

Denatus, *Virginia Independent Chronicle*, 11 June 1788

To the MEMBERS of the VIRGINIA FEDERAL CONVENTION, collectively, and individually.

GENTLEMEN, Happy in the enjoyment of my own reflections, the tranquility of my neighbours, and the peace and prosperity of every good man, I pass a great part of my time in solitude. At these periods, the fœderal constitution, with the criticisms of the wise upon it, made their appearance. Considering the work itself, I could not bring it within my view. To me, the commentators have bewildered the subject, and hid it from my mind, in impenetrable obscurity. After reading it three times carefully, I formed an opinion, which I still retain, and which, daily, sinks deeper into my belief. That opinion I now lay before you, in hopes that some thought of mine, may be worthy of observation and contribute to the general good.

Men of learning and experience, judge of others with humanity. You have too much liberality, and too great a desire for the improvement of every useful degree of human study, to blame me for this address. Those who determine without reason, may think otherwise: to them I reply,

That all men have as great a right, either together, or in opposition to each other, to reason upon suppositions, as upon facts, and to censure the conduct of men, as to approve it; that evil may be prevented, by the fear of blame and punishment: for all men, in the same society, have a right to enquire into all opinions, to examine all subjects, to represent all grievances, to shew what laws are pernicious or defective, and to lay before the public their sentiments, agreeable to truth. Where this reciprocation is not allowed, social liberty is in a great measure destroyed.—The press is the vehicle of this intelligence—I will enjoy the privilege, and return to the matter in hand.

I object to the said constitution, generally, and specially—but, wish that it may be adopted, and if possible, with amendments.—This appears strange. Be pleased to suspend your opinions, until you hear my reasons.

I renounce it entirely, because, in my opinion, it was composed without any legal authority. As far as I can learn, the express purpose of the convention was, to revise and amend, the articles of the union. Instead of this, which they had law to do, they followed their own imaginations, contrary to law. Instead of repairing the old and venerable fabrick, which sheltered the United States, from the dreadful and cruel storms of a tyrannical British ministry, they built a stately palace after their own fancies, and in every convenient part of the floor, and of the foundation, securely planted the seeds of monarchy. In the equity of things, it avails nothing, to say, if the people do not like it, they may let it alone. The innovation, and the injury to public justice, is still the same. Had they preserved only one article of the union, and built the present constitution to it, the objection of innovation would be unreasonable: But they have done what you know. A more fatal innovation may be made at a future day, for as Junius says, “one precedent creates another, they soon accumulate and constitute law—What yesterday was

fact, to-day is doctrine—Examples are supposed to justify the most dangerous measures, and where they do not suit exactly, the defect is supplied by analogy.”

Supposing the above objection had never existed. I remonstrate against the constitution, because, to me it appears incomprehensible and indefinite. For these divine attributes, its pious friends, say, by way of encomium, that it is a gift from heaven—Such observers know very little of gifts from heaven: but enthusiasts must rave. I will venture to make a bold observation here I think the sun never shone upon a man that could take it within his view—No being, that we have any knowledge of, but the Deity, can see through it—God, the first cause of all things, sees through the whole down to the final effect.—Contracted man, takes the effect, and struggles up to the cause; then, along the steps he has ascended, looks down to the effect again—This is the way that mechanics regulate their ideas.—A millwright stands at the water-wheel, and mentally sees the cause and effect of every movement in a complicated flour-mill, regularly on to the meal-trough—he then understands the machinery—If he cannot see, regularly along to the meal-trough, he does not understand it.—The water, is the cause of every movement—The mechanic knows how every thing will happen—The constitution, if adopted, will be the cause acting upon the conduct of men and nations.—And where is the man who can see through the constitution to its effects? The constitution of a wise and free people, ought to be as evident to simple reason, as the letters of our alphabet—This constitution I think is calculated for men of high monarchical principles, and to swallow up the constitutions of the different states.

Human nature ever hath, is, and will be the same, while this world continues under the same divine law.—History in all ages, affords instances of this truth too shocking to be mentioned. Let any man examine his own mind, and he will discover a mixture of democratical, aristocratical, and monarchical principles; and perhaps I would not be far wrong, to add, despotic and tyrannical.—Let whoever doubts of this, turn his attention sharply, to any man he is acquainted with.—Suppose then, the simile is directly in point.—That an uncommonly strong man possessed of every implement of war, and thirteen weak men, but denied the use of any weapon of defence, were to receive a grant of lands, in some uninhabited part of the world, and by mutual agreement, proposed by this same strong man to be governed by him, in such a manner, that no matter what any of them did, or might desire to do, for the happiness of all,—it could be of no effect, unless it agreed at that time with his peculiar cast of mind, because, not *their* voices, but *his*, must be the *supreme law of the land*.—Would not these thirteen men be very simple.—And if this mighty strong man would twist their heads off, some day in his wrath—Is it not what might be naturally expected? I’ll tell you how he would act. Common decency, and the shame which naturally attends the outset of an unjustifiable course of life, would induce him to exercise in conjun[n]ction, those attributes of his soul, which were the purer parts of democracy, aristocracy, and monarchy. This time would be the happiest of their days.—By and by the latent qualities of power, and hatred of restraint, having gathered strength, from time, and conscious superiority, would bury democracy, and incline him to move the land mark a little. The people remonstrate against the encroachment—The aristocrat, makes a parade of bombastical wisdom, says the land-mark was not evidently fixed upon the face of the ground, but only ideal—The people seem satisfied.—He studies their imbecility, and moveth the land-mark a little farther.—The people exclaim against this violation of plighted

faith—By this time he has become a monarch in his own intentions, claps his hand on his sword to unarmed men, gives a stamp, and moveth the land mark farther still.—The people exclaim to heaven against him for redress, and say, that to each man he promised to *guarantee* the full possession of his property—Guarantee! says the tyrant, true I did, but you see now, I do not choose to do it, and where is the power to compel me? Heaven is neuter in this second dispute.—The genius of real liberty, who had waded through seas of blood to crush oppression and licentiousness, whispers these to unhappy men. The tyrant perceives the conference, draws his sword, and pronounces the following words—You see I have the command of every weapon of war. I am a man mighty in battle: You are destitute of any thing to defend yourselves. I have every necessary for two years; you can command nothing; and if you do not quietly relinquish the whole of your possessions, into my management, before the end of twelve months I will sacrifice you as a striking example to succeeding ages, that those people who inconsiderately resign their natural rights into the hands of others may expect the same fate.

I object to it also, because, it appears to be a huddled piece of work: and (that in the general bustle) they forgot to put a bill of rights to it. A bill of rights! say Mr. Wilson and others, to confederated powers, is unnecessary—Very truly, to powers properly confederated, but this is no confederation. It is a national government, i. e. through a little time, the incroachment will so prevail, that the fœderal constitution will expunge entirely the state constitutions—It appears to be a confederation now, but the monarch who is asleep in its bosom, at a convenient time, will awaken with a vengeance!—There would be no need of a bill of rights, were the states properly confederated. The land-mark clearly drawn between the powers that give, and the power given:—And where the remaining parts of the powers that give, are ever to be held sacred by the power given. The remaining parts of the powers that give, or the residue, of our state constitutions, would be a bill of rights, to the power given, or the fœderal constitution. Had this distinction been clearly fixed, so as to prevent any future controversy, the constitution in question, would have been a glorious, and an immortal example of human wisdom. But alas! this is not the case—There is no barrier to the power of the fœderal constitution. It will easily overleap our state constitutions with impunity. When this comes to be the case, and the fœderal constitution sovereign in all things, we ought to have a bill of rights, to save us from oppression. The want of this, is of an alarming nature, and I hope will be one of your amendments.

Had the creator of the universe thought proper to form mankind without selfish and dissocial passions, I think I can maintain, that we would be happy, and in little need of human government. Reason, or the internal voice of infinite wisdom, would be the sole conductor of man.—But for purposes best known to this almighty sovereign of pure goodness and order, we are subject to many jarring propensities. Among these, vanity, ambition, and the love of riches, are not the least.—While reason and conscience can confine the passions, their action and reaction on each other, constitute human happiness. But, when they overcome reason and conscience, they produce our misery. To guard against this misfortune, as much as human foresight could discover, ought to have been the chief business of the late Fœderal Convention. This necessary and heavy part of the work is not mentioned in the constitution, and for this

reason I object to it—Some will say this is no objection—It would have been simple in the convention to debate on preventing those things which have no being, and which, if necessary, may be done by Congress at a future period. I may be wrong, but in my way of thinking, it is an objection, for the source of all the revolutions and calamities that ever will befall the United States of America, lie dormant in the human mind this very day. The prevention of these misfortunes, which will flow from the passions, instead of being utterly neglected, ought to have employed the most solemn moments of the convention, and ought to have been the point, to which all their views should have tended.

Here it may be asked “and pray, Sir, what do you wish should have been done?” Far be it from me, so contracted in my views and experience, to say absolutely, that any thing should have been done.

As I have, I will continue to give my opinion as the constitution of a free people ought to be formed in the best possible manner for the happiness of them, and their posterity, it ought to contain some mode, rivited through its very essence, for the present and succeeding ages, to be educated in the principles of morality, religion, jurisprudence, and the art of war. This is a duty which the framers of a constitution owe to posterity.—For the neglect of which, by men so famed for wisdom, very few excuses indeed, can be admissable—The first, or second article of the said constitution, ought to contain something to this effect—That as soon as possible, academies shall be established at every proper place throughout the United States for the education of youth in morality; the principles of the christian religion without regard to any sect, but pure and unadulterated as left by its divine author and his apostles: The principles of natural, civil, and common law, and of our constitution: And the art of defending and conquering nations in battle, either by land or sea—These academies to be regulated from time to time by Congress, and their establishment to be perpetual.

As man is an accountable being, to his creator and to his fellow-creatures, the study of morality would enable him to act consistent with his duty to society, and the study of religion, with his duty to God. I will venture to affirm, that was this mode established we would have fewer law suits, less backbiting, slander, and mean observations, more industry, justice and real happiness, than at present. Says a pious writer, “be careful not to neglect religion in the education of your children, in vain will you endeavour to conduct them by any other path: If they are dear to you, if from them you expect to receive credit or comfort from religion must be derived their happiness and your own.” Another elegant writer observes nearly in the same manner, speaking to a father of his son. “Teach him science, and his life will be useful. Teach him religion and his death will be happy.”

The study of jurisprudence would prepare our young men, and our old men, for every department of public business. They would be qualified, in point of education, for every office at home, and as their virtues and genius merited, would be appointed consuls or ambassadors abroad. Far other is the case now. How absurd it is, to send men to do the business of which they, are ignorant. To make laws, and unacquainted with the principal ties of social union. If this remark is thought hard, I appeal to our late acts of Assembly, and to the sufferings of the

nineteen-twentieths of our people. The multiplicity of our jarring laws—Their inconsistency in some instances, with common sense—The honest man being pointed at by the Assembly, ever since the revolution—The struggle for instalments—The execution law—The perspicuity of the district law, and to crown all the tenacious continuance of the *holy six months law*—I think ought to cool the enthusiasm of every anti foederalist.

Were these academies established, the study of the art-military, and the militia exercise, would qualify us for crushing at once, every enemy to our government, foreign or domestic. Like the Roman generals we would have the statesman and the warrior united in the same man—Our people educated in this manner, at stated times, would put the theory of fortification, gunnery, and manouering of armies into practice. We would march, encamp, have mock battles and sieges, go through every part of the military duty as if in real war, then return home, prepare our arms for a moments warning, and each man fall to his occupation as before. This would guard against effeminacy: It is the natural way to enjoy the sweets of society, and to prevent any nation, or people from disturbing our quiet. We see in private life, that the man who wishes to hector over another, is more sound than substance, and when he meets with manly opposition, fights at a distance. He does not turn out hand to hand, alone, and on equal terms, as a brave man ought to do, but fights most valiantly, throughout the regions of fancy: So it is in nations. Would Portugal choose to declare war against France or England? Would any of the powers contiguous to Russia, choose to declare war against that empire? I think they would not, because they would be conscious of having to contend with a superior power, and according to my way of thinking, if the United States of America were wisely cemented together, as one people and properly educated in the sciences of morality, theology, jurisprudence, and war, the greatest of the forementioned powers would not dare to insult either our citizens or our ships. The great art in this business would be, to regulate the militia in such a manner that neither agriculture, industry, commerce, nor the military spirit should suffer. I think Congress could soon complete this organization. What occasion then, would we have for a standing army? That dead weight upon the heart of nations! That disgraceful and wicked instrument in the hands of conscious worthlessness and guilt! High or low—rich or poor—citizen or governor, subject, king or president, the good man's character will ever be his guard—The wicked ought to suffer.

How fluctuating are the dissocial passions of men! These are the cause of the rise and fall of nations and the changes of government. Some time ago, the regal power was sovereign in America—Since, democratical republicanism now nearly anarchy, and without great care, it is not unlikely but we may soon experience a change worse than either. These revolutions are a lesson, to be cautious, of what powers, and for what time, the president of Congress should be appointed—He ought by no means to command the forces of the United States, without leave from Congress—nor to be eligible successively—and never after being twice in office—none of his brothers, uncles, sons, first cousins—nor father ought to fill the same post during his natural life—after governing he ought to be governed, to prevent his despotic principles from making head. The conduct of Dejoces [Deioces], Julius Cæsar, Oliver Cromwell, and what Hannibal might have done, had he returned victorious from Italy to Carthage, and also, how the present

empress of Russia ascended the throne, ought ever to be held in view when the powers of this president are in contemplation.

The above in part, are my objections to the fœderal constitution, each of which, is a genus. As I am a warm friend to the union, and to justice among its individuals—I will object no more—My sincere prayer is, that it may be amended, and then adopted—It certainly has a great many excellent qualities, and as many bad ones. The ambiguity of the whole, is its greatest fault. I remember, in a public court yard, to have heard a baptist preacher make three score and sixteen objections to it, and grunt and condemn it from end to end—and within five minutes a practitioner of the law, to defend it most vociferously from end to end.—A blacksmith at my elbow, pitied them both—I really thought then, what I still think, that we all knew very little about it.

If we adopt it without amendments, the seeds of our ruin are sown. If we reject it, disunion, the highest injustice, perhaps anarchy, and thousands of calamities will be the consequence—The people are impatient and will not consider things coolly—In my opinion, the safest way would be, to adopt it with amendments. When the whole, or nine states have come into the measure—to lay the ratifications and amendments from all the states, before General Washington, and from the whole, for him to select and make what alterations shall appear best—He certainly knows the natural rights of mankind, the general interests of this country; its natural and artificial productions, and upon the scale of nature with other nations to what they may become, and also, this genius of the people, better than any other man. And whether his amendment would agree with speculative reasoning, or not, his name to sanctify the whole.

Well knowing I address men whose souls are expanded, by education, humanity and experience, I am at ease, with respect to the imperfections of this composition, either on account of its sentiments, or its language—I am subject to human frailty; but mean well. As I am not known to some, and but very little indeed to any of you, it is no matter who or what I am—If this address can have the smallest good effect I will be happy. This much however I will observe, that I am a foreigner, and with yourselves may say, of the same ancestors, the same language, the same government, the same religion, and the same spirit we are all branches of the same tree. You towards the trunk, I towards the top: and if the branches towards the top are longer in making their appearance, than those towards the trunk, is there any essential difference in their qualities? Are they not homogeneous? Do they not collectively unite to the utility and beauty of the whole: And do we not conjointly, contribute to the glory of that power who gave us existence, to dwell in peace, harmony, and brotherly affection upon the same land?

There is one thing, particularly, which I beg leave to observe—I hope it will be of more benefit than all I have written. You are now on business of the most awful nature. Upon your wisdom, Virginia rests her future happiness. Let not then, any degree of party-work, nor any kind of fallacious arguments, destroy the patriotic emanations of the soul. It is noble, it is great and glorious to acknowledge mistakes. Be like brothers, and we will be happy. All cannot be right, perhaps not one, throughout the system he may have in view. Gather the best parts of all,

together, and throw the rest away. Consider the imperfections of human knowledge, and how often the greatest men have erred. Aristotle and Des Cartes themselves have gone astray in some things. Let social affection shine through all your conduct. Advise like brothers, but do not debate like foes. With reverential awe view your chairman as your father, studying the happiness of his children, and may he who presides over the councils of good men give you wisdom and unanimity.

Buckingham, May 27th, 1788.

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