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with the federal constitution? These questions decided in the affirmative, leave to congress no latitude of discretion; it becomes their bounden duty to receive it. And when they present to disavow it, they are not only to their constitutional limits; they intermeddle with an affair that does not concern them, and violate the very law by which they hold their existence. To submit to that usurped authority would be to renounce the right of self-government, and to subject ourselves to the caprice of Congress, annulling our institutions according to their notions of political expediency. For if they can prescribe one article of our constitution, they can dictate the whole.

Many of us from long residence without the limits of our parent states, in a country where all our privileges and obligations seem to flow from the federal government, have contracted the habit of regarding that government as the fountain of all political power. To such of us it is difficult to throw off habitual trammels, and at once to view our rights in their true, constitutional aspect. But there is an easy mode of testing the principle, plain and intelligible to the dullest capacity. Congress have no powers but those expressly given by the constitution; if we cannot find them there, they do not exist. The general residuum of authority is inherent in, and is moreover expressly reserved to the state respectively. What is a constitution? The state of Missouri then, can derive none of its powers from Congress; all it needs from that quarter is the means of organization. For if we hold our right to erect a state government by virtue of a grant from congress, it necessarily follows that congress have power to regulate and appropriate the rights contained in that grant, according to their discretion. They in effect would make our state constitution; and the people, instead of being free and independent, would be the slaves of a distant power, acting under orders.

The principle has been long ago established and is now sanctified by time, that the people have an undoubted right to make, alter and abolish their government according to their will and pleasure. How shall we get around this sacred principle? Is it the mass-spirit of our political institutions, and the very essence of American liberty? And how shall we reconcile this inalienable right of the people of Missouri to make their own constitution with the arrogant pretensions of Congress to dictate its provisions, and to enforce obedience by denouncing the heavy penalty of exclusion from the federal union? What is a constitution? It is nothing more nor less than a fundamental law establishing a form of government; and in our country, usually denoted and regulated by several departments of governmental power. It is paramount over the legislature itself; circumscribing its authority to particular objects, and directing the mode of its exercise. From the very nature of law and government, the power that enacts a constitution and binds the legislature of a country, must of necessity be sovereign; for it were ridiculous to say that a power in itself secondary and dependent can do an act which when done becomes primitive and absolute. If then congress have power to make our constitution, they are our sovereigns. If we have power to make it for ourselves, we are as we should be free and independent. I assure you that no Missourian will display a spirit so servile and an ignorance so gross, as to strive to reconcile the independence of the one with the power of the other.

The accession of a new state to the federal union is not an act done by congress only. It is a compact between the admitted state and the states previously members of the confederation. And the very power of forming a compact whereby we acquire constitutional rights and assume constitutional obligations, irresistibly implies previous sovereignty and independence. For if at the moment of admission, we were still dependent, the compact is, in part, incomplete, and deprives the sanction of the governing power. And if it derives its force from any power but ourselves, it is not binding. The government of the U. States is a *federate* government, the very essence of which is that it is formed by compact between several *separate independent* states. They must be *separate* otherwise they would form one consolidated government, and not a confederacy. There must be independent, otherwise they would have no power to form such a compact. Hence it follows that every new state must of necessity be sovereign and independent before it can, on constitutional principles, become a member of the federal family. Suppose a constitution should be formed diametrically opposite to conditions contemplated to be imposed by Congress, and that somebody should refuse their approbation; what more could they do than simply to refuse us admission into the union? Would that refusal oblige us back into our former state of dependence? I hope and believe there is no man west of the Mississippi prepared to advance the preposterous idea that such refusal on the part of congress, could destroy an established form of government, and annul a constitution which the people, by virtue of inherent right have made and chosen for themselves.

I am aware that faint hearted politicians, dreading the consequences of a misunderstanding with the federal government, might be induced, contrary to their better judgment, to favour the erroneous idea that a new state derives its independence from admission into the union. I would ask such men, if any there be among us, (which I feel forbid) how, and at what time the *old* United States became free? Was it by the treaty of '82? Was it by the adoption of the federal constitution? No. It was by the glorious declaration of independence. Nothing else is necessary to make a nation legally free but that she should so declare herself, and there is no possible mode of declaring that fact so solemn and imposing as the assumption of sovereignty and the adoption of a constitution. Whether she can maintain herself in the enjoyment of that freedom is another question—a question to be decided not by arguments, but by physical force. It is most happy for us that we have no reason to fear such a crisis. The people of this territory possess too bold an affection for the principles of the constitution, and

among a senate of the incalculable blessings it is calculated to afford, to permit them incautiously to jeopardize their right to a participation in its benefits, or to give the federal government constitutional grounds of offence. And the people of the United States are, I trust, actuated by a spirit of justice and obedience to the constitution too strong to admit of a wish to do us wrong. For my own part, I consider the right of admission into the union as one of the greatest and dearest privileges of Americans, falling far short of the right of sovereignty and self-government. That we now have that right is susceptible of demonstration. This much, fellow-citizens, I have ventured to say before you, by way of introducing a more regular and orderly investigation of this question in its various bearings. I have as yet said nothing of the treaty of session, which forms a strong link in my chain of argument, and which alone is sufficient to defeat the usurped authority of the house of representatives. You shall hear from me again.

HAMPDEN.

P. S. Since writing the above I am informed that the bill has failed, by reason of the disagreement of the two houses of congress on the above question.

FOR THE ST. LOUIS EXQUIRER.

No. I.

To the People of Missouri Territory.

FELLOW-CITIZENS,

Nothing is calculated to produce feelings of deeper mortification and regret, than the necessity of withdrawing our confidence and esteem from those, to whom we have been accustomed to look up with respect and reverence. Such were my feelings towards the house of representatives of the United States, (whom from my infancy, I have been accustomed to contemplate with sentiments bordering on filial love) when I was informed that pending the bill for the admission of this territory into the union, an amendment was proposed, and actually carried by a small majority, to impose upon us a novel and unconstitutional condition. Fortunately for them and perhaps for us, a rebellious spirit was found in the senate. They rejected the amendment, and thereby saved congress from the foul disgrace of such an act of usurpation, and saved us from the jarring and discord incident to the necessity of maintaining our rights in defiance of such usurped authority. Since the amendment has failed in the senate, and the bill will probably pass cleansed of that blot, we shall not, I hope be called upon, for the painful exercise of that republican firmness and persevering determination which I know belongs to the people of this country. Nevertheless, it behoves us to speak to the people of the union, in the indignant language of injured freemen; and tell them how much they are mistaken, in supposing that because we inhabit a country once belonging to the king of Spain, we are the poor remnant of Spanish dependents. Can it be necessary to inform the people of the United States, that the great mass of our population was born in a land of liberty; that we hence how to appreciate our natural and constitutional rights; and are at all times prepared to maintain and defend them? You my fellow citizens, have had abundant reason to remark the reprehensible usurpation of authority by congress, and the increasing latitude with which they construe the constitution. So far as concerns the frontiers, the same sovereignty of some of the territories, and the affectionate acquiescence of others soon to have led them to the belief, either that we are ignorant of our rights, or that we are prepared, on their limitation, to abandon them. In the most prosperous period of the late war, when the public treasury was empty, and our country stood in need of the unanimous support of all her sons, congress extended their revenue laws to this territory. It was then no time to talk about constitutional principles. Our interests were identified with theirs, and both were at stake. And knowing that we inherited all the blessings of the constitution, that the evils we suffered were but temporary, we would not withhold our aid from the public service, because we were denied a representation on the floor of congress. Yet no politician who has any reputation to lose, will dare abandon the principles of the constitution, and affirm that we could constitutionally be taxed without being represented.

But it has been reserved for the house of representatives of the present congress to commit the most gross and barefaced usurpation that has yet been attempted. They have ingrafted on the bill for our admission into the union, a provision that the state constitution shall prohibit the further introduction of slavery; and that all children born of slaves shall be free at the age of five and twenty years. Here in my fellow citizens, that the question now before you is not whether slaves, shall be permitted or prohibited in the future state of Missouri; but whether you will resolve to surrender your rights, and suffer any earthly power to dictate the terms of your constitution. The federal constitution means a republican form of government to every state, and is itself the supreme law of the land. The only question then, that can arise on the presentation of a new state constitution for the approbation of Congress, is these—*Is it republican? Is it consistent*