

3. Violations of the law
of nations and of treaties.

3. From the number of Legislatures, the sphere of life from which most of their members are taken, and the circumstances under which their legislative business is carried on, irregularities of this kind must frequently happen. Accordingly not a year has passed without instances of them in some one or other of the States. The Treaty of peace - the treaty with France - the treaty with Holland have each been violated. [See the complaints to Congress on these subjects]. The causes of these irregularities must necessarily produce frequent violations of the law of nations in other respects.

as yet foreign powers have not been rigorous in animadverting on us. This moderation however cannot be mistaken for a permanent partiality to our faults, or a permanent security against those disputes with ~~foreign~~ other nations, which being among the greatest of public calamities, it ought to be ~~the~~ least in the power of any part of the Community to bring on the whole

A. Trepasas of
the States on the rights
of each other.

A. These are alarming symptoms, and may be daily apprehended as we are admonished by daily experience. See the Law of Virginia respecting foreign vessels to certain ports - of Maryland in favor of vessels belonging to her own citizens - of N. York in favor of the same.

paper money, instalments of debts, exclusion of Credits, making property a legal tender, may likewise be deemed aggressions on the rights of other States. as ~~is the case~~ the citizens of every State respectively taken stand more or less in the relation of creditors or debtors, to the citizens of every other State, acts of the debtor State in favor of debtors, affect the Creditor State, in the same manner, as they do its own citizens who are relatively creditors towards other citizens. This remark may be extended to foreign nations. If the ^{exclusion} regulation of the value and alloy of coin was properly delegated to the federal authority, the ~~reasons~~ policy of it equally requires a control on the States in the cases above mentioned. It must have been meant 1. to preserve uniformity in the circulating medium throughout the nation. 2. to prevent those frauds on the citizens of other States, and the subjects of foreign powers, which

might disturb the tranquility at home, or involve the Union in foreign contests.

The practice of many States in restricting the commercial intercourse with other States, and ~~consider~~ putting their productions and manufactures on the footing with those of foreign nations, though not contrary to the federal articles, is certainly adverse to the spirit of the Union, and tends to begot retaliating regulations, not less expensive & occasions in themselves, than they are destructive of the general harmony.

5. want of concert in matters where common interest requires it.

5. This defect is strongly illustrated in the state of our commercial affairs. How much has the national dignity, interest, and revenue suffered from this cause? Instances of inferior moment are the want of uniformity in the laws concerning naturalization & literary property; of provision for national seminaries; for grants of incorporation ~~in cases~~ for national purposes, for canals and other ~~works~~ ^{works} of general utility, which may at present be defeated by the perverseness of particular States whose concurrence is necessary.

6. want of general guaranty to the States of their Constitutions & laws against internal violence. P. 3

6. The confederation is silent on this point, and therefore by the second article the hands of the federal authority are tied, according to Republican Theory, right and power being both vested in the majority, are held to be synonymous. according to fact and experience a minority may in an appeal to force, be an overmatch for the majority. 1. if the minority happen to include all such as possess the skill and habits of military life, or such as possess the great pecuniary resources, one third only may conquer the remaining two thirds. 2. one third of those who participate in the choice of the rulers, may be rendered a majority by the accession of those whose poverty excludes them from a right of suffrage, and who for obvious reasons will be more likely to take join the standard of sedition than of that of the established Government. 3. where slavery exists the republican Theory becomes ^{more} still fallacious.

are become one sovereign power, so far ^{acceptance of} ~~it seems to follow from the~~ ^{it seems to follow from the} ~~doctrine~~ ^{of compacts} ~~that a breach of any of the articles of the~~ ^{confederation} ~~League of Nations~~.
by any of the parties to it, absolves the other parties from their
respective obligations, and gives them a right if they choose to exert
it, of dissolving the union altogether.

8. Multiplicity of laws
in the several States.

9. In developing the evils which viciate the political system of
the U. S. it is proper to include those which are found within ~~among~~
the States individually, as well as those which directly affect the
States collectively, since the former class have an indirect influence
on the general malady and must not be overlooked in forming a
complete remedy. Among the evils ^{then} of our situation may well be rank-
ed the multiplicity of laws from which no State is exempt. As far as
laws are necessary ~~of necessity~~, to mark with precision the duties
of those who are to obey them, and to take from those who are to ad-
minister them a discretion, which might be abused, their number ^{is} ~~with~~
the

the price of liberty. As far as the ^{laws exceed ~~numbers~~} ~~limit~~ ^{this limit}, they are
a nuisance ^{of the pestilent kind}. Try the codes of the several States by this test and what a luxuriance
of legislation do they present. The short period of independency has filled as many
pages as the century which preceded it. Every year, almost every session, adds a
new volume. This may be the effect in part, but it can only be in part, of the
situation ~~into~~ ⁱⁿ which the revolution has placed us. A review of the ^{several} ~~antiquary~~
~~codes~~ ^{codes} ~~manuscripts~~ will show that every necessary and useful part of the least volu-
minous of them might be compressed into one tenth of the compass, and
at the same time be rendered tenfold as perspicuous.

30. Mutability of the
Laws of the States.

30. This evil is intimately connected with the former yet deserves a
distinct notice, as it emphatically ^{denotes} ~~denotes~~ a vicious legislation. We ~~can~~ ^{daily see}
laws repealed or superseded, before any trial can have been made of them,
and even before a knowledge of them can have reached the remoter dis-
tricts within which they were to operate. In the regulations of trade this
instability becomes a ~~nuisance~~ ^{nuisance} not only to our citizens but to foreigners also.

11. Injustice of the Laws
of States.

11. If the multiplicity and mutability of ~~the~~ Laws prove a want of wisdom, their injustice betrays a defect still more alarming: more alarming not merely because it is a greater evil in itself; but because it brings more into question the fundamental principle of republican government, that the majority ~~are~~ who rule in such governments are the safest guardians both of ~~the~~ public good and of private rights. To what causes is this evil to be ascribed?

These causes lie 1. in the Representative bodies.

2. in the people themselves.

1. Representative appointments are sought from 3 motives. 1. ambition 2. personal interest. 3. public good. Unhappily the two first are pursued by experience to be most prevalent. Hence the candidates who feel them, particularly the second, are most industrious, and most successful in pursuing their object: and forming often a majority in the legislative councils, with interested views, contrary to the interest, and ~~common~~ views, of their constituents, join in a perfidious sacrifice of the latter to the former. A succeeding election it might be supposed, would displace the offenders, and ^{repair the mischief,} ~~redress the inequality.~~ But how easily are base and selfish measures, masked by pretence of public good and apparent expediency? How ~~often~~ ^{frequently} will a repetition of the same acts send in -

...dearly which succeeded in the first instance, again prevail on the un-
-way to misplace their confidence?

How frequently too will the honest but unenlightened representative be the dupe of a favorite leader, veiling his selfish views under the professions of public good, and varnishing his sophistical arguments with the glowing colours of popular eloquence!

2. A ^{title} more fatal if not more frequent cause lies among the people themselves. All civilized societies are divided into different interests and factions, as they happen to be creditors or debtors - rich or poor - husbandmen, merchants or manufacturers - members of different religious sects - followers of different political leaders - inhabitants of different districts - owners of different kinds of property &c. In republican government the majority have or compose, ultimately give the law. Whenever therefore an apparent interest or common passion excites a majority what is to restrain them from unjust violations of the rights and interests of the minority, or of individuals? Three motives only 1. a prudent regard to their own good as involved in the general and permanent good of the community. This consideration, ~~if~~ although of decisive weight in itself, is found by experience to be too often unheeded. It is too often forgotten, by nations as well as by individuals that

As a limited monarchy tempers the evils of an absolute
- but an extensive Republic meliorates the ^{administration} of a small
Republic.

An auxiliary disposition for the melioration of the Republican
form is such a process of elections as will most certainly extract
from the mass of the society the purest and noblest characters which it
contains; such as will at once feel ~~most~~ most strongly the pub-
-lic motives to pursue the end of their appointment and be most
capable to devise the proper means of attaining it.

Views of the political
system of the United States

April 1787

12 Importance of the laws
of the States

