proposed requiring "the express consent of the state legislature" before the federal government could use a state

- 27. Webking, 518; Federal Farmer IX, January 4, 1788.
- 28. Webking, 518; Smith speech, June 21, 1788.
- 29. Webking, 518, 519; Federal Farmer IX, January 4, 1788.
- 30. Webking, 519; Smith, in Jonathan Elliot, ed., *The Debates in the Several State Conventions on the Adoption of the Federal Constitution* (Philadelphia: Lippincott, 1863), II, 229–30.
  - 31. Webking, 519; Federal Farmer X, January 7, 1788; Elliot, Debates, II, 229-30.
  - 32. Webking, 520; Federal Farmer IX, January 4, 1788; Elliot, Debates, II, 244.
  - 33. Webking, 520-21; Federal Farmer XII, January 12, 1788; Elliot, Debates, II, 246.
  - 34. Webking, 519-20; Federal Farmer X, January 7, 1788; Elliot, Debates, II, 244.

militia; Smith proposed an amendment preventing militias from remaining in service outside the state "for more than six weeks without the consent of the state legislature." Both men made similar arguments when Federalists objected to such checks on federal power. While they agreed with the Federalists that the means of government should be proportionate to its ends, they disagreed with the Federalists' contention that the federal government possesses unlimited ends and therefore deserves unlimited means.

Fourth, Webking observed that *Federal Farmer* and Smith agreed on a range of smaller issues, which, he argued, "precisely because these additional matters are minor," carried significant weight. Both writers argued that the Senate would provide stability, that senators should be subject to recall, and that the Constitution should require rotation in office.<sup>35</sup> Both argued that the president should serve for seven years and be ineligible for reelection. They also suggested a popularly elected executive council to advise the president regarding appointments.<sup>36</sup> Both worried about the constitutional provision that granted Congress sole authority over the national capital, forts, magazines, arsenals, and dockyards.<sup>37</sup> Finally, both argued that monopolies ought to have been constitutionally prohibited; that Congress not be able to permit officials to receive presents, offices, or titles from foreign nations; and that federal officers be required to take an oath to support the state governments as well as the Constitution.<sup>38</sup>

While Webking built his argument strictly on the ground of textual comparison, McGaughy lent further support to the Smith thesis by providing additional biographical information that links Smith with *Federal Farmer*. Smith's extensive political and legal career in New York, which included positions such as county sheriff, state congressman, county and state judge, and delegate to the Continental Congress, would have put him in a good position to display the familiarity with New York law and politics that *Federal Farmer* demonstrated.<sup>39</sup> After the Constitution was reported by the Philadelphia convention, Smith quickly sided against it. He opposed it in

<sup>35.</sup> Webking, 523; Federal Farmer XI, January 10, 1788; Elliot, Debates, II, 309, 310, 312.

<sup>36.</sup> Webking, 523; Federal Farmer XIII, January 14, 1788; Elliot, Debates, II, 408.

<sup>37.</sup> Webking, 523; Federal Farmer XVIII, January 25, 1788; Elliot, Debates, II, 410.

<sup>38.</sup> Webking, 523; Federal Farmer XVIII, January 25, 1788; Elliot, Debates, II, 407, 409–10.

<sup>39.</sup> McGaughy, 161-62.

Congress, and along with General John Lamb and Marinus Willett formed the Federal Republican Society, a group dedicated to producing and disseminating literature against the Constitution.<sup>40</sup> Smith's performance at the New York ratifying convention, in which he spent the first half debating with Hamilton and the second half seeking a compromise between the Federalists and Anti-Federalists, demonstrated both the intellectual vitality and the moderation present in *Letters from the Federal Farmer*.<sup>41</sup> Hamilton himself at one point noted that Smith's argument at the convention regarding the natural aristocracy "reminds me of a description of the aristocracy I have seen in a late publication styled the Federal Farmer."42 Finally, McGaughy pointed out that while Lee would have had no apparent reason to conceal his authorship of Federal Farmer, Smith did. After the Constitution was ratified. Smith returned to his work as a merchant and investor. One particular investment in a land deal set up by William Duer in 1791 and 1792 proved nearly disastrous for Smith. When the deal collapsed, Duer was sent to debtor's prison and Smith found himself \$20,000 in debt. Smith was assisted financially by James Watson and Seth Johnson, both staunch Federalists, who loaned him the money to cover his debts and gave him a position as a land agent with the H&S Johnson Company. 43 If Smith had claimed credit for Federal Farmer, these and other financial dealings with Federalists might have been damaged.

#### Melancton Smith as the Author of Essays of Brutus

Case Against Yates as Brutus

There is growing consensus among scholars that Robert Yates, whom Paul Leicester Ford named as the author of the *Essays of Brutus*, was unlikely to have been their true author. Morton Borden suggested that Ford's attribution may have been incorrect since "Yates's other Antifederalist essays, under his well-known pen name 'Sydney' seem to be inferior in quality and style to the 'Brutus' essays." Storing found Ford's attribution "somewhat questionable" given the fact that Ford himself had changed his mind on the

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40. Ibid., 162.
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<sup>41.</sup> Ibid., 162-63.

<sup>42.</sup> Ibid., 164.

<sup>43.</sup> Ibid., 166.

<sup>44.</sup> Morton Borden, *The Antifederalist Papers* (East Lansing: Michigan State University Press, 1965), 42.

matter and presented no evidence to support his attribution.<sup>45</sup> William Jeffrey cited Ford's lack of evidence as the primary reason for his doubts and went on to suggest that Melancton Smith may have been the real author.<sup>46</sup> Saul Cornell likewise disputed the Yates attribution but proposed Abraham Yates as the author.<sup>47</sup>

Five pieces of evidence from Yates's life cast further doubt on the Yates attribution. First, Yates lived his entire life in upstate New York (Albany), but the Essays of Brutus were published exclusively in a New York City newspaper. Indeed, Yates would have been resuming his work as an associate justice of the New York Supreme Court in Albany just as the first essays were being readied for publication in New York City. Furthermore, Yates could not have simply written and submitted the Essays of Brutus in large batches well in advance of their publication dates. Internal evidence within the Essays of Brutus indicates that the author of these essays frequently responded to points raised just weeks before by Hamilton and Madison in the Federalist Papers. To write regularly for a newspaper as far away from his residence as any in the entire state, to arrange for publication of his essays there just as he was resuming his work on the state supreme court in Albany, and to respond to points raised concurrently by Hamilton and Madison would have been at the very least highly difficult given the slowness with which mail and newspapers were transported at that time.<sup>48</sup>

Second, Yates appears to have lacked the specific kind of political moderation displayed by *Brutus*. Yates's actions from the time he was a delegate to the Constitutional Convention in Philadelphia in the summer of 1787 to the time he was a delegate to the New York ratifying convention in the summer of 1788 indicate an unremitting opposition to the Constitution that does not correspond well with *Brutus*'s more measured approach. Yates arrived in Philadelphia on May 25, 1787, for the convention and abruptly departed on July 10, 1787, convinced that his "forebodings"

<sup>45.</sup> Storing, II, 103.

<sup>46.</sup> William Jeffrey Jr., "The Letters of 'Brutus'—A Neglected Element in the Ratification Campaign of 1787–1788," *University of Cincinnati Law Review* 40 (1971): 644–46.

<sup>47.</sup> Saul Cornell, *The Other Founders: Anti-Federalism and the Dissenting Tradition in America*, 1788–1828 (Chapel Hill: University of North Carolina Press, 1999), 312, 315, n6.

<sup>48.</sup> Jacob E. Cooke, *The Federalist* (Middletown, Conn.: Wesleyan University Press, 1961), 14.