

II.  
FROM CONFEDERATION  
TO NATION

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LUCIUS JUNIUS BRUTUS I

*The Independent Chronicle*, AT BOSTON,

OCTOBER 12, 1786

*Heu, miseri cives  
Non hostes, inimicaque castra,  
Vestras spes uritis.*<sup>3</sup>

**M**ANY FRIENDS of the government seem to think it a duty to practice a little well-intended hypocrisy, when conversing on the subject of the late commotions in the Commonwealth. They seem to think it prudent and necessary to conceal from the people, and even from themselves, the magnitude of the present danger. They affect to hope, that there is not any real disaffection to government among the rioters, and that reason will soon dispel the delusion which has excited them

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<sup>3</sup>Alas! suffering citizens  
Neither enemies, nor hostile camps  
have laid waste your hopes.

to arms. But the present crisis is too important, and appearances too menacing, to admit of pusillanimous councils, and half-way measures. Every citizen has a right to know the truth. It is time to speak out, and to rouse the torpid patriotism of men, who have every thing to lose by the subversion of an excellent Constitution.

The members of the General Court acquired the esteem of the most respectable part of the community, by their wise and manly conduct during the last session; the task before them is now become arduous indeed; the eyes of their country, and of the world, are upon them, while they resolve, either to surrender the Constitution of their country, without an effort, or by exerting the whole force of the State in its defence, to satisfy their constituents, that its fall (if it must fall) was effected by a force, against which all the resources of prudence and patriotism had been called forth in vain.

It will be necessary to consider the nature and probable consequences of the late riots, in order to determine, whether this alternative, to surrender or to defend the Constitution, is now the question before the General Court.

The crime of high treason has not been always supposed to imply the greatest moral turpitude and corruption of mind; but it has ever stood first on the list of civil crimes. In European states, the rebellion of a small number of persons can excite but little apprehension, and no danger; an armed force is there kept up, which can crush tumults almost as soon as they break out; or if a rebellion prevails, the conqueror succeeds to the power and titles of his vanquished competitor. The head of the government is changed; but the government remains.

The crime of levying war against the state is attended with particular aggravations and dangers in this country. Our government has no armed force; it subsists by the supposed approbation of the majority; the first murmurs of sedition excite doubts of that approbation; timid, credulous, and ambitious men concur to magnify the danger. In such a

government, the danger is real, as soon as it is dreaded. No sooner is the standard of rebellion displayed, than men of desperate principles and fortunes resort to it; the pillars of government are shaken; the edifice totters from its centre; the foot of a child may overthrow it; the hands of giants cannot rebuild it. For if our government should be destroyed, what but the total destruction of civil society must ensue? A more popular form could not be contrived, nor could it stand; one less popular would not be adopted. The people then, wearied by anarchy, and wasted by intestine war, must fall an easy prey to foreign or domestic tyranny. Besides, our Constitution is the free act of the people; they stand solemnly pledged for its defence, and treason against such a Constitution implies a high degree of moral depravity.

Such are the aggravations of the crime of high treason against the Commonwealth of Massachusetts.

Is it safe, by our timidity and affected moderation, to afford the principal perpetrators of this atrocious crime the prospect of impunity? There are offences which wise nations have supposed it unsafe to pardon. For their forgeries, the benevolent Dodd, and the ingenious Ryland suffered death; the pardon of the one was refused to the tears of a suppliant nation; nor could a monarch's favor save the other from his punishment. This crime against a free Commonwealth, which has no standing military force, will be repeated if it is not punished; witness the increase of insolence and numbers, with which the late riots have succeeded each other. The certainty of punishment is the truest security against crimes; but if a number of individuals are allowed, with impunity, to support by arms their disapprobation of public measures, though the Constitution should remain, yet we shall be cursed with a government by men, and not by laws. The plans of an enlightened and permanent national policy may be defeated by, and in fact must depend upon, the desperate ambition of the worst men in the Commonwealth; upon the convenience of bankrupts and sots, who have gambled or slept away their

estates; upon the sophisms of wrong-headed men of some understanding; and upon the prejudices, caprice, and ignorant enthusiasm of a multitude of tavern-haunting politicians, who have none at all. The supreme power of the State will be found to reside with such men; and in making laws, the object will not be the general good, but the will and interest of the vile legislators. This will be a government by men, and the worst of men; and such men, actuated by the strongest passions of the heart, having nothing to lose, and, hoping from the general confusion to reap a copious harvest, will acquire in every society a larger share of influence, than equal property and abilities will give to better citizens. The motives to refuse obedience to government are many and strong; impunity will multiply and enforce them. Many men would rebel, rather than be ruined; but they would rather not rebel than be hanged. The English government may sometimes treat insurrections with lenity, for they dare to punish. But who will impute our forbearance either to prudence or magnanimity?

It need not be observed, that it is rebellion to oppose any of the courts of justice; but opposing the Supreme Court, whose justices are so revered for their great learning and integrity, is known to be high treason by every individual who has mingled with the mob. Many of them have been deluded with the pretence of grievances; but they well know that the method of redress which they have sought is treasonable; they dare to commit the offence, because they believe that government have not the power and spirit to punish them.

This seems therefore to be the time, and perhaps the only time, to revive just ideas of the criminality and danger of treason; for our government to govern; for our rulers to vindicate the violated majesty of a free Commonwealth; to convince the advocates of democracy, that the Constitution may yet be defended, and that it is worth defending; that the supreme power is really held by the legal representatives of

the people; that the county conventions and riotous assemblies of armed men shall no longer be allowed to legislate, and to form an *imperium in imperio*; and that the protection of government shall yet be effectually extended to every citizen of the Commonwealth.

In a free government, the reality of grievances is no kind of justification of rebellion. It is hoped that our rulers will act with dignity and wisdom; that they will yield every thing to reason, and refuse every thing to force; that they will not consider any burdens as a grievance which it is the duty of the people to bear; but if the burden is too weighty for them to endure, that they will lighten it; and that they will not descend to the injustice and meanness of purchasing leave to hold their authority by sacrificing a part of the community to the villainy and ignorance of the disaffected.

It may be very proper to use arguments, to publish addresses, and fulminate proclamations against high treason; but the man who expects to disperse a mob of a thousand men, by ten thousand arguments, has certainly never been in one. I have heard it remarked, that men are not to be reasoned out of an opinion that they have not reasoned themselves into. The case, though important, is simple. Government does not subsist by making proselytes to sound reason, or by compromise and arbitration with its members; but by the power of the community compelling the obedience of individuals. If that is not done, who will seek its protection, or fear its vengeance? Government may prevail in the argument, and yet we may lose the Constitution.

We have been told that the hatchet of rebellion would be buried, at least till another occasion shall call it forth, provided all public and private debts be abolished; or, in lieu of such abolition, that a tender act be passed; or an emission of paper money, as a tender for all debts, should be made; or that the courts of justice should be shut, until all grievances are redressed.

Here naturally arise two questions. In strict justice, ought our rulers to adopt either of these measures? And should they adopt either, or all of them, will the energy of government be restored, and the Constitution be preserved?

As to the first question, who is there that keeps company with honest men that will not give scope to the vehement detestation that he bears the idea? Is there a rogue in the State so hardened against shame and conscience that he would consent to be, alone, the author of either of those measures? It is to be hoped that the time is not yet arrived when the government of a free, new people is worse than the worst man in it.

But should government resolve that a measure which is morally wrong is politically right; that it is necessary to sacrifice its friends and advocates to buy a truce from its foes; will those foes, having tasted the sweets of ruling, intermit their enterprises, while there is a remnant of authority left in the State to inflict punishments and to impose taxes, and that authority is no longer formidable by the support of those men whose rights have been already surrendered? Did cowardice, did injustice, ever save a sinking state? Did any man, by giving up a portion of his just right, because he had not courage to maintain it, ever save the residue? The insolence of the aggressor is usually proportioned to the tameness of the sufferer. Every individual has a right to tell his rulers, "I am one of the parties to the constitutional contract. I promised allegiance, and I require protection for my life and property. I am ready to risk both in your defence. I am competent to make my own contracts; and when they are violated to seek their interpretation and redress in the judicial courts. I never gave you a right to interpose in them. Without my consent, or a crime committed, neither you, nor any individual, have a right to my property. I refuse my consent; I am innocent of any crime. I solemnly protest against the transfer of my property to my debtor. An act

making paper or swine a tender, is a confiscation of my estate, and a breach of that compact under which I thought I had secured protection. If ye say that the people are distressed, I ask is the proposed relief less distressing? Relieve distress from your own funds; exercise the virtues of charity and compassion at your own charge, as I do. Am I to lose my property, and to be involved in distress, to relieve persons whom I never saw, and who are unworthy of compassion if they accept the dishonest relief? If your virtues lead you to oppress me, what am I to expect from your vices? But if ye will suffer my life to depend upon the mercy of the mob, and my property upon their opinion of the expediency of my keeping it, at least restore me the right which I renounced when I became a citizen, of vindicating my own rights, and avenging my own injuries."

In fine, the public will be convinced that the designs of the rioters are subversive of government; that they have knowingly incurred the penalties of high treason; that arguments will not reach them; will not be understood; if understood will not convince them; and after having gone such lengths, conviction will not disarm them; that if government should reason and deliberate when they ought to act; should choose committees, publish addresses, and do nothing; we shall see our free Constitution expire, the state of nature restored, and our rank among savages taken somewhere below the Oneida Indians. If government should do worse than nothing, should make paper money or a tender act, all hopes of seeing the people quiet and property safe, are at an end. Such an act would be the legal triumph of treason.

But, before we make such a sacrifice, let us consider our force to defend the State. And to direct that force, at the head of the government is a magistrate<sup>4</sup> whose firmness, integrity, and ability are well known. The senate and house

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<sup>4</sup>*Governor Bowdoin* [S. AMES]

have hitherto deserved the public confidence. Every man of principle and property will give them his most zealous aid. A select corps of militia may easily be formed, of such men as may be trusted; the force of the United States may be relied upon, if needed. The insurgents, without leaders, and without resources, will claim the mercy of the government as soon as vigorous counsels are adopted.

But if the Constitution must fall, let us discharge our duty, and attempt its defence. Let us not furnish our enemies with a triumph, nor the dishonored page of history with evidence was formed with too much wisdom to be valued, and required too much virtue to be maintained by its members.