

Comte de Moustier to Comte de Montmorin, New York, 25 June 1788

The grand object that holds the attention of the United States today acquired a new degree of interest from the difficulty that accompanies the formation of the new Government, at the moment when its partisans believe its success to be most assured. Today three States are assembled in convention to make a decision on the new Constitution; Newhampshire is hardly noticed; her vote would in truth be sufficient to complete the nine that are needed to bring about the alteration of the federal Government, but it is not probable that it would have any influence on the decision of the State of Virginia nor on that of New-york. The Antifederalists seemed to win some ground in the former and they have a recognized majority in the latter. The Leaders of this party come out in the open there [New York]. There is animosity on both sides in Virginia. I limit myself to mentioning by name only one leader of the party in that State, Mr. Patrick Henri, because he deserves to be distinguished from all the others by his talents, his ambition and his influence on the people. His plan would be to detach his State from the confederation. If he carries the votes of the people from the interior and if he joins them with those of North Carolina, which is the last [state] to meet in Convention, he would be able to form a body strong enough to sustain itself against the efforts of the party opposed to his plan.

In this State [New York] the opinion of the Antifederalists is positively in favor of separation. They are claiming that it is advisable for them to form a separate Government and not involve themselves for a long time to come in the affairs of Europe, with whom they ought to have even fewer commercial ties, which only furnish them with luxuries that they must do without to live in the simplicity that befits a newborn State.

In case one of the two above States or both detach themselves from the general Confederation, dealings with the American States that will no longer be part of the United States will be of a different nature from the present situation, where foreign powers only recognize a single body representative of the general Sovereignty. Those of the King would be essentially the same, because everything comes down to buying from the American States, united or not, the commodities that are suitable and to furnish them with merchandise in exchange for these commodities. In times of crisis the American ports would be even more exposed than they are today to be controlled by the first occupant, as I had the honor of informing you, My Lord, by my Dispatch No. 2. The Minister of the King in America would be accredited separately with respect to each of the States or separate confederacies and, as a result, would experience more facility or more difficulty, according to the circumstances, in his negotiations. The repayment of the debt owed the King would be a special subject, which would fall under a new account, but His Majesty could, from today on, regard all the States as jointly and separately responsible, and the dissolution of the Confederation would not change the rights of His Majesty. I still await the resolution of the present crisis to remind the United States that no matter what form their Government takes, the necessity remains to attend to their debt to the King. It is probable that they themselves would hardly think about this interesting subject. Their powerlessness is genuine, but if they had been thrifty, they would have means to turn this debt to their advantage. Today the English are in possession of the forts that they were to have returned at the peace, under the pretext that the Americans have

not satisfied the promise of paying their debts to the subjects of the British crown. Queen Elizabeth, in former times, had had some places as a deposit in trust in the united provinces for security on the sums that this Queen had lent them. There are, on this Continent, ports that would be proprietary to His Majesty in certain junctures, principally those of Newyork and Newport. One could perhaps make oneself master of them, half by consent, half by force, and maintain oneself there as long as it might be useful to the interests of the King in coming to terms, in consequence, with the debt of the United States toward His Majesty. It is in part to facilitate this operation that I thought that it would be advantageous to accustom the United States to seeing Squadrons of the King frequenting their ports regularly and by turns. I abstain from further reflections on the situation of the American States in the case of a schism, until the great question, which is now close to being decided, is established one way or another.

In the meantime, Congress is as much a force as is possible with the weak means it has. All the States were requested by the President, in these circumstances, to send the necessary Delegates to represent them. They were careful about it, and even asked Rhode Island, on the chance that if the Delegates were individually zealous enough about the public business, which it seems that they would have to be, the Congress could be complete at this moment, so that it is believed that it will be in a little while, which has not been seen in several years. Some members are absent at this time, solely for their pleasure. Nothing compels their punctuality in carrying out their duties. Such is the defective organization of Congress, independent of its lack of authority, that a single member can, by his absence or in retiring at the moment when he should give his support, make an affair even of the greatest consequence fail. There was a striking example of this last year. The Congress was deliberating about leaving Newyork, nine States were represented, the state of New Jersey was only represented by two members on whom one could count. At the moment of taking the vote, one of the Members gets up, takes his cane and hat; they want to keep him there, he leaves, goes straight to the *Ferry*, and crosses the river to return home.⁵ It is, however, a body thus organized with which one must negotiate all questions and all treaties.

For the rest, it [Congress] was more prompt in responding to the Note that I addressed to it by means of Mr. Jay than in any matter that has been presented in a long time. Mr. Jay himself emerged from his usual dilatoriness. I thought on this occasion that I should abstain from taking any other steps than dispatching my Note to the Secretary of Foreign Affairs, to whom I have not even spoken about what I discussed there, my object being to make known to Congress and Mr. Jay that the King had reason to be unhappy. I limited myself to saying laconically to the two Members from Virginia and to another that I had addressed a Note to the Congress on an abominable affair and that it was necessary to take measures so that nothing similar could happen again. I meant by that the conclusion of the Consular Convention, on which I did not want to go into any explanation, so that according to my Note it seemed that I regarded it as settled, with the exception of some formalities. If there were in America today a truly Sovereign body, or if we were in a position to treat with each State, which are all truly separate Sovereignities, well managed fear could produce good effects on the measures that they take with respect to France, but in the current state of affairs, this means will work only imperfectly. I attribute to it, however, the prompt resolution of Congress. I am enclosing here a copy of the response I received from Mr. Jay. I hope the instructions sent to Mr. Jefferson were satisfactory. I imagine that this American Minister will have been careful to point out to

Congress that the arrêt of the Council, which accords special favors to the Americans, is not in fact a treaty but an administrative rule that the King can revoke or modify at will. I believe that it is useful for them to be impressed by this truth. They have persuaded themselves up to now, inappropriately, that we had a very great interest in treating them kindly and that we could not do enough to accommodate them. They have yet to recover from many delusions about their importance in the political balance of Europe. It is irritating to see that they are very sensitive to the pretensions of others, but they are oblivious to their own. If they establish a new Government and enlightened and dispassionate men are at its head, it could form a system that is quite just, with a true balance of power among them, of the United States with Europe in general, and with France in particular.

P.S. It is learned at this moment Newhampshire has agreed to the new Constitution. Congress can now discuss if it also wants to adopt it. It is probable that it will agree to it, but without Virginia and Newyork the new Government will exist more in name than in fact. The great issue remains which course those two will take. The implementation [of the new government] will come afterwards.—Another difficulty.—

Cite as: *The Documentary History of the Ratification of the Constitution Digital Edition*, ed. John P. Kaminski, Gaspare J. Saladino, Richard Leffler, Charles H. Schoenleber and Margaret A. Hogan. Charlottesville: University of Virginia Press, 2009.

Canonic URL: <http://rotunda.upress.virginia.edu/founders/RNCN-03-18-02-0053> [accessed 08 Mar 2011]

Original source: Commentaries on the Constitution, Volume XVIII: Commentaries on the Constitution, No. 6