

Appendix: The Pre-Constitution

The Declaration of Independence

The Declaration of Independence: Today and in the Beginning

The Articles of Confederation

The "Liberty Pole" Letter of Excerpts

THE DECLARATION OF INDEPENDENCE

July 4, 1776

THE UNANIMOUS DECLARATION OF THE THIRTEEN UNITED STATES OF AMERICA,

When in the Course of human events, it becomes necessary for one People to dissolve the Political Bands which have connected them with another, and to assume among the Powers of the Earth, the separate and equal Station to which the Laws of Nature and of Nature's God entitle them, a decent Respect to the Opinions of Mankind requires that they should declare the causes which impel them to the Separation.

We hold these truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the Pursuit of Happiness -- That to secure these Rights, Governments are instituted among Men, deriving their just Powers from the Consent of the Governed, that whenever any Form of Government becomes destructive of these Ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its Foundation on such Principles, and organizing its Powers in such Form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient Causes; and accordingly all Experience hath shewn, that Mankind are more disposed to suffer, while Evils are sufferable, than to right themselves by abolishing the Forms to which they are accustomed. But when a long Train of Abuses and Usurpations, pursuing invariably the same Object, evinces a Design to reduce them under absolute Despotism, it is their Right, it is their Duty, to throw off such Government, and to provide new Guards for their future Security. Such has been the patient Sufferance of these Colonies; and such is now the Necessity which constrains them to alter their former Systems of Government. The History of the present King of Great- Britain is a History of repeated Injuries and Usurpations, all having in direct Object the Establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid World.

He has refused his Assent to Laws, the most wholesome and necessary for the public good.

He has forbidden his Governors to pass Laws of immediate and pressing Importance, unless suspended in their Operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other Laws for the Accommodation of large Districts of People, unless those People would relinquish the Right of Representation in the Legislature, a Right inestimable to them, and formidable to Tyrants only.

He has called together Legislative Bodies at Places unusual, uncomfortable, and distant from the Depository of their public Records, for the sole Purpose of fatiguing them into Compliance with his Measures.

He has dissolved Representative Houses repeatedly, for opposing with manly Firmness his Invasions on the Rights of the People.

He has refused for a long Time, after such Dissolutions, to cause others to be elected; whereby the Legislative Powers, incapable of the Annihilation, have returned to the People at large for their exercise; the State remaining in the mean time exposed to all the Dangers of Invasion from without, and the Convulsions within.

He has endeavoured to prevent the Population of these States; for that Purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their Migrations hither, and raising the Conditions of new Appropriations of Lands.

He has obstructed the Administration of Justice, by refusing his Assent to Laws for establishing Judiciary Powers.

He has made Judges dependent on his Will alone, for the Tenure of their Offices, and the Amount and Payment of their Salaries.

He has erected a Multitude of new Offices, and sent hither Swarms of Officers to harrass our People, and eat out their Substance.

He has kept among us, in Times of Peace, Standing Armies, without the consent of our Legislatures.

He has affected to render the Military independent of and superior to the Civil Power.

He has combined with others to subject us to a Jurisdiction foreign to our Constitution, and unacknowledged by our Laws; giving his Assent to their Acts of pretended Legislation:

For quartering large Bodies of Armed Troops among us;

For protecting them, by a mock Trial, from Punishment for any Murders which they should commit on the Inhabitants of these States:

For cutting off our Trade with all Parts of the World:

For imposing Taxes on us without our Consent:

For depriving us, in many Cases, of the Benefits of Trial by Jury:

For transporting us beyond Seas to be tried for pretended Offences:

For abolishing the free System of English Laws in a neighbouring Province, establishing therein an arbitrary Government, and enlarging its Boundaries, so as to render it at once an Example and fit Instrument for introducing the same absolute Rules into these Colonies:

For taking away our Charters, abolishing our most valuable Laws, and altering fundamentally the Forms of our Governments:

For suspending our own Legislatures, and declaring themselves invested with Power to legislate for us in all Cases whatsoever.

He has abdicated Government here, by declaring us out of his Protection and waging War against us.

He has plundered our Seas, ravaged our Coasts, burnt our Towns, and destroyed the Lives of our People.

He is, at this Time, transporting large Armies of foreign Mercenaries to compleat the Works of Death, Desolation, and Tyranny, already begun with circumstances of Cruelty and Perfidy, scarcely paralleled in the most barbarous Ages, and totally unworthy the Head of a civilized Nation.

He has constrained our fellow Citizens taken Captive on the high Seas to bear Arms against their Country, to become the Executioners of their Friends and Brethren, or to fall themselves by their Hands.

He has excited domestic Insurrections amongst us, and has endeavoured to bring on the Inhabitants of our Frontiers, the merciless Indian Savages, whose known Rule of Warfare, is an undistinguished Destruction, of all Ages, Sexes and Conditions.

In every stage of these Oppressions we have Petitioned for Redress in the most humble Terms: Our repeated Petitions have been answered only by repeated Injury. A Prince, whose Character is thus marked by every act which may define a Tyrant, is unfit to be the Ruler of a free People.

Nor have we been wanting in Attentions to our British Brethren. We have warned them from Time to Time of Attempts by their Legislature to extend an unwarrantable Jurisdiction over us. We have reminded them of the Circumstances of our Emigration and Settlement here. We have appealed to their native Justice and Magnanimity, and we have conjured them by the Ties of our common Kindred to disavow these Usurpations, which, would inevitably interrupt our Connections and Correspondence. They too have been deaf to the Voice of Justice and of Consanguinity. We must, therefore, acquiesce in the Necessity, which denounces our Separation, and hold them, as we hold the rest of Mankind, Enemies in War, in Peace, Friends.

We, therefore, the Representatives of the UNITED STATES OF AMERICA, in GENERAL CONGRESS, Assembled, appealing to the Supreme Judge of the World for the Rectitude of our Intentions, do, in the Name, and by Authority of the good People of these Colonies, solemnly Publish and Declare, That these United Colonies are, and of Right ought to be, FREE AND INDEPENDENT STATES; that they are absolved from all Allegiance to the British Crown, and that all political Connection between them and the State of Great-Britain, is and ought to be totally dissolved; and that as FREE AND INDEPENDENT STATES, they have full Power to levy War, conclude Peace, contract Alliances, establish Commerce, and to do all other Acts and Things which INDEPENDENT STATES

may of right do. And for the support of this Declaration, with a firm Reliance on the Protection of divine Providence, we mutually pledge to each other our Lives, our Fortunes, and our sacred Honor.

The 56 signatures on the Declaration appear in the positions indicated:

[Column 1]

Georgia: Button Gwinnett Lyman Hall George Walton

[Column 2]

North Carolina: William Hooper Joseph Hewes John Penn

South Carolina: Edward Rutledge Thomas Heyward, Jr. Thomas Lynch, Jr. Arthur Middleton

[Column 3]

Massachusetts: John Hancock

Maryland: Samuel Chase William Paca Thomas Stone Charles Carroll of Carrollton

Virginia: George Wythe Richard Henry Lee Thomas Jefferson Benjamin Harrison Thomas Nelson, Jr. Francis Lightfoot Lee Carter Braxton

[Column 4]

Pennsylvania: Robert Morris Benjamin Rush Benjamin Franklin John Morton George Clymer James Smith George Taylor James Wilson George Ross

Delaware: Caesar Rodney George Read Thomas McKean

[Column 5]

New York: William Floyd Philip Livingston Francis Lewis Lewis Morris

New Jersey: Richard Stockton John Witherspoon Francis Hopkinson John Hart Abraham Clark

[Column 6]

New Hampshire: Josiah Bartlett William Whipple

Massachusetts: Samuel Adams John Adams Robert Treat Paine Elbridge Gerry

Rhode Island: Stephen Hopkins William Ellery

Connecticut: Roger Sherman Samuel Huntington William Williams Oliver Wolcott

New Hampshire: Matthew Thornton

The Declaration of Independence, Today and in the Beginning

Robert Maranto

Let interests clash and argument prosper. The vitality of the Declaration of Independence rests upon the readiness of the people and their leaders to discuss its implications and to make the crooked ways straight, not in the mummified paper curiosities lying in state at the Archives...

Pauline Maier²⁷⁷

The Declaration of Independence has been described as the best known and most loved document of American government. As Political Scientist John Rohr points out, many Americans are shocked to learn that the first lines of the Declaration of Independence are not part of the Constitution.²⁷⁸ Americans treat the Declaration as a saintly relic. The original document lies at the National Archives, protected within a massive, bulletproof glass container filled with inert helium. At night it is put to bed in a 55 ton vault meant to survive anything, including nuclear war. It is visited by thousands annually. As historian Pauline Maier has written, to many Americans, the Declaration of Independence, the Constitution, and the Bill of rights, are “sacred” texts handed down by the race of giants, the Founding Fathers.²⁷⁹

Yet the story of the actual Declaration is more complex and more interesting. The Declaration was not simply the work of Thomas Jefferson; rather it reflected the efforts of many thinkers and writers, and of a Continental Congress which, much to Jefferson’s chagrin, shortened and much improved his draft. The story of the Declaration shows that even from the beginning America was a restless nation. From the start, Americans were at work in their local communities supplying boundless energy and innovation to causes both local and national, in ways seldom controlled by government. The story also shows that whether in 1776 or 1999, American politics involves egos and ambition, but also ideas and idealism. Finally, the story of the Declaration shows that in any age, the efficient and honest administration of government matters. Most of the complaints against King George were administrative complaints. The Founders promised that they would do a better job of public administration than the King. This promise led to their success in battle and ultimately in building a new nation.

This essay will outline the causes of the Revolutionary War, the development of the Declaration of Independence, and what the Declaration’s history and content says about the American political system.

Causes of Revolution

²⁷⁷ Maier, Pauline. 1997. American Scripture: Making the Declaration of Independence. New York: Vintage Books, p. 215.

²⁷⁸ 1995. Founding Republics in France and America. Lawrence: University Press of Kansas, p. 148.

²⁷⁹ Maier, op.cit.

The war with Britain was long in coming. Particularly since 1764, Americans resented their British colonial governors, taxes and tax collectors, trade restrictions, and administrative inconveniences. Colonial governors were appointed by and accountable to the British government, and often clashed with locally elected colonial legislatures.²⁸⁰ In some respects, British-American success in the French and Indian War led to the American Revolution. Previously, Americans feared Catholic domination of the North American continent from the French or Spanish. After the French defeat, the colonists felt secure without British defense. And that defense was increasingly expensive. To pay its war debt, Britain levied expensive and highly inconvenient taxes on such staples as tea and molasses and on legal transactions. The British government also took a more direct role in American affairs. Parliament passed Quartering Acts in 1765 and 1774, requiring colonial subjects to quarter troops. Under the 1774 Administration of Justice Act, colonial offenders could be tried in Britain. This had the potential of undermining American judicial systems.²⁸¹

In short, Americans wanted to safeguard the self-government they had grown used to, resenting perceived incursions from the Crown. As deTocqueville wrote, “{t}he Revolution in the United States was caused by a mature and thoughtful taste for freedom, not by some vague, undefined instinct for independence.”²⁸² Perhaps even more important, as Political Scientist James Q. Wilson has pointed out, many of the colonists’ complaints against the King involved matters of public administration. To justify the American Revolution to the colonists and to the world, the Declaration of Independence denounced the King for numerous administrative and political failings, which Jefferson lists in ascending order of importance:

“he has called together legislative bodies at place unusual, uncomfortable & distant from the depository of their public records, for the sole purpose of fatiguing them into compliance with his measures...

he has obstructed the administration of justice by refusing his assent to laws for establishing judiciary powers.

he has made judges dependent on his will alone, for the tenure of their offices, and the amount and payment of their salaries.

he has erected a multitude of new offices & sent hither swarms of officers to harass our people, and eat out their substance.

²⁸⁰ Carl Becker. 1970. The Declaration of Independence. New York: Vintage Books, pp. 80-83. See also pp. 21-24 in Charles S. Sydnor. 1965. American Revolutionaries in the Making. New York: Free Press.

²⁸¹ Maier, op.cit. 28-29, 118. Becker op.cit. 80-88.

²⁸² Alexis deTocqueville. 1988 (originally 1848). Democracy in American. New York: Harper & Row, p. 72.

he has kept among us, in time of peace, standing armies without the consent of our legislatures.

he has affected to render the military independent of, & superior to, the civil power...

he has combined with others to subject us to a jurisdiction foreign to our constitution and unacknowledged²⁸³ by our laws; giving his assent to their acts of pretended legislation for quartering large bodies of armed troops among us; for protecting them by a mock-trial from punishment for any murders which they should commit on the inhabitants of these states; for cutting off trade with all parts of the world; for imposing taxes on us without our consent..."²⁸⁴

In the manner of a lawyer's brief, the founders justified their cause to other Americans and to the world. Theirs was a true revolution forced by principles, not a rebellion to satisfy individual ambition. Carl Becker writes:

The grievances against the King occupy so much space that one is apt to think of them as the main theme. Such is not the case. The primary purpose of the Declaration was to convince a candid world that the colonies had a moral and legal right to separate from Great Britain...the idea around which Jefferson built the Declaration was that the colonists were not rebels against established political authority, but a free people maintaining long established and imprescriptible rights against a usurping king.²⁸⁵

In short, King George III did not supply the sort of government Americans wanted and did not provide means to change that government. As the Declaration declares:

In every stage of the oppressions, we have petitioned for redress in the most humble terms; our repeated petitions have been answered only by a repeated injury. A prince whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of free people.

283 As commonly spelled in the 1700s.

284 As Maier (109-16) points out, many of the charges against the Crown were much vaguer, such as "he has forbidden his governors to pass laws of immediate & pressing importance, unless suspended in their operation till his assent should be obtained; and when so suspended, he has utterly neglected to attend to them...." Such charges puzzled pro-British Loyalists, and modern historians.

285 Becker, *op.cit.* 203. See also Bernard Bailyn. 1967. The Ideological Origins of the American Revolution. Cambridge: Harvard University Press, 152-57.

In fairness to George III, colonists never petitioned to change many of the complaints listed.²⁸⁶ Rather, by the time of the Declaration of Independence, Jefferson and other writers of the Declaration were seeking ways to justify a war which had already begun.

Indeed, the Revolutionary War started even though most of America's leaders (and perhaps most of the people) wanted to remain British, though with less control by Parliament. Initially, even relatively radical members of the Continental Congress such as Thomas Jefferson were reluctant to advocate separation from Britain. As Jefferson wrote in a letter to a friend in 1775, he wanted reunion and "would rather be in dependence on Great Britain, properly limited, than on any other nation on earth, or on no nation."²⁸⁷

The original purpose of the Continental Congress was not separation, but rather to petition for the settlement of grievances with the Crown. On adjourning in October 1774, the first Continental Congress determined to meet again the following year only if Britain did not address American grievances. Even such hotheads as John Hancock left wiggle room in their public and private statements, so as not to seem to lobby for war. Yet politicians' fears of war and desires to remain with Britain were overtaken by events: the actions and reactions of American patriots and British officers. In New England, in particular, thousands of men joined local militia units to protect their communities and states against British incursions. In April 1775, British troops clashed with local militia at Lexington and Concord. After the battles, some British troops committed atrocities while retreating to Charlestown. In May, troops under Ethan Allen and Benedict Arnold seized British Fort Ticonderoga, New York - without any instructions to do so from Congress. Indeed, Congress ordered that the ordinance taken from the Fort be catalogued for return to the British once the presumably brief unpleasantness was settled. It was not to be. The very next month, American militia besieged British forces in Boston, again on their own initiative, without congressional guidance. The British took Bunker Hill in response, suffering heavy losses. While the battle was going on, Congress passed a series of measures to bring the militia in New England under its control, to set up a military supply and personnel system, and to place a respected member of Congress with some military experience, George Washington, in charge of the new army.

Even then, most members of Congress did not favor independence. As John Adams complained at the time, and reformers even today lament:

American is a great, unwieldy body. Its progress must be slow. It is like a large fleet sailing under convoy. The fleetest sailors must wait for the dullest and slowest.²⁸⁸

286 Maier *op.cit.* 115-16. See also Becker, 1970.

287 Quoted in Maier, 21.

288 Maier, p. 17, see also pp. 9-19. Also see Becker *op.cit.* 125.

Increasingly, however, British military action and American reporting of it pushed elite and popular opinion towards revolution. King George III reacted to the American military moves, particularly a campaign to invade Canada, by raising taxes to enlarge his military. In August, he refused to receive formally an “Olive Branch Petition” from Congress. In November, British naval forces bombarded Falmouth (now called Portland) Maine. In December, George III approved a proclamation allowing the British navy to impress American ships and attack American ports. In January 1776, Virginia Colonial Governor Dunmore destroyed Norfolk. Pamphlets and newspapers spread news of the war across the colonies, inflaming passions.²⁸⁹ (Of course, the modern press is no more restrained.)

Most damning of all, in early May 1776, Congress learned from a British newspaper that George III paid German nobles (contractors, as it were) to send thousands of foreign troops to America to help subdue the colonists. A few weeks later, a British whistleblower provided the Continental Congress with copies of treaties between King George and his German partners. Almost immediately, the treaties were published in Pennsylvania newspapers! As result, for the first time the Continental Congress began to openly attack George III. Previously, the King had been above politics: Congress instead denounced Parliament or particular colonial governors and generals, while wishing the King success and good health. By attacking the King, the colonists were declaring their independence from the British empire. It was all the easier to renounce the King because Americans knew that many British politicians, intellectuals, and business leaders supported their demands. Only the stubborn George III and a parliamentary majority held firm.²⁹⁰

289 Ibid. 27-28.

290 Ibid. 35-39. For example, the father of economics and author of The Wealth of Nations, Adam Smith, backed American claims. There is some evidence that internal division kept the British from prosecuting the war as aggressively as George III wished.

The Drafting of the Declaration

Just as the war with Britain started in many places rather than at the direction of Congress, so too the Declaration of Independence bubbled up from localities more than it came down from the capital. As Pauline Maier finds, all across America, more than 90 states, cities, and local associations (such as militia units, guilds, and grand juries) issued their own declarations of independence from Britain in 1776 in the months before the Congressional version. These state and local declarations influenced congressional deliberations and actions. Some were patterned after the 1689 English Declaration of Rights, which formally ended closed the reign of King James II, or similar documents justifying regime changes throughout British history.²⁹¹

Once the Continental Congress decided on separation from Britain, members immediately realized the need to justify independence to their constituencies and to the world. Like modern federal executives, members of the Continental Congress were busy people juggling many tasks at once, in part because power was decentralized and broadly distributed. Government work was (and remains) work by committee. For example, John Adams found himself working eighteen hour days to keep up with the business of the ninety congressional committees on which he served!²⁹² On a very tight schedule and with no resources, on June 11 1776, Congress appointed a committee of five, Thomas Jefferson, John Adams, Benjamin Franklin, Robert R. Livingston,²⁹³ and Roger Sherman, to prepare a declaration of independence. Franklin, probably the best writer on the Committee, was so sick with gout that he missed most of the meetings. (Another good writer serving in Congress, Pennsylvania's John Dickinson, still opposed independence and thus did not serve on the Committee.) Accordingly, the Committee tasked Jefferson with the arduous work of drafting the Declaration, since he was the best writer available. As is often true of government today, representation was also a factor in Jefferson's selection. The North and particularly New England held much more support for independence than did the South. As a Virginian, Jefferson could gain more support for independence from reluctant southern delegations than could his Yankee peers.²⁹⁴

Jefferson was himself very busy and was given no respite from his work on thirty-four committees. Fortunately, Jefferson was a talented writer with a rare gift for adaptation. In the Eighteenth Century, originality was not prized as it is today. Rather, good writers were expected to borrow widely, integrating well known statements in new ways without the cumbersome

²⁹¹ Maier, 47-55.

²⁹² Michael Nelson. 1982. "A Short, Ironic History of American National Bureaucracy," Journal of Politics 44: 2, 747-78. See in particular pp. 750-51. In fairness, many of these committees lasted for only a few days or weeks.

²⁹³ Ancestor of the former Louisiana Congressman of the same name, who appeared ready to succeed Newt Gingrich as U.S. House Majority Leader before announcing his resignation in December 1998.

²⁹⁴ Becker, op.cit. 135-36; Maier, op.cit., 99-103.

requirements of citation. Jefferson had a number of well known models to draw upon.²⁹⁵ Many of his ideas came from English philosopher John Locke. Locke argued that the legitimacy of government came, not from the divine right of kings, but rather from the consent of the governed. When popular support for a ruler was gone, the people had the right to rebel and set up a new regime.²⁹⁶

More immediately, Jefferson had two texts from which he borrowed heavily. In May and June 1776, Jefferson wrote a preamble to the new Virginia constitution to justify the state's secession from Britain, and this served as a first draft of the Declaration of Independence. Second, Jefferson used a preliminary version of the Virginia Declaration of Rights, which Jefferson's friend, George Mason, wrote for the state's constitutional convention.²⁹⁷ Jefferson's reliance on these and other texts brought criticism from rivals. Of the Declaration of Independence, a jealous but probably accurate John Adams wrote in 1822 that: "There is not an idea in it but what had been hackneyed in Congress for two years before." Jefferson could respond with equal accuracy that:

Richard Henry Lee charged it as copied from Locke's treatise on Government...I know only that I turned to neither book nor pamphlet while writing it. I did not consider it as any part of my charge to invent new ideas altogether and to offer no sentiment which had ever been expressed before.

Though not new to British-American thought, Jefferson's writing certainly captured the sentiments of the day: he wrote a Declaration that expressed the will of the Continental Congress - no mean feat!²⁹⁸

Jefferson showed his draft to Franklin and Adams, and later to Sherman and Livingston. Together, they added three new paragraphs and made 23 additional changes, somewhat clarifying Jefferson's handiwork. The Committee finished its work on June 28. On July 2, Congress affirmed that "these United Colonies are, and of right, ought to be, Free and Independent States," and then sat as a Committee of the Whole to edit the draft Declaration. Surprisingly, Congress as a whole proved a better editor of Jefferson's text than its drafting committee had. Congress shortened the draft by 25%, making it more accurate and clear.²⁹⁹ For example, as Pauline Maier recounts, where Jefferson had accused the King of "unremitting" injuries, Congress changed this to "repeated" injuries, an accusation far easier to prove. Congress cut out the assertion that the King's conduct provided "no solitary fact to contradict the uniform tenor of the rest," again a difficult claim to prove. In general, Congress made

295 Maier, ibid. 103-05.

296 Becker, op.cit. 32-40; 72, 79. The Founders were particularly influenced by Locke's Second Treatise of Government. Political Scientist Donald Devine describes America as a "Lockean Liberal" nation.

297 Maier, op.cit. 104.

298 Becker, op.cit. 24-25.

299 Becker, op.cit. 150-93; Maier, op.cit. 143.

Jefferson's indictment against the King less extreme and more defensible. There was one notable exception: Jefferson's indictment of the King's use of foreign mercenaries to oppress Americans. Here, reflecting the outrage of constituents, Congress made Jefferson's charges more militant, adding a line describing the King's acts as "scarcely paralleled in the most barbarous ages." By modern standards, or even those of the day, not all of Congress's changes were so positive. At the behest of Georgia and South Carolina members, Congress eliminated Jefferson's paragraph attacking British tolerance of the slave trade.³⁰⁰

As a proud author, Jefferson did not appreciate the congressional edit, which he called "these mutilations." A more detached observer, Professor Maier, suggests that just as Jefferson did a fine job putting the sentiments of Congress into words, Congress did a fine job editing Jefferson's text so as to make it shorter and more powerful.³⁰¹ Further, like most government officials today, it was not in Jefferson's power to determine his charge: in drafting the Declaration, he had to act as the agent of the Continental Congress.

300 Maier, op.cit. 145-46.

301 Ibid. 148-49.

The Reception of the Declaration

Only July 4, the Committee of the Whole agreed on the final text of the Declaration of Independence almost unanimously, with only John Dickinson dissenting. John Hancock, the Congress's President, signed the text that day. It is not clear whether other delegates signed the document right away. Perhaps out of caution in the face of British military might, Congress did not send the states official copies of the Declaration of Independence affixed with the names of signers until January 1777, only after American military victories at Trenton and Princeton.³⁰²

Yet the Declaration had some impact almost immediately. Copies were leaked and read before public audiences in Philadelphia almost immediately. On July 8 the first official public readings and celebrations were held in Philadelphia, Easton, and Trenton. In accord with John Hancock's instructions, on July 9 General Washington had the Declaration of Independence read aloud to his officers and men. Through July and August, the Declaration was publicly proclaimed in cities and towns throughout the far-flung nation. Its readings were celebrated with toasts and festivities, and by raucous crowds destroying picture and statues of George III, royal crests, and other symbols of the Crown. One Georgia community staged a mock funeral for the King. Newspapers printed the Declaration, and many subscribers posted their copies at places of honor in their homes.³⁰³

Over the longer term, politics determined the fate of the Declaration. In the Revolutionary War the Declaration was paid little notice, as War events took center stage. After the War the Declaration was largely forgotten, as was Thomas Jefferson's crafting of the document. Through the 1780s, celebrations of July 4 were controlled by the Federalists of George Washington and John Adams. Eager to repair relations with Britain, and eschewing revolution in the wake of the French Revolution's bloody Reign of Terror, the Federalists disdained the Declaration as too "French" sounding and gave it short shrift. In contrast, the Republican (now called Democratic) led by Jefferson began to celebrate the document, and Jefferson's authorship of it. After Jefferson's Republicans came to power in 1800, Independence day ceremonies began to make use of the Declaration. By 1825, the Declaration was celebrated by increasing numbers of books and official portraits, and had become what Pauline Maier calls an "American scripture."³⁰⁴

The Declaration and American Political Thought

Since becoming a symbol of the Founding, and of American patriotism, the Declaration of Independence has served as a model for similar documents. For example, the preambles of

302 Ibid. 150-53.

303 Ibid. 155-60. While most newspapers were in English, at least one American German language paper printed the Declaration. The Marquis de Lafayette hung a copy in his home, leaving a space next to it for what he hoped would be a similar French declaration.

304 Ibid. 168-81. Becker, op.cit. P. 257.

more than 30 state constitutions in part copy the Declaration.³⁰⁵ Particularly familiar is its ringing pronouncement that:

We hold these truths to be self-evident; that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness; that to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it....

Of course, America has not always lived up to these values. As Carl Becker wrote, even during the Revolutionary War English and American abolitionists were quick “to point out a certain discrepancy between the theory which proclaimed all men equal and the practice” which deprived African American slaves of their liberty.³⁰⁶ Indeed, civil rights movements throughout our history have declared America’s need to live up to her ideals as set out in the Declaration of Independence. Regarding the civil service, Professor David Rosenbloom notes that the ideals of the Declaration require commitment to equal hiring and equal treatment in government employment.³⁰⁷

Regarding the political system, the Declaration of Independence and the Constitution together show the so far successful contradictions of the American political system. Jefferson’s Declaration forcefully states that legitimacy is derived from the consent of the governed; failing that, governments can and must be overthrown. As Forrest McDonald has written, the Declaration of Independence sets out first principals for popular government, the values of change and equality. The Constitution fills in the details of how that government would work, a constitutional model to control and channel change, and avoid revolution.³⁰⁸ The tensions between the values of equality and change, and those of property and order, remain alive in American government. Each document has stood the test of time.

305 Becker, op.cit. 239-40.

306 Becker, op.cit. 227. As Becker goes on to note (248-54), slave holders reacted to such views by claiming that Negroes were not men, or that only those who join a contract in society are equal (but not those outside society), or that true equality can occur only in a state of nature. See also Bailyn, op.cit. 237, 246.

307 Rosenbloom, David H. 1971. Federal Service and the Constitution. Ithaca: Columbia University Press, p. 120.

308 Forrest McDonald. 1965. E Pluribus Unum: the Formation of the American Republic. Boston: Houghton Mifflin, 190-91, 235. For a less positive view of the Constitution and a more positive view of the Declaration and Jefferson’s thought generally, see Richard K. Mathews. 1984. The Radical Politics of Thomas Jefferson. Lawrence: University Press of Kansas.

THE ARTICLES OF CONFEDERATION

Agreed to by Congress November 15, 1777; ratified and in force, March 1, 1781

Congress resolved June 11, 1776, that a committee should be appointed to draw up articles of confederation between the Colonies. A plan proposed by John Dickinson formed the basis of the articles as proposed to Congress and, after some debate and a few changes, adopted, November 15, 1777. Representatives of the States signed the Articles during 1778 and 1779; Maryland alone refused to ratify the Articles until Congress had arrived at some satisfactory solution of the land question. The debates on the Articles, Jefferson's Notes on the Debates, and the Official Letter of Congress accompanying the Articles, can be found in Elliot's *Debates* (1861 ed.) Vol. I, p. 69 ff. The Articles of Confederation constituted the first effort of Americans to solve the problem of imperial order, and should be studied in comparison with the Albany Plan of Union and the Constitution. On the Articles of Confederation see, R. Frothingham, *Rise of the Republic of the United States*, ch. Xii; G. Bancroft, *History* Author's last rev. Vol. V, ch. Xiv; A. C. McLaughlin, *Confederation and Constitution*, ch. iii; G. T. Curtis, *Constitutional History of the United States*, Vol. I.

TO ALL TO WHOM these Presents shall come, we the undersigned Delegates of the States affixed to our Names send greeting. Whereas the Delegates of the United States of America in Congress assembled did on the fifteenth day of November in the Year of our Lord One Thousand Seven Hundred and Seventy seven, and in the Second year of the Independence of America agree to certain articles of Confederation and perpetual Union between the States of Newhampshire, Massachusetts-bay, Rhodeisland and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina, South- Carolina and Georgia in the Words following, viz. "Articles of Confederation and perpetual Union between the states of Newhampshire, Massachusetts-bay, Rhodeisland and Providence Plantations, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina and Georgia.

Art. I. The Stile of this confederacy shall be "The United States of America."

Art. II. Each state retains its sovereignty, freedom and independence, and every Power, Jurisdiction and right, which is not by this confederation expressly delegated to the United States, in Congress assembled.

Art. III. The said states hereby severally enter into a firm league of friendship with each other, for their common defence, the security of their Liberties, and their mutual and general welfare, binding themselves to assist each other, against all force offered to, or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretence whatever.

Art. IV. The better to secure and perpetuate mutual friendship and intercourse among the people of the different states in this union, the free inhabitants of each of these states, paupers, vagabonds and fugitives from Justice excepted, shall be entitled to all privileges and immunities of free citizens in the several states; and the people of each state shall have free ingress and regress to and from any other states, and shall enjoy therein all the privileges of trade and commerce, subject to the same duties, impositions and restrictions as the inhabitants thereof respectively, provided that such restriction shall not extend so far as to prevent the removal of property imported into any state, to any other state of which the Owner is an inhabitant; provided also that no imposition, duties or restriction shall be laid by any state, on the property of the united states, or either of them.

If any Person guilty of, or charged with treason, felony, or other high misdemeanor in any state, shall flee from Justice, and be found in any of the united states, he shall upon demand of the governor or executive power, of the state from which he fled, be delivered up and removed to the state having jurisdiction of his offence.

Full faith and credit shall be given in each of these states to the records, acts and judicial proceedings of the courts and magistrates of every other state.

Art. V. For the more convenient management of the general interests of the united states, delegates shall be annually appointed in such manner as the legislature of each state shall direct, to meet in Congress on the first Monday in November, in every year, with a power reserved to each state, to recall its delegates, or any of them, at any time within the year, and to send others in their stead, for the remainder of the Year.

No state shall be represented in Congress be less than two, nor by more than seven Members; and no person shall be capable of being a delegate for more than three years in any term of six years; nor shall any person, being a delegate, be capable of holding any office under the united states, for which he, or another for his benefit receives any salary, fees or emolument of any kind.

Each state shall maintain its own delegates in a meeting of the states, and while they act as members of the committee of the states.

In determining questions in the united states, in Congress assembled, each state shall have one vote.

Freedom of speech and debate in Congress shall not be impeached or questioned in any Court, or place out of Congress, and the members of congress shall be protected in their persons from arrests and imprisonments, during the time of their going to and from, and attendance on congress, except for treason, felony, or breach of the peace.

Art. VI. No state without the Consent of the united states in congress assembled, shall send any embassy to, or receive any embassy from, or enter into any conference, agreement, or alliance or treaty with any King, prince or state; nor shall any person holding any office of profit or trust under the united states, or any of them, accept of any present, emolument, office or title of any kind whatever from any king, prince or foreign state; nor shall the united states in congress assembled, or any of them, grant any title of nobility.

No two or more states shall enter into any treaty, confederation or alliance whatever between them, without the consent of the united states in congress assembled, specifying accurately the purposes for which the same is to be entered into, and how long it shall continue.

No state shall lay any imposts or duties, which may interfere with any stipulations in treaties, entered into by the united states in congress assembled, with any king, prince or state, in pursuance of any treaties already proposed by congress, to the courts of France and Spain.

No vessels of war shall be kept up in time of peace by any state, except such number only, as shall be deemed necessary by the united states in congress assembled, for the defence of such state, or its trade; nor shall any body of forces be kept up by any state in time of peace, except such number only, as in the judgment of the united states, in congress assembled, shall be deemed requisite to garrison the forts necessary for the defence of such state; but every state shall always keep up a well regulated and disciplined militia, sufficiently armed and accoutred, and shall provide and constantly have ready for use, in public stores, a due number of field pieces and tents, and a proper quantity of arms, ammunition and camp equipage.

No state shall engage in any war without the consent of the united states in congress assembled, unless such state be actually invaded by enemies, or shall have received certain advice of a resolution being formed by some nation of Indians to invade such state, and the danger is so imminent as not to admit of a delay, till the united states in congress assembled can be consulted: nor shall any state grant commissions to any ships or vessels of war, nor letters of marque or reprisal, except it be after a declaration of war by the united states in congress assembled, and then only against the kingdom or state and the subjects thereof, against which war has been so declared, and under such regulations as shall be established by the united states in congress assembled, unless such state be infested by pirates, in which case vessels of war may be fitted out for that occasion, and kept so long as the danger shall continue, or until the united states in congress assembled shall determine otherwise.

Art. VII. When land-forces are raised by any state for the common defence, all officers of or under the rank of colonel, shall be appointed by the legislature of each state respectively by whom such forces shall be raised, or in such manner as such state shall direct, and all vacancies shall be filled up by the state which first made the appointment.

Art. VIII. All charges of war, and all other expences that shall be incurred for the common defence or general welfare, and allowed by the united states in congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several states, in proportion to the value of all land within each state, granted to or surveyed for any Person, as such land and the buildings and improvements thereon shall be estimated according to such mode as the united states in congress assembled, shall from time to time direct and appoint. The taxes for paying that proportion shall be laid and levied by the authority and direction of the legislatures of the several states within the agreed upon by the united states in congress assembled.

Art. IX. The united states in congress assembled, shall have the sole and exclusive right and power of determining on peace and war, except in the cases mentioned in the sixth article-of sending and receiving ambassadors-entering into treaties and alliances, provided that no treaty of commerce shall be made whereby the legislative power of the respective states shall be restrained from imposing such imposts and duties on foreigners, as their own people are subjected to, or from prohibiting the exportation or importation of any species of goods or commodities whatsoever-of establishing rules for deciding in all cases, what captures on land or water shall be legal, and in what manner prizes taken by land or naval forces in the service of the united states shall be divided or appropriated-of granting letters of marque and reprisal in times of peace-appointing courts for the trial of piracies and felonies committed on the high seas on establishing courts for receiving and determining finally appeals in all cases of captures, provided that no member of congress shall be appointed a judge of any of the said courts.

The united states in congress assembled shall also be the last resort on appeal in all disputes and differences now subsisting or that hereafter may arise between two or more states concerning boundary, jurisdiction or any other cause whatever; which authority shall always be exercised in the manner following. Whenever the legislative or executive authority or lawful agent of any state in controversy with another shall present a petition to congress stating the matter in question and praying for a hearing, notice thereof shall be given by order of congress to the legislative or executive authority of the other state in controversy, and a day assigned for the appearance of the parties by their lawful agents, who shall then be directed to appoint by joint consent, commissioners or judges to constitute a court for hearing and determining the matter in question: but if they cannot agree, congress shall name three persons out of each of the united states, and from the list of such persons each party shall alternately strike out one, the petitioners beginning, until the number shall be reduced to thirteen; and from that number not less than seven, nor more than nine names as congress shall direct, shall in the presence of congress be drawn out by lot, and the persons whose names shall be so drawn or any five of them, shall be commissioners or judges, to hear and finally determine the controversy, so always as a major part of the judges who shall hear the cause shall agree in the determination: and if either party shall neglect to attend at the day appointed, without shewing reasons, which congress shall judge sufficient, or being present shall refuse to strike, the congress shall proceed to nominate three persons out of each state, and the secretary of congress shall strike in behalf of such party absent or refusing; and the judgment and sentence of the court to be appointed, in the manner before prescribed, shall be final and conclusive; and if any of the parties shall refuse to submit to the authority of such court, or to appear to defend their claim or cause, the court shall nevertheless proceed to pronounce sentence, or judgment, which shall in like manner be final and decisive, the judgment or sentence and other proceedings being in either case transmitted to congress, and lodged among the acts of congress for the security of the parties concerned: provided that every commissioner, before he sits in judgment, shall take an oath to be administered by one of the judges of the supreme or superior court of the state, where the cause shall be tried, "well and truly to hear and determine the matter in question, according to the best of his judgment, without favour, affection or hope or reward:" provided also that no state shall be deprived of territory for the benefit of the united states.

All controversies concerning the private right of soil claimed under different grants of two or more states, whose jurisdictions as they may respect such lands, and the states which passed such grants are adjusted, the said grants or either of them being at the same time claimed to have originated antecedent to such settlement of jurisdiction, shall on the petition of either party to the congress of the united states, be finally determined as near as may be in the same manner as is before prescribed for deciding disputes respecting territorial jurisdiction between different states.

The united states in congress assembled shall also have the sole and exclusive right and power of regulating the alloy and value of coin struck by their own authority, or by that of the respective states-fixing the standard of weights and measure throughout the united states-regulating the trade and managing all affairs with the Indians, not members of any of the states, provided that the legislative right of any state within its own limits be not infringed or violated-establishing and regulating post-offices from one state to another, throughout all the united states, and exacting such postage on the papers passing thro' the same as may be requisite to defray the expences of the said office-appointing all officers of the land forces, in the service of the united states, excepting regimental officers-appointing all the officers of the naval forces, and

commissioning all officers whatever in the service of the united states-making rules for the government and regulation of the said land and naval forces, and directing their operations.

The united states in congress assembled shall have authority to appoint a committee, to sit in the recess of congress, to be denominated "A Committee of the States," and to consist of one delegate from each state; and to appoint such other committees and civil officers as may be necessary for managing the general affairs of the united states under their direction-to appoint one of their number to preside, provided that no person be allowed to serve in the office of president more than one year in any term of three years; to ascertain the necessary sums of Money to be raised for the service of the united states, and to appropriate and apply the same for defraying the public expences-to borrow money, or emit bills on the credit of the united states, transmitting every half year to the respective states an account of the sums of money so borrowed or emitted,-to build and equip a navy-to agree upon the number of land forces, and to make requisitions from each state for its quota, in proportion to the number of white inhabitants in such state; which requisition shall be binding, and thereupon the legislature of each state shall appoint the regimental officers, raise the men and cloath, arm and equip them in a soldier like manner, at the expence of the united states, and the officers and men so cloathed, armed and equipped shall march to the place appointed, and within the time agreed on by the united states in congress assembled: But if the united states in congress assembled shall, on consideration of circumstances judge proper that nay state should not raise men, or should raise a smaller number than its quota, and that nay other state should raise a greater number of men than the quota thereof, such extra number shall be raised, officered, cloathed, armed and equipped in the same manner as the quota of such state, unless the legislature of such state shall judge that such extra number cannot be safely spared out of the same, in which case they shall raise officer, cloath, arm and equip as many of such extra number as they judge can be safely spared. And the officers and men so cloathed, armed and equipped, shall march to the place appointed, and within the time agreed on by the united states in congress assembled.

The united states in congress assembled shall never engage in a war, nor grant letters of marque and reprisal in time of peace, nor enter into any treaties or alliances, nor coin money, nor regulate the value thereof, nor ascertain the sums and expences necessary for the defence and welfare of the united states, or any of them, nor emit bills, nor borrow money on the credit of the united states, nor appropriate money, nor agree upon the number of vessels of war, to be built or purchased, or the number of land or sea forces to be raised, nor appoint a commander in chief of the army or navy, unless nine states assent to the same: nor shall a question on any other point, except for adjourning from day to day be determined, unless by the votes of a majority of the united states in congress assembled.

The congress of the united states shall have power to adjourn to any time within this year, and to any place within the united states, so that no period of adjournment be for a longer duration than the space of six Months, and shall publish the Journal of their proceedings monthly, except such parts thereof relating to treaties, alliances or military operations as in their judgment require secrecy; and the yeas and nays of the delegates of each state on any question shall be entered on the Journal, when it is desired by any delegate; and the delegates of a state, or any of them, at his or their request shall be furnished with a transcript of the said Journal, except such parts as are above excepted, to lay before the legislatures of the several states.

Art. X. The committee of the states, or any nine of them, shall be authorised to execute, in the recess of congress, such of the powers of congress as the united states in congress assembled, by the consent of nine states, shall from time to time think expedient to vest them with; provided that no power be delegated to the said committee, for the exercise of which, by the articles of confederation, the voice of nine states in the congress of the united states assembled is requisite.

Art. XI. Canada acceding to this confederation, and joining in the measures of the united states, shall be admitted into, and entitled to all the advantages of this union: but no other colony shall be admitted into the same, unless such admission be agreed to by nine states.

Art. XII. All bills of credit emitted, monies borrowed and debts contracted by, or under the authority of congress, before the assembling of the united states, in pursuance of the present confederation, shall be deemed and considered as a charge against the united states, for payment and satisfaction whereof the said united states, and the public faith are hereby solemnly pledged.

Art. XIII. Every state shall abide by the determinations of the united states in congress assembled, on all questions which by this confederation are submitted to them. And the Articles of this confederation shall be inviolably observed by every state, and the union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them; unless such alteration be agreed to in a congress of the united states, and be afterwards confirmed by the legislatures of every state.

AND WHEREAS it hath please the Great Governor of the World to incline the hearts of the legislatures we respectively represent in congress, to approve of, and to authorize us to ratify the said articles of confederation and perpetual union. KNOW YE that we under-signed delegates, by virtue of the power and authority to us given for that purpose, do by these presents, in the name and in behalf of our respective constituents, fully and entirely ratify and confirm each and very of the said articles of confederation and perpetual union, and all and singular the matter and things therein contained: And we do further solemnly plight and engage the faith of our respective constituents, that they shall abide by the determinations of the united states in congress assembled, on all questions, which by the said confederation are submitted to them. And that the articles thereof shall be inviolably observed by the states we respectively represent, and that the union shall be perpetual. In Witness whereof we have hereunto set our hands in Congress. Done at Philadelphia in the state of Pennsylvania the ninth Day of July in the Year of our Lord one Thousand seven Hundred and Seventy-eight, and in the third year of the independence of America.

Hamilton's Concerns About the Articles of Confederation

The following is excerpted from a letter Alexander Hamilton wrote to Congressman James Duane. In it, Hamilton presents his critique of the Articles of Confederation.

*To James Duane*³⁰⁹

[Liberty Pole, New Jersey, September 3, 1780]

Dr. Sir

Agreeably to your request and my promise I sit down and give you my ideas of the defects of our present system, and the changes necessary to save us from ruin. They may perhaps be the reveries of a projector rather than the sober views of a politician. You will judge of them, and make what use you please of them.

The fundamental defect is a want of power in Congress. It is hardly worth while to show in what this consists, as it seems to be universally acknowledged, or to point out how it has happened, as the only question is how to remedy it. It may however be said that it has originated from three causes—an excess of the spirit of liberty which has made the particular states show a jealousy of all power not in their own hands; and this jealousy has led them to exercise a right of judging in the last resort of the measures recommended by Congress, and of acting according to their own opinions of their propriety or necessity, a diffidence in Congress of their own powers, by which they have been timid and indecisive in their resolutions, constantly making concessions to the states, till they have scarcely left themselves the shadow of power; a want of sufficient means at their disposal to answer the public exigencies and of vigor to draw forth those means; which have occasioned them to depend on the states individually to fulfil their engagements with the army, and the consequences of which has been to ruin their influence and credit with the army, to establish its dependence on each state separately rather than *on them*, that is rather than on the whole collectively.

It may be pleaded, that Congress had never any definitive powers granted to them and of course could exercise none—could do nothing more than recommend. The manner in which Congress was appointed would warrant, and the public good required, that they should have considered themselves as vested with full power *to preserve the republic from harm*. They have done many of the highest acts of sovereignty, which were always cheerfully submitted to—the declaration of independence, the declaration of war, the levying an army, creating a navy,

309 This letter was enclosed in another from Hamilton to Duane, September 6, 1780.

emitting money, making alliances with foreign powers, appointing a dictator &c. &c.-all these implications of a complete sovereignty were never disputed, and ought to have been a standard for the whole conduct of Administration. Undefined powers are discretionary powers, limited only by the object for which they were given-in the present case, the independence and freedom of America. The confederation made no difference; for as it has not been generally adopted, it had no operation. But from what I recollect of it, Congress have even descended from the authority which the spirit of that act gives them, while the particular states have no further attended to it than as it suited their pretensions and convenience. It would take too much time to enter into particular instances, each of which separately might appear inconsiderable; but united are of serious import. I only mean to remark, not to censure.

But the confederation itself is defective and requires to be altered; it is neither fit for war, or peace. The idea of an uncontrollable sovereignty in each state, over its internal police, will defeat the other powers given to Congress, and make our union feeble and precarious. There are instances without number, where acts necessary for the general good, and which rise out of the powers given to Congress must interfere with the internal police of the states, and there are as many instances in which the particular states by arrangements of internal police can effectually though indirectly counteract the arrangements of Congress. You have already had examples of this for which I refer you to your own memory.

The confederation gives the states individually too much influence in the affairs of the army; they should have nothing to do with it. The entire formation and disposal of our military forces ought to belong to Congress. It is an essential cement of the union; and it ought to be the policy of Congress to destroy all ideas of state attachments in the army and make it look up wholly to them. For this purpose all appointments promotions and provisions whatsoever ought to be made by them. It may be apprehended that this may be dangerous to liberty. But nothing appears more evident to me, than that we run much greater risk of having a weak and disunited federal government, than one which will be able to usurp upon the rights of the people. Already some of the lines of the army would obey their states in opposition to Congress notwithstanding the pains we have taken to preserve the unity of the army-if anything would hinder this it would be the personal influence of the General, a melancholy and mortifying consideration.

The forms of our state constitutions must always give them great weight in our affairs and will make it too difficult to bend them to the pursuit of a common interest, too easy to oppose whatever they do not like and to form partial combinations subversive of the general one. There is a wide difference between our situation and that of an empire under one simple form of government, distributed into countries provinces or districts, which have no legislatures but merely magistral bodies to execute the laws of a common sovereign. Here the danger is that the sovereign will have too much power to oppress the parts of which it is composed. In our case, that of an empire composed of confederated states each with a government completely organised within itself, having all the means to draw its subjects to a close dependence on itself-the danger is directly the reverse. It is that the common sovereign will not have power sufficient to unite the different members together, and direct the common forces to the interest and happiness of the whole.

The leagues among the old Grecian republics are a proof of this. They were continually at war with each other, and for want of union fell a prey to their neighbours. They frequently held general councils, but their resolutions were no further observed than as they suited the interests and inclinations of all the parties and at length, they sunk intirely into contempt.

The Swiss-cantons are another proof of the doctrine. They have had wars with each other which would have been fatal to them, had not the different powers in their neighbourhood been too jealous of one-another and too equally matched to suffer either to take advantage of their quarrels. That they have remained so long united at all is to be attributed to their weakness, to their poverty, and to the cause just mentioned. These ties will not exist in America; a little time hence, some of the states will be powerful empires, and we are so remote from other nations that we shall have all the leisure and opportunity we can wish to cut each others throats.

The Germanic corps might also be cited as an example in favour of the position.

The United provinces may be thought to be one against it. But the family of the stadtholders whose authority is interwoven with the whole government has been a strong link of union between them. Their physical necessities and the habits founded upon them have contributed to it. Each province is too inconsiderable by itself to undertake any thing. An analysis of their present constitutions would show that they have many ties which would not exist in ours; and that they are by no means a proper mode for us.

Our own experience should satisfy us. We have felt the difficulty of drawing out the resources of the country and inducing the states to combine in equal exertions for the common cause. The ill success of our last attempt is striking. Some have done a great deal, others little or scarcely any thing. The disputes about boundaries &c. testify how flattering a prospect we have of future tranquility, if we do not frame in time a confederacy capable of deciding the differences and compelling the obedience of the respective members.

The confederation too gives the power of the purse too intirely to the state legislatures. It should provide perpetual funds in the disposal of Congress-by a land tax, poll tax, or the like. All imposts upon commerce ought to be laid by Congress and appropriated to their use, for without certain revenues, a government can have no power; that power, which holds the purse strings absolutely, must rule. This seems to be a medium, which without making Congress altogether independent will tend to give reality to its authority.

Another defect in our system is want of method and energy in the administration. This has partly resulted from the other defect, but in a great degree from prejudice and the want of a proper executive. Congress have kept the power too much into their own hands and have meddled too much with details of every sort. Congress is properly a deliberative corps and it forgets itself when it attempts to play the executive. It is impossible such a body, numerous as it is, constantly fluctuating, can every act with sufficient decision, or with system. Two thirds of the members, one half the time, cannot know what has gone before them or what connection the

subject in hand has to what has been transacted on former occasions. The members, who have been more permanent, will only give information, that promotes the side they espouse, in the present case, and will as often mislead as enlighten. The variety of business must distract, and the proneness of every assembly to debate must at all times delay.

Lately Congress, convinced of these inconveniences, have gone into the measure of appointing boards. But this is in my opinion a bad plan. A single man, in each department of the administration, would be greatly preferable. It would give us a chance of more knowledge, more activity, more responsibility and of course more zeal and attention. Boards partake of a part of the inconveniences of larger assemblies. Their decisions are slower their energy less their responsibility more diffused. They will not have the same abilities and knowledge as an administration by single men. Men of the first pretensions will not so readily engage in them, because they will be less conspicuous, of less importance, have less opportunity of distinguishing themselves. The members of boards will take less pains to inform themselves and arrive to eminence, because they have fewer motives to do it. All these reasons conspire to give a preference to the plan of vesting the great executive departments of the state in the hands of individuals. As these men will be of course at all times under the direction of Congress, we shall blend the advantages of a monarchy and republic in our constitution.

A question has been made, whether single men could be found to undertake these offices. I think they could, because there would be then every thing to excite the ambition of candidates. But in order to this Congress by their manner of appointing them and the line of duty marked out must show that they are in earnest in making these offices, offices of real trust and importance.

I fear a little vanity has stood in the way of these arrangements, as though they would lessen the importance of Congress and leave them nothing to do. But they would have precisely the same rights and powers as heretofore, happily disencumbered of the detail. They would have to inspect the conduct of their ministers, deliberate upon their plans, originate others for the public good-only observing this rule that they ought to consult their ministers, and get all the information and advice they could from them, before they entered into any new measures or made changes in the old.

A third defect is the fluctuating constitution of our army. This has been a pregnant source of evil; all our military misfortunes, three fourths of our civil embarrassments are to be ascribed to it. The General has so fully enumerated this mischief of it in a late letter of the 310 to Congress³¹¹ that I could only repeat what he has said, and will therefore refer you to that letter.

310 Space left blank in MS.

311 Washington to President of Congress, August 20, 1780 (George Washington Papers, Library of Congress).

The imperfect and unequal provision made for the army is a fourth defect which you will find delineated in the same letter. Without a speedy change the army must dissolve; it is now a mob, rather than an army, without clothing, without pay, without provision, without morals, without discipline. We begin to hate the country for its neglect of us; the country begins to hate us for our oppressions of them. Congress have long been jealous of us; we have now lost all confidence in them, and give the worst construction to all they do. Held together by the slenderest ties we are ripening for a dissolution.

The present mode of supplying the army-by state purchases-is not one of the least considerable defects of our system. It is too precarious a dependence, because the states will never be sufficiently impressed with our necessities. Each will make its own ease a primary object, the supply of the army a secondary one. The variety of channels through which the business is transacted will multiply the number of persons employed and the opportunities of embezzling public money. From the popular spirit on which most of the governments turn, the state agents, will be men of less character and, ability, nor will there be so rigid a responsibility among them as there might easily be among those in the employ of the continent, of course not so much diligence care or economy. Very little money raised in the several states will go into the Continental treasury, on pretence, that it is all exhausted in providing the quotas of supplies, and the public will be without funds for the other demands of governments. The expense will be ultimately much greater and the advantages much smaller. We actually feel the insufficiency of this plan and have reason to dread under it a ruinous extremity of want.

These are the principal defects in the present system that now occur to me. There are many inferior ones in the organization of particular departments and many errors of administration which might be pointed out; but the task would be troublesome and tedious, and if we had once remedied those I have mentioned the others would not be attended with much difficulty.

I shall now propose the remedies, which appear to me applicable to our circumstances, and necessary to extricate our affairs from their present deplorable situation.

(Editor's Note: The remainder of the letter, not printed here, consists of Hamilton's suggestions on how to correct the flaws in the existing Articles of Confederation.)