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Cassius II: To Richard Henry Lee, Esquire *Virginia Independent Chronicle*, 9 April 1788 (excerpt)

SIR,

March 28, 1788.

. . . You say “For although inferior Congressional courts may, for the above purposes, be instituted in the different states, yet, this is a matter, altogether, in the pleasure of the new legislature, so that, if they please not to institute them, or if they do not regulate the right of appeal reasonably, the people will be exposed to endless oppression.” Can it be the *learned* Richard Henry Lee; who has made this remark? What do you mean, sir, by such uncandid insinuations? Do you wish to destroy that public confidence, which is the soul of all happy governments, and to disseminate the seeds of suspicion and discontent among us? Imprudent man! are you, not, aware of the injury, which you are doing yourself? Do you, not perceive, that you are becoming, by your indiscretion, an object of contempt to your enemies, and of melancholy pity to your friends? But, tell me, sir, does not the constitution, expressly, declare, that inferior subordinate courts must be established, and that the supreme court shall have appellate jurisdiction, only, in disputes between individuals? How, then, can the supreme court determine disputes of this denomination, unless, they are first instituted in the inferior court? Can the supreme court have, in such cases, original jurisdiction? You will not certainly, assert it. To determine them, then, are not inferior courts necessary? You will, not certainly, deny it. A moment’s calm reflection must convince every unbiassed mind, that the number of inferior courts could, not properly, be adjusted by the constitution. The outlines of the plan could, only, be drawn by the convention, and the filling of them up has, unavoidably, been left to Congress. The constitutions of the different states have, not, ascertained the number of inferior courts, but, have left the arrangement of this matter to their respective legislatures. But, let it be remembered, that Congress, as it will contain the collected wisdom and patriotism of the states, will, in all human probability regulate the right of appeal, in such a manner, as to distribute equal and impartial justice. Let it be remembered, that Congress, in the other cases, will, never make such regulations, which would oppress an *individual citizen*, to benefit an *individual foreigner*. Let it be remembered, also, that you, Mr. Lee, have acted, in this instance, inconsistent with that decent regard to candor, which every man, who writes for the information of the public, should observe. . . .

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