

Handout 3 - Address to the People of New York, by the Hon. John Jay

[text from <http://memory.loc.gov/learn/features/timeline/newnatn/usconst/johnjay.html>]

Friends and Fellow-citizens: The Convention concurred in opinion with the people, that a national government, competent to every national object, was indispensably necessary; and it was as plain to them, as it now is to all America, that the present Confederation does not provide for such a government. These points being agreed, they proceeded to consider how and in what manner such a government could be formed, as, on the one hand, should be sufficiently energetic to raise us from our prostrate and distressed situation, and, on the other, be perfectly consistent with the liberties of the people of every state. Like men to whom the experience of other ages and countries had taught wisdom, they not only determined that it should be erected by, and depend on, the people, but, remembering the many instances in which governments vested solely in one man, or one body of men, had degenerated into tyrannies, they judged it most prudent that the three great branches of power should be committed to different hands, and therefore that the executive should be separated from the legislative, and the judicial from both. Thus far the propriety of their work is easily seen and understood, and therefore is thus far almost universally approved; for no one man or thing under the sun ever yet pleased every body.

The next question was, what particular powers should be given to these three branches. Here the different views and interests of the different states, as well as the different abstract opinions of their members on such points, interposed many difficulties. Here the business became complicated, and presented a wide field for investigation--too wide for every eye to take a quick and comprehensive view of it. . . .

...The question now before us naturally leads to three inquiries:--

1. Whether it is probable that a better plan can be obtained.
2. Whether, if attainable, it is likely to be in season.
3. What would be our situation if, after rejecting this, all our efforts to obtain a better should prove fruitless.

The men who formed this plan are Americans, who had long deserved and enjoyed our confidence, and who are as much interested in having a good government as any of us are or can be. They were appointed to that business at a time when the states had become very sensible of the derangement of our national affairs, and of the impossibility of retrieving them under the existing Confederation. Although well persuaded that nothing but a good national government could oppose and divert the tide of evils that was flowing in upon us, yet those gentlemen met in Convention with minds perfectly unprejudiced in favor of any particular plan. The minds of their constituents were at that time equally cool and dispassionate. All agreed in the necessity of doing something; but no one ventured to say decidedly what precisely ought to be done.

Opinions were then fluctuating and unfixed; and whatever might have been the wishes of a few individuals, yet while the Convention deliberated, the people remained in silent suspense. Neither wedded to favorite systems of their own, nor influenced by popular ones abroad, the members were more desirous to receive light from, than to impress their private sentiments on, one another.

These circumstances naturally opened the door to that spirit of candor, of calm inquiry, of mutual accommodation, and mutual respect, which entered into the Convention with them, and regulated their debates and proceedings. . . .

They tell us, very honestly, that this plan is the result of accommodation. They do not hold it up as the best of all possible ones, but only as the best which they could unite in and agree to. If such men, appointed and meeting under such auspicious circumstances, and so sincerely disposed to conciliation, could go no farther in their endeavors to please every state and every body, what reason have we, at present, to expect any system that would give more general satisfaction?

Suppose this plan to be rejected; what measures would you propose for obtaining a better? Some will answer, "Let us appoint another convention; and, as every thing has been said and written that can well be said and written on the subject, they will be better informed than the former one was, and consequently be better able to make and agree upon a more eligible one." . . .

Let those who are sanguine in their expectations of a better plan from a new convention, also reflect on the delays and risks to which it would expose us. Let them consider whether we ought, by continuing much longer in our present humiliating condition, to give other nations further time to perfect their restrictive systems of commerce, reconcile their own people to them, and to fence, and guard, and strengthen them by all those regulations and contrivances in which a jealous policy is ever fruitful. Let them consider whether we ought to give further opportunities to discord to alienate the hearts of our citizens from one another, and thereby encourage new Cromwells to bold exploits. Are we certain that our foreign creditors will continue patient, and ready to proportion their forbearance to our delays? Are we sure that our distresses, dissensions, and weakness, will neither invite hostility nor insult? If they should, how ill prepared shall we be for defence, without union, without government, without money, and without credit! . . .

Consider, then, how weighty and how many considerations advise and persuade the people of America to remain in the safe and easy path of union; to continue to move and act, as they hitherto have done, as a band of brothers; and to have confidence in themselves and in one another; and, since all cannot see with the same eyes, at least to give the proposed Constitution a fair trial, and to mend it as time, occasion, and experience, may dictate. It would little become us to verify the predictions of those who ventured to prophesy that peace, instead of blessing us with happiness and tranquillity, would serve only as the signal for factions, discord, and civil contentions, to rage in our land, and overwhelm it with misery and distress.

Let us also be mindful that the cause of freedom greatly depends on the use we make of the singular opportunities we enjoy of governing ourselves wisely; for, if the event should prove that the people of this country either cannot or will not govern themselves, who will hereafter be advocates for systems which, however charming in theory and prospect, are not reducible to practice? If the people of our nation, instead of consenting to be governed by laws of their own making, and rulers of their own choosing, should let licentiousness, disorder, and confusion, reign over them, the minds of men every where will insensibly become alienated from republican forms, and prepared to prefer and acquiesce in governments which, though less friendly to liberty, afford more peace and security.

Receive this address with the same candor with which it is written; and may the spirit of wisdom and patriotism direct and distinguish your councils and your conduct.

JOHN JAY, a Citizen of New York.

Handout 4 - Elbridge Gerry's Reasons for Not Signing the Federal Constitution

[text from <http://memory.loc.gov/learn/features/timeline/newnatn/usconst/egerry.html>]

Gentlemen: I have the honor to enclose, pursuant to my commission, the Constitution proposed by the Federal Convention.

To this system I gave my dissent, and shall submit my objections to the honorable legislature.

It was painful for me, on a subject of such national importance, to differ from the respectable members who signed the Constitution; but conceiving, as I did, that the liberties of America were not secured by the system, it was my duty to oppose it.

My principal objections to the plan are, that there is no adequate provision for a representation of the people; that they have no security for the right of election; that some of the powers of the legislature are ambiguous, and others indefinite and dangerous; that the executive is blended with, and will have an undue influence over, the legislature; that the judicial department will be oppressive; that treaties of the highest importance may be formed by the President, with the advice of two thirds of a quorum of the Senate; and that the system is without the security of a bill of rights. These are objections which are not local, but apply equally to all the states.

As the Convention was called for "the sole and express purpose of revising the Articles of Confederation, and reporting to Congress, and the several legislatures, such alterations and provisions as shall render the Federal Constitution adequate to the exigencies of government, and the preservation of the Union," I did not conceive that these powers extend to the formation of the plan proposed; but the Convention being of a different opinion, I acquiesced in it, being fully convinced that, to preserve the Union, an efficient government was indispensably necessary, and that it would be difficult to make proper amendments to the Articles of Confederation.

The Constitution proposed has few, if any, federal features, but is rather a system of national government. Nevertheless, in many respects, I think it has great merit, and, by proper amendments, may be adapted to the "exigencies of government, and preservation of liberty."

The question on this plan involves others of the highest importance: 1. Whether there shall be a dissolution of the federal government; 2. Whether the several state governments shall be so altered as in effect to be dissolved; 3. Whether, in lieu of the federal and state governments, the national Constitution now proposed shall be substituted without amendment. Never, perhaps, were a people called on to decide a question of greater magnitude. Should the citizens of America adopt the plan as it now stands, their liberties may be lost; or should they reject it altogether, anarchy may ensue. It is evident, therefore, that they should not be precipitate in their decisions; that the subject should be well understood;--lest they should refuse to support the government after having hastily accepted it.



If those who are in favor of the Constitution, as well as those who are against it, should preserve moderation, their discussions may afford much information, and finally direct to a happy issue.

It may be urged by some, that an implicit confidence should be placed in the Convention; but, however respectable the members may be who signed the Constitution, it must be admitted that a free people are the proper guardians of their rights and liberties; that the greatest men may err, and that their errors are sometimes of the greatest magnitude.

Others may suppose that the Constitution may be safely adopted, because therein provision is made to amend it. But cannot this object be better attained before a ratification than after it? And should a free people adopt a form of government under conviction that it wants amendment?

And some may conceive that, if the plan is not accepted by the people, they will not unite in another. But surely, while they have the power to amend, they are not under the necessity of rejecting it.

I have been detained here longer than I expected, but shall leave this place in a day or two for Massachusetts, and on my arrival shall submit the reasons (if required by the legislature) on which my objections are grounded.

I shall only add that, as the welfare of the Union requires a better Constitution than the Confederation, I shall think it my duty, as a citizen of Massachusetts, to support that which shall be finally adopted, sincerely hoping it will secure the liberty and happiness of America.

I have the honor to be, gentlemen, with the highest respect for the honorable legislature and yourselves, your most obedient and very humble servant,

E. GERRY.

To the Hon . Samuel Adams , Esq., President of the Senate, and the Hon . James Warren , Esq., Speaker of the House of Representatives, of Massachusetts.