

# RICHARD HENRY LEE

(1732–1794)



I know there are [those] among you who laugh at virtue, and with vain ostentatious display of words will deduce from vice, public good! But such men are much fitter to be Slaves in the corrupt, rotten despotisms of Europe, than to remain citizens of young and rising republics.

—Richard Henry Lee, 1779



## Introduction

Richard Henry Lee in many ways personified the elite Virginia gentry. A planter and slaveholder, he was tall, handsome, and genteel in his manners. Raised in a conservative environment, Lee was nonetheless radical in his social and political views. As early as the 1750s, he denounced slavery as an evil, and he even favored the vote for women who owned property. Lee was also among the first to advocate separation from Great Britain, introducing the resolution in the Second Continental Congress that led to independence.

Though Lee was a planter, politics was his true calling. He reveled in backroom bargaining, and during the imperial crisis he learned how to utilize mob action to resist British tyranny. In denouncing British transgressions, Lee's oratory was said to rival that of his more renowned fellow Virginian, Patrick Henry. Lee was an ally and friend of Samuel Adams, who shared the Virginian's aversion to moneygrubbing and ostentatious displays of wealth. Like Adams, Lee neglected his financial affairs and often struggled to make ends meet. At one point in his life, he was forced to live on a diet of wild pigeons.

Lee believed that good government required virtue, defined as self-sacrifice for the public good. He rejected the idea held by some Founders that the proper design of governing institutions was all that was needed to protect liberty. Nevertheless, a poorly constructed government could destroy virtue and, as a consequence, liberty. This is why Lee opposed the Constitution of 1787, which in his opinion dangerously concentrated power in the federal government. Lee has sometimes been credited with authorship of the *Letters from the Federal Farmer to the Republican*, a series of newspaper essays published anonymously in Virginia in 1787–1788 by an opponent of the Constitution. Though this is still a matter of much debate among historians, the views of the Federal Farmer undoubtedly mirror Lee's own quite closely.

## Relevant Thematic Essays for Richard Henry Lee

- Federalism
- Republican Government (Volume 2)

# *In His Own Words:* RICHARD HENRY LEE

## ON THE CONSTITUTION

### Overview

In this lesson, students will learn about Richard Henry Lee. They should first read as background homework **Handout A—Richard Henry Lee (1732–1794)** and answer the **Reading Comprehension Questions**. After discussing the answers to these questions in class, the teacher should have the students answer the **Critical Thinking Questions** as a class. Next, the teacher should introduce the students to the primary source activity, **Handout C—In His Own Words: Richard Henry Lee on the Constitution**, in which Lee lays out his objections to the newly written Constitution. As a preface, there is **Handout B—Vocabulary and Context Questions**, which will help the students understand the document.

There are **Follow-Up Homework Options** that ask the students to compose a *Federal Farmer* letter of their own, based on Lee's ideas. **Extensions** provides opportunity for thought as students are asked to consider how Lee might have reacted to later developments in United States history, had he lived long enough to observe them.

### Objectives

Students will:

- understand Lee's views on the slave trade and slavery
- appreciate Lee's role as a leader of the American opposition to British tyranny
- explain the importance of virtue in Lee's political theory
- analyze the reasons for Lee's opposition to the Constitution

### Standards

CCE (9–12): IIA1, IIC1, IIIA1, IIIA2  
NCHS (5–12): Era III, Standards 3A, 3B  
NCSS: Strands 2, 5, 6, and 10

### Materials

#### Student Handouts

- Handout A—Richard Henry Lee (1732–1794)
- Handout B—Vocabulary and Context Questions
- Handout C—In His Own Words: Richard Henry Lee on the Constitution

#### Additional Teacher Resource

- Answer Key

### Recommended Time

One 45-minute class period.  
Additional time as needed for homework.

# LESSON PLAN



## I. Background Homework

Ask students to read **Handout A—Richard Henry Lee (1732–1794)** and answer the Reading Comprehension Questions.



## II. Warm-Up [10 minutes]

- Review answers to homework questions.
- Conduct a whole-class discussion to answer the Critical Thinking Questions.
- Ask a student to summarize the historical significance of Richard Henry Lee.

*Richard Henry Lee was a Virginia planter and one of the leaders of the opposition to British tyranny during the 1760s and 1770s. He was one of the first Americans to call for independence from Great Britain. As a member of the Second Continental Congress, Lee introduced the resolution that led to the drafting of the Declaration of Independence. He was also an outspoken opponent of the Constitution. In his Letters from the Federal Farmer to the Republican, Lee voiced his concern that the Constitution lacked a bill of rights and gave too much power to the central government. Some of the Federal Farmer essays were published as a pamphlet, and thousands of copies were sold. Lee served as a senator in the first Congress under the new Constitution, where he was a leading supporter of the first ten amendments to the Constitution, which were ratified in 1791 and became known as the Bill of Rights.*



## III. Context [5 minutes]

Briefly review with students the main issues involved in the debate between Federalists and Anti-Federalists. (The Federalists believed that the confederation would break up if the Constitution was not ratified. Anti-Federalists feared that a stronger central government would endanger the rights of the people.)



## IV. In His Own Words [20 minutes]

- Distribute **Handout B—Vocabulary and Context Questions**.
- Distribute **Handout C—In His Own Words: Richard Henry Lee on the Constitution**. Be sure that the students understand the vocabulary and the “who, what, where, and when” of the document.
- Tell the students that they will read together as a class ten brief excerpts from the *Federal Farmer*. Ask the students to consider whether each excerpt is (1) a statement of Lee’s principles, or (2) a criticism of the proposed Constitution. The students should mark each excerpt with “principle” or “criticism” accordingly. Have a different student read each of the ten excerpts to the class. Then have a large-group discussion to determine how each excerpt should be labeled.
- Ask the students to determine the main idea of each excerpt and write it down.



## V. Wrap-Up Discussion [10 minutes]

Ask the students to imagine that they are in charge of the New York publishing firm that printed some of the *Federal Farmer* essays as a pamphlet. Tell the students that there is room for only five essays in the pamphlet. Which five of the ten excerpts would work best as topics for these essays?

# LESSON PLAN



## VI. Follow-Up Homework Options

Ask the students to choose one of the excerpts from the *Federal Farmer* letters and to compose their own paragraph-long *Federal Farmer* letter based on the idea expressed by Lee in the excerpt.



## VII. Extensions

Ask the students: How might Richard Henry Lee have reacted to the following developments in American history, had he lived long enough to observe them?

- The United States Congress's banning of the importation of slaves (1808)
- The Civil War between the North and the South (1861–1865)
- The abolition of slavery by the Thirteenth Amendment (1865)

## Resources

### Print

- Ballagh, James C. *The Letters of Richard Henry Lee*. 2 vols. New York: Macmillan Co., 1911–1914; Reprint: Cambridge, MA: Da Capo Press, 1970.
- Chitwood, Oliver. *Richard Henry Lee, Statesman of the Revolution*. Morgantown: West Virginia University Library, 1967.
- Maier, Pauline. *The Old Revolutionaries: Political Lives in the Age of Samuel Adams*. New York: W. W. Norton & Company, Reprint ed., 1990.
- Matthews, John C. *Richard Henry Lee*. Williamsburg, VA: The Virginia Independence Bicentennial Commission, 1978.
- McDonald, Forrest, ed. *Empire and Nation: Letters from a Farmer in Pennsylvania by John Dickinson; Letters from the Federal Farmer to the Republican by Richard Henry Lee*. Indianapolis: Liberty Fund, 1999.

### Internet

- “Letters from the Federal Farmer to the Republican.” The Constitution Society. <<http://www.constitution.org/afp/fedfar00.htm>>.
- “Resolution of Richard Henry Lee, June 7, 1776.” The Avalon Project at Yale University Law School. <<http://www.yale.edu/lawweb/avalon/contcong/06-07-76.htm>>.
- “Richard Henry Lee.” The Atlantic Monthly. <<http://www.leearchive.info/shelf/cook/index.html>>.

### Selected Works by Richard Henry Lee

- *Letters from the Federal Farmer to the Republican* (1787–1788)

## RICHARD HENRY LEE (1732–1794)

The happiness of America will be secured . . . as long as it continues virtuous,  
and when we cease to be virtuous we shall not deserve to be happy.

—Richard Henry Lee, 1776



The mob was led by a tall, thin man with reddish-brown hair and a hand wrapped in black silk. Richard Henry Lee was an unlikely leader of the raucous group of laborers, artisans, and sailors who were making their way through the streets of Leedstown, Virginia, on this cold winter night of 1766. An aristocratic planter, Lee usually personified the southern ideal of upper-class gentility and grace. He was a fixture of high society. But on this night, he walked next to violent men of the lower classes on a mission of intimidation. Their destination was the home of a merchant who was cooperating with the hated Stamp Act recently passed by the British Parliament. Lee hoped to convince this man to join other merchants in boycotting the stamps. A skilled politician, Lee knew that there were many tactics to be employed in the art of persuasion—including the threat of bodily harm.

### A Life of Privilege

Richard Henry Lee was born in 1732 at Stratford Hall Plantation in Westmoreland County, Virginia. The Lees were one of the wealthiest and most powerful families in Virginia. The eldest of four sons, Lee was first taught by tutors and then sent to England to finish his education. Returning home in 1752, he purchased land from his brother in Westmoreland County and there built his plantation home, which he named “Chantilly.” Lee studied law and was elected to the House of Burgesses at the age of twenty-five.

### Opponent of Slavery

In the House of Burgesses, Lee became an outspoken opponent of the international slave trade. His first official act was to introduce a bill that proposed “to lay so heavy a duty on the importation of slaves as to put an end to that iniquitous and disgraceful traffic within the colony of Virginia.” Though other slaveholders also opposed importation, few condemned the institution of slavery itself, as Lee did. Blacks, Lee declared, were “equally entitled to liberty and freedom by the great law of nature.” He warned that slaves would rebel if they “observed their masters possessed of a liberty denied to them.”

Nevertheless, Lee did not free any of his slaves. Indeed, he simply could not afford to do so. Lee earned much of his income by renting his slaves to other planters and by buying and selling them. “I do not see how I could in justice to my family refuse any advantages that might arise from the selling of them,” Lee explained.

### Political Activist and Patriot

Lee’s radical nature was evident in his political views also. In the 1760s, he assumed a leading role in opposing British policies toward America. Lee founded the Westmoreland Association in opposition to the Stamp Act of 1765. This body organized boycotts of British goods and harassed royal officials who attempted to enforce the Stamp Act. Lee was one of the first Patriots to call for independence. He condemned the Townshend Acts

of 1767 as “destructive of that mutual beneficial connection which every good subject would wish to see preserved.”

Lee understood Virginia could not stand on her own in defiance of British policies. In 1773, he organized the Virginia Committee of Correspondence as a way to exchange information with Patriot leaders in other colonies. He also received regular information about events in England from his two brothers living in London.

In 1774, Lee was elected to represent Virginia at the First Continental Congress in Philadelphia. There he tried to persuade other members of the need for American independence. In the Congress, Lee played a vital role in uniting American opposition in the North and South. He became a good friend of Samuel Adams, one of the most prominent Patriot leaders in Boston.

Though the First Congress did not go so far as to declare American independence, Lee did not give up. In 1776, he was chosen a member of the Second Continental Congress. On June 7, Lee introduced a resolution that declared “that these United Colonies are, and of right ought to be, free and independent States.” This led to the drafting of the Declaration of Independence. Lee’s resolution was adopted by Congress on July 2, 1776.

Lee stayed in Congress through 1779, helping guide the nation through the first years of the Revolution. He then returned home to Virginia, where he served in the state legislature. In 1781, the Articles of Confederation, which set up a government for the new nation, went into effect. Lee at first turned down the offer to serve in the new Congress. He believed that he owed service to his state first. But in 1784, he accepted a seat in the national Congress and served as that body’s president his first year as a member.

As a member of the Confederation Congress, Lee helped guide the Northwest Ordinance through Congress in 1787. This law organized the Ohio territory and provided for its entry into the Union. One of the provisions of the Northwest Ordinance declared that “there shall be neither slavery nor involuntary servitude in the said territory.”

### **Anti-Federalist**

During the 1780s, Lee became concerned that Americans were losing their republican virtue—defined as self-sacrifice for the public good—and their love of liberty. Instead, Lee worried, people were more concerned about amassing money and power. When some leading Americans called for revising the Articles of Confederation so as to strengthen the national government, Lee was alarmed. He feared that these men craved power for themselves at the expense of the people’s liberty.

Lee therefore refused to take part in the Constitutional Convention of 1787. He also tried to persuade delegates to the convention not to alter the Articles. Despite his warnings, the delegates at Philadelphia designed an entirely new system of government. When the Constitution was sent to the states for approval, Lee became a leader of the opposition to ratification in Virginia.

In 1787 and 1788, an anonymous series of essays, the *Letters from the Federal Farmer to the Republican*, appeared in Virginia newspapers. The Federal Farmer laid out arguments against the Constitution. Some of the *Federal Farmer* essays were published as a pamphlet, and thousands of copies were sold. Some historians have claimed that Lee was the author of these letters, though this is a matter of much debate. Nevertheless, the views of the Federal Farmer mirror Lee’s own quite closely.

In the essays, the Farmer criticized the Constitution's centralization of powers in the federal government and its lack of a bill of rights. He warned that the Constitution would destroy the states and create a "consolidated" government in which all power was dangerously concentrated in one place. The Farmer instead hoped to preserve a federal system, in which power was divided between the national and state governments. He hoped that a second convention could be organized to revise the Constitution.

Despite Lee's opposition, the Constitution was approved by the requisite nine states by the end of June 1788. Lee was disappointed. Hoping to protect the people's liberty, however, he accepted a Senate seat in the first Congress under the Constitution. He spent his time in Congress advocating laws and amendments that would limit the power of the new government. Lee was a leading supporter of the first ten amendments to the Constitution, which were ratified in 1791 and became known as the Bill of Rights.

### Retirement

Poor health forced Lee to retire from public life and return to Chantilly in 1792. Lee was pessimistic about the prospects of the United States. He feared that desire for wealth and power had replaced republican virtue among many of his countrymen, especially in his own beloved Virginia. "The hasty, unpersevering, aristocratic genius of the south suits not my disposition," Lee wrote, "and is inconsistent with my ideas of what must constitute social happiness and security." He even once considered retiring to Massachusetts. But Lee never left Virginia. He died at Chantilly in 1794 at the age of sixty-two.



### Reading Comprehension Questions

1. What was Lee's view of the slave trade and slavery?
2. What important resolution did Lee introduce as a member of the Second Continental Congress?
3. What did Lee argue in the *Letters from the Federal Farmer to the Republican*?

### Critical Thinking Questions

4. Why do you think Lee kept his authorship of the *Letters from the Federal Farmer to the Republican* a secret? Why do you think he used the pseudonym "the Federal Farmer"?
5. Lee believed that those who serve in government must be virtuous or else liberty is endangered. Do you agree or disagree? Is it possible to design governmental institutions so as to protect the people against evil government officials?

# VOCABULARY AND CONTEXT QUESTIONS

## *Letters from the Federal Farmer to the Republican*

1. **Vocabulary:** *Use context clues to determine the meaning or significance of each of these words and write their definitions:*
  - a. consolidated
  - b. vicinage
  - c. inalienable
  - d. explicitly
  - e. ascertained
  - f. ambitious
  - g. props
  
2. **Context:** *Answer the following questions.*
  - a. When was this document written?
  - b. Where was this document written?
  - c. Who wrote this document?
  - d. What type of document is this?
  - e. What was the purpose of this document?
  - f. Who was the audience for this document?

# IN HIS OWN WORDS: RICHARD HENRY LEE ON THE CONSTITUTION

## *Letters from the Federal Farmer to the Republican*

**Note:** *The Letters from the Federal Farmer to the Republican was a series of newspaper essays published anonymously in Virginia in 1787–1788 by an opponent of the Constitution. Some historians have claimed that Richard Henry Lee was the author of these letters, though this is still a matter of much debate. Nevertheless, the views of the Federal Farmer mirror Lee’s own quite closely.*

**Directions:** *Consider whether each excerpt is (1) a statement of Lee’s principles, or (2) a criticism of the proposed Constitution. Mark each excerpt with “principle” or “criticism” accordingly.*

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### A

The plan of government now proposed is evidently calculated totally to change, in time, our condition as a people. Instead of being thirteen republics, under a federal head, it is clearly designed to make us one consolidated government.

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### B

The essential parts of a free and good government are a full and equal representation of the people in the legislature, and the jury trial of the vicinage in the administration of justice.

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### C

There are certain inalienable and fundamental rights, which in forming the social compact, ought to be explicitly ascertained and fixed. . . . These rights should be made the basis of every constitution.

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### D

A wise and honest administration can make the people happy under any government; but necessity only can justify even our leaving open avenues to the abuse of power, by wicked, unthinking, or ambitious men.

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**E**

By this plan there can be no doubt, but that the powers of congress will be complete as to all kinds of taxes whatever.

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**F**

Liberty, in its genuine sense, is security to enjoy the effects of our honest industry and labors, in a free and mild government.

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**G**

The supreme power is in the people, and rulers possess only that portion which is expressly given them.

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**H**

The government [as proposed by the Constitution] will take every occasion to multiply laws, and officers to execute them, considering these as so many necessary props for its own support.

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**I**

A virtuous people make just laws, and good laws tend to preserve unchanged a virtuous people.

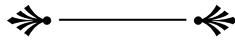
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**J**

Every man of reflection must see, that the change now proposed, is a transfer of power from the many to the few.

**Source:** Forrest McDonald, ed., *Empire and Nation: Letters from a Farmer in Pennsylvania by John Dickinson; Letters from the Federal Farmer to the Republican by Richard Henry Lee* (Indianapolis, Ind.: Liberty Fund, 1999), 92, 97–98, 100, 104, 111–113, 126, 139, and 146.

# FEDERALISM



By the time the delegates to the Constitutional Convention had gathered in Philadelphia in 1787, the American people had been accustomed for more than one hundred and fifty years to having most of their affairs managed first within the colonies and then in independent states. It was not surprising that the Articles of Confederation, the initial constitutional system for “The United States of America,” affirmed in its first article the general “sovereignty, freedom and independence” of the states. Beyond historical precedence, the commitment to state sovereignty drew support from sixteenth- and seventeenth-century theorists such as Jean Jacques Rousseau who argued that the habits and virtues needed by a self-governing people can be cultivated only in small republics. In short, history and theory seemed to be on the side of a confederation of small American republics or states.

If the American people were inclined to favor state sovereignty, they also were interested in comfortable preservation—that is, in the enjoyment of both “safety and happiness,” to borrow from the Declaration of Independence. By the mid-1780s, it was clear to many Americans that state sovereignty created obstacles to comfortable preservation, not the least being the impediments to a smooth-functioning commercial system. Concerns about the effects on the country of competing fiscal and commercial policies in the different states led to the Annapolis Convention of 1786. While the delegates to this convention did not come up with a specific plan for fixing the commercial system, they petitioned the confederation congress to arrange for a constitutional convention that would reconsider the Articles of Confederation with the aim of improving interstate commerce.

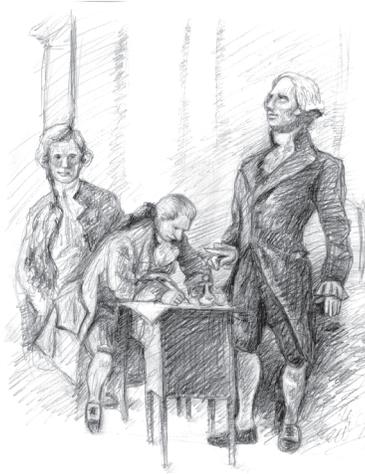
James Madison, one of seven delegates chosen to represent Virginia at the Constitutional Convention of 1787, prepared a document on the history of confederacies during the months preceding the meeting. Events such as Shays’s Rebellion in Massachusetts and disputes over the

commercial use of the Potomac River, along with his study of history, convinced him that a system based on state sovereignty was destined to fail. Madison worked with other members of the Virginia delegation on a plan for a basically national, rather than confederal, system of government. In addition to provisions for separate

legislative, executive, and judicial branches, the “Virginia Plan” would have empowered Congress “to negative all laws passed by the several States, contravening in the opinion of the National Legislature the articles of Union; and to call forth the force of the Union against any member of the Union failing to fulfill its duty under the articles thereof.” The Virginia Plan proposed a national government that would be legally and functionally supreme over the states.

According to Madison, only a national system would be capable of protecting the fundamental interests and rights of the American people. Other delegates at the convention disagreed. Roger Sherman of Connecticut, for example, argued that “the objects of Union . . . were few” and that “the people are more happy [*sic*] in small than in large States.” Sherman was not alone in preferring a confederation of small republics to a national or unitary political system. Madison understood that he had to expose the weaknesses of the confederal model to save the Virginia Plan. Sherman helped him out on June 6 by conceding that some states were too small and, hence, subject to factious violence. Madison seized upon this argument. He responded that “faction & oppression” had “prevailed in the largest as well as the smallest” states, although less in the former than the latter.

The teaching for Madison was clear: large republics are more likely to provide “security for private rights, and the steady dispensation of Justice,” than small republics. This argument hit home with the delegates. Madison convinced them that what they wanted most from government, that is, protection for rights or republican liberty, could



best be achieved in a national system. Small republics, he argued, were actually bad for republican liberty, being hotbeds of factious division and violence. He summed up his position bluntly: “The only remedy is to enlarge the sphere, & thereby divide the community into so great a number of interests & parties, that in the 1st. place a majority will not be likely at the same moment to have a common interest separate from that of the whole or of the minority; and in the 2d. place, that in case they shd. have such an interest, they may not be apt to unite in the pursuit of it.” Here was the outline of the famous defense of the large republic that appears in Madison’s *Federalist Paper No. 10*.

In the end, the delegates at the Constitutional Convention settled on a plan that combined national and confederal elements. To quote *Federalist Paper No. 39*: the proposed system “in strictness” was “neither national nor a federal Constitution, but a composition of both.” Madison’s June 6 speech, however, insured that the new “compound” republic would have a national as opposed to a confederal tilt. This innovative governmental model, what came to be called the “federal” model, represented one of America’s great contributions to the science of politics according to Madison. The model’s national elements were evident not only in the creation of separate executive and judicial departments as well as proportional representation in the House of Representatives, but in the supremacy clause that affirmed that the Constitution as well as national laws enacted under its authority would constitute the supreme law of the land. The confederal elements appeared in the provision for equal state representation in the United States Senate (a feature especially desired by the small states) and state participation in the ratification of amendments. The addition of the 10th Amendment in 1791 provided added protection for state interests (“The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people”).

The defenders of the confederal model continued their attacks on the new system during the ratification debates that followed the convention. Patrick Henry of Virginia, for example, accused the delegates to the Federal Convention of violating their authorization by

proposing to establish a “consolidated” government based on the consent of the people, rather than the states. For Henry, the new constitutional system would endanger the rights and privileges of the people along with the “sovereignty” of the states. Richard Henry Lee, one of the Anti-Federalists, shared Henry’s fear that a large republic would not be hospitable to liberty and natural rights. Like many other opponents of the Constitution, Lee also argued that republican liberty can be preserved only by a virtuous citizenry and that only small republics are capable of nurturing civic and moral virtues.

The fact that the document that issued from the Federal Convention did not include a bill of rights seemed to lend support to the charge by Patrick Henry and others that the proposed governmental

system would promote neither the happiness nor the liberty of the people. In fact, several delegates to the convention, including George Mason of Virginia and Eldridge Gerry of Massachusetts, were sufficiently troubled by the absence of a bill of rights that they departed without adding their signatures to the document. Gerry also worried that the new government would not adequately represent the people and that its powers were not well defined. When it was clear that the opponents of the plan would not accept the argument that the framework set out by the delegates provided for a limited government of enumerated powers that would be incapable of emasculating natural rights and liberties, an agreement was reached during the ratification period to add amendments that would guarantee, among other things, freedom of speech and religion, trial by one’s peers, and protection against unreasonable searches and seizures.

The federal system or compound republic crafted by the Framers was an ingenious response to the demand for both effective or competent government on the one side, and rights-sensitive government on the other. The decision to divide power among (federalism) and within (checks and balances) several governments positioned the American people to enjoy the benefits of a large republic (e.g., strong defense against foreign encroachments, national system of commerce, etc.) while still retaining significant control over their day-to-day affairs within the states. The states, and not the national government, were entrusted with the “police powers,” that is, the

*Madison convinced them that what they wanted most from government, that is, protection for rights or republican liberty, could best be achieved in a national system.*

authority to protect the health, morals, safety and welfare of the people. It is worth noting that Madison was quite content to entrust the police powers to the states—he never desired that the United States have a unitary system of government.

Ratification of the Constitution in 1791 hardly put an end to the debate between the advocates of state sovereignty or small republicanism and the proponents of national sovereignty and the large republic. The concerns of James Madison and Patrick Henry, for example, are never far from the surface of contemporary debates about the power of the federal government to impose regulations on the states under the Constitution's commerce

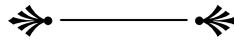
clause or the Fourteenth Amendment. There is considerable evidence, however, that the tension between these positions not only adds vitality to the constitutional system, but has been critically important to the advancement of both national security and equality in the enjoyment of fundamental rights. The federal arrangement that was crafted by the delegates at the Federal Convention of 1787 has long been recognized as one of the principal models of a modern democratic system of government.

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### **Suggestions for Further Reading**

- Diamond, Martin. *The Founding of the Democratic Republic*. Itasca, IL: F.E. Peacock, 1981.
- Frohnen, Bruce (ed.). *The American Republic: Primary Sources*. Indianapolis: Liberty Fund, 2002.
- Kurland, Philip B. and Ralph Lerner (eds.). *The Founders' Constitution*. Indianapolis: Liberty Fund, 1987.
- McDonald, Forrest. *E Pluribus Unum*. Indianapolis: Liberty Fund, 1979.
- Storing, Herbert J. *What the Anti-Federalists Were For*. Chicago: The University of Chicago Press, 1981.

# REPUBLICAN GOVERNMENT



As Benjamin Franklin left Philadelphia's Convention Hall in September 1787, upon the completion of the work of the Framers of the Constitution, a woman approached him and asked the old sage of the Revolution what the delegates had created. Franklin responded, "A republic, Madame, if you can keep it." The woman's reaction to Franklin's reply is left unrecorded by history, but she might well have asked Franklin for a more detailed answer. Though the word "republic" was common currency in America at the time, the meaning of the term was imprecise, encompassing various and diverse forms of government.

Broadly, a republic meant a country not governed by a king. The root of the word is the Latin, *res publica*, meaning "the public things." "The word *republic*," Thomas Paine wrote, "means the *public good*, or the good of the whole, in contradistinction to the despotic form, which makes the good of the sovereign, or of one man, the only object of the government." In a republic, the people are sovereign, delegating certain powers to the government whose duty is to look to the general welfare of society. That citizens of a republic ought to place the common good before individual self-interest was a key assumption among Americans of the eighteenth century. "Every man in a republic," proclaimed Benjamin Rush, "is public property. His time and talents—his youth—his manhood—his old age, nay more, life, all belong to his country."

Republicanism was not an American invention. In shaping their governments, Americans looked to history, first to the ancient world, and specifically to the Israel of the Old Testament, the Roman republic, and the Greek city-states. New Englanders in particular often cited the ancient state of Israel as the world's first experiment in republican government and sometimes drew a parallel between the Twelve Tribes of Israel and the thirteen American states. In 1788, while ratification of the Constitution was being debated, one Yankee preacher gave a sermon entitled, "The Republic of the Israelites an Example

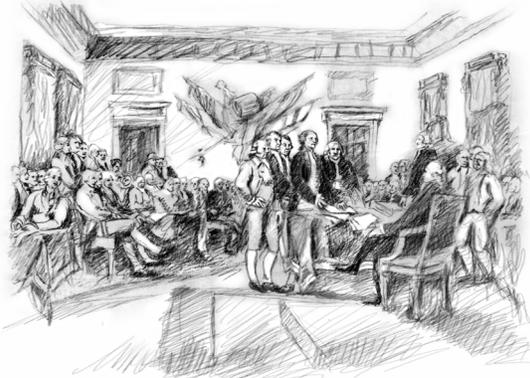
to the American States." Indeed, the Bible was cited by American authors in the eighteenth century more often than any other single source.

Americans not only knew their Bible, but also the history of the Greeks and Romans. The elite class mastered ancient languages and literature, a requirement of colleges at the time. To these men of the eighteenth century, ancient languages were not dead, nor were ancient events distant; rather, the worlds of Pericles and Polybius, Sallust and Cicero were vibrant and near. The relatively minor advancements in technology across 2,000 years—people still traveled by horse and sailing ship—

served to reinforce the bond eighteenth-century Americans felt with the ancients.

Like the Greeks and Romans of antiquity, Americans believed that government must concern itself with the character of its citizenry. Indeed, virtue was "the Soul of a republican Government," as Samuel Adams put it. Virtue had two connotations, one secular and the other sacred. The root of the word was the Latin, *vir*, meaning "man," and indeed republican virtue often referred to the display of such "manly" traits as courage and self-sacrifice for the common good. These qualities were deemed essential for a republic's survival. "A popular government," Patrick Henry proclaimed, "cannot flourish without virtue in the people." But virtue could also mean the traditional Judeo-Christian virtues, and many Americans feared that God would punish the entire nation for the sins of its people. "Without morals," Charles Carroll proclaimed, "a republic cannot subsist any length of time." New Englanders in particular sought to have society's institutions—government and schools as well as churches—inculcate such qualities as industry, frugality, temperance, and chastity in the citizenry. The Massachusetts Constitution of 1780, for example, provided for "public instructions in piety, religion, and morality."

The second ingredient of a good republic was a well-constructed government with good institutions.



“If the foundation is badly laid,” George Washington said of the American government, “the superstructure must be bad.” Americans adhered to a modified version of the idea of “mixed” government, advocated by the Greek thinker Polybius and later republican theorists. A mixed republic combined the three basic parts of society—monarchy (the one ruler), aristocracy (the rich few), and democracy (the people)—in a proper formula so that no one part could tyrannize the others. But Americans believed that the people of a republic were sovereign, so they sought to create institutions that approximated the monarchical and aristocratic elements of society. The Framers of the Constitution did just this by fashioning a single executive and a Senate once removed from the people. The problem, as John Adams pointed out in his *Thoughts on Government*, was that “the possible combinations of the powers of society are capable of innumerable variations.”

Americans had every reason to be pessimistic about their experiment in republicanism. History taught that republics were inherently unstable and vulnerable to decay. The Roman republic and the city-state of Athens, for instance, had succumbed to the temptations of empire and lost their liberty. The histories of the Florentine and Venetian republics of Renaissance Italy too had been glorious but short-lived. Theorists from the ancient Greek thinker Polybius to the seventeenth-century English radical Algernon Sidney warned that republics suffer from particular dangers that monarchies and despotisms do not. Republics were assumed to burn brightly but briefly because of their inherent instability. One element of society always usurped power and established a tyranny.

The great danger to republics, it was generally believed, stemmed from corruption, which, like virtue, had both a religious and a worldly meaning. Corruption referred, first, to the prevalence of immorality among the people. “Liberty,” Samuel Adams asserted, “will not long survive the total Extinction of Morals.”

“If the Morals of the people” were neglected, Elbridge Gerry cautioned during the crisis with England, American independence would not produce liberty but “a Slavery, far exceeding that of every other Nation.”

This kind of corruption most often resulted from avarice, the greed for material wealth. Several American colonial legislatures therefore passed

sumptuary laws, which prohibited ostentatious displays of wealth. “Luxury . . . leads to corruption,” a South Carolinian declared during the Revolutionary era, “and whoever encourages great luxury in a free state must be a bad citizen.” Another writer warned of the “ill effect of superfluous riches” on republican society. Avarice was seen as a “feminine” weakness; the lust for wealth rotted away “masculine” virtues. John Adams bemoaned “vanities, levities, and fopperies, which are real antidotes to all great, manly, and warlike virtues.”

*Fear of government’s tendency to expand its power at the expense of the people’s liberty was part of Americans’ English political heritage.*

The second meaning of corruption referred to placing private interest above the common good. This temptation plagued public officials most of all, who had ample opportunity to misappropriate public funds and to expand their power.

“Government was instituted for the general good,” Charles Carroll wrote, “but officers intrusted with its powers have most commonly perverted them to the selfish views of avarice and ambition.” Increasingly in the eighteenth century, Americans came to see government itself as the primary source of corruption.

Fear of government’s tendency to expand its power at the expense of the people’s liberty was part of Americans’ English political heritage. They imbibed the writings of late-seventeenth-century English radicals and eighteenth-century “country” politicians who were suspicious of the power of British officials (the “court”). Government corruption was manifested in patronage (the awarding of political office to friends), faction (the formation of parties whose interests were opposed to the common good), standing (permanent) armies, established churches, and the promotion of an elite class. Power, these country writers argued, was possessed by the government; it was aggressive and expansionist. Liberty was the property of the governed; it was sacred and delicate. The history of liberty in the world was a history of defeat by the forces of tyranny.

Though the history of republicanism was a dismal one, the lessons of history as well as their own colonial experience convinced the American Founders that they possessed sufficient information on which to base a new science of politics. “Experience must be our only guide,” John Dickinson proclaimed at the Philadelphia Convention; “reason may mislead us.” The Framers of the United States Constitution all had experience as public servants,

and it must be remembered that the document they produced did not spring forth as something entirely new in the American experience. Rather, the Founders had learned much from the operation of their colonial charters, state constitutions, and the Articles of Confederation.

At Philadelphia, the Founders focused on the proper construction of the machinery of government as the key to the building of a stable republic. The Constitution makes no mention of the need for virtue among the people, nor does it make broad appeals for self-sacrifice on behalf of the common good. It is a hard-headed document forged by practical men who had too often witnessed avarice and ambition among their peers in the state house, the courtroom, and the counting house. A good constitution, the Founders held, was the key to good government. Corruption and decay could be overcome primarily through the creation of a written constitution—something England lacked—that carefully detailed a system in which powers were separated and set in opposition to each other so that none could dominate the others.

James Madison, often called “The Father of the Constitution” because of the great influence of his ideas at Philadelphia, proposed to arrange the machinery of government in such a fashion as not to make virtue or “better motives” critical to the advancement of the common good. Acknowledging in *The Federalist Papers* that “enlightened statesmen will not always be at the helm,” Madison believed that the separate powers of government—legislative, executive, and judicial—must be set in opposition to one another, so that “ambition must be made to counteract ambition.”

“In framing a government which is to be administered by men over men,” Madison asserted, “the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself.”

James Wilson, representing Pennsylvania at the Philadelphia Convention, declared that the Constitution’s separation of powers and checks and balances made “it advantageous even for bad men to act for the public good.” This is not to say that the delegates believed that the republic could survive if corruption vanquished virtue in society. Madison himself emphasized the importance of republican virtue when defending the new government in *The Federalist Papers*. But the Framers

agreed with Madison that men were not angels, and most were satisfied that the Constitution, as George Washington put it, “is provided with more checks and barriers against the introduction of Tyranny . . . than any Government hitherto instituted among mortals.”

The question remained, however, whether one part of society would come to dominate. No matter how perfect the design, the danger remained that a faction would amass enough political power to take away the liberty of others. To combat this problem, classical republican theory called for creating a uniformity of opinion among the republican citizenry so that factions could not develop. The ancient Greek city-states, for example, feared anything that caused differentiation among citizens, including commerce, which tended to create inequalities of wealth and opposing interests. In contrast, Madison and the Founders recognized that factionalism would be inherent in a commercial republic that protected freedom of religion, speech, press, and assembly. They sought only to mediate the deleterious effects of faction.

Republics also were traditionally thought to be durable only when a small amount of territory was involved. The Greek city-states, the Roman republic, the Italian republics, and the American states all encompassed relatively small areas. When the Roman republic expanded in its quest for empire, tyranny was the result. Madison turned this traditional thinking on its head in *The Federalist Papers*, arguing that a large republic was more conducive to liberty because it encompassed so many interests that no single one, or combination of several, could gain control of the government.

Not all Americans accepted the Madisonian solution. Agrarians, such as Thomas Jefferson, were uncomfortable with the idea of a commercial republic centered on industry and sought to perpetuate a nation of independent farmers through the expansion of the frontier. Though uneasy about the “energetic government” created by the Constitution, Jefferson endorsed the Framers’ work after a bill of rights was added to the document. “Old republicans” like Samuel Adams and George Mason opposed the Constitution, even after the addition of a bill of rights, fearing that the power granted to the central government was too great and wistfully looking back to the Revolutionary era when virtue, not ambition, was the animating principle of government. But in 1789, as the new government went into operation,

*[The Constitution] is a hard-headed document forged by practical men who had too often witnessed avarice and ambition among their peers.*

most Americans shared the optimism of Benjamin Franklin, who had decided at the conclusion of the Philadelphia Convention that the sun carved into the back of the chair used by George Washington was a rising—not a setting—sun, and thereby indicative of the bright prospects of the nation.

“We have it in our power to begin the world over again,” Thomas Paine had written in 1776, during the heady days of American independence. And indeed the American Founders in 1787 were keenly aware that they possessed a rare opportunity.

Like the legendary Lycurgus of Ancient Greece, they were to be the supreme lawgivers of a new republic, a *novus ordo seclorum* or new order of the ages. The American Founders were aware that the eyes of the world and future generations were upon them, and they were determined to build an eternal republic founded in liberty, a shining city upon a hill, as an example to all nations for all time.

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# INTRODUCTORY ESSAY: EXPLAINING THE FOUNDING



In 1760, what was to become the United States of America consisted of a small group of colonies strung out along the eastern seaboard of North America. Although they had experienced significant economic and demographic growth in the eighteenth century and had just helped Britain defeat France and take control of most of North America, they remained politically and economically dependent upon London. Yet, in the next twenty-five years, they would challenge the political control of Britain, declare independence, wage a bloody war, and lay the foundations for a trans-continental, federal republican state. In these crucial years, the colonies would be led by a new generation of politicians, men who combined practical political skills with a firm grasp of political ideas. In order to better understand these extraordinary events, the Founders who made them possible, and the new Constitution that they created, it is necessary first to understand the political ideas that influenced colonial Americans in the crucial years before the Revolution.



“Parliaments and Juries.” “By the first,” Penn argued, “the subject has a share by his chosen Representatives in the Legislative (or Law making) Power.” Penn felt that the granting of consent through Parliament was important because it ensured that “no new Laws bind the People of England, but such as are by common consent agreed on in that great Council.”

In Penn’s view, juries were an equally important means of limiting arbitrary power. By serving on juries, Penn argued, every freeman “has a share in the *Executive* part of the Law, no Causes being tried, nor any man adjudged to loose [*sic*] Life, member or Estate, but upon the *Verdict* of his Peers or Equals.” For Penn, “These two grand Pillars of English Liberty” were “the *Fundamental vital Priviledges* [*sic*]” of Englishmen.

The other aspect of their government that seventeenth-century Englishmen celebrated was a system that was ruled by laws and not by men. As Penn rather colorfully put it: “In France, and other Nations, the meer [*sic*] Will of the Prince is Law, his Word takes off any mans Head, imposeth Taxes, or seizes a mans Estate, when, how and as often as he lists; and if one be accused [*sic*], or but so much as suspected of any Crime, he may either presently Execute him, or banish, or Imprison him at pleasure.” By contrast, “*In England*,” Penn argued, “the Law is both the measure and the bound of every Subject’s Duty and Allegiance, each man having a fixed Fundamental-Right born with him, as to Freedom of his Person and Property in his Estate, which he cannot be deprived of, but either by his Consent, or some Crime, for which the Law has impos’d such a penalty or forfeiture.”

This common law view of politics understood political power as fundamentally *limited* by Englishmen’s rights and privileges. As a result, it held that English kings were bound to rule according to known laws and by respecting the inherent rights of their subjects. It also enshrined the concept of consent as the major means to the end of protecting these rights. According to Penn and his contemporaries, this system of government—protecting as it did the “unparallel’d

## THE COMMON LAW AND THE RIGHTS OF ENGLISHMEN

The political theory of the American colonists in the seventeenth and eighteenth centuries was deeply influenced by English common law and its idea of rights. In a guide for religious dissenters written in the late seventeenth century, William Penn, the founder of Pennsylvania, offered one the best contemporary summaries of this common-law view of rights. According to Penn, all Englishmen had three central rights or privileges by common law: those of life, liberty, and property. For Penn, these English rights meant that every subject was “to be freed in Person & Estate from Arbitrary Violence and Oppression.” In the widely used language of the day, these rights of “Liberty and Property” were an Englishman’s “Birthright.”

In Penn’s view, the English system of government preserved liberty and limited arbitrary power by allowing the subjects to express their *consent* to the laws that bound them through two institutions:

Privilege [*sic*] of Liberty and Property”—had made the English nation “more free and happy than any other People in the World.”

The Founders imbibed this view of English rights through the legal training that was common for elites in the eighteenth-century Anglo-American world. This legal education also made them aware of the history of England in the seventeenth century, a time when the Stuart kings had repeatedly threatened their subjects’ rights. In response, many Englishmen drew on the common law to argue that all political power, even that of a monarch, should be limited by law. Colonial Americans in the eighteenth century viewed the defeat of the Stuarts and the subsequent triumph of Parliament (which was seen as the representative of subjects’ rights) in the Glorious Revolution of 1688 as a key moment in English history. They believed that it had enshrined in England’s unwritten constitution the rule of law and the sanctity of subjects’ rights. This awareness of English history instilled in the Founders a strong fear of arbitrary power and a consequent desire to create a constitutional form of government that limited the possibility of rulers violating the fundamental liberties of the people.

The seriousness with which the colonists took these ideas can be seen in their strong opposition to Parliament’s attempt to tax or legislate for them without their consent in the 1760s and 1770s. After the Revolution, when the colonists formed their own governments, they wrote constitutions that included many of the legal guarantees that Englishmen had fought for in the seventeenth century as a means of limiting governmental power. As a consequence, both the state and federal constitutions typically contained bills of rights that enshrined core English legal rights as fundamental law.

### **NATURAL RIGHTS**

The seventeenth century witnessed a revolution in European political thought, one that was to prove profoundly influential on the political ideas of the American Founders. Beginning with the Dutch writer Hugo Grotius in the early 1600s, several important European thinkers began to construct a new understanding of political theory that argued that all men by *nature* had equal rights, and that governments were formed for the sole purpose of protecting these natural rights.

The leading proponent of this theory in the English-speaking world was John Locke (1632–1704). Deeply involved in the opposition to the Stuart kings in the 1670s and 1680s, Locke wrote a book on political theory to justify armed resistance to Charles II and his brother James. “To understand political power right,” Locke wrote, “and derive it from its original, we must consider, what state all men are naturally in, and that is, a state of perfect freedom to order their actions, and dispose of their possessions and persons, as they think fit, within the bounds of the law of nature, without asking leave, or depending upon the will of any other man.” For Locke, the state of nature was “a state also of equality, wherein all the power and jurisdiction is reciprocal, no one having more than another.”

*The political theory of the American colonists in the seventeenth and eighteenth centuries was deeply influenced by English common law and its idea of rights.*

Although this pregovernmental state of nature was a state of perfect freedom, Locke contended that it also lacked an impartial judge or umpire to regulate disputes among

men. As a result, men in this state of nature gathered together and consented to create a government in order that their natural rights would be better secured. Locke further argued that, because it was the people who had created the government, the people had a right to resist its authority if it violated their rights. They could then join together and exercise their collective or popular sovereignty to create a new government of their own devising. This revolutionary political theory meant that ultimate political authority belonged to the people and not to the king.

This idea of natural rights became a central component of political theory in the American colonies in the eighteenth century, appearing in numerous political pamphlets, newspapers, and sermons. Its emphasis on individual freedom and government by consent combined powerfully with the older idea of common law rights to shape the political theory of the Founders. When faced with the claims of the British Parliament in the 1760s and 1770s to legislate for them without their consent, American patriots invoked both the common law and Lockean natural rights theory to argue that they had a right to resist Britain.

Thomas Jefferson offers the best example of the impact that these political ideas had on the founding. As he so eloquently argued in the Declaration of Independence: “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 abolish it, and to institute new Government, laying its foundations on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness.”

This idea of natural rights also influenced the course of political events in the crucial years after 1776. All the state governments put this new political theory into practice, basing their authority on the people, and establishing written constitutions that protected natural rights. As George Mason, the principal author of the influential Virginia Bill of Rights (1776), stated in the document’s first section: “All men are by nature equally free and independent, and have certain inherent rights, of which, when they enter into a state of society, they cannot, by any compact, deprive or divest their posterity; namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.” The radical implications of this insistence on equal natural rights would slowly become apparent in postrevolutionary American society as previously downtrodden groups began to invoke these ideals to challenge slavery, argue for a wider franchise, end female legal inequality, and fully separate church and state.

In 1780, under the influence of John Adams, Massachusetts created a mechanism by which the people themselves could exercise their sovereign power to constitute governments: a special convention convened solely for the purpose of writing a constitution, followed by a process of ratification. This American innovation allowed the ideas of philosophers like Locke to be put into practice. In particular, it made the people’s natural rights secure by enshrining them in a constitution which was not changeable by ordinary legislation. This method was to influence the authors of the new federal Constitution in 1787.

## RELIGIOUS TOLERATION AND THE SEPARATION OF CHURCH AND STATE

A related development in seventeenth-century European political theory was the emergence of arguments for religious toleration and the separation of church and state. As a result of the bloody religious wars between Catholics and Protestants that followed the Reformation, a few thinkers in both England and Europe argued that governments should not attempt to force individuals to conform to one form of worship. Rather, they insisted that such coercion was both unjust and dangerous. It was unjust because true faith required voluntary belief; it was dangerous because the attempts to enforce religious beliefs in Europe

had led not to religious uniformity, but to civil war. These thinkers further argued that if governments ceased to enforce religious belief, the result would be civil peace and prosperity.

Once again the English philosopher John Locke

played a major role in the development of these new ideas. Building on the work of earlier writers, Locke published in 1689 *A Letter Concerning Toleration*, in which he contended that there was a natural right of conscience that no government could infringe. As he put it: “The care of Souls cannot belong to the Civil Magistrate, because his Power consists only in outward force; but true and saving Religion consists in the inward persuasion [*sic*] of the Mind, without which nothing can be acceptable to God. And such is the nature of the Understanding, that it cannot be compell’d to the belief of any thing by outward force. Confiscation of Estate, Imprisonment, Torments, nothing of that nature can have any such Efficacy as to make Men change the inward Judgment that they have formed of things.”

These ideas about the rights of conscience and religious toleration resonated powerfully in the English colonies in America. Although the Puritans in the seventeenth century had originally attempted to set up an intolerant commonwealth where unorthodox religious belief would be prohibited, dissenters like Roger Williams challenged them and argued that true faith could not be the product of coercion. Forced to flee by the Puritans, Williams established the colony of Rhode Island, which offered religious toleration to all and had no state-supported church. As the Puritan Cotton Mather sarcastically remarked,

*Natural rights became a central component of political theory in the American colonies . . . , appearing in numerous political pamphlets, newspapers, and sermons.*

Rhode Island contained “everything in the world but Roman Catholics and real Christians.” In addition, Maryland, founded in the 1630s, and Pennsylvania, founded in the 1680s, both provided an extraordinary degree of religious freedom by the standard of the time.

In the eighteenth century, as these arguments for religious toleration spread throughout the English-speaking Protestant world, the American colonies, becoming ever more religiously pluralistic, proved particularly receptive to them. As a result, the idea that the government should not enforce religious belief had become an important element of American political theory by the late eighteenth century. After the Revolution, it was enshrined as a formal right in many of the state constitutions, as well as most famously in the First Amendment to the federal Constitution.

*By reading the classics, the American Founders were introduced to an alternate political vision, one that legitimated republicanism.*

### COLONIAL SELF-GOVERNMENT

The political thinking of the Founders in the late eighteenth century was also deeply influenced by the long experience of colonial self-government. Since their founding in the early seventeenth century, most of the English colonies in the Americas (unlike the French and Spanish colonies) had governed themselves to a large extent in local assemblies that were modeled on the English Parliament. In these colonial assemblies they exercised their English common law right to consent to all laws that bound them.

The existence of these strong local governments in each colony also explains in part the speed with which the Founders were able to create viable independent republican governments in the years after 1776. This long-standing practice of self-government also helped to create an indigenous political class in the American colonies with the requisite experience for the difficult task of nation building.

In addition to the various charters and royal instructions that governed the English colonies, Americans also wrote their own Founding documents. These settler covenants were an early type of written constitution and they provided an important model for the Founders in the late eighteenth century as they sought to craft a new constitutional system based on popular consent.

### CLASSICAL REPUBLICANISM

Not all the intellectual influences on the Founders originated in the seventeenth century. Because many of the Founders received a classical education in colonial colleges in the eighteenth century, they were heavily influenced by the writings of the great political thinkers and historians of ancient Greece and Rome.

Antiquity shaped the Founders’ political thought in several important ways. First, it introduced them to the idea of republicanism, or government by the people. Ancient political thinkers from Aristotle to Cicero had praised republican self-government as the best political system. This classical political thought was important for the Founders as it gave them grounds to dissent from the heavily monarchical political culture of eighteenth-century England, where even the common law jurists who defended subjects’ rights against royal power believed strongly in monarchy. By reading the classics, the American Founders were introduced to an alternate political vision, one that legitimized republicanism.

The second legacy of this classical idea of republicanism was the emphasis that it put on the moral foundations of liberty. Though ancient writers believed that a republic was the best form of government, they were intensely aware of its fragility. In particular, they argued that because the people governed themselves, republics required for their very survival a high degree of civic virtue in their citizenry. Citizens had to be able to put the good of the whole (the *res publica*) ahead of their own private interests. If they failed to do this, the republic would fall prey to men of power and ambition, and liberty would ultimately be lost.

As a result of this need for an exceptionally virtuous citizenry, ancient writers also taught that republics had to be small. Only in a small and relatively homogeneous society, they argued, would the necessary degree of civic virtue be forthcoming. In part, it was this classical teaching about the weakness of large republics that animated the contentious debate over the proposed federal Constitution in the 1780s.

In addition to their reading of ancient authors, the Founders also encountered republican ideas in

the political theory of a group of eighteenth-century English writers called the “radical Whigs.” These writers kept alive the republican legacy of the English Civil War at a time when most Englishmen believed that their constitutional monarchy was the best form of government in the world. Crucially for the Founding, these radical Whigs combined classical republican thought with the newer Lockean ideas of natural rights and popular sovereignty. They thus became an important conduit for a modern type of republicanism to enter American political thought, one that combined the ancient concern with a virtuous citizenry and the modern insistence on the importance of individual rights.

These radical Whigs also provided the Founders with an important critique of the eighteenth-century British constitution. Instead of seeing it as the best form of government possible, the radical Whigs argued that it was both corrupt

and tyrannical. In order to reform it, they called for a written constitution and a formal separation of the executive branch from the legislature. This classically inspired radical Whig constitutionalism was an important influence on the development of American republicanism in the late eighteenth century.

#### **CONCLUSION**

Drawing on all these intellectual traditions, the Founders were able to create a new kind of republicanism in America based on equal rights, consent, popular sovereignty, and the separation of church and state. Having set this broad context for the Founding, we now turn to a more detailed examination of important aspects of the Founders’ political theory, followed by detailed biographical studies of the Founders themselves.

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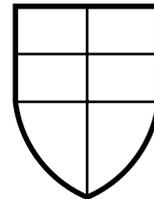
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## ADDITIONAL CLASSROOM ACTIVITIES

### Visual Assessment

1. **Founders Posters**—Have students create posters for either an individual Founder, a group of Founders, or an event. Ask them to include at least one quotation (different from classroom posters that accompany this volume) and one image.
2. **Coat of Arms**—Draw a coat of arms template and divide into 6 quadrants (see example). Photocopy and hand out to the class. Ask them to create a coat of arms for a particular Founder with a different criterion for each quadrant (e.g., occupation, key contribution, etc.). Include in the assignment an explanation sheet in which they describe why they chose certain colors, images, and symbols.
3. **Individual Illustrated Timeline**—Ask each student to create a visual timeline of at least ten key points in the life of a particular Founder. In class, put the students in groups and have them discuss the intersections and juxtapositions in each of their timelines.
4. **Full Class Illustrated Timeline**—Along a full classroom wall, tape poster paper in one long line. Draw in a middle line and years (i.e., 1760, 1770, 1780, etc.). Put students in pairs and assign each pair one Founder. Ask them to put together ten key points in the life of the Founder. Have each pair draw in the key points on the master timeline.
5. **Political Cartoon**—Provide students with examples of good political cartoons, contemporary or historical. A good resource for finding historical cartoons on the Web is <[http://www.boondocksnet.com/gallery/political\\_cartoons.html](http://www.boondocksnet.com/gallery/political_cartoons.html)>. Ask them to create a political cartoon based on an event or idea in the Founding period.



### Performance Assessments

1. **Meeting of the Minds**—Divide the class into five groups and assign a Founder to each group. Ask the group to discuss the Founder's views on a variety of pre-determined topics. Then, have a representative from each group come to the front of the classroom and role-play as the Founder, dialoguing with Founders from other groups. The teacher will act as moderator, reading aloud topic questions (based on the pre-determined topics given to the groups) and encouraging discussion from the students in character. At the teacher's discretion, questioning can be opened up to the class as a whole. For advanced students, do not provide a list of topics—ask them to know their character well enough to present him properly on all topics.
2. **Create a Song or Rap**—Individually or in groups, have students create a song or rap about a Founder based on a familiar song, incorporating at least five key events or ideas of the Founder in their project. Have students perform their song in class. (Optional: Ask the students to bring in a recording of the song for background music.)

### Web/Technology Assessments

1. **Founders PowerPoint Presentation**—Divide students into groups. Have each group create a PowerPoint presentation about a Founder or event. Determine the number of slides, and assign a theme to each slide (e.g., basic biographic information, major contributions, political philosophy, quotations, repercussions of the event, participants in the event, etc.). Have them hand out copies of the slides and give the presentation to the class. You may also ask for a copy of the

presentation to give you the opportunity to combine all the presentations into an end-of-semester review.

2. **Evaluate Web sites**—Have students search the Web for three sites related to a Founder or the Founding period (you may provide them with a “start list” from the resource list at the end of each lesson). Create a Web site evaluation sheet that includes such questions as: Are the facts on this site correct in comparison to other sites? What sources does this site draw on to produce its information? Who are the main contributors to this site? When was the site last updated? Ask students to grade the site according to the evaluation sheet and give it a grade for reliability, accuracy, etc. They should write a 2–3 sentence explanation for their grade.
3. **Web Quest**—Choose a Web site(s) on the Constitution, Founders, or Founding period. (See suggestions below.) Go to the Web site(s) and create a list of questions taken from various pages within the site. Provide students with the Web address and list of questions, and ask them to find answers to the questions on the site, documenting on which page they found their answer. Web site suggestions:
  - The Avalon Project <<http://www.yale.edu/lawweb/avalon/avalon.htm>>
  - The Founders’ Constitution <<http://press-pubs.uchicago.edu/founders/>>
  - Founding.com <<http://www.founding.com/>>
  - National Archives Charters of Freedom <[http://www.archives.gov/national\\_archives\\_experience/charters.html](http://www.archives.gov/national_archives_experience/charters.html)>
  - The Library of Congress American Memory Page <<http://memory.loc.gov/>>
  - Our Documents <<http://www.ourdocuments.gov/>>
  - Teaching American History <<http://www.teachingamericanhistory.org/>>

A good site to help you construct the Web Quest is: <<http://trackstar.hprtec.org>>

### Verbal Assessments

1. **Contingency in History**—In a one-to-two page essay, have students answer the question, “How would history have been different if [Founder] had not been born?” They should consider repercussions for later events in the political world.
2. **Letters Between Founders**—Ask students to each choose a “Correspondence Partner” and decide which two Founders they will be representing. Have them read the appropriate Founders essays and primary source activities. Over a period of time, the pair should then write at least three letters back and forth (with a copy being given to the teacher for review and feedback). Instruct them to be mindful of their Founders’ tone and writing style, life experience, and political views in constructing the letters.
3. **Categorize the Founders**—Create five categories for the Founders (e.g., slaveholders vs. non-slaveholders, northern vs. southern, opponents of the Constitution vs. proponents of the Constitution, etc.) and a list of Founders studied. Ask students to place each Founder in the appropriate category. For advanced students, ask them to create the five categories in addition to categorizing the Founders.
4. **Obituaries and Gravestones**—Have students write a short obituary or gravestone engraving that captures the major accomplishments of a Founder (e.g., Thomas Jefferson’s gravestone). Ask them to consider for what the Founder wished to be remembered.
5. **“I Am” Poem**—Instruct students to select a Founder and write a poem that refers to specific historical events in his life (number of lines at the teacher’s discretion).

## ADDITIONAL CLASSROOM ACTIVITIES

Each line of the poem must begin with “I” (i.e., “I am...,” “I wonder...,” “I see...,” etc.). Have them present their poem with an illustration of the Founder.

6. **Founder’s Journal**—Have students construct a journal of a Founder at a certain period in time. Ask them to pick out at least five important days. In the journal entry, make sure they include the major events of the day, the Founder’s feelings about the events, and any other pertinent facts (e.g., when writing a journal about the winter at Valley Forge, Washington may have included information about the troops’ morale, supplies, etc.).
7. **Résumé for a Founder**—Ask students to create a resume for a particular Founder. Make sure they include standard resume information (e.g., work experience, education, skills, accomplishments/honors, etc.). You can also have them research and bring in a writing sample (primary source) to accompany the resume.
8. **Cast of Characters**—Choose an event in the Founding Period (e.g., the signing of the Declaration of Independence, the debate about the Constitution in a state ratifying convention, etc.) and make a list of individuals related to the incident. Tell students that they are working for a major film studio in Hollywood that has decided to make a movie about this event. They have been hired to cast actors for each part. Have students fill in your list of individuals with actors/actresses (past or present) with an explanation of why that particular actor/actress was chosen for the role. (Ask the students to focus on personality traits, previous roles, etc.)

### Review Activities

1. **Founders Jeopardy**—Create a Jeopardy board on an overhead sheet or handout (six columns and five rows). Label the column heads with categories and fill in all other squares with a dollar amount. Make a sheet that corresponds to the Jeopardy board with the answers that you will be revealing to the class. (Be sure to include Daily Doubles.)
  - a. Possible categories may include:
    - Thomas Jefferson (or the name of any Founder)
    - Revolutionary Quirks (fun Founders facts)
    - Potpourri (miscellaneous)
    - Pen is Mightier (writings of the Founders)
  - b. Example answers:
    - This Founder drafted and introduced the first formal proposal for a permanent union of the thirteen colonies. *Question: Who is Benjamin Franklin?*
    - This Founder was the only Roman Catholic to sign the Declaration of Independence. *Question: Who is Charles Carroll?*
2. **Who Am I?**—For homework, give each student a different Founder essay. Ask each student to compile a list of five-to-ten facts about his/her Founder. In class, ask individuals to come to the front of the classroom and read off the facts one at a time, prompting the rest of the class to guess the appropriate Founder.
3. **Around the World**—Develop a list of questions about the Founders and plot a “travel route” around the classroom in preparation for this game. Ask one student to volunteer to go first. The student will get up from his/her desk and “travel” along the route plotted to an adjacent student’s desk, standing next to it. Read a question aloud, and the first student of the two to answer correctly advances to the next stop on the travel route. Have the students keep track of how many places they advance. Whoever advances the furthest wins.

# AN EIGHTEENTH-CENTURY GLOSSARY

**Common Good:** General conditions that are equally to everyone’s advantage. In a **republic**, held to be superior to the good of the individual, though its attainment ought never to violate the **natural rights** of any individual.

**Democracy:** From the Greek, *demos*, meaning “rule of the people.” Had a negative connotation among most Founders, who equated the term with mob rule. The Founders considered it to be a form of government into which poorly-governed **republics** degenerated.

**English Rights:** Considered by Americans to be part of their inheritance as Englishmen; included such rights as property, petition, and trials by jury. Believed to exist from time immemorial and recognized by various English charters as the Magna Carta, the Petition of Right of 1628, and the English Bill of Rights of 1689.

**Equality:** Believed to be the condition of all people, who possessed an equality of rights. In practical matters, restricted largely to land-owning white men during the Founding Era, but the principle worked to undermine ideas of deference among classes.

**Faction:** A small group that seeks to benefit its members at the expense of the **common good**. The Founders discouraged the formation of factions, which they equated with political parties.

**Federalism:** A political system in which power is divided between two levels of government, each supreme in its own sphere. Intended to avoid the concentration of power in the central government and to preserve the power of local government.

**Government:** Political power fundamentally limited by citizens’ rights and privileges. This limiting was accomplished by written charters or constitutions and bills of rights.

**Happiness:** The ultimate end of government. Attained by living in **liberty** and by practicing **virtue**.

**Inalienable Rights:** Rights that can never justly be taken away.

**Independence:** The condition of living in **liberty** without being subject to the unjust rule of another.

**Liberty:** To live in the enjoyment of one’s rights without dependence upon anyone else. Its enjoyment led to **happiness**.

**Natural Rights:** Rights individuals possess by virtue of their humanity. Were thought to be “**inalienable**.” Protected by written constitutions and bills of rights that restrained government.

**Property:** Referred not only to material possessions, but also to the ownership of one’s body and rights. Jealously guarded by Americans as the foundation of liberty during the crisis with Britain.

**Reason:** Human intellectual capacity and rationality. Believed by the Founders to be the defining characteristic of humans, and the means by which they could understand the world and improve their lives.

**Religious Toleration:** The indulgence shown to one religion while maintaining a privileged position for another. In pluralistic America, religious uniformity could not be enforced so religious toleration became the norm.

**Representation:** Believed to be central to republican government and the preservation of **liberty**. Citizens, entitled to vote, elect officials who are responsible to them, and who govern according to the law.

**Republic:** From the Latin, *res publica*, meaning “the public things.” A government system in which power resides in the people who elect representatives responsible to them and who govern according to the law. A form of government dedicated to promoting the **common good**. Based on the people, but distinct from a **democracy**.

**Separation of Church and State:** The doctrine that government should not enforce religious belief. Part of the concept of **religious toleration** and freedom of conscience.

**Separation of Powers/Checks and Balances:** A way to restrain the power of government by balancing the interests of one section of government against the competing interests of another section. A key component of the federal Constitution. A means of slowing down the operation of government, so it did not possess too much energy and thus endanger the rights of the people.

**Slavery:** Referred both to chattel slavery and political slavery. Politically, the fate that befell those who did not guard their rights against governments. Socially and economically, an institution that challenged the belief of the Founders in **natural rights**.

**Taxes:** Considered in English tradition to be the free gift of the people to the government. Americans refused to pay them without their consent, which meant actual **representation** in Parliament.

**Tyranny:** The condition in which **liberty** is lost and one is governed by the arbitrary will of another. Related to the idea of political **slavery**.

**Virtue:** The animating principle of a **republic** and the quality essential for a republic’s survival. From the Latin, *vir*, meaning “man.” Referred to the display of such “manly” traits as courage and self-sacrifice for the **common good**.

## ANSWER KEY

H. He was troubled by the lack of limitation on how many terms the president could serve.

### RICHARD HENRY LEE

#### Handout A—Richard Henry Lee (1732–1794)

1. Lee was an outspoken opponent of the international slave trade. His first official act in the Virginia House of Burgesses was to introduce a bill that proposed “to lay so heavy a duty on the importation of slaves as to put an end to that iniquitous and disgraceful traffic within the colony of Virginia.” Lee also condemned the institution of slavery itself. Blacks, Lee declared, were “equally entitled to liberty and freedom by the great law of nature.” He warned that slaves would rebel if they “observed their masters possessed of a liberty denied to them.” Nevertheless, Lee did not free any of his slaves. He simply could not afford to do so.
2. On June 7, 1776, Lee introduced a resolution that declared “that these United Colonies are, and of right ought to be, free and independent States.” This led to the drafting of the Declaration of Independence. Lee’s resolution was adopted by Congress on July 2, 1776.
3. In the *Federal Farmer*, Lee criticized the Constitution’s centralization of powers in the federal government and its lack of a bill of rights. He warned that the Constitution would destroy the states and create a “consolidated” government in which all power was dangerously concentrated in one place. Lee wished instead to preserve a federal system, in which power is divided between the national and state governments.
4. Answers will vary. Some students may say that Lee did not want anyone to know he was the author of the *Federal Farmer*. Anonymous authorship was a common tactic of political pamphleteers at the time. This was a way to keep

people focused on the arguments and not the author of the pamphlet. Some students may suggest that the pseudonym “Federal Farmer” reflects Lee’s identity as a plantation owner who favored the principle of federalism. Lee probably also wished to imply that the views expressed in the pamphlet were held by all virtuous farmers of America.

5. Answers will vary. Some students may agree with Lee that no constitutional procedures or laws can stop corrupt officeholders from doing evil. Others may disagree with Lee and argue that a well-designed constitution can reign in evil-doers by pitting the interest of one against the other. (Madison famously expressed this latter idea in *Federalist No. 51*, in which he argued that “ambition must be made to counteract ambition.”)

#### Handout B—Vocabulary and Context Questions

1. Vocabulary
  - a. united
  - b. vicinity
  - c. incapable of being taken away
  - d. openly, clearly
  - e. discovered, found out
  - f. determined
  - g. supports, buttresses
2. Context
  - a. The document was written in 1787–1788.
  - b. The document was written in Virginia.
  - c. Richard Henry Lee is the author of the document.
  - d. The document is a series of essays/letters.
  - e. The purpose of the document was to convince Americans not to ratify the Constitution.
  - f. The audience was Americans in every state.

# ANSWER KEY

## Handout C—In His Own Words: Richard Henry Lee on the Constitution

- a. Statements of Lee’s principles: Excerpts B, C, D, F, G, I
- b. Criticisms of the proposed Constitution: Excerpts A, E, H, J

### Topic/main idea of each excerpt:

- A The Constitution will place too much power in the central government.
- B The two ingredients for good government are representation of the people and trial by jury.
- C People’s rights cannot be taken away and should be the foundation of the Constitution.
- D “Wise and honest” administration of government is more important than the form of government; constitutions should not give men the opportunity to do evil.
- E The Constitution gives Congress unlimited power to tax.
- F Liberty is the freedom to enjoy life and work without too many restrictions by the government.
- G All power lies with the people.
- H The proposed government will grow too large and too powerful.
- I Virtue and good laws are mutually supportive.
- J The proposed government will be run by a few men.

## JAMES MADISON

### Handout A—James Madison (1751–1836)

1. Madison pressed for a meeting of the states to discuss amending the Articles of Confederation. He prepared his ideas for a new Constitution even before the states met. Many of Madison’s ideas were embodied in the Virginia Plan, which the final version of the constitution closely resembled. Madison played a major role in the debates as the con-

vention proceeded. He spoke often in support of his ideas and designed compromises to break gridlocks. After the convention, Madison joined with Alexander Hamilton and John Jay in composing the *Federalist Papers*, a series of newspaper essays that defended the Constitution. He also took a leading role in support of the Constitution at the Virginia Ratifying Convention. As a member of the House of Representatives, he guided a bill of rights through Congress.

2. Madison believed that it was crucial to separate power within the central government. This system of checks and balances would prevent any faction from seizing control of the government. Similarly, the proper division of power between the national and state governments, a novel concept called “federalism,” would preclude the dangerous concentration of power in any one place.
3. First, he argued that the rights of the people were already implied in the Constitution; second, he worried that any such listing of rights would surely omit some rights held by the people; and third, he believed that written lists of rights were not effective in protecting the liberty of the people.
4. Madison would have been deeply disappointed because he had worked so hard to fashion a new constitution for the United States. He likely would have been concerned that the nation was in danger of collapse. Perhaps he would have tried to organize another convention or at least would have tried to have the Articles of Confederation amended.
5. Answers will vary.

### Handout B—Vocabulary and Context Questions

1. Vocabulary
  - a. motivated
  - b. contrary, opposed