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The Jubilee of the Constitution

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The Jubilee of the Constitution: A Discourse

(abridged)

By John Quincy Adams

Delivered on April 30, 1839,
The 50th Anniversary of George Washington's Presidential Inauguration

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When in the epic fable of the first of Roman Poets, the Goddess mother of Æneas delivers to him the celestial armor, with which he is to triumph over his enemy, and to lay the foundations of Imperial Rome, he is represented as gazing with intense but confused delight on the crested helm that vomits golden fires -

"His hands the fatal sword and corslet hold,
One keen with temper'd steel—one stiff with gold.
He shakes the pointed spear, and longs to try
The plated cuishes on his manly thigh;
But most admires the *shield's* mysterious mould,
And Roman triumphs rising on the gold"—

For on that shield the heavenly smith had wrought the anticipated history of Roman glory, from the days of Æneas down to the reign of Augustus Caesar, contemporaneous with the Poet himself.

FELLOW-CITIZENS AND BRETHREN, ASSOCIATES OF THE NEW YORK HISTORICAL SOCIETY—

Would it be an unlicensed trespass of the imagination to conceive, that on the night preceding the day of which you now commemorate the fiftieth anniversary—on the night preceding that thirtieth of April, one thousand seven hundred and eighty-nine, when from the balcony of your city-hall, the chancellor of the state of New York, administered to George Washington the solemn oath, faithfully to execute the office of President of the United States, and to the best of his ability, to preserve, protect and defend the Constitution of the United States—that in the visions of the night, the guardian angel of the Father of our country had appeared before him, in the venerated form of his mother, and, to cheer and encourage him in the performance of the momentous and solemn duties that he was about to assume, had delivered to him a suit of celestial armor—a helmet, consisting of the principles of piety, of justice, of honor, of benevolence with which from his earliest infancy he had hitherto walked through life, in the presence of all his brethren—a spear, studded with the self-evident truths of the Declaration of Independence—a sword, the same with which he had led the armies of his country through the war of freedom, to the summit of the triumphal arch of independence—a corslet and cuishes of long

experience and habitual intercourse in peace and war with the world of mankind, his contemporaries of the human race, in all their stages of civilization—and last of all, the Constitution of the United States, a SHIELD embossed by heavenly hands, with the future history of his country.

Yes, gentlemen! on that shield, the CONSTITUTION OF THE UNITED STATES was sculptured (by forms unseen, and in characters then invisible to mortal eye,) the predestined and prophetic history of the one confederated people of the North American Union.

They had been the settlers of thirteen separate and distinct English colonies, along the margin of the shore of the North American continent contiguously situated, but chartered by adventurers of characters variously diversified, including sectarians, religious and political, of all the classes which for the two preceding centuries had agitated and divided the people of the British islands—and with them were intermingled the descendants of Hollanders, Swedes, Germans, and French fugitives from the persecution of the revoker of the Edict of Nantes.^[1]

In the bosoms of this People, thus heterogeneously composed, there was burning, kindled at different furnaces, but all furnaces of affliction, one clear, steady flame of LIBERTY. Bold and daring enterprise, stubborn endurance of privation, unflinching intrepidity in facing danger, and inflexible adherence to conscientious principle, had steeled to energetic and unyielding hardihood the characters of the primitive settlers of all these Colonies. Since that time two or three generations of men had passed away—but they had increased and multiplied with unexampled rapidity; and the land itself had been the recent theatre of a ferocious and bloody seven years' war between the two most powerful and most civilized nations of Europe, contending for the possession of this continent.

Of that strife the victorious combatant had been Britain. She had conquered the provinces of France. She had expelled her rival totally from the continent over which, bounding herself by the Mississippi, she was thenceforth to hold divided empire only with Spain. She had acquired undisputed control over the Indian tribes, still tenanted the forests unexplored by the European man. She had established an uncontested monopoly of the commerce of all her colonies. But forgetting all the warnings of preceding ages—forgetting the lessons written in the blood of her own children, through centuries of departed time, she undertook to tax the people of the colonies *without their consent*.

Resistance, instantaneous, unconcerted, sympathetic, inflexible resistance like an electric shock startled and roused the people of all the English colonies on this continent.

This was the first signal of the North American Union. The struggle was for chartered rights—for English liberties—for the cause of Algernon Sidney and John Hambden—for trial by jury—the Habeas Corpus and Magna Charta.

But the English lawyers had decided that Parliament was omnipotent—and Parliament in their omnipotence, instead of trial by jury and the Habeas Corpus enacted admiralty courts in England to try Americans for offenses charged against them as committed in America—instead of the privileges of Magna Charta, nullified the charter itself of Massachusetts Bay; shut up the port of Boston; sent armies and navies to keep the peace, and teach the colonies that John Hambden was a rebel, and Algernon Sidney a traitor.

English liberties had failed them. From the omnipotence of Parliament the colonists appealed to the rights of man and the omnipotence of the God of battles. *Union! Union!* was the instinctive and simultaneous cry throughout the land. Their Congress, assembled at Philadelphia, once—twice had petitioned the king; had remonstrated to Parliament; had addressed the people of Britain, for the rights of Englishmen—in vain. Fleets and armies, the blood of Lexington, and the fires of Charlestown and Falmouth, had been the answer to petition, remonstrance and address.

Independence was declared. The colonies were transformed into States. Their inhabitants were proclaimed to be *one people*, renouncing all allegiance to the British crown; all co-patriotism with the

British nation; all claims to chartered rights as Englishmen. Thenceforth their charter was the Declaration of Independence. Their rights, the natural rights of mankind. Their government, such as should be instituted by themselves, *under the solemn mutual pledges of perpetual union*, founded on the self-evident truths proclaimed in the Declaration.

The Declaration of Independence was issued, in the excruciating agonies of a civil war, and by that war independence was to be maintained. Six long years it raged with unabated fury, and the Union was yet no more than a mutual pledge of faith, and a mutual participation of common sufferings and common dangers.

The omnipotence of the British Parliament was vanquished. The independence of the United States of America, was not granted, but recognized. The nation had “assumed among the powers of the earth, the separate and equal station, to which the laws of nature, and of nature’s God, entitled it”—but the one, united people, had yet NO GOVERNMENT.

In the enthusiasm of their first spontaneous, unstipulated, unpremeditated union, they had flattered themselves that no general government would be required. As separate states they were all agreed that they should constitute and govern themselves. The revolution under which they were gasping for life, the war which was carrying desolation into all their dwellings, and mourning into every family, had been kindled by the abuse of power—the power of government. An invincible repugnance to the delegation of power, had thus been generated, by the very course of events which had rendered it necessary; and the more indispensable it became, the more awakened was the jealousy and the more intense was the distrust by which it was to be circumscribed.

They relaxed their union into a league of friendship between sovereign and independent states. They constituted a Congress, with powers co-extensive with the nation, but so hedged and hemmed in with restrictions, that the limitation seemed to be the general rule, and the grant the occasional exception. The articles of confederation, subjected to philosophical analysis, seem to be little more than an enumeration of the functions of a national government which the congress constituted by the instrument was not authorized to perform. There was avowedly no executive power.

The nation fell into an atrophy. The Union languished to the point of death. A torpid numbness seized upon all its faculties. A chilling cold indifference crept from its extremities to the center. The system was about to dissolve in its own imbecility—impotence in negotiation abroad—domestic insurrection at home, were on the point of bearing to a dishonorable grave the proclamation of a government founded on the rights of man, when a convention of delegates from eleven of the thirteen states, with George Washington at their head, sent forth to the people, an act to be made their own, speaking in their name and in the first person, thus: “We the people of the United States, in order to form a more perfect union, establish justice, ensure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty, to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.”

This act was the complement to the Declaration of Independence; founded upon the same principles, carrying them out into practical execution, and forming with it, one entire system of national government. The Declaration was a manifesto to the world of mankind, to justify the one confederated people, for the violent and voluntary severance of the ties of their allegiance, for the renunciation of their country, and for assuming a station themselves, among the potentates of the world—a self-constituted sovereign—a self-constituted country.

In the history of the human race this had never been done before. Monarchs had been dethroned for tyranny—kingdoms converted into republics, and revolted provinces had assumed the attributes of sovereign power. In the history of England itself, within one century and a half before the day of the Declaration of Independence, one lawful king had been brought to the block, and another expelled, with all his posterity, from his own kingdom, and a collateral dynasty had ascended his throne. But the former of these revolutions had by the deliberate and final sentence of the nation itself, been

pronounced a *rebellion*, and the rightful heir of the executed king had been restored to the crown. In the latter, at the first onset, the royal recreant had fled—he was held to have *abdicated* the crown, and it was placed upon the heads of his daughter and of her husband, the prime leader of the conspiracy against him. In these events there had been much controversy upon the platform of *English* liberties—upon the customs of the ancient Britons; the laws of Alfred, the Witenagamote of the Anglo-Saxons, and the Great Charter of Runnymede with all its numberless confirmations. But the actors of those times had never ascended to the first foundation of civil society among men, nor had any revolutionary system of government been rested upon them.

The motive for the *Declaration* of Independence was on its face avowed to be “a decent respect for the opinions of mankind.” Its *purpose* to declare the *causes* which impelled the people of the English colonies on the continent of North America, to separate themselves from the political community of the British nation. They declare *only*, the *causes* of their separation, but they announce at the same time their assumption of the separate and equal station to which the laws of nature and of nature’s God entitle them, among the powers of the earth.

Thus their first movement is to recognize and appeal to the laws of nature and to nature’s *God*, for their *right* to assume the attributes of sovereign power as an independent nation.

The causes of their *necessary* separation, for they begin and end by declaring it necessary, alleged in the Declaration, are all founded on the same laws of nature and of nature’s God—and hence as preliminary to the enumeration of the causes of separation, they set forth as self-evident truths, the rights of individual man, by the laws of nature and of nature’s God, to life, to liberty, to the pursuit of happiness. That all men are created *equal*. That to *secure* the rights of life, liberty and the pursuits of happiness, governments are instituted among men, deriving their *just* powers from the *consent* of the governed. All this is by the laws of nature and of nature’s God, and of course presupposes the existence of a God, the moral ruler of the universe, and a rule of right and wrong, of just and unjust, binding upon man, preceding all institutions of human society and of government. It avers, also, that governments are instituted to *secure* these rights of nature and of nature’s God, and that *whenever* any form of government becomes destructive of those ends, it is the right of THE PEOPLE to alter, or to abolish it, and to institute a new government—to throw off a government degenerating into despotism, and to provide new guards for their future security. They proceed then to say that such was then the situation of the Colonies, and such the necessity which constrained them to alter their former systems of government.

Then follows the enumeration of the acts of tyranny by which the king, parliament, and people of Great Britain, had perverted the powers to the destruction of the ends of government, over the Colonies, and the consequent necessity constraining the Colonies to the separation.

In conclusion, the Representatives of the United States of America, in general Congress assembled, appealing to the Supreme judge of the world for the rectitude of their intentions, do, *in the name and by the authority of the good people of these Colonies*, solemnly publish and declare that these *United Colonies*, are, and of right ought to be, free and independent States; that they are absolved from all allegiance to the British crown; and that all political connection between them and the state of Great Britain, is, and ought to be totally dissolved; and that as free and independent States, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent States may of *right* do. The appeal to the Supreme judge of the world, and the rule of right and wrong as paramount events to the power of independent States, are here again repeated in the very act of constituting a new sovereign community.

It is not immaterial to remark, that the Signers of the Declaration, though qualifying themselves as the Representatives of the United States of America, in general Congress assembled, yet issue the Declaration, *in the name and by the authority of the good people of the Colonies*—and that they declare, *not* each of the separate Colonies, but *the United Colonies*, free and independent States. The whole people declared the Colonies *in their united condition*, of RIGHT, free and independent States.

The dissolution of allegiance to the British crown, the severance of the Colonies from the British empire, and their actual existence as Independent States, thus declared of *right*, were definitively established *in fact*, by war and peace. The independence of each separate State had never been declared of *right*. It never existed *in fact*. Upon the principles of the Declaration of Independence, the dissolution of the ties of allegiance, the assumption of sovereign power, and the institution of civil government, are all acts of transcendent authority, which the people *alone* are competent to perform—and accordingly, it is in the name and by the authority of the people, that two of these acts—the dissolution of allegiance, with the severance from the British empire, and the declaration of the United Colonies, as free and independent States, were performed by that instrument.

But there still remained the last and crowning act, which *the People* of the Union alone were competent to perform—the institution of civil government, for that compound nation, the United States of America.

At this day it cannot but strike us as extraordinary, that it does not appear to have occurred to any one member of that assembly, which had laid down in terms so clear, so explicit, so unequivocal, the foundation of all just government, in the imprescriptible rights of man, and the transcendent sovereignty of the people, and who in those principles, had set forth their only personal Vindication from the charges of rebellion against their king, and of treason to their country, that their last crowning act was still to be performed upon the same principles. That is, the institution, by the *people* of the United States, of a civil government, to guard and protect and defend them all. On the contrary, that same assembly which issued the Declaration of independence, instead of continuing to act in the name, and by the authority of the good people of the United States, had immediately after the appointment of the committee to prepare the Declaration, appointed another committee, of one member from each Colony, to prepare and digest the form of *confederation*, to be entered into between the Colonies.

That committee reported on the 12th of July, eight days after the Declaration of independence had been issued, a draft of articles of confederation between the *Colonies*. This draft was prepared by John Dickinson, then a delegate from Pennsylvania, who voted against the Declaration of Independence, and never signed it—having been superseded by a new election of delegates from that State, eight days after his draft was reported.

There was thus no congeniality of principle between the Declaration of Independence and the Articles of Confederation. The foundation of the former were a superintending Providence—the rights of man, and the constituent revolutionary power of the people. That of the latter was the sovereignty of organized power, and the independence of the separate or disunited States. The fabric of the Declaration and that of the Confederation, were each consistent with its own foundation, but they could not form one consistent symmetrical edifice. They were the productions of different minds and of adverse passions—one, ascending for the foundation of human government to the laws of nature and of God, written upon the heart of man—the other, resting upon the basis of human institutions, and prescriptive law and colonial charters. The corner stone of the one was *right*—that of the other was *power*.

The work of the founders of our Independence was thus but half done. Absorbed in that more than Herculean task of maintaining that independence and its principles, by one of the most cruel wars that ever glutted the furies with human woe, they marched undaunted and steadfast through that fiery ordeal, and consistent in their principles to the end, concluded, as an acknowledged sovereignty of the United States, proclaimed by their people in 1776, a peace with that same monarch, whose sovereignty over them they had abjured in obedience to the laws of nature and of nature's God.

But for these United States, they had formed no *Constitution*. Instead of resorting to the source of all constituted power, they had wasted their time, their talents, and their persevering, untiring toils, in erecting and roofing and buttressing a frail and temporary shed to shelter the nation from the storm, or rather a mere baseless scaffolding on which to stand, when they should raise the marble palace of the people, to stand the test of time.

Five years were consumed by Congress and the State Legislatures, in debating and altercating and adjusting these Articles of Confederation. . . .

[Omitted: Adams recounts the process by which the Articles of Confederation were drafted and ratified.]

. . .

Is it not strange again that it appears not to have been perceived by any one at that time that the whole of this controversy arose out of a departure from the principles of the Declaration of Independence, and the substitution of state sovereignty instead of the constituent sovereignty of the people, as the foundation of the Revolution and of the Union. The war from the beginning had been, and yet was, a revolutionary popular war. The colonial governments never had possessed or pretended to claim sovereign power. Many of them had not even yet constituted themselves as independent States. The Declaration of independence proclaims the natural rights of man, and the constituent power of the people to be the *only* sources of legitimate government. State sovereignty is a mere argument of power, without regard to right—a mere reproduction of the omnipotence of the British parliament in another form, and therefore not only inconsistent with, but directly in opposition to, the principles of the Declaration of independence.

[Omitted: Adams relates more history of the government under the Articles of Confederation during the Revolutionary War.]

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Under the pressure of all these distresses, the cause of independence was triumphant. Peace came. The United States of America were recognized as free and independent, and as *one People* took the station to which the laws of nature and of nature's God entitled them among the powers of the earth. But their confederacy of sovereign states was as incompetent to govern them in peace as it had been to conduct them in war. The first popular impulse to union had carried them through the war. As that popular impulse died away, the confederation had supplied its place with hope and promise, the total disappointment of which, though discovered before the peace, was providentially not permitted to prevent its conclusion.

Peace came. The heroic leader of the revolutionary armies surrendered his commission. The armies were disbanded, but they were not paid. Mutiny was suppressed; but not until Congress had been surrounded by armed men, demanding justice, and appealed in vain for protection to the sovereign state within whose jurisdiction they were sitting. A single frigate, the remnant of a gallant navy, which had richly shared the glories, and deeply suffered the calamities of the war, was dismantled and sold. The expenses of the nation were reduced to the minimum of a peace establishment, and yet the nation was not relieved. The nation wanted a government founded on the principles of the Declaration of Independence—a government constituted by the people.

[Omitted: Adams recounts more evidence of the dysfunction of the new government.]

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None of [the] indispensably necessary powers were ever conferred by the state legislatures upon the Congress of the confederation; and well was it that they never were. The system itself was radically defective. Its incurable disease was an apostasy from the principles of the Declaration of independence. A substitution of separate state sovereignties, in the place of the constituent sovereignty of the people, as the basis of the confederate Union.

But in this Congress of the confederation, the master minds of James Madison and Alexander Hamilton, were constantly engaged through the closing years of the Revolutionary War, and those of peace which immediately succeeded. That of John Jay was associated with them shortly after the peace, in the

capacity of Secretary to the Congress for Foreign Affairs. The incompetency of the articles of confederation for the management of the affairs of the Union at home and abroad, was demonstrated to them by the painful and mortifying experience of every day. Washington, though in retirement, was brooding over the cruel injustice suffered by his associates in arms, the warriors of the Revolution; over the prostration of the public credit and the faith of the nation, in the neglect to provide for the payment even of the interest upon the public debt; over the disappointed hopes of the friends of freedom; in the language of the address from Congress to the States of the 18th of April, 1783—"the pride and boast of America, that the rights for which she contended were the rights of human nature."

At his residence of Mount Vernon, in March, 1785, the first idea was started of a revision of the articles of confederation, by an organization of means differing from that of a compact between the state Legislatures and their own delegates in Congress. A convention of delegates from the state Legislatures, independent of the Congress itself, was the expedient which presented itself for effecting the purpose, and an augmentation of the powers of Congress for the regulation of commerce, as the object for which this assembly was to be convened. In January, 1786, the proposal was made and adopted in the Legislature of Virginia, and communicated to the other state Legislatures.

The Convention was held at Annapolis, in September of that year. It was attended by delegates from only five of the central states, who on comparing their restricted powers, with the glaring and universally acknowledged defects of the confederation, reported only a recommendation for the assemblage of another convention of delegates to meet at Philadelphia, in May, 1787, from all the states and with enlarged powers.

The Constitution of the United States was the work of this Convention. But in its construction the Convention immediately perceived that they must retrace their steps, and fall back from a league of friendship between sovereign states, to the constituent sovereignty of *the people*, from *power* to *right*—from the irresponsible despotism of state sovereignty, to the self-evident truths of the Declaration of Independence. In that instrument, the right to institute and to alter governments among men was ascribed exclusively to *the people*—the ends of government were declared to be to *secure* the natural rights of man: and that *when* the government degenerates from the promotion to the destruction of that end, the right and the duty accrues to the people, to dissolve this degenerate government and to institute another. The Signers of the Declaration further averred, that the one people of the *United Colonies* were then precisely in that situation—with a government degenerated into tyranny, and called upon by the laws of nature and of nature's God, to dissolve that government and to institute another. Then in the name and by the authority of the good people of the Colonies, they pronounced the dissolution of their allegiance to the king, and their eternal separation from the nation of Great Britain—and declared the United Colonies independent States. And here as the representatives of the one people they had stopped. They did not require the confirmation of this Act, for the power to make the Declaration had already been conferred upon them by the people; delegating the power, indeed, separately in the separate colonies, not by colonial authority, but by the spontaneous revolutionary movement of the people in them all.

From the day of that Declaration, the constituent power of the people had never been called into action. A confederacy had been substituted in the place of a government; and state sovereignty had usurped the constituent sovereignty of the people.

The Convention assembled at Philadelphia had themselves no direct authority from the people. Their authority was all derived from the state legislatures. But they had the articles of confederation before them, and they saw and felt the wretched condition into which they had brought the whole people, and that the Union itself was in the agonies of death. They soon perceived that the indispensably needed powers were such as no state government; no combination of them was by the principles of the Declaration of Independence competent to bestow. They could emanate only from the people. A highly respectable portion of the assembly, still clinging to the confederacy of states, proposed as a substitute for the Constitution, a mere revival of the articles of confederation, with a grant of additional powers to the Congress. Their plan was respectfully and thoroughly discussed, but the want of a government and

of the sanction of the people to the delegation of powers, happily prevailed. A Constitution for the people, and the distribution of legislative, executive, and judicial powers, was prepared. It announced itself as the work of the people themselves; and as this was unquestionably a power assumed by the Convention, not delegated to them by the people, they religiously confined it to a simple power to propose, and carefully provided that it should be no more than a proposal until sanctioned by the confederation Congress, by the state Legislatures, and by the people of the several states, in conventions specially assembled, by authority of their Legislatures, for the single purpose of examining and passing upon it.

And thus was consummated the work, commenced by the Declaration of Independence. A work in which the people of the North American Union, acting under the deepest sense of responsibility to the Supreme Ruler of the universe, had achieved the most transcendent act of power, that social man in his mortal condition can perform. Even that of dissolving the ties of allegiance which he is bound to his country—of renouncing that country itself—of demolishing its government, of instituting another government, and of making for himself another country in its stead.

And on that day, of which you now commemorate the fiftieth anniversary—on that 30th day of April, one thousand seven hundred and eighty-nine, was this mighty revolution, not only in the affairs of our own country, but in the principles of government over civilized man, accomplished.

The revolution itself was a work of thirteen years—and had never been completed until that day. The Declaration of independence and the Constitution of the United States, are parts of one consistent whole, founded upon one and the same theory of government, then new, not as a theory, for it had been working itself into the mind of man for many ages, and been especially expounded in the writings of Locke, but had never before been adopted by a great nation in practice.

There are yet, even at this day, many speculative objections to this theory. Even in our own country, there are still philosophers who deny the principles asserted in the Declaration, as self-evident truths—who deny the natural equality and inalienable rights of man—who deny that the people are the only legitimate source of power—who deny that all just powers of government are derived from the *consent* of the governed. Neither your time, nor perhaps the cheerful nature of this occasion, permit me here to enter upon the examination of this anti-revolutionary theory, which arrays state sovereignty against the constituent sovereignty of the people, and distorts the Constitution of the United States into a league of friendship between confederate corporations. I speak to matters of fact. There is the Declaration of Independence, and there is the Constitution of the United States—let them speak for themselves. The grossly immoral and dishonest doctrine of despotic state sovereignty, the exclusive judge of its own obligations, and responsible to no power on earth or in heaven, for the violation of them, is not there. The Declaration says it is not in me. The Constitution says it is not in me.

. . .

I have traced step by step, in minute and tedious detail, the departure from the principles of the Declaration of Independence, in the process of organizing the confederation—the disastrous and lamentable consequences of that departure, and the admirable temper and spirit, with which the Convention at Philadelphia returned to those principles in the preparation and composition of the Constitution of the United States. That this work was still imperfect, candor will compel us all to admit, though in specifying its imperfections, the purest minds and the most patriotic hearts differ widely from each other in their conclusions. Distrustful as it becomes me to be of my own judgment, but authorized by the experience of a full half century, during which I have been variously and almost uninterruptedly engaged in both branches of the Legislature, and in the executive departments of this government, and released, by my own rapid approach to the closing scene of life, from all possible influence of personal interest or ambition, I may perhaps be permitted to remark, that the omission of a clear and explicit Declaration of Rights, was a great defect in the Constitution as presented by the Convention to the people, and that it has been imperfectly remedied by the ten Articles of amendment proposed by the first Congress under the Constitution, and now incorporated with it. A Declaration of Rights would have

marked in a more emphatic manner the return from the derivative sovereignty of the states, to the constituent sovereignty of the people for the basis of the federal Union, than was done by the words, "We the people of the United States," in the preamble to the Constitution. A Declaration of Rights, also, systematically drawn up, as a part of the Constitution, and adapted to it with the consummate skill displayed in the consistent adjustment of its mighty powers, would have made it more complete in its unity, and in its symmetry, than it now appears, an elegant edifice, but encumbered with superadditions, not always in keeping with the general character of the building itself.

A Declaration of Rights, reserved by the constituent body, the people, might and probably would have prevented many delicate and dangerous questions of conflicting jurisdictions which have arisen, and may yet arise between the general and the separate state governments. The rights reserved by the people would have been exclusively their own rights, and they would have been protected from the encroachments not only of the general government, but of the disunited states.

And this is the day of your commemoration. The day when the Revolution of independence being completed, and the new confederation Republic announced to the world, as the United States of America, *constituted* and organized under a government founded on the principles of the Declaration of Independence, was to hold her course along the lapse of time among the civilized potentates of the earth.

From this point of departure we have looked back to the origin of the Union; to the conflict of war by which the severance from the mother-country, and the release from the thralldom of a trans-Atlantic monarch, were effected, and to the more arduous and gradual progression by which the new government had been constructed to take the place of that which had been cast off and demolished.

[Omitted: Adams speaks of the personal qualities of George Washington, the first President, as he recounts the early history of the United States under the Constitution.]

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[The government under the Constitution] was republican, and even democratic. And here not to be misunderstood, I mean by democratic, a government, the administration of which must always be rendered comfortable to that predominating public opinion, which even in the ages of heathen antiquity, was denominated the queen of the world: and by republican I mean a government reposing, not upon the virtues or the powers of any one man—not upon that *honor*, which Montesquieu lays down as the fundamental principle of monarchy—far less upon that *fear* which he pronounces the basis of despotism; but upon that *virtue* which he, a noble of aristocratic peerage, and the subject of an absolute monarch, boldly proclaims as a fundamental principle of republican government. The Constitution of the United States was republican and democratic—but the experience of all former ages had shown that of all human governments, democracy was the most unstable, fluctuating and short-lived; and it was obvious that if virtue—the virtue of the people, was the foundation of republican government, the stability and duration of the government must depend upon the stability and duration of the virtue by which it is sustained.

Now the *virtue* which had been infused into the Constitution of the United States, and was to give to its vital existence, the stability and duration to which it was destined, was no other than the concretion of those abstract principles which had been first proclaimed in the Declaration of Independence—namely, the self-evident truths of the natural and unalienable rights of man, of the indefeasible constituent and dissolvent sovereignty of the people, always subordinate to a rule of right and wrong, and always responsible to the Supreme Ruler of the universe for the *rightful* exercise of that sovereign, constituent, and dissolvent power.

This was the platform upon which the Constitution of the United States had been erected. Its VIRTUES, its republican character, consisted in its conformity to the principles proclaimed in the Declaration of Independence, and as its administration must necessarily be always pliable to the fluctuating varieties

of public opinion; its stability and duration by a like overruling and irresistible necessity, was to depend upon the stability and duration in the hearts and minds of the people of that *virtue*, or in other words, of those principles, proclaimed in the Declaration of Independence, and embodied in the Constitution of the United States.

[Omitted: Further description of George Washington's character; early history of the Union, focusing especially on Rhode Island's and North Carolina's slowness to join.]

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Yet the boundary line between the constitutional authority of the General Government, and that of the separate States, was not drawn in colors so distinct and clear, as to have escaped diversities of opinion, and grave and protracted controversy. While the people of distant lands, of foreign races, and of other tongues, have solicited admittance to the North American Union, and have been denied, more than once have serious and alarming collisions of conflicting jurisdiction arisen between the General Government, and those of the separate states, threatening the dissolution of the Union itself. The right of a single state, or of several of the states in combination together, to secede from the Union, the right of a single state, without seceding from the Union, to declare an act of the General Congress, a law of the United States, null and void, within the borders of that state, have both been at various times, and in different sections of the Union, directly asserted, fervently controverted, and attempted to be carried into execution. It once accomplished a change of the administration of the General Government, and then was laid aside. It has occasionally wasted itself in abortive projects of new confederacies, and has recently proceeded to the extremity of assembling a Convention of the people of one state in the Union, to declare a law of the United States unconstitutional, null, and void. But the law was nevertheless executed; and in this, as in other instances, a temporary turbulent resistance against the lawful powers of Congress, under the banners of State sovereignty, and State rights, is now terminating in a more devoted adherence and willing subserviency to the authority of the Union.

This has been the result of the working of the Institution, and although now, as heretofore, it has been effected by means and in a manner so unforeseen and unexpected, as to baffle all human penetration, and to take reflection itself by surprise; yet the uniformity of the result often repeated by the experience of half a century, has demonstrated the vast superiority of the Constitution of the United States over the Confederation, as a system of Government to control the temporary passions of the people, the permanent curb of their own interest.

In the calm hours of self-possession, the right of a *State* to nullify an act of Congress, is too absurd for argument, and too odious for discussion. The right of a state to secede from the Union, is equally disowned by the principles of the Declaration of Independence. Nations acknowledge no judge between them upon earth, and their Governments from necessity, must in their intercourse with each other decide when the failure of one party to a contract to perform its obligations, absolves the other from the reciprocal fulfillment of his own. But this last of earthly powers is not necessary to the freedom or independence of states, connected together by the immediate action of the *people*, of whom they consist. To the people alone is there reserved, as well the dissolving, as the constituent power, and that power can be exercised by them only under the tie of conscience, binding them to the retributive justice of Heaven.

With these qualifications, we may admit the same right as vested in the *people* of every state in the Union, with reference to the General Government, which was exercised by the people of the United Colonies, with reference to the Supreme head of the British empire, of which they formed a part—and under these limitations, have the people of each state in the Union a right to secede from the confederated Union itself.

Thus stands the RIGHT. But the indissoluble link of union between the people of the several states of this confederated nation, is after all, not in the *right*, but in the *heart*. If the day should ever come, (may Heaven avert it,) when the affections of the people of these states shall be alienated from each other;

when the fraternal spirit shall give away to cold indifference, or collisions of interest shall fester into hatred, the bands of political association will not long hold together parties no longer attracted by the magnetism of conciliated interests and kindly sympathies; and far better will it be for the people of the disunited states, to part in friendship from each other, than to be held together by constraint. Then will be the time for reverting to the precedents which occurred at the formation and adoption of the Constitution, to form again a more perfect union, by dissolving that which could no longer bind, and to leave the separated parts to be reunited by the law of political gravitation to the center.

While the Constitution was thus accomplishing the first object declared by the people as their motive for ordaining it, by forming a more perfect union, it became the joint and co-ordinate duty of the legislative and executive departments, to provide for the second of those objects [in the Constitution's Preamble: "to establish justice"], which involved within itself all the rest, and indeed all the purposes of government. For justice, defined by the Institutes of Justinian, as the constant and perpetual will of securing to every one his *right*, includes the whole duty of man in the social institutions of society, toward his neighbor.

[Omitted: Discussion of the respective powers of Congress and the President in matters of the Law of Nations.]

. . .

The Declaration of Independence recognized the European law of nations, as practiced among Christian nations, to be that by which they considered themselves bound, and of which they claimed the rights. This system is founded upon the principle, that the state of nature between men and between nations, is a state of peace. But there was a Mahometan law of nations, which considered the state of nature as a state of war—an Asiatic law of nations, which excluded all foreigners from admission within the territories of the state—a colonial law of nations, which excluded all foreigners from admission within the colonies—and a savage Indian law of nations, by which the Indian tribes within the bounds of the United States, were *under their protection*, though in a condition of undefined dependence upon the governments of the separate states. With all these different communities, the relations of the United States were from the time when they had become an independent nation, variously modified according to the operation of those various laws. It was the purpose of the Constitution of the United States to *establish justice* over them all.

[Omitted: History of early commercial relations with foreign countries; the first cabinet positions and appointment to subordinate positions in the executive branch; and the first dealings of the United States in relations with foreign countries.]

. . .

In the meantime a change had come over the whole political system of Europe. The principles proclaimed in the Declaration of Independence, as at the foundation of all lawful government, had been sapping the foundations of all the governments founded on the unlimited sovereignty of force—the absolute monarchy of France was crumbling into ruin; a wild and ferocious anarchy, under the banners of unbridled Democracy was taking its place, and between the furies of this frantic multitude, and the agonies of immemorial despotism, a war of desolation and destruction was sweeping over the whole continent of Europe. In this war all the sympathies of the American people were on the side of France and of freedom, but the freedom of France was not of the genuine breed. A phantom of more than gigantic form had assumed the mask and the garb of freedom, and substituted for the principles of the Declaration of Independence, anarchy within and conquest without. The revolution of the whole world was her war-cry, and the overthrow of all established governments her avowed purpose.

Under the impulses of this fiend, France had plunged into war with all Europe, and murdered her king, his queen, his sister, and numberless of his subjects and partisans, with or without the forms of law, by the butchery of mock tribunals, or the daggers of a blood-thirsty rabble. In this death-struggle between

inveterate abuse and hurly-burly innovation, it is perhaps impossible even now to say which party had been the first aggressor; but France had been first invaded by the combined forces of Austria and Prussia, and under banners of liberty, Equality, Fraternity, had become an armed nation to expel them from her borders. The partialities of the American people still sympathized with France. They saw that her cause was the cause of national independence. They believed her professions of liberty, equality, and fraternity; and when the same Convention which had declared France a republic, and deposed and put to death her king, declared war against the kings of Great Britain and Spain, shocked as they were at the merciless extermination of their ancient great and good ally, they still favored at heart the cause of France, especially when in conflict under the three-colored banners of liberty, equality, fraternity, with their ancient common enemy of the Revolutionary war, the British king, and with their more recent, but scarcely less obnoxious foe, the king of Spain.

[Omitted: History of the remainder of Washington's administration.]

. . .

The administration of Washington fixed the character of the Constitution of the United States, as a practical system of government, which it retains to this day. Upon his retirement, its great antagonist, Mr. Jefferson, came into the government again, as Vice President of the United States, and four years after, succeeded to the Presidency itself. But the funding system and the bank were established. The peace with both the great belligerent powers of Europe was secured. The disuniting doctrines of unlimited separate state sovereignty were laid aside. Louisiana, by a stretch of power in Congress, far beyond the highest tone of Hamilton, was annexed to the Union—and although dry-docks, and gun-boats, and embargoes, and commercial restrictions, still refused the protection of the national arm to commerce, and although an overweening love of peace, and a reliance upon reason as a weapon of defence against foreign aggression, eventuated in a disastrous though glorious war with the gigantic power of Britain [the War of 1812], the Constitution as construed by Washington, still proved an effective government for the country.

And such it has still proved, through every successive change of administration it has undergone. Of these, it becomes not me to speak in detail. . . .

It has been my purpose, Fellow-Citizens, in this discourse to show:—

1. That this Union was formed by a spontaneous movement of *the people* of thirteen English Colonies; all subjects of the King of Great Britain—bound to him in allegiance, and to the British empire as their country. That the first object of this Union, was united resistance against oppression, and to obtain from the government of their country redress of their wrongs.
2. That failing in this object, their petitions having been spurned, and the oppressions of which they complained, aggravated beyond endurance, their Delegates in Congress, *in their name and by their authority*, issued the Declaration of Independence—proclaiming them to the world as *one people*, absolving them from their ties and oaths of allegiance to their king and country—renouncing that country; declared the UNITED Colonies, Independent States, and announcing that this ONE PEOPLE of thirteen united independent states, by that act, assumed among the powers of the earth, that separate and equal station to which the laws of nature and of nature's God entitled them.
3. That in justification of themselves for this act of transcendent power, they proclaimed the principles upon which they held all lawful government upon earth to be founded—which principles were, the natural, unalienable, imprescriptible rights of man, specifying among them, life, liberty and the pursuit of happiness—that the institution of government is to *secure* to men in society the possession of those rights: that the institution, dissolution, and reinstitution of government, belong exclusively to THE PEOPLE under a moral responsibility to the Supreme Ruler of the universe; and that all the *just* powers of government are derived from the *consent* of the governed.

4. That under this proclamation of principles, the dissolution of allegiance to the British king, and the compatriot connection with the people of the British empire, were accomplished; and the *one people* of the United States of America, became one separate sovereign independent power, assuming an equal station among the nations of the earth.

5. That this one people did not immediately institute a government for themselves. But instead of it, their delegates in Congress, by authority from their separate state legislatures, without voice or consultation of the people, instituted a mere confederacy.

6. That this confederacy totally departed from the principles of the Declaration of independence, and substituted instead of the constituent power of the people, an assumed sovereignty of each separate state, as the source of all its authority.

7. That as a primitive source of power, this separate state sovereignty, was not only a departure from the principles of the Declaration of Independence, but directly contrary to, and utterly incompatible with them.

8. That the tree was made known by its fruits. That after five years wasted in its preparation, the confederation dragged out a miserable existence of eight years more, and expired like a candle in the socket, having brought the union itself to the verge of dissolution.

9. That the Constitution of the United States was a *return* to the principles of the Declaration of independence, and the exclusive constituent power of the people. That it was the work of the ONE PEOPLE of the United States; and that those United States, though doubled in numbers, still constitute as a nation, but ONE PEOPLE.

10. That this Constitution, making due allowance for the imperfections and errors incident to all human affairs, has under all the vicissitudes and changes of war and peace, been administered upon those same principles, during a career of fifty years.

11. That its fruits have been, still making allowance for human imperfection, a more perfect union, established justice, domestic tranquility, provision for the common defence, promotion of the general welfare, and the enjoyment of the blessings of liberty by the constituent *people*, and their posterity to the present day.

And now the future is all before us, and Providence our guide.

When the children of Israel, after forty years of wanderings in the wilderness, were about to enter upon the promised land, their leader, Moses, who was not permitted to cross the Jordan with them, just before his removal from among them, commanded that when the Lord their God should have brought them into the land, they should put the curse upon Mount Ebal, and the blessing upon Mount Gerizim. This injunction was faithfully fulfilled by his successor Joshua. Immediately after they had taken possession of the land, Joshua built an altar to the Lord, of whole stones, upon Mount Ebal. And there he wrote upon the stones a copy of the law of Moses, which he had written in the presence of the children of Israel: and all Israel, and their elders and officers, and their judges, stood on the two sides of the ark of the covenant, home by the priests and Levites, six tribes over against Mount Gerizim, and six over against Mount Ebal. And he read all the words of the law, the blessings and cursings, according to all that was written in the book of the law.

Fellow-citizens, the ark of *your* covenant is the Declaration of independence. Your Mount Ebal, is the confederacy of separate state sovereignties, and your Mount Gerizim is the Constitution of the United States. In that scene of tremendous and awful solemnity, narrated in the Holy Scriptures, there is not a curse pronounced against the people, upon Mount Ebal, not a blessing promised them upon Mount Gerizim, which your posterity may not suffer or enjoy, from your and their adherence to, or departure from, the principles of the Declaration of Independence, practically interwoven in the Constitution of the

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United States. Lay up these principles, then, in your hearts, and in your souls—bind them for signs upon your hands, that they may be as frontlets between your eyes—teach them to your children, speaking of them when sitting in your houses, when walking by the way, when lying down and when rising up—write them upon the doorplates of your houses, and upon your gates—cling to them as to the issues of life—adhere to them as to the cords of your eternal salvation. So may your children’s children at the next return of this day of jubilee, after a full century of experience under your national Constitution, celebrate it again in the full enjoyment of all the blessings recognized by you in the commemoration of this day, and of all the blessings promised to the children of Israel upon Mount Gerizim, as the reward of obedience to the law of God.

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[1] A reference to Louis XIV, King of France, who in 1685 revoked the Edict of Nantes whereby Protestants had previously been allowed to live in France under the Catholic monarchy. These Protestants, known as the Huguenots, left France after the Edict was revoked, and many came and settled in the British colonies of North America.

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