

# Observations on the new Constitution, and on the Federal and State Conventions.

by a Columbian Patriot [Mercy Otis Warren]  
once erroneously attributed to Elbridge Gerry

**Sic Transit gloria Americana**  
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Mankind may amuse themselves with theoretick systems of liberty, and trace its social and moral effects on sciences, virtue, industry and every improvement of which the human mind is capable; but we can only discern its true value by the practical and wretched effects of slavery; and thus dreadfully will they be realized, when the inhabitants of the Eastern States are dragging out a miserable existence, only on the gleanings of their fields; and the Southern, blessed with a softer and more fertile climate, are languishing in hopeless poverty; and when asked, what is become of the flower of their crop, and the rich produce of their farms—they may answer in the hapless stile of the *Man of La Mancha*,—” The steward of my Lord has seized and sent it to *Madrid*.” Or, in the more literal language of truth, The *exigencies* of government require that the collectors of the revenue should transmit it to the *Federal City*.

Animated with the firmest zeal for the interest of this country, the peace and union of the American States, and the freedom and happiness of a people who have made the most costly sacrifices in the cause of liberty,—who have braved the power of Britain, weathered the convulsions of war, and waded thro’ the blood of friends and foes to establish their independence and to support the freedom of the human mind; I cannot silently witness this degradation without calling on them, before they are compelled to blush at their own servitude, and to turn back their languid eyes on their lost liberties -- to consider, that the character of nations generally changes at the moment of revolution.— And when patriotism is discountenanced and publick virtue becomes the ridicule of the sycophant—when every man of liberality, firmness and penetration who cannot lick the hand stretched out to oppress, is deemed an enemy to the State—then is the gulph of despotism set open, and the grades to slavery, though rapid, are scarce perceptible—then genius drags heavily its iron chain — science is neglected, and real merit flies to the shades for security from reproach — the mind becomes enervated, and the national character sinks to a kind of apathy with only energy sufficient to curse the breast that gave it milk, and as an elegant writer observes, “To bewail every new birth as an increase of misery, under a government where the mind is necessarily debased, and talents are seduced to become the panegyrists of usurpation and tyranny.” He adds, “that even sedition is not the most indubitable enemy to the publick welfare; but that its most dreadful foe is despotism which always changes the character of nations for the worse, and is productive of nothing but vice, that the tyrant no longer excites to the pursuits of glory or virtue; it is not talents, it is baseness and servility that he cherishes, and the weight of arbitrary power destroys the spring of emulation.” [Helvitius] If such is the influence of government on the character and manners, and undoubtedly the observation is just, must we not subscribe to the opinion of the celebrated *Abbé Mablé*? “That there are disagreeable seasons in the unhappy situation of human affairs, when policy requires both the intention and the power of doing mischief to be punished; and when the senate proscribed the memory of Caesar they ought to have put *Anthony* to death, and extinguished the hopes of “*Octavius*.” Self defence is a primary law of nature, which no subsequent law of society can abolish; this *primaeval* principle, the immediate gift of the Creator, obliges every one to remonstrate against the strides of ambition, and a wanton lust of domination, and to resist the first approaches of tyranny, which at this day threaten to sweep away the rights for which the brave Sons of America have fought with an heroism scarcely paralleled even in ancient republicks. It may be repeated, they have purchased it with their blood, and have gloried in their independence with a dignity of spirit, which has made them the admiration of

philosophy, the pride of America, and the wonder of Europe. It has been observed, with great propriety, that “the virtues and vices of a people “when a revolution happens in their government, are the measure of the liberty or slavery they ought to expect — An heroic love for the publick good, a profound reverence for the laws, a contempt of riches, and a noble haughtiness of “soul, are the only foundations of a free government.” [Abbe Mable] Do not their dignified principles still exist among us? Or are they extinguished in the breasts of Americans, whose fields have been so recently crimsoned to repel the potent arm of a foreign Monarch, who had planted his engines of slavery in every city, with design to erase the vestiges of freedom in this his last asylum. It is yet to be hoped, for the honour of human nature, that no combinations either foreign or domestick have thus darkned this Western hemisphere. — On these shores freedom has planted her standard, dipped in the purple tide that flowed from the veins of her martyred heroes; and here every uncorrupted American yet hopes to see it supported by the vigour, the justice, the wisdom and unanimity of the people, in spite of the deep-laid plots the secret intrigues, or the bold efronterty of those interested and avicious adventurers for place, who intoxicated with the ideas of distinction and preferment have prostrated every worthy principle beneath the shrine of ambition. Yet these are the men who tell us republicanism is dwindled into theory—that we are incapable of enjoying our liberties—and that we must have a master.— Let us retrospect the days of our adversity, and recollect who were then our friends; do we find them among the sticklers for aristocratick authority? No, they were generally the same men who now wish to save us from the distractions of anarchy on the one hand, and the jaws of tyranny on the other; where then were the class who now come forth importunately urging that our political salvation depends on the adoption of a system at which freedom spurns ?—Were not some of them hidden in the corners of obscurity, and others wrapping themselves in the bosom of our enemies for safety? Some of them were in the arms of infancy; and others speculating for fortune, by sporting with public money; while a few, a very few of them were magnanimously defending their country, and raising a character, which I pray heaven may never be sullied by aiding measures derogatory to their former exertions. But the revolutions in principle which time produces among mankind, frequently exhibits the most mortifying instances of human weakness; and this alone can account for the extraordinary appearance of a few names, once distinguished in the honourable walks of patriotism, but now found in the list of the Massachusetts assent to the ratification of a Constitution, which, by the undefined meaning of some parts, and the ambiguities of expression in others, is dangerously adapted to the purposes of an immediate *aristocratic tyranny*; that from the difficulty, if not impracticability of its operation, must soon terminate in the most uncontroled despotism.

All writers on government agree, and the feelings of the human mind witness the truth of these political axioms, that man is born free and possessed of certain unalienable rights— that government is instituted for the protection, safety and happiness of the people, and not for the profit, honour, or private interest of any man, family, or class of men -- That the origin of all power is in the people, and that they have an incontestible right to check the creatures of their own creation, vested with certain powers to guard the life, liberty and property of the community: And if certain selected bodies of men, deputed on these principles, determine contrary to the wishes and expectations of their constituents, the people have an undoubted right to reject their decisions, to call for a revision of their conduct, to depute others in their room, or if they think proper, to demand further time for deliberation on matters of the greatest moment: it therefore is an unwarrantable stretch of authority or influence, if any methods are taken to preclude this peaceful and reasonable mode of enquiry and decision. And it is with inexpressible anxiety, that many of the best friends of the Union of the States—to the peaceable and equal participation of the rights of nature, and to the glory and dignity of this country, behold the insidious arts, and the strenuous efforts of the partisans of arbitrary power, by their vague definitions of the best established truths, endeavoring to envelope the mind in darkness the concomitant of slavery, and to lock the strong chains of domestic despotism on a country, which by the most glorious and successful struggles is but newly emancipated from the spectre of foreign dominion. — But there are certain seasons in the course of human affairs, when Genius, Virtue, and Patriotism, seems to nod over the vices of the times, and perhaps never more remarkably, than at the present period; or we should not see such a passive disposition prevail in some, who we must candidly suppose, have liberal and enlarged sentiments; while a supple multitude are paying a blind and idolatrous homage to the opinions of those who by the most precipitate steps are treading down their dear bought privileges; and who are endeavouring by all the arts of insinuation, and influence, to betray the people of the United States, into an acceptance of a most complicated system of government; marked on the one side with the *dark, secret and profound intrigues*, of the statesman, long practised in the purlieu of despotism; and on the other, with the ideal projects of *young ambition*, with its wings just expanded to soar to a summit, which

imagination has painted in such gawdy colours as to intoxicate the *inexperienced votary*, and to send him rambling from State to State, to collect materials to construct the ladder of preferment.

But as a variety of objections to the *heterogeneous phantom*, have been repeatedly laid before the public, by men of the best abilities and intentions; I will not expatiate long on a Republican *form* of government, founded on the principles of monarchy — a democrattick branch with the *features* of aristocracy — and the extravagance of nobility pervading the minds of many of the candidates for office, with the poverty of peasantry hanging heavily on them, and insurmountable, from their taste for expence, unless a general provision should be made in the arrangement of the civil list, which may enable them with the champions of their cause to “*sail down the new pactolean channel.*” Some gentlemen, with laboured zeal, have spent much time in urging the necessity of government, from the embarrassments of trade — the want of respectability abroad and confidence of the public engagements at home :— These are obvious truths which no one denies; and there are few who do not unite in the general wish for the restoration of public faith, the revival of commerce, arts, agriculture, and industry, under a lenient, peaceable and energetick government: But the most sagacious advocates for the party have not by fair discussion, and rational argumentation, evinced the necessity of adopting this many headed monster; of such motley mixture, that its enemies cannot trace a feature of Democrattick or Republican extract; nor have its friends the courage to denominate a Monarchy, an Aristocracy, or an Oligarchy, and the favoured bantling must have passed through the short period of its existence without a name, had not Mr. *Wilson*, in the fertility of his genius, suggested the happy epithet of a *Federal Republic*. — But I leave the field of general censure on the secrecy of its birth, the rapidity of its growth, and the fatal consequences of suffering it to live to the age of maturity, and will particularize some of the most weighty objections to its passing through this continent in a gigantic size. — It will be allowed by every one that the fundamental principle of a free government is the equal representation of a free people

And I will *first* observe with a justly celebrated writer, “That the principal aim of society is to protect individuals in the absolute rights which were vested in them by the immediate laws of nature, but which could not be preserved in peace, without the mutual intercourse which is gained by the institution of friendly and social communities.” And when society has thus deputed a certain number of their equals to take care of their personal rights, and the interest of the whole community, it must be considered that responsibility is the great security of integrity and honour; and that annual election is the basis of responsibility, — Man is not immediately corrupted, but power without limitation, or amenability, may endanger the brightest virtue — whereas frequent return to the bar of their Constituents is the strongest check against the corruptions to which men are liable, either from the intrigues of others of more subtle genius, or the propensities of their own hearts, — and the gentlemen who have so warmly advocated in the late Convention of the Massachusetts, the change from annual to biennial elections; may have been in the same predicament, and perhaps with the same views that Mr. *Hutchinson* once acknowledged himself, when in a letter to *Lord Hillsborough*, he observed, “that the grand difficulty of making a change in government against the general bent of the people had caused him to turn his thoughts to a variety of plans, in order to find one that might be executed in spite of opposition,” and the first he proposed was that, “instead of annual, the elections should be only once in three years:” but the Minister had not the hardiness to attempt such an innovation, even in the revision of colonial charters: nor has any one ever defended Biennial, Triennial or Septennial Elections, either in the British House of Commons, or in the debates of Provincial assemblies, on general and free principles: but it is unnecessary to dwell long on this article, as the best political writers have supported the principles of annual elections with a precision, that cannot be confuted, though they may be darkned, by the sophistical arguments that have been thrown out with design, to undermine all the barriers of freedom.

2. There is no security in the profered system, either for the rights of conscience or the liberty of the Press: Despotism usually while it is gaining ground, will suffer men to think, say, or write what they please; but when once established, if it is thought necessary to subserve the purposes, of arbitrary power, the most unjust restrictions may take place in the first instance, and an *imprimator* on the Press in the next, may silence the complaints, and forbid the most decent remonstrances of an injured and oppressed people.

3. There are no well defined limits of the Judiciary Powers, they seem to be left as a boundless ocean, that has broken over the chart of the Supreme Lawgiver, “*thus far shalt thou go and no further,*” and as they cannot be

comprehended by the clearest capacity, or the most sagacious mind, it would be an Herculean labour to attempt to describe the dangers with which they are replete.

4. The Executive and the Legislative are so dangerously blended as to give just cause of alarm, and everything relative thereto, is couched in such ambiguous terms—in such vague and indefinite expression, as is a sufficient ground without any objection, for the reprobation of a system, that the authors dare not hazard to a clear investigation.

5.. The abolition of trial by jury in civil causes. — This mode of trial the learned Judge Blackstone observes, “has been coeval with the first rudiments of civil government, that property, liberty and life, depend on maintaining in its legal force the constitutional trial by jury.” He bids his readers pause, and with Sir Matthew Hale observes, how admirably this mode is adapted to the investigation of truth beyond any other the world can produce. Even the party who have been disposed to swallow, without examination, the proposals of the *secret conclave*, have started on a discovery that this essential right was curtailed; and shall a privilege, the origin of which may be traced to our Saxon ancestors — that has been a part of the law of nations, even in the fewdatory systems of France, Germany and Italy — and from the earliest records has been held so sacred, both in ancient and modern Britain, that it could never be shaken by the introduction of Norman customs, or any other conquests or change of government — shall this inestimable privilege be relinquished in America — either thro’ the fear of inquisition for unaccounted thousands of public monies in the hands of some who have been officious in the fabrication of the consolidated system, or from the apprehension that some future delinquent possessed of more power than integrity, may be called to a trial by his peers in the hour of investigation.

6. Though it has been said by Mr. *Wilson* and many others, that a Standing-Army is necessary for the dignity and safety of America, yet freedom revolts at the idea, when the Divan, or the Despot, may draw out his dragoons to suppress the murmurs of a few, who may yet cherish those sublime principles which call forth the exertions, and lead to the best improvements of the human mind. It is hoped this country may yet be governed by milder methods than are usually displayed beneath the bannerets of military law.—Standing armies have been the nursery of vice and the bane of liberty from the Roman legions to the establishment of the artful Ximenes, and from the ruin of the Cortes of Spain, to the planting of the British cohorts in the capitals of America : — By the edicts of an authority vested in the sovereign power by the proposed constitution, the militia of the country, the bulwark of defence, and the security of national liberty if no longer under the controul of civil authority; but at the rescript of the Monarch, or the aristocracy, they may either be employed to extort the enormous sums that will be necessary to support the civil list — to maintain the regalia of power — and the splendour of the most useless part of the community, or they may be sent into foreign countries for the fulfilment of treaties, stipulated by the President and two-thirds of the Senate.

7.. Notwithstanding the delusory promise to guarantee a Republican form of government to every State in the Union — If the most discerning eye could discover any meaning at all in the engagement, there are no resources left for the support of internal government or the liquidation of the debts of the State. Every source of revenue is in the monopoly of Congress, and if the several legislatures in their enfeebled state, should against their own feelings be necessitated to attempt a dry tax for the payment of their debts, and the support of internal police, even this may be required for the purposes of the general government.

8. As the new Congress are empowered to determine their own salaries, the requisitions for this purpose may not be very moderate, and the drain for public moneys will probably rise past all calculation: and it is to be feared when America has consolidated its despotism, the world will witness the truth of the assertion — “that the pomp of an Eastern monarch may impose on the vulgar who may estimate the force of a nation by the magnificence of its palaces; but the wise man judges differently, it is by that very magnificence he estimates its weakness. He sees nothing more in the midst of this imposing pomp, where the tyrant sets enthroned, than a sumptuous and mournful decoration of the dead; the apparatus of a fastuous funeral, in the centre of which is a cold and lifeless lump of unanimated earth, a phantom of power ready to disappear before the enemy, by whom it is despised!”

9. There is no provision for a rotation, nor anything to prevent the perpetuity of office in the same hands for life; which by a little well timed bribery, will probably be done, to the exclusion of men of the best abilities from their share in the offices of government.— By this neglect we lose the advantages of that check to the overbearing insolence of office, which by rendering him ineligible at certain periods, keeps the mind of man in equilibrio, and teaches him the feelings of the governed, and better qualifies him to govern in his turn.

10. The inhabitants of the United States, are liable to be draged from the vicinity of their own country, or state, to answer the litigious or unjust suit of an adversary, on the most distant borders of the Continent: in short the appellate jurisdiction of the Supreme Federal Court, includes an unwarrantable stretch of power over the liberty, life, and property of the subject, through the wide Continent of America.

11. One Representative to thirty thousand inhabitants is a very inadequate representation; and every man who is not lost to all sense of freedom to his country, must reprobate the idea of Congress altering by law, or on any pretence whatever, interfering with any regulations for time, places, and manner of choosing our own Representatives.

12. If the sovereignty of America is designed to be elective, the surcumsccribing the votes to only ten electors in this State, and the same proportion in all the others, is nearly tantamount to the exclusion of the voice of the people in the choice of their first magistrate. It is vesting the choice solely in an aristocratic junto, who may easily combine in each State to place at the head of the Union the most convenient instrument for despotic sway.

13. A Senate chosen for six years will, in most instances, be an appointment for life, as the influence of such a body over the minds of the people will be coequal to the extensive powers with which they are vested, and they will not only forget, but be forgotten by their constituents — a branch of the Supreme Legislature thus set beyond all responsibility is totally repugnant to every principle of a free government.

14. There is no provision by a bill of rights to guard against the dangerous encroachments of power in too many instances to be named: but I cannot pass over in silence the insecurity in which we are left with regard to warrants unsupported by evidence — the daring experiment of granting *writs of assistance* in a former arbitrary administration is not yet forgotten in the Massachusetts; nor can we be so ungrateful to the memory of the patriots who counteracted their operation, as so soon after their manly exertions to save us from such a detestable instrument of arbitrary power, to subject ourselves to the insolence of any petty revenue officer to enter our houses, search, insult, and seize at pleasure. We are told by a gentleman of too much virtue and real probity to suspect he has a design to deceive —” that the whole constitution is a declaration of rights,”— but mankind must think for themselves, and to many very judicious and discerning characters, the whole constitution with very few exceptions appears a perversion of the rights of particular states, and of private citizens. But the gentleman goes on to tell us, “that the primary object is the general government, and that the rights of individuals are only incidentally mentioned, and that there was a clear impropriety in being very particular about them.” But, asking pardon for dissenting from such respectable authority, who has been led into several mistakes, more from his prediliction in favour of certain modes of government, than from a want of understanding or veracity. The rights of individuals ought to be the primary object of all government, and cannot be too securely guarded by the most explicit declarations in their favor. This has been the opinion of the Hampdens, the Pym, and many other illustrious names, that have stood forth in defence of English liberties; and even the Italian master in politicks, the subtle and renowned Machiavel acknowledges, that no republic ever yet stood on a stable foundation without satisfying the common people.

15. The difficulty, if not impracticability, of exercising the equal and equitable powers of government by a single legislature over an extent of territory that reaches from the Mississippi to the Western lakes, and from them to the Atlantic Ocean, is an insuperable objection to the adoption of the new system. — *Mr. Hutchinson*, the great champion for arbitrary power, in the multitude of his machinations to subvert the liberties in this country, was obliged to acknowledge in one of his letters, that, “from the extent of country from north to south, the scheme of one government was impracticable.” But if the authors of the present visionary project, can by the

arts of deception, precipitation and address, obtain a majority of suffrages in the conventions of the states to try the hazardous experiment, they may then make the same inglorious boast with this insidious politician, who may perhaps be their model, that “the union of the colonies was pretty well broken, and that he hoped to never see it reviewed.”

16. It is an undisputed fact that not one legislature in the United States had the most distant idea when they first appointed members for a convention, entirely commercial, or when they afterwards authorized them to consider on some amendments of the Federal union, that they would without any warrant from their constituents, presume on so bold and daring a stride, as ultimately to destroy the state governments, and offer a *consolidated system*, irreversible but on conditions that the smallest degree of penetration must discover to be impracticable.

17. The first appearance of the article which declares the ratification of nine states sufficient for the establishment of the new system, wears the face of dissension, is a subversion of the union of Confederate States, and tends to the introduction of :anarchy and civil convulsions, and may be a means of involving the whole country in blood.

18. The mode in which this constitution is recommended to the people to judge without either the advice of Congress, or the legislatures of the several states is very reprehensible — "it is an attempt to force it upon them before it could be thoroughly understood, and may leave us in that situation, that in the first moments of slavery in the minds of the people agitated by the remembrance of their lost liberties, will be like the sea in a tempest, that sweeps down every mound of security.

But it is needless to enumerate other instances, in which the proposed constitution appears contradictory to the first principles which ought to govern mankind; and it is equally so to enquire into the motives that induced to so bold a step as the annihilation of the independence and sovereignty of the thirteen distinct states. — They are but too obvious through the whole progress of the business, from the first shutting up the doors of the federal convention and resolving that no member should correspond with gentlemen in the different states on the subject under discussion ; till the trivial proposition of *recommending* a few amendments was artfully ushered into the convention of the Massachusetts. The questions that were then before that honorable assembly were profound and important, they were of such magnitude and extent, that the consequences may run parallel with the existence of the country; and to see them waved and hastily terminated by a measure too absurd to require a serious refutation, raises the honest indignation of every true lover of his country. Nor are they less grieved that the ill policy and arbitrary disposition of some of the sons of America has thus precipitated to the contemplation and discussion of questions that no one could rationally suppose would have been agitated among us, till time had blotted out the principles on which the late revolution was grounded; or till the last traits of the many political tracts, which defended the separation from Britain, and the rights of men were consigned to everlasting oblivion. After the severe conflicts this country has suffered, it is presumed that they are disposed to make every reasonable sacrifice before the altar of peace. But when we contemplate the nature of men and consider them originally on an equal footing, subject to the same feelings, stimulated by the same passions, and recollecting the struggles they have recently made, for the security of their civil rights; it cannot be expected that the inhabitants of the Massachusetts, can be easily lulled into a fatal security, by the declamatory effusions of gentlemen, who, contrary to the experience of all ages would persuade them there is no danger to be apprehended, from vesting discretionary powers in the hands of man, which he may, or may not abuse. The very suggestion, that we ought to trust to the precarious hope of amendments and redress, after we have voluntarily fixed the shackles on our own necks should have awakened to a double, degree of caution. — This people have not forgotten the artful insinuations of a former Governor, when pleading the unlimited authority of parliament before the legislature of the Massachusetts; nor that his arguments were very similar to some lately urged by gentlemen who boast of opposing his measures, “*with halters about their necks.*”

We were then told by him, in all the soft language of insinuation, that no form of government, of human construction can be perfect — that we had nothing to fear — that we had no reason to complain — that we had only to acquiesce in their illegal claims, and to submit to the requisition of parliament, and doubtless the lenient hand of government would redress all grievances, and remove the oppressions of the people: -- Yet we soon

saw armies of mercenaries encamped on our plains — our commerce ruined — our harbours blockaded — and our cities burnt. It maybe replied that this was in consequence of an obstinate defence of our privileges; this may be true; and when the “*ultima ratio*” is called to aid, the weakest must fall. But let the best informed historian produce an instance when bodies of men were entrusted with power, and the proper checks relinquished, if they were ever found destitute of ingenuity sufficient to furnish pretences to abuse it. And the people at large are already sensible, that the liberties which America has claimed, which reason has justified, and which have been so gloriously defended by the swords of the brave; are not about to fall before the tyranny of foreign conquest: it is native usurpation that is shaking the foundations of peace, and spreading the sable curtain of despotism over the United States. The banners of freedom were erected in the wilds of America by our ancestors, while the wolf prowled for his prey on the one hand, and more savage man on the other; they have been since rescued from the invading hand of foreign power, by the valor and blood of their posterity; and there was reason to hope they would continue for ages to illumine a quarter of the globe, by nature kindly separated from the proud monarchies of Europe, and the infernal darkness of Asiatic slavery. — And it is to be feared we shall soon see this country rushing into the extremes of confusion and violence, in consequence of the proceeding of a set of gentlemen, who disregarding the purposes of their appointment, have assumed powers unauthorized by any commission, have unnecessarily rejected the confederation of the United States, and annihilated the sovereignty and independence of the individual governments. — The causes which have inspired a few men to assemble for very different purposes with such a degree of temerity us to break with a single stroke the union of America, and disseminate the seeds of discord through the land may be easily investigated, when we survey the partizans of monarchy in the state conventions, urging the adoption of a mode of government that militates with the former professions and exertions of this country, and with all ideas of republicanism, and the equal rights of men.

Passion, prejudice, and error, are characteristics of human nature; and as it cannot be accounted for on any principles of philosophy, religion, or good policy; to these shades in the human character must be attributed the mad zeal of some, to precipitate to a blind adoption of the measures of the late federal convention, without giving opportunity for better information to those who are misled by influence or ignorance into erroneous opinions. Litterary talents may be prostituted, and the powers of genius debased to subserve the purposes of ambition or avarice; but the feelings of the heart will dictate the language of truth, and the simplicity of her accents will proclaim the infamy of those, who betray the rights of the people, under the specious, and popular pretence of *justice, consolidation, and dignity*.

It is presumed the great body of the people unite in sentiment with the writer of these observations, who most devoutly prays that public credit may rear her declining head, and remunerative justice pervade the land; nor is there a doubt if a free government is continued, that time and industry will enable both the public and private debtor to liquidate their arrearages in the most equitable manner. They wish to see the Confederated States bound together by the most indissoluble union, but without renouncing their separate sovereignties and independence, and becoming tributaries to a consolidated fabrick of aristocratick tyranny. -- They wish to see government established, and peaceably holding the reins with honour, energy, and dignity; but they wish for no federal city whose “*cloud cap't towers*” may screen the state culprit from the hand of justice; while its exclusive jurisdiction may protect the riot of armies encamped within its limits. — They deprecate discord and civil convulsions, but they are not yet generally prepared with the ungrateful Israelites to ask a King, nor are their spirits sufficiently broken to yield the best of their olive grounds to his servants, and to see their sons appointed to run before his chariots — It has been observed by a zealous advocate for the new system, that most governments are the result of fraud or violence, and this with design to recommend its acceptance — but has not almost every step towards its fabrication been fraudulent in the extreme? Did not the prohibition strictly enjoined by the general Convention, that no member should make any communication to his Constituents, or to gentlemen of consideration and abilities in the other States, bear evident marks of fraudulent designs? — This circumstance is regretted in strong terms by Mr. Martin, a member from Maryland, who acknowledges “He had no idea that all the wisdom, integrity, and virtue of the States was contained in that Convention, and that he wished to have corresponded with gentlemen of eminent political characters abroad, and to give their sentiments due weight —”he adds, “so extremely solicitous were they, that their proceedings should not transpire, that the members were prohibited from taking copies of their resolutions, or extracts from the Journals, without express permission, by vote. — And the hurry with which it has been urged to the acceptance of the people, without

giving time, by adjournments, for better information, and more unanimity has a deceptive appearance; and if finally driven to resistance, as the only alternative between that and servitude, till in the confusion of discord, the reins should be seized by the violence of some enterprising genius, that may sweep down the last barrier of liberty, it must be added to the score of criminality with which the fraudulent usurpation at Philadelphia, may be chargeable. — Heaven avert such a tremendous scene! and let us still hope a more happy termination of the present ferment : — may the people be calm and wait a legal redress; may the mad transport of some of our infatuated capitals subside; and every influential character through the States, make the most prudent exertions for a new general Convention, who may vest adequate powers in Congress, for all national purposes, without annihilating the individual governments, and drawing blood from every pore by taxes, impositions and illegal restrictions.—This step might again re-establish the Union, restore tranquility to the ruffled mind of the inhabitants, and save America from the distresses, dreadful even in contemplation. — "The great art of governing is to lay aside all prejudices and attachments to particular opinions, classes or individual characters to consult the spirit of the people; to give way to it; and in so doing, to give it a turn capable of inspiring those sentiments, which may induce them to relish a change, which an alteration of circumstances may hereafter make necessary." -- The education of the advocates for monarchy should have taught them, and their memory should have suggested that "monarchy is a species of government fit only for a people too much corrupted by luxury, avarice, and a passion for pleasure, to have any love for their country, and whose vices the fear of punishment alone is able to restrain; but by no means calculated for a nation that is poor, and at the same time tenacious of their liberty—animated with a disgust to tyranny—and inspired with the generous feeling of patriotism and liberty, and at the same time, like the ancient Spartans have been hardened by temperance and manly exertions, and equally despising the fatigues of the field, and the fear of enemies," -- and while they change their ground they should recollect, that Aristocracy is a still more formidable foe to public virtue, and the prosperity of a nation — that under such a government her patriots become mercenaries — her soldiers cowards, and the people slaves.— Though several State Conventions have assented to, and ratified, yet the voice of the people appears at present strong against the adoption of the Constitution. -- By the chicanery, intrigue, and false colouring of those who plume themselves, more on their education and abilities, than their political, patriotic, or private virtues -- the imbecility of some, and the duplicity of others, a majority of the Convention of Massachusetts have been flattered with the ideas of amendments, when it will be too late to complain -- While several very worthy characters, too timid for their situation, magnified the hopeless alternative, between the dissolution of the bands of all government, and receiving the proffered system in toto, after long endeavouring to reconcile it to their consciences, swallowed the indeigestible panacea, and in a kind of sudden desperation lent their signature to the dereliction of the honourable station they held in the Union, and have broken over the solemn compact, by which they were bound to support their own excellent constitution till the period of revision. Yet Virginia, equally large and respectable, and who have done honour to themselves, by their vigorous exertions from the first dawn of independence, have not yet acted upon the question; they have wisely taken time to consider before they introduce innovations of a most dangerous nature: her inhabitants are brave, her burgesses are free, and they have a Governor who dares to think for himself, and to speak his opinion (without first pouring libations on the altar of popularity) though it should militate with some of the most accomplished and illustrious characters.

Maryland, who has no local interest to lead her to adopt, will doubtless reject the system — I hope the same characters still live, and that the same spirit which dictated to them a wise and cautious care, against sudden revolutions in government, and made them the last State that acceded to the independence of America, will lead them to support what they so deliberately claimed. Georgia apprehensive of a war with the Savages, has acceded in order to insure protection. — Pennsylvania has struggled through much in the same manner, as the Massachusetts, against the manly feelings, and the masterly reasonings of a very respectable part of the Convention: They have adopted the system, and seen some of its authors burnt in effigy—their towns thrown into riot and confusion, and the minds of the people agitated by apprehension and discord.

New-Jersey and Delaware have united in the measure, from the locality of their situation, and the selfish motives which too generally govern mankind; the Federal City, and the seat of government, will naturally attract the intercourse of strangers -- the youth of enterprise, and the wealth of the nation to the central States.

Connecticut has pushed it through with the precipitation of her neighbour, with few dissentient voices ;—but more from irritation and resentment to a sister State, perhaps partiality to herself in her commercial regulations, than from a comprehensive view of the system, as a regard to the welfare of all. -- But New York has motives, that will undoubtedly lead her to rejection, without being afraid to appeal to the understanding of mankind, to justify the grounds of their refusal to adopt a Constitution, that even the framers dare not to risk to the hazard of revision, amendment, or reconsideration, least the whole superstructure should be demolished by more skilful and discreet architects. I know not what part the Carolinas [is] will take ; but I hope their determinations will comport with the dignity and freedom of this country — their decisions will have great weight in the scale. But equally important are the small States of New Hampshire and Rhode Island:-- New York, the Carolinas, Virginia, Maryland, and these two lesser States may yet support the liberties of the Continent; if they refuse a ratification, or postpone their proceedings till the spirits of the community have time to cool, there is little doubt but the wise measure of another federal convention will be adopted, when the members would have the advantage of viewing, at large, through the medium of truth, the objections that have been made from various quarters; such a measure might be attended with the most salutary effects, and prevent the dread consequences of civil feuds. But even if some of those large states should hastily accede, yet we have frequently seen in the story of revolution, relief spring from a quarter least expected.

Though the virtues of a Cato could not save Rome, nor the abilities of a Padilla defend the citizens of Castile from falling under the yoke of Charles; yet a *Tell* once suddenly rose from a little obscure city, and boldly rescued the liberties of his country. Every age has its Bruti and its Decci, as well as its Caesars and Sejani : — The happiness of mankind depend much on the modes of government, and the virtues of the governors; and America may yet produce characters who have genius and capacity sufficient to form the manners and correct the morals of the people, and virtue enough to lead their country to freedom, Since their dismemberment from the British empire, America has, in many instances, resembled the conduct of a restless, vigorous, luxurious youth, prematurely emancipated from the authority of a parent, but without the experience necessary to direct him to act with dignity or discretion. Thus we have seen her break the shackles of foreign dominion, and all the blessings of peace restored on the more honourable terms: She acquired the liberty of framing her own laws, choosing her own magistrates, and adopting manners and modes of government the most favourable to the freedom and happiness of society. But how little have we availed ourselves of these superior advantages: The glorious fabric of liberty successfully reared with so much labor and assiduity totters to the foundation, and may be blown away as the bubble of fancy by the rude breath of military combinations, and politicians of yesterday.

19. It is true this country lately armed in opposition to regal despotism — impoverished by the expences of a long war, and unable immediately to fulfil their public or private engagements that appeared in some instances, with a boldness of spirit that seemed to set at defiance all authority, government, order, on the one hand; while on the other, there has been, not only a secret wish, but an open avowal of the necessity drawing the reins of government much too tight, not on for a republicanism, but for a wise and limited monarchy. — But the character of this people is not averse to a degree subordination, the truth of this appears from the easy restoration of tranquility, after a dangerous insurrection in one of the states; this also evinces a little necessity of a complete revolution of government throughout the union. But it is a republican principle that the majority should rule; and if a spirit of moderation should be cultivated on both sides, till the voice of the people at large could be fairly heard it should be held sacred. — And if, on such a scrutiny, the proposed constitution should appear repugnant to their character and wishes; if they, in the language of a late elegant pen, should acknowledge that “no confusion in my mind, is more terrible to them than the stern disciplined regularity and vaunted police of arbitrary governments, where every heart is depraved by fear, where mankind dare not assume their natural characters, where the free spirit must crouch to the slave in office, where genius must repress her effusions, or like the Egyptian worshippers, offer them in sacrifice to the calves in power, and where the human mind, always in shackles, shrinks from every generous effort.” Who would then have the effrontery to say, it ought not to be thrown out with indignation, however some respectable names have appeared to support it. — But if after all, on a dispassionate and fair discussion, the people generally give their voices for a voluntary dereliction of their privileges, let every individual who chooses the active scenes of life strive to support the peace and unanimity of his country, though every other blessing may expire — And while the statesman is plodding for power, and the courtier practising the arts of dissimulation without check -- while the rapacious are growing rich by oppression, and fortune throwing her gifts into the lap of fools, let the sublimer characters, the

philosophic lovers of freedom who have wept over her exit, retire to the calm shades of contemplation, there they may look down with pity I on the inconsistency of human nature, the revolutions of states; the rise of kingdoms, and the fall of empires.

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This pamphlet was scanned and proof-read by me, Richard Seltzer [seltzer@samizdat.com](mailto:seltzer@samizdat.com), from a copy provided by King Dykeman, in the Philosophy Department at Fairfield University, [dykeman@FAIR1.FAIRFIELD.EDU](mailto:dykeman@FAIR1.FAIRFIELD.EDU) He contacted me on September 25, 2002:

"I just found your review of M[ercy] O[tis] W[arren]'s *History of the Rise, Progress and Termination of the American Revolution* - haven't even finished reading it. And am presently including the review on the web page for my course in Modern philosophy. In my immediate enthusiasm I just want to check to be sure someone has referred you to the wild and wonderful piece anonymously published by M[ercy] O[tis] W[arren] entitled *Observations on the New Constitution By a Columbian Patriot*, Boston 1788. This anti-federalist paper was long attributed to Elbridge Gerry, but was written in deep cover by M[ercy] O[tis] W[arren]. I prepared an introduction to the piece for my former wife's book *American Women Philosophers 1650-1930* [edited by Therese Boos Dykeman, now out of print]. It contains the *Observations*; by now there are a number of places you can find Observations - but as of now no place on the Internet. Just wanted to send off this quick note -- hopefully I will get back with some other comments on M[ercy] O[tis] W[arren]. I am so happy to find your work on a CD. Being able to discover the arguments she attributes to the "some" who attacked the constitution before it's ratification in her History. Through the use of the 'find' operation on a computer has been such a joy. It is great to find another enthusiast."

King sent me a xerox of Mercy's work, included here, plus a Mercy Otis Warren chronology posted at [www.samizdat.com/warren/chronology.html](http://www.samizdat.com/warren/chronology.html) and a general introduction about her which he first delivered at a conference at the University of California at Santa Cruz [www.samizdat.com/warren/generalintroduction.html](http://www.samizdat.com/warren/generalintroduction.html) and an introduction to *Observations* which he wrote for *American Women Philosophers* [www.samizdat.com/observationsintroduction.html](http://www.samizdat.com/observationsintroduction.html)

Comments welcome. [seltzer@samizdat.com](mailto:seltzer@samizdat.com)

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[Mercy Warren home page](#)

[Mercy](#), a play about Mercy Warren and General Johnny Burgoyne, by Richard Seltzer