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BY

"ONE OF THE PEOPLE,"
[GEORGE McDUFFIE]

IN

REPLY TO THE

"TRIO."

CHARLESTON:

PRINTED BY A. E. MILLER, 4, BROAD-STREET.

1821.

ADVERTISEMENT.

IN preserving the subjoined Essays from the fugitive columns of a newspaper, and in placing them in a form more permanent and enduring, we conceive we are paying no more than a just homage to the sacred principles they inculcate, and to the genius which has given them an illustration so powerful and impressive.

It may be not altogether unnecessary to acquaint the reader with the causes, which led originally to the publication of the Letters of "ONE OF THE PEOPLE."

In July last, a series of Numbers, entitled the "Prospect before us, as seen through the Signs of the Times, by the TRIO," *made their appearance in a Milledgeville Gazette.*

The ostensible scope of these dissertations was, to shew that the present Administration is conducted on principles altogether subversive of the republicanism of 1801, *and in direct violation of a just and legitimate construction of the Constitution of the United States. To sustain these two propositions, it may be readily conceived that assertions the most sweeping, that assumptions the most gratuitous, were resorted to, without reference to the change which the events of fifteen years must make in the policy of a great and growing Empire, or to the fresh lights, which the experience of our Government is perpetually affording, for a just and infallible interpretation of its theory.*

The basis, however, of the argument in which the "TRIO" *indulge, is in contending* "*for a strict and literal construction of the Constitution,*" *and in affirming an absolute negation of every thing wearing the aspect of an* "*implied power.*" *This construction, as their ownreasoning proves, would limit the sphere. of our National Charter merely to those suicidal efforts, which in the end would have produced its dissolution, as a matter of inevitable consequence. To these views the* "TRIUMVIRATE" *added the tocsin of* "State Sovereignty;" *a note which has been sounded in* "*the Ancient Dominion,*" *with such an ill omned blast, but with no variety, by them, to relieve its dull and vexatious dissonance.*

It is against these doctrines, to support which the authority of the highest names has been brought forward, the most criminal examples cited, the most popular prejudices addressed, that "ONE OF THE PEOPLE" *has taken the field.*

The Essays, with this signature, appeared, in the first intance, in the Georgia Advertiser, *(a paper published at Augusta) in August last. They seem to have been commenced by the writer, more for*

the purpose of applying "*the actual cautery*" *to the writers of the* "TRIO," *for the malevolent tendency of their labors in endeavoring to cover with odium the present administration, (with the* exception of Mr. CRAWFORD) *than with any apparent anticipation of the extent to which his investigations would be carried. In proceeding, however, the horizon of his views enlarges, and he finds these fire-flies even by their feeble glimmerings have led him to the verge of an argument, as high and impressive as can come home to the breast of an American, in a concern merely temporal.*

It is only this portion of the Letters of "ONE OF THE PEOPLE," *that we have embodied in this publication, commencing with the fourth Number of the series as they were originally arranged in the Advertiser.*

The previous Numbers, however distinguished by all the qualities of controversial excellence, we have, we confess, without reluctance omitted, because, being rather personal in their character, they might in some degree break the unity of the masterly and unanswerable constitutional argument which is here unfolded; an argument to which there is merely wanting the adventitious interest which the occasion often supplies, and the authority of a name, to place it by the side of the Essays of the "FEDERALIST," *to which, as far as it goes, it is altogether on a level. The opinion of the Supreme Court, in the case of the* COHENS, *on a correlative branch of the subject, is more judicial and abstract, but possesses fewer of the attractions of a popular argument,* "*coming home to the business and bosoms of men.*"

In the omission of the three preliminary Numbers to which we have alluded, we shall rest our justification on another plea. The writers of the "TRIO" *had evidently in view the object of anointing Mr.* CRAWFORD *for the Presidency, amidst all their parade of patriotism, and this at the expense of the rest of the administration. To combat this pious crusade is the business of those Numbers of* "ONE OF THE PEOPLE," *which we have omitted, to the loss, we readily allow, of those who relish overwhelming ridicule and triumphant sarcasm. But as public opinion is not yet ripe for a discussion, which looks towards a tender of the alternative, whether Mr.* ADAMS *or Mr.* CRAWFORD *shall be our next President, we have deemed it expedient to suppress what* "ONE OF THE PEOPLE," *(within the limits of a just retaliation) has to say on the claims of Mr.* CRAWFORD, *more particularly as there is no reason to believe, that* "*all the kind things*" *said of him by this* "*triumvirate*" *are either with his privity or connivance. Besides any extraordinary anxiety to republish what might be deemed unfavorable to the views of Mr.* CRAWFORD'S *friends, would wear somewhat the aspect of their having been a propitious announcement of public opinion in South-Carolina, in reference to the pretensions of Mr.* ADAMS; *of which there can be nothing more untrue. When summoned to the electoral college it is true she may have to turn her eyes from each of the three distinguished statesmen she has sent to honor her in the*

national counsels, and yield rather from policy than inclination, to the dictate of a stern and over-ruling necessity; but still her selection will be guided by principle and animated by patriotism, whether the person of her choice be Mr. Adams, the individual whom public rumor has designated as his antagonist, or some yet more highly gifted personage.

But to return to the subject immediately before us. The argument of "One of the People" is now presented in an unbroken succession, familiar to the most ordinary, and gratifying to the most comprehensive understanding. The truths that are unfolded are in their nature essentially imperishable. Whatever may be the fate of our National Charter, whether our descendants are long destined to admire and worship that solidity which may give duration to its existence, and those proportions that now confer grandeur on its design, or in a far different mood to mourn over the ruins of so fair a fabric, equivalent testimony will be afforded of the sacredness of the principles that are here inculcated, of their faithful conservation in the first case, or of the disastrous and desolating violation and neglect they will have sustained in the last.

It will scarcely be necessary to inform the reader that the author of the Letters of "One of the People" is in no degree responsible for the opinions expressed in this Preface. To this community he is anonymous and unknown.

Before we conclude it would be unjust not to confess, that in spite of the criminal sophisms which the "Trio" have scattered with no unsparing hand throughout their dissertations, they have claims to our gratitude, in being the efficient cause in the occasion which produced these Essays. There is a species of compensation to the world for the most reckless career of folly and of vice, in the high and impressive energy with which genius and worth rebuke their extravagance and licentiousness. To the profligacy of Shaftesbury we owe the exquisite poem of 'Absolom & Achitophel,' and but for the flies which wantoned in the evening tide of Pope's declining life, we should have lost the amber of the 'Dunciad,' in which they are embalmed.

Charleston, (S. C.) Oct. 1st, 1821.

S. C.
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TO THE

"TRIO."

It is abundantly apparent from the whole tenor and spirit of your speculations, that you aim to impair the confidence which the Nation so unanimously and justly reposes in Mr. Monroe's administration, by exciting an alarm for the safety of state rights. I trust the importance of the subject will excuse me to my Fellow-Citizens, for addressing you in a graver style than the tone and character of your essays would otherwise deserve. In the face of the uniform tenor of our experience under the present Constitution of the United States, you affect to entertain all those idle and chimerical apprehensions for the state sovereignties, which once animated the zeal of wiser and better men.

Now, if you will attentively follow me through the investigation which I propose to make into the theory of our complex system of government, I think I can make it clear, even to your understanding, that your fears are perfectly visionary, having no shadow of foundation, either in the organization of the general government, or the experience of its operation. I have already adverted incidentally, to the fact that the general and state governments are organized upon precisely the same principles. The general government is as truly the government of the whole people, as a state government is of part of the people. Its Constitution, in the language of its preamble, was ordained and established by "*the People of the United States.*" The "most numerous branch" of the National Legislature, the House of Representatives, is elected in the same way, and by precisely the same persons, that elect the corresponding branches of the State Legislature. At the end of every two years these National Representatives depend upon the people for their re-election. The other branch of the National Legislature, the Senate, is chosen by the State Legislatures, because "the people of the United States" delegated that power to them, and not by virtue of any inherent right which they possess as states. For the moment the people met in convention, all the elements of political power returned to them to receive a new

modification and distribution, by their sovereign will. At the end of six years the Senators cease to be such, and depend for their re-appointment upon the power that created them. The President of the United States is elected for the term of four years by a College of Electors to be appointed "in such manner" as the State Legislatures shall respectively direct. It appears, then, that the "*people*," "in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to themselves and their posterity," created the whole mass of political powers that constitute the general government, reserving to *themselves*, by the elective franchise, *the immediate control* over the whole mass of delegated powers. What security, then, did the Convention, or in other words, "the People of the United States," provide, to restrain their functionaries from usurping powers not delegated, and from abusing those with which they are really invested? Was it by the discordant clamors and lawless resistance of the state *rulers*, that they intended to "insure domestic tranquillity, and form a more perfect union?" Was it by the officious interference of their *inferior agents*, appointed for no other purposes than those indicated by the state constitutions, that they intended to "insure a salutary control over their *superior agents?*" No; the constitution will tell you what is the real security they have provided. It is the responsibility of the officers of the general government, not to the state authorities, but to themselves, THE PEOPLE. This, and this alone, is the great conservative principle which lies at the foundation of all our political institutions, and sustains the great and glorious fabric of our liberty. This great truth ought to be kept in constant and lively remembrance by every American. It is the very life and soul of republican freedom, and no statesman is worthy to minister at her sacred altar, who does not distinctly perceive, and deeply feel it. The state governments, too, are the absolute creatures of the people, and have no political powers not delegated to them by their respective constitutions, and consistent with the constitution of the United States. The states, as political bodies, have no original, inherent rights. That they have such rights is a false, dangerous, and anti-republican assumption, which lurks at the bottom of all the reasonings in favor of state rights.—The tie of responsibility is as necessary to bind the state rulers to their appropriate sphere of duty, as it is to bind, in like manner, the officers of the general government. What, then, is the true question so much agitated, under the imposing names of "state rights," and "consolidated empire;" and who are the real parties to the issue involved in it? I answer emphatically, the true question is, whether the general government shall be controlled by the *people* of the states, or the *rulers* of the states; and the parties litigant are the *people of all the states*, and the *rulers of particular states*. Upon the issue thus presented, one would imagine there could be little diversity of opinion amongst intelligent and consider-

ate men, as to the verdict that ought to be pronounced. What are the arguments necessarily implied in the assumption, (I hope never to see the day when I shall have to say usurpation) of the state authorities? They say in effect to the people, (the very people, too, by a portion of whom they are created) "you have not sufficient virtue, intelligence, and vigilance, to control and restrain your agents of the general government. They are making most alarming strides in the usurpation, not to be sure of your rights, but of ours; and yet you are so blind as not to perceive, or so torpid as not to regard it. For these weighty reasons, us thereunto moving, we the rulers of certain states, by virtue of certain original, inherent powers in us existing, do adjudge and determine that you the people, by reason of a certain 'apathy and torpor,' that 'rages' with 'violence' in defiance of all *our* 'usual remedies,'* are *incapable of self-government;* and we do, therefore, out of mere pity for your weakness and incompetency, and from the consciousness of our own infallibility, *resume* to ourselves the supervision and control of the general government, which we find you unworthy to exercise." To this modest address, from their "high mightinesses," the state authorities, I beg leave, as "*one of the people*," to make the following reply, in the name and in behalf of all my fellow-citizens: "We beg leave to inform your 'mightinesses,' that we still think ourselves capable of attending to our own business, and would respectfully suggest that you might find sufficient employment in attending to the affairs we have committed to your charge, without interfering with those matters which we have confided to other agents. In *ourselves* exists the exclusive right of supervising and controlling the conduct of all our agents, and for the better ordering of your future deportment, be it known to you, that we shall watch over your actions, with precisely the same vigilance that we do the actions of our agents of the general government. As the business committed to these latter agents is of greater importance, and of a wider range than that committed to you, we of course select the most intelligent and virtuous men to perform it. Your attempt to control them, is therefore peculiarly unbecoming and arrogant. When the officers of the general government do any act which we think unauthorized by our letter of instructions, or wrong in itself, we shall discard them from our service, in the same manner that, for similar reasons, we shall certainly discard you. But as long as we continue them in office, and approve of their conduct, their acts are ours, and any attempt on your part to resist them, is an attempt to resist the power that created you." In this brief reply I think every American, who regards the integrity and harmony of the Union as necessary to the enjoyment of practical freedom, will readily and heartily concur. But the assumption of the state authorities will appear still more glaring and unwarrantable, when we reflect, that whatever is assumed as a "state right," pertains equally to every state in the

* The language of the "*Trio*."

Union, separately and individually. For example, a question arises between the general government and the government of a particular state, as to the extent of their respective powers. Take a case that has already occurred. The National Legislature charter a bank to answer certain great national purposes. The National Judiciary decide that the act creating the corporation is constitutional and valid. The state authorities decide that the act of incorporation is unconstitutional and void, and attempt, by a Legislative Act, to destroy the bank. Here you see the government of a single state rising up against the government of all the states, and attempting to resist that government. Now let me ask you which of the parties to this contest is the more worthy of the confidence of the people of the United States, the general government, which is created by them *all*, and responsible to them *all*, or the state government, created by and responsible to not more than one *twentieth* or *thirtieth* part of their number? If we can more safely trust the rulers of our choice, than those who are not the rulers of our choice, the question is answered. For to the citizens of all the other states, except the one which I have supposed to be engaged in the contest, the government of the contesting state is perfectly alien; as much so as the British Parliament. There cannot be a greater political absurdity than to suppose our liberties are in greater danger from those functionaries whom we elect and control, than from those whom we do not elect and control. I have already stated that the erroneous proposition, that the states, as such, have certain original, inherent rights, lies in ambush at the bottom of all the reasonings in favor of state rights; and I will now add another proposition, equally erroneous, which seems to be involved in the arguments of those who are perpetually warning us to beware of the general government, and fly to the state governments for refuge. Their reasonings assume that the general government is alien to the people, who originally created it, and whose living energies continually sustain it. Now, the functionaries of the general government, with all their grandeur and splendid projects, at which you pretend to be so much alarmed, can, in a moment as it were, be hurled from their stations, in a peaceable, constitutional mode, and by the very people whose liberties you suppose are unsafe in their custody. Are you aware that you are preaching up the same doctrines that the "Holy Alliance" of Europe are attempting to seal with blood? To assert that the general government will prostrate the liberties of the people, is to assert that our republican experiment will fail, and that our constitution is founded upon false principles. In other words, that the people are not capable of governing themselves. For my own part, I can conscientiously say, (and I stand upon constitutional ground when I say so,) that I have, as a citizen of the Union, precisely as much confidence in the general government, as I have in the government of my own state, and infinitely more than I can or ought to have in the government of the other states. I think too highly of the people of the United States, to suppose that they will

tolerate any encroachments of the national government, that shall endanger their liberty. As to those imaginary rights, that are by some supposed to exist in the states, in contradistinction to the people of the states, I neither understand nor regard them. They are mere sounds, used by misguided or designing men, for the advancement of their popularity in particular sections of the Union. While the rights and liberties of the *people* are safe, (and they must be while they are true to themselves) all the ends of government are accomplished. Thus have I endeavored to convince you, from the organization of the general government, and its responsibility to the people, it is as safe a depository of the rights of all the people, as the state governments are of the rights of part of them. But as strong prejudices and apprehensions do exist in some of the states on this subject, I will endeavor to trace these prejudices to their origin. I think they are to be ascribed to two causes; large *states*, and *men* whose ambition exceeds their talents. All history proves that in a mere confederacy of states, the largest and most powerful member will ultimately attain such an ascendancy as to govern the whole. It is equally clear, that in proportion as the confederacy approaches to the form of one common national government, the ascendancy of the larger members will be diminished. At the time our present constitution was adopted, Virginia was, in all that constitutes political power, decidedly the largest state in the Union. Accordingly, in that state, the most violent and persevering opposition was made to the present constitution of the general government, and since we have become a united people, the politicians of Virginia have been most loudly clamorous about state rights, and have given the tone to particular factions in other states, on the subject. The other cause which I have assigned for the prevalence of the false doctrines I am considering, is in some measure connected with the cause just mentioned. Ambitious men of inferior talents, finding they have no hope to be distinguished in the councils of the national government, naturally wish to increase the power and consequence of the state governments, the theatres in which they expect to acquire distinction. It is not, therefore, a regard for the rights of the people, and a real apprehension that those rights are in danger, that have caused so much to be said on the subject of prostrate state sovereignties and consolidated empire. It is the ambition of that class of politicians, who expect to figure only in the state councils, and of those states who are too proud to acknowledge any superior. An ambition and a pride of the most alarming and dangerous tendency, which if not discountenanced by moderate and reflecting men, may at some future day dissolve our happy union, and sweep away, in a tide of civil blood, all that constitutes the happiness of individuals or the glory of a nation.

I will now proceed to shew, in a few words, that from an experience of the actual operation of the general government, we have as little cause to apprehend danger as from the principles of its organization. Have we not as a nation enjoyed all the happiness

which it is in the power of government to confer? Where is the man that has felt the oppressive arm of th e genera l government? In the whole history of its progress you cannot point to one solitary act of oppression. It has wrested from no man his property; it has deprived no man of his liberty. But we have seen its salutary and protective energies directed against a foreign foe. We have seen the pride of that haughty foe humbled by the victorious arms of the republic. We have seen our wrongs avenged; our rights vindicated, and our national character exalted; all by the general government. And seeing all this, we have rejoiced that it is the government of our choice. On the other hand, we have been involved in great embarrassments, by the refractory and unconstitutional proceedings of some of the states. In the very war which raised the character of the general government so much in the confidence and affections of the people, the refusal of the Governor of one of the Eastern States to obey the call of the President, threatened to throw the country into the most alarming condition, and to paralyze the very arm to which we all looked for protection. Rest assured, then, the general government is not an object of dread. Our ancestors did not create it to be an object of terror to the people, but "to secure the blessings of liberty to themselves and their posterity." They reared it as a durable monument, which should carry their names, in glory, to future ages. They will not be deceived. As long as there shall be a heart to feel for freedom, and a head capable of understanding its principles, those who organized the general government will be hallowed as the wisest of statesmen and the best of patriots. And I am well assured that the government they created, will not be the less evincive of the wisdom of its framers, because it departs from the principle of a mere confederacy. I shall show, that its admirable balance can be jeopardized only by the eccentric and centrifugal tendencies of the states.

But I will first offer some additional views, tending to shew that the fears you profess to entertain, that the general government will prostrate the state sovereignties, are wholly unfounded either in the nature of things, or the history of nations.—That there is, in reality, no such danger, will be apparent to any man at all familiar with the history of human ambition, who will attentively consider the nature of the powers which, under our federative system, fall to the share of the state governments.—For it can be conclusively shewn, that these constitute precisely the class of political powers that has the least attractions for ambition, and which, even the most despotic governments, possessing extensive territories, have voluntary thrown off, as inglorious incumbrances, and committed to local or provincial authorities. The powers of the state governments are limited to those measures of local regulation, which, taken together, constitute the internal police of the respective states. They establish the rules of property; fix and define the rights of persons; and provide for the security of both by appropriate civil remedies, and criminal sanc-

tions administered and enforced by their judicial tribunals. The subjects embraced within the scope of these regulations, though highly important in the estimate of national happiness, have nothing of that imposing and attractive splendor which can dazzle the minds of ambitious rulers. Cast your eyes into history, that bloody record of the sufferings of the people, and the sins of their rulers. Survey with attention those mighty wastes, through which Ambition has held his loftier career, and in which he has reared his proudest and bloodiest trophies. And when you have done so, consult the record to ascertain the objects that stimulated, and the means that facilitated, those mighty and desolating achievements. Was that ambitious Conqueror, who waves his iron sceptre over the trembling and subject nations that have yielded to the terror of his arms, stimulated in his bloody march by a desire to regulate the domestic police of the conquered nations? Was it the power of fixing and defining the individual and private rights of his subjects, that furnished the means of his aggrandizement? No. He was stimulated by higher, though less worthy aims, and sustained by mightier means. These I shall presently consider. The states are constitutionally restrained from "entering into any treaty, alliance, or confederation; granting letters of marque and reprisal;" and also from "laying any duty of tonnage; keeping troops or ships of war in time of peace; entering into any agreement or compact with another state, or with a foreign power, or engaging in war unless actually invaded, or in such imminent danger as will not admit of delay; without the consent of Congress." The powers of the state governments, then, are not only limited in their operation, but essentially pacific in their nature. From all "the pride pomp and circumstance of glorious war;" from all that class of political actions, in short, which furnish the most interesting themes of history, and attract in their recital, the almost exclusive attention of the mass of mankind, the states are absolutely and wisely excluded. When, therefore, we consider the nature of ambition; when we reflect that it is desirous of performing those actions, only, which history records with her brightest and most enduring colors, and nations behold with the highest admiration, the folly of the apprehension that the general government will subvert the governments of the states, is most strikingly apparent.

But still more strikingly apparent will be the folly of such an apprehension, when we come to compare the powers, which have been clearly and unequivocally delegated to the general government, with those which it can acquire by encroachments on the state authorities. By the express letter of the National Charter, Congress has power "to lay and collect taxes, duties, imposts, and excises;" to "declare war," to "raise and support armies," and to "provide and maintain a navy." These powers are granted in the most general and unlimited terms. Upon the discretion of Congress in "laying and collecting taxes," and in "raising and supporting armies," there are no restrictions but those imposed by nature. Congress may push these powers to the utmost verge in-

dicated by the physical capacity of the country. They may, upon the slightest occasion, and for the most unwise, improvident, and wicked ends, draw from the people (of the "states" too!) the uttermost farthing that can be spared from their suffering families, to fill the national coffers; and call out the last man that can be spared from raising the necessaries of life, to fill the national armies and fight the battles of ambitious rulers. And all this, however inexpedient, unjust and tyrannical, they can do, without transcending the limits of their constitutional authority. The general government is thus invested, (safely and constitutionally invested) with an unlimited command over the purse and the sword of the nation, those mighty and resistless instruments of lawless ambition and encroaching power; and yet the very rulers, in whose hands these tremendous engines are harmless to the people, and terrible only to their enemies, are held up and denounced by your warning voices, as the depredators upon the more peaceful, inefficient, and unattractive powers of the state governments. We are called upon to believe that our federal rulers will use with moderation the very powers by which ambitious men have, in all ages, built up the monuments of their own aggrandizement upon the ruins of the constitution, and amidst the execrations of the people; and yet that these rulers will consummate their ambitious purposes, and subvert our liberties by the paltry and petit larceny process of pilfering little fragments from the temples of state sovereignty!!!— If one of you were to trust a madman with a broad-sword, and yet be alarmed lest he should arm himself with a weapon to attack you, by invading your wife's pincushion, your fears would not be more ridiculous, nor your inconsistency more palpable. Be assured it is not in the course of ambition to descend, for "in its proper motion" it "ascends." The supreme judiciary of a state would hardly be inclined to usurp jurisdiction over the class of cases that fall within the exclusive and humble jurisdiction of a common magistrate. Abstractedly considered, power has no allurements.— It is only desirable from its imposing associations.

I will now proceed to confirm the foregoing course of reasoning, by illustrations drawn from our own experience as a nation, and from the history of other nations.

From obvious considerations of policy, the framers of the federal constitution vested in the National Congress unlimited and exclusive powers of legislation over whatever district of country should become the seat of the National Government. If Congress had that voracious appetite for local regulation which you seem to imagine, they have here an opportunity to indulge it; for, as to the District of Columbia, they have precisely those powers in their fullest extent, which they are charged with wishing to usurp from the state governments. Yet, notwithstanding the small extent of the territory, which renders incomparably more convenient and practicable for Congress to supervise its concerns than it would be to supervise those of the states; and although they have peculiar inducements, from its being the seat of legislation, to give it a wise

and wholesome police; yet the fact is notorious that its affairs have been so much neglected, that it is almost derelict and without government. And as a proof of the indifference, and even aversion of Congress to exercise the minor powers of which I have been speaking, a proposition has been seriously entertained by that body to abdicate government there, and return to the people of the District their original power of organizing a government for themselves.

Upon the same principle, the several state governments are in the constant practice of delegating, by acts of legislation, analagous portions of their power, to city and county corporations. And it cannot fail to strike every dispassionate inquirer, that the reasons why it is inconvenient and burdensome for the state legislatures to superintend the affairs of a city, are exactly the same with those that would render it desirable for the general government to rid themselves of the powers of the state governments, even if already invested with them.

An illustration of the same truth may be drawn from the history of Great-Britain, while these states were her dependent colonies. The British government stood to the colonies in the relation of a despotic power, inasmuch as the colonies had no representative in any of its departments; yet the Monarch of that country, so far from desiring that the government there should regulate the internal affairs of the colonies, granted charters, by which the colonists were, in many instances, permitted to elect their own legislatures, for the regulation of such affairs. And when the British Ministry, by their unwise and oppressive measures, alienated the affections of the colonists and dismembered their empire, it was not by attempting to usurp those powers of domestic regulation, which it is pretended Congress will usurp from the states; but by attempting to raise a revenue from the colonies, a power which Congress undoubtedly possesses over the states, or what is more, the people of the states. So far, then, as this illustration is authority, Congress are in the full fruition of the only powers that they would be inclined to usurp from the states.

If you ever read history, it might not be amiss for you to look into the governments of those countries where despotism reigns in the most unequivocal forms. You will find the same principles operating there also. The ancient Kings of Persia disburdened themselves from the cares of local government, by delegating these functions to royal satraps, who ruled over the provinces with an almost unlimited discretion, but were bound under the bloodiest responsibility to pay over to the King a certain sum as the nett proceeds of the provincial revenue. The same principle prevails in the present despotism of Turkey. And in the extensive empire of Russia there are many provinces that have scarcely ever been visited by a solitary ray of imperial power. They are permitted to appoint their own leaders and to manage their own internal concerns in their own way. And when they contribute their proportions to the imperial treasury and army, they raise the revenue by

officers of their own appointment, and send the troops under the command of their own officers.

From the foregoing examples it is apparent, that if governments are fond of power, they are also fond of ease. That they are unwilling to be incumbered with functions that can add nothing to their splendor and glory; and are constantly endeavoring to get rid of the trouble of governing their provinces, colonies, or other subdivisions of their extensive territories; reserving only to themselves, the unlimited power of drawing *men* and *money* from their subordinate governments, a power which Congress can exercise directly upon the *people* of the states, in opposition to the will of the *governments* of the states.

If, after all that has been said, you still continue to dread the extinction of the state governments in one great consolidated empire, I must, for the present, give you up as incurable; in the hope, however, of producing some effect hereafter, by shewing that there are dangers, much more imminent and alarming, to be apprehended from an opposite direction.

That the real danger, which it demands all the wisdom and patriotic vigilance of the American statesmen to obviate, proceeds from the centrifugal tendencies of the states, was the doctrine invariably held by the framers of the federal constitution. And I wish distinctly and emphatically to impress it upon you, that at the very era of the constitution, when the true "principles of the revolution" burned with a living and holy fervor in the bosoms of those who had breasted the rudest shocks of the revolutionary war: WASHINGTON, MADISON and HAMILTON, were the firm and masterly supporters of this very doctrine. The views of the two last named statesmen are recorded in "*The Federalist*," that able and unanswerable commentary on the federal constitution; which is now almost universally received as the standard of political orthodoxy. And it is most extraordinary that in your affected "recurrence to fundamental principles," you have entirely overlooked the opinions and commentaries of the friends and authors of that constitution, which will stand amidst the wreck of empires as an imperishable monument of their wisdom; and have based yourselves upon the visionary fears and dismal forebodings of those who were opposed to it. Whether I am to understand that you are at this day not only opposed to the *administration*, but the *constitution* of our government, and wish not only to change our rulers, but to destroy that constitution; or that you suppose that the *opponents* of that instrument understand its principles better than its *authors*; I confess I am at a loss to determine. For if you are sincere in your professions of attachment for the "principles of the revolution," and of the federal constitution, and are not acting a part in a great political manœuvre; if you are honestly seeking for the truth of principles, and not for the means of individual aggrandizement; to what oracles could you have applied so likely to give you an unerring response, as the immortal patriots and statesmen whose names I have just mentioned? But with an infelicity which

seems to be your peculiar characteristic, you place your principal reliance upon those opinions of PATRICK HENRY, which, by your own admission, he himself renounced, after experience had dispelled the delusions by which his warm imagination had been carried away. Pretermitting, however, any further remarks on the question of authority, I will endeavor to shew by arguments drawn as well from the "fundamental principles" of genuine representative republicanism, as from our actual experience, that we have more cause of apprehension from the states than from the general government; or, in other words, that there is in our system a greater tendency to *disunion* than to *consolidation*.

It will be recollected that the *responsibility of public functionaries* is the only true and adequate security for liberty, connected with the organization of the various departments of our political system. And, whenever, in the ramifications of that system, we find any part in which the principle of responsibility does not operate co-extensively with the sphere and compass of the power which it is intended to restrain, we have just grounds to apprehend that the harmony of the system will be disturbed by the irregular and eccentric wanderings of the power thus inadequately restrained.—Now it results from the practical operation of our complex system, that the government of each state, though elected by the people of that state, and responsible to *them only*, may, notwithstanding, affect by their proceedings the vital interests of the *whole Union*.—So far, then, as the interests of the "people of the United States" are liable to be impaired or destroyed by the measures of the government of a particular state, they are exposed to the action of a power absolutely irresponsible to them. If the general government should encroach upon the powers and violate the rights of the states, they would be infringing upon the interests, and rousing the indignation of the sovereign power that created them, the *people* of the states; and would of course feel all the restraint that responsibility could impose. But the converse of the proposition does not hold true. If a state government should infringe upon the interests of the Union, or more precisely, of the people of all the other states, their indignation, however just, would be vain and powerless; for the principle of responsibility could not be brought to bear upon the usurping or aggressing state government. Suppose, for example, that during a war upon which the very liberty of the country depended, a particular state, under the influence of some violent local excitement, should attempt to paralyze the arm of the general government, by restraining and limiting their power of recruiting soldiers, or by refusing to order out the quota of militia constitutionally demanded by the general government.—These are not extreme cases, for the latter actually occured in one of the Eastern states, and the former either occurred or was agitated in another, during the late war with Great-Britain. I ask what constitutional means have the *people* of the Union, in such cases, to bring back the rulers of the refractory states to a sense of their duty? Can they hurl them from the "bad eminence" to

which, perhaps, their very vices have raised them? Can they take from them the power thus perverted to the unhallowed purposes of faction and sedition? Can they snatch from their grasp the firebrand, which from the heights of their constitutional power they threaten to cast "hideous ruin and combustion" into the TEMPLE OF UNION? No. As long as the local excitement of their constituents shall prevail, the unanimous and indignant voice of all the people of the Union besides, cannot shake the foundations of their power. If, then, there be any virtue in the great principle of political attraction which sustains the harmony of our admirable system of practical freedom; it is quite obvious that whenever a case occurs, in which the real or imaginary interests, the passions or prejudices of a particular state, shall stand opposed to the interests of the Union; that attraction, instead of binding the state rulers to the general interest, will absolutely carry them from it.—And are we permitted, either by a knowledge of the principles of human nature, or a review of our own brief experience as a nation, to doubt that such cases will frequently occur? He must have read the lessons of history to little purpose, who does not perceive that the people of particular states are liable to fall, occasionally, into a dangerous and morbid excitement upon particular subjects; and that under this excitement, they will impel their rulers into the adoption of measures in their tendency destructive to the Union.—Nor will any considerate man look upon this source of danger, but with the deepest concern. How many local causes are there, calculated to generate feelings hostile to the general government? Diversity and peculiarity of *local* interest, whether real or imaginary. Political prejudices and opinions, peculiar to one or a few states.—Embarrassments growing out of a vitiated currency, which the general government may find it necessary to correct; a duty of the highest moral and political obligation, yet ungracious in its nature, and, for a time, apparently oppressive. If to these we add, *the selfish and ambitious views of designing demagogues*, we shall have a specimen of the numerous and multifarious causes of disunion, which exist in the passions of men and the pride of the states.

Unfortunately for us, we are not left to mere theoretical reasoning upon this subject. We have seen embodied, in the living current of events, the very dangers of which I have been speaking.—Who can forget how all the energies which state organization could confer, were in certain states exerted to impair our national energies, in the late war, and prostrate our country, degraded, disgraced and discomfited, at the feet of a proud and imperious foe? Who can forget that the prayers of "states," almost in the very forms of constitutional proceeding, were, from the very temples of state sovereignty, sent up to the throne of Heaven, breathing maledictions on the armies of the republic? Who, that feels any interest in the true glory of his country, does not wish the story of the Hartford Convention blotted forever from her annals; and who that regards her permanent happiness would not deprecate the

recurrence of such another infamous association, as the greatest calamity that could befall her?

And do we not see almost passing before us, in this tranquil period of peace, an example of state insubordination, less glaring, but even more alarming than that to which I have just alluded? The laws of the Union, clothed with the most solemn sanctions of the constitution, have been, under the extreme pressure of local embarrassment, absolutely resisted by the state authorities—After the supreme tribunal of the country pronounced an act of Congress constitutional, and consequently *the supreme law of the land*, a state government has openly opposed its execution. It will be readily understood that I allude to the embarrassing conflict of authority between the general government and the state of *Ohio*, in relation to the National Bank. And I hesitate not to pronounce it one of the most portentous events that has occurred since the adoption of the federal constitution. For if, after the National Judiciary have solemnly affirmed the constitutionality of a law, it is still to be resisted by the state rulers, the constitution is literally at an end; a revolution of the government is already accomplished, and anarchy waves his horrid sceptre over the broken altars of this happy union!

In the examples to which I have alluded thus briefly, of insubordination in state rulers, we distinctly perceive the effects of that unavoidable want of responsibility to the Union, which I consider the weakest part of our federative system. And what is still more alarming, every member that shall be admitted into the Union, will increase the danger to be apprehended from this source. It requires but little skill in ringing the changes of political permutation, to enable us to perceive that in proportion as we increase the number of states that compose the Union, we multiply the chances of local combinations unfriendly to it. And although by enlarging the confederacy, we shall diminish the *relative* strength of any such probable combination, and of course the probability of a forcible disruption; yet the increased frequency of collisions between the general and state governments, will be scarcely less to be deprecated. For it ought never to be forgotten that this union is not to be sustained by physical force, but by kindred sympathies and mutual good will.

Let us now consider the principles of construction which ought to prevail in ascertaining the extent of the powers delegated by the constitution to the national government; and of the means provided for the application of those principles. As far as I can collect any distinct propositions from the medley of unconnected quotations you have made on these very important subjects, I understand you to affirm, that in expounding the federal constitution we should be "tied down to the strict letter" of that instrument; and that the general government "was not made the exclusive or final judge of the extent of the powers delegated to itself, but that, as in all other cases of compact among parties having no common judge, *each party has a right to judge for itself*."—

As these may be considered the concentrated essence of all the wild and destructive principles that have ever been advanced, in relation to the subjects under consideration, and as they constitute the basis of a contemplated revolution in the administration of the general government; I have been particular in using your very language, lest I should be suspected of giving my own impressions of the result of your arguments, or, more correctly speaking, of your *quotations*.

In asserting that we ought not to travel out of the "strict letter" of the constitution, I am almost disposed to believe, in charity, that you were ignorant of the nature of your own proposition.—For if, with its obvious and necessary consequences before you, I could believe you would still maintain it, I should be compelled to think very unfavorably of your characters; as nothing is more clearly demonstrable than that your rule of construction would paralyze every living energy of the constitution, and absolutely annihilate the government. Without implied and incidental powers, almost the entire mass of means by which the machine of government is kept in motion, could not be wielded a single moment, but would fall from the hands of the administration. Congress have power, for example, by "the strict letter" of the constitution, to "declare war," and "raise and support armies;" but not to erect arsenals and fortifications, and provide for the purchase of the munitions of war. They have power "to lay and collect taxes and imposts," but the "strict letter" of the constitution gives them no authority to create officers and custom-houses, any more than to incorporate banks, for their collection. They have power to "borrow money," and to "pay the debts of the union;" but here "the strict letter" does not confer any authority to create commissioners of loans, or commissioners to apply the sinking fund, or any other means of 'borrowing,' in the one case, or 'paying' in the other. They have power to "coin money," but regarding merely the "strict letter," the establishment of a mint would be an unconstitutional extension of the "patronage" of the government.*

Now if you will but imagine to yourselves a war without permanent structures for national defence; an army without arsenals, magazines or munitions of war; a system of revenue without officers or custom-houses; a funding system without commissioners to carry it into effect; and a scheme of coining money without a mint establishment, you may form a pretty adequate conception of the result of your rule of constitutional interpretration. I will now shew that you have not the semblance of authority to sustain that rule. It is laid down in an elementary writer, deemed the first authority in every state in the Union, that "the most universal and effectual way of discovering the true meaning of a law, when the words are dubious, is by considering the *reason* and *spirit* of it."—This rule prevails throughout the civilized world, both in the construction of municipal laws and of treaties and confederacies between independent nations. It results from the essential imperfections of the human mind and of human language. Without it the affairs of nations would be arrested in their progress. And yet you utterly deny that we have any warrant for construing the constitution with reference to *its spirit*. Even in the construction of private instruments, where the subjects to which they relate are within the actual presence of the contracting parties, the same liberal regard to the spirit and intention of the parties generally prevails. Is there, then, any reason why the Constitution of the United States should receive a more strict and technical construction than a municipal law or a private contract? Was it intended merely to furnish themes for the disputations of professional men? Far from it. It was formed by the people, and for the people. Popular in its creation and in its objects, it was intended that it should be construed by the plain and obvious dictates of common sense, and with a liberal regard to the great national ends it was designed to accomplish. Any man who will consider for a moment the vast field of human affairs embraced within the scope of the constitution, and that in its very nature it must be applied to all those vicissitudes which, in the succession of ages, shall mark our progress as a nation, cannot but perceive the absurdity of construing this great national Charter, as a lawyer would construe an *indictment*. The officer who draws an indictment, and the scrivener who draws a private conveyance, *have the whole matter immediately before them*, to which these documents respectively refer; and there is, of course, no difficulty in making a specific enumeration of particulars. But the framers of a constitution have to provide for all those modifications and combinations of human events, and all those varying interests of society, for which human wisdom cannot make any specific provision. To enumerate the various and detailed operations of a government for centuries to come, and the infinite variety of means that shall be employed, is not therefore the object of a constitution. Its true object is to distribute the great political powers amongst the several departments of the government, giving a liberal discretion to public agents, in selecting the means by which those powers shall be carried into effect, but providing at the same time, by their responsibility to the people, the only adequate security against the abuse of that discretion. You seem quite alarmed at the idea of discretionary powers; when in fact a government never did exist, nor ever can exist for a single year, without such power. Such a government would be a political phenomenon. Its first act would be an act of usurpation, *founded upon necessity*. An entire misconception of the true theory of political freedom seems to prevade all your reasonings. Frail, indeed, would be the tenure by which we hold that great national blessing, if it solely depended upon the smaller or the larger portions of political power, committed to this or to that class of political functionaries. I have already shewn, that our true security was to be found in the constant control,

* See Appendix, A.

which, by means of the elective franchise, we can exercise over our political agents. All the classes and departments of our government have ample powers for all the purposes of despotism, *if they were independent of the people;* but as long as their constitutional dependence continues, we have nothing to fear. If they abuse their discretion, we have nothing to do but to discard them from office.

Having thus shewn the true principles by which the federal constitution ought to be construed, I shall proceed to inquire, what are the means provided to apply and enforce those rules. You assert that when any conflict shall occur between the general and state governments, as to the extent of their respective powers, "*each party has a right to judge for itself.*" I confess I am at a loss to know how such a proposition ought to be treated. No climax of political heresies can be imagined, in which this might not fairly claim the most prominent place. It resolves the government, at once, into the elements of physical force; and introduces us directly into a scene of anarchy and blood. There is not a single power delegated to the general government, which it would not be in the power of every state government to destroy, under the authority of this licentious principle. It would be only necessary for a State Legislature to pass a law forbidding that which the Federal Legislature enjoins, or enjoining what the Federal Legislature forbids, and the work is accomplished. Perhaps you would require the State Judiciary to pronounce the State Law constitutional. I will illustrate your principle by a few examples.

Suppose Congress should pass a law to "lay and collect taxes, duties, imposts, and excises," and that a State Legislature should pass another, declaring the objects for which the revenue was intended, *unconstitutional*, and therefore probiting the officers of the general government, by severe penalties, from collecting the "taxes, duties, imposts and excises." Suppose Congress should pass a law to "raise an army" for a national war, and a State Legislature pass another, declaring the war "wicked, unrighteous, and unconstitutional," and therefore prohibiting the officers of the general government, under heavy penalties, from recruiting soldiers within the limits of the state. Suppose Congress should pass a law "for the punishment of counterfeiting the securities and current coin of the United States," and a State Government should pronounce it unconstitutional, and provide heavy penalties against all officers, judicial or ministerial, who should attempt to enforce it. I need not multiply cases; for if you will duly consider these, you will find enough to satiate your keenest relish for anarchy and disorder. In all the above cases, you would say, "*each party has a right to judge for itself,*" and of course to enforce its judgment. You might, then, behold a revenue officer of the United States confined in a ssate dungeon for obeying the revenue laws of Congress. You might see a gallant officer of the army, covered with the glorious scars of many a hard-fought battle, bearing the scourge of a state constable at a whipping post, for attempting, under a law

of Congress, to recruit soldiers to fight the battles of his country. You might even see a Federal Judge arraigned before a State Tribunal for pronouncing sentence against a counterfeiter of the current coin of the United States! And all this would unavoidably result in giving the state rulers the right to resist the general government, or in a civil war to establish its legitimate authority; consequences, either of which is incompatible with the very notion of government. To suppose that the general government have a constitutional right to exercise certain powers, which must operate upon the people of the states, and yet that the government of each state has the right to fix and determine its own relative powers, and by necessary consequence, to limit the powers of the general government, is to suppose the existence of two contradictory and inconsistent rights. In all governments there must be some *one* supreme power; in other words, every question that can arise as to the constitutional extent of the powers of different classes of functionaries, must be susceptible of a legal and peaceable determination by some tribunal of acknowledged authority, or force must be the inevitable consequence. And where force begins, government ends. And it is the more astonishing that you have assumed positions involving such tremendous consequences, when we consider that they are in direct opposition to the "strict letter" of the constitution, your favorite test of the extent of delegated powers. It is therein provided, "that the constitution and the laws of the United States which shall be made in pursuance thereof," "shall be the supreme law of the land; and the *Judges in every state* shall be bound thereby, *any thing in the constitution or laws of any state to the contrary notwithstanding.*" And again, "the Judicial power [of the United States] shall extend to all cases, in law and equity, arising under this constitution, the laws of the United States, and treaties made or which shall be made under their authority." Nothing can be more plain, than that the "strict letter" of the constitution does make the laws of Congress supreme, enjoining obedience upon the *state functionaries*, and making void the laws of a state if contrary thereto. And to give this provision a sanction of a nature peculiarly impressive, "the members of the several *state legislatures*, *all executive and judicial officers*, both of the United States *and of the several States*, shall be bound by oath or affirmation to support" the constitution of the United States. It is not less evident that it belongs to the *national judiciary* to pronounce upon the constitutionality or unconstitutionality of the laws of the national legislature. Its jurisdiction extends to "all cases" arising under them; and it is hard to conceive how in any possible case a federal Judge can decide a case, arising under a law, without pronouncing upon the constitutionality of that law. In fact it would be vain and idle to make the laws of Congress supreme, if the national judiciary had not the power of enforcing them. For you can hardly be ignorant that a law is a dead letter, without an organ to expound and an instrument to enforce it. I should suppose, therefore, that no professional man could

hesitate in saying; that a forcible opposition to the judgment of the Federal Court, founded upon an act of Congress, by whatever state authority that opposition might be authorized, would be the very case which the convention had in view, when they made provision for "calling forth the militia to execute the laws of the Union." But I sincerely hope that your licentious doctrines will never have the effect of misleading the state authorities so far as to render this terrible resort unavoidable. I trust the farewell Address of WASHINGTON, admonishing his fellow-citizens to "frown indignantly" upon those who preach up doctrines tending to disunion, is not yet forgotten.

But you seem to think your work will not produce the intended effect, unless you can render the *judicial* department odious and suspected. You say, "where is the country in which the rights of man" have always been protected by the judiciary? It is not to be found. But we can scarce turn our eyes to the history of any nation, in which, on the contrary, the judicial department has not become the *agents of corruption.*" You then go through a train of reasoning, to prove that the national judiciary are in "perfect habits of obedience and subordination" to the legislative and executive departments!

I cannot exactly determine from your equivocal denunciations, whether you wish the judicial department *differently organized* or *entirely abolished.* As to its organization it is such as the will of the people was pleased to give it, and upon the whole I think the best it could have received. Perhaps it would have suited your taste better if the Governors of the States had been clothed with the power of appointing the Federal Judges. But, accustomed as I have been to consider an independent Judiciary, next to the responsibility of public agents, as the most important improvement which we have made upon the political systems of antiquity, I cannot suffer you to denounce the judiciary as being the "agents of corruption," without giving the charge a serious refutation.

Appealing to the experience of nations, we shall find that the judiciary has generally been justly regarded with veneration, as the upright and inflexible ministers of the law. The very education of a Judge, accustomed to confine his views to the results of a stiff, technical and artificial system, indisposes him to that course of flexible and unsteady reasoning, by which usurpation is too often palliated. On this subject the experience of Great-Britain may be more profitably consulted than that of any other foreign nation. The judiciary of that country is the boast and glory of her patriots and statesmen. I do not mean to say that she never had a judicial tyrant; but I may safely assert that where she has had one tyrant on the *bench*, she has had ten on the *throne*, and thousands in *Parliament.* The "*Habeas Corpus*" act would not be so highly prized, but for the independence of the judiciary, by whose instrumentality alone, its benefits can be administered.—Where all the other departments are tyrannical and corrupt, it cannot be expected that the judiciary will be always perfect. My

end is accomplished when I shew that in other countries it is better than the other departments in these particulars. Every historical reader must recollect how distinguished a part the judiciary of France, there called Parliaments, acted in the cause of liberty.—Amidst the hopeless gloom of absolute despotism, the first gleam of freedom issued from those tribunals. They boldly resisted the Tyrant, and 'rolled back the tide of his power.' And what has been the experience of this nation on the subject? Has not the Supreme Court decided that they have the power to issue a *mandamus* against a Secretary of State? Has not a Federal Judge issued a *mandamus* to compel the release of a vessel, embargoed by an *Executive* order, which the Judge pronounced unconstitutional? And is this what you call perfect obedience and subordination?

I have long thought that the brief and turbulent course of freedom in the republics of antiquity, was to be ascribed principally to the want of an independent judiciary. Those violent passions, to which popular and even deliberate assemblies are occasionally subject, do not reach *them.* Elevated above the scenes of ambition and political intrigue, they behold with calmness the storm's impetuous rage; they wave the magic wand of their peaceful power, and the elemental strife is heard no more. And it is my ardent prayer that we may never see the bloody day, when that wand shall lose its power.

In closing my correspondence with you, I intend to address you with a plainness which will preclude misapprehension. Having given you my views of the true theory of our government; having shewn that it rests upon the broad basis of responsibility, and is the organ of the sovereign will of the people; I shall proceed now to consider, what course of measures will best promote the permanent happiness of those for whose sole and exclusive benefit that government was formed. In doing this, it would be treating you in a manner very unbecoming your merits, to pass over in silence your sweeping and indiscriminate denunciation of every measure of Mr. MONROE's administration. I have already stated the object of your *triumviral* labors; but the present occasion calls for a more full and distinct exposition of the plan of operations, than has been yet presented. From the disclosures made in your two last numbers, it is more than ever apparent that you are the humble instruments of a certain great magician, who stands concealed behind the curtain and moves you by wires. And I feel it to be a sacred duty to expose to the view of my insulted fellow-citizens, the true character of the "black art," by which you think to delude them. You have openly reared the standard of a new faction; and have selected certain words, supposed to possess a peculiar charm, as the symbols of your order. Presuming upon the ignorance of the people, you have vainly imagined they could be carried away by the "magic of a name." Hence your continual straining, your ridiculous twisting, to associate with every measure of Mr. MONROE's administration the term "*federal;*" a term which you suppose will awaken so many odious associations, as to make the people forget that, as

a party word, so far from applying to Mr. Monroe's administration, it properly belongs to its opponents. And, as among these you may claim a distinguished situation, having preached pretty much the same doctrines *in peace*, which former opponents advocated *in war*, you could scarcely have deserved more credit had a defence of the famous Hartford Convention and an accomplishment of their views, so similar to your own, been the avowed object of your labors. But rest assured that the people of the United States are not to be duped by such a pitiful artifice. With whom did the policy which you denounce as federal, originate? With that glorious phalanx of republican statesmen, whose patriotic zeal and distinguished talents carried our country in triumph through the late war with Great-Britain. Since the Federal Convention, America has never witnessed the assemblage of such a splendid constellation of great and virtuous men, as Congress presented during that war, and at the close of it, when the peace policy of the present administration was established. While there is an American capable of appreciating the importance of national character, the names of CALHOUN, CLAY, LOWNDES, and CHEVES, and a host of worthies who acted with them, will be hailed with gratitude. These were the men who, amidst the darkest moments of the late war, when a powerful enemy threatened them from without, and a most rancorous opposition embarrassed them within, stood with a dauntless resolution at the helm of state, resolved to stand or fall with their country. The distinguished, magnanimous, and self-devoting part which Mr. MONROE acted in the cabinet during that perilous conflict, all must remember. These statesmen, during and soon after that war, established the policy of the present administration upon the most liberal and enlightened principles, and with the general approbation of all political parties throughout the Union. And Mr. MONROE was hailed from one extremity of the nation to the other, as the President, not of *a faction, but of a united people.*

I will now take a general view of the policy of the present administration, and of the principles upon which it is founded, as contra-distinguished from that which you assume as the basis of your electioneering project. As the federal government was created principally "to provide for the general defence and common welfare," the republican party, since the impressive admonitions of the late war, have wisely resolved to place the country in a respectable attitude of defence. There is enough in our peculiar situation, as connected with the nations of Europe, to satisfy us that we shall not be exempted from our share of foreign outrage and injustice. All history confirms the great and melancholy truth, that nations, in their intercourse with one another, are but seldom restrained by a sense of justice, from committing any aggression which their ambition or avarice may prompt. When we add to the motives by which such aggressions are generally produced, the jealousy and alarm with which the despotic rulers of Europe look upon the progress of our glorious experiment of republican freedom, it would be great folly and weakness in our rulers to expect

an exemption, in this respect, from the common lot of nations.—The only effectual mode, then, of securing our rights from invasion, is to be prepared to defend them. If we do not, by our preparations and manifest capacities for war, convince other nations that they will lose more than they will gain by infringing our rights, those rights will be at the mercy of every passion that can stimulate national outrage. Hence the maxim of the immortal WASHINGTON, that "the best way to preserve peace is to be prepared for war." Weakness always invites aggression, and submission produces contempt. In placing the country in a suitable posture of defence, then, our republican rulers have regarded the express design of the constitution, the admonitions of history, and the example of the father of his country, as more than imperative upon them. The means of national defence, besides the militia, may be resolved into these three great elements: The Navy, the Army, and Fortifications. Of these you have denounced the two first, and endeavored to render them odious by your usual trickery of false associations. The Navy is now the universal favorite of the nation, (demagogues always excepted) and I, therefore, need say nothing on that branch of defence. The Army, however, from various causes, will require more attention. In every period of our history we have had a *standing army in time of peace*, and none but visionary dreamers have ever questioned the necessity of such an establishment. To admit the necessity of an army in time of war, and deny the existence of that necessity during peace, is a glaring inconsistency. An army is an assemblage of citizens, trained for war by the rules of military science. This, particularly in relation to the officers, is a matter of time and labor. If during peace we do not maintain even the skeleton of an army, a war must of necessity find us absolutely destitute of that branch of national defence. We fight the two or three first campaigns, therefore, without the kind of force which all admit to be necessary in war.—In other words, we suffer disgrace and defeat, and incur the most enormous expense, at the very crisis when success and economy are most important. If there is any policy in preparing for war at all, that preparation ought surely to be made at the beginning of the war. The plan of the present administration is to retain a small army, but so organized and officered as to be capable, in the emergency of a war, of being promptly expanded and fitted up, so as to give us at once a disciplined army sufficient for the demands of the service. Having officers already well skilled in their duty, the new recruits that may be thrown in, will soon become assimilated with the regulars, and sufficiently trained. The views of the Secretary of War upon this subject, as contained in his report to Congress at the last session, are quite unanswerable, and I believe there are but few men in the Union who have not given them already their unequivocal approbation. Upon the wisdom of those permanent defences, necessary to protect our maritime and inland frontiers, no doubt can be entertained. They have been projected with all the precaution which their importance demands. The ablest en-

gineers have selected those positions deemed most important; and if a spirit of false economy shall not too far prevail in the future appropriations, the whole sea-coast will, at no distant period, be adequately fortified in all its vulnerable points. It is apparent that you envy the glory which will accrue to certain members of the administration, from these monuments of their forecast and wisdom. For although you cannot venture to denounce these defences generally, you cannot forego the temptation of objecting to some of the local positions selected for them. When you who know nothing of the principles upon which the utility and bearing of fortifications depend, and were, perhaps, never within three hundred miles of the positions you condemn, undertake to set yourselves up in judgment upon a board of scientific officers, who carefully examined these positions, and pronounced them eligible, you must not be surprised that your presumption should meet with general contempt. Having glanced at the leading measures of Mr. Monroe's administration, I propose to say a few words as to the spirit and principles upon which those measures are founded. The fundamental maxim of those members of the cabinet whom you are so anxious to denounce, is, that the fullest reliance should be placed in *the virtue and intelligence of the people.* Their confidence that the people, when not misled by designing demagogues, will cheerfully submit to all the sacrifices necessary for sustaining a liberal and safe policy, has been uniformly firm and unshaken. Mr. Monroe, in his late inaugural speech, adverting to a possible necessity of recommending taxes, thus expresses himself—"I have never dreaded, nor have ever shunned, in any situation in which I have been placed, making appeals to the virtue and patriotism of my fellow-citizens; well knowing that they could never be made in vain, especially in times of great emergency, or for purposes of high national importance." Mr. Calhoun, the Secretary at War, in his speech on the repeal of the direct taxes, holds the following language:—"The people, I believe, are intelligent and virtuous. The wiser, then, you act, the less you yield to the temptations of ignorable and false security; the more you attract their confidence." "Already they go far, very far before this house in energy and public spirit."

This is the spirit of *genuine* republicanism; this is the language which it becomes American statesmen to use in relation to the people, the only legitimate source of power. Let public men discharge their duty fearlessly and independently, and the people will assuredly discharge theirs.

I am aware that the course of measures pursued by the present administration, involves considerable expense. But the people of this country will never suffer it even to be made a question whether they will make the contributions necessary to preserve their liberties. They feel proud of their destinies, and are determined to act a part becoming the station Providence has assigned them among the nations of the earth. The only republic on earth, and the last hope of suffering humanity, the United States will never, by a disgraceful parsimony, throw themselves upon the justice or

mercy of the "Holy Alliance." They disdain to hold their liberties or their rights upon tenures so incompatible with the character of a free people. I cannot close this view of the measures of the administration better, than by on extract from the concluding part of the eloquent and statesmanlike speech of Mr. Calhoun, to which I before had reference. Alluding to the measures he had been discussing, he said: "The subject is grave. It is connected with the happiness and existence of the country. I do sincerely hope that we are the real agents of the people; brought here, not to consult their ease and convenience, but their general defence and common welfare. Such is the language of the constitution. I have faithfully, in discharge of the sacred trust reposed in me by those for whom I act, pointed out the measures which our situation and relation to the rest of the world, render necessary for our security and lasting prosperity. They involve no doubt much expense—they require considerable sacrifices on the part of the people; but are they on that account to be rejected? We are called upon to choose. On one side is great ease, it is true; but on the other, the security of the country. We may dispense with the taxes; we may neglect every measure of precaution, and feel no immediate disaster. But in such a state of things what virtuous, what wise citizen, but must look on the future with dread. I know of no situation so responsible, if properly considered, as ours. We are charged by Providence, not only with the happiness of this great and rising people, but in a considerable degree, with that of the human race. We have a government of a new order, perfectly distinct from all that have preceded it. A government founded on the rights of man; resting not on authority, not on prejudice, not on superstition, but on reason. If it succeed, as fondly hoped by its founders, it will be the commencement of a new era in human affairs. *All civilized governments must, in the course of time, conform to its principles.* Thus circumstanced, can you hesitate what course to choose? The road that wisdom points out, leads, it is true, up the steep; but leads also to security and lasting glory. No nation that wants the fortitude to tread it, ought ever to aspire to greatness. Such ought to sink, and will certainly sink into the list of those that have done nothing to be known or remembered. It is immutable; it is in the nature of things. The love of present ease and pleasure; indifference about the future; that fatal weakness of human nature, has never failed, in individuals or nations, to sink them to disgrace and ruin. On the contrary, virtue and wisdom, which regard the future, and spurn the temptations of the moment, however rugged their path, end in happiness. Such are the universal sentiments of all wise writers, from the didactics of the philosophers, to the fictions of the poets. They agree that pleasure is a flowery path, leading off among groves and meadows, but ending in a gloomy and dreary wilderness; that it is the Syren's voice, which he who listens to is ruined; the cup of Circe, which he who drinks is converted into a swine. This is the language of fiction; reason teaches the same. It is my wish to elevate

the national sentiment, to that which every just and virtuous mind possesses. No effort is needed to impel us the opposite way, that may be too safely trusted to the faculties of our nature. This nation is in a situtation similar to that in which one of the most beautiful poets of antiquity paints Hercules in his youth. He represents the hero as retiring into the wilderness, to deliberate on the course of life which he ought to choose. Two goddesses approached him; one recommending to him a life of ease and pleasure; the other of labor and virtue. The hero adopted the council of the latter, and his fame and glory are known to the world. May this nation, the youthful Hercules, possessing his form and muscles, be inspired with similar sentiments, and follow his example."†

It was my intention to have entered into a detailed consideration of your cavilling objections and sophistical arguments, and in particular to have exposed the unmanly want of fairness you display, in comparing the expenses of the government at different periods, when a total change of circumstances, the growth of the country, and the consequent extent of her establishments, render such a comparison utterly fallacious. But I have neither time nor space for such details. I will barely observe, and I challenge contradiction, that so far as the executive government is concerned, there never was such a rigid economy and responsibility maintained in the disbursement of the public monies. At no period of our history has so much been done, at so small an expense.

Thus is the cause of the present administration fairly before the people. They have heard the charges you have presented, and the defence which one of their number felt in justice bound to make, for the government of their deliberate and unanimous choice; and I feel the fullest confidence that the issue will be decided by a unanimous verdict of acquittal.

ONE OF THE PEOPLE.

† See Appendix B.

APPENDIX.

A.

IT is thus, in the second number, that this writer illustrates some of the implied or incidental powers under the Constitution:

The first measure which you touch upon, not in the body of your essay, but in your notes, by which you certainly intend to produce your greatest effect, is internal improvement; over which you say PATRICK HENRY never supposed the general government would usurp any power. There is no incidental power more clearly given by the Constitution, (and even *you* admit *incidental* powers) and certainly there is none at once more harmless and salutary, than that of making internal improvements. Congress has the power to "declare war, and "regulate commerce between the several states." If there is any such thing as an incidental power, that in question must be incidental to these two grants. The power to declare war necessarily involves the power to make war; and the power to make war necessarily involves the right to use at least the ordinary means of making that war efficient. Now are not the roads and canals to facilitate the transportation of troops and all the apparatus of war, means indispensable to the prosecution of a war? If it should become necessary to march troops and transport arms, through an impassable wilderness in a state, would not any General be authorized to cut his way, and make the marshes and swamps through which he would pass, sufficiently firm to convey his carriages and troops? And would he not have a right to appropriate the public money for this purpose? Most surely. And yet the whole legislative power of the general government cannot do what a General in the field, the mere creature of the Executive, could certainly accomplish, and that most rightfully. If Congress have not a right to make a military road, they have no right to march men through a state, without its consent; for the one is as much a violation of sovereignty as the other.—But you will say that military roads are not *indispensably neces-*

sary, for wars might be conducted without them, and have been.—I confess I was surprised to see, even such politicians as you are, fall into an argument so perfectly peurile. Do you not see that it would destroy all the powers of the general government, and leave it disarmed and at the mercy of a foreign foe? Let us apply your argument. It is proposed in the cabinet to use cannon and cavalry and Congress are solicited to make an appropriation for the purchase. You would of course say no—Congress has no power to make the appropriation, for wars have been conducted *without cannon* or *cavalry;* they are, therefore, not *indispensably* necessary. It is proposed to buy muskets. You say no; wars have been carried on by bows and arrows, and muskets cannot, consequently, be of indispensable necessity. In short, the very fact that there are more ways than one to carry on war, by your mode of argument, would deprive the general government of using either. For while there are two ways of doing a thing, neither of them, according to your refined logic, are necessary, and, therefore, neither can be used. The power of regulating intenal commerce, equally involves the power to make roads and canals, necessary and proper for the transportation of merchandize. It is a power, too, that in the nature of things ought to belong to the general government; for as it extends over the whole of our national territory, it is the only power competent to make improvements that will pervade the whole extent of our country. Now, I ask you, gentlemen, in the name of common sense, where is the danger of trusting the general government, elected by, and frequently responsible to the whole people, with the power of making a road, or opening a canal; a power that exists in the little local corporation of almost every county and district in the United States? What is there in the thing itself, that is calculated to alarm you? Is it the means of enslaving the country? Is there any thing in making a road, or digging a canal, that is calculated to rouse the ambition of our federal rulers? Making a road is not in itself a very captivating work, nor can I very well see what ambitious purpose the general government could answer, merely by *making* a road. Your objection, it would seem to me, ought rather to be against the *use* of it by the general government, after it is made.—Now every body will admit that good roads are desirable in every point of view. For a sketch of their utility, I will only refer to the masterly speech of Mr. CALHOUN on that subject, delivered shortly before he left Congress, and his able report on that subject since he has been Secretary of War. Then if roads are desirable, and ought to be used by the general government, if they had an existence, your objection resolves itself entirely into this? "That Congress ought not to *make* the roads." How the states can be injured, by improvement made by the general government, I cannot perceive. The power to make a road is not a distinct, substantive political power at all. It is simply and essentially a means, as much so as the power to manufacture a musket, and is certainly not more dangerous.

B.

The following just and admirably drawn character of Mr. CALHOUN, is too well merited by the original, and too faithful in the delineation to be omitted. It may be found more at length in the third Number of the Essays, as they appeared in the *Advertiser*.

Refering to those whom you denominate "unblushing apostates," you say—"Foremost in the ranks stood Mr. CALHOUN, the present Secretary of War, brandishing in one hand a Bank Charter, and in the other a splendid project of Internal Improvements." Then in a note, to prove him an "apostate" from "red hot republican" principles, (I quote from the stores of your own classical language) you assert that "he is a bank man, the author of the scheme of internal improvement; the *protector* of domestic manufactures by increased duties, &c.; an *army* man; a *navy* man; the friend of internal taxation; the advocate of liberal construction and implied powers." When we consider the aim and object of your undertaking, it is very obvious that your work would have been but imperfectly done, if you had not made a bold and sweeping charge upon the Secretary of War. From the elevated, public spirited, and independent course of this ardent patriot and distinguished statesman, who has invariably soared above the meanness of intrigue, and the littleness of faction, directing the energies of his sagacious and comprehensive mind to the most expansive, national, and disinterested schemes for perpetuating the liberty, promoting the happiness, and vindicating the rights and the honor of his country; it is quite a matter of course that you should address him with "no friendly voice," but only to 'tell him how you hate his beams.' In every situation in which he has been placed, whether in the senate or the cabinet, the power of his intellect and the energy of his character, have been immediately felt. In Congress his noble and disinterested patriotism, added to his masterly and fascinating powers of argument, extorted the praises of his political adversaries, and even of his personal enemies. When he rose to speak, as I heard one of his compatriots, who is now no more, express it, "you had no perception of a party politician, and could see nothing but a great mind laboring to promote the happiness and glory of our common country." As a member of the Executive Cabinet, and the head of a department, he has been not less distinguished. He has not only given to the business of his office the most perfect arrangement, so as to render its details plain and easy, and inspired new life into our little army; but his active mind, rising above the mere mechanical routine of his office, has pervaded every section of our extended territory, with wise, practical, and statesmanlike schemes of improvement. The coast has been surveyed by scientific engineers, and the best positions have been selected for permanent defences; the Western or Indian frontier is as well protected as the number of our reduced army renders it practicable to protect it; and exploring expeditions have been

projected with the most enlarged views, to ascertain the natural wealth and resources of our remote Western territory, and the character of the tribes who inhabit those wild and extensive regions. In short, in whatever situation he has been placed he has pursued a bold, erect, and independent march, fearless of responsibility, and regarding only his duty. His is a course which aims not at the fleeting popularity of the day but that true glory and enduring fame, which will live with posterity, when the mere ambitious aspirants to office and power shall have passed into forgetfulness, leaving "no memorial" that they have existed as statesmen, recorded in "the book of life." Against such a man your splenetic effusions are as impotent as they are envious. In the impartial judgment of after ages, which will but confirm the decision already made by his country, the measures with which you have associated his name, and with most of which it is really identified, will be looked upon as so many monuments of his wisdom and talents. But to come to your specific charges and insinuations, I will venture to assert there is no politician in the Union less liable to the charge of apostacy than Mr. CALHOUN. From the first moment he entered the national counsels, he has uniformly advocated the same course of measures. He was scarcely seat in Congress when he boldly disclaimed a blind and indiscriminate adherence to the opinions of any set of men. He pronounced the embargo and restrictive system wholly inadequate to exact justice from other nations, and maintained "that the best way to preserve peace, was to be prepared for war." He was from the first a decided advocate of the *navy*, the *bank*, *internal improvements*, internal taxes *when necessary*, and liberal principles in construing the constitution for great useful and safe national purposes. When you say he is "the protector of domestic manufactures by *increased* duties," you judge of his conduct with your accustomed want of discrimination. It is true that at the close of the war, he was an advocate for the tariff of duties then established. In this almost every intelligent statesman from every section of the country concurred with him in opinion, and the people unanimously approved of the measure. If you would but recur to the able speech which he delivered on that occasion, you will perceive that he entertains no such idle notion as that the wealth of a nation can be increased by forcibly changing the direction and employment of its capital. He conceived that the manufacturers had in no small degree sustained the war by their enterprize. He saw that they had powerfully operated in abating the hostility of the Eastern States to that measure; and having been himself ardently engaged in that eventful conflict, and felt how much depended upon its successful issue; he thought the country bound in justice as well as gratitude, to mitigate the shock, which the sudden influx of foreign manufactures would produce upon our domestic establishments. In addition to this, he maintained, that upon an enlarged view of national policy, it was expedient to encourage, to a certain extent, the manufacture of those articles which are essential to the defence of the country in time of war.