

A Citizen of Philadelphia: The Weaknesses of Brutus Exposed, 8 November 1787

The long piece signed BRUTUS, (which was first published in a New-York paper, and was afterwards copied into the Pennsylvania Packet of the 26th instant) is wrote in a very good stile; the language is easy, and the address is polite and insinuating: but the sentiments, I conceive, are not only unsound, but wild and chimerical; the dreary fears and apprehensions, altogether groundless; and the whole tendency of the piece, in this important crisis of our polities, very hurtful. I have therefore thought it my duty to make some animadversions on it; which I here offer, with all due deference, to the Author and to the Public.

His first question is, *Whether a confederated government is best for the United States?*

I answer, If Brutus, or any body else, cannot find any benefit resulting from the union of the Thirteen States; if they can do *without* as well as *with* the respectability, the protection, and the security, which the States might derive from that union, I have nothing further to say: but if that union is to be supported in any such manner as to afford respectability, protection, or security to the States, I say it must be done by an adequate government, and cannot be otherwise done.

This government must have a supreme power, *superior to and able to controul* each and all of its parts. 'Tis essential to all governments, that such a power be somewhere existing in it; and if *the place* where the proposed Constitution has fixed it, does not suit Brutus and his friends, I will give him leave to stow it away in any *other place that is better*: but I will not consent to have it *annihilated*; neither will I agree to have it *cramped and pinched* for room, so as to lessen its energy; for that will *destroy* both its nature and use.

The supreme power of government ought to be *full, definite, established, and acknowledged*. Powers of government too limited, or uncertain and disputed, have ever proved, like *Pandora's* box, a most fruitful source of quarrels, animosities, wars, devastation, and ruin, in all shapes and degrees, in all communities, states, and kingdoms on earth.

Nothing tends more to the honour, establishment, and peace of society, than public decisions, grounded on principles of right, natural fitness, and prudence; but when the powers of government are *too limited*, such decisions can't be made and enforced; so the mischief goes without a remedy: dreadful examples of which we have felt, in instances more than enough, for seven years past.

Further, where the powers of government are not *definite* but *disputed*, the administration dare not make decisions on the footing of impartial justice and right; but must temporise with the parties, lest they lose friends or make enemies: and of course the *righteous* go off injured and disgusted, and the *wicked* go grumbling too; for 'tis rare that any sacrifices of a court can satisfy a prevailing party in the state.

'Tis necessary in States, as well as in private families, that controversies should have a just, *speedy*, and effectual decision, that right may be done before the contention has *time* to grow

up into habits of malignity, resentment, ill nature, and ill offices. If a controversy happens between two states, must it continue undecided, and daily increase, and be more and more aggravated, by the repeated insults and injuries of the contending parties, 'till they are ripe for the decision of the sword? or must the weaker states suffer, without remedy, the groundless demands and oppressions of their stronger neighbours, because they have no avenger, or umpire of their disputes?

Or shall we institute a supreme power with full and effectual authority to controul the animosities, and decide the disputes of these strong contending bodies? In the one proposed to us, we have perhaps every chance of a *righteous judgment*, that we have any reason to hope for; but I am clearly of opinion, that even a *wrongful decision*, would, in most cases, be preferable to the continuance of such destructive controversies.

I suppose that neither Brutus nor any of his friends would wish to see our government *embroiled abroad*; and therefore will admit it necessary to institute some federal authority, sufficient to punish *any individual or State*, who shall violate our treaties with foreign nations, insult their dignity, or abuse their citizens, and compel due reparation in all such cases.

I further apprehend, that Brutus is willing to have the *general* interest and *welfare* of the States well provided for and supported, and therefore will consent that there shall exist in the states, an authority to *do* all this *effectually*; but he seems grieved that Congress should be the *judges of this general welfare* of the states. If he will be kind enough to point out any other more suitable and proper judges, I will consent to have them admitted.

Indeed I begin to have hopes of Brutus, and think he may come right at last; for I observe (after all his fear and tremblings about the new government) the constitution he *defines and adopts*, is the very same as that which the federal convention have proposed to us, *viz.* "that the Thirteen States should continue thirteen confederated republics under the *direction and controul* of a supreme federal head, for certain defined national purposes, only." Where we may observe,

1. That the new Constitution leaves all the Thirteen States, complete republics, as it found them, but all confederated under the direction and controul of a federal head, for certain defined national purposes only, *i.e.* it leaves all the dignities, authorities, and internal police of each State in free, full, and perfect condition; unless when national purposes make the controul of them by the federal head, or authority, necessary to the general benefit.
2. These powers of controul by the federal head or authority, are *defined* in the new constitution, as minutely as may be, in their principle; and any detail of them which may become necessary, is committed to the wisdom of Congress.
3. It extends the controuling power of the federal head to no one case, to which the jurisdiction or power of definitive decision of any one state, can be competent. And,

4. In every such case, the controuling power of the federal head, is absolutely necessary to the support, dignity, and benefit of the national government, and the safety of individuals; neither of which can, by any possibility, be secured without it.

All this falls in pretty well with Brutus's sentiments; for he does not think that the new Constitution in *its present state* so very bad, but fears that it will not preserve its purity of institution; but if adopted, will immediately verge to, and terminate in *a consolidation*, i. e. a destruction of the state governments. For argument, he suggests the avidity of power natural to rulers; and the eager grasp with which they hold it when obtained; and their strong propensity to abuse their power, and encroach on the liberties of the people.

He dwells on the vast powers vested in Congress by the new Constitution, *i. e.* of levying taxes, raising armies, appointing federal courts, &c; takes it for granted, that all these powers will be abused, and carried to an oppressive excess; and then harrangues on the dreadful case we shall be in, when our *wealth* is all devoured by taxes, our *liberty* destroyed by the power of the army, and our *civil rights* all sacrificed by the unbounded power of the federal courts, &c.

And when he has run himself out of breath with this dreary declamation, he comes to the conclusion he set out with, *viz.* That the Thirteen States are too big for a republican government, which requires *small territory*, and can't be supported in *more extensive nations*; that in large states liberty will soon be swallowed up, and lost in the magnitude of power requisite in the government, &c.

If any conclusion at all can be drawn from this baseless assemblage of gloomy thoughts, I think it must be *against any union at all; against any kind of federal government.* For nothing can be plainer than this, *viz.* that *the union can't by any possibility be supported with success, without adequate and effectual powers of government?*

We must have *money* to support the union, and therefore the power of raising it must be lodged somewhere; we must have *a military force*, and of consequence the power of raising and directing it must exist; civil and criminal causes of national concern will arise, therefore there must be somewhere a power of appointing *courts* to hear and determine them.

These powers must be vested in Congress; for nobody pretends to wish to have them vested in any other body of men.

The Thirteen States have a territory very extensive, and inhabitants very numerous, and every day rapidly increasing; therefore the powers of government necessary to support their union must be great in proportion. If the ship is large, the mast must be proportionably great, or it will be impossible to make her sail well. The federal powers must extend to every part of the federal territory, *i. e.* to the utmost limits of the Thirteen States, and to every part of them; and must carry with them, sufficient authority to secure the execution of them; and these powers must be vested in Congress, and the execution of them must be under their direction and controul.

These powers are *vast*, I know, and the trust is of the most *weighty kind* that can be committed to human direction; and the execution and administration of it will require the greatest *wisdom, knowledge, firmness, and integrity* in that august body; and I hope they will have all the *abilities and virtues* necessary to their important station, and will *perform their duty well*; but if they fail, the fault is in them, not in the constitution. The best constitution possible, even a divine one, badly administered, will make a bad government...

I now come to consider the grand proposition which Brutus sets out with, concludes with, and interlards all along, and which seems to be the great gift of his performance, *viz. That a confederation of the Thirteen States into one great republic is not best for them*: and goes on to prove by a variety of arguments, that *a republican form of government is not compatible, and cannot be convenient to so extensive a territory as the said States possess*. He begins by taking one assumption for granted (for I can't see that his arguments prove it at all) *viz. That the Constitution proposed will melt down and destroy the jurisdiction of the particular States, and consolidate them all into one great republic*.

I can't see the least reason for this sentiment; nor the least tendency in the new Constitution to produce this effect. For the Constitution does not suffer the federal powers to controul in the least, or so much as to interfere in the internal policy, jurisdiction, or municipal rights of any particular State; except where great and manifest *national purposes and interests* make that controul necessary. It appears very evident to me, that *the Constitution gives an establishment, support, and protection to the internal and separate police of each State, under the superintendency of the federal powers, which it could not possibly enjoy in an independent state*. Under the confederation each State derives strength, firmness, and permanency from its compact with the other States. Like a stave in a cask well bound with hoops, it stands *firmer*, is not so easily *shaken, bent, or broken*, as it would be were it set up by itself alone, without any connexion with its neighbours.

There can be no doubt that each State will receive from the union *great support and protection* against the *invasions and inroads* of foreign enemies, as well as against *riots and insurrections* of their own citizens; and of consequence, the course of their internal administration will be secured by this means against any *interruption or embarrassment* from either of these causes.

They will also derive their share of benefit from the respectability of the union abroad, from the treaties and alliances which may be made with foreign nations, &c.

Another benefit they will receive from the controul of the supreme power of the union is this, *viz. they will be restrained from making angry, oppressive, and destructive laws, from declaring ruinous wars with their neighbours, from fomenting quarrels and controversies, &c. all which ever weaken a state, tend to its fatal disorder, and often end in its dissolution. Righteousness exalts and strengthens a nation; but sin is a reproach and weakening of any people*.

They will indeed have the privilege of oppressing *their own citizens* by bad laws or bad administration; but the moment the mischief extends beyond their own State, and begins to

affect the citizens of other States strangers, or the national welfare,—the salutary controul of the supreme power will check the evil, and restore *strength and security*, as well as *honesty and right*, to the offending state.

It appears then very plain, that the natural effect and tendency of the supreme powers of the union is to give *strength, establishment, and permanency* to the internal police and jurisdiction of each of the particular States; not to *melt down and destroy*, but to *support and confirm* them all.

By what sort of assurance, then, can *Brutus* tell us that the new Constitution, *if executed, must certainly and infallibly terminate in a consolidation of the whole, into one great republic, subverting all the State authorities*. His only argument is, that the federal powers *may be corrupted, abused, and misapplied*, 'till this effect shall be produced. 'Tis true, that the constitution, like every other on earth, committed to human management, *may be corrupted by a bad administration*, and be made to operate to the *destruction* of the very capital benefits and uses, which were the great end of its institution. The same argument will prove with equal cogency, that the constitution of each particular State, may be corrupted in practice, become tyrannical and inimical to liberty. In short the argument proves *too much*, and therefore proves *nothing*: 'tis empty, childish, and futile, and a serious proposal of it, is, I conceive, an affront to the human understanding.

But after all, supposing this event should take place, and by some strange fatality, the several States should be melted down, and merged in the great commonwealth, in the form of counties, or districts; I don't see why *a commonwealth mode of government, would not be as suitable and convenient for the great State, as any other form whatever*; I cannot see any sufficient ground or reason, for the position pretty often and boldly advanced, *that a republican form of government can never be suitable for any nation of extensive territory, and numerous population*: for if Congress can be chosen by the several States, though under the form and name of *counties, or election districts*, and be in every respect, instituted as directed by the new constitution, I don't see but we shall have as suitable a *national council*, as wise a *legislative*, and as strong and safe an *executive power*, as can be obtained under any form of government whatever; let our territory be ever so extensive or populous.

The most despotic monarch that can exist, must have his councils, and officers of state; and I can't see any one circumstance of their being appointed under a monarchy, that can afford any chance of their being any wiser or better, than ours may be. 'Tis true indeed, the despot may, if he pleases, act without any advice at all; but when he does so, I conceive it will be very rare that the nation will receive greater advantages from his unadvised edicts, than may be drawn from the deliberate acts and orders of our supreme powers. All that can be said in favour of *those*, is, that they will have less chance of delay, and more of secrecy, than *these*; but I think it probable, that the latter will be grounded on better information, and greater wisdom; will carry more weight, and be better supported.

The Romans rose, from small beginnings, to a very great extent of territory, population, and wisdom; I don't think their constitution of government, was near so good as the one proposed to us, yet we find their power, strength, and establishment, were raised to their utmost height, under *a republican form of government*. Their State received very little acquisition of territory, strength, or wealth, after their government became imperial; but soon began to weaken and decay.

The *Carthaginians* acquired an amazing degree of strength, wealth, and extent of dominion, under *a republican form of government*. Neither *they* or *the Romans*, owed their dissolution to any causes arising from *that kind of government*: 'twas the *party rage*, animosity, and violence of their citizens, which destroyed them both; it weakened them, 'till *the one* fell under the power of their enemy, and was thereby reduced to ruin; *the other* changed their form of government, to a monarchy, which proved in the end, equally fatal to them.

The same causes, if they can't be restrained, will weaken or destroy any nation on earth, let their form of government be what it will; witness the *division and dissolution* of the Roman empire; the late *dismemberment of Poland*; the intestine divisions, rage, and wars of *Italy*, of *France*, of *Spain*, and of *England*.

No form of government can preserve a nation which can't controul the party rage of its own citizens; when any one citizen can rise *above the controul* of the laws, *ruin* draws near. 'Tis not possible for any nation on earth, to hold their strength and establishment, when the dignity of their government is lost, and this dignity will forever depend on the *wisdom* and *firmness* of the officers of government, aided and supported by the *virtue* and *patriotism* of their citizens.

On the whole, I don't see but that any form of government may be safe and practicable, where the controuling authority of the supreme powers, is strong enough to effect the ends of its appointment, and at the same time, sufficiently *checked* to keep it within due bounds, and limit it to the objects of its duty; and I think it appears, that the constitution proposed to us, has all these qualities in as great perfection, as any form we can devise.

But after all, the *grand secret of forming a good government*, is, *to put good men into the administration*: for *wild, vicious, or idle men*, will ever make a bad government, let its principles be ever so good; but *grave, wise, and faithful men*, acting under a good constitution, will afford the best chance of security, peace, and prosperity, to the citizens, which can be derived from civil police, under the present disorders, and uncertainty of all earthly things.

Philadelphia, Nov. 4, 1787.

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