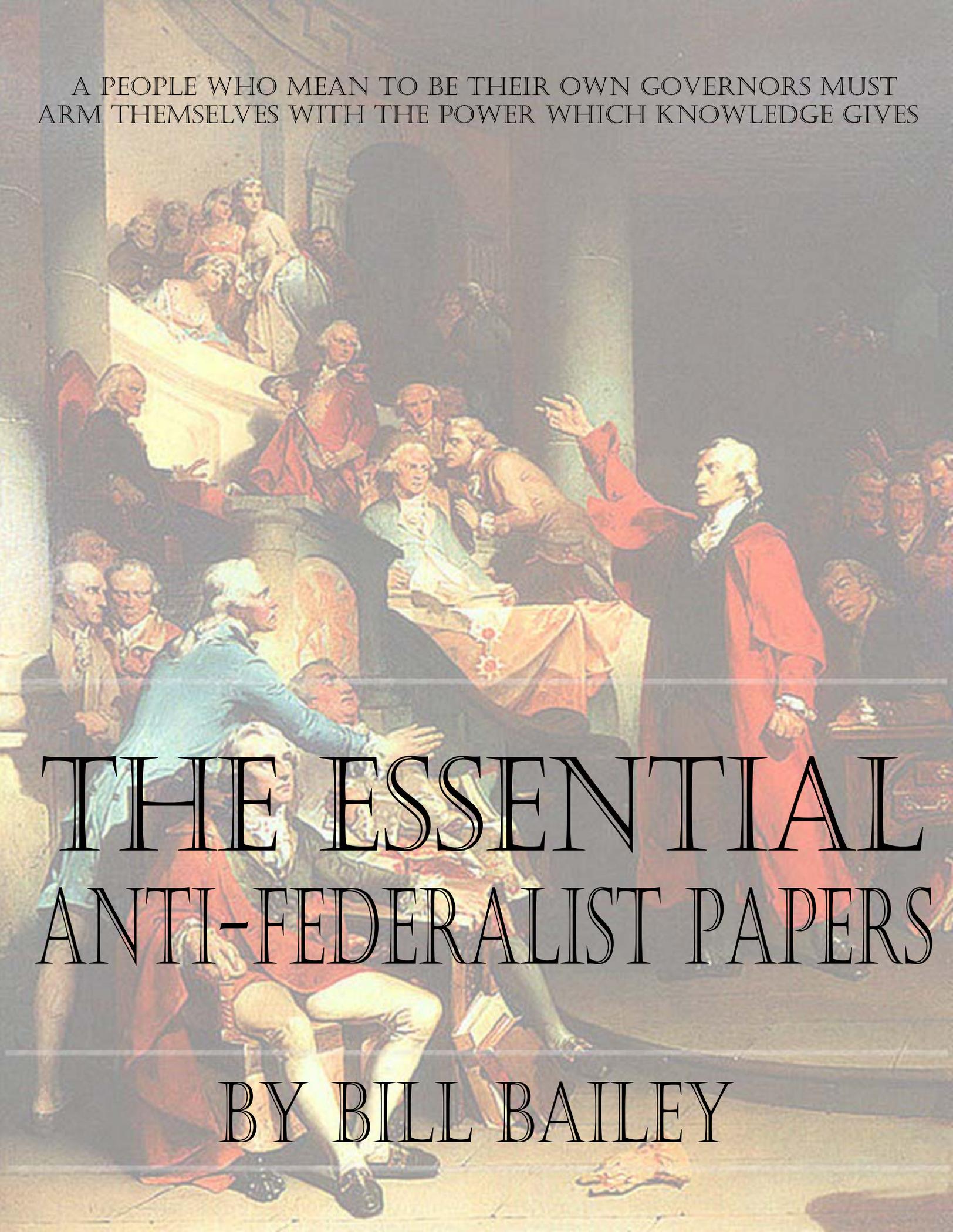


A PEOPLE WHO MEAN TO BE THEIR OWN GOVERNORS MUST  
ARM THEMSELVES WITH THE POWER WHICH KNOWLEDGE GIVES



THE ESSENTIAL  
ANTI-FEDERALIST PAPERS

BY BILL BAILEY

# The Essential Anti-Federalist Papers

**By Bill Bailey**  
**The Federalist Papers Project**  
**[www.thefederalistpapers.org](http://www.thefederalistpapers.org)**  
**3/1/2012**

# THE ESSENTIAL ANTI-FEDERALIST PAPERS

---

Unless otherwise specified, quotes are from "The Antifederalist Papers," edited with an Introduction by Morton Borden, Michigan State University Press, 1965

Elliot: "Debates in the Several State Conventions on the Adoption of the Federal Constitution, Jonathan Elliot, editor (Philadelphia, 1876) 5 vols.

# THE ESSENTIAL ANTI-FEDERALIST PAPERS

---

## ANTI-FEDERALIST NO. 1

"The PEOPLE are the grand inquest who have a RIGHT to judge of its merits." – A Federalist, Anti-Federalist No. 1, "A Dangerous Plan of Benefit only to the 'Aristocratick Combination,'" Boston Gazette and Country Journal, November 26, 1787

"The hideous daemon of Aristocracy has hitherto had so much influence as to bar the channels of investigation, preclude the people from inquiry and extinguish every spark of liberal information of its qualities. At length the luminary of intelligence begins to beam its effulgent rays upon this important production; the deceptive mists cast before the eyes of the people by the delusive machinations of its INTERESTED advocates begins to dissipate, as darkness flies before the burning taper." – A Federalist, Anti-Federalist No. 1, "A Dangerous Plan of Benefit only to the 'Aristocratick Combination,'" Boston Gazette and Country Journal, November 26, 1787

"Those furious zealots who are for cramming it down the throats of the people, without allowing them either time or opportunity to scan or weigh it in the balance of their understandings, bear the same marks in their features as those who have been long wishing to erect an aristocracy..." – A Federalist, Anti-Federalist No. 1, "A Dangerous Plan of Benefit only to the 'Aristocratick Combination,'" Boston Gazette and Country Journal, November 26, 1787

"As the plan now offered comes something near their wishes, and is the most consonant to their views of any they can hope for, they come boldly forward and DEMAND its adoption. They brand with infamy every man who is not as determined and zealous in its favor as themselves. They cry aloud the whole must be swallowed or none at all, thinking thereby to preclude any amendment; they are afraid of having it abated of its present RIGID aspect."  
– A Federalist, Anti-Federalist No. 1, "A Dangerous Plan of Benefit only to the 'Aristocratick Combination,'" Boston Gazette and Country Journal, November 26, 1787

"They have strived to overawe or seduce printers to stifle and obstruct a free discussion, and have endeavored to hasten it to a decision before the people can duly reflect upon its properties. In order to deceive them, they incessantly declare that none can discover any defect in the system but bankrupts who wish no government, and officers of the present government who fear to lose a part of their power. These zealous partisans may injure their own cause, and endanger the public tranquility by impeding a proper inquiry; the people may suspect the WHOLE to be a dangerous plan, from such COVERED and DESIGNING schemes to enforce it upon them." – A Federalist, Anti-Federalist No. 1, "A Dangerous Plan of Benefit only to the 'Aristocratick Combination,'" Boston Gazette and Country Journal, November 26, 1787

"Compulsive or treacherous measures to establish any government whatever, will always excite jealousy among a free people: better remain single and alone, than blindly adopt whatever a few individuals shall demand, be they ever so wise." – A Federalist, Anti-Federalist No. 1, "A Dangerous Plan of Benefit only to the 'Aristocratick Combination,'" Boston Gazette and Country Journal, November 26, 1787

"Let all act understandingly or not at all." – A Federalist, Anti-Federalist No. 1, "A Dangerous Plan of Benefit only to the 'Aristocratick Combination,'" Boston Gazette and Country Journal, November 26, 1787

"The inundation of abuse that has been thrown out upon the heads of those who have had any doubts of its universal good qualities, have been so redundant, that it may not be improper to scan the characters of its most strenuous advocates." – A Federalist, Anti-Federalist No. 1, "A Dangerous Plan of Benefit only to the 'Aristocratick Combination,'" Boston Gazette and Country Journal, November 26, 1787

"It will first be allowed that many undesigning citizens may wish its adoption from the best motives, but these are modest and silent, when compared to the greater number, who endeavor to suppress all attempts for investigation. These violent partisans are for having the people gulp down the gilded pill blindfolded, whole, and without any qualification whatever." – A Federalist, Anti-Federalist No. 1, "A Dangerous Plan of Benefit only to the 'Aristocratick Combination,'" Boston Gazette and Country Journal, November 26, 1787

"The Lawyers in particular, keep up an incessant declamation for its adoption; like greedy gudgeons they long to satiate their voracious stomachs with the golden bait." – A Federalist, Anti-Federalist No. 1, "A Dangerous

# THE ESSENTIAL ANTI-FEDERALIST PAPERS

---

Plan of Benefit only to the 'Aristocratick Combination,'" Boston Gazette and Country Journal, November 26, 1787

## ANTI-FEDERALIST NO. 2

"We have been told of phantoms and ideal dangers to lead us into measures which will, in my opinion, be the ruin of our country. If the existence of those dangers cannot be proved, if there be no apprehension of wars, if there be no rumors of wars, it will place the subject in a different light, and plainly evince to the world that there cannot be any reason for adopting measures which we apprehend to be ruinous and destructive." – William Grayson, Anti-Federalist No. 2, "We have been told of Phantoms," June 11, 1788; Elliot 3:274-79

"This [Virginia Ratifying Convention] would have been unnecessary, had it been approved of by the people." – William Grayson, Anti-Federalist No. 2, "We have been told of Phantoms," June 11, 1788; Elliot 3:274-79

"I must confess that public credit has suffered, and that our public creditors have been ill used. This was owing to a fault at the head-quarters—to Congress themselves..." – William Grayson, Anti-Federalist No. 2, "We have been told of Phantoms," June 11, 1788; Elliot 3:274-79

"There are certain modes of governing the people which will succeed. There are others which will not. The idea of consolidation is abhorrent to the people of this country." – William Grayson, Anti-Federalist No. 2, "We have been told of Phantoms," June 11, 1788; Elliot 3:274-79

"There are two opinions prevailing in the world—the one, that mankind can only be governed by force; the other, that they are capable of freedom and a good government." – William Grayson, Anti-Federalist No. 2, "We have been told of Phantoms," June 11, 1788; Elliot 3:274-79

"Infuse new strength and spirit into the state governments; for, when the component parts are strong, it will give energy to the government, although it be otherwise weak." – William Grayson, Anti-Federalist No. 2, "We have been told of Phantoms," June 11, 1788; Elliot 3:274-79

"We ought to consider, as Montesquieu says, whether the construction of the government be suitable to the genius and disposition of the people, as well as a variety of other circumstances." – William Grayson, Anti-Federalist No. 2, "We have been told of Phantoms," June 11, 1788; Elliot 3:274-79

## ANTI-FEDERALIST NO. 3

"There are but two modes by which men are connected in society, the one which operates on individuals, this always has been, and ought still to be called, national government; the other which binds States and governments together (not corporations, for there is no considerable nation on earth, despotic, monarchical, or republican, that does not contain many subordinate corporations with various constitutions) this last has heretofore been denominated a league or confederacy. The term federalists is therefore improperly applied to themselves..." – John Francis Mercer (A [Maryland] Farmer), Anti-Federalist No. 3, "New Constitution Creates a National Government, Will not Abate Foreign Influence, Dangers of Civil War and Despotism, Maryland Gazette and Baltimore Advertiser, March 7, 1788

"That a national government will add to the dignity and increase the splendor of the United States abroad, can admit of no doubt: it is essentially requisite for both. That it will render government, and officers of government, more dignified at home is equally certain. That these objects are more suited to the manners, if not [the] genius and disposition of our people is, I fear, also true." – John Francis Mercer (A [Maryland] Farmer), Anti-Federalist No. 3, "New Constitution Creates a National Government, Will not Abate Foreign Influence, Dangers of Civil War and Despotism, Maryland Gazette and Baltimore Advertiser, March 7, 1788

"Should we not reflect, that quiet is happiness? That content and pomp are incompatible? I have either read or heard this truth, which the Americans should never forget: That the silence of historians is the surest record of the happiness of a people." – John Francis Mercer (A [Maryland] Farmer), Anti-Federalist No. 3, "New Constitution Creates a National Government, Will not Abate Foreign Influence, Dangers of Civil War and Despotism," Maryland Gazette and Baltimore Advertiser, March 7, 1788

# THE ESSENTIAL ANTI-FEDERALIST PAPERS

---

"Many of us are proud, and are frequently disappointed that office confers neither respect or difference. No man of merit can ever be disgraced by office. A rogue in office may be feared in some governments—he will be respected in none. After all, what we call respect and difference only arise from contrast of situation, as most of our ideas come by comparison and relation. Where the people are free there can be no great contrast or distinction among honest citizens in or out of office. In proportion as the people lose their freedom, every gradation of distinction, between the Governors and governed obtains, until the former become masters, and the latter become slaves. In all governments virtue will command reverence." – John Francis Mercer (A [Maryland] Farmer), Anti-Federalist No. 3, "New Constitution Creates a National Government, Will not Abate Foreign Influence, Dangers of Civil War and Despotism," March 7, 1788

"That the people are not at present disposed for, and are actually incapable of, governments of simplicity and equal rights, I can no longer doubt. But whose fault is it? We make them bad, by bad governments, and then abuse and despise them for being so. Our people are capable of being made anything that human nature was or is capable of, if we would only have a little patience and give them good and wholesome institutions; but I see none such and very little prospect of such." – John Francis Mercer (A [Maryland] Farmer), Anti-Federalist No. 3, "New Constitution Creates a National Government, Will not Abate Foreign Influence, Dangers of Civil War and Despotism," Maryland Gazette and Baltimore Advertiser, March 7, 1788

"If the body of the people will not govern themselves, and govern themselves well too, the consequence is unavoidable—a FEW will, and must govern them. Then it is that government becomes truly a government by force only, where men relinquish part of their natural rights to secure the rest, instead of an union of will and force, to protect all their natural rights, which ought to be the foundation of every rightful social compact." – John Francis Mercer (A [Maryland] Farmer), Anti-Federalist No. 3, "New Constitution Creates a National Government, Will not Abate Foreign Influence, Dangers of Civil War and Despotism," Maryland Gazette and Baltimore Advertiser, March 7, 1788

"In a national government, unless cautiously and fortunately administered, the disputes will be the deep-rooted differences of interest, where part of the empire must be injured by the operation of general law." – John Francis Mercer (A [Maryland] Farmer), Anti-Federalist No. 3, "New Constitution Creates a National Government, Will not Abate Foreign Influence, Dangers of Civil War and Despotism," Maryland Gazette and Baltimore Advertiser, March 7, 1788

"The only foreign, or at least evil foreign influence, must be obtained through corruption. Where the government is lodged in the body of the people, as in Switzerland, they can never be corrupted; for no prince, or people, can have resources enough to corrupt the majority of a nation; and if they could, the play is not worth the candle. The facility of corruption is increased in proportion as power tends by representation or delegation, to a concentration in the hands of a few." – John Francis Mercer (A [Maryland] Farmer), Anti-Federalist No. 3, "New Constitution Creates a National Government, Will not Abate Foreign Influence, Dangers of Civil War and Despotism," March 7, 1788

"The same government pervading a vast extent of territory, terrifies the minds of individuals into meanness and submission. All human authority, however organized, must have confined limits, or insolence and oppression will prove the offspring of its grandeur, and the difficulty or rather impossibility of escape prevents resistance." – John Francis Mercer (A [Maryland] Farmer), Anti-Federalist No. 3, "New Constitution Creates a National Government, Will not Abate Foreign Influence, Dangers of Civil War and Despotism," Maryland Gazette and Baltimore Advertiser, March 7, 1788

## **ANTI-FEDERALIST NO. 4**

"It is not sufficient to feign mere imaginary dangers; there must be a dreadful reality. The great question between us is: Does that reality exist? These dangers are partially attributed to bad laws, execrated by the community at large. It is said the people wish to change the government. I should be happy to meet them on that ground. Should the people wish to change it, we should be innocent of the dangers. It is a fact that the people do not wish to change their government." – Patrick Henry, Anti-Federalist No. 4, "Foreign Wars, Civil Wars, and Indian Wars—Three Bugbears," speech at Virginia Ratifying Convention, June 9, 1788; Elliot 3:151

"No government can flourish unless it be founded on the affection of the people." – Patrick Henry, Anti-Federalist No. 4, "Foreign Wars, Civil Wars, and Indian Wars—Three Bugbears," June 9, 1788; Elliot 3:151

# THE ESSENTIAL ANTI-FEDERALIST PAPERS

---

"As long as we can preserve our unalienable rights, we are in safety." – Patrick Henry, Anti-Federalist No. 4, "Foreign Wars, Civil Wars, and Indian Wars—Three Bugbears," June 7, 1788; Elliot 3:141

"Where is the danger? If, sir, there was any, I would recur to the American spirit to defend us; that spirit which has enabled us to surmount the greatest difficulties—to that illustrious spirit I address my most fervent prayer to prevent our adopting a system destructive to liberty." – Patrick Henry, Anti-Federalist No. 4, "Foreign Wars, Civil Wars, and Indian Wars—Three Bugbears," June 5, 1788; Elliot 3:48

"[S]hall a government which has been thus strong and vigorous, be accused of imbecility, and abandoned for want of energy? Consider what you are about to do before you part with the government. Take longer time in reckoning things." – Patrick Henry, Anti-Federalist No. 4, "Foreign Wars, Civil Wars, and Indian Wars—Three Bugbears," June 5, 1788; Elliot 3:46

"[I]t will oppress and ruin the people." – Patrick Henry, Anti-Federalist No. 4, "Foreign Wars, Civil Wars, and Indian Wars—Three Bugbears," June 5, 1788; Elliot 3:46

"We are cautioned by the honorable gentleman, who presides, against faction and turbulence. I acknowledge that licentiousness is dangerous, and that it ought to be provided against: I acknowledge, also, the new form of government may effectually prevent it: yet there is another thing it will as effectually do — it will oppress and ruin the people." – Patrick Henry, Patrick Henry, Anti-Federalist No. 4, "Foreign Wars, Civil Wars, and Indian Wars - Three Bugbears," speech at Virginia Ratifying Convention," June 5, 1788; Elliot 3:46

## **ANTI-FEDERALIST NO. 5**

"I am confident it must be, and that it is, the sincere wish of every true friend to the United States, that there should be a confederated national government, but that it should be one which would have a control over national and external matters only, and not interfere with the internal regulations and police of the different states in the union. Such a government, while it would give us respectability abroad, would not encroach upon, or subvert our liberties at home." – An Observer, Anti-Federalist No. 5, "Scotland and England - A Case in Point," Boston American Herald, December 3, 1787

## **ANTI-FEDERALIST NO. 6**

"A state of anarchy from its very nature can never be of long continuance; the greater its violence the shorter the duration. Order and security are immediately sought by the distracted people beneath the shelter of equal laws and the salutary restraints of regular government; and if this be not attainable, absolute power is assumed by the one, or a few, who shall be the most enterprising and successful." – Samuel Bryan (Centinel), Anti-Federalist No. 6, "The Hobgoblins of Anarchy and Dissentions Among the States," Philadelphia Independent Gazetteer, January 16, 1788

"[W]hen I view among such converts men otherwise pre-eminent it raises a blush for the weakness of humanity that these, her brightest ornaments, should be so dim-sighted to what is self-evident to most men, that such imbecility of judgment should appear where so much perfection was looked for. This ought to teach us to depend more on our own judgment and the nature of the case than upon the opinions of the greatest and best of men, who, from constitutional infirmities or particular situations, may sometimes view an object through a delusive medium; but the opinions of great men are more frequently the dictates of ambition or private interest." – Samuel Bryan (Centinel), Anti-Federalist No. 6, "The Hobgoblins of Anarchy and Dissentions Among the States," Philadelphia Independent Gazetteer, January 16, 1788

"The source of the apprehensions of this so much dreaded anarchy would upon investigation be found to arise from the artful suggestions of designing men, and not from a rational probability grounded on the actual state of affairs. The least reflection is sufficient to detect the fallacy to show that there is no one circumstance to justify the prediction of such an event. On the contrary a short time will evince, to the utter dismay and confusion of the conspirators, that a perseverance in cramming down their scheme of power upon the freemen of this State [Pennsylvania] will inevitably produce an anarchy destructive of their darling domination, and may kindle a flame prejudicial to their safety. They should be cautious not to trespass too far on the forbearance of freemen when wresting their dearest concerns, but prudently retreat from the gathering storm." – Samuel Bryan (Centinel), Anti-Federalist No. 6, "The Hobgoblins of Anarchy and Dissentions Among the States," Philadelphia Independent Gazetteer, January 16, 1788

# THE ESSENTIAL ANTI-FEDERALIST PAPERS

---

"As passing clouds obscure for a time the splendor of the sun, so do wars interrupt the welfare of mankind; but despotism is a settled gloom that totally extinguishes happiness. Not a ray of comfort can penetrate to cheer the dejected mind; the goad of power with unabating rigor insists upon the utmost exaction; like a merciless taskmaster, [it] is continually inflicting the lash, and is never satiated with the feast of unfeeling domination, or the most abject servility." – Samuel Bryan (Centinel), Anti-Federalist No. 6, "The Hobgoblins of Anarchy and Dissentions Among the States," Philadelphia Independent Gazetteer, January 16, 1788

"I congratulate my fellow citizens that a good government, the greatest earthly blessing, may be so easily obtained, that our circumstances are so favorable, that nothing but the folly of the conspirators can produce anarchy or civil war, which would presently terminate in their destruction and the permanent harmony of the state, alone interrupted by their ambitious machinations." – Samuel Bryan (Centinel), Anti-Federalist No. 6, "The Hobgoblins of Anarchy and Dissentions Among the States," Philadelphia Independent Gazetteer, January 16, 1788

## **ANTI-FEDERALIST NO. 7**

"[T]he state of our affairs at present, is of such moment, as even to arouse the dead." – Philanthropos, Anti-Federalist No. 7, "Adoption of the Constitution Will Lead to Civil War," The Virginia Journal and Alexandria Advertiser, December 6, 1787

"[W]ill any man in his sober senses say, that the least infringement or appearance of infringement on our liberty—that liberty which has lately cost so much blood and treasure, together with anxious days and sleepless nights—ought not both to rouse our fears and awaken our jealousy?" – Philanthropos, Anti-Federalist No. 7, "Adoption of the Constitution Will Lead to Civil War," The Virginia Journal and Alexandria Advertiser, December 6, 1787

"The Congress's having power without control—to borrow money on the credit of the United States; their having power to appoint their own salaries, and their being paid out of the treasury of the United States, thereby, in some measure, rendering them independent of the individual states." – Philanthropos, Anti-Federalist No. 7, "Adoption of the Constitution Will Lead to Civil War," The Virginia Journal and Alexandria Advertiser, December 6, 1787

"There are men amongst us, of such dissatisfied tempers, that place them in Heaven, they would find something to blame; and so restless and self-sufficient, that they must be eternally reforming the state. But the misfortune is, they always leave affairs worse than they find them." – Philanthropos, Anti-Federalist No. 7, "Adoption of the Constitution Will Lead to Civil War," The Virginia Journal and Alexandria Advertiser, December 6, 1787

"Feeble in our nature, and complicated in our form, we are little able to bear the rough Posting of civil dissensions which are likely to ensue. Even now, discontent and opposition distract our councils. Division and despondency affect our people." – Philanthropos, Anti-Federalist No. 7, "Adoption of the Constitution Will Lead to Civil War," The Virginia Journal and Alexandria Advertiser, December 6, 1787

"Beware my countrymen! Our enemies -- uncontrolled as they are in their ambitious schemes, fretted with losses, and perplexed with disappointments -- will exert their whole power and policy to increase and continue our confusion. And while we are destroying one another, they will be repairing their losses, and ruining our trade." – Philanthropos, Anti-Federalist No. 7, "Adoption of the Constitution Will Lead to Civil War," The Virginia Journal and Alexandria Advertiser, December 6, 1787

"[W]hile some are studying to supplant their neighbors, and others striving to keep their stations, one villain will wink at the oppression of another, the people be fleeced, and the public business neglected. From despotism and tyranny good Lord deliver us." – Philanthropos, Anti-Federalist No. 7, "Adoption of the Constitution Will Lead to Civil War," The Virginia Journal and Alexandria Advertiser, December 6, 1787

## **ANTI-FEDERALIST NO. 8**

"Thus shall we imprudently confer on so small a number the very important power of taking our money out of our pockets, and of levying taxes without control—a right which the wisdom of our state constitution will, in

# THE ESSENTIAL ANTI-FEDERALIST PAPERS

---

vain, have confided to the most numerous branch of the legislature." – A Federal Republican, Anti-Federalist No. 8, "The Power Vested in Congress of Sending Troops for Suppressing Insurrections Will Always Enable Them to Stifle the First Struggles of Freedom," The Norfolk and Portsmouth Register, March 5, 1788

"Thus will you be necessarily compelled either to make a bold effort to extricate yourselves from these grievous and oppressive extortions, or you will be fatigued by fruitless attempts into the quiet and peaceable surrender of those rights, for which the blood of your fellow citizens has been shed in vain." – A Federal Republican, Anti-Federalist No. 8, "The Power Vested in Congress of Sending Troops for Suppressing Insurrections Will Always Enabled Them to Stifle the First Struggles of Freedom," The Norfolk and Portsmouth Register, March 5, 1788

## ANTI-FEDERALIST NO. 9

"Every man is eligible into our government from time to time for life. This will have a two-fold good effect. First, it prevents the representatives from mixing with the lower class, and imbibing their foolish sentiments, with which they would have come charged on re-election. ... 2nd. They will from the perpetuity of office be under our eye, and in a short time will think and act like us, independently of popular whims and prejudices." – Montezuma, Anti-Federalist No. 9, "A Consolidated Government is a Tyranny," Independent Gazetteer, October 17, 1787

"[W]hereas many of our brethren, from a laudable desire to support their rank in life above the commonalty, have not only deranged their finances, but subjected their persons to indecent treatment (as being arrested for debt, etc.) we have framed a privilege clause, by which they may laugh at the fools who trusted them." – Montezuma, Anti-Federalist No. 9, "A Consolidated Government is a Tyranny," Independent Gazetteer, October 17, 1787

"We have frequently endeavored to effect in our respective states, the happy discrimination which pervades this system; but finding we could not bring the states into it individually, we have determined ... and have taken pains to leave the legislature of each free and independent state, as they now call themselves, in such a situation that they will eventually be absorbed by our grand continental vortex, or dwindle into petty corporations, and have power over little else than yoaking hogs or determining the width of cart wheels." – Montezuma, Anti-Federalist No. 9, "A Consolidated Government is a Tyranny," Independent Gazetteer, October 17, 1787

"[W]hat have we to fear armed with such powers, with a president at our head who is captain-general of the army, navy and militia of the United States, who can make and unmake treaties, appoint and commission ambassadors and other ministers, who can grant or refuse reprieves or pardons, who can make judges of the supreme and other continental courts—in short, who will be the source, the fountain of honor, profit and power, whose influence like the rays of the sun, will diffuse itself far and wide, will exhale all democratical vapors and break the clouds of popular insurrection?" – Montezuma, Anti-Federalist No. 9, "A Consolidated Government is a Tyranny," Independent Gazetteer, October 17, 1787

"[W]e shall entrench ourselves so as to laugh at the cabals of the commonalty. A few regiments will do at first; it must be spread abroad that they are absolutely necessary to defend the frontiers. Now a regiment and then a legion must be added quietly; by and by a frigate or two must be built, still taking care to intimate that they are essential to the support of our revenue laws and to prevent smuggling." – Montezuma, Anti-Federalist No. 9, "A Consolidated Government is a Tyranny," Independent Gazetteer, October 17, 1787

"We have for some time considered the freedom of the press as a great evil—it spreads information, and begets a licentiousness in the people which needs the rein more than the spur; besides, a daring printer may expose the plans of government and lessen the consequence of our president and senate—for these and many other reasons we have said nothing with respect to the "right of the people to speak and publish their sentiments" or about their 'palladiums of liberty' and such stuff." – Montezuma, Anti-Federalist No. 9, "A Consolidated Government is a Tyranny," Independent Gazetteer, October 17, 1787

"Our friends we find have been assiduous in representing our federal calamities, until at length the people at large—frightened by the gloomy picture on one side, and allured by the prophecies of some of our fanciful and visionary adherents on the other—are ready to accept and confirm our proposed government without the delay or forms of examination—which was the more to be wished, as they are wholly unfit to investigate the

# THE ESSENTIAL ANTI-FEDERALIST PAPERS

---

principles or pronounce on the merit of so exquisite a system." – Montezuma, Anti-Federalist No. 9, "A Consolidated Government is a Tyranny," Independent Gazetteer, October 17, 1787

## ANTI-FEDERALIST NO. 10

"The old Congress was a national government and an union of States, both brought into one political body, as these opposite powers-I do not mean parties were so exactly blended and very nearly balanced, like every artificial, operative machine where action is equal to reaction. It stood perfectly still. It would not move at all. Those who were merely confederal in their views, were for dividing the public debt. Those who were for national government, were for increasing of it. Those who thought any national government would be destructive to the liberties of America . . . assisted those who thought it our only safety-to put everything as wrong as possible." – John Francis Mercer (A [Maryland] Farmer), Anti-Federalist No. 10, "On the Preservation of Parties, Public Liberty Depends," Maryland Gazette and Baltimore Advertiser, March 18, 1788

"Either in [17]82 or [17]83, ten millions of hard dollars, if not thirteen, were called into the continental treasury, when there could not be half that sum in the whole tract of territory between Nova-Scotia and Florida. The States neglected them in despair. The public honor was tarnished, and our governments abused by their servants and best friends. In fine, it became a cant word things are not yet bad enough to mend." – John Francis Mercer (A [Maryland] Farmer), Anti-Federalist No. 10, "On the Preservation of Parties, Public Liberty Depends," Maryland Gazette and Baltimore Advertiser, March 18, 1788

"[E]ven then the advantages and disadvantages of national government operated so strongly, although silently, on each individual, that the conflict was nearly equal. A third or middle opinion, which always arises in such cases, broke off and took the lead-the national party [thus] assisted, pursued steadily their object- the federal party dropped off, one by one, and finally, when the middle party came to view the offspring which they had given birth to, and in a great measure reared, several of them immediately disowned the child." – John Francis Mercer (A [Maryland] Farmer), Anti-Federalist No. 10, "On the Preservation of Parties, Public Liberty Depends," Maryland Gazette and Baltimore Advertiser, March 18, 1788

"America is at present divided into three classes or descriptions of men, and in a few years there will be but two. . . . The first class comprehends all those men of fortune and reputation who stepped forward in the late revolution, from opposition to the administration, rather than the government of Great Britain. . . . The second class is composed of those descriptions of men who are certainly more numerous with us than in any other part of the globe. First, those men who are so wise as to discover that their ancestors and indeed all the rest of mankind were and are fools. We have a vast overproportion of these great men... At the head of the third class appear the old rigid republicans, who although few in number, are still formidable. Reverence will follow these men in spite of detraction, as long as wisdom and virtue are esteemed among mankind. They are joined by the true democrats, who are in general fanatics and enthusiasts, and some few sensible, charming madmen. A decided majority of the yeomanry of America will, for a length of years, be ready to support these two descriptions of men." – John Francis Mercer (A [Maryland] Farmer), Anti-Federalist No. 10, "On the Preservation of Parties, Public Liberty Depends," Maryland Gazette and Baltimore Advertiser, March 18, 1788

"My countrymen, preserve your jealousy-reject suspicion, it is the fiend that destroys public and private happiness. I know some weak, but very few if any wicked men in public confidence. And learn this most difficult and necessary lesson: That on the preservation of parties, public liberty depends. Whenever men are unanimous on great public questions, whenever there is but one party, freedom ceases and despotism commences. The object of a free and wise people should be so to balance parties, that from the weakness of all you may be governed by the moderation of the combined judgments of the whole, not tyrannized over by the blind passions of a few individuals." – John Francis Mercer (A [Maryland] Farmer), Anti-Federalist No. 10, "On the Preservation of Parties, Public Liberty Depends," Maryland Gazette and Baltimore Advertiser, March 18, 1788

## ANTI-FEDERALIST NO. 11

"It has been proved, by indisputable evidence, that power is not the grand principle of union among the parts of a very extensive empire; and that when this principle is pushed beyond the degree necessary for rendering justice between man and man, it debases the character of individuals, and renders them less secure in their persons and property. Civil liberty consists in the consciousness of that security, and is best guarded by political liberty, which is the share that every citizen has in the government." – James Winthrop (Agrippa),

## THE ESSENTIAL ANTI-FEDERALIST PAPERS

---

Anti-Federalist No. 11, "Unrestricted Power Over Commerce Should Not Be Given the National Government," Massachusetts Gazette, December 25, 1787; Ford, Essays, pp. 70-73, 76-77, 79-81

"A diversity of produce, wants and interests, produces commerce, and commerce, where there is a common, equal and moderate authority to preside, produces friendship." – James Winthrop (Agrippa), Anti-Federalist No. 11, "Unrestricted Power Over Commerce Should Not Be Given the National Government," Massachusetts Gazette, December 25, 1787; Ford, Essays, pp. 70-73, 76-77, 79-81

"Congress has not the sole power to regulate the intercourse between us and foreigners. Such a power extends not only to war and peace, but to trade and naturalization. This last article ought never to be given them; for though most of the states may be willing for certain reasons to receive foreigners as citizens, yet reasons of equal weight may induce other states, differently circumstanced, to keep their blood pure." – James Winthrop (Agrippa), Anti-Federalist No. 11, "Unrestricted Power Over Commerce Should Not Be Given the National Government," Massachusetts Gazette, December 28, 1787; Ford, Essays, pp. 70-73, 76-77, 79-81

"Three restrictions appear to me to be essentially necessary to preserve the equality of rights to the states, which it is the object of the state governments to secure to each citizen, 1st. It ought not to be in the power of Congress either by treaty or otherwise to alienate part of any state without the consent of the legislature. 2d. They ought not to be able by treaty or other law to give any legal preference to one part above another. 3d. They ought to be restrained from creating any monopolies." – James Winthrop (Agrippa), Anti-Federalist No. 11, "Unrestricted Power Over Commerce Should Not Be Given the National Government," Massachusetts Gazette, December 28, 1787; Ford, Essays, pp. 70-73, 76-77, 79-81

"The new constitution not only prohibits vessels, bound from one state to another, from paying any duties, but even from entering and clearing. The only use of such a regulation is, to keep each state in complete ignorance of its own resources. It certainly is no hardship to enter and clear at the custom house, and the expense is too small to be an object." – James Winthrop (Agrippa), Anti-Federalist No. 11, "Unrestricted Power Over Commerce Should Not Be Given the National Government," Massachusetts Gazette, December 14, 1787; Ford, Essays, pp. 70-73, 76-77, 79-81

"The unlimited right to regulate trade includes the right of granting exclusive charters. This, in all old countries, is considered as one principal branch of prerogative. We find hardly a country in Europe which has not felt the ill effects of such a power." – James Winthrop (Agrippa), Anti-Federalist No. 11, "Unrestricted Power Over Commerce Should Not Be Given the National Government," Massachusetts Gazette, December 14, 1787; Ford, Essays, pp. 70-73, 76-77, 79-81

"There cannot be a doubt, that, while the trade of this continent remains free, the activity of our countrymen will secure their full share. All the estimates for the present year, let them be made by what party they may, suppose the balance of trade to be largely in our favour. The credit of our merchants is, therefore, fully established in foreign countries. This is a sufficient proof, that when business is unshackled, it will find out that channel which is most friendly to its course. We ought, therefore, to be exceedingly cautious about diverting or restraining it." – James Winthrop (Agrippa), Anti-Federalist No. 11, "Unrestricted Power Over Commerce Should Not Be Given the National Government," Massachusetts Gazette, December 18, 1787; Ford, Essays, pp. 70-73, 76-77, 79-81

"Experience has...shewn, that, instead of trying to lessen an evil by altering the present course of things, every endeavour should have been applied to facilitate the course of law, and thus to encourage a mutual confidence among the citizens, which increases the resources of them all, and renders easy the payment of debts. By this means one does not grow rich at the expense of another, but all are benefited." – James Winthrop (Agrippa), Anti-Federalist No. 11, "Unrestricted Power Over Commerce Should Not Be Given the National Government," Massachusetts Gazette, December 18, 1787; Ford, Essays, pp. 70-73, 76-77, 79-81

"It is vain to tell us that we ought to overlook local interests. It is only by protecting local concerns, that the interest of the whole is preserved. No man when he enters into society, does it from a view to promote the good of others, but he does it for his own good. All men having the same view are bound equally to promote the welfare of the whole. To recur then to such a principle as that local interests must be disregarded, is requiring of one man to do more than another, and is subverting the foundation of a free government." – James Winthrop (Agrippa), Anti-Federalist No. 11, "Unrestricted Power Over Commerce Should Not Be Given the National Government," Massachusetts Gazette, December 18, 1787; Ford, Essays, pp. 70-73, 76-77, 79-81

# THE ESSENTIAL ANTI-FEDERALIST PAPERS

---

## ANTI-FEDERALIST NO. 12

"On the subject of taxation, in which powers are to be given so largely by the new constitution, you [James Wilson of Pennsylvania] lull our fears of abuse by venturing to predict "that the great revenue of the United States must, and always will, be raised by impost"—and you elevate our hopes by holding out, "the reviving and supporting the national credit." If you have any other plan for this, than by raising money upon the people to pay the interest of the national debt, your ingenuity will deserve our thanks." – Cincinnatus, Anti-Federalist No. 12, "How Will the New Government Raise Money," from an address to a meeting of citizens of Philadelphia, response to James Wilson's statements about Congress' powers to tax under the Constitution, New-York Journal, as reprinted from a Philadelphia newspaper, November 29 and December 6, 1787

"For first, we are now in the way of paying the interest of the domestic debt, with paper, which under the new system is utterly reprobated. ... If the new government raises this sum in specie on the people, it will certainly support public credit, but it will overwhelm the people. It will give immense fortunes to the speculators; but it will grind the poor to dust." – Cincinnatus, Anti-Federalist No. 12, "How Will the New Government Raise Money," from an address to a meeting of citizens of Philadelphia, response to James Wilson's statements about Congress' powers to tax under the Constitution, New-York Journal, as reprinted from a Philadelphia newspaper, November 29 and December 6, 1787

"A principal, which having been generally purchased for two shillings and six pence on the pound, will yield to the holders two hundred and forty per cent. This paper system therefore, though in general an evil, is in this instance attended with the great benefit of enabling the public to cancel a debt upon easy terms, which has been swelled to its enormous size, by as enormous impositions. And the new government, by promising too much, will involve itself in a disreputable breach of faith." – Cincinnatus, Anti-Federalist No. 12, "How Will the New Government Raise Money," from an address to a meeting of citizens of Philadelphia, response to James Wilson's statements about Congress' powers to tax under the Constitution, New-York Journal, as reprinted from a Philadelphia newspaper, November 29 and December 6, 1787

"Whether the change will be for our prosperity and honor, is yet to be tried. Perhaps it will be found, that the supposed want of power in Congress to levy taxes is, at present a veil happily thrown over the inability of the people; and that the large powers given to the new government will, to every one, expose the nakedness of our land. Certain it is, that if the expectations which are grafted on the gift of those plenary powers, are not answered, our credit will be irretrievably ruined." – Cincinnatus, Anti-Federalist No. 12, "How Will the New Government Raise Money," from an address to a meeting of citizens of Philadelphia, response to James Wilson's statements about Congress' powers to tax under the Constitution, New-York Journal, as reprinted from a Philadelphia newspaper, November 29 and December 6, 1787

## ANTI-FEDERALIST NO. 13

"The truth is, when you carry a man's salary beyond what decency requires, he immediately becomes a man of consequence, and does little or no business at all." – A Farmer, Anti-Federalist No. 13, "The Expense of the New Government," New Hampshire Advertiser, January 11, 1788

"I heartily wish that all ranks of men among us, ministers of the gospel as well as others, would turn their attention toward the Constitution they may be more concerned in the event than they at present think of." – A Farmer, Anti-Federalist No. 13, "The Expense of the New Government," New Hampshire Advertiser, January 11, 1788

"Rouse up, my friends, a matter of infinite importance is before you on the carpet..." – A Farmer, Anti-Federalist No. 13, "The Expense of the New Government," New Hampshire Advertiser, January 11, 1788

"Seize the happy moment. Secure to yourselves and your posterity the jewel Liberty, which has cost you so much blood and treasure, by a well regulated Bill of Rights, from the encroachments of men in power." – A Farmer, Anti-Federalist No. 13, "The Expense of the New Government," New Hampshire Advertiser, January 11, 1788

"My friends and countrymen, let us pause for a moment and consider. We are not driven to such great straits as to be obliged to swallow down every potion offered us by wholesale, or else die immediately by our

# THE ESSENTIAL ANTI-FEDERALIST PAPERS

---

disease." – A Farmer, Anti-Federalist No. 13, "The Expense of the New Government," New Hampshire Advertiser, January 11, 1788

"A merchant or mechanic may dispose of his goods, or pack them up in trunks and remove to another clime in the course of a few months. But you cannot shoulder your lands, or dispose of them when you please. It therefore behooves you to rouse up, and turn your most serious and critical attention to this Constitution." – A Farmer, Anti-Federalist No. 13, "The Expense of the New Government," New Hampshire Advertiser, January 11, 1788

"[O]ur American ambassador, struck with the brilliancy of the British court [John Adams], where everything around St. James's wears the appearance of wealth, ease and plenty, should imagine a three branched legislature only can produce these effects, and make the subjects happy, should write a book in favor of such a government, and send it over for the illumination of this western world. If this is the sole fruit of his embassy, America will not canonize him for a saint on account of his services, when they have experienced the consequences of such a kind of government as he has planned out." – Unsigned, Anti-Federalist No. 13, "The Expense of the New Government," Connecticut Journal, October 17, 1787

"Now I submit it to the good sense of the people of these states, whether it is prudent we should make so liberal and extensive a grant of power and property to any body of men in these United States, before they have ever informed the public, the amount of the public debt, or what the annual expenses of the federal government is, or will be." – Unsigned, Anti-Federalist No. 13, "The Expense of the New Government," Connecticut Journal, October 17, 1787

## **ANTI-FEDERALIST NO. 14**

"[W]hoever seriously considers the immense extent of territory comprehended within the limits of the United States, together with the variety of its climates, productions, and commerce, the difference of extent, and number of inhabitants in all; the dissimilitude of interest, morals, and politics, in almost every one, will receive it as an intuitive truth, that a consolidated republican form of government therein, can never form a perfect union, establish justice, insure domestic tranquillity, promote the general welfare, and secure the blessings of liberty to you and your posterity, for to these objects it must be directed. This unkindred legislature therefore, composed of interests opposite and dissimilar in their nature, will in its exercise, emphatically be like a house divided against itself." – George Clinton (Cato), Anti-Federalist No. 14, "Extent of Territory under Consolidated Government Too Large to Preserve Liberty or Protect Property," New York Journal, October 25, 1787

"It is natural, says Montesquieu, to a republic to have only a small territory, otherwise it cannot long subsist: in a large one, there are men of large fortunes, and consequently of less moderation; there are too great deposits to trust in the hands of a single subject, an ambitious person soon becomes sensible that he may be happy, great, and glorious by oppressing his fellow citizens, and that he might raise himself to grandeur, on the ruins of his country." – George Clinton (Cato), Anti-Federalist No. 14, "Extent of Territory under Consolidated Government Too Large to Preserve Liberty or Protect Property," New York Journal, October 25, 1787

"In large republics, the public good is sacrificed to a thousand views, in a small one, the interest of the public is easily perceived, better understood, and more within the reach of every citizen; abuses have a less extent, and of course are less protected." – George Clinton (Cato), Anti-Federalist No. 14, "Extent of Territory under Consolidated Government Too Large to Preserve Liberty or Protect Property," New York Journal, October 25, 1787

"You must risk much, by indispensably placing trusts of the greatest magnitude, into the hands of individuals whose ambition for power, and aggrandizement, will oppress and grind you." – George Clinton (Cato), Anti-Federalist No. 14, "Extent of Territory under Consolidated Government Too Large to Preserve Liberty or Protect Property," New York Journal, October 25, 1787

"Where, from the vast extent of your territory, and the complication of interests, the science of government will become intricate and perplexed, and too mysterious for you to understand and observe; and by which you are to be conducted into a monarchy, either limited or despotic; the latter, Mr. Locke remarks, is a government derived from neither nature nor compact." – George Clinton (Cato), Anti-Federalist No. 14,

# THE ESSENTIAL ANTI-FEDERALIST PAPERS

---

"Extent of Territory under Consolidated Government Too Large to Preserve Liberty or Protect Property," New York Journal, October 25, 1787

"Political liberty, the great Montesquieu again observes, consists in security, or at least in the opinion we have of security; and this security, therefore, or the opinion, is best obtained in moderate governments, where the mildness of the laws, and the equality of the manners, beget a confidence in the people, which produces this security, or the opinion. This moderation in governments depends in a great measure on their limits, connected with their political distribution." – George Clinton (Cato), Anti-Federalist No. 14, "Extent of Territory under Consolidated Government Too Large to Preserve Liberty or Protect Property," New York Journal, October 25, 1787

"Of revenue laws (a fruitful source of oppression) on the extremes and in the other districts of the government, will incidentally and necessarily require a permanent force, to be kept on foot. Will not political security, and even the opinion of it, be extinguished? Can mildness and moderation exist in a government where the primary incident in its exercise must be force? Will not violence destroy confidence, and can equality subsist where the extent, policy, and practice of it will naturally lead to make odious distinctions among citizens?" – George Clinton (Cato), Anti-Federalist No. 14, "Extent of Territory under Consolidated Government Too Large to Preserve Liberty or Protect Property," New York Journal, October 25, 1787

"It may be suggested...that whoever is a citizen of one state is a citizen of each, and that therefore he will be as interested in the happiness and interest of all, as the one he is delegated from. But the argument is fallacious, and, whoever has attended to the history of mankind, and the principles which bind them together as parents, citizens, or men, will readily perceive it." – George Clinton (Cato), Anti-Federalist No. 14, "Extent of Territory under Consolidated Government Too Large to Preserve Liberty or Protect Property," New York Journal, October 25, 1787

"The strongest principle of union resides within our domestic walls. The ties of the parent exceed that of any other." – George Clinton (Cato), Anti-Federalist No. 14, "Extent of Territory under Consolidated Government Too Large to Preserve Liberty or Protect Property," New York Journal, October 25, 1787

## **ANTI-FEDERALIST NO. 15**

"Popular favor is variable, and those who are now despised and insulted may soon change situations with the present idols of the people." – Unsigned, Anti-Federalist No. 15, "Rhode Island is Right!" Massachusetts Gazette, December 7, 1787

"[W]e should all impress with great care, this truth on our minds—That it is very easy to change a free government into an arbitrary one, but that it is very difficult to convert tyranny into freedom." – Unsigned, Anti-Federalist No. 15, "Rhode Island is Right!" Massachusetts Gazette, December 7, 1787

## **ANTI-FEDERALIST NO. 16**

"America is now free. She now enjoys a greater portion of political liberty than any other country under heaven. How long she may continue so depends entirely upon her own caution and wisdom. If she would look to herself more, and to Europe less, I am persuaded it would tend to promote her felicity. She possesses all the advantages which characterize a rich country—rich within herself, she ought less to regard the politics, the manufactures, and the interests of distant nations." – Alfred, Anti-Federalist No. 16, "Europeans Admire and Federalists Decry the Present System," Philadelphia Independent Gazetteer, December 15, 1787

"Let us not, ye lovers of freedom, be rash and hasty. Perhaps the real evils we labor under do not arise from these systems. There may be other causes to which our misfortunes may be properly attributed. Read the American constitutions, and you will find our essential rights and privileges well guarded and secured. May not our manners be the source of our national evils? May not our attachment to foreign trade increase them?" – Alfred, Anti-Federalist No. 16, "Europeans Admire and Federalists Decry the Present System," Philadelphia Independent Gazetteer, December 15, 1787

"It is a just observation that in modern times money does everything. If a government can command this unum necessarium from a certain revenue, it may be considered as wealthy and respectable; if not, it will lose

# THE ESSENTIAL ANTI-FEDERALIST PAPERS

---

its dignity, become inefficient and contemptible." – Alfred, Anti Federalist No. 16, "Europeans Admire and Federalists Decry the Present System," Philadelphia Independent Gazetteer, December 15, 1787

"Orators may declaim on the badness of the times as long as they please, but I must tell them that the want of public virtue, and the want of money, are two of the principal sources of our grievances; and if we are under the pressure of these wants, it ought to teach us frugality—to adopt a frugal administration of public affairs." – Alfred, Anti Federalist No. 16, "Europeans Admire and Federalists Decry the Present System," Philadelphia Independent Gazetteer, December 15, 1787

## **ANTI-FEDERALIST NO. 17**

"When the public is called to investigate and decide upon a question in which not only the present members of the community are deeply interested, but upon which the happiness and misery of generations yet unborn is in great measure suspended, the benevolent mind cannot help feeling itself peculiarly interested in the result. ... In this situation, I trust the feeble efforts of an individual, to lead the minds of the people to a wise and prudent determination, cannot fail of being acceptable to the candid and dispassionate part of the community." – Robert Yates (Brutus), Anti-Federalist No. 17, "Federalist Power Will Ultimately Subvert State Authority," October 18, 1788

"Perhaps this country never saw so critical a period in their political concerns." – Robert Yates (Brutus), Anti-Federalist No. 17, "Federalist Power Will Ultimately Subvert State Authority," October 18, 1788

"The most important question that was ever proposed to your decision, or to the decision of any people under heaven, is before you..." – Robert Yates (Brutus), Anti-Federalist No. 17, "Federalist Power Will Ultimately Subvert State Authority," October 18, 1788

"If the constitution, offered to your acceptance, be a wise one, calculated to preserve the invaluable blessings of liberty, to secure the inestimable rights of mankind, and promote human happiness, then, if you accept it, you will lay a lasting foundation of happiness for millions yet unborn; generations to come will rise up and call you blessed. You may rejoice in the prospects of this vast extended continent becoming filled with freemen, who will assert the dignity of human nature. You may solace yourselves with the idea, that society, in this favoured land, will fast advance to the highest point of perfection; the human mind will expand in knowledge and virtue, and the golden age be, in some measure, realised. But if, on the other hand, this form of government contains principles that will lead to the subversion of liberty—if it tends to establish a despotism, or, what is worse, a tyrannic aristocracy; then, if you adopt it, this only remaining assylum for liberty will be shut up, and posterity will execrate your memory." – Robert Yates (Brutus), Anti-Federalist No. 17, "Federalist Power Will Ultimately Subvert State Authority," October 18, 1788

"[W]hen the people once part with power, they can seldom or never resume it again but by force. Many instances can be produced in which the people have voluntarily increased the powers of their rulers; but few, if any, in which rulers have willingly abridged their authority. This is a sufficient reason to induce you to be careful, in the first instance, how you deposit the powers of government." – Robert Yates (Brutus), Anti-Federalist No. 17, "Federalist Power Will Ultimately Subvert State Authority," October 18, 1788

"This government is to possess absolute and uncontrollable power, legislative, executive and judicial, with respect to every object to which it extends, for by the last clause of section 8th, article 1st, it is declared 'that the Congress shall have power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution, in the government of the United States; or in any department or office thereof.'" – Robert Yates (Brutus), Anti-Federalist No. 17, "Federalist Power Will Ultimately Subvert State Authority," October 18, 1788

"[A] little attention to the powers vested in the general government, will convince every candid man, that if it is capable of being executed, all that is reserved for the individual states must very soon be annihilated, except so far as they are barely necessary to the organization of the general government. The powers of the general legislature extend to every case that is of the least importance—there is nothing valuable to human nature, nothing dear to freemen, but what is within its power." – Robert Yates (Brutus), Anti-Federalist No. 17, "Federalist Power Will Ultimately Subvert State Authority," October 18, 1788

## THE ESSENTIAL ANTI-FEDERALIST PAPERS

---

"[T]hey are the sole judges of what is necessary to provide for the common defence, and they only are to determine what is for the general welfare; this power therefore is neither more nor less, than a power to lay and collect taxes, imposts, and excises, at their pleasure; not only [is] the power to lay taxes unlimited, as to the amount they may require, but it is perfect and absolute to raise them in any mode they please." – Robert Yates (Brutus), Anti-Federalist No. 17, "Federalist Power Will Ultimately Subvert State Authority," October 18, 1788

"It is proper here to remark, that the authority to lay and collect taxes is the most important of any power that can be granted; it connects with it almost all other powers, or at least will in process of time draw all other after it; it is the great mean of protection, security, and defence, in a good government, and the great engine of oppression and tyranny in a bad one." – Robert Yates (Brutus), Anti-Federalist No. 17, "Federalist Power Will Ultimately Subvert State Authority," October 18, 1788

"[T]he legislature of the United States are vested with the great and uncontrollable powers, of laying and collecting taxes, duties, imposts, and excises; of regulating trade, raising and supporting armies, organizing, arming, and disciplining the militia, instituting courts, and other general powers. And are by this clause invested with the power of making all laws, proper and necessary, for carrying all these into execution; and they may so exercise this power as entirely to annihilate all the state governments, and reduce this country to one single government." – Robert Yates (Brutus), Anti-Federalist No. 17, "Federalist Power Will Ultimately Subvert State Authority," October 18, 1788

"[I]t is a truth confirmed by the unerring experience of ages, that every man, and every body of men, invested with power, are ever disposed to increase it, and to acquire a superiority over every thing that stands in their way." – Robert Yates (Brutus), Anti-Federalist No. 17, "Federalist Power Will Ultimately Subvert State Authority," October 18, 1788

"If respect is to be paid to the opinion of the greatest and wisest men who have ever thought or wrote on the science of government, we shall be constrained to conclude, that a free republic cannot succeed over a country of such immense extent, containing such a number of inhabitants, and these increasing in such rapid progression as that of the whole United States." – Robert Yates (Brutus), Anti-Federalist No. 17, "Federalist Power Will Ultimately Subvert State Authority," October 18, 1788

"In a free republic, although all laws are derived from the consent of the people, yet the people do not declare their consent by themselves in person, but by representatives, chosen by them, who are supposed to know the minds of their constituents, and to be possessed of integrity to declare this mind." – Robert Yates (Brutus), Anti-Federalist No. 17, "Federalist Power Will Ultimately Subvert State Authority," October 18, 1788

"If the people are to give their assent to the laws, by persons chosen and appointed by them, the manner of the choice and the number chosen, must be such, as to possess, be disposed, and consequently qualified to declare the sentiments of the people; for if they do not know, or are not disposed to speak the sentiments of the people, the people do not govern, but the sovereignty is in a few." – Robert Yates (Brutus), Anti-Federalist No. 17, "Federalist Power Will Ultimately Subvert State Authority," October 18, 1788

"In a republic, the manners, sentiments, and interests of the people should be similar. If this be not the case, there will be a constant clashing of opinions; and the representatives of one part will be continually striving against those of the other. This will retard the operations of government, and prevent such conclusions as will promote the public good." – Robert Yates (Brutus), Anti-Federalist No. 17, "Federalist Power Will Ultimately Subvert State Authority," October 18, 1788

"A free republic will never keep a standing army to execute its laws. It must depend upon the support of its citizens. But when a government is to receive its support from the aid of the citizens, it must be so constructed as to have the confidence, respect, and affection of the people." – Robert Yates (Brutus), Anti-Federalist No. 17, "Federalist Power Will Ultimately Subvert State Authority," October 18, 1788

"The confidence which the people have in their rulers, in a free republic, arises from their knowing them, from their being responsible to them for their conduct, and from the power they have of displacing them when they misbehave: but in a republic of the extent of this continent, the people in general would be acquainted with very few of their rulers: the people at large would know little of their proceedings, and it would be extremely

# THE ESSENTIAL ANTI-FEDERALIST PAPERS

---

difficult to change them." – Robert Yates (Brutus), Anti-Federalist No. 17, "Federalist Power Will Ultimately Subvert State Authority," October 18, 1788

"In so extensive a republic, the great officers of government would soon become above the controul of the people, and abuse their power to the purpose of aggrandizing themselves, and oppressing them. The trust committed to the executive offices, in a country of the extent of the United-States, must be various and of magnitude. ... They will use the power, when they have acquired it, to the purposes of gratifying their own interest and ambition, and it is scarcely possible, in a very large republic, to call them to account for their misconduct, or to prevent their abuse of power." – Robert Yates (Brutus), Anti-Federalist No. 17, "Federalist Power Will Ultimately Subvert State Authority," October 18, 1788

## **ANTI-FEDERALIST NO. 18-19-20 - An Old Whig**

"It is Much better to pause and reflect before hand, than to repent when it is too late; when no peaceable remedy will be left us, and unanimity will be forever banished. The struggles of the people against a bad government, when it is once fixed, afford but a gloomy picture in the annals of mankind, They are often unfortunate; they are always destructive of private and public happiness; but the peaceable consent of a people to establish a free and effective government is one of the most glorious objects that is ever exhibited on the theater of human affairs." – An Old Whig, Anti-Federalist No. 18-19-20, "What Does History Teach? (Part 1)", Massachusetts Gazette, November 27, 1787

"My only fear is that the impatience of the people will lead them to accept the first that is offered them without examining whether it is right or wrong." – An Old Whig, Anti-Federalist No. 18-19-20, "What Does History Teach? (Part 1)", Massachusetts Gazette, November 27, 1787

"We shall, in effect, become one great republic. Every measure of any importance will be continental. What will be the consequence of this? One thing is evident—that no republic of so great magnitude ever did or ever can exist." – An Old Whig, Anti-Federalist No. 18-19-20, "What Does History Teach? (Part 1)", Massachusetts Gazette, November 27, 1787

"If the men who at different times have been entrusted to form plans of government for the world, had been really actuated by no other motives than the public good, the condition of human nature in all ages would have been widely different from that which has been exhibited to us in history. In this country perhaps we are possessed of more than our share of political virtue." – An Old Whig, Anti-Federalist No. 18-19-20, "What Does History Teach? (Part 1)", Massachusetts Gazette, November 27, 1787

"the people of this country, at the revolution, having all power in their own hands, in forming the constitutions of the several states, took care to secure themselves, by bills of rights, so as to prevent as far as possible the encroachments of their future rulers upon the rights of the people. Some of these rights are said to be unalienable, such as the rights of conscience. Yet even these have been often invaded, where they have not been carefully secured, by express and solemn bills and declarations in their favor." – An Old Whig, Anti-Federalist No. 18-19-20, "What Does History Teach? (Part 1)", Massachusetts Gazette, November 27, 1787

## **ANTI-FEDERALIST NO. 18-19-20 - A Newport Man**

"We were long contending for Independence, and now we are in a passion to be rid of it." – A Newport Man, Anti-Federalist No. 18-19-20, "What Does History Teach? (Part 2)," The Newport Mercury, March 17, 1788

"It seems rational in a case of this importance to consult the opinion of the ablest men, and to whom can we better appeal than to J. J. Rousseau, a republican by birth and education—one of the most exalted geniuses and one of the greatest writers of his age, or perhaps any age; a man the most disinterested and benevolent towards mankind; a man the most industrious in the acquisition of knowledge and information, by travel, conversation, reading, and thinking; and one who has wrote a Volume on Government entitled the Social Contract, wherein he inculcates, that the people should examine and determine every public act themselves. His words are, that 'every law that the people have not ratified in person, is void; it is no law. The people of England think they are free. They are much mistaken. They are never so but during the election of members of Parliament. As soon as they are elected, they are slaves, they are nothing. And by the use they make of their liberty during the short moments they possess it, they well deserve to lose it.'" – A Newport Man, Anti-Federalist No. 18-19-20, "What Does History Teach? (Part 2)," The Newport Mercury, March 17, 1788

# THE ESSENTIAL ANTI-FEDERALIST PAPERS

---

"A Cincinnatus, a Cato, a Fabricius, and a Washington, are rarely to be found. We are told that the Trustees of our powers and freedom, being mostly married men, and all of them inhabitants and proprietors of the country, is an ample security against an abuse of power. Whether human nature be less corrupt than formerly I will not determine—but this I know: that Julius Caesar, Oliver Cromwell, and the nobles of Venice, were natives and inhabitants of the countries whose power they usurped and drenched in blood." – A Newport Man, Anti-Federalist No. 18-19-20, "What Does History Teach? (Part 2)," The Newport Mercury, March 17, 1788

"[O]ur country is compared to a ship of which we are all passengers, and, from thence 'tis gravely concluded that no officer can ever betray or abuse his trust. But that men will sacrifice the public to their private interest, is a saying too well known to need repeating. And the instances of designed shipwrecks, and ships run away with by a combination of masters, supercargoes, and part owners, is so great that nothing can equal them but those instances in which pretended patriots and politicians have raised themselves and families to power and greatness, by destroying that freedom and those laws they were chosen to defend." – A Newport Man, Anti-Federalist No. 18-19-20, "What Does History Teach? (Part 2)," The Newport Mercury, March 17, 1788

"[I]f the free men of this continent are weary of that power and freedom they have so dearly bought and so shortly enjoyed—the power of judging and determining what laws are most wholesome; what taxes are requisite and sufficient—I say, if the people are tired of these privileges, now is the time to part with them forever." – A Newport Man, Anti-Federalist No. 18-19-20, "What Does History Teach? (Part 2)," The Newport Mercury, March 17, 1788

## **ANTI-FEDERALIST NO. 21**

"Taxation is in every government a very delicate and difficult subject. Hence it has been the policy of all wise statesmen, as far as circumstances permitted, to lead the people by small beginnings and almost imperceptible degrees into the habits of taxation." – Samuel Bryan (Centinel), Anti-Federalist No. 21, "Why the Articles Failed," Philadelphia Independent Gazetteer, November 30, 1787

"The imposing of a burdensome tax at once on a people, without the usual gradations, is the severest test that any government can be put to; despotism itself has often proved unequal to the attempt." – Samuel Bryan (Centinel), Anti-Federalist No. 21, "Why the Articles Failed," Philadelphia Independent Gazetteer, November 30, 1787

"[T]he lamp of sacred liberty must indeed have burned with unsullied luster, every sordid principle of the mind must have been then extinct, when the people not only submitted to the grievous impositions but cheerfully exerted themselves to comply with the calls of their country. Their abilities, however, were not equal to furnish the necessary sums—indeed, the requisition of the year 1782 amounted to the whole income of their farms and other property, including the means of their subsistence." – Samuel Bryan (Centinel), Anti-Federalist No. 21, "Why the Articles Failed," Philadelphia Independent Gazetteer, November 30, 1787

"It is a maxim that a government ought to be cautious not to govern overmuch, for, when the cord of power is drawn too tight, it generally proves its destruction." – Samuel Bryan (Centinel), Anti-Federalist No. 21, "Why the Articles Failed," Philadelphia Independent Gazetteer, November 30, 1787

"It is to be lamented that the interested and designing have availed themselves so successfully of the present crisis, and under the specious pretense of having discovered a panacea for all the ills of the people, they are about establishing a system of government that will prove more destructive to them than the wooden horse filled with soldiers did in ancient times to the city of Troy. This horse was introduced by their hostile enemy the Grecians by a prostitution of the sacred rites of their religion; in like manner, my fellow citizens, are aspiring despots among yourselves prostituting the name of a Washington to cloak their designs upon your liberties." – Samuel Bryan (Centinel), Anti-Federalist No. 21, "Why the Articles Failed," Philadelphia Independent Gazetteer, November 30, 1787

"The evil genius of darkness presided at its birth, it came forth under the veil of mystery, its true features being carefully concealed, and every deceptive art has been and is practising to have this spurious brat received as the genuine offspring of heaven-born liberty. So fearful are its patrons that you should discern the imposition that they have hurried on its adoption, with the greatest precipitation. They have endeavored also

# THE ESSENTIAL ANTI-FEDERALIST PAPERS

---

to preclude all investigation; they have endeavored to intimidate all opposition." – Samuel Bryan (Centinel), Anti-Federalist No. 21, "Why the Articles Failed," Philadelphia Independent Gazetteer, November 30, 1787

"[I]n this enlightened age, to dupe the people by the arts they are practising is still more extraordinary." – Samuel Bryan (Centinel), Anti-Federalist No. 21, "Why the Articles Failed," Philadelphia Independent Gazetteer, November 30, 1787

"[T]he well-disposed members, unassisted by public information and opinion, were induced by those arts that are now practising on the people to give their sanction to this system of despotism." – Samuel Bryan (Centinel), Anti-Federalist No. 21, "Why the Articles Failed," Philadelphia Independent Gazetteer, November 30, 1787

## **ANTI-FEDERALIST NO. 22**

"The powers of Europe do not lay any extraordinary duties on our oil, fish, or tobacco, because of our government; neither do they discourage our ship building on this account. I would ask what motive would induce Britain to repeal the duties on our oil, or France on our fish, if we should adopt the proposed Constitution? Those nations laid these duties to promote their own fishery, etc., and let us adopt what mode of government we please, they will pursue their own politics respecting our imports and exports, unless we can check them by some commercial regulations." – Benjamin Austin (Candidus), Anti-Federalist No. 22, "Articles of Confederation Simply Requires Amendments, Particularly for Commercial Power and Judicial Power; Constitution Goes Too Far," Boston Independent Chronicle, December 6 and 20, 1787

"The great question then is, whether it is necessary in order to obtain these purposes, for every state to give up their whole power of legislation and taxation, and become an unwieldy republic, when it is probable the important object of our commerce could be effected by a uniform navigation act, giving Congress full power to regulate the whole commerce of the States? This power Congress have often said was sufficient to answer all their purposes." – Benjamin Austin (Candidus), Anti-Federalist No. 22, "Articles of Confederation Simply Requires Amendments, Particularly for Commercial Power and Judicial Power; Constitution Goes Too Far," Boston Independent Chronicle, December 6 and 20, 1787

"Coercion with some persons seems the principal object, but I believe we have more to expect from the affections of the people, than from an armed body of men." – Benjamin Austin (Candidus), Anti-Federalist No. 22, "Articles of Confederation Simply Requires Amendments, Particularly for Commercial Power and Judicial Power; Constitution Goes Too Far," Boston Independent Chronicle, December 6 and 20, 1787

"Certain characters now on the stage, we have reason to venerate, but though this country is now blessed with a Washington, Franklin, Hancock and Adams, yet posterity may have reason to rue the day when their political welfare depends on the decision of men who may fill the places of these worthies." – Benjamin Austin (Candidus), Anti-Federalist No. 22, "Articles of Confederation Simply Requires Amendments, Particularly for Commercial Power and Judicial Power; Constitution Goes Too Far," Boston Independent Chronicle, December 6 and 20, 1787

"These states, by the blessing of Heaven, are now in a very tranquil state...notwithstanding the insinuations of a 'small party,' who are ever branding the PEOPLE with the most opprobrious epithets—representing them as aiming to level all distinctions. ... Let us then be cautious how we disturb this general harmony." – Benjamin Austin (Candidus), Anti-Federalist No. 22, "Articles of Confederation Simply Requires Amendments, Particularly for Commercial Power and Judicial Power; Constitution Goes Too Far," Boston Independent Chronicle, December 6 and 20, 1787

## **ANTI-FEDERALIST NO. 23**

"One of two things must happen. Either the new constitution will become a mere nudum pactum, and all the authority of the rulers under it be cried down, as has happened to the present confederacy. Or the authority of the individual states will be totally supplanted, and they will retain the mere form without any of the powers of government." – Robert Yates (Brutus), Anti-Federalist No. 23, "Certain Powers Necessary for the Common Defense, Can and Should be Limited," New York Journal, January 3 and 10, 1788

## THE ESSENTIAL ANTI-FEDERALIST PAPERS

---

"The pretended demonstration of this writer [Alexander Hamilton] [Federalist No. 23] will instantly vanish, when it is considered, that the protection and defense of the community is not intended to be entrusted solely into the hands of the general government, and by his own confession it ought not to be. ... [I]t ought to be left to the state governments to provide for the protection and defense of the citizen against the hand of private violence, and the wrongs done or attempted by individuals to each other. Protection and defense against the murderer, the robber, the thief, the cheat, and the unjust person, is to be derived from the respective state governments." – Robert Yates (Brutus), Anti-Federalist No. 23, "Certain Powers Necessary for the Common Defense, Can and Should be Limited," New York Journal, January 3 and 10, 1788

"The preservation of internal peace and good order, and the due administration of law and justice, ought to be the first care of every government. The happiness of a people depends infinitely more on this than it does upon all that glory and respect which nations acquire by the most brilliant martial achievements." – Robert Yates (Brutus), Anti-Federalist No. 23, "Certain Powers Necessary for the Common Defense, Can and Should be Limited," New York Journal, January 3 and 10, 1788

"If a proper respect and submission to the laws prevailed over all orders of men in our country; and if a spirit of public and private justice, economy, and industry influenced the people, we need not be under any apprehensions but what they would be ready to repel any invasion that might be made on the country." – Robert Yates (Brutus), Anti-Federalist No. 23, "Certain Powers Necessary for the Common Defense, Can and Should be Limited," New York Journal, January 3 and 10, 1788

"We ought to furnish the world with an example of a great people, who in their civil institutions hold chiefly in view, the attainment of virtue, and happiness among ourselves." – Robert Yates (Brutus), Anti-Federalist No. 23, "Certain Powers Necessary for the Common Defense, Can and Should be Limited," New York Journal, January 3 and 10, 1788

"The most important end of government then, is the proper direction of its internal police, and economy; this is the province of the state governments, and it is evident, and is indeed admitted, that these ought to be under their control." – Robert Yates (Brutus), Anti-Federalist No. 23, "Certain Powers Necessary for the Common Defense, Can and Should be Limited," New York Journal, January 3 and 10, 1788

"[T]he objects from which the general government should have authority to raise a revenue, should be of such a nature, that the tax should be raised by simple laws, with few officers, with certainty and expedition, and with the least interference with the internal police of the states. Of this nature is the impost on imported goods. And it appears to me that a duty on exports, would also be of this nature. Therefore, for ought I can discover, this would be the best source of revenue to grant the general government." – Robert Yates (Brutus), Anti-Federalist No. 23, "Certain Powers Necessary for the Common Defense, Can and Should be Limited," New York Journal, January 3 and 10, 1788

"The power to borrow money is general and unlimited, and the clause so often before referred to, authorizes the passing [of] any laws proper and necessary to carry this into execution. Under this authority, Congress may mortgage any or all the revenues of the union, as a fund to loan money upon; and it is probable, in this way, they may borrow of foreign nations, a principal sum, the interest of which will be equal to the annual revenues of the country. By this means, they may create a national debt, so large, as to exceed the ability of the country ever to sink. I can scarcely contemplate a greater calamity that could befall this country, than to be loaded with a debt exceeding their ability ever to discharge." – Robert Yates (Brutus), Anti-Federalist No. 23, "Certain Powers Necessary for the Common Defense, Can and Should be Limited," New York Journal, January 3 and 10, 1788

"It may possibly happen that the safety and welfare of the country may require, that money be borrowed, and it is proper when such a necessity arises that the power should be exercised by the general government. But it certainly ought never to be exercised, but on the most urgent occasions, and then we should not borrow of foreigners if we could possibly avoid it." – Robert Yates (Brutus), Anti-Federalist No. 23, "Certain Powers Necessary for the Common Defense, Can and Should be Limited," New York Journal, January 3 and 10, 1788

"[T]he general government have unlimited authority and control over all the wealth and all the force of the union. The advocates for this scheme, would favor the world with a new discovery, if they would show, what kind of freedom or independency is left to the state governments, when they cannot command any part of the property or of the force of the country, but at the will of the Congress. It seems to me as absurd, as it would

# THE ESSENTIAL ANTI-FEDERALIST PAPERS

---

be to say, that I was free and independent, when I had conveyed all my property to another, and was tenant to him, and had beside, given an indenture of myself to serve him during life." – Robert Yates (Brutus), Anti-Federalist No. 23, "Certain Powers Necessary for the Common Defense, Can and Should be Limited," New York Journal, January 3 and 10, 1788

## **ANTI-FEDERALIST NO. 24**

"The design of civil government is to protect the rights and promote the happiness of the people. ... For this end, rulers are invested with powers. But we cannot from hence justly infer that these powers should be unlimited. There are certain rights which mankind possess, over which government ought not to have any controul, because it is not necessary they should, in order to attain the end of its institution. There are certain things which rulers should be absolutely prohibited from doing, because, if they should do them, they would work an injury, not a benefit to the people. Upon the same principles of reasoning, if the exercise of a power, is found generally or in most cases to operate to the injury of the community, the legislature should be restricted in the exercise of that power, so as to guard, as much as possible, against the danger." – Robert Yates (Brutus), Anti-Federalist No. 24, "Objections to a Standing Army (Part I)," New York Journal, January 17, 1788

"[S]tanding armies are dangerous to the liberties of a people... A cloud of the most illustrious patriots of every age and country, where freedom has been enjoyed, might be adduced as witnesses in support of the sentiment." – Robert Yates (Brutus), Anti-Federalist No. 24, "Objections to a Standing Army (Part I)," New York Journal, January 17, 1788

"No reason can be given, why rulers should be authorised to do, what, if done, would oppose the principles and habits of the people, and endanger the public safety, but there is every reason in the world, that they should be prohibited from the exercise of such a power. But this author supposes, that no danger is to be apprehended from the exercise of this power, because, if armies are kept up, it will be by the people themselves." – Robert Yates (Brutus), Anti-Federalist No. 24, "Objections to a Standing Army (Part I)," New York Journal, January 17, 1788

"It is a language common among them [Federalists], 'That no people can be kept in order, unless the government have an army to awe them into obedience; it is necessary to support the dignity of government, to have a military establishment.' And there will not be wanting a variety of plausible reason to justify the raising one..." – Robert Yates (Brutus), Anti-Federalist No. 24, "Objections to a Standing Army (Part I)," New York Journal, January 17, 1788

"The man who reproveth another for a fault, should be careful that he himself be not guilty of it." – Robert Yates (Brutus), Anti-Federalist No. 24, "Objections to a Standing Army (Part I)," New York Journal, January 17, 1788

"[T]he powers of Congress, under the present confederation, amount to little more than that of recommending. If they determine to raise troops, they are obliged to effect it through the authority of the state legislatures. This will, in the first instance, be a most powerful restraint upon them, against ordering troops to be raised. But if they should vote an army, contrary to the opinion and wishes of the people, the legislatures of the respective states would not raise them. Besides, the present Congress hold their places at the will and pleasure of the legislatures of the states who send them..." – Robert Yates (Brutus), Anti-Federalist No. 24, "Objections to a Standing Army (Part I)," New York Journal, January 17, 1788

## **ANTI-FEDERALIST NO. 25**

"The liberties of a people are in danger from a large standing army, not only because the rulers may employ them for the purposes of supporting themselves in any usurpations of power, which they may see proper to exercise, but there is great hazard, that an army will subvert the forms of the government, under whose authority, they are raised, and establish one, according to the pleasure of their leader." – Robert Yates (Brutus), Anti-Federalist No. 25, "Objections to a Standing Army (Part II)," New York Journal, January 24, 1788

"[T]he liberties of the commonwealth [ancient Rome] was destroyed, and the constitution overturned, by an army, lead by Julius Cesar, who was appointed to the command, by the constitutional authority of that

# THE ESSENTIAL ANTI-FEDERALIST PAPERS

---

commonwealth. He changed it from a free republic, whose fame had sounded, and is still celebrated by all the world, into that of the most absolute despotism. A standing army effected this change, and a standing army supported it through a succession of ages, which are marked in the annals of history, with the most horrid cruelties, bloodshed, and carnage;—The most devilish, beastly, and unnatural vices, that ever punished or disgraced human nature." – Robert Yates (Brutus), Anti-Federalist No. 25, "Objections to a Standing Army (Part II)," New York Journal, January 24, 1788

"I firmly believe, no country in the world had ever a more patriotic army, than the one which so ably served this country, in the late war. ... But had the General who commanded them, been possessed of the spirit of a Julius Cesar or a Cromwell, the liberties of this country, had in all probability, terminated with the war; or had they been maintained, might have cost more blood and treasure, than was expended in the conflict with Great-Britain. When an anonymous writer addressed the officers of the army at the close of the war, advising them not to part with their arms, until justice was done them—the effect it had is well known. It affected them like an electric shock. He wrote like Cesar; and had the commander in chief, and a few more officers of rank, countenanced the measure, the desperate resolution had been taken, to refuse to disband. What the consequences of such a determination would have been, heaven only knows." – Robert Yates (Brutus), Anti-Federalist No. 25, "Objections to a Standing Army (Part II)," New York Journal, January 24, 1788

"[T]he evil to be feared from a large standing army in time of peace, does not arise solely from the apprehension, that the rulers may employ them for the purpose of promoting their own ambitious views, but that equal, and perhaps greater danger, is to be apprehended from their overturning the constitutional powers of the government, and assuming the power to dictate any form they please." – Robert Yates (Brutus), Anti-Federalist No. 25, "Objections to a Standing Army (Part II)," New York Journal, January 24, 1788

"If the constitution prohibited the raising an army, until a war actually commenced, it would deprive the government of the power of providing for the defence of the country, until the enemy were within our territory. If the restriction is not to extend to the raising armies in cases of emergency, but only to the keeping them up, this would leave the matter to the discretion of the legislature; and they might, under the pretence that there was danger of an invasion, keep up the army as long as they judged proper—and hence it is inferred, that the legislature should have authority to raise and keep up an army without any restriction." – Robert Yates (Brutus), Anti-Federalist No. 25, "Objections to a Standing Army (Part II)," New York Journal, January 24, 1788

"As standing armies in time of peace are dangerous to liberty, and have often been the means of overturning the best constitutions of government, no standing army, or troops of any description whatsoever, shall be raised or kept up by the legislature, except so many as shall be necessary for guards to the arsenals of the United States, or for garrisons to such posts on the frontiers, as it shall be deemed absolutely necessary to hold, to secure the inhabitants, and facilitate the trade with the Indians: unless when the United States are threatened with an attack or invasion from some foreign power, in which case the legislature shall be authorised to raise an army to be prepared to repel the attack." – Robert Yates (Brutus), Anti-Federalist No. 25, "Objections to a Standing Army (Part II)," New York Journal, January 24, 1788

"[I]t is difficult to conceive how the state legislatures can, in any case, hold a check over the general legislature, in a constitutional way. The latter has, in every instance to which their powers extend, complete controul over the former. The state legislatures can, in no case, by law, resolution, or otherwise, of right, prevent or impede the general government, from enacting any law, or executing it, which this constitution authorizes them to enact or execute. If then the state legislatures check the general legislatures [sic], it must be by exciting the people to resist constitutional laws." – Robert Yates (Brutus), Anti-Federalist No. 25, "Objections to a Standing Army (Part II)," New York Journal, January 24, 1788

"[I]t is unwise in any people, to authorize their rulers to do, what, if done, would prove injurious." – Robert Yates (Brutus), Anti-Federalist No. 25, "Objections to a Standing Army (Part II)," New York Journal, January 24, 1788

## **ANTI-FEDERALIST NO. 26**

"Aristocracy, or government in the hands of a very few nobles, or RICH MEN, is therein concealed in the most artful wrote plan that ever was formed to entrap a free people. The contrivers of it have so completely entrapped you, and laid their plans so sure and secretly, that they have only left you to do one of two things—

# THE ESSENTIAL ANTI-FEDERALIST PAPERS

---

that is either to receive or refuse it." – A Farmer and Planter, Anti-Federalist No. 26, "The Use of Coercion by the New Government (Part I)," The Maryland Journal and Baltimore Advertiser, April 1, 1788

"Congress, or our future lords and masters, are to have power to lay and collect taxes, duties, imposts, and excises. Excise is a new thing in America, and few country farmers and planters know the meaning of it." – A Farmer and Planter, Anti-Federalist No. 26, "The Use of Coercion by the New Government (Part I)," The Maryland Journal and Baltimore Advertiser, April 1, 1788

"Our great Lords and Masters are to lay taxes, raise and support armies, provide a navy, and may appropriate money for two years, call forth the militia to execute their laws, suppress insurrections, and the President is to have the command of the militia. Now, my countrymen, I would ask you, why are all these things directed and put into their power? Why, I conceive, they are to keep you in a good humor; and if you should, at any time, think you are imposed upon by Congress and your great Lords and Masters, and refuse or delay to pay your taxes, or do anything that they shall think proper to order you to do, they can, and I have not a doubt but they will, send the militia of Pennsylvania, Boston, or any other state or place, to cut your throats, ravage and destroy your plantations, drive away your cattle and horses, abuse your wives, kill your infants, and ravish your daughters, and live in free quarters, until you get into a good humor, and pay all that they may think proper to ask of you, and you become good and faithful servants and slaves." – A Farmer and Planter, Anti-Federalist No. 26, "The Use of Coercion by the New Government (Part I)," The Maryland Journal and Baltimore Advertiser, April 1, 1788

"The train is laid, the match is on fire, and they only wait for yourselves to put it to the train, to blow up all your liberty and commonwealth governments, and introduce aristocracy and monarchy, and despotism will follow of course in a few years." – A Farmer and Planter, Anti-Federalist No. 26, "The Use of Coercion by the New Government (Part I)," The Maryland Journal and Baltimore Advertiser, April 1, 1788

"View your danger, and find out good men to represent you in convention-men of your own profession and station in life." – A Farmer and Planter, Anti-Federalist No. 26, "The Use of Coercion by the New Government (Part I)," The Maryland Journal and Baltimore Advertiser, April 1, 1788

"Rich men can live easy under any government, be it ever so tyrannical. They come in for a great share of the tyranny, because they are the ministers of tyrants, and always engross the places of honor and profit, while the greater part of the common people are led by the nose, and played about by these very men, for the destruction of themselves and their class." – A Farmer and Planter, Anti-Federalist No. 26, "The Use of Coercion by the New Government (Part I)," The Maryland Journal and Baltimore Advertiser, April 1, 1788

## **ANTI-FEDERALIST NO. 27**

"Now we the low born, that is, all the people of the United States, except 600 thereabouts, well born, do by this our humble address, declare and most solemnly engage, that we will allow and admit the said 600 well born, immediately to establish and confirm this most noble, most excellent and truly divine constitution. And we further declare that without any equivocation or mental reservation whatever we will support and maintain the same according to the best of our power, and after the manner and custom of all other slaves in foreign countries, namely by the sweat and toil of our body. Nor will we at any future period of time ever attempt to complain of this our royal government, let the consequences be what they may." – John Humble, Anti-Federalist No. 27, "The Use of Coercion by the New Government (Part II)," Independent Gazetteer, October 29, 1787

"[I]n regard to the liberty of the press, we renounce all claim to it forever more, Amen; and we shall in future be perfectly contented if our tongues be left us to lick the feet of our well born masters." – John Humble, Anti-Federalist No. 27, "The Use of Coercion by the New Government (Part II)," Independent Gazetteer, October 29, 1787

## **ANTI-FEDERALIST NO. 28**

"It is asserted by the most respectable writers upon government, that a well regulated militia, composed of the yeomanry of the country, have ever been considered as the bulwark of a free people." – Unsigned, Anti-Federalist No. 28, "The Use of Coercion by the New Government (Part III)," Philadelphia Freeman's Journal (The North American Intelligencer), January 16, 1788

# THE ESSENTIAL ANTI-FEDERALIST PAPERS

---

"They have left the appointment of officers in the breasts of the several States; but this appears to me an insult rather than a privilege, for what avails this right if they at their pleasure may arm or disarm all or any part of the freemen of the United States, so that when their army is sufficiently numerous, they may put it out of the power of the freemen militia of America to assert and defend their liberties, however they might be encroached upon by Congress." – Unsigned, Anti-Federalist No. 28, "The Use of Coercion by the New Government (Part III)," Philadelphia Freeman's Journal (The North American Intelligencer), January 16, 1788

"Every writer upon government-- Locke, Sidney, Hampden, and a list of others have uniformly asserted, that standing armies are a solecism in any government; that no nation ever supported them, that did not resort to, rely upon, and finally become a prey to them." – Unsigned, Anti-Federalist No. 28, "The Use of Coercion by the New Government (Part III)," Philadelphia Freeman's Journal (The North American Intelligencer), January 16, 1788

"What historians have asserted, all the Grecian republics have verified. They are brought up to obedience and unconditional submission; with arms in their bands, they are taught to feel the weight of rigid discipline; they are excluded from the enjoyments which liberty gives to its votaries; they, in consequence, hate and envy the rest of the community in which they are placed, and indulge a malignant pleasure in destroying those privileges to which they never can be admitted." – Unsigned, Anti-Federalist No. 28, "The Use of Coercion by the New Government (Part III)," Philadelphia Freeman's Journal (The North American Intelligencer), January 16, 1788

"There is no instance of any government being reduced to a confirmed tyranny without military oppression. And the first policy of tyrants has been to annihilate all other means of national activity and defense, when they feared opposition, and to rely solely upon standing troops." – Unsigned, Anti-Federalist No. 28, "The Use of Coercion by the New Government (Part III)," Philadelphia Freeman's Journal (The North American Intelligencer), January 16, 1788

"If tyranny is at all feared, the tyranny of the many is to be guarded against MORE than that of a single person. The Athenians found by sad experience, that 30 tyrants were thirty times worse than one." – Unsigned, Anti-Federalist No. 28, "The Use of Coercion by the New Government (Part III)," Philadelphia Freeman's Journal (The North American Intelligencer), January 16, 1788

"If the people are not in general disposed to execute the powers of government, it is time to suspect there is something wrong in that government." – Unsigned, Anti-Federalist No. 28, "The Use of Coercion by the New Government (Part III)," Philadelphia Freeman's Journal (The North American Intelligencer), January 16, 1788

## **ANTI-FEDERALIST NO. 29**

"Had we a standing army when the British invaded our peaceful shores? Was it a standing army that gained the battles of Lexington and Bunker Hill, and took the ill-fated Burgoyne? Is not a well-regulated militia sufficient for every purpose of internal defense?" – A Democratic Federalist, Anti-Federalist No. 29, "Objections to National Control of the Militia," Pennsylvania Packet, October 23, 1787

"A standing army in the hands of a government placed so independent of the people, may be made a fatal instrument to overturn the public liberties; it may be employed to enforce the collection of the most oppressive taxes; and to carry into execution the most arbitrary measures. An ambitious man who may have the army at his devotion, may step up into the throne, and seize upon absolute power. ... The absolute unqualified command that Congress have over the militia may be made instrumental to the destruction of all liberty both public and private; whether of a personal, civil or religious nature." – Samuel Bryan (Centinel), The Address and Reasons of Dissent of the Minority of the Convention of the State of Pennsylvania to their Constituents, Anti-Federalist No. 29, "Objections to National Control of the Militia," Pennsylvania Packet and Daily Advertiser, December 12, 1787

"[T]he rights of conscience may be violated, as there is no exemption of those persons who are conscientiously scrupulous of hearing arms. These compose a respectable proportion of the community in the State [Pennsylvania]. This is the more remarkable, because even when the distresses of the late war and the evident disaffection of many citizens of that description inflamed our passions, and when every person who was obliged to risk his own life must have been exasperated against such as on any account kept back from

# THE ESSENTIAL ANTI-FEDERALIST PAPERS

---

the common danger, yet even then, when outrage and violence might have been expected, the rights of conscience were held sacred." – Samuel Bryan (Centinel), The Address and Reasons of Dissent of the Minority of the Convention of the State of Pennsylvania to their Constituents, Anti-Federalist No. 29, "Objections to National Control of the Militia," Pennsylvania Packet and Daily Advertiser, December 12, 1787

"[T]he absolute command of Congress over the militia may be destructive of public liberty; for under the guidance of an arbitrary government, they may be made the unwilling instruments of tyranny." – Samuel Bryan (Centinel), The Address and Reasons of Dissent of the Minority of the Convention of the State of Pennsylvania to their Constituents, Anti-Federalist No. 29, "Objections to National Control of the Militia," Pennsylvania Packet and Daily Advertiser, December 12, 1787

## ANTI-FEDERALIST NO. 30-31

"In Art. I, Sect. 8, of the proposed constitution, it is said, "Congress shall have power to lay and collect taxes, duties, imposts, and excises." Are you then, Virginians, about to abandon your country to the depredations of excisemen, and the pressure of excise laws? Did it ever enter the mind of any one of you, that you could live to see the day, that any other government but the General Assembly of Virginia should have power of direct taxation in this state? How few of you ever expected to see excise laws, those instruments of tyranny, in force in your country? But who could imagine, that any man but a Virginian, were they found to be necessary, would ever have a voice towards enacting them? That any tribunal, but the courts of Virginia, would be allowed to take cognizance of disputes between her citizens and their tax gatherers and excisemen? And that, if ever it should be found necessary to curse this land with these hateful excisemen, any one, but a fellow citizen, should be entrusted with that office?" – Cato Uticensis, Anti-Federalist No. 30-31, "A Virginia Anti-Federalist on the Issue of Taxation," The Freeman's Journal (The North American Intelligencer), October 31, 1787

"For my part, I cannot discover the necessity there was of allowing Congress to subject us to excise laws, unless—that considering the extensiveness of the single republic into which this constitution would collect all the others, and the well known difficulty of governing large republics with harmony and ease—it was thought expedient to bit our mouths with massive curbs, to break us, bridled with excise laws and managed by excisemen, into an uniform, sober pace, and thus, gradually, tame the troublesome mettle of freemen." – Cato Uticensis, Anti-Federalist No. 30-31, "A Virginia Anti-Federalist on the Issue of Taxation," The Freeman's Journal (The North American Intelligencer), October 31, 1787

"[T] those who have served in Congress can tell you that the New England delegates to that assembly have always stood by each other, and have formed a firm phalanx, which the southern delegates have not; that, on the contrary, the maneuvers of the former have been commonly engaged, with success, in dividing the latter against each other." – Cato Uticensis, Anti-Federalist No. 30-31, "A Virginia Anti-Federalist on the Issue of Taxation," The Freeman's Journal (The North American Intelligencer), October 31, 1787

## ANTI-FEDERALIST NO. 32

"The great objects then are declared in this preamble in general and indefinite terms to be to provide for the common defence, promote the general welfare, and an express power being vested in the legislature to make all laws which shall be necessary and proper for carrying into execution all the powers vested in the general government. The inference is natural that the legislature will have an authority to make all laws which they shall judge necessary for the common safety, and to promote the general welfare. This amounts to a power to make laws at discretion: No terms can be found more indefinite than these, and it is obvious, that the legislature alone must judge what laws are proper and necessary for the purpose." – Robert Yates (Brutus), Anti-Federalist No. 32, "Federal Taxation and the Doctrine of Implied Powers (Part I)," The New York Journal, December 13, 1787

"In the 1st article, 8th section, it is declared, "that Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts, and provide for the common defence, and general welfare of the United States." In the preamble, the intent of the constitution, among other things, is declared to be to provide for the common defence, and promote the general welfare, and in this clause the power is in express words given to Congress "to provide for the common defence, and general welfare."—And in the last paragraph of the same section there is an express authority to make all laws which shall be necessary and proper for carrying into execution this power. It is therefore evident, that the legislature under this

## THE ESSENTIAL ANTI-FEDERALIST PAPERS

---

constitution may pass any law which they may think proper." – Robert Yates (Brutus), Anti-Federalist No. 32, "Federal Taxation and the Doctrine of Implied Powers (Part I)," The New York Journal, December 13, 1787

"[W]e can have no conception of any way in which a government can raise money from the people, but what is included in one or other of three general terms. We may say then that this clause commits to the hands of the general legislature every conceivable source of revenue within the United States. Not only are these terms very comprehensive, and extend to a vast number of objects, but the power to lay and collect has great latitude; it will lead to the passing a vast number of laws, which may affect the personal rights of the citizens of the states, expose their property to fines and confiscation, and put their lives in jeopardy: it opens a door to the appointment of a swarm of revenue and excise officers to prey [sic] upon the honest and industrious part of the community, eat up their substance, and riot on the spoils of the country." – Robert Yates (Brutus), Anti-Federalist No. 32, "Federal Taxation and the Doctrine of Implied Powers (Part I)," The New York Journal, December 13, 1787

"The command of the revenues of a state gives the command of every thing in it.—He that has the purse will have the sword, and they that have both, have every thing; so that the legislature having every source from which money can be drawn under their direction, with a right to make all laws necessary and proper for drawing forth all the resource of the country, would have, in fact, all power." – Robert Yates (Brutus), Anti-Federalist No. 32, "Federal Taxation and the Doctrine of Implied Powers (Part I)," The New York Journal, December 13, 1787

"Should any state attempt to raise money by law, the general government may repeal or arrest it in the execution, for all their laws will be the supreme law of the land." – Robert Yates (Brutus), Anti-Federalist No. 32, "Federal Taxation and the Doctrine of Implied Powers (Part I)," The New York Journal, December 13, 1787

"The great and only security the people can have against oppression from this kind of taxes [direct], must rest in their representatives. If they are sufficiently numerous to be well informed of the circumstances, and ability of those who send them, and have a proper regard for the people, they will be secure." – Robert Yates (Brutus), Anti-Federalist No. 32, "Federal Taxation and the Doctrine of Implied Powers (Part I)," The New York Journal, December 13, 1787

### **ANTI-FEDERALIST NO. 33**

"[T]he general government have superadded to this power, authority to make all laws which shall be necessary and proper for carrying the foregoing power into execution. Suppose then that both governments should lay taxes, duties, and excises, and it should fall so heavy on the people that they would be unable, or be so burdensome that they would refuse to pay them both—would it not be necessary that the general legislature should suspend the collection of the state tax? It certainly would. For, if the people could not, or would not pay both, they must be discharged from the tax to the state, or the tax to the general government could not be collected.—The conclusion therefore is inevitable, that the respective state governments will not have the power to raise one shilling in any way, but by the permission of the Congress." – Robert Yates (Brutus), Anti-Federalist Paper No. 33, "Federal Taxation and the Doctrine of Implied Powers (Part II)," New York Journal, December 27, 1787

"What will render this power in Congress effectual and sure in its operation is, that the government will have complete judicial and executive authority to carry all their laws into effect, which will be paramount to the judicial and executive authority of the individual states: in vain therefore will be all interference of the legislatures, courts, or magistrates of any of the states on the subject; for they will be subordinate to the general government, and engaged by oath to support it, and will be constitutionally bound to submit to their decisions." – Robert Yates (Brutus), Anti-Federalist Paper No. 33, "Federal Taxation and the Doctrine of Implied Powers (Part II)," New York Journal, December 27, 1787

"There is no way...of avoiding the destruction of the state governments, whenever the Congress please to do it, unless the people rise up, and, with a strong hand, resist and prevent the execution of constitutional laws. The fear of this, will, it is presumed, restrain the general government, for some time, within proper bounds." – Robert Yates (Brutus), Anti-Federalist Paper No. 33, "Federal Taxation and the Doctrine of Implied Powers (Part II)," New York Journal, December 27, 1787

## THE ESSENTIAL ANTI-FEDERALIST PAPERS

---

"As the principal object of the government, in laying a duty or excise, will be, to raise money, it is obvious, that they will fix on such articles as are of the most general use and consumption; because, unless great quantities of the article, on which the duty is laid, is used, the revenue cannot be considerable. We may therefore presume, that the articles which will be the object of this species of taxes will be either the real necessaries of life; or if not these, such as from custom and habit are esteemed so." – Robert Yates (Brutus), Anti-Federalist Paper No. 33, "Federal Taxation and the Doctrine of Implied Powers (Part II)," New York Journal, December 27, 1787

"This power [taxation], exercised without limitation, will introduce itself into every corner of the city, and country—it will wait upon the ladies at their toilet, and will not leave them in any of their domestic concerns; it will accompany them to the ball, the play, and the assembly; it will go with them when they visit, and will, on all occasions, sit beside them in their carriages, nor will it desert them even at church; it will enter the house of every gentleman, watch over his cellar, wait upon his cook in the kitchen, follow the servants into the parlour, preside over the table, and note down all he eats or drinks; it will attend him to his bed-chamber, and watch him while he sleeps; it will take cognizance of the professional man in his office, or his study; it will watch the merchant in the counting-house, or in his store; it will follow the mechanic to his shop, and in his work, and will haunt him in his family, and in his bed; it will be a constant companion of the industrious farmer in all his labour, it will be with him in the house, and in the field, observe the toil of his hands, and the sweat of his brow; it will penetrate into the most obscure cottage; and finally, it will light upon the head of every person in the United States. To all these different classes of people, and in all these circumstances, in which it will attend them, the language in which it will address them, will be GIVE! GIVE!" – Robert Yates (Brutus), Anti-Federalist Paper No. 33, "Federal Taxation and the Doctrine of Implied Powers (Part II)," New York Journal, December 27, 1787

"It appears to me a solecism, for two men, or bodies of men, to have unlimited power respecting the same object. It contradicts the scripture maxim, which saith, "no man can serve two masters," the one power or the other must prevail, or else they will destroy each other, and neither of them effect their purpose." – Robert Yates (Brutus), Anti-Federalist Paper No. 33, "Federal Taxation and the Doctrine of Implied Powers (Part II)," New York Journal, December 27, 1787

"To provide for the general welfare, is an abstract proposition, which mankind differ in the explanation of, as much as they do on any political or moral proposition that can be proposed; the most opposite measures may be pursued by different parties, and both may profess, that they have in view the general welfare; and both sides may be honest in their professions, or both may have sinister views." – Robert Yates (Brutus), Anti-Federalist Paper No. 33, "Federal Taxation and the Doctrine of Implied Powers (Part II)," New York Journal, December 27, 1787

"For every man, rulers as well as others, are bound by the immutable laws of God and reason, always to will what is right. It is certainly right and fit, that the governors of every people should provide for the common defence and general welfare; every government, therefore, in the world, even the greatest despot, is limited in the exercise of his power. But however just this reasoning may be, it would be found, in practice, a most pitiful restriction. The government would always say, their measures were designed and calculated to promote the public good." – Robert Yates (Brutus), Anti-Federalist Paper No. 33, "Federal Taxation and the Doctrine of Implied Powers (Part II)," New York Journal, December 27, 1787

"It is admitted, "that the circumstances of our country are such, as to demand a compound, instead of a simple, a confederate, instead of a sole government," that the objects of each ought to be pointed out, and that each ought to possess ample authority to execute the powers committed to them. The government then, being complex in its nature, the end it has in view is so also; and it is as necessary, that the state governments should possess the means to attain the ends expected from them, as for the general government. Neither the general government, nor the state governments, ought to be vested with all the powers proper to be exercised for promoting the ends of government. The powers are divided between them—certain ends are to be attained by the one, and other certain ends by the other; and these, taken together, include all the ends of good government." – Robert Yates (Brutus), Anti-Federalist Paper No. 33, "Federal Taxation and the Doctrine of Implied Powers (Part II)," New York Journal, December 27, 1787

"The peace and happiness of a community is as intimately connected with the prudent direction of their domestic affairs, and the due administration of justice among themselves, as with a competent provision for their defence against foreign invaders, and indeed more so." – Robert Yates (Brutus), Anti-Federalist Paper

# THE ESSENTIAL ANTI-FEDERALIST PAPERS

---

No. 33, "Federal Taxation and the Doctrine of Implied Powers (Part II)," New York Journal, December 27, 1787

## **ANTI-FEDERALIST NO. 34**

"The first thing I have at heart is American liberty; the second thing is American union." – Patrick Henry, Anti-Federalist No. 34, speech to the Virginia Ratifying Convention, "The Problem of Concurrent Taxation," June 5, 1788

"The federal sheriff may commit what oppression, make what distresses, he pleases, and ruin you with impunity; for how are you to tie his hands? Have you any sufficiently decided means of preventing him from sucking your blood by speculations, commissions, and fees? Thus thousands of your people will be most shamefully robbed." – Patrick Henry, Anti-Federalist No. 34, speech to the Virginia Ratifying Convention, "The Problem of Concurrent Taxation," June 5, 1788

"If your domestic avocations could permit you to go thither, there you must appeal to judges sworn to support this Constitution, in opposition to that of any state, and who may also be inclined to favor their own officers. When these harpies are aided by excisemen, who may search, at any time, your houses, and most secret recesses, will the people bear it? If you think so, you differ from me. Where I thought there was a possibility of such mischiefs, I would grant power with a niggardly hand; and here there is a strong probability that these oppressions shall actually happen." – Patrick Henry, Anti-Federalist No. 34, speech to the Virginia Ratifying Convention, "The Problem of Concurrent Taxation," June 5, 1788

## **ANTI-FEDERALIST NO. 35**

"The assumption of this power of laying direct taxes does, of itself, entirely change the confederation of the states into one consolidated government. This power, being at discretion, unconfined, and without any kind of control, must carry every thing before it. The very idea of converting what was formerly a confederation to a consolidated government is totally subversive of every principle which has hitherto governed us. This power is calculated to annihilate totally the state governments." – George Mason, Anti-Federalist No. 35, "Federal Taxing Power Must be Restrained," speech before the Virginia Ratifying Convention, June 4, 1788

"When a certain sum comes to be taxed, and the mode of levying to be fixed, they will lay the tax on that article which will be most productive and easiest in the collection, without consulting the real circumstances or convenience of a country, with which, in fact, they cannot be sufficiently acquainted." – George Mason, Anti-Federalist No. 35, "Federal Taxing Power Must be Restrained," speech before the Virginia Ratifying Convention, June 4, 1788

"If we trust the national government with an effectual way of raising the necessary sums, it is sufficient: everything we do further is trusting the happiness and rights of the people. Why, then, should we give up this dangerous power of individual taxation? Why leave the manner of laying taxes to those who, in the nature of things, cannot be acquainted with the situation of those on whom they are to impose them, when it can be done by those who are well acquainted with it?" – George Mason, Anti-Federalist No. 35, "Federal Taxing Power Must be Restrained," speech before the Virginia Ratifying Convention, June 4, 1788

"If we give the general government the power of demanding their quotas of the states, with an alternative of laying direct taxes in case of non-compliance, then the mischief would be avoided. And the certainty of this conditional power would, in all human probability, prevent the application, and the sums necessary for the Union would be then laid by the states, by those who know how it can best be raised, by those who have a fellow-feeling for us. Give me leave to say, that the sum raised one way with convenience and ease, would be very oppressive another way." – George Mason, Anti-Federalist No. 35, "Federal Taxing Power Must be Restrained," speech before the Virginia Ratifying Convention, June 4, 1788

"Does any man suppose that one general national government can exist in so extensive a country as this? I hope that a government may be framed which may suit us, by drawing a line between the general and state governments, and prevent that dangerous clashing of interest and power, which must, as it now stands, terminate in the destruction of one or the other." – George Mason, Anti-Federalist No. 35, "Federal Taxing Power Must be Restrained," speech before the Virginia Ratifying Convention, June 4, 1788

# THE ESSENTIAL ANTI-FEDERALIST PAPERS

---

"If such amendments be introduced as shall exclude danger, I shall most gladly put my hand to it. When such amendments as shall, from the best information, secure the great essential rights of the people, shall be agreed to by gentlemen, I shall most heartily make the greatest concessions, and concur in any reasonable measure to obtain the desirable end of conciliation and unanimity." – George Mason, Address to Virginia Ratifying Convention, June 14, 1788

"When we come to the judiciary, we shall be more convinced that this government will terminate in the annihilation of the state governments: the question then will be, whether a consolidated government can preserve the freedom and secure the rights of the people." – George Mason, Anti-Federalist No. 35, "Federal Taxing Power Must be Restrained," speech before the Virginia Ratifying Convention, June 4, 1788

## **ANTI-FEDERALIST NO. 36**

"The great object of a free people must be so to form their government and laws, and so to administer them, as to create a confidence in, and respect for the laws; and thereby induce the sensible and virtuous part of the community to declare in favor of the laws, and to support them without an expensive military force." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 36, "Representation and Internal Taxation," essay "Federal Farmer III," October 10, 1787

"A wise and honest administration, may make the people happy under any government; but necessity only can justify even our leaving open avenues to the abuse of power, by wicked, unthinking, or ambitious men." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 36, "Representation and Internal Taxation," essay "Federal Farmer III," October 10, 1787

"The people of this country, in one sense, may all be democratic; but if we make the proper distinction between the few men of wealth and abilities, and consider them, as we ought, as the natural aristocracy of the country, and the great body of the people, the middle and lower classes, as the democracy, this federal representative branch will have but very little democracy in it, even this small representation is not secured on proper principles." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 36, "Representation and Internal Taxation," essay "Federal Farmer III," October 10, 1787

"Perhaps, nothing could be more disjointed, unweildly and incompetent to doing business with harmony and dispatch, than a federal house of representatives properly numerous for the great objects of taxation, et cetera collected from the several states; whether such men would ever act in concert; whether they would not worry along a few years, and then be the means of separating the parts of the union, is very problematical?" – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 36, "Representation and Internal Taxation," essay "Federal Farmer III," October 10, 1787

"The vice president is not a very important, if not an unnecessary part of the system—he may be a part of the senate at one period, and act as the supreme executive magistrate at another." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 36, "Representation and Internal Taxation," essay "Federal Farmer III," October 10, 1787

"The president can appoint no officer, civil or military, who shall not be agreeable to the senate; and the presumption is, that the will of so important a body will not be very easily controuled, and that it will exercise its powers with great address." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 36, "Representation and Internal Taxation," essay "Federal Farmer III," October 10, 1787

"Should the general government think it politic, as some administrations (if not all) probably will, to look for a support in a system of influence, the government will take every occasion to multiply laws, and officers to execute them, considering these as so many necessary props for its own support. Should this system of policy be adopted, taxes more productive than the impost duties will, probably, be wanted to support the government, and to discharge foreign demands, without leaving any thing for the domestic creditors." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 36, "Representation and Internal Taxation," essay "Federal Farmer III," October 10, 1787

"I am sensible also, that it is said that congress will not attempt to lay and collect internal taxes; that it is necessary for them to have the power, though it cannot probably be exercised.—I admit that it is not probable that any prudent congress will attempt to lay and collect internal taxes, especially direct taxes: but this only

## THE ESSENTIAL ANTI-FEDERALIST PAPERS

---

proves, that the power would be improperly lodged in congress, and that it might be abused by imprudent and designing men." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 36, "Representation and Internal Taxation," essay "Federal Farmer III," October 10, 1787

"[A]s to internal taxes, the state governments will have concurrent powers with the general government, and both may tax the same objects in the same year; and the objection that the general government may suspend a state tax, as a necessary measure for the promoting the collection of a federal tax, is not without foundation." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 36, "Representation and Internal Taxation," essay "Federal Farmer III," October 10, 1787

"I see so many men in America fond of a standing army, and especially among those who probably will have a large share in administering the federal system; it is very evident to me, that we shall have a large standing army as soon as the monies to support them can be possibly found. An army is a very agreeable place of employment for the young gentlemen of many families." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 36, "Representation and Internal Taxation," essay "Federal Farmer III," October 10, 1787

"Powers to lay and collect taxes and to raise armies are of the greatest moment; for carrying them into effect, laws need not be frequently made, and the yeomanry, etc of the country ought substantially to have a check upon the passing of these laws; this check ought to be placed in the legislatures, or at least, in the few men the common people of the country, will, probably, have in congress, in the true sense of the word, 'from among themselves.'" – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 36, "Representation and Internal Taxation," essay "Federal Farmer III," October 10, 1787

"[S]o far as it may be necessary to lodge any of the peculiar powers in the general government, a more safe exercise of them ought to be secured, by requiring the consent of two-thirds or three-fourths of congress thereto—until the federal representation can be increased, so that the democratic members in congress may stand some tolerable chance of a reasonable negative, in behalf of the numerous, important, and democratic part of the community." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 36, "Representation and Internal Taxation," essay "Federal Farmer III," October 10, 1787

"It is a very dangerous thing to vest in the same judge power to decide on the law, and also general powers in equity; for if the law restrain him, he is only to step into his shoes of equity, and give what judgment his reason or opinion may dictate; we have no precedents in this country, as yet, to regulate the divisions in equity." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 36, "Representation and Internal Taxation," essay "Federal Farmer III," October 10, 1787

"I confess in the constitution of this supreme court, as left by the constitution, I do not see a spark of freedom or a shadow of our own or the British common law." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 36, "Representation and Internal Taxation," essay "Federal Farmer III," October 10, 1787

"[T]he new remedy proposed to be given in the federal courts, can be founded on no principle whatever." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 36, "Representation and Internal Taxation," essay "Federal Farmer III," October 10, 1787

### **ANTI-FEDERALIST NO. 37**

"Though I have long apprehended that fraudulent debtors, and embarrassed men, on the one hand, and men, on the other, unfriendly to republican equality, would produce an uneasiness among the people, and prepare the way, not for cool and deliberate reforms in the governments, but for changes calculated to promote the interests of particular orders of men." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 37, "Factions and the Constitution," essay "The Federal Farmer I," October 8, 1787

"I shall be satisfied with seeing, if it shall be adopted, a prudent administration. Indeed I am so much convinced of the truth of Pope's maxim, that 'That which is best administered is best,' that I am much inclined to subscribe to it from experience. I am not disposed to unreasonably contend about forms. I know our situation is critical, and it behooves us to make the best of it." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 37, "Factions and the Constitution," essay "The Federal Farmer I," October 8, 1787

## THE ESSENTIAL ANTI-FEDERALIST PAPERS

---

"It must be granted, that if men hastily and blindly adopt a system of government, they will as hastily and as blindly be led to alter or abolish it; and changes must ensue, one after another, till the peaceable and better part of the community will grow weary with changes, tumults and disorders, and be disposed to accept any government, however despotic, that shall promise stability and firmness." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 37, "Factions and the Constitution," essay "The Federal Farmer I," October 8, 1787

"When we want a man to change his condition, we describe it as miserable, wretched, and despised; and draw a pleasing picture of that which we would have him assume. And when we wish the contrary, we reverse our descriptions." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 37, "Factions and the Constitution," essay "The Federal Farmer I," October 8, 1787

"It is too often the case in political concerns, that men state facts not as they are, but as they wish them to be; and almost every man, by calling to mind past scenes, will find this to be true." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 37, "Factions and the Constitution," essay "The Federal Farmer I," October 8, 1787

"It is natural for men, who wish to hasten the adoption of a measure, to tell us, now is the crisis—now is the critical moment which must be seized, or all will be lost: and to shut the door against free enquiry, whenever conscious the thing presented has defects in it, which time and investigation will probably discover. This has been the custom of tyrants and their dependants in all ages." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 37, "Factions and the Constitution," essay "The Federal Farmer I," October 8, 1787

"The fickle and ardent, in any community, are the proper tools for establishing despotic government. But it is deliberate and thinking men, who must establish and secure governments on free principles. Before they decide on the plan proposed, they will enquire whether it will probably be a blessing or a curse to this people." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 37, "Factions and the Constitution," essay "The Federal Farmer I," October 8, 1787

"We expected too much from the return of peace, and of course we have been disappointed." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 37, "Factions and the Constitution," essay "The Federal Farmer I," October 8, 1787

"[S]everal orders of men in the community have been prepared, by degrees, for a change of government; and this very abuse of power in the legislatures, which, in some cases, has been charged upon the democratic part of the community, has furnished aristocratical men with those very weapons, and those very means, with which, in great measure, they are rapidly effecting their favourite object. And should an oppressive government be the consequence of the proposed change, posterity may reproach not only a few overbearing unprincipled men, but those parties in the states which have misused their powers." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 37, "Factions and the Constitution," essay "The Federal Farmer I," October 8, 1787

"September, 1786, a few men from the middle states met at Annapolis, and hastily proposed a convention to be held in May, 1787, for the purpose, generally, of amending the confederation—this was done before the delegates of Massachusetts, and of the other states arrived—still not a word was said about destroying the old constitution, and making a new one—The states still unsuspecting, and not aware that they were passing the Rubicon, appointed members to the new convention, for the sole and express purpose of revising and amending the confederation—and, probably, not one man in ten thousand in the United States, till within these ten or twelve days, had an idea that the old ship was to be destroyed, and he put to the alternative of embarking in the new ship presented, or of being left in danger of sinking—The States, I believe, universally supposed the convention would report alterations in the confederation, which would pass an examination in congress, and after being agreed to there, would be confirmed by all the legislatures, or be rejected." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 37, "Factions and the Constitution," essay "The Federal Farmer I," October 8, 1787

"The happiness of the people at large must be the great object with every honest statesman, and he will direct every movement to this point." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 37, "Factions and the Constitution," essay "The Federal Farmer I," October 8, 1787

# THE ESSENTIAL ANTI-FEDERALIST PAPERS

---

"We may consolidate the states as to certain national objects, and leave them severally distinct independent republics, as to internal police generally. Let the general government consist of an executive, a judiciary, and balanced legislature, and its powers extend exclusively to all foreign concerns, causes arising on the seas to commerce, imports, armies, navies, Indian affairs, peace and war, and to a few internal concerns of the community; to the coin, post-offices, weights and measures, a general plan for the militia, to naturalization, and, perhaps to bankruptcies, leaving the internal police of the community, in other respects, exclusively to the state governments; as the administration of justice in all causes arising internally, the laying and collecting of internal taxes, and the forming of the militia according to a general plan prescribed." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 37, "Factions and the Constitution," essay "The Federal Farmer I," October 8, 1787

"Independant of the opinions of many great authors, that a free elective government cannot be extended over large territories, a few reflections must evince, that one government and general legislation alone, never can extend equal benefits to all parts of the United States: Different laws, customs, and opinions exist in the different states, which by a uniform system of laws would be unreasonably invaded." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 37, "Factions and the Constitution," essay "The Federal Farmer I," October 8, 1787

## **ANTI-FEDERALIST NO. 38**

"It is an invidious task, to call in question the characters of individuals, especially of such as are placed in illustrious stations. But when we are required implicitly to submit our opinions to those of others, from a consideration that they are so wise and good as not to be liable to err, and that too in an affair which involves in it the happiness of ourselves and our posterity, every honest man will justify a decent investigation of characters in plain language." – Brutus Junior, Anti-Federalist No. 38, "Some Reactions to Federalist Arguments," The New York Journal, November 8, 1787

"It is degrading to a freeman, and humiliating to a rational one, to pin his faith on the sleeve of any man, or body of men, in an affair of such momentous importance." – Brutus Junior, Anti-Federalist No. 38, "Some Reactions to Federalist Arguments," The New York Journal, November 8, 1787

"I deny that we are in immediate danger of anarchy and commotions. Nothing but the passions of wicked and ambitious men will put us in the least danger on this head. Those who are anxious to precipitate a measure will always tell us that the present is the critical moment; now is the time, the crisis is arrived, and the present minute must be seized. Tyrants have always made use of this plea; but nothing in our circumstances can justify it." – Brutus Junior, Anti-Federalist No. 38, "Some Reactions to Federalist Arguments," The New York Journal, November 8, 1787

"I know it is said we cannot change for the worse; but if we act the part of wise men, we shall take care that we change for the better. It will be labor lost, if after all our pains we are in no better circumstances than we were before." – Brutus Junior, Anti-Federalist No. 38, "Some Reactions to Federalist Arguments," The New York Journal, November 8, 1787

"The only thing I can understand from him [Publius], as far as I have read, is that it is better to be united than divided-that a great many people are stronger than a few-and that Scotland is better off since the union with England than before. And I think, he proves too, very clearly, that the fewer nations there are in the world, the fewer disputes [there] will be about the law of nations-and the greater number that are joined in one government, the abler will they be to raise ships and soldiers, and the less need for fighting." – DeWitt Clinton (A Countryman), Anti-Federalist No. 38, "Some Reactions to Federalist Arguments," The New York Journal, January 10, 1788

"From the manner he talks of the people, he certainly cannot be one of them himself. I imagine he has lately come over from some old country, where they are all Lords and no common people. If so, it would be as well for him to go back again as to meddle himself with our business, since he holds such a bad opinion of us." – DeWitt Clinton (A Countryman), Anti-Federalist No. 38, "Some Reactions to Federalist Arguments," The New York Journal, January 10, 1788

"The Federalist, as he terms himself, or Publius, puts one in mind of some of the gentlemen of the long robe, when hard pushed, in a bad cause, with a rich client. They frequently say a great deal which does not apply;

## THE ESSENTIAL ANTI-FEDERALIST PAPERS

---

but yet, if it will not convince the judge nor jury, may, perhaps, help to make them forget some part of the evidence, embarrass their opponent, and make the audience stare, besides increasing the practice." – DeWitt Clinton (A Countryman), Anti-Federalist No. 38, "Some Reactions to Federalist Arguments," The New York Journal, February 14, 1788

### ANTI-FEDERALIST NO. 39

"The senators do not vote by States, but as individuals. The representatives also vote as individuals, representing people in a consolidated or national government; they judge upon their own elections, and, with the Senate, have the power of regulating elections in time, place and manner, which is in other words to say, that they have the power of elections absolutely vested in them." – A Farmer, Anti-Federalist No. 39, "Appearance and Reality—The Form is Federal; The Effect is National," Philadelphia Independent Gazetteer, April 15 and 22, 1788

"That the State governments have certain ministerial and convenient powers continued to them is not denied, and in the exercise of which they may support, but cannot control the general government, nor protect their own citizens from the exertion of civil or military tyranny—and this ministerial power will continue with the States as long as two-thirds of Congress shall think their agency necessary. But even this will be no longer than two-thirds of Congress shall think proper to propose, and use the influence of which they would be so largely possessed to remove it." – A Farmer, Anti-Federalist No. 39, "Appearance and Reality—The Form is Federal; The Effect is National," Philadelphia Independent Gazetteer, April 15 and 22, 1788

"It is an established maxim, that wherever the whole power of the revenue or taxation is vested, there virtually is the whole effective, influential, sovereign power, let the forms be what they may." – A Farmer, Anti-Federalist No. 39, "Appearance and Reality—The Form is Federal; The Effect is National," Philadelphia Independent Gazetteer, April 15 and 22, 1788

"All the prerogatives, all the essential characteristics of sovereignty, both of the internal and external kind, are vested in the general government, and consequently the several States would not be possessed of any essential power or effective guard of sovereignty." – A Farmer, Anti-Federalist No. 39, "Appearance and Reality—The Form is Federal; The Effect is National," Philadelphia Independent Gazetteer, April 15 and 22, 1788

### ANTI-FEDERALIST NO. 40

"Unparalleled duplicity! That men should oppose tyranny under a pretence of patriotism, that they might themselves become the tyrants. How does such villainy disgrace human nature! Ah, my fellow citizens, you have been strangely deceived indeed; when the wealthy of your own country assisted you to expel the foreign tyrant, only with a view to substitute themselves in his stead." – Philadelphensis, Anti-Federalist No. 40, "On the Motivations and Authority of the Founding Fathers," December 6, 1787

"Does our soil produce no more Washington's? Is there none who would oppose the attempt to establish a government by force? Can we not call from the fields, the counters, the bar, and mechanics' shops, any more Generals? Is our soil exhausted? And does any one suppose that the Americans, like the Romans, will submit to an army merely because they have conquered a foreign enemy?" – An American, Anti-Federalist No. 40, "On the Motivations and Authority of the Founding Fathers"

"Your persons have been put into a loathsome prison, and others of you have had your property sold for taxes, and sometimes for one tenth of its former and actual value and you now pay very grievous and heavy taxes." – A Farmer and Planter, Anti-Federalist No. 40, "On the Motivations and Authority of the Founding Fathers," April 1, 1788

"[Y]ou conquered the enemy, and the rich men now think to subdue you by their wiles and arts, or make you, or persuade you, to do it yourselves. Their aim, I perceive, is now to destroy that liberty which you set up as a reward for the blood and treasure you expended in the pursuit of and establishment of it." – A Farmer and Planter, Anti-Federalist No. 40, "On the Motivations and Authority of the Founding Fathers," April 1, 1788

# THE ESSENTIAL ANTI-FEDERALIST PAPERS

---

"I repeat it again, and I beg gentlemen to consider, that a wrong step, made now, will plunge us into misery, and our republic will be lost." – Patrick Henry, Anti-Federalist No. 40, "On the Motivations and Authority of the Founding Fathers," June 4, 1788; Elliot 3:22

"My political curiosity, exclusive of my anxious solicitude for the public welfare, leads me to ask: Who authorized them to speak the language of, We, the people, instead of, We, the states?" – Patrick Henry, Anti-Federalist No. 40, "On the Motivations and Authority of the Founding Fathers," June 4, 1788; Elliot 3:22

"In many of the states, particularly in this [Pennsylvania] and the northern states, there are aristocratic juntos of the well-horn few, who have been zealously endeavoring since the establishment of their constitutions, to humble that offensive upstart, equal liberty; but all their efforts were unavailing, the ill-bred churl obstinately kept his assumed station." – Samuel Bryan (Centinel), Anti-Federalist No. 40, "On the Motivations and Authority of the Founding Fathers," November 8, 1787

"[T]he people seeing the same officers, the same formalities, courts of justice and other outward appearances, are insensible of the alteration, and believe themselves in possession of their old government. Thus Caesar, when he seized the Roman liberties, caused himself to be chosen dictator (which was an ancient office), continued the senate, the consuls, the tribunes, the censors, and all other offices and forms of the commonwealth; and yet changed Rome from the most free, to the most tyrannical government in the world." – Samuel Bryan (Centinel), Anti-Federalist No. 40, "On the Motivations and Authority of the Founding Fathers," November 8, 1787

"The evil genius of darkness presided at its birth, it came forth under the veil of mystery, its true features being carefully concealed, and every deceptive art has been and is practicing to have this spurious brat received as the genuine offspring of heaven-born liberty. So fearful are its patrons that you should discern the imposition, that they have hurried on its adoption, with the greatest precipitation." – Samuel Bryan (Centinel), Anti-Federalist No. 40, "On the Motivations and Authority of the Founding Fathers," November 8, 1787

"The advocates of this plan have artfully attempted to veil over the true nature and principles of it with the names of those respectable characters that by consummate cunning and address they have prevailed upon to sign it; and what ought to convince the people of the deception and excite their apprehensions, is that with every advantage which education, the science of government and of law, the knowledge of history and superior talents and endowments, furnish the authors and advocates of this plan with, they have from its publication exerted all their power and influence to prevent all discussion of the subject, and when this could not be prevented they have constantly avoided the ground of argument and recurred to declamation, sophistry and personal abuse, but principally relied upon the magic of names." – Samuel Bryan (Centinel), Anti-Federalist No. 40, "On the Motivations and Authority of the Founding Fathers," November 8, 1787

"Emboldened by the sanction of the august name of a Washington, that they have prostituted to their purpose, they have presumed to overleap the usual gradations to absolute power, and have attempted to seize at once upon the supremacy of dominion." – Samuel Bryan (Centinel), Anti-Federalist No. 40, "On the Motivations and Authority of the Founding Fathers," November 8, 1787

"It is graced with the names of a Washington and a Franklin. Illustrious names, we know-worthy characters in civil society. Yet we cannot suppose them to be infallible guides; neither yet that a man must necessarily incur guilt to himself merely by dissenting from them in opinion." – Samuel Bryan (Centinel), Anti-Federalist No. 40, "On the Motivations and Authority of the Founding Fathers," November 8, 1787

"'ALL MEN ARE BORN FREE AND EQUAL'." – The Yeomanry of Massachusetts, Anti-Federalist No. 40, "On the Motivations and Authority of the Founding Fathers," January 1788

## **ANTI-FEDERALIST NO. 41-43 Part I**

"I believe the people of the United States are full in the opinion, that a free and mild government can be preserved in their extensive territories, only under the substantial forms of a federal republic." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 41-43 (Part I), "The Quantity of Power the Union Must Possess Is One Thing; The Mode of Exercising the Powers Given Is Quite A Different Consideration," January 23, 1788

## THE ESSENTIAL ANTI-FEDERALIST PAPERS

---

"To erect a federal republic, we must first make a number of states on republican principles; each state with a government organized for the internal management of its affairs: The states, as such, must unite under a federal head, and delegate to it powers to make and execute laws in certain enumerated cases, under certain restrictions." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 41-43 (Part I), "The Quantity of Power the Union Must Possess Is One Thing; The Mode of Exercising the Powers Given Is Quite A Different Consideration," January 23, 1788

"The state governments are the basis, the pillar on which the federal head is placed, and the whole together, when formed on elective principles, constitute a federal republic. A federal republic in itself supposes state or local governments to exist, as the body or props, on which the federal head rests, and that it cannot remain a moment after they cease." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 41-43 (Part I), "The Quantity of Power the Union Must Possess Is One Thing; The Mode of Exercising the Powers Given Is Quite A Different Consideration," January 23, 1788

"A confederated republic being organized, each state must retain powers for managing its internal police, and all delegate to the union power to manage general concerns: The quantity of power the union must possess is one thing, the mode of exercising the powers given, is quite a different consideration; and it is the mode of exercising them, that makes one of the essential distinctions between one entire or consolidated government, and a federal republic; that is, however the government may be organized, if the laws of the union, in most important concerns, as in levying and collecting taxes, raising troops, etc. operate immediately upon the persons and property of individuals, and not on states, extend to organizing the militia, etc. the government, as to its administration, as to making and executing laws, is not federal, but consolidated." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 41-43 (Part I), "The Quantity of Power the Union Must Possess Is One Thing; The Mode of Exercising the Powers Given Is Quite A Different Consideration," January 23, 1788

"[W]e ought to examine facts, and strip them of the false colorings often given them by incautious observations, by unthinking or designing men." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 41-43 (Part I), "The Quantity of Power the Union Must Possess Is One Thing; The Mode of Exercising the Powers Given Is Quite A Different Consideration," January 23, 1788

"[W]e do not seem to have seen danger any where, but in giving power to congress, and now no where but in congress wanting powers; and, without examining the extent of the evils to be remedied, by one step, we are for giving up to congress almost all powers of any importance without limitation." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 41-43 (Part I), "The Quantity of Power the Union Must Possess Is One Thing; The Mode of Exercising the Powers Given Is Quite A Different Consideration," January 23, 1788

"[A]s the federal head must make peace and war, and provide for the common defence, it ought to possess all powers necessary to that end: that powers unlimited, as to the purse and sword, to raise men and monies, and form the militia, are necessary to that end; and, therefore, the federal head ought to possess them. This reasoning is far more specious than solid: it is necessary that these powers so exist in the body politic, as to be called into exercise whenever necessary for the public safety; but it is by no means true, that the man, or congress of men, whose duty it more immediately is to provide for the common defence, ought to possess them without limitation." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 41-43 (Part I), "The Quantity of Power the Union Must Possess Is One Thing; The Mode of Exercising the Powers Given Is Quite A Different Consideration," January 23, 1788

"It has long been thought to be a well founded position, that the purse and sword ought not to be placed in the same hands in a free government. Our wise ancestors have carefully separated them—placed the sword in the hands of their king, even under considerable limitations, and the purse in the hands of the commons alone." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 41-43 (Part I), "The Quantity of Power the Union Must Possess Is One Thing; The Mode of Exercising the Powers Given Is Quite A Different Consideration," January 23, 1788

"Reason and facts evince, that however convenient it might be for an executive magistrate, or federal head, more immediately charged with the national defence and safety, solely, directly, and independently to possess all the means; yet such magistrate, or head, never ought to possess them, if thereby the public liberties shall be endangered. The powers in question never have been, by nations wise and free, deposited, nor can they ever be, with safety, any where, but in the principal members of the national system." – Richard Henry Lee

# THE ESSENTIAL ANTI-FEDERALIST PAPERS

---

(The Federal Farmer), Anti-Federalist No. 41-43 (Part I), "The Quantity of Power the Union Must Possess Is One Thing; The Mode of Exercising the Powers Given Is Quite A Different Consideration," January 23, 1788

"Wise men will always place the controlling power where the people are substantially collected by their representatives." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 41-43 (Part I), "The Quantity of Power the Union Must Possess Is One Thing; The Mode of Exercising the Powers Given Is Quite A Different Consideration," January 23, 1788

"[T]he federal head will possess, without limitation, almost every species of power that can, in its exercise, tend to change the government, or to endanger liberty; while in it, I think it has been fully shewn, the people will have but the shadow of representation, and but the shadow of security for their rights and liberties." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 41-43 (Part I), "The Quantity of Power the Union Must Possess Is One Thing; The Mode of Exercising the Powers Given Is Quite A Different Consideration," January 23, 1788

"[W]hat powers shall there be delegated to the federal head, to insure safety, as well as energy, in the government? I think there is a safe and proper medium pointed out by experience, by reason, and facts. When we have organized the government, we ought to give power to the union, so far only as experience and present circumstances shall direct, with a reasonable regard to time to come. Should future circumstances, contrary to our expectations, require that further powers be transferred to the union, we can do it far more easily, than get back those we may now imprudently give." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 41-43 (Part I), "The Quantity of Power the Union Must Possess Is One Thing; The Mode of Exercising the Powers Given Is Quite A Different Consideration," January 23, 1788

"A government possessed of more power than its constituent parts will justify, will not only probably abuse it, but be unequal to bear its own burden; it may as soon be destroyed by the pressure of power, as languish and perish for want of it." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 41-43 (Part I), "The Quantity of Power the Union Must Possess Is One Thing; The Mode of Exercising the Powers Given Is Quite A Different Consideration," January 23, 1788

"There are two ways further of raising checks, and guarding against undue combinations and influence in a federal system. The first is, in levying taxes, raising and keeping up armies, in building navies, in forming plans for the militia, and in appropriating monies for the support of the military, to require the attendance of a large proportion of the federal representatives, as two-thirds or three-fourths of them; and in passing laws, in these important cases, to require the consent of two-thirds or three-fourths of the members present. The second is, by requiring that certain important laws of the federal head, as a requisition or a law for raising monies by excise shall be laid before the state legislatures, and if disapproved of by a given number of them, say by as many of them as represent a majority of the people, the law shall have no effect." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 41-43 (Part I), "The Quantity of Power the Union Must Possess Is One Thing; The Mode of Exercising the Powers Given Is Quite A Different Consideration," January 23, 1788

"I have often heard it observed, that our people are well informed, and will not submit to oppressive governments; that the state governments will be their ready advocates, and possess their confidence, mix with them, and enter into all their wants and feelings. This is all true; but of what avail will these circumstances be, if the state governments, thus allowed to be the guardians of the people, possess no kind of power by the forms of the social compact, to stop, in their passage, the laws of congress injurious to the people. State governments must stand and see the law take place; they may complain and petition—so may individuals; the members of them, in extreme cases, may resist, on the principles of self-defence—so may the people and individuals." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 41-43 (Part I), "The Quantity of Power the Union Must Possess Is One Thing; The Mode of Exercising the Powers Given Is Quite A Different Consideration," January 23, 1788

"The fact is, that the detail administration of affairs, in this mixed republic, depends principally on the local governments; and the people would be wretched without them: and a great proportion of social happiness depends on the internal administration of justice, and on internal police." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 41-43 (Part I), "The Quantity of Power the Union Must Possess Is One Thing; The Mode of Exercising the Powers Given Is Quite A Different Consideration," January 23, 1788

## ANTI-FEDERALIST NO. 41-43 Part II

## THE ESSENTIAL ANTI-FEDERALIST PAPERS

---

"All these enumerated powers we must examine and contemplate in all their extent and various branches, and then reflect, that the federal head will have full power to make all laws whatever respecting them; and for carrying into full effect all powers vested in the union, in any department, or officers of it, by the constitution, in order to see the full extent of the federal powers, which will be supreme, and exercised by that head at pleasure, conforming to the few limitations mentioned in the constitution. Indeed, I conceive, it is impossible to see them in their full extent at present: we see vast undefined powers lodged in a weak organization, but cannot, by the enquiries of months and years, clearly discern them in all their numerous branches. These powers in feeble hands, must be tempting objects for ambition and a love of power and fame." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 41-43 (Part II), "The Quantity of Power the Union Must Possess Is One Thing; The Mode of Exercising the Powers Given Is Quite A Different Consideration," January 23, 1788

"[A] federal republic is a compound system, made up of constituent parts, each essential to the whole: we must then expect the real friends of such a system will always be very anxious for the security and preservation of each part, and to this end, that each constitutionally possess its natural portion of power and influence—and that it will constantly be an object of concern to them, to see one part armed at all points by the constitution, and in a manner destructive in the end, even of its own existence, and the others left constitutionally defenceless." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 41-43 (Part II), "The Quantity of Power the Union Must Possess Is One Thing; The Mode of Exercising the Powers Given Is Quite A Different Consideration," January 23, 1788

"The military forces of a free country may be considered under three general descriptions—1. The militia. 2. the navy—and 3. the regular troops—and the whole ought ever to be, and understood to be, in strict subordination to the civil authority; and that regular troops, and select corps, ought not to be kept up without evident necessity." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 41-43 (Part II), "The Quantity of Power the Union Must Possess Is One Thing; The Mode of Exercising the Powers Given Is Quite A Different Consideration," January 23, 1788

"A militia, when properly formed, are in fact the people themselves, and render regular troops in a great measure unnecessary." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 41-43 (Part II), "The Quantity of Power the Union Must Possess Is One Thing; The Mode of Exercising the Powers Given Is Quite A Different Consideration," January 23, 1788

"I am persuaded, I need not multiply words to convince you of the value and solidity of this principle, as it respects general liberty, and the duration of a free and mild government: having this principle well fixed by the constitution, then the federal head may prescribe a general uniform plan, on which the respective states shall form and train the militia, appoint their officers and solely manage them, except when called into the service of the union, and when called into that service, they may be commanded and governed by the union. This arrangement combines energy and safety in it; it places the sword in the hands of the solid interest of the community, and not in the hands of men destitute of property, of principle, or of attachment to the society and government, who often form the select corps of peace or ordinary establishments." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 41-43 (Part II), "The Quantity of Power the Union Must Possess Is One Thing; The Mode of Exercising the Powers Given Is Quite A Different Consideration," January 23, 1788

"(W)hereas, to preserve liberty, it is essential that the whole body of the people always possess arms, and be taught alike, especially when young, how to use them nor does it follow from this, that all promiscuously must go into actual service on every occasion. The mind that aims at a select militia, must be influenced by a truly anti-republican principle; and when we see many men disposed to practice upon it, whenever they can prevail, no wonder true republicans are for carefully guarding against it. As a farther check, it may be proper to add, that the militia of any state shall not remain in the service of the union, beyond a given period, without the express consent of the state legislature." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 41-43 (Part II), "The Quantity of Power the Union Must Possess Is One Thing; The Mode of Exercising the Powers Given Is Quite A Different Consideration," January 23, 1788

"There would be less danger in this power to raise troops, could the state governments keep a proper controul over the purse and over the militia; but after all the precautions we can take, without evidently fettering the union too much, we must give a large accumulation of powers to it, in these and other respects. There is one check, which, I think, may be added with great propriety—that is, no land forces shall be kept up, but by

## THE ESSENTIAL ANTI-FEDERALIST PAPERS

---

legislative acts annually passed by congress, and no appropriation of monies for their support shall be for a longer term than one year." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 41-43 (Part II), "The Quantity of Power the Union Must Possess Is One Thing; The Mode of Exercising the Powers Given Is Quite A Different Consideration," January 23, 1788

"There is another mode still more guarded, and which seems to be founded in the true spirit of a federal system: it seems proper to divide those powers we can with safety, lodge them in no one member of the government alone; yet substantially to preserve their use, and to ensure duration to the government, by modifying the exercise of them—it is to empower congress to raise troops by direct levies, not exceeding a given number..." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 41-43 (Part II), "The Quantity of Power the Union Must Possess Is One Thing; The Mode of Exercising the Powers Given Is Quite A Different Consideration," January 23, 1788

"We must be sensible how cautious we ought to be in extending unnecessarily the jurisdiction of those [federal] courts for reasons I need not repeat. This article of power [bankruptcies] too, will considerably increase, in the hands of the union, an accumulation of powers, some of a federal and some of a unfederal nature, too large without it." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 41-43 (Part II), "The Quantity of Power the Union Must Possess Is One Thing; The Mode of Exercising the Powers Given Is Quite A Different Consideration," January 23, 1788

"The constitution provides, that congress shall have the sole and exclusive government of what is called the federal city, a place not exceeding ten miles square, and of all places ceded for forts, dock-yards, &c. I believe this is a novel kind of provision in a federal republic; it is repugnant to the spirit of such a government, and must be founded in an apprehension of a hostile disposition between the federal head and the state governments; and it is not improbable, that the sudden retreat of congress from Philadelphia, first gave rise to it." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 41-43 (Part II), "The Quantity of Power the Union Must Possess Is One Thing; The Mode of Exercising the Powers Given Is Quite A Different Consideration," January 23, 1788

"The [federal] city, and all the [federal] places in which the union shall have this exclusive jurisdiction, will be immediately under one entire government, that of the federal head; and be no part of any state, and consequently no part of the United States. The inhabitants of the federal city and places, will be as much exempt from the laws and controul of the state governments, as the people of Canada or Nova Scotia will be. Neither the laws of the states respecting taxes, the militia, crimes or property, will extend to them; nor is there a single stipulation in the constitution, that the inhabitants of this city, and these places, shall be governed by laws founded on principles of freedom." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 41-43 (Part II), "The Quantity of Power the Union Must Possess Is One Thing; The Mode of Exercising the Powers Given Is Quite A Different Consideration," January 23, 1788

"All questions, civil and criminal, arising on the laws of these places, which must be the laws of congress, must be decided in the federal courts; and also, all questions that may, by such judicial fictions as these courts may consider reasonable, be supposed to arise within this city, or any of these places, may be brought into these courts; and by a very common legal fiction, any personal contract may be supposed to have been made in any place." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 41-43 (Part II), "The Quantity of Power the Union Must Possess Is One Thing; The Mode of Exercising the Powers Given Is Quite A Different Consideration," January 23, 1788

"I think the state courts will be found by experience, to be bottomed on better principles, and to administer justice better than the federal courts." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 41-43 (Part II), "The Quantity of Power the Union Must Possess Is One Thing; The Mode of Exercising the Powers Given Is Quite A Different Consideration," January 23, 1788

"Such a [federal] city, or town, containing a hundred square miles, must soon be the great, the visible, and dazzling centre, the mistress of fashions, and the fountain of politics. There may be a free or shackled press in this city, and the streams which may issue from it may overflow the country, and they will be poisonous or pure, as the fountain may be corrupt or not. But not to dwell on a subject that must give pain to the virtuous friends of freedom, I will only add, can a free and enlightened people create a common head so extensive, so prone to corruption and slavery, as this city probably will be, when they have it in their power to form one pure and chaste, frugal and republican." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 41-43

# THE ESSENTIAL ANTI-FEDERALIST PAPERS

---

(Part II), "The Quantity of Power the Union Must Possess Is One Thing; The Mode of Exercising the Powers Given Is Quite A Different Consideration," January 23, 1788

"The stipulation that congress, after twenty one years may prohibit the importation of slaves, is a point gained, if not so favourable as could be wished for. As monopolies in trade perhaps, can in no case be useful, it might not be amiss to provide expressly against them." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 41-43 (Part II), "The Quantity of Power the Union Must Possess Is One Thing; The Mode of Exercising the Powers Given Is Quite A Different Consideration," January 23, 1788

"[I]t is evident, that a very great majority of the people of the United States think it, in many parts, an unnecessary and unadvisable departure from true republican and federal principles." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 41-43 (Part II), "The Quantity of Power the Union Must Possess Is One Thing; The Mode of Exercising the Powers Given Is Quite A Different Consideration," January 23, 1788

## ANTI-FEDERALIST NO. 44

"Congress cannot train the militia" This is not strictly true. For by the 1st Article they are empowered 'to provide for organizing, arming, and disciplining' them; and tho' the respective states are said to have the authority of training the militia, it must be 'according to the discipline prescribed by Congress.' In this business, therefore, they will be no other than subalterns under Congress, to execute their orders; which, if they shall neglect to do, Congress will have constitutional powers to provide for, by any other means they shall think proper." – Deliberator, Anti-Federalist No. 44, "What Congress Can Do; What A State Can Not," The Freeman's Journal (The North American Intelligencer), February 20, 1788

"Congress cannot enact laws for the inspection of the produce of the country.' Neither is this strictly true. Their power 'to regulate commerce with foreign nations and among the several states, and to make all laws which shall be necessary and proper for carrying this power (among others vested in them by the constitution) into execution,' most certainly extends to the enacting of inspection laws. The particular states may indeed propose such laws to them; but it is expressly declared, in the 1st article, that 'all such laws shall be subject to the revision and control of the Congress.'" – Deliberator, Anti-Federalist No. 44, "What Congress Can Do; What A State Can Not," The Freeman's Journal (The North American Intelligencer), February 20, 1788

"The several states can prohibit or impose duties on the importation of slaves into their own ports.' Nay, not even this can they do, 'without the consent of Congress,' as is expressly declared in the close of the 1st article. The duty which Congress may, and it is probable will lay on the importation of slaves, will form a branch of their revenue. But this impost, as well as all others, 'must be uniform throughout the United States.' Congress therefore cannot consent that one state should impose an additional duty on this article of commerce, unless all other states should do the same; and it is not very likely that some of the states will ever ask this favor." – Deliberator, Anti-Federalist No. 44, "What Congress Can Do; What A State Can Not," The Freeman's Journal (The North American Intelligencer), February 20, 1788

"Congress cannot interfere with the opening of rivers and canals; the making or regulation of roads, except post roads; building bridges; erecting ferries; building lighthouses, etc.' In one case, which may very frequently happen, this proposition also fails. For if the river, canal, road, bridge, ferry, etc., be common to two states, or a matter in which they may be both concerned, and consequently must both concur, then the interference and consent of Congress becomes absolutely necessary, since it is declared in the constitution that 'no state shall, without the consent of Congress, enter into any agreement or compact with another state.'" – Deliberator, Anti-Federalist No. 44, "What Congress Can Do; What A State Can Not," The Freeman's Journal (The North American Intelligencer), February 20, 1788

"The elections of the President, Vice President, senators and representatives are exclusively in the hands of the states—even as to filling vacancies.' This, in one important part, is not true. For, by the 2d article, 'in case of the removal of the President from office, or of his death, resignation, or inability to discharge the duties of the said office, the same shall devolve on the Vice President, and the Congress may by law provide for the case of removal, death, etc., both of the President and Vice President, declaring what officer shall then act as president, and such officer shall act accordingly, until the disability be removed, or a president shall be elected.' But no such election is provided for by the constitution, till the return of the periodical election at the expiration of the four years for which the former president was chosen. And thus may the great powers of this supreme magistrate of the United States be exercised, for years together, by a man who, perhaps, never had

## THE ESSENTIAL ANTI-FEDERALIST PAPERS

---

one vote of the people for any office of government in his life." – Deliberator, Anti-Federalist No. 44, "What Congress Can Do; What A State Can Not," The Freeman's Journal (The North American Intelligencer), February 20, 1788

"Congress cannot interfere with the constitution of any state.' This has been often said, but alas, with how little truth—since it is declared in the 6th article that 'this constitution and the laws of the United States which shall be made in pursuance thereof, and all treaties, etc., shall be the supreme law of the land, and every state shall be bound thereby, anything in the constitution or laws of any state to the contrary notwithstanding.'" – Deliberator, Anti-Federalist No. 44, "What Congress Can Do; What A State Can Not," The Freeman's Journal (The North American Intelligencer), February 20, 1788

"Upon the inhabitants of any state proving refractory to the will of Congress, or upon any other pretense whatsoever, Congress may call out even all the militia of as many states as they think proper, and keep them in actual service, without pay, as long as they please, subject to the utmost rigor of military discipline, corporal punishment, and death itself not excepted." – Deliberator, Anti-Federalist No. 44, "What Congress Can Do; What A State Can Not," The Freeman's Journal (The North American Intelligencer), February 20, 1788

"Congress may, under the sanction of that clause which empowers them to lay and collect duties (as distinct from imposts and excises) impose so heavy a stamp duty on newspapers and other periodical publications, as shall effectually prevent all necessary information to the people through these useful channels of intelligence." – Deliberator, Anti-Federalist No. 44, "What Congress Can Do; What A State Can Not," The Freeman's Journal (The North American Intelligencer), February 20, 1788

"Congress may, by imposing a duty on foreigners coming into the country, check the progress of its population. And after a few years they may prohibit altogether, not only the emigration of foreigners into our country, but also that of our own citizens to any other country." – Deliberator, Anti-Federalist No. 44, "What Congress Can Do; What A State Can Not," The Freeman's Journal (The North American Intelligencer), February 20, 1788

"Congress may, if they shall think it for the "general welfare," establish an uniformity in religion throughout the United States. Such establishments have been thought necessary, and have accordingly taken place in almost all the other countries in the world, and will no doubt be thought equally necessary in this." – Deliberator, Anti-Federalist No. 44, "What Congress Can Do; What A State Can Not," The Freeman's Journal (The North American Intelligencer), February 20, 1788

"Though I believe it is not generally so understood, yet certain it is, that Congress may emit paper money, and even make it a legal tender throughout the United States; and, what is still worse, may, after it shall have depreciated in the hands of the people, call it in by taxes, at any rate of depreciation (compared with gold and silver) which they may think proper. For though no state can emit bills of credit, or pass any law impairing the obligation of contracts, yet the Congress themselves are under no constitutional restraints on these points." – Deliberator, Anti-Federalist No. 44, "What Congress Can Do; What A State Can Not," The Freeman's Journal (The North American Intelligencer), February 20, 1788

### **ANTI-FEDERALIST NO. 45**

"[W]hat is to limit the oppression of the general government? Where are the rights, which are declared to be incapable of violation? And what security have people against the wanton oppression of unprincipled governors? No constitutional redress is pointed out, and no express declaration is contained in it, to limit the boundaries of their rulers." – Robert Yates (Sydney), Anti-Federalist No. 45, "Powers of National Government Dangerous to State Governments; New York as an Example," New York Daily Patriotic Register, June 13 and 14, 1788

"The powers vested in the legislature of this state [New York] by these paragraphs will be weakened, for the proposed new government declares that 'all legislative powers therein granted shall be vested in a congress of the United States, which shall consist of a senate and a house of representatives,' and it further prescribes, that 'this constitution and the laws of the United States, which shall be made in pursuance thereof; and all treaties made, or which shall be made under the authority of the United States, shall be the supreme law of the land, and the judges in every state shall be bound thereby, anything in the constitution or laws of any state to the contrary notwithstanding; and the members of the several state legislatures, and all executive and

## THE ESSENTIAL ANTI-FEDERALIST PAPERS

---

judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation to support this constitution." – Robert Yates (Sydney), Anti-Federalist No. 45, "Powers of National Government Dangerous to State Governments; New York as an Example," New York Daily Patriotic Register, June 13 and 14, 1788

"[I]t appears to me as impossible that these powers in the state constitution and those in the general government can exist and operate together, as it would be for a man to serve two masters whose interests clash, and secure the approbation of both. Can there at the same time and place be and operate two supreme legislatures, executives, and judicials? Will a "guarantee of a republican form of government to every state in the union" be of any avail, or secure the establishment and retention of state rights? ... If this guarantee had remained, as it was first reported by the committee of the whole house, to wit, 'that a republican constitution, and its existing laws, ought to be guaranteed to each state by the United States,' it would have been substantial; but the changing the word constitution into the word form bears no favorable appearance." – Robert Yates (Sydney), Anti-Federalist No. 45, "Powers of National Government Dangerous to State Governments; New York as an Example," New York Daily Patriotic Register, June 13 and 14, 1788

"[I]f the United States guarantee 'to every state in the union a republican form of government;' we may be allowed the form and not the substance, and that it was so intended will appear from the changing the word constitution to the word form and the omission of the words, and its existing laws. And I do not even think it uncharitable to suppose that it was designedly done; but whether it was so or not, by leaving out these words the jurisprudence of each state is left to the mercy of the new government." – Robert Yates (Sydney), Anti-Federalist No. 45, "Powers of National Government Dangerous to State Governments; New York as an Example," New York Daily Patriotic Register, June 13 and 14, 1788

"[B]y the 6th art., 'The members of the several state legislatures, and all the 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.' ... Can this oath be taken by those who have already taken one under the constitution of this state [New York]?" – Robert Yates (Sydney), Anti-Federalist No. 45, "Powers of National Government Dangerous to State Governments; New York as an Example," New York Daily Patriotic Register, June 13 and 14, 1788

"[I]ts operations to ensure or contribute to any essential measures promotive of the happiness of the people may be totally prostrated, the general government arrogating to itself the right of interfering in the most minute objects of internal police, and the most trifling domestic concerns of every state, by possessing a power of passing laws "to provide for the general welfare of the United States," which may affect life, liberty and property in every modification they may think expedient, unchecked by cautionary reservations, and unrestrained by a declaration of any of those rights which the wisdom and prudence of America in the year 1776 held ought to be at all events protected from violation." – Robert Yates (Sydney), Anti-Federalist No. 45, "Powers of National Government Dangerous to State Governments; New York as an Example," New York Daily Patriotic Register, June 13 and 14, 1788

"In a word, the new constitution will prove finally to dissolve all the power of the several state legislatures, and destroy the rights and liberties of the people; for the power of the first will be all in all, and of the latter a mere shadow and form without substance, and if adopted we may (in imitation of the Carthaginians) say, Delenda vit America." – Robert Yates (Sydney), Anti-Federalist No. 45, "Powers of National Government Dangerous to State Governments; New York as an Example," New York Daily Patriotic Register, June 13 and 14, 1788

### **ANTI-FEDERALIST NO. 46**

"'And to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States; or in any department or offices thereof.' Under such a clause as this, can anything be said to be reserved and kept back from Congress? Can it be said that the Congress have no power but what is expressed?" – An Old Whig, Anti-Federalist No. 46, "Where Then is the Restraint?" Maryland Gazette and Baltimore Advertiser, November 2, 1788

"'To make all laws which shall be necessary and proper'—or, in other words, to make all such laws which the Congress shall think necessary and proper—for who shalt judge for the legislature what is necessary and

# THE ESSENTIAL ANTI-FEDERALIST PAPERS

---

proper? Who shall set themselves above the sovereign? What inferior legislature shall set itself above the supreme legislature? To me it appears that no other power on earth can dictate to them, or control them, unless by force; and force, either internal or external, is one of those calamities which every good man would wish his country at all times to be delivered from." – An Old Whig, Anti-Federalist No. 46, "Where Then is the Restraint?" Maryland Gazette and Baltimore Advertiser, November 2, 1788

"[W]ithout force what can restrain the Congress from making such laws as they please? What limits are there to their authority? I fear none at all. For surely it cannot be justly said that they have no power but what is expressly given to them, when by the very terms of their creation they are vested with the powers of making laws in all cases—necessary and proper; when from the nature of their power, they must necessarily be the judges what laws are necessary and proper." – An Old Whig, Anti-Federalist No. 46, "Where Then is the Restraint?" Maryland Gazette and Baltimore Advertiser, November 2, 1788

"What is the meaning of the latter part of the clause which vests the Congress with the authority of making all laws which shall be necessary and proper for carrying into execution all other powers (besides the foregoing powers vested, etc., etc.)? Was it thought that the foregoing powers might perhaps admit of some restraint, in their construction as to what was necessary and proper to carry them into execution? Or was it deemed right to add still further that they should not be restrained to the powers already named? Besides the powers already mentioned, other powers may be assumed hereafter as contained by implication in this constitution. The Congress shall judge of what is necessary and proper in all these cases, and in all other cases—in short, in all cases whatsoever." – An Old Whig, Anti-Federalist No. 46, "Where Then is the Restraint?" Maryland Gazette and Baltimore Advertiser, November 2, 1788

"Where then is the restraint? How are Congress bound down to the powers expressly given? What is reserved, or can be reserved? Yet even this is not all. As if it were determined that no doubt should remain, by the sixth article of the Constitution it is declared that "this Constitution and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land, and the judges in every state shall be bound thereby, any thing in the Constitutions or laws of any State to the contrary notwithstanding." The Congress are therefore vested with the supreme legislative power, without control." – An Old Whig, Anti-Federalist No. 46, "Where Then is the Restraint?" Maryland Gazette and Baltimore Advertiser, November 2, 1788

"Is it not evident that we are left wholly dependent on the wisdom and virtue of the men who shall from time to time be the members of Congress? And who shall be able to say seven years hence, the members of Congress will be wise and good men, or of the contrary character?" – An Old Whig, Anti-Federalist No. 46, "Where Then is the Restraint?" Maryland Gazette and Baltimore Advertiser, November 2, 1788

## ANTI-FEDERALIST NO. 47

"All the blessings of liberty and the dearest privileges of freemen, are now at stake and dependent on your present conduct. Those who are competent to the task of developing the principles of government, ought to be encouraged to come forward, and thereby the better enable the people to make a proper judgment." – Samuel Bryan (Centinel), Anti-Federalist No. 47, "'Balance' of Departments Not Achieved Under New Constitution," The Independent Gazetteer, October 5, 1787

"The wealthy and ambitious, who in every community think they have a right to lord it over their fellow creatures, have availed themselves, very successfully, of this favorable disposition; for the people thus unsettled in their sentiments, have been prepared to accede to any extreme of government." – Samuel Bryan (Centinel), Anti-Federalist No. 47, "'Balance' of Departments Not Achieved Under New Constitution," The Independent Gazetteer, October 5, 1787

"I believe it will be found that the form of government, which holds those entrusted with power, in the greatest responsibility to their constituents, the best calculated for freemen. A republican, or free government, can only exist where the body of the people are virtuous, and where property is pretty equally divided; in such a government the people are the sovereign and their sense or opinion is the criterion of every public measure; for when this ceases to be the case, the nature of the government is changed, and an aristocracy, monarchy or despotism will rise on its ruin." – Samuel Bryan (Centinel), Anti-Federalist No. 47, "'Balance' of Departments Not Achieved Under New Constitution," The Independent Gazetteer, October 5, 1787

## THE ESSENTIAL ANTI-FEDERALIST PAPERS

---

"[T]hey are to be vested with every species of internal taxation—whatever taxes, duties and excises that they may deem requisite for the general welfare, may be imposed on the citizens of these states, levied by the officers of Congress, distributed through every district in America; and the collection would be enforced by the standing army, however grievous or improper they may be. The Congress may construe every purpose for which the state legislatures now lay taxes, to be for the general welfare, and thereby seize upon every object of revenue." – Samuel Bryan (Centinel), Anti-Federalist No. 47, "'Balance' of Departments Not Achieved Under New Constitution," The Independent Gazetteer, October 5, 1787

"The judicial power to be vested in one Supreme Court, and in such Inferior Courts as the Congress may from time to time ordain and establish. ... The objects of jurisdiction recited above, are so numerous, and the shades of distinction between civil causes are oftentimes so slight, that it is more than probable that the state judicatories would be wholly superceded; for in contests about jurisdiction, the federal court, as the most powerful, would ever prevail." – Samuel Bryan (Centinel), Anti-Federalist No. 47, "'Balance' of Departments Not Achieved Under New Constitution," The Independent Gazetteer, October 5, 1787

"[T]he all-prevailing power of taxation, and such extensive legislative and judicial powers are vested in the general government, as must in their operation, necessarily absorb the state legislatures and judicatories; and that such was in the contemplation of the framers of it, will appear from the provision made for such event, in another part of it; (but that, fearful of alarming the people by so great an innovation, they have suffered the forms of the separate governments to remain, as a blind.)" – Samuel Bryan (Centinel), Anti-Federalist No. 47, "'Balance' of Departments Not Achieved Under New Constitution," The Independent Gazetteer, October 5, 1787

"[I]f the united states are to be melted down into one empire, it becomes you to consider, whether such a government, however constructed, would be eligible in so extended a territory; and whether it would be practicable, consistent with freedom? It is the opinion of the greatest writers, that a very extensive country cannot be governed on democratical principles..." – Samuel Bryan (Centinel), Anti-Federalist No. 47, "'Balance' of Departments Not Achieved Under New Constitution," The Independent Gazetteer, October 5, 1787

"If one general government could be instituted and maintained on principles of freedom, it would not be so competent to attend to the various local concerns and wants, of every particular district, as well as the peculiar governments, who are nearer the scene, and possessed of superior means of information, besides, if the business of the whole union is to be managed by one government, there would not be time." – Samuel Bryan (Centinel), Anti-Federalist No. 47, "'Balance' of Departments Not Achieved Under New Constitution," The Independent Gazetteer, October 5, 1787

"The President, who would be a mere pageant of state, unless he coincides with the views of the Senate, would either become the head of the aristocratic junto in that body, or its minion, besides, their influence being the most predominant, could the best secure his re-election to office. And from his power of granting pardons, he might skreen from punishment the most treasonable attempts on liberties of the people, when instigated by the Senate." – Samuel Bryan (Centinel), Anti-Federalist No. 47, "'Balance' of Departments Not Achieved Under New Constitution," The Independent Gazetteer, October 5, 1787

"It is the opinion of some great writers, that if the liberty of the press, by an institution of religion, or otherwise, could be rendered sacred, even in Turkey, that despotism would fly before it." – Samuel Bryan (Centinel), Anti-Federalist No. 47, "'Balance' of Departments Not Achieved Under New Constitution," The Independent Gazetteer, October 5, 1787

"[O]ur situation is represented to be so critically dreadful that, however reprehensible and exceptionable the proposed plan of government may be, there is no alternative, between the adoption of it and absolute ruin. My fellow citizens, things are not at that crisis, it is the argument of tyrants." – Samuel Bryan (Centinel), Anti-Federalist No. 47, "'Balance' of Departments Not Achieved Under New Constitution," The Independent Gazetteer, October 5, 1787

"Mr. [James] Wilson says, 'the senate branches into two characters; the one legislative and the other executive. In its legislative character it can effect no purpose, without the co-operation of the house of representatives, and in its executive character it can accomplish no object without the concurrence of the president. Thus fettered, I do not know any act which the senate can of itself perform, and such dependence necessarily precludes every idea of influence and superiority.'" – Samuel Bryan (Centinel), Anti-Federalist No.

# THE ESSENTIAL ANTI-FEDERALIST PAPERS

---

47, "'Balance' of Departments Not Achieved Under New Constitution," *The Independent Gazetteer*, October 24, 1787

"Is it probable, that the President of the United States, limited as he is in power, and dependent on the will of the senate, in appointments to office, will either have the firmness or inclination to exercise his prerogative of a conditional control upon the proceedings of that body, however injurious they may be to the public welfare? It will be his interest to coincide with the views of the senate, and thus become the head of the aristocratic junto." – Samuel Bryan (Centinel), *Anti-Federalist No. 47, "'Balance' of Departments Not Achieved Under New Constitution," The Independent Gazetteer, October 24, 1787*

"The check of the house of representatives upon the senate will...be rendered nugatory for want of due weight in the democratic branch, and from their constitution they may become so independent of the people as to be indifferent of its interests. Nay, as Congress would have the control over the mode and place of their election, by ordering the representatives of a whole state to be elected at one place, and that too the most inconvenient, the ruling powers may govern the choice, and thus the house of representatives may be composed of the creatures of the senate. Still the semblance of checks may remain, but without operation. This mixture of the legislative and executive moreover highly tends to corruption." – Samuel Bryan (Centinel), *Anti-Federalist No. 47, "'Balance' of Departments Not Achieved Under New Constitution," The Independent Gazetteer, October 24, 1787*

"The chief improvement in government, in modern times, has been the complete separation of the great distinctions of power; placing the legislative in different hands from those which hold the executive; and again severing the judicial part from the ordinary administrative. 'When the legislative and executive powers (says Montesquieu) are united in the same person or in the same body of magistrates, there can be no liberty.'" – Samuel Bryan (Centinel), *Anti-Federalist No. 47, "'Balance' of Departments Not Achieved Under New Constitution," The Independent Gazetteer, October 24, 1787*

## **ANTI-FEDERALIST NO. 48**

"In the new constitution for the future government of the thirteen United States of America, the President and Senate have all the executive and two thirds of the Legislative power. ... This is a material deviation from those principles of the English constitution, for which they fought with us; and in all good governments it should be a fundamental maxim, that, to give a proper balance to the political system, the different branches of the legislature should be unconnected, and the legislative and executive powers should be separate." – Leonidas from London, *Anti-Federalist No. 48, "No Separation of Departments Results in No Responsibility," The Freeman's Journal (The North American Intelligencer), July 30, 1788*

"From such an union in governments, it requires no great depth of political knowledge to prophesy, that monarchy or aristocracy must be generated, and perhaps of the most grievous kind. The only check in favor of the democratic principle is the house of representatives; but its smallness of number, and great comparative disparity of power, render that house of little effect to promote good or restrain bad government." – Leonidas from London, *Anti-Federalist No. 48, "No Separation of Departments Results in No Responsibility," The Freeman's Journal (The North American Intelligencer), July 30, 1788*

"The power given to this ill-constructed senate is, to judge of what may be for the general welfare; and such engagements, when made the acts of Congress, become the supreme laws of the land." – Leonidas from London, *Anti-Federalist No. 48, "No Separation of Departments Results in No Responsibility," The Freeman's Journal (The North American Intelligencer), July 30, 1788*

"This being the beginning of American freedom, it is very clear the ending will be slavery, for it cannot be denied that this constitution is, in its first principles, highly and dangerously oligarchical; and it is every where agreed, that a government administered by a few, is, of all governments, the worst." – Leonidas from London, *Anti-Federalist No. 48, "No Separation of Departments Results in No Responsibility," The Freeman's Journal (The North American Intelligencer), July 30, 1788*

## **ANTI-FEDERALIST NO. 49**

"That the new constitution cannot make a union of states, but only of individuals, and purposes the beginning of one new society, one new government in all matters, is evident from these considerations, viz: It marks no

# THE ESSENTIAL ANTI-FEDERALIST PAPERS

---

line of distinction between separate state matters, and what would of right come under the control of the powers ordained in a union of states." – Massachusetts, Anti-Federalist No. 49, "On Constitutional Conventions (Part I)," Massachusetts Gazette, January 29, 1788

"[I]s it not clear that Congress have the right (by the constitution), to make general laws for proving all acts, records, proceedings, and the effect thereof, in what are now called the states? Is it possible after this that any state act can exist, or any public business be done, without the direction and sanction of Congress, or by virtue of some subordinate authority? If not, how in the nature of things can there be a union of states? Does not the uniting of states, as states, necessarily imply the existence of separate state powers?" – Massachusetts, Anti-Federalist No. 49, "On Constitutional Conventions (Part I)," Massachusetts Gazette, January 29, 1788

"It says, "We the people of the United States," etc., make this constitution; but does this phrase, "We the people of the United States," prove that the people are acting in state character, or that the several states must of necessity exist with separate governments? Who that understands the subject will believe either?" – Massachusetts, Anti-Federalist No. 49, "On Constitutional Conventions (Part I)," Massachusetts Gazette, January 29, 1788

"[A]fter the constitution is once ratified, it must remain fixed until two thirds of both the houses of Congress shall deem it necessary to propose amendments; or the legislatures of two thirds of the several states shall make application to Congress for the calling a convention for proposing amendments - which amendments shall not be valid until they are ratified by the legislatures of three fourths of the several states, or by conventions in three fourths thereof, as one or the other mode of ratification may be proposed by Congress. This appears to me to be only a cunning way of saying that no alteration shall ever be made; so that whether it is a good constitution or a bad constitution, it will remain forever unamended." – An Old Whig, Anti-Federalist No. 49, "On Constitutional Conventions (Part I)," Massachusetts Gazette, January 29, 1788

"If the principles of liberty are not firmly fixed and established in the present constitution, in vain may we hope for retrieving them hereafter." – An Old Whig, Anti-Federalist No. 49, "On Constitutional Conventions (Part I)," Massachusetts Gazette, January 29, 1788

"People once possessed of power are always loathe to part with it." – An Old Whig, Anti-Federalist No. 49, "On Constitutional Conventions (Part I)," Massachusetts Gazette, January 29, 1788

"The greater the abuse of power, the more obstinately is it always persisted in." – An Old Whig, Anti-Federalist No. 49, "On Constitutional Conventions (Part I)," Massachusetts Gazette, January 29, 1788

"[I]t is too evident that we shall be obliged to fill up the offices of assemblymen and councillors, as we do those of constables, by appointing men to serve whether they will or not, and fining them if they refuse." – An Old Whig, Anti-Federalist No. 49, "On Constitutional Conventions (Part I)," Massachusetts Gazette, January 29, 1788

"The different legislatures will have no communication with one another, from the time of the new constitution being ratified to the end of the world." – An Old Whig, Anti-Federalist No. 49, "On Constitutional Conventions (Part I)," Massachusetts Gazette, January 29, 1788

"Congress will be the great focus of power as well as the great and only medium of communication from one state to another. The great and the wise and the mighty will be in possession of places and offices; they will oppose all changes in favor of liberty; they will steadily pursue the acquisition of more and more power to themselves and their adherents." – An Old Whig, Anti-Federalist No. 49, "On Constitutional Conventions (Part I)," Massachusetts Gazette, January 29, 1788

## ANTI-FEDERALIST NO. 50

"[I]t is a language frequent in the mouths of some heaven-born Phaetons among us—who, like the son of Apollo, think themselves entitled to guide the chariot of the sun—that common people have no right to judge of the affairs of government; that they are not fit for it; that they should leave these matters to their superiors. This, however, is not the language of men of real understanding, even among the advocates for the proposed Constitution; but these still recognize the authority of the people, and will admit, at least in words,

# THE ESSENTIAL ANTI-FEDERALIST PAPERS

---

that the people have a right to be consulted." – An Old Whig, Anti-Federalist No. 50, "On Constitutional Conventions (Part II)," *The Freeman's Journal (The North American Intelligencer)*, November 28, 1787

"I trust that no man of understanding among them will pretend to say that anything they did, or could do, was of the least avail to lessen the right of the people to judge for themselves in the last resort. This right is perhaps unalienable." – An Old Whig, Anti-Federalist No. 50, "On Constitutional Conventions (Part II)," *The Freeman's Journal (The North American Intelligencer)*, November 28, 1787

"The people have an undoubted right to judge of every part of the government which is offered to them. No power on earth has a right to preclude them; and they may exercise this choice either by themselves or their delegates legally chosen in the state Convention. I venture to say that no man, reasoning upon Revolution principles, can possibly controvert this right." – An Old Whig, Anti-Federalist No. 50, "On Constitutional Conventions (Part II)," *The Freeman's Journal (The North American Intelligencer)*, November 28, 1787

"[V]ery few go so far as to controvert the right of the people to propose amendments. But we are told the thing is impracticable; that if we begin to propose amendments there will be no end to them; that the several states will never agree in their amendments; that we shall never unite in any plan; that if we reject this, we shall either have a worse one or none at all; that we ought therefore to adopt this at once without alteration or amendment." – An Old Whig, Anti-Federalist No. 50, "On Constitutional Conventions (Part II)," *The Freeman's Journal (The North American Intelligencer)*, November 28, 1787

"Idiots and maniacs ought certainly to be restrained from doing themselves mischief, and ought to be compelled to that which is for their own good. Whether the people of America are to be considered in this light and treated accordingly, is a question which deserves, perhaps, more consideration than it has yet received." – An Old Whig, Anti-Federalist No. 50, "On Constitutional Conventions (Part II)," *The Freeman's Journal (The North American Intelligencer)*, November 28, 1787

## ANTI-FEDERALIST NO. 51

"For my own part, I was so smitten with the character of the members, that I had assented to their production, while it was yet in embryo. And I make no doubt but every good republican did so too. But how great was my surprise, when it appeared with such a venerable train of names annexed to its tail, to find some of the people under different signatures—such as Centinel, Old Whig, Brutus, etc.—daring to oppose it, and that too with barefaced arguments, obstinate reason and stubborn truth. This is certainly a piece of the most extravagant impudence to presume to contradict the collected wisdom of the United States; or to suppose a body, who engrossed the whole wisdom of the continent, was capable of erring." – Aristocrotis, Anti-Federalist No. 51, "Do Checks and Balances Really Secure the Rights of the People?" from pamphlet, "The Government of Nature Delineated; Or An Exact Picture of the New Federal Constitution," New Carlisle (Pennsylvania), 1788

"I say nature, for it is a fundamental principle, as clear as an axiom, that nature hath placed proper degrees and subordinations amongst mankind and ordained a few<sup>(1)</sup> to rule, and many to obey. I am not obliged to prove this principle because it would be madness in the extreme to attempt to prove a self-evident truth. ... (1) If any person is so stupidly dull as not to discern who these few are, I would refer such to nature herself for information. Let them observe her ways and be wise. Let them mark those men whom she hath endued with the necessary qualifications of authority; such as the dictatorial air, the magisterial voice, the imperious tone, the haughty countenance, the lofty look, the majestic mien. Let them consider those whom she hath taught to command with authority, but comply with disgust; to be fond of sway, but impatient of control; to consider themselves as Gods, and all the rest of mankind as two legged brutes. Now it is evident that the possessors of these divine qualities must have been ordained by nature to dominion and empire." – Aristocrotis, Anti-Federalist No. 51, "Do Checks and Balances Really Secure the Rights of the People?" from pamphlet, "The Government of Nature Delineated; Or An Exact Picture of the New Federal Constitution," New Carlisle (Pennsylvania), 1788

"[I]t is declared that "all legislative powers herein granted shall be vested in a Congress of the United States which shall consist of a Senate"—very right, quite agreeable to nature and House of Representatives"—not quite so right. This is a palpable compliance with the humors and corrupt practices of the times. But what follows in section 2 is still worse: "The House of Representatives shall be composed of members chosen every second year by the people of the several states." This is a most dangerous power, and must soon produce

## THE ESSENTIAL ANTI-FEDERALIST PAPERS

---

fatal and pernicious consequences, were it not circumscribed and poised by proper checks and balances." – Aristocrotis, Anti-Federalist No. 51, "Do Checks and Balances Really Secure the Rights of the People?" from pamphlet, "The Government of Nature Delineated; Or An Exact Picture of the New Federal Constitution," New Carlisle (Pennsylvania), 1788

"[I]n section 4 it is provided that congress by law may alter and make such regulations with respect to the times, places, and manner of holding elections, as to them seemeth fit and proper. This is certainly a very salutary provision, most excellently adapted to counterbalance the great and apparently dangerous concessions made to the plebeians in the first and second sections. With such a prudent restriction as this they are quite harmless: no evil can arise from them if congress have only the sagacity and fortitude to avail themselves of the power they possess by this section." – Aristocrotis, Anti-Federalist No. 51, "Do Checks and Balances Really Secure the Rights of the People?" from pamphlet, "The Government of Nature Delineated; Or An Exact Picture of the New Federal Constitution," New Carlisle (Pennsylvania), 1788

"Perhaps some people may think that power which the house of representatives possesses, of impeaching the officers of government, will be a restraint upon them. But this entirely vanishes, when it is considered that the senate hath the principal say in appointing these officers, and that they are the sole judges of all impeachments. Now it would be absurd to suppose that they would remove their own servants for performing their secret orders." – Aristocrotis, Anti-Federalist No. 51, "Do Checks and Balances Really Secure the Rights of the People?" from pamphlet, "The Government of Nature Delineated; Or An Exact Picture of the New Federal Constitution," New Carlisle (Pennsylvania), 1788

"The mode of electing the president is another excellent regulation, most wisely calculated to render him the obsequious machine of congress. He is to be chosen by electors appointed in such manner as the state legislators shall direct. But then the highest in votes cannot be president, without he has the majority of all the electors; and if none have this majority, then the congress is to choose the president out of the five highest on the return. By this means the congress will always have the making of the president after the first election. So that if the reigning president pleases his masters, he need be under no apprehensions of being turned out for any severities used to the people, for though the congress may not have influence enough to procure him the majority of the votes of the electoral college, yet they will always be able to prevent any other from having such a majority; and to have him returned among the five highest, so that they may have the appointing of him themselves." – Aristocrotis, Anti-Federalist No. 51, "Do Checks and Balances Really Secure the Rights of the People?" from pamphlet, "The Government of Nature Delineated; Or An Exact Picture of the New Federal Constitution," New Carlisle (Pennsylvania), 1788

"The congress having thus disentangled themselves from all popular checks and choices, and being supported by a well disciplined army and active militia, will certainly command dread and respect abroad, obedience and submission at home. They will then look down with awful dignity and tremendous majesty from the pinnacle of glory to which fortune has raised them upon the insignificant creatures, their subjects, whom they have reduced to that state of vassalage and servile submission, for which they were primarily destined by nature." – Aristocrotis, Anti-Federalist No. 51, "Do Checks and Balances Really Secure the Rights of the People?" from pamphlet, "The Government of Nature Delineated; Or An Exact Picture of the New Federal Constitution," New Carlisle (Pennsylvania), 1788

"O! thou most venerable and august congress! with what astonishing ideas my mind is ravished! when I contemplate thy rising grandeur, and anticipate thy future glory! Happy thy servants! happy thy vassals! and happy thy slaves, which fit under the shade of thy omnipotent authority, and behold the glory of thy majesty! for such a state who would not part with ideal blessings of liberty? who would not cheerfully resign the nominal advantages of freedom? the dazzling splendor of Assyrian, Persian, Macedonian and Roman greatness will then be totally eclipsed by the radiant blaze of this glorious western luminary!" – Aristocrotis, Anti-Federalist No. 51, "Do Checks and Balances Really Secure the Rights of the People?" from pamphlet, "The Government of Nature Delineated; Or An Exact Picture of the New Federal Constitution," New Carlisle (Pennsylvania), 1788

### **ANTI-FEDERALIST NO. 52**

"We conceive that the very notion of government carries along with it the idea of justice and equity, and that the whole design of instituting government in the world, was to preserve men's properties from rapine, and their bodies from violence and bloodshed. ... These propositions being established, we conceive must of

# THE ESSENTIAL ANTI-FEDERALIST PAPERS

---

necessity produce the following consequence: That every constitution or system, which does not quadrate with this original design, is not government, but in fact a subversion of it." – Consider Arms, Malichi Maynard, and Samuel Field, Anti-Federalist No. 52, "On the Guarantee of Congressional Biennial Elections," The Hampshire Gazette, April 9, 1788

"[A]s direct taxes are to be apportioned according to the numbers in each state, and as Massachusetts has none in it but what are declared free men, so the whole, blacks as well as whites, must be numbered; this must therefore operate against us, as two-fifths of the slaves in the southern states are to be left out of the numeration. Consequently, three Massachusetts infants will increase the tax equal to five sturdy full-grown Negroes of theirs, who work every day in the week for their masters, saving the Sabbath, upon which they are allowed to get something for their own support. We can see no justice in this way of apportioning taxes. Neither can we see any good reason why this was consented to on the part of our delegates." – Consider Arms, Malichi Maynard, and Samuel Field, Anti-Federalist No. 52, "On the Guarantee of Congressional Biennial Elections," The Hampshire Gazette, April 9, 1788

"[W]e conceive the people may be very materially injured, and in time reduced to a state of as abject vassalage as any people were under the control of the most mercenary despot that ever tarnished the pages of history. The depravity of human nature, illustrated by examples from history, will warrant us to say, it may be possible, if not probable, that the congress may be composed of men, who will wish to burden and oppress the people. In such case, will not their inventions be fruitful enough to devise occasions for postponing the elections?" – Consider Arms, Malichi Maynard, and Samuel Field, Anti-Federalist No. 52, "On the Guarantee of Congressional Biennial Elections," The Hampshire Gazette, April 9, 1788

"[S]ays the advocates for the constitution, 'it is not likely this will ever happen; we are not to expect our rulers will ever proceed to a wanton exercise of the powers given them.' But what reason have we more than past ages, to expect that we shall be blessed with impeccable rulers? We think not any. Although it has been said that every generation grows wiser and wiser, yet we have no reason to think they grow better and better. And therefore the probability lies upon the dark side." – Consider Arms, Malichi Maynard, and Samuel Field, Anti-Federalist No. 52, "On the Guarantee of Congressional Biennial Elections," The Hampshire Gazette, April 9, 1788

"We are sensible, that in order to the due administration of government, it is necessary that certain powers should be delegated to the rulers from the people. At the same time, we think they ought carefully to guard against giving so much as will enable those rulers, by that means, at once, or even in process of time, to render themselves absolute and despotic." – Consider Arms, Malichi Maynard, and Samuel Field, Anti-Federalist No. 52, "On the Guarantee of Congressional Biennial Elections," The Hampshire Gazette, April 9, 1788

"[I]t was pled by some of the ablest advocates of the constitution, that if congress should exercise such powers to the prejudice of the people (and they did not deny but they could if they should be disposed) they (the people) would not suffer it. They would have recourse to the ultima ratio, the dernier resort of the oppressed—the sword." – Consider Arms, Malichi Maynard, and Samuel Field, Anti-Federalist No. 52, "On the Guarantee of Congressional Biennial Elections," The Hampshire Gazette, April 9, 1788

"[I]t appeared to us a piece of superlative incongruity indeed, that the people, whilst in the full and indefeasible possession of their liberties and privileges, should be so very profuse, so very liberal in the disposal of them, as consequently to place themselves in a predicament miserable to an extreme. So wretched indeed, that they may at once be reduced to the sad alternative of yielding themselves vassals into the hands of a venal and corrupt administration, whose only wish may be to aggrandize themselves and families—to wallow in luxury and every species of dissipation, and riot upon the spoils of the community; or take up the sword and involve their country in all the horrors of a civil war—the consequences of which, we think, we may venture to augur will more firmly rivet their shackles and end in the entailment of vassalage to their posterity." – Consider Arms, Malichi Maynard, and Samuel Field, Anti-Federalist No. 52, "On the Guarantee of Congressional Biennial Elections," The Hampshire Gazette, April 9, 1788

## **ANTI-FEDERALIST NO. 53**

"[I]t would be acting wisely in the formation of a constitution for a free government, to enact, that the electors should recall their representatives when they thought proper, although they should be chosen for a

# THE ESSENTIAL ANTI-FEDERALIST PAPERS

---

certain term of years; as a right to appoint (where the right of appointing originates with the appointees) implies a right to recall." – Amicus, Anti-Federalist No. 53, "A Plea for the Right of Recall," *Columbian Herald*, August 28, 1788

"As the persons appointed are meant to act for the benefit of the appointees, as well as themselves, they, if they mean to act for their mutual benefit, can have no objection to a proposal of this kind. But if they have any sinister designs, they will certainly oppose it, foreseeing that their electors will displace them as soon as they begin to act contrary to their interest." – Amicus, Anti-Federalist No. 53, "A Plea for the Right of Recall," *Columbian Herald*, August 28, 1788

"Some persons as object to this [proposed] amendment, in fact say, that it is safer to give a man an irrevocable power of attorney, than a revocable one; and that it is right to let a representative ruin us, rather than recall him and put a real friend of his country, and a truly honest man in his place, who would rather suffer ten thousand deaths than injure his country, or sully his honor and reputation. Such persons seem to say, that power ought not to originate with the people (which is the wish, I fear, of some among us)." – Amicus, Anti-Federalist No. 53, "A Plea for the Right of Recall," *Columbian Herald*, August 28, 1788

"I wish for nothing more than a good government and a constitution under which our liberties will be perfectly safe. To preserve which, I think the wisest conduct will be to keep the staff of power in our own hands as much as possible, and not wantonly and inconsiderately give up a greater share of our liberties with a view of contributing to the public good, than what the necessity of the case requires." – Amicus, Anti-Federalist No. 53, "A Plea for the Right of Recall," *Columbian Herald*, August 28, 1788

"For our own sakes we shall keep in power those persons whose conduct pleases us as long as we can, and shall perhaps sometimes wish (when we meet with a person of an extra worthy character and abilities) that we could keep him in power for life. On the other hand, we shall dismiss from our employ as soon as possible, such persons as do not consult our interest and will not follow our instructions. For there are, I fear, a few persons among us, so wise in their own eyes, that they would if they could, pursue their own will and inclinations, in opposition to the instructions of their constituents." – Amicus, Anti-Federalist No. 53, "A Plea for the Right of Recall," *Columbian Herald*, August 28, 1788

"I wish that we would never suffer any person to continue our representative that obeyed not our instructions, unless something unforeseen and unknown by us turned up, which he knew would alter our sentiments, if we were made acquainted with it; and which would make his complying with our will highly imprudent. In every government matter, on which our representatives were not instructed, we should leave them to act agreeable to their own judgment; on which account we should always choose men of integrity, honor and abilities to represent us. But when we did instruct them, as they are our representatives and agents, we should insist on their acting and voting conformable to our directions." – Amicus, Anti-Federalist No. 53, "A Plea for the Right of Recall," *Columbian Herald*, August 28, 1788

"[T]hey would each of them be a member of the community, they should have a right to deliver to the houses of representatives of which they were members, their own private sentiments so that if their private sentiments contained cogent reasons for acting contrary to the instructions given them—the other members of said houses who would not be bound by said instructions, would be guided by them; in which case, that would take place which would be most for the public good, which ought to be the wish of all of us." – Amicus, Anti-Federalist No. 53, "A Plea for the Right of Recall," *Columbian Herald*, August 28, 1788

## ANTI-FEDERALIST NO. 54

"[T]he gilded pill, is often found to contain the most deadly poison." – Robert Yates (Brutus), Anti-Federalists No. 54, "Apportionment and Slavery: Northern and Southern Views," from Brutus III "The Apportionment of Members Among the States," November 15, 1787

"You are not however to expect, a perfect form of government, any more than to meet with perfection in man: your views therefore, ought to be directed to the main pillars upon which a free government is to rest; if these are well placed, on a foundation that will support the superstructure, you should be satisfied, although the building may want a number of ornaments, which, if your particular tastes were gratified, you would have added to it: on the other hand. if the foundation is insecurely laid. and the main supports are wanting, or not properly fixed, however the fabric may be decorated and adorned, you ought to reject it." – Robert Yates

## THE ESSENTIAL ANTI-FEDERALIST PAPERS

---

(Brutus), Anti-Federalists No. 54, "Apportionment and Slavery: Northern and Southern Views," from Brutus III "The Apportionment of Members Among the States," November 15, 1787

"The words are "representatives and direct taxes, shall be apportioned among the several states, which may be included in this union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other persons."—What a strange and unnecessary accumulation of words are here used to conceal from the public eye. what might have been expressed in the following concise manner. Representatives are to be proportioned among the states respectively, according to the number of freemen and slaves inhabiting them, counting five slaves for three free men." – Robert Yates (Brutus), Anti-Federalists No. 54, "Apportionment and Slavery: Northern and Southern Views," from Brutus III "The Apportionment of Members Among the States," November 15, 1787

"[I]t has never been alledged that those who are not free agents, can, upon any rational principle, have any thing to do in government, either by themselves or others. If they have no share in government. why is the number of members in the assembly, to be increased on their account? Is it because in some of the states, a considerable part of the property of the inhabitants consists in a number of their fellow men, who are held in bondage, in defiance of every idea of benevolence, justice, and religion, and contrary to all the principles of liberty, which have been publickly avowed in the late glorious revolution?" – Robert Yates (Brutus), Anti-Federalists No. 54, "Apportionment and Slavery: Northern and Southern Views," from Brutus III "The Apportionment of Members Among the States," November 15, 1787

"How unreasonable, and unjust then is it that Delaware should have a representation in the senate, equal to Massachusetts, or Virginia? The latter of which contains ten times her numbers. and is to contribute to the aid of the general government in that proportion?" – Robert Yates (Brutus), Anti-Federalists No. 54, "Apportionment and Slavery: Northern and Southern Views," from Brutus III "The Apportionment of Members Among the States," November 15, 1787

"Society instituted government to promote the happiness of the whole, and this is the great end always in view in the delegation of powers. It must then have been intended, that those who are placed instead of the people, should possess their sentiments and feelings, and be governed by their interests, or, in other words, should bear the strongest resemblance of those in whose room they are substituted." – Robert Yates (Brutus), Anti-Federalists No. 54, "Apportionment and Slavery: Northern and Southern Views," from Brutus III "The Apportionment of Members Among the States," November 15, 1787

"According to the common course of human affairs, the natural aristocracy of the country will be elected. Wealth always creates influence, and this is generally much increased by large family connections: this class in society will for ever have a great number of dependents; besides, they will always favour each other—it is their interest to combine—they will therefore constantly unite their efforts to procure men of their own rank to be elected—they will center all their force in every part of the state into one point, and by acting together, will most generally carry their election." – Robert Yates (Brutus), Anti-Federalists No. 54, "Apportionment and Slavery: Northern and Southern Views," from Brutus III "The Apportionment of Members Among the States," November 15, 1787

"You may conclude with a great degree of certainty, that it, like all others of a similar nature, will be managed by influence and corruption, and that the period is not far distant, when this will be the case, if it should be adopted; for even now there are some among us, whose characters stand high in the public estimation, and who have had a principal agency in framing this constitution, who do not scruple to say, that this is the only practicable mode of governing a people, who think with that degree of freedom which the Americans do—this government will have in their gift a vast number of offices of great honor and emolument." – Robert Yates (Brutus), Anti-Federalists No. 54, "Apportionment and Slavery: Northern and Southern Views," from Brutus III "The Apportionment of Members Among the States," November 15, 1787

"The rulers of this country must be composed of very different materials from those of any other, of which history gives us any account, if the majority of the legislature are not, before many years, entirely at the devotion of the executive—and these states will soon be under the absolute domination of one, or a few, with the fallacious appearance of being governed by men of their own election." – Robert Yates (Brutus), Anti-Federalists No. 54, "Apportionment and Slavery: Northern and Southern Views," from Brutus III "The Apportionment of Members Among the States," November 15, 1787

## THE ESSENTIAL ANTI-FEDERALIST PAPERS

---

"[W]hat cause was there for jealousy of our importing Negroes? Why confine us to twenty years, or rather why limit us at all? For his part, he thought this trade could be justified on the principles of religion, humanity, and justice; for certainly to translate a set of human beings from a bad country to a better, was fulfilling every part of these principles. But they don't like our slaves, because they have none themselves, and therefore want to exclude us from this great advantage. Why should the Southern States allow of this, without the consent of nine states?" – Rawlins Lowndes, *Anti-Federalists No. 54, "Apportionment and Slavery: Northern and Southern Views,"* from speeches to the South Carolina Ratifying Convention, January 16, 17, and 18, 1788

"The Eastern States drew their means of subsistence, in a great measure, from their shipping; and, on that head, they had been particularly careful not to allow of any burdens: they were not to pay tonnage or duties; no, not even the form of clearing out: all ports were free and open to them! Why, then, call this a reciprocal bargain, which took all from one party, to bestow it on the other!" – Rawlins Lowndes, *Anti-Federalists No. 54, "Apportionment and Slavery: Northern and Southern Views,"* from speeches to the South Carolina Ratifying Convention, January 16, 17, and 18, 1788

"A great number of gentlemen were captivated with this new Constitution, because those who were in debt would be compelled to pay; others pleased themselves with the reflection that no more confiscation laws would be passed; but those were small advantages, in proportion to the evils that might be apprehended from the laws that might be passed by Congress, whenever there was a majority of representatives from the Eastern States, who were governed by prejudices and ideas extremely different from ours." – Rawlins Lowndes, *Anti-Federalists No. 54, "Apportionment and Slavery: Northern and Southern Views,"* from speeches to the South Carolina Ratifying Convention, January 16, 17, and 18, 1788

"[T]he mode of legislation in the infancy of free communities was by the collective body, and this consisted of free persons, or those whose age admitted them to the right of mankind and citizenship, whose sex made them capable of protecting the state, and whose birth may be denominated Free Born; and no traces can be found that ever women, children, and slaves, or those who were not sui juris, in the early days of legislation, meeting with the free members of the community to deliberate on public measures; hence is derived this maxim in free governments, that representation ought to bear a proportion to the number of free inhabitants in a community." – George Clinton (Cato), *Anti-Federalists No. 54, "Apportionment and Slavery: Northern and Southern Views,"* from essay Cato VI, *New York Journal*, December 16, 1787

"The advocates for this new system hold out an idea, that you will have but little to pay, for that the revenues will be so managed as to be almost wholly drawn from the source of trade or duties on imports, but this is delusive—for this government to discharge all its incidental expenses, besides paying the interest on the home and foreign debts, will require more money than its commerce can afford; and if you reflect one moment, you will find, that if heavy duties are laid on merchandise, as must be the case if government intends to make this the prime medium to lighten the people of taxes, that the price of the commodities, useful as well as luxurious, must be increased; the consumers will be fewer; the merchants must import less; trade will languish, and this source of revenue in a great measure be dried up; but if you examine this a little further you will find that this revenue, managed in this way, will come out of you, and be a very heavy and ruinous one, at least. The merchant no more than advances the money for you to the public and will not, nor cannot pay any part of it himself; and if he pays more duties, he will sell his commodities at a price portionably raised. Thus the laborer, mechanic, and farmer must feel it in the purchase of their utensils and clothing—wages, etc., must rise with the price of things or they must be ruined; and that must be the case with the farmer, whose produce will not increase, in the ratio, with labor, utensils and clothing; for that he must sell at the usual price or lower perhaps, caused by the decrease of trade; the consequence will be that he must mortgage his farm, and then comes inevitable bankruptcy." – George Clinton (Cato), *Anti-Federalists No. 54, "Apportionment and Slavery: Northern and Southern Views,"* from essay Cato VI, *New York Journal*, December 16, 1787

"It will be the policy of the great land-holders who will chiefly compose this senate, and perhaps a majority of this house of representatives, to keep their lands free from taxes; and this is confirmed by the failure of every attempt to lay a land-tax in this state [New York]." – George Clinton (Cato), *Anti-Federalists No. 54, "Apportionment and Slavery: Northern and Southern Views,"* from essay Cato VI, *New York Journal*, December 16, 1787

# THE ESSENTIAL ANTI-FEDERALIST PAPERS

---

"The most natural and equitable principle of apportioning taxes would be in a ratio to their property, and a reasonable impost in a ratio to their trade; but you are told to look for the reason of these things in accommodation; but this much-admired principle, when stripped of its mystery, will in this case appear to be no less than a basis for an odious poll-tax—the offspring of despotic governments, a thing so detestable that the state of Maryland, in their bill of rights, declares "that the levying taxes by the poll is grievous and oppressive, and ought to be abolished." A poll-tax is at all times oppressive to the poor, and their greatest misfortune will consist in having more prolific wives than the rich." – George Clinton (Cato), Anti-Federalists No. 54, "Apportionment and Slavery: Northern and Southern Views," from essay Cato VI, New York Journal, December 16, 1787

"[W]hen the senate, so important a branch of the legislature, is so far removed from the people as to have little or no connection with them; when their duration in office is such as to have the resemblance to perpetuity; when they are connected with the executive, by the appointment of all officers, and also to become a judiciary for the trial of officers of their own appointments; added to all this, when none but men of opulence will hold a seat, what is there left to resist and repel this host of influence and power?" – George Clinton (Cato), Anti-Federalists No. 54, "Apportionment and Slavery: Northern and Southern Views," from essay Cato VI, New York Journal, December 16, 1787

"Is human nature above self interest? If the northern states do not horde the southern in taxation, it would appear then really that they are more disinterested men than we know of." – A Georgian, Anti-Federalists No. 54, "Apportionment and Slavery: Northern and Southern Views," from essay appearing in The Gazette of the State of Georgia, November 15, 1787

## **ANTI-FEDERALIST NO. 55**

"In viewing the various governments instituted by mankind, we see their whole force reducible to two principles—the important springs which alone move the machines, and give them their intended influence and controul, are force and persuasion: by the former men are compelled, by the latter they are drawn. We denominate a government despotic or free, as the one or other principle prevails in it. Perhaps it is not possible for a government to be so despotic, as not to operate persuasively on some of its subjects; nor is it, in the nature of things, I conceive, for a government to be so free, or so supported by voluntary consent, as never to want force to compel obedience to the laws." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 55, "Will the House of Representatives Be Genuinely Representative? (Part I)," December 31, 1787

"Government must exist—If the persuasive principle be feeble, force is infallibly the next resort—The moment the laws of congress shall be disregarded they must languish, and the whole system be convulsed—that moment we must have recourse to this next resort, and all freedom vanish." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 55, "Will the House of Representatives Be Genuinely Representative? (Part I)," December 31, 1787

"In the representative branch we must expect chiefly to collect the confidence of the people, and in it to find almost entirely the force of persuasion. In forming this branch, therefore, several important considerations must be attended to. It must possess abilities to discern the situation of the people and of public affairs, a disposition to sympathize with the people, and a capacity and inclination to make laws congenial to their circumstances and condition: it must afford security against interested combinations, corruption and influence; it must possess the confidence, and have the voluntary support of the people." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 55, "Will the House of Representatives Be Genuinely Representative? (Part I)," December 31, 1787

"A virtuous people make just laws, and good laws tend to preserve unchanged a virtuous people. A virtuous and happy people by laws uncongenial to their characters, may easily be gradually changed into servile and depraved creatures." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 55, "Will the House of Representatives Be Genuinely Representative? (Part I)," December 31, 1787

"Where the people, or their representatives, make the laws, it is probable they will generally be fitted to the national character and circumstances, unless the representation be partial, and the imperfect substitute of the people. However, the people may be electors, if the representation be so formed as to give one or more of the natural classes of men in the society an undue ascendancy over the others, it is imperfect; the former will

## THE ESSENTIAL ANTI-FEDERALIST PAPERS

---

gradually become masters, and the latter slaves. It is the first of all among the political balances, to preserve in its proper station each of these classes." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 55, "Will the House of Representatives Be Genuinely Representative? (Part I)," December 31, 1787

"Montesquieu, it is true, observes, that where a part of the persons in a society, for want of property, age, or moral character, are excluded any share in the government, the others, who alone are the constitutional electors and elected, form this aristocracy; this according to him, exists in each of the United States, where a considerable number of persons, as all convicted of crimes, under age, or not possessed of certain property, are excluded any share in the government." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 55, "Will the House of Representatives Be Genuinely Representative? (Part I)," December 31, 1787

"It is easy to perceive that men of these two classes, the aristocratical, and democratical, with views equally honest, have sentiments widely different, especially respecting public and private expences, salaries, taxes, &c. Men of the first class associate more extensively, have a high sense of honor, possess abilities, ambition, and general knowledge: men of the second class are not so much used to combining great objects; they possess less ambition, and a larger share of honesty: their dependence is principally on middling and small estates, industrious pursuits, and hard labour, while that of the former is principally on the emoluments of large estates, and of the chief offices of government." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 55, "Will the House of Representatives Be Genuinely Representative? (Part I)," December 31, 1787

"It is an observation, I believe, well founded, that the schools produce but few advocates for republican forms of government; gentlemen of the law, divinity, physic, &c. probably form about a fourth part of the people; yet their political influence, perhaps, is equal to that of all the other descriptions of men." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 55, "Will the House of Representatives Be Genuinely Representative? (Part I)," December 31, 1787

"Could we get over all our difficulties respecting a balance of interests and party efforts, to raise some and oppress others, the want of sympathy, information and intercourse between the representatives and the people, an insuperable difficulty will still remain, I mean the constant liability of a small number of representatives to private combinations; the tyranny of the one, or the licentiousness of the multitude, are, in my mind, but small evils, compared with the factions of the few." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 55, "Will the House of Representatives Be Genuinely Representative? (Part I)," December 31, 1787

"It is a consideration well worth pursuing, how far this house of representatives will be liable to be formed into private juntos, how far influenced by expectations of appointments and offices, how far liable to be managed by the president and senate, and how far the people will have confidence in them." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 55, "Will the House of Representatives Be Genuinely Representative? (Part I)," December 31, 1787

"It is said that the members of congress, at stated periods, must return home, and that they must be subject to the laws they may make, and to a share of the burdens they may impose." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 55, "Will the House of Representatives Be Genuinely Representative? (Part I)," December 31, 1787

"That as long as the people are free they will preserve free governments; and that when they shall become tired of freedom, arbitrary government must take place." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 55, "Will the House of Representatives Be Genuinely Representative? (Part I)," December 31, 1787

### **ANTI-FEDERALIST NO. 56**

"We may amuse ourselves with names; but the fact is, men will be governed by the motives and temptations that surround their situation. Political evils to be guarded against are in the human character, and not in the name of patrician or plebian." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 56, "Will the House of Representatives Be Genuinely Representative? (Part II)," January 3, 1788

# THE ESSENTIAL ANTI-FEDERALIST PAPERS

---

"True liberty stands in need of a fostering hand; from the days of Adam she has found but one temple to dwell in securely; she has laid the foundation of one, perhaps her last, in America; whether this is to be compleated and have duration, is yet a question." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 56, "Will the House of Representatives Be Genuinely Representative? (Part II)," January 3, 1788

"Equal liberty never yet found many advocates among the great: it is a disagreeable truth, that power perverts mens views in a greater degree, than public employments inform their understandings—they become hardened in certain maxims, and more lost to fellow feelings. Men may always be too cautious to commit alarming and glaring iniquities: but they, as well as systems, are liable to be corrupted by slow degrees." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 56, "Will the House of Representatives Be Genuinely Representative? (Part II)," January 3, 1788

"[W]e are dispersed, and it is impracticable for any but the few to assemble in one place: the few must be watched, checked, and often resisted—tyranny has ever shewn a prediliction to be in close amity with them, or the one man." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 56, "Will the House of Representatives Be Genuinely Representative? (Part II)," January 3, 1788

"[A]mong the few, the abuse of power may often operate to the private emolument of those who abuse it." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 56, "Will the House of Representatives Be Genuinely Representative? (Part II)," January 3, 1788

## **ANTI-FEDERALIST NO. 57**

"The advocates of the constitution say we must trust to the administration, and elect good men for representatives. I admit, that in forming the social compact, we can fix only general principles, and, of necessity, must trust something to the wisdom and integrity of the administration. But the question is, do we not trust too much, and to men also placed in the vortex of temptation, to lay hold of proffered advantages for themselves and their connections, and to oppress the body of the people." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 57, "Will the House of Representatives Be Genuinely Representative? (Part III)," January 4, 1788

"I see even moderate and amiable men, forced to let go of monarchy in 1775, still in love with it, to use the simile of our countrymen, when the political pot boils, the skum will often get uppermost and make its appearance. I believe the people of America, when they shall fully understand any political subject brought before them, will talk in a very different stile, and use the manly language of freedom." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 57, "Will the House of Representatives Be Genuinely Representative? (Part III)," January 4, 1788

"On the whole, it appears to me to be almost a self-evident position, that when we call on thirty or forty thousand inhabitants to unite in giving their votes for one man, it will be uniformly impracticable for them to unite in any men, except those few who have become eminent for their civil or military rank, or their popular legal abilities: it will be found totally impracticable for men in the private walks of life, except in the profession of the law, to become conspicuous enough to attract the notice of so many electors and have their suffrages." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 57, "Will the House of Representatives Be Genuinely Representative? (Part III)," January 4, 1788

"[W]e immediately perceive that its general tendency is to collect the powers of government, now in the body of the people in reality, and to place them in the higher orders and fewer hands; no wonder then that all those of and about these orders are attached to it: they feel there is something in this system advantageous to them. On the other hand, the body of the people evidently feel there is something wrong and disadvantageous to them; both descriptions perceive there is something tending to bestow on the former the height of power and happiness, and to reduce the latter to weakness, insignificance, and misery. The people evidently feel all this though they want expressions to convey their ideas." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 57, "Will the House of Representatives Be Genuinely Representative? (Part III)," January 4, 1788

"It is with great difficulty the people can unite these different interests and views even tolerably, in the state senators, who are more than twice as numerous as the federal representatives, as proposed by the convention; even these senators are considered as so far removed from the people, that they are not allowed

## THE ESSENTIAL ANTI-FEDERALIST PAPERS

---

immediately to hold their purse strings." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 57, "Will the House of Representatives Be Genuinely Representative? (Part III)," January 4, 1788

"[I]t is said the members of congress must return home, and share in the burdens they may impose; and, therefore, private motives will induce them to make mild laws, to support liberty, and ease the burdens of the people: this brings us to a mere question of interest under this head. I think these observations will appear, on examination, altogether fallacious; because this individual interest, which may coincide with the rights and interests of the people, will be far more than balanced by opposite motives and opposite interests. If, on a fair calculation, a man will gain more by measures oppressive to others than he will lose by them, he is interested in their adoption." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 57, "Will the House of Representatives Be Genuinely Representative? (Part III)," January 4, 1788

"Congress will have power to lay taxes at pleasure for the general welfare; and if they mis-judge of the general welfare, and lay unnecessary oppressive taxes, the constitution will provide, as I shall hereafter shew, no remedy for the people or states—the people must bear them, or have recourse, not to any constitutional checks or remedies, but to that resistance which is the last resort, and founded in self-defence." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 57, "Will the House of Representatives Be Genuinely Representative? (Part III)," January 4, 1788

"We are not to expect even honest men rigidly to adhere to the line of strict impartiality, where the interest of themselves or friends is particularly concerned; if we do expect it, we shall deceive ourselves, and make a wrong estimate of human nature." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 57, "Will the House of Representatives Be Genuinely Representative? (Part III)," January 4, 1788

"By increasing the representation we make it more difficult to corrupt and influence the members; we diffuse them more extensively among the body of the people, perfect the balance, multiply information, strengthen the confidence of the people, and consequently support the laws on equal and free principles." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 57, "Will the House of Representatives Be Genuinely Representative? (Part III)," January 4, 1788

### **ANTI-FEDERALIST NO. 58**

"I conceive the position to be undeniable, that the federal government will be principally in the hands of the natural aristocracy, and the state governments principally in the hands of the democracy, the representatives of the body of the people." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 58, "Will the House of Representatives Be Genuinely Representative? (Part IV)," January 7, 1788

"Two taxing powers may be inconvenient; but the point is, congress, like the senate of Rome, will have taxing powers, and the people no check—when the power is abused, the people may complain and grow angry, so may the state governments; they may remonstrate and counteract, by passing laws to prohibit the collection of congressional taxes; but these will be acts of the people, acts of sovereign power, the dernier resort unknown to the constitution; acts operating in terrorum, acts of resistance, and not the exercise of any constitutional power to stop or check a measure before matured: a check properly is the stopping, by one branch in the same legislature, a measure proposed by the other in it. In fact the constitution provides for the states no check, properly speaking, upon the measures of congress—Congress can immediately enlist soldiers, and apply to the pockets of the people." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 58, "Will the House of Representatives Be Genuinely Representative? (Part IV)," January 7, 1788

"[T]he house of representatives will be a mere legislative branch, and being the democratic one, ought to be numerous. It is one of the greatest advantages of a government of different branches, that each branch may be conveniently made conformable to the nature of the business assigned it, and all be made conformable to the condition of the several orders of the people. After all the possible checks and limitations we can devise, the powers of the union must be very extensive; the sovereignty of the nation cannot produce the object in view, the defence and tranquility of the whole, without such powers, executive and judicial." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 58, "Will the House of Representatives Be Genuinely Representative? (Part IV)," January 7, 1788

"Another observation is, that congress will have no temptations to do wrong—the men that make it must be very uninformed, or suppose they are talking to children. In the first place, the members will be governed by

# THE ESSENTIAL ANTI-FEDERALIST PAPERS

---

all those motives which govern the conduct of men, and have before them all the allurements of offices and temptations, to establish unequal burdens, before described. In the second place, they and their friends, probably, will find it for their interests to keep up large armies, navies, salaries, &c. and in laying adequate taxes. In the third place, we have no good grounds to presume, from reason or experience, that it will be agreeable to their characters or views, that the body of the people should continue to have power effectually to interfere in the affairs of government. But it is confidently added, that congress will not have it in their power to oppress or enslave the people, that the people will not bear it." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 58, "Will the House of Representatives Be Genuinely Representative? (Part IV)," January 7, 1788

"We are to consider the natural progress of things: that men unfriendly to republican equality will go systematically to work, gradually to exclude the body of the people from any share in the government, first of the substance, and then of the forms. The men who will have these views will not be without their agents and supporters." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 58, "Will the House of Representatives Be Genuinely Representative? (Part IV)," January 7, 1788

"[I]t is said our people will be free, so long as they possess the habits of freemen, and when they lose them, they must receive some other forms of government. To this I shall only observe, that this is very humiliating language, and can, I trust, never suit a manly people, who have contended nobly for liberty, and declared to the world they will be free." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 58, "Will the House of Representatives Be Genuinely Representative? (Part IV)," January 7, 1788

"I think we are now arrived to a new aera in the affairs of men, when the true principles of government will be more fully unfolded than heretofore, and a new world, as it were, grow up in America." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 58, "Will the House of Representatives Be Genuinely Representative? (Part IV)," January 7, 1788

## **ANTI-FEDERALIST NO. 59**

"The only advantage which I have heard proposed by it is, to prevent a partial representation of the several states in Congress; 'for if the time, manner and place were left wholly in the hands of the state legislatures, it is probable they would not make provision by appointing time, manner and place for an election; in which case there could be no election, and consequently the federal government weakened.'" – Vox Populi, Anti-Federalist No. 59, "The Danger of Congressional Control of Elections," The Massachusetts Gazette, October 30, 1787

## **ANTI-FEDERALIST NO. 60**

"For all governments tend to corruption, in proportion as power concentrating in the hands of the few, tenders them objects of corruption to Foreign Nations and among themselves.– John F. Mercer of Maryland, Anti-Federalist No. 60, "Will the Constitution Promote the Interests of Favorite Classes?" testimony to New York and Virginia Ratifying Conventions, 1788

## **ANTI-FEDERALIST NO. 61**

"It is well observed by Montesquieu, that in republican governments, the forms of elections are fundamental; and that it is an essential part of the social compact, to ascertain by whom, to whom, when, and in what manner suffrages are to be given. ... Wherever we find the regulation of elections have not been carefully fixed by the constitution, or the principles of them, we constantly see the legislatures new modifying its own form, and changing the spirit of the government to answer partial purposes." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 61, "Questions and Comments on the Constitutional Provisions Regarding the Election of Congressmen," January 12, 1788

"[T]he clear inference is, that all persons 25 years of age, and upwards, inhabitants of the state, and having been, at any period or periods, seven years citizens of the United States, may be elected representatives. They have a right to be elected by the constitution, and the electors have a right to chuse them. This is fixing the federal representation, as to the elected, on a very broad basis: it can be no objection to the elected, that they are Christians, Pagans, Mahometans, or Jews; that they are of any colour, rich or poor, convict or not: Hence many men may be elected, who cannot be electors." – Richard Henry Lee (The Federal Farmer), Anti-

# THE ESSENTIAL ANTI-FEDERALIST PAPERS

---

Federalist No. 61, "Questions and Comments on the Constitutional Provisions Regarding the Election of Congressmen," January 12, 1788

"[I]t would be narrowing the right of the people to confine them in their choice to a man, an inhabitant of a particular county or district in the state. Hence it follows, that neither the state legislatures or congress can establish district elections; that is, divide the state into districts, and confine the electors of each district to the choice of a man resident in it. If the electors could be thus limited in one respect, they might in another be confined to chuse a man of a particular religion, of certain property, &c. and thereby half of the persons made eligible by the constitution be excluded. All laws, therefore, for regulating elections must be made on the broad basis of the constitution." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 61, "Questions and Comments on the Constitutional Provisions Regarding the Election of Congressmen," January 12, 1788

"When we say a representative shall be chosen by the people, it seems to imply that he shall be chosen by a majority of them; but states which use the same phraseology in this respect, practice both ways. I believe a majority of the states, chuse by pluralities, and, I think it probable, that the federal house of representatives will decide that a choice of its members by pluralities is constitutional. A man who has the most votes is chosen in Great-Britain. It is this, among other things, that gives every man fair play in the game of influence and corruption." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 61, "Questions and Comments on the Constitutional Provisions Regarding the Election of Congressmen," January 12, 1788

"[W]hile we are almost secure of judicious unbiassed elections by majorities in such districts, we have no security against deceptions, influence and corruption in states or large districts in electing by pluralities. When a choice is made by a plurality of votes, it is often made by a very small part of the electors, who attend and give their votes, when by a majority, never by so few as one half of them." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 61, "Questions and Comments on the Constitutional Provisions Regarding the Election of Congressmen," January 12, 1788

"There is but one case in which the choice by the majority is practicable, and that is, where districts are formed of such moderate extent that the electors in each can conveniently meet in one place, and at one time, and proceed to the choice of a representative; when, if no man have a majority, or more than half of all the votes the first time, the voters may examine the characters of those brought forward, accommodate, and proceed to repeat their votes till some one shall have that majority." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 61, "Questions and Comments on the Constitutional Provisions Regarding the Election of Congressmen," January 12, 1788

"By establishing district elections, we exclude none of the best men from being elected; and we fix what, in my mind, is of far more importance than brilliant talents, I mean a sameness, as to residence and interests, between the representative and his constituents; and by the election by a majority, he is sure to be the man, the choice of more than half of them." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 61, "Questions and Comments on the Constitutional Provisions Regarding the Election of Congressmen," January 12, 1788

"An intelligent, free and unbiassed choice of representatives by the people is of the last importance: we must then carefully guard against all combinations, secret arts, and influence to the contrary." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 61, "Questions and Comments on the Constitutional Provisions Regarding the Election of Congressmen," January 12, 1788

"It is very improbable that any state legislature will adopt measures to destroy the representation of its own constituents in congress, especially when the state must, represented in congress or not, pay its proportion of the expence of keeping up the government, and even of the representatives of the other states, and be subject to their laws. Should the state legislatures be disposed to be negligent, or to combine to break up congress, they have a very simple way to do it, as the constitution now stands —they have only to neglect to chuse senators, or to appoint the electors of the president, and vice-president." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 61, "Questions and Comments on the Constitutional Provisions Regarding the Election of Congressmen," January 12, 1788

## **ANTI-FEDERALIST NO. 62**

## THE ESSENTIAL ANTI-FEDERALIST PAPERS

---

"When great and extraordinary powers are vested in any man, or body of men, which in their exercise, may operate to the oppression of the people, it is of high importance that powerful checks should be formed to prevent the abuse of it." – Robert Yates (Brutus), Anti-Federalist No. 62, "On the Organization and Powers of the Senate (Part I)," New York Journal, April 10, 1788

"Perhaps no restraints are more forcible, than such as arise from responsibility to some superior power.—Hence it is that the true policy of a republican government is, to frame it in such manner, that all persons who are concerned in the government, are made accountable to some superior for their conduct in office.—This responsibility should ultimately rest with the People." – Robert Yates (Brutus), Anti-Federalist No. 62, "On the Organization and Powers of the Senate (Part I)," New York Journal, April 10, 1788

"The legislative power should be in one body, the executive in another, and the judicial in one different from either—But still each of these bodies should be accountable for their conduct. Hence it is impracticable, perhaps, to maintain a perfect distinction between these several departments—For it is difficult, if not impossible, to call to account the several officers in government, without in some degree mixing the legislative and judicial." – Robert Yates (Brutus), Anti-Federalist No. 62, "On the Organization and Powers of the Senate (Part I)," New York Journal, April 10, 1788

"This supreme controlling power should be in the choice of the people, or else you establish an authority independent, and not amenable at all, which is repugnant to the principles of a free government." – Robert Yates (Brutus), Anti-Federalist No. 62, "On the Organization and Powers of the Senate (Part I)," New York Journal, April 10, 1788

"The apportionment of members of Senate among the States is not according to numbers, or the importance of the States; but is equal. This, on the plan of a consolidated government, is unequal and improper; but is proper on the system of confederation—on this principle I approve of it. It is indeed the only feature of any importance in the constitution of a confederated government. It was obtained after a vigorous struggle of that part of the Convention who were in favor of preserving the state governments. It is to be regretted, that they were not able to have infused other principles into the plan, to have secured the government of the respective states, and to have marked with sufficient precision the line between them and the general government." – Robert Yates (Brutus), Anti-Federalist No. 62, "On the Organization and Powers of the Senate (Part I)," New York Journal, April 10, 1788

"Some of the duties which are to be performed by the senate, seem evidently to point out the propriety of their term of service being extended beyond the period of that of the assembly. Besides as they are designed to represent the aristocracy of the country, it seems fit they should possess more stability, and so continue a longer period than that branch who represent the democracy." – Robert Yates (Brutus), Anti-Federalist No. 62, "On the Organization and Powers of the Senate (Part I)," New York Journal, April 10, 1788

"Men long in office are very apt to feel themselves independent [and] to form and pursue interests separate from those who appointed them. And this is more likely to be the case with the senate, as they will for the most part of the time be absent from the state they represent, and associate with such company as will possess very little of the feelings of the middling class of people." – Robert Yates (Brutus), Anti-Federalist No. 62, "On the Organization and Powers of the Senate (Part I)," New York Journal, April 10, 1788

"It is probable that senators once chosen for a state will, as the system now stands, continue in office for life. The office will be honorable if not lucrative. The persons who occupy it will probably wish to continue in it, and therefore use all their influence and that of their friends to continue in office.—Their friends will be numerous and powerful, for they will have it in their power to confer great favors; besides it will before long be considered as disgraceful not to be re-elected. It will therefore be considered as a matter of delicacy to the character of the senator not to return him again.—Every body acquainted with public affairs knows how difficult it is to remove from office a person who is [has?] long been in it. It is seldom done except in cases of gross misconduct." – Robert Yates (Brutus), Anti-Federalist No. 62, "On the Organization and Powers of the Senate (Part I)," New York Journal, April 10, 1788

"It has been a long established maxim, that the legislative, executive and judicial departments in government should be kept distinct. It is said, I know, that this cannot be done. ... In a due ballanced government, it is perhaps absolutely necessary to give the executive qualified legislative powers, and the legislative or a branch of them judicial powers in the last resort. It may possibly also, in some special cases, be adviseable to

# THE ESSENTIAL ANTI-FEDERALIST PAPERS

---

associate the legislature, or a branch of it, with the executive, in the exercise of acts of great national importance. But still the maxim is a good one, and a separation of these powers should be sought as far as is practicable." – Robert Yates (Brutus), Anti-Federalist No. 62, "On the Organization and Powers of the Senate (Part I)," New York Journal, April 10, 1788

## **ANTI-FEDERALIST NO. 63**

"The states being sovereign and independent, are all considered equal, each with the other in the senate. In this we are governed solely by the ideal equalities of sovereignties; the federal and state governments forming one whole, and the state governments an essential part, which ought always to be kept distinctly in view, and preserved." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 63, "On the Organization and Powers of the Senate (Part II)," New York Journal, January 10, 1788

"It is not to be presumed that we can form a genuine senatorial branch in the United States, a real representation of the aristocracy and balance in the legislature, any more than we can form a genuine representation of the people. Could we separate the aristocratical and democratical interest, compose the senate of the former, and the house of assembly of the latter, they are too unequal in the United States to produce a balance." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 63, "On the Organization and Powers of the Senate (Part II)," New York Journal, January 10, 1788

"Men six years in office absolutely contract callous habits, and cease, in too great a degree, to feel their dependence, and for the condition of their constituents." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 63, "On the Organization and Powers of the Senate (Part II)," New York Journal, January 10, 1788

"By a change of legislators, as often as circumstances will permit, political knowledge is diffused more extensively among the people, and the attention of the electors and elected more constantly kept alive—circumstances of infinite importance in a free country." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 63, "On the Organization and Powers of the Senate (Part II)," New York Journal, January 10, 1788

"There is but little danger these men will feel too great a degree of dependence. The necessary and important object to be attended to, is to make them feel dependent enough. Men elected for several years, several hundred miles distant from their states, possessed of very extensive powers, and the means of paying themselves, will not, probably, be oppressed with a sense of dependence and responsibility." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 63, "On the Organization and Powers of the Senate (Part II)," New York Journal, January 10, 1788

"It is in the nature of all delegated power, that the constituents should retain the right to judge concerning the conduct of their representatives. They must exercise the power, and their decision itself, their approving or disapproving that conduct implies a right, a power to continue in office, or to remove from it. But whenever the substitute acts under a constitution, then it becomes necessary that the power of recalling him be expressed. The reasons for lodging a power to recall are stronger, as they respect the senate, than as they respect the representatives." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 63, "On the Organization and Powers of the Senate (Part II)," New York Journal, January 10, 1788

"The people are not apt to wrong a man who is steady and true to their interests; they may for a while be misled by party representations, and leave a good man out of office unheard; but every recall supposes a deliberate decision, and a fair hearing; and no man who believes his conduct proper, and the result of honest views, will be the less useful in his public character, on account of the examination his actions may be liable to; and a man conscious of the contrary conduct, ought clearly to be restrained by the apprehensions of a trial." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 63, "On the Organization and Powers of the Senate (Part II)," New York Journal, January 10, 1788

"I repeat it, it is interested combinations and factions we are particularly to guard against in the federal government, and all the rational means that can be put into the hands of the people to prevent them ought to be provided and furnished for them. Where there is a power to recall, trusty sentinels among the people, or in the state legislatures will have a fair opportunity to become useful." – Richard Henry Lee (The Federal

# THE ESSENTIAL ANTI-FEDERALIST PAPERS

---

Farmer), Anti-Federalist No. 63, "On the Organization and Powers of the Senate (Part II)," New York Journal, January 10, 1788

"Even good men in office, in time, imperceptibly lose sight of the people, and gradually fall into measures prejudicial to them." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 63, "On the Organization and Powers of the Senate (Part II)," New York Journal, January 10, 1788

"It is the true republican principle to diffuse the power of making the laws among the people and so to modify the forms of the government as to draw in turn the well informed of every class into the legislature." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 63, "On the Organization and Powers of the Senate (Part II)," New York Journal, January 10, 1788

"It will generally be expedient for a man who has served four years in congress to return home, mix with the people, and reside some time with them. This will tend to reinstate him in the interests, feelings, and views similar to theirs, and thereby confirm in him the essential qualifications of a legislator. Even in point of information, it may be observed, the useful information of legislators is not acquired merely in studies in offices, and in meeting to make laws from day to day. They must learn the actual situation of the people by being among them, and when they have made laws, return home and observe how they operate." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 63, "On the Organization and Powers of the Senate (Part II)," New York Journal, January 10, 1788

"Some men of science are undoubtedly necessary in every legislature; but the knowledge, generally, necessary for men who make laws, is a knowledge of the common concerns, and particular circumstances of the people. In a republican government seats in the legislature are highly honorable; I believe but few do, and surely none ought to consider them as places of profit and permanent support. Were the people always properly attentive, they would, at proper periods, call their law-makers home, by sending others in their room: but this is not often the case." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 63, "On the Organization and Powers of the Senate (Part II)," New York Journal, January 10, 1788

## **ANTI-FEDERALIST NO. 64**

"The whole truth then is, that the same body, called the senate, is vested with legislative, executive and judicial powers. The two first you [James Wilson] acknowledge; the last is conveyed in these words, sec. 3d.: 'The Senate shall have the sole power to try all impeachments.' On this point then we are to come to issue—whether a senate so constituted is likely to produce a baneful aristocracy, which will swallow up the democratic rights and liberties of the nation." – Cincinnatus, Anti-Federalist No. 64, "On the Organization and Powers of the Senate (Part III)," New York Journal, November 22, 1787

"From the union of the executive with the legislative functions, they [Senate] must necessarily be longer together, or rather constantly assembled; and in proportion to their continuance together, they will be able to form effectual schemes for extending their own power, and reducing that of the democratic branch." – Cincinnatus, Anti-Federalist No. 64, "On the Organization and Powers of the Senate (Part III)," New York Journal, November 22, 1787

"Their [Senate's] advice and consent being necessary to the appointment of all the great officers of state, both at home and abroad, will enable them to win over any opponents to their measures in the house of representatives, and give them the influence which, we see, accompanies this power in England; and which, from the nature of man, must follow it every where." – Cincinnatus, Anti-Federalist No. 64, "On the Organization and Powers of the Senate (Part III)," New York Journal, November 22, 1787

"The sole power of impeachment being vested in them, they have it in their power to control the representative in this democratic right; to screen from punishment, or rather from conviction, all high offenders, being their creatures, and to keep in awe all opponents to their power in high office." – Cincinnatus, Anti-Federalist No. 64, "On the Organization and Powers of the Senate (Part III)," New York Journal, November 22, 1787

"The union established between them and the vice president, who is made one of the corps, and will therefore be highly animated with the aristocratic spirit of it, furnishes them a powerful shield against popular suspicion and inquiry, he being the second man in the United States who stands highest in the confidence and

# THE ESSENTIAL ANTI-FEDERALIST PAPERS

---

estimation of the people." – Cincinnatus, Anti-Federalist No. 64, "On the Organization and Powers of the Senate (Part III)," New York Journal, November 22, 1787

"Is a body so vested with means to soften and seduce-so armed with power to screen or to condemn-so fortified against suspicion and inquiry-so largely trusted with legislative powers-so independent of and removed from the people-so tempted to abuse and extend these powers-is this a body which freemen ought ever to create, or which freemen can ever endure? Or is it not a monster in the political creation, which we ought to regard with horror? Shall we thus forget our own fetters? Shall we set up the idol, before which we shall soon be obliged, however reluctantly, to bow? Shall we consent to see a proud aristocracy erect his domineering crest in triumph over our prostrate liberties?" – Cincinnatus, Anti-Federalist No. 64, "On the Organization and Powers of the Senate (Part III)," New York Journal, November 22, 1787

"Its transcendent and incommunicable power of impeachment-that high source of its dignity and control-in which alone the majesty of the people feels his sceptre, and bears aloft his fasces-is rendered ineffectual, by its being triable before its rival branch, the senate, the patron and prompter of the measures against which it is to sit in judgment. It is therefore most manifest, that from the very nature of the constitution the right of impeachment apparently given, is really rendered ineffectual. And this is contrived with so much art, that to discover it you must bring together various and distant parts of the constitution, or it will not strike the examiner, that the same body that advises the executive measures of government which are usually the subject of impeachment, are the sole judges on such impeachments. They must therefore be both party and judge, and must condemn those who have executed what they advised." – Cincinnatus, Anti-Federalist No. 64, "On the Organization and Powers of the Senate (Part III)," New York Journal, November 22, 1787

"'When the legislative and executive powers are united in the same person, or in the same corps,' [says Montesquieu] 'there can be no liberty. Because, it may be feared, that the same monarch or senate will make tyrannical laws, that they may execute them tyrannically.' I am aware that this great man is speaking of a senate being the whole legislature; whereas the one before us is but a branch of the proposed legislature. But still the reason applies, inasmuch as the legislative power of the senate will enable it to negative all bills that are meant to control the executive; and from being secure of preventing any abridgment, they can watch every pliant hour of the representative body to promote an enlargement of the executive powers." – Cincinnatus, Anti-Federalist No. 64, "On the Organization and Powers of the Senate (Part III)," New York Journal, November 22, 1787

"Upon these principles Mr. DeLolme has foreseen that "the effect of a division of the executive power is the establishment of absolute power in one of continual contention;" he therefore lays it down, as a general rule . . . "for the tranquility of the state it is necessary that the executive power should be in one." I will add, that this singlehood of the executive is indispensably necessary to effective execution, as well as to the responsibility and rectitude of him to whom it is entrusted." – Cincinnatus, Anti-Federalist No. 64, "On the Organization and Powers of the Senate (Part III)," New York Journal, November 22, 1787

## **ANTI-FEDERALIST NO. 65**

"First, they [Senate] would possess legislative powers coextensive with those of the House of Representatives except with respect to originating revenue laws; which, however, they would have power to reject or amend, as in the case of other bills. Secondly, they would have an importance, even exceeding that of the representative house, as they would be composed of a smaller number, and possess more firmness and system. Thirdly, their consequence and dignity would still further transcend those of the other branch, from their longer continuance in office. These powers...rendered the Senate a dangerous body." – Gilbert Livingston, Anti-Federalist No. 65, "On the Organization and Powers of the Senate (Part IV)," New York Ratifying Convention, June 24, 1788

"Sir, I venerate the spirit with which every thing was done at the trying time in which the Confederation was formed. America had then a sufficiency of this virtue to resolve to resist perhaps the first nation in the universe, even unto bloodshed. What was her aim? Equal liberty and safety. What ideas had she of this equal liberty? Read them in her Articles of Confederation. True it is, sir, there are some powers wanted to make this glorious compact complete. But, sir, let us be cautious that we do not err more on the other hand, by giving power too profusely, when, perhaps, it will be too late to recall it." – Gilbert Livingston, Anti-Federalist No. 65, "On the Organization and Powers of the Senate (Part IV)," New York Ratifying Convention, June 24, 1788

# THE ESSENTIAL ANTI-FEDERALIST PAPERS

---

"What will be their situation in a federal town? Hallowed ground! Nothing so unclean as state laws to enter there, surrounded, as they will be, by an impenetrable wall of adamant and gold, the wealth of the whole country flowing into it. ... Their attention to their various business will probably require their constant attendance. In this Eden will they reside with their families, distant from the observation of the people. In such a situation, men are apt to forget their dependence, lose their sympathy, and contract selfish habits. Factions are apt to be formed, if the body becomes permanent. The senators will associate only with men of their own class, and thus become strangers to the condition of the common people." – Gilbert Livingston, Anti-Federalist No. 65, "On the Organization and Powers of the Senate (Part IV)," New York Ratifying Convention, June 24, 1788

"If my information be true, there have been parties in Congress which would have continued to this day, if the members had not been removed. No inconvenience can follow from placing the powers of the Senate on such a foundation as to make them feel their dependence. It is only a check calculated to make them more attentive to the objects for which they were appointed. Sir, I would ask, Is there no danger that the members of the Senate will sacrifice the interest of their state to their own private views?" – John Lansing, Anti-Federalist No. 65, "On the Organization and Powers of the Senate (Part IV)," New York Ratifying Convention, June 24, 1788

"It will be said, there is a power in Congress to compel the attendance of absent members; but will the members from the other states be solicitous to compel such attendance, except to answer some particular view, or promote some interest of their own?" – John Lansing, Anti-Federalist No. 65, "On the Organization and Powers of the Senate (Part IV)," New York Ratifying Convention, June 24, 1788

"A seat in Congress has always been considered a distinguished honor, and a favorite object of ambition. I believe no public station has been sought with more avidity. If this power has existed for so many years, and through so many scenes of difficulty and danger, without being exerted, may it not be rationally presumed that it never will be put in execution, unless the indispensable interest of a state shall require it?" – John Lansing, Anti-Federalist No. 65, "On the Organization and Powers of the Senate (Part IV)," New York Ratifying Convention, June 24, 1788

"It is unnecessary to particularize the numerous ways in which public bodies are accessible to corruption. The poison always finds a channel, and never wants an object. Scruples would be impertinent arguments would be in vain, checks would be useless, if we were certain our rulers would be good men; but for the virtuous government is not instituted. Its object is to restrain and punish vice; and all free constitutions are for with two views—to deter the governed from crime, and the governors from tyranny." – John Lansing, Anti-Federalist No. 65, "On the Organization and Powers of the Senate (Part IV)," New York Ratifying Convention, June 24, 1788

## **ANTI-FEDERALIST NO. 66**

"If there be but one body [Senate] to try, where are we? If any tyranny or oppression should arise, how are those who perpetrated such oppression to be tried and punished? By a tribunal consisting of the very men who assist in such tyranny. Can any tribunal be found, in any community, who will give judgment against their own actions? Is it the nature of man to decide against himself?" – Joseph Taylor, Anti-Federalist No. 66, "From North Carolina," debate during North Carolina Ratifying Convention, July 24, 1788; Elliot 4:33

"I consider that, when mankind are about to part with rights, they ought only to part with those rights which they can with convenience relinquish, and not such as must involve them in distresses." – Joseph Taylor, Anti-Federalist No. 66, "From North Carolina," debate during North Carolina Ratifying Convention, July 24, 1788; Elliot 4:36

"For, unhappily for us, these men [Senate] will have too much weight for us; they will have friends in the government who will be inclined against us, and thus we may be oppressed with impunity." – Joseph Taylor, Anti-Federalist No. 66, "From North Carolina," debate during North Carolina Ratifying Convention, July 25, 1788; Elliot Vol. 4:46

## **ANTI-FEDERALIST NO. 67**

# THE ESSENTIAL ANTI-FEDERALIST PAPERS

---

"It is remarked by Montesquieu, in treating of republics, that in all magistracies, the greatness of the power must be compensated by the brevity of the duration, and that a longer time than a year would be dangerous. It is, therefore, obvious to the least intelligent mind to account why great power in the hands of a magistrate, and that power connected with considerable duration, may be dangerous to the liberties of a republic." – George Clinton (Cato), Anti-Federalist No. 67, "Various Fears Concerning the Executive Department," New York Journal, November 8, 1787

"The deposit of vast trusts in the hands of a single magistrate enables him in their exercise to create a numerous train of dependents. This tempts his ambition, which in a republican magistrate is also remarked, to be pernicious, and the duration of his office for any considerable time favors his views, gives him the means and time to perfect and execute his designs; he therefore fancies that he may be great and glorious by oppressing his fellow citizens, and raising himself to permanent grandeur on the ruins of his country." – George Clinton (Cato), Anti-Federalist No. 67, "Various Fears Concerning the Executive Department," New York Journal, November 8, 1787

"Though the president, during the sitting of the legislature, is assisted by the senate, yet he is without a constitutional council in their recess. He will therefore be unsupported by proper information and advice, and will generally be directed by minions and favorites, or a council of state will grow out of the principal officers of the great departments, the most dangerous council in a free country." – George Clinton (Cato), Anti-Federalist No. 67, "Various Fears Concerning the Executive Department," New York Journal, November 8, 1787

"The establishment of a vice-president is as unnecessary as it is dangerous. This officer, for want of other employment, is made president of the senate, thereby blending the executive and legislative powers, besides always giving to some one state, from which he is to come, an unjust pre-eminence." – George Clinton (Cato), Anti-Federalist No. 67, "Various Fears Concerning the Executive Department," New York Journal, November 8, 1787

"The safety of the people in a republic depends on the share or proportion they have in the government; but experience ought to teach you, that when a man is at the head of an elective government invested with great powers, and interested in his re-election, in what circle appointments will be made; by which means an imperfect aristocracy bordering on monarchy may be established." – George Clinton (Cato), Anti-Federalist No. 67, "Various Fears Concerning the Executive Department," New York Journal, November 8, 1787

## **ANTI-FEDERALIST NO. 68**

"We know that there scarcely ever was an election of such an officer without the interposition of foreign powers. Two causes prevail to make them intermeddle in such cases:—one is, to preserve the balance of power; the other, to preserve their trade. ... Can America be free from these interferences?" – William Grayson, Anti-Federalist No. 68, "On the Mode of Electing the President," Virginia Ratifying Convention, June 18, 1788

"When you have a strong democratical and a strong aristocratical branch, you may have a strong executive. But when those are weak, the balance will not be preserved, if you give the executive extensive powers for so long a time. As this government is organized, it would be dangerous to trust the President with such powers. How will you punish him if he abuse his power? Will you call him before the Senate? They are his counsellors and partners in crime. Where are your checks? We ought to be extremely cautious in this country. If ever the government be changed, it will probably be into a despotism." – William Grayson, Anti-Federalist No. 68, "On the Mode of Electing the President," Virginia Ratifying Convention, June 18, 1788

"As he [Executive] is vested with the power of making treaties, and as there is a material distinction between the carrying and productive states, the former will be disposed to have him to themselves. He will accommodate himself to their interests in forming treaties, and they will continue him perpetually in office. Thus mutual interest will lead them reciprocally to support one another. It will be a government of a faction, and this observation will apply to every part of it; for, having a majority, they may do what they please." – William Grayson, Anti-Federalist No. 68, "On the Mode of Electing the President," Virginia Ratifying Convention, June 18, 1788

## **ANTI-FEDERALIST NO. 69**

## THE ESSENTIAL ANTI-FEDERALIST PAPERS

---

"We may fairly presume, that the judges, and principal officers in the departments, will be able well informed men in their respective branches of business; that they will, from experience, be best informed as to proper persons to fill inferior offices in them; that they will feel themselves responsible for the execution of their several branches of business, and for the conduct of the officers they may appoint therein. From these, and other considerations, I think we may infer, that impartial and judicious appointments of subordinate officers will, generally, be made by the courts of law, and the heads of departments." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 69, "The Character of the Executive Office," January 17, 1788

"It is a good general rule, that the legislative, executive, and judicial powers, ought to be kept distinct; but this, like other general rules, has its exceptions; and without these exceptions we cannot form a good government, and properly balance its parts: and we can determine only from reason, experience, and a critical inspection of the parts of the government, how far it is proper to intermix those powers." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 69, "The Character of the Executive Office," January 17, 1788

"Where the members of the government, as the house, the senate, the executive, and judiciary, are strong and complete, each in itself, the balance is naturally produced, each party may take the powers congenial to it, and we have less need to be anxious about checks, and the subdivision of powers." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 69, "The Character of the Executive Office," January 17, 1788

"The great object is, in a republican government, to guard effectually against perpetuating any portion of power, great or small, in the same man or family; this perpetuation of power is totally uncongenial to the true spirit of republican governments." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 69, "The Character of the Executive Office," January 17, 1788

"When a man shall get the chair, who may be re-elected, from time to time, for life, his greatest object will be to keep it; to gain friends and votes, at any rate; to associate some favourite son with himself, to take the office after him: whenever he shall have any prospect of continuing the office in himself and family, he will spare no artifice, no address, and no exertions, to increase the powers and importance of it; the servile supporters of his wishes will be placed in all offices, and tools constantly employed to aid his views and sound his praise." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 69, "The Character of the Executive Office," January 17, 1788

"[W]e may have, for the first president, and, perhaps, one in a century or two afterwards (if the government should withstand the attacks of others) a great and good man, governed by superior motives; but these are not events to be calculated upon in the present state of human nature." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 69, "The Character of the Executive Office," January 17, 1788

"No man will wish to be a mere cypher at the head of the government: the great object of each president then will be, to render his government a glorious period in the annals of his country." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 69, "The Character of the Executive Office," January 17, 1788

"A man who must, at all events, thus leave his office, will have but few or no temptations to fill its dependant offices with his tools, or any particular set of men; whereas the man constantly looking forward to his future elections, and, perhaps, to the aggrandizement of his family, will have every inducement before him to fill all places with his own props and dependants." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 69, "The Character of the Executive Office," January 17, 1788

"As to public monies, the president need handle none of them, and he may always rigidly be made [to] account for every shilling he shall receive." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 69, "The Character of the Executive Office," January 17, 1788

"On the whole, it would be, in my opinion, almost as well to create a limited monarchy at once, and give some family permanent power and interest in the community, and let it have something valuable to itself to lose in convulsions in the state, and in attempts of usurpation, as to make a first magistrate eligible for life, and to create hopes and expectations in him and his family, of obtaining what they have not. In the latter case, we actually tempt them to disturb the state, to foment struggles and contests, by laying before them the flattering prospect of gaining much in them without risking any thing." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 69, "The Character of the Executive Office," January 17, 1788

"I submit this question whether in case of a vacancy in the office of president, by the removal, death, resignation, or inability of the president and vice-president, and congress should declare, that a certain officer, as secretary for foreign affairs, for instance, shall act as president, and suffer such officer to continue several years, or even for his life, to act as president, by omitting to appoint the time for chusing electors of another president, it would be any breach of the constitution? This appears to me to be an intended provision for supplying the office of president, not only for any remaining portion of the four years, but in cases of emergency, until another president shall be elected; and that at a period beyond the expiration of the four years: we do not know that it is impossible; we do not know that it is improbable, in case a popular officer should thus be declared the acting president, but that he might continue for life, and without any violent act, but merely by neglects and delays on the part of congress." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 69, "The Character of the Executive Office," January 17, 1788

## **ANTI-FEDERALIST NO. 70**

"In the first place the office of president of the United States appears to me to be clothed with such powers as are dangerous. To be the fountain of all honors in the United States—commander in chief of the army, navy, and militia; with the power of making treaties and of granting pardons; and to be vested with an authority to put a negative upon all laws, unless two thirds of both houses shall persist in enacting it, and put their names down upon calling the yeas and nays for that purpose—is in reality to be a king, as much a king as the king of Great Britain, and a king too of the worst kind: an elective king." – An Old Whig, Anti-Federalist No. 70, "The Powers and Dangerous Potentials of His Elected Majesty," New York Journal, December 11, 1787

"The election of a king whether it be in America or Poland, will be a scene of horror and confusion; and I am perfectly serious when I declare, that, as a friend to my country, I shall despair of any happiness in the United States until this office is either reduced to a lower pitch of power, or made perpetual and hereditary." – An Old Whig, Anti-Federalist No. 70, "The Powers and Dangerous Potentials of His Elected Majesty," New York Journal, December 11, 1787

"So far is it from its being improbable that the man who shall hereafter be in a situation to make the attempt to perpetuate his own power, should want the virtues of General Washington, that it is perhaps a chance of one hundred millions to one that the next age will not furnish an example of so disinterested a use of great power." – An Old Whig, Anti-Federalist No. 70, "The Powers and Dangerous Potentials of His Elected Majesty," New York Journal, December 11, 1787

"We are certainly about giving our president too much or too little; and in the course of less than twenty years we shall find that we have given him enough to enable him to take all. It would be infinitely more prudent to give him at once as much as would content him, so that we might be able to retain the rest in peace, for if once power is seized by violence, not the least fragment of liberty will survive the shock." – An Old Whig, Anti-Federalist No. 70, "The Powers and Dangerous Potentials of His Elected Majesty," New York Journal, December 11, 1787

## **ANTI-FEDERALIST NO. 71**

"There was a party who attempted to have the President appointed during good behavior, without any limitation as to time; and, not being able to succeed in that attempt, they then endeavored to have him reeligible without any restraint. It was objected that the choice of a President to continue in office during good behavior, would at once be rendering our system an elective monarchy." – Luther Martin, Anti-Federalist No. 71, "The Presidential Term of Office"

"[I]n the original state of government, the whole power resides in the whole body of the nation; that when a people appoint certain persons to govern them, they delegate their whole power; that a constitution is not itself a bill of rights; and that, whatever is the form of government, a bill of rights is essential to the security of the persons and property of the people. It is an idea favorable to the interest of mankind at large, that government is founded in compact." – James Winthrop (Agrippa), Anti-Federalist No. 71, "The Presidential Term of Office," to the Massachusetts Convention, February 5, 1788

"A constitution is a legislative act of the whole people. It is an excellence that it should be permanent, otherwise we are exposed to perpetual insecurity from the fluctuation of government." – James Winthrop

# THE ESSENTIAL ANTI-FEDERALIST PAPERS

---

(Agrippa), Anti-Federalist No. 71, "The Presidential Term of Office," to the Massachusetts Convention, February 5, 1788

"It is a just observation of his excellency, doctor [John] Adams in his learned defence of the American constitutions, that unbridled passions produce the same effect whether in a king, nobility, or a mob. The experience of all mankind has proved the prevalence of a disposition to use power wantonly. It is therefore as necessary to defend an individual against the majority in a republic as against the king in a monarchy." – James Winthrop (Agrippa), Anti-Federalist No. 71, "The Presidential Term of Office," to the Massachusetts Convention, February 5, 1788

"All the men of genius and wealth will resort to the seat of government, that will be center of revenue, and of business. which the extremes will be drained to supply." – James Winthrop (Agrippa), Anti-Federalist No. 71, "The Presidential Term of Office," to the Massachusetts Convention, February 5, 1788

"This is not mere vision, it is justified by the whole course of things. We shall therefore, if we neglect the present opportunity to secure ourselves, only increase the number of proofs, already too many, that mankind are incapable of enjoying their liberty." – James Winthrop (Agrippa), Anti-Federalist No. 71, "The Presidential Term of Office," to the Massachusetts Convention, February 5, 1788

"[I]f you are so far charmed with eloquence, and misled by fair representations and charitable constructions, as to adopt an undefined system, there will be no saying afterwards that you were mistaken, and wish to correct it." – James Winthrop (Agrippa), Anti-Federalist No. 71, "The Presidential Term of Office," to the Massachusetts Convention, February 5, 1788

"I have one difficulty in my mind respecting our admirable Constitution, which I hope somebody will attempt to remove. Art. 3, sect. 1: 'The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years.' Here is no declaration that a new one shall be chosen at the expiration of that time." – A Customer, Anti-Federalist No. 71, "The Presidential Term of Office," Maine Cumberland Gazette, March 13, 1788

## **ANTI-FEDERALIST NO. 72**

"Is it necessary, is it rational, that the sacred rights of mankind should thus dwindle down to Electors of electors, and those again electors of other electors? This seems to be degrading them even below the prophetic curse denounced by the good old patriarch, on the offspring of his degenerate son: 'servant of servants.'" – Republicus, Anti-Federalist No. 72, "On the Electoral College; On Reeligibility of the President," Kentucky Gazette, March 1, 1788

"Again I would ask (considering how prone mankind are to engross power, and then to abuse it) is it not probable, at least possible, that the president who is to be vested with all this demi-omnipotence—who is not chosen by the community; and who consequently, as to them, is irresponsible and independent—that he, I say, by a few artful and dependent emissaries in Congress, may not only perpetuate his own personal administration, but also make it hereditary?" – Republicus, Anti-Federalist No. 72, "On the Electoral College; On Reeligibility of the President," Kentucky Gazette, March 1, 1788

"I can think of but one source of right to government, or any branch of it—and that is THE PEOPLE. They, and only they, have a right to determine whether they will make laws, or execute them, or do both in a collective body, or by a delegated authority. Delegation is a positive actual investiture. Therefore if any people are subjected to an authority which they have not thus actually chosen—even though they may have tamely submitted to it—yet it is not their legitimate government." – Republicus, Anti-Federalist No. 72, "On the Electoral College; On Reeligibility of the President," Kentucky Gazette, March 1, 1788

"[W]hile we continue to have sense enough to discover and detect, and virtue enough to detest and oppose every attempt, either of force or fraud, either from without or within, to bring us into it, we never will. ... Let us therefore continue united in the cause of rational liberty. Let unity and liberty be our mark as well as our motto. For only such an union can secure our freedom; and division will inevitably destroy it." – Republicus, Anti-Federalist No. 72, "On the Electoral College; On Reeligibility of the President," Kentucky Gazette, March 1, 1788

# THE ESSENTIAL ANTI-FEDERALIST PAPERS

---

## ANTI-FEDERALIST NO. 73

"I believe that it is universally agreed upon in this enlightened country, that all power residing originally in the people, and being derived from them, they ought to be governed by themselves only, or by their immediate representatives." – William Penn, Anti-Federalist No. 73, "Does the Presidential Veto Power Infringe on the Separation of Departments?" Philadelphia Independent Gazetteer, January 3, 1788

"It has always been the favorite maxim of princes, to divide the people, in order to govern them. It is now time that the people should avail themselves of the same maxim, and divide powers among their rulers, in order to prevent their abusing it." – William Penn, Anti-Federalist No. 73, "Does the Presidential Veto Power Infringe on the Separation of Departments?" Philadelphia Independent Gazetteer, January 3, 1788

"If, says Montesquieu, the same man, or body of men, is possessed both of the legislative and executive power, there is NO LIBERTY, because it may be feared that the same monarch, or the same senate, will enact tyrannical laws, in order to execute them in a tyrannical manner." – William Penn, Anti-Federalist No. 73, "Does the Presidential Veto Power Infringe on the Separation of Departments?" Philadelphia Independent Gazetteer, January 3, 1788

"Nothing can be clearer, and the natural disposition of man to ambition and power makes it probable that such would be the consequence. Suppose for instance, that the same body, which has the power of raising money by taxes, is also entrusted with the application of that money, they will very probably raise large sums, and apply them to their own private uses. If they are empowered to create offices, and appoint the officers, they will take that opportunity of providing for themselves, and their friends, and if they have the power of inflicting penalties for offenses, and of trying the offenders, there will be no bounds to their tyranny." – William Penn, Anti-Federalist No. 73, "Does the Presidential Veto Power Infringe on the Separation of Departments?" Philadelphia Independent Gazetteer, January 3, 1788

"Liberty...can only subsist, where the powers of government are properly divided, and where the different jurisdictions are inviolably kept distinct and separate." – William Penn, Anti-Federalist No. 73, "Does the Presidential Veto Power Infringe on the Separation of Departments?" Philadelphia Independent Gazetteer, January 3, 1788

"The first and most natural division of the powers of government are into the legislative and executive branches. These two should never be suffered to have the least share of each other's jurisdiction, or to intermeddle with it in any manner. For whichever of the two divides its power with the other, will certainly be subordinate to it; and if they both have a share of each other's authority, they will be in fact but one body. Their interest as well as their powers will be the same, and they will combine together against the people. ... It is therefore a political error of the greatest magnitude, to allow the executive power a negative, or in fact any kind of control over the proceedings of the legislature." – William Penn, Anti-Federalist No. 73, "Does the Presidential Veto Power Infringe on the Separation of Departments?" Philadelphia Independent Gazetteer, January 3, 1788

"[W]e see the great leading principle of the absolute division of the legislative from the executive jurisdiction, admitted in almost every one of the American states as a fundamental maxim in the politics of a free country. The theory of this general doctrine is everywhere established, though a few states have somewhat swerved from it in the practice. From whence we must conclude, that even the knowledge and full conviction of a new political truth will not always immediately conquer inveterate habits and prejudices." – William Penn, Anti-Federalist No. 73, "Does the Presidential Veto Power Infringe on the Separation of Departments?" Philadelphia Independent Gazetteer, January 3, 1788

"[I]n laying down a political system it is safer to rely on principles than upon precedents, because the former are fixed and immutable, while the latter vary with men, places, times and circumstances." – William Penn, Anti-Federalist No. 73, "Does the Presidential Veto Power Infringe on the Separation of Departments?" Philadelphia Independent Gazetteer, January 3, 1788

## ANTI-FEDERALIST NO. 74

"A conspiracy against the freedom of America, both deep and dangerous, has been formed by an infernal junto of demagogues. ... Its evidence is intuitive .... Who can deny but the president general will be a king to

## THE ESSENTIAL ANTI-FEDERALIST PAPERS

---

all intents and purposes, and one of the most dangerous kind too—a king elected to command a standing army. Thus our laws are to be administered by this tyrant; for the whole, or at least the most important part of the executive department is put in his hands." – Philadelphensis, Anti-Federalist No. 74, "The President as Military King," Freeman's Journal (North American Intelligencer), February 6 and 20, and April 9, 1788

"This novel system of government, were it possible to establish it, would be a compound of monarchy and aristocracy, the most accursed that ever the world witnessed." – Philadelphensis, Anti-Federalist No. 74, "The President as Military King," Freeman's Journal (North American Intelligencer), February 6 and 20, and April 9, 1788

"There is not a tincture of democracy in the proposed constitution, except the nominal elections of the president general and the illustrious Congress be supposed to have some color of that nature. But this is a mere deception, invented to gull the people into its adoption." – Philadelphensis, Anti-Federalist No. 74, "The President as Military King," Freeman's Journal (North American Intelligencer), February 6 and 20, and April 9, 1788

"The President-general, who is to be our king after this government is established, is vested with powers exceeding those of the most despotic monarch we know of in modern times. What a handsome return have these men [the authors of the Constitution] made to the people of America for their confidence! Through the misconduct of these bold conspirators we have lost the most glorious opportunity that any country ever had to establish a free system of government." – Philadelphensis, Anti-Federalist No. 74, "The President as Military King," Freeman's Journal (North American Intelligencer), February 6 and 20, and April 9, 1788

"America under one purely democratical, would be rendered the happiest and most powerful nation in the universe. But under the proposed one composed of an elective king and a standing army, officered by his sycophants, the starvelings of the Cincinnati, and an aristocratical Congress of the well-born—an iota of happiness, freedom, or national strength cannot exist." – Philadelphensis, Anti-Federalist No. 74, "The President as Military King," Freeman's Journal (North American Intelligencer), February 6 and 20, and April 9, 1788

"What a pitiful figure will these ungrateful men make in history; who, for the hopes of obtaining some lucrative employment, or of receiving a little more homage from the rest of their fellow creatures, framed a system of oppression that must involve in its consequences the misery of their own offspring." – Philadelphensis, Anti-Federalist No. 74, "The President as Military King," Freeman's Journal (North American Intelligencer), February 6 and 20, and April 9, 1788

### ANTI-FEDERALIST NO. 75

"It may be freely granted, that from a mistaken zeal in favor of that political liberty which was so recently purchased at so costly a rate, even good men may give it [the constitution] unreasonable opposition; but such men cannot be reasonably charged with sordid personal interest as their motive—because it is great and sudden changes which produces opportunities of preferment." – Hampden, Anti-Federalist No. 75, "A Note Protesting the Treaty-making Provisions of the Constitution," Pittsburg Gazette, February 16, 1788

"I see nothing to hinder the president and senate, at a convenient crisis, to declare themselves hereditary and supreme, and the lower house altogether useless, and to abolish what shadow of the state constitutions remain by this power alone; and as the president and senate have all that influence which arises from the creating and appointing of all offices and officers, who can doubt but at a proper occasion they will succeed in such an attempt? And who can doubt but that men will arise who will attempt it?" – Hampden, Anti-Federalist No. 75, "A Note Protesting the Treaty-making Provisions of the Constitution," Pittsburg Gazette, February 16, 1788

"[T]he greatest degree of virtue may be expected in the house of representatives; for if any considerable part of the executive power be joined with the legislature, it will as surely corrupt that branch with which it is combined [Senate], as poison will the human body." – Hampden, Anti-Federalist No. 75, "A Note Protesting the Treaty-making Provisions of the Constitution," Pittsburg Gazette, February 16, 1788

"It will be asked, no doubt, who is this that dares so boldly to arraign the conduct and censure the production of a convention composed of so chosen a band of patriots? To this I answer, that I am a freeman, and it is the

# THE ESSENTIAL ANTI-FEDERALIST PAPERS

---

character of freemen to examine and judge for themselves. They know that implicit faith respecting politics is the handmaid to slavery; and that the greatness of those names who frame a government, cannot sanctify its faults, nor prevent the evils that result from its imperfections." – Hampden, Anti-Federalist No. 75, "A Note Protesting the Treaty-making Provisions of the Constitution," Pittsburg Gazette, February 16, 1788

## ANTI-FEDERALIST NO. 76-77

"To preserve the federal government pure and uncorrupt, peculiar precautions relative to appointments to office will be found highly necessary from the very forms and character of the government itself. The honours and emoluments of public offices are the objects in all communities, that ambitious and necessitous men never lose sight of. The honest, the modest, and the industrious part of the community content themselves, generally, with their private concerns; they do not solicit those offices which are the perpetual source of cabals, intrigues, and contests among men of the former description, men embarrassed, intriguing, and destitute of modesty." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 76-77, "An Anti-Federalist View of the Appointing Power Under the Constitution," January 14, 1788

"Even in the most happy country and virtuous government, corrupt influence in appointments cannot always be avoided; perhaps we may boast of our share of virtue as a people, and if we are only sufficiently aware of the influence, biases, and prejudices, common to the affairs of men, we may go far towards guarding against the effects of them." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 76-77, "An Anti-Federalist View of the Appointing Power Under the Constitution," January 14, 1788

"We all agree, that a large standing army has a strong tendency to depress and enslave the people; it is equally true that a large body of selfish, unfeeling, unprincipled civil officers has a like, or a more pernicious tendency to the same point. Military, and especially civil establishments, are the necessary appendages of society; they are deductions from productive labour, and substantial wealth, in proportion to the number of men employed in them; they are oppressive where unnecessarily extended and supported by men unfriendly to the people; they are injurious when too small, and supported by men too timid and dependant. It is of the last importance to decide well upon the necessary number of offices, to fill them with proper characters, and to establish efficiently the means of punctually punishing those officers who may do wrong." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 76-77, "An Anti-Federalist View of the Appointing Power Under the Constitution," January 14, 1788

"[T]here appear to be six different modes in which, in whole or in part, the appointments may be made, 1. By the legislature; 2. by the president and senate—3. by the president and an executive council—4. by the president alone—5. by the heads of the departments—and 6. by the state governments—Among all these, in my opinion, there may be an advantageous distribution of the power of appointments." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 76-77, "An Anti-Federalist View of the Appointing Power Under the Constitution," January 14, 1788

"It is said, that men are governed by interested motives, and will not attend as legislators, unless they can, in common with others, be eligible to offices of honor and profit. This will undoubtedly be the case with some men, but I presume only with such men as never ought to be chosen legislators in a free country; an opposite principle will influence good men; virtuous patriots, and generous minds, will esteem it a higher honor to be selected as the guardians of a free people; they will be satisfied with a reasonable compensation for their time and service; nor will they wish to be within the vortex of influence." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 76-77, "An Anti-Federalist View of the Appointing Power Under the Constitution," January 14, 1788

"We acquire certain habits, feelings, and opinions, as men and citizens — others, and very different ones, from a long continuance in office: It is, therefore, a valuable observation in many bills of rights, that rulers ought frequently to return and mix with the people." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 76-77, "An Anti-Federalist View of the Appointing Power Under the Constitution," January 14, 1788

"A legislature, in a free country, must be numerous; it is in some degree a periodical assemblage of the people, frequently formed—the principal officers in the executive and judicial departments, must have more permanency in office. Hence it may be inferred, that the legislature will remain longer uncorrupted and virtuous; longer congenial to the people, than the officers of those departments." – Richard Henry Lee (The

# THE ESSENTIAL ANTI-FEDERALIST PAPERS

---

Federal Farmer), Anti-Federalist No. 76-77, "An Anti-Federalist View of the Appointing Power Under the Constitution," January 14, 1788

"[W]e ought to take every precaution to prevent legislators becoming mere office-men; chuse them frequently, make them recallable, establish rotation among them, make them ineligible to offices, and give them as small a share as possible in the disposal of them." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 76-77, "An Anti-Federalist View of the Appointing Power Under the Constitution," January 14, 1788

"Officers may be appointed by the president and senate—this mode, for general purposes, is clearly not defensible. All the reasoning touching the legislature will apply to the senate; the senate is a branch of the legislature, which ought to be kept pure and unbiassed; it has a part in trying officers for misconduct, and in creating offices, it is too numerous for a council of appointment, or to feel any degree of responsibility: if it has an advantage of the legislature, in being the least numerous, it has a disadvantage in being more unsafe: add to this, the senate is to have a share in the important branch of power respecting treaties." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 76-77, "An Anti-Federalist View of the Appointing Power Under the Constitution," January 14, 1788

"The fittest receptacle for this residuary power [appointments] is clearly, in my opinion, the first executive magistrate, advised and directed by an executive council of seven or nine members, periodically chosen from such proportional districts as the union may for the purpose be divided into. The people may give their votes for twice the number of counsellors wanted, and the federal legislature take twice the number also from the highest candidates, and from among them chuse the seven or nine, or number wanted. Such a council may be rationally formed for the business of appointments; whereas the senate, created for other purposes, never can be." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 76-77, "An Anti-Federalist View of the Appointing Power Under the Constitution," January 14, 1788

"Officers may be appointed by the president alone. It has been almost universally found, when a man has been authorized to exercise power alone, he has never done it alone; but, generally, aided his determinations by, and rested on the advice and opinions of others. And it often happens when advice is wanted, the worst men, the most interested creatures, the worst advice is at hand, obtrude themselves, and misdirect the mind of him who would be informed and advised. It is very seldom we see a single executive depend on accidental advice and assistance; but each single executive has, almost always, formed to itself a regular council, to be assembled and consulted on important occasions; this proves that a select council, of some kind, is, by experience, generally found necessary and useful." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 76-77, "An Anti-Federalist View of the Appointing Power Under the Constitution," January 14, 1788

"Officers, in the fifth place, may be appointed by the heads of departments or courts of law. Art. 2., Sect. 2., respecting appointments, goes on—"But congress may by law vest the appointment of such inferior officers as they think proper in the president alone, in the courts of law, or in the heads of departments." The probability is, as the constitution now stands, that the Senate, a branch of the legislature, will be tenacious of the power of appointment, and much too sparingly part with a share of it to the courts of law, and heads of departments." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 76-77, "An Anti-Federalist View of the Appointing Power Under the Constitution," January 14, 1788

"Since all must be done by legislative acts which cannot be passed without the consent of the executive, or the consent of two-thirds of both branches, a good legislature will use this power to preserve the balance and perpetuate the government." – Richard Henry Lee (The Federal Farmer), Anti-Federalist No. 76-77, "An Anti-Federalist View of the Appointing Power Under the Constitution," January 14, 1788

## **ANTI-FEDERALIST NO. 78-79**

"I question whether the world ever saw, in any period of it, a court of justice [Supreme Court] invested with such immense powers, and yet placed in a situation so little responsible." – Robert Yates (Brutus), Anti-Federalist No. 78-79, "The Power of the Judiciary (Part I)," New York Journal, March 20, 1788

"The judges in England, it is true, hold their offices during their good behaviour, but then their determinations are subject to correction by the house of lords; and their power is by no means so extensive as that of the proposed supreme court of the union.—I believe they in no instance assume the authority to set aside an act

## THE ESSENTIAL ANTI-FEDERALIST PAPERS

---

of parliament under the idea that it is inconsistent with their constitution." – Robert Yates (Brutus), Anti-Federalist No. 78-79, "The Power of the Judiciary (Part I)," New York Journal, March 20, 1788

"[T]he judges under this constitution will controul the legislature, for the supreme court are authorised in the last resort, to determine what is the extent of the powers of the Congress; they are to give the constitution an explanation, and there is no power above them to set aside their judgment." – Robert Yates (Brutus), Anti-Federalist No. 78-79, "The Power of the Judiciary (Part I)," New York Journal, March 20, 1788

"There is no power above them [Supreme Court], to controul any of their decisions. There is no authority that can remove them, and they cannot be controuled by the laws of the legislature. In short, they are independent of the people, of the legislature, and of every power under heaven. Men placed in this situation will generally soon feel themselves independent of heaven itself." – Robert Yates (Brutus), Anti-Federalist No. 78-79, "The Power of the Judiciary (Part I)," New York Journal, March 20, 1788

"The only clause in the constitution which provides for the removal of the judges from office, is that which declares, that 'the president, vice-president, and all civil officers of the United States, shall be removed from office, on impeachment for, and conviction of treason, bribery, or other high crimes and misdemeanors.' By this paragraph, civil officers, in which the judges are included, are removable only for crimes. Treason and bribery are named, and the rest are included under the general terms of high crimes and misdemeanors.—Errors in judgement, or want of capacity to discharge the duties of the office, can never be supposed to be included in these words, high crimes and misdemeanors." – Robert Yates (Brutus), Anti-Federalist No. 78-79, "The Power of the Judiciary (Part I)," New York Journal, March 20, 1788

"The supreme court then have a right, independent of the legislature, to give a construction to the constitution and every part of it, and there is no power provided in this system to correct their construction or do it away. If, therefore, the legislature pass any laws, inconsistent with the sense the judges put upon the constitution, they will declare it void; and therefore in this respect their power is superior to that of the legislature." – Robert Yates (Brutus), Anti-Federalist No. 78-79, "The Power of the Judiciary (Part I)," New York Journal, March 20, 1788

"The judges are supreme—and no law, explanatory of the constitution, will be binding on them." – Robert Yates (Brutus), Anti-Federalist No. 78-79, "The Power of the Judiciary (Part I)," New York Journal, March 20, 1788

"When great and extraordinary powers are vested in any man, or body of men, which in their exercise, may operate to the oppression of the people, it is of high importance that powerful checks should be formed to prevent the abuse of it." – Robert Yates (Brutus), Anti-Federalist No. 78-79, "The Power of the Judiciary (Part I)," New York Journal, April 10, 1788

"Perhaps no restraints are more forcible, than such as arise from responsibility to some superior power.—Hence it is that the true policy of a republican government is, to frame it in such manner, that all persons who are concerned in the government, are made accountable to some superior for their conduct in office.—This responsibility should ultimately rest with the People." – Robert Yates (Brutus), Anti-Federalist No. 78-79, "The Power of the Judiciary (Part I)," New York Journal, April 10, 1788

"As the people...ought not to elect the judges, they cannot be amenable to them immediately, some other mode of amenability must therefore be devised for these, as well as for all other officers which do not spring from the immediate choice of the people: this is to be effected by making one court subordinate to another, and by giving them cognizance of the behaviour of all officers; but on this plan we at last arrive at some supreme, over whom there is no power to controul but the people themselves. This supreme controlling power should be in the choice of the people, or else you establish an authority independent, and not amenable to all, which is repugnant to the principles of a free government. Agreeable to these principles I suppose the supreme judicial ought to be liable to be called to account, for any misconduct, by some body of men, who depend upon the people for their places." – Robert Yates (Brutus), Anti-Federalist No. 78-79, "The Power of the Judiciary (Part I)," New York Journal, April 10, 1788

### **ANTI-FEDERALIST NO. 80**

# THE ESSENTIAL ANTI-FEDERALIST PAPERS

---

"This government is a complete system, not only for making, but for executing laws. And the courts of law, which will be constituted by it, are not only to decide upon the constitution and the laws made in pursuance of it, but by officers subordinate to them to execute all their decisions." – Robert Yates (Brutus), Anti-Federalist No. 80, "The Power of the Judiciary (Part II)," New York Journal, January 31, 1788

"It is...of great importance, to examine with care the nature and extent of the judicial power, because those who are to be vested with it, are to be placed in a situation altogether unprecedented in a free country. They are to be rendered totally independent, both of the people and the legislature, both with respect to their offices and salaries. No errors they may commit can be corrected by any power above them, if any such power there be, nor can they be removed from office for making ever so many erroneous adjudications." – Robert Yates (Brutus), Anti-Federalist No. 80, "The Power of the Judiciary (Part II)," New York Journal, January 31, 1788

"[T]he courts are to give such meaning to the constitution as comports best with the common, and generally received acceptation of the words in which it is expressed, regarding their ordinary and popular use, rather than their grammatical propriety. Where words are dubious, they will be explained by the context." – Robert Yates (Brutus), Anti-Federalist No. 80, "The Power of the Judiciary (Part II)," New York Journal, January 31, 1788

"The judicial are not only to decide questions arising upon the meaning of the constitution in law, but also in equity. ... By this they are empowered, to explain the constitution according to the reasoning spirit of it, without being confined to the words or letter." – Robert Yates (Brutus), Anti-Federalist No. 80, "The Power of the Judiciary (Part II)," New York Journal, January 31, 1788

"The opinions of the supreme court, whatever they may be, will have the force of law; because there is no power provided in the constitution, that can correct their errors, or controul their adjudications. From this court there is no appeal." – Robert Yates (Brutus), Anti-Federalist No. 80, "The Power of the Judiciary (Part II)," New York Journal, January 31, 1788

"Every adjudication of the supreme court, on any question that may arise upon the nature and extent of the general government, will affect the limits of the state jurisdiction. In proportion as the former enlarge the exercise of their powers, will that of the latter be restricted." – Robert Yates (Brutus), Anti-Federalist No. 80, "The Power of the Judiciary (Part II)," New York Journal, January 31, 1788

"Every body of men invested with office are tenacious of power; they feel interested, and hence it has become a kind of maxim, to hand down their offices, with all its rights and privileges, unimpaired to their successors; the same principle will influence them to extend their power, and increase their rights; this of itself will operate strongly upon the courts to give such a meaning to the constitution in all cases where it can possibly be done, as will enlarge the sphere of their own authority." – Robert Yates (Brutus), Anti-Federalist No. 80, "The Power of the Judiciary (Part II)," New York Journal, January 31, 1788

"When the courts will have a precedent before them of a court which extended its jurisdiction in opposition to an act of the legislature, is it not to be expected that they will extend theirs, especially when there is nothing in the constitution expressly against it? and they are authorised to construe its meaning, and are not under any controul? ... This power in the judicial, will enable them to mould the government, into almost any shape they please." – Robert Yates (Brutus), Anti-Federalist No. 80, "The Power of the Judiciary (Part II)," New York Journal, January 31, 1788

"[I]t is easy to see, that in their adjudications they may establish certain principles, which being received by the legislature, will enlarge the sphere of their power beyond all bounds." – Robert Yates (Brutus), Anti-Federalist No. 81, "The Power of the Judiciary (Part III)," New York Journal, February 7, 1788

## **ANTI-FEDERALIST NO. 81**

"[T]he court must and will assume certain principles, from which they will reason, in forming their decisions. These principles, whatever they may be, when they become fixed, by a course of decisions, will be adopted by the legislature, and will be the rule by which they will explain their own powers." – Robert Yates (Brutus), Anti-Federalist No. 81, "The Power of the Judiciary (Part III)," New York Journal, February 7, 1788

# THE ESSENTIAL ANTI-FEDERALIST PAPERS

---

"We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution,' &c. If the end of the government is to be learned from these words, which are clearly designed to declare it, it is obvious it has in view every object which is embraced by any government." – Robert Yates (Brutus), Anti-Federalist No. 81, "The Power of the Judiciary (Part III)," New York Journal, February 7, 1788

"The preservation of internal peace—the due administration of justice—and to provide for the defence of the community, seems to include all the objects of government; but if they do not, they are certainly comprehended in the words, 'to provide for the general welfare.'" – Robert Yates (Brutus), Anti-Federalist No. 81, "The Power of the Judiciary (Part III)," New York Journal, February 7, 1788

"To form a perfect union.' It is to be observed, it is not an union of states or bodies corporate; had this been the case the existence of the state governments, might have been secured. But it is a union of the people of the United States considered as one body, who are to ratify this constitution, if it is adopted. Now to make a union of this kind perfect, it is necessary to abolish all inferior governments, and to give the general one compleat legislative, executive and judicial powers to every purpose. The courts therefore will establish it as a rule in explaining the constitution to give it such a construction as will best tend to perfect the union or take from the state governments every power of either making or executing laws." – Robert Yates (Brutus), Anti-Federalist No. 81, "The Power of the Judiciary (Part III)," New York Journal, February 7, 1788

"[T]o establish justice.' This must include not only the idea of instituting the rule of justice, or of making laws which shall be the measure or rule of right, but also of providing for the application of this rule or of administering justice under it. And under this the courts will in their decisions extend the power of the government to all cases they possibly can, or otherwise they will be restricted in doing what appears to be the intent of the constitution they should do, to wit, pass laws and provide for the execution of them, for the general distribution of justice between man and man." – Robert Yates (Brutus), Anti-Federalist No. 81, "The Power of the Judiciary (Part III)," New York Journal, February 7, 1788

"[T]o insure domestic tranquility.' This comprehends a provision against all private breaches of the peace, as well as against all public commotions or general insurrections; and to attain the object of this clause fully, the government must exercise the power of passing laws on these subjects, as well as of appointing magistrates with authority to execute them. And the courts will adopt these ideas in their expositions." – Robert Yates (Brutus), Anti-Federalist No. 81, "The Power of the Judiciary (Part III)," New York Journal, February 7, 1788

"[I]f the spirit of this system is to be known from its declared end and design in the preamble, its spirit is to subvert and abolish all the powers of the state government, and to embrace every object to which any government extends." – Robert Yates (Brutus), Anti-Federalist No. 81, "The Power of the Judiciary (Part III)," New York Journal, February 7, 1788

"[I]n all the other cases before mentioned, the supreme court shall have appellate jurisdiction, both as to law and fact, &c.' Who are the supreme court? Does it not consist of the judges? and they are to have the same jurisdiction of the fact as they are to have of the law. They will therefore have the same authority to determine the fact as they will have to determine the law, and no room is left for a jury on appeals to the supreme court. ... If we understand the appellate jurisdiction in any other way, we shall be left utterly at a loss to give it a meaning; the common law is a stranger to any such jurisdiction: no appeals can lie from any of our common law courts, upon the merits of the case; the only way in which they can go up from an inferior to a superior tribunal is by habeas corpus before a hearing, or by certiorari, or writ of error, after they are determined in the subordinate courts; but in no case, when they are carried up, are the facts re-examined, but they are always taken as established in the inferior courts." – Robert Yates (Brutus), Anti-Federalist No. 81, "The Power of the Judiciary (Part III)," New York Journal, February 28, 1788

## ANTI-FEDERALIST NO. 82

"It may still be insisted that this clause [on appellate jurisdiction] does not take away the trial by jury on appeals, but that this may be provided for by the legislature, under that paragraph which authorises them to form regulations and restrictions for the court in the exercise of this power. ... The natural meaning of this paragraph seems to be no more than this, that Congress may declare, that certain cases shall not be subject to the appellate jurisdiction, and they may point out the mode in which the court shall proceed in bringing up

# THE ESSENTIAL ANTI-FEDERALIST PAPERS

---

the causes before them, the manner of their taking evidence to establish the facts, and the method of the court's proceeding." – Robert Yates (Brutus), Anti-Federalist No. 82, "The Power of the Judiciary (Part IV)," New York Journal, March 6, 1788

"[P]arties must travel many hundred miles, with their witnesses and lawyers, to prosecute or defend a suit. No man of middling fortune, can sustain the expense of such a law suit, and therefore the poorer and middling class of citizens will be under the necessity of submitting to the demands of the rich and the lordly, in cases that will come under the cognizance of this court." – Robert Yates (Brutus), Anti-Federalist No. 82, "The Power of the Judiciary (Part IV)," New York Journal, March 6, 1788

"The costs accruing in courts generally advance with the grade of the courts. Thus the charges attending a suit in our common pleas [New York], is much less than those in the supreme court, and these are much lower than those in the court of chancery. Indeed, the costs in the last mentioned court, are in many cases so exorbitant and the proceedings so dilatory that the suitor had almost as well give up his demand as to prosecute his suit." – Robert Yates (Brutus), Anti-Federalist No. 82, "The Power of the Judiciary (Part IV)," New York Journal, March 6, 1788

" For their [state court] decisions have been such as to give just ground of confidence in them, that they will finally adhere to the principles of rectitude; and there is no necessity of lodging these powers in the [federal] courts, in order to guard against the evils justly complained of, on the subject of security of property under this constitution." – Robert Yates (Brutus), Anti-Federalist No. 82, "The Power of the Judiciary (Part IV)," New York Journal, March 6, 1788

"[E]very case that can arise under the constitution or laws of the United States ought in the first instance to be tried in the court of the state, except those which might arise between states, such as respect ambassadors, or other public ministers, and perhaps such as call in question the claim of lands under grants from different states. The state courts would be under sufficient control, if writs of error were allowed from the state courts to the supreme court of the union." – Robert Yates (Brutus), Anti-Federalist No. 82, "The Power of the Judiciary (Part IV)," New York Journal, March 6, 1788

"[T]here is to be as many inferior courts as Congress may see fit to appoint, who are to be authorised to originate and in the first instance to try all the cases falling under the description of this article. There is no security that a trial by jury shall be had in these courts, but the trial here will soon become...[a] mere matter of form." – Robert Yates (Brutus), Anti-Federalist No. 82, "The Power of the Judiciary (Part IV)," New York Journal, March 6, 1788

"They will be able to extend the limits of the general government gradually, and by insensible degrees, and to accommodate themselves to the temper of the people. Their decisions on the meaning of the constitution will commonly take place in cases which arise between individuals, with which the public will not be generally acquainted; one adjudication will form a precedent to the next, and this to a following one. These cases will immediately affect individuals only; so that a series of determinations will probably take place before even the people will be informed of them." – Robert Yates (Brutus), Anti-Federalist No. 82, "The Power of the Judiciary (Part IV)," New York Journal, March 20, 1788

"A constitution is a compact of a people with their rulers; if the rulers break the compact, the people have a right and ought to remove them and do themselves justice; but in order to enable them to do this with the greater facility, those whom the people chuse at stated periods, should have the power in the last resort to determine the sense of the compact; if they determine contrary to the understanding of the people, an appeal will lie to the people at the period when the rulers are to be elected, and they will have it in their power to remedy the evil; but when this power is lodged in the hands of men independent of the people, and of their representatives, and who are not, constitutionally, accountable for their opinions, no way is left to controul them but with a high hand and an outstretched arm." – Robert Yates (Brutus), Anti-Federalist No. 82, "The Power of the Judiciary (Part IV)," New York Journal, March 20, 1788

## **ANTI-FEDERALIST NO. 83**

"[W]here the general government has jurisdiction in civil questions, the proposed Constitution not only makes no provision for the trial by jury in the first instance, but, by its appellate jurisdiction, absolutely takes away that inestimable privilege, since it expressly declares the Supreme Court shall have appellate jurisdiction both

# THE ESSENTIAL ANTI-FEDERALIST PAPERS

---

as to law and fact." – Luther Martin, Anti-Federalist No. 83, "The Federal Judiciary and the Issue of Trial by Jury," essay no. VIII

"[J]ury trials, which have ever been the boast of the English constitution—which have been by our several state constitutions so cautiously secured to us—jury trials, which have so long been considered the surest barrier against arbitrary power, and the palladium of liberty, with the loss of which the loss of our freedom may be dated, are taken away by the proposed form of government, not only in a great variety of questions between individual and individual, but in every case, whether civil or criminal, arising under the laws of the United States, or the execution of those laws. It is taken away in those very cases where, of all others, it is most essential for our liberty to have it sacredly guarded and preserved: in every case, whether civil or criminal, between government and its officers on the one part, and the subject or citizen on the other." – Luther Martin, Anti-Federalist No. 83, "The Federal Judiciary and the Issue of Trial by Jury," essay no. VIII

"As they could not trust state judges, so would they not confide in state juries. They alleged that the general government and the state governments would always be at variance—that the citizens of the different states would enter into the views and interests of their respective states, and therefore ought not to be trusted in determining causes in which the general government was any way interested, without giving the general government an opportunity, if it disapproved the verdict of the jury, to appeal, and to have the facts examined into again, and decided upon by its own judges, on whom it was thought a reliance might be had by the general government, they being appointed under its authority." – Luther Martin, Anti-Federalist No. 83, "The Federal Judiciary and the Issue of Trial by Jury," essay no. VIII

## **ANTI-FEDERALIST NO. 84**

"When a building is to be erected which is intended to stand for ages, the foundation should be firmly laid. The constitution proposed to your acceptance, is designed not for yourselves alone, but for generations yet unborn. The principles, therefore, upon which the social compact is founded, ought to have been clearly and precisely stated, and the most express and full declaration of rights to have been made—But on this subject there is almost an entire silence." – Robert Yates (Brutus), Anti-Federalist No. 84, "On the Lack of a Bill of Rights," November 1, 1787

"The common good...is the end of civil government, and common consent, the foundation on which it is established. To effect this end, it was necessary that a certain portion of natural liberty should be surrendered, in order, that what remained should be preserved. ... But it is not necessary...that individuals should relinquish all their natural rights." – Robert Yates (Brutus), Anti-Federalist No. 84, "On the Lack of a Bill of Rights," November 1, 1787

"If they had been disposed to conform themselves to the rule of immutable righteousness, government would not have been requisite. It was because one part exercised fraud, oppression, and violence on the other, that men came together, and agreed that certain rules should be formed, to regulate the conduct of all, and the power of the whole community lodged in the hands of rulers to enforce an obedience to them. But rulers have the same propensities as other men; they are as likely to use the power with which they are vested for private purposes, and to the injury and oppression of those over whom they are placed, as individuals in a state of nature are to injure and oppress one another. It is therefore as proper that bounds should be set to their authority..." – Robert Yates (Brutus), Anti-Federalist No. 84, "On the Lack of a Bill of Rights," November 1, 1787

"It has been said, in answer to this objection, that such declaration[s] of rights, however requisite they might be in the constitutions of the states, are not necessary in the general constitution, because, "in the former case, every thing which is not reserved is given, but in the latter the reverse of the proposition prevails, and every thing which is not given is reserved." It requires but little attention to discover, that this mode of reasoning is rather specious than solid. The powers, rights, and authority, granted to the general government by this constitution, are as complete, with respect to every object to which they extend, as that of any state government—It reaches to every thing which concerns human happiness—Life, liberty, and property, are under its controul." – Robert Yates (Brutus), Anti-Federalist No. 84, "On the Lack of a Bill of Rights," November 1, 1787

"We find they have, in the 9th section of the 1st article, declared, that the writ of habeas corpus shall not be suspended, unless in cases of rebellion—that no bill of attainder, or ex post facto law, shall be passed—that no

## THE ESSENTIAL ANTI-FEDERALIST PAPERS

---

title of nobility shall be granted by the United States, &c. If every thing which is not given is reserved, what propriety is there in these exceptions? Does this constitution any where grant the power of suspending the habeas corpus, to make ex post facto laws, pass bills of attainder, or grant titles of nobility? It certainly does not in express terms. The only answer that can be given is, that these are implied in the general powers granted. With equal truth it may be said, that all the powers, which the bills of right, guard against the abuse of, are contained or implied in the general ones granted by this constitution." – Robert Yates (Brutus), Anti-Federalist No. 84, "On the Lack of a Bill of Rights," November 1, 1787

"No privilege, reserved by the bills of rights, or secured by the state government, can limit the power granted by this [constitution], or restrain any laws made in pursuance of it. It stands therefore on its own bottom, and must receive a construction by itself without any reference to any other—And hence it was of the highest importance, that the most precise and express declarations and reservations of rights should have been made." – Robert Yates (Brutus), Anti-Federalist No. 84, "On the Lack of a Bill of Rights," November 1, 1787

"So clear a point is this, that I cannot help suspecting, that persons who attempt to persuade people, that such reservations [bill of rights] were less necessary under this constitution than under those of the states, are wilfully endeavouring to deceive, and to lead you into an absolute state of vassalage." – Robert Yates (Brutus), Anti-Federalist No. 84, "On the Lack of a Bill of Rights," November 1, 1787

### ANTI-FEDERALIST NO. 85

"It is agreed, the plan is defective—that some of the powers granted are dangerous—others not well defined—and amendments are necessary why then not amend it? Why not remove the cause of danger, and, possible, even the apprehension of it? The instrument is yet in the hands of the people; it is not signed, sealed, and delivered, and they have power to give it any form they please. ... But it is contended, adopt it first, and then amend it. I ask, why not amend, and then adopt it? Most certainly the latter mode of proceeding is more consistent with our ideas of prudence in the ordinary concerns of life." – Melancthon Smith (A Plebian), Anti-Federalist No. 85, "Concluding Remarks; Evils Under Confederation Exaggerated; Constitution Must Be Drastically Revised Before Adoption," April 17, 1788

"It is insisted, that the present situation of our country is such, as not to admit of a delay in forming a new government, or of time sufficient to deliberate and agree upon the amendments which are proper, without involving ourselves in a state of anarchy and confusion. ... On this head, all the powers of rhetoric, and arts of description, are employed to paint the condition of this country, in the most hideous and frightful colors." – Melancthon Smith (A Plebian), Anti-Federalist No. 85, "Concluding Remarks; Evils Under Confederation Exaggerated; Constitution Must Be Drastically Revised Before Adoption," April 17, 1788

"It is admitted by all parties, that alterations are necessary in our federal constitution, but the circumstances of our case do by no means oblige us to precipitate this business, or require that we should adopt a system materially defective. We may safely take time to deliberate and amend, without in the meantime hazarding a condition, in any considerable degree, worse than the present." – Melancthon Smith (A Plebian), Anti-Federalist No. 85, "Concluding Remarks; Evils Under Confederation Exaggerated; Constitution Must Be Drastically Revised Before Adoption," April 17, 1788

"The reasonings made use of to persuade us, that no alterations can be agreed upon previous to the adoption of the system, are as curious as they are futile. It is alleged, that there was great diversity of sentiments in forming the proposed constitution; that it was the effect of mutual concessions and a spirit of accommodation, and from hence it is inferred, that further changes cannot be hoped for. I should suppose that the contrary inference was the fair one. If the convention, who framed this plan, were possessed of such a spirit of moderation and condescension, as to be induced to yield to each other certain points, and to accommodate themselves to each other's opinions, and even prejudices, there is reason to expect, that this same spirit will continue and prevail in a future convention, and produce an union of sentiments on the points objected to. There is more reason to hope for this, because the subject has received a full discussion, and the minds of the people much better known than they were when the convention sat." – Melancthon Smith (A Plebian), Anti-Federalist No. 85, "Concluding Remarks; Evils Under Confederation Exaggerated; Constitution Must Be Drastically Revised Before Adoption," April 17, 1788

"You have heard that both sides on this great question, agree, that there are in it great defects; yet the one side tell you, choose such men as will adopt it, and then amend it—while the other say, amend previous to its

## THE ESSENTIAL ANTI-FEDERALIST PAPERS

---

adoption. I have stated to you my reasons for the latter, and I think they are unanswerable. Consider, you the common people, the yeomanry of the country, for to such I principally address myself, you are to be the principal losers, if the constitution should prove oppressive." – Melancthon Smith (A Plebian), Anti-Federalist No. 85, "Concluding Remarks; Evils Under Confederation Exaggerated; Constitution Must Be Drastically Revised Before Adoption," April 17, 1788

"Attempts have been made, and will be repeated, to alarm you with the fear of consequences; but reflect there are consequences on both sides, and none can be apprehended more dreadful, than entailing on ourselves and posterity a government which will raise a few to the height of human greatness and wealth, while it will depress the many to the extreme of poverty and wretchedness." – Melancthon Smith (A Plebian), Anti-Federalist No. 85, "Concluding Remarks; Evils Under Confederation Exaggerated; Constitution Must Be Drastically Revised Before Adoption," April 17, 1788

"Our part is to act right, and we may then have confidence that the consequences will be favorable. The path in which you should walk is plain and open before you; be united as one man..." – Melancthon Smith (A Plebian), Anti-Federalist No. 85, "Concluding Remarks; Evils Under Confederation Exaggerated; Constitution Must Be Drastically Revised Before Adoption," April 17, 1788

"Common sense will point out which is the most rational, which is the most secure line of conduct. May heaven inspire you with wisdom, union, moderation and firmness, and give you hearts to make a proper estimate of your invaluable privileges, and preserve them to you, to be transmitted to your posterity unimpaired, and may they be maintained in this our country, while Sun and Moon endure." – Melancthon Smith (A Plebian), Anti-Federalist No. 85, "Concluding Remarks; Evils Under Confederation Exaggerated; Constitution Must Be Drastically Revised Before Adoption," April 17, 1788