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As to the question of the people of the ceded territory, it is not necessary to repeat what has been said in the preceding articles. It is not necessary to repeat what has been said in the preceding articles. It is not necessary to repeat what has been said in the preceding articles.

The third article of the treaty of cession provides that "the inhabitants of the ceded territory shall be incorporated into the union of the states and admitted as soon as possible according to the principles of the federal constitution, to the enjoyment of all its rights, advantages and immunities of citizens of the United States, and in the mean time they shall be maintained and protected in the full enjoyment of their liberty, property and the religion which they profess." Now, with regard to incorporation into the union, the treaty admits of but one possible construction, viz: the ceded territory must be formed into states and admitted into the confederation, equal in all respects to the original states.

As we cannot be admitted to the enjoyment of the rights, thus guaranteed, without having previously become a state, we must first erect a state government, and having put ourselves in a condition to enjoy the rights secured to us, demand of Congress the performance of their treaty stipulations.

If the terms of the treaty we are entitled to "all the rights" of American citizens; and the right of choosing for themselves and making their own constitution is the greatest and most valuable right belonging to American citizens. The treaty, therefore, guarantees the right of making our own constitution in all its parts. If Congress can make any part of it, in that part the people of Missouri can have no voice. If Congress can make any one part, they can make any other part—they can make the whole. And thus "the inhabitants of the ceded territory" to whom the treaty guarantees "all the rights, advantages and immunities of citizens of the United States" become the veriest political slaves, divested of the only right which gives value to citizenship—the right of governing themselves.

Our incorporation into the union must take place "according to the principles of the federal constitution." Is it according to those principles that congress can undertake to frame the constitution of a state? If so, the order of nature is changed, and the creature can make the creator; for the federal constitution is but the creature of the states; and when Missouri becomes a member of the confederation, that constitution, so far as it concerns her, will derive all its force from her enactment; for no other earthly power can extend its jurisdiction over us. We must ratify it, or it is never our law. Our incorporation into the union, and admission to the rights of citizenship, must be (following the terms of the treaty) "as soon as possible." What I understand by this phrase, is not physical or moral, but political possibility; that is, the ceded territory shall be admitted to the enjoyment of all the rights mentioned in the treaty, as soon as it has acquired a sufficient population to admit of a subdivision into states of sufficient strength and of proportionate size; and as soon as the old inhabitants have had time by prolixatory experience, to understand and appreciate the excellence of republican institutions.

It seems to be universally conceded that, in all these particulars we are now ripe for admission. If we take as a criterion, the number, wealth and intelligence of the population in some of the newly admitted states, we find Missouri fully their equal. And, as far as the national sentiment can be gathered from any thing short of an act of Congress, we have it in our favor on this point; for the Missouri bill passed both houses of the national legislature, with all its features, except the attempted usurpation against which we are now contending.

All the power that Congress can pretend to exercise over this territory is derived from the treaty. They claimed it, and took it by the treaty alone; and every stipulation on their part forms a part of the consideration for the grant. Indeed the obligation to fulfill every article of their engagement, is as strong as is their right to claim the country; and an absolute refusal to execute their part of the contract would be equivalent to an abandonment of all claim to the ceded territory. It has been said that as France and the U. States are the only parties to the treaty, it is a matter between them only, and that we have no right to insist upon the performance of any of its conditions, although made exclusively for our benefit. I had not thought that any American politician was so far gone in arts treacherous canstury, as seriously to contend that the U. States are absolved from the fulfillment of their solemn engagements, because France has no adequate interest to make her insist on their fulfillment. Yet, supposing such an interest to exist, would any man say that a failure on the part of the United States would not be a just cause of war? If the failure would be a just cause of war against the union, does it not follow that the United States are bound to execute the treaty?

Many objections were taken to this treaty at the time it was made, and of all its provisions, the third article, under which we claim, was considered most consonant to the principles of the constitution, and was the only provision on which the advocates of the treaty then rested its defence. It was then a matter of much doubt whether the United States could constitutionally acquire and hold foreign territory. It seems jordanis

in the hands of the federal government, certainly the constitution makes no specific grant of such a power, and I have yet to learn to what power specifically granted this power of holding provinces would attach itself as a necessary incident. But these arguments might be dispensed with, for the treaty itself is, by positive, conditional provisions, a law of the land, a law of Congress as well as to individuals, a law which no power in the government can repeal or modify. "It is true that when an act of Congress is necessary to put in operation the provisions of a treaty, Congress might if they were wicked enough to do so, defeat the operations of the treaty, by refusing the necessary preparations. . . . But they can do it only as an individual can commit murder; both acts would be dishonest and illegal, and the only difference would be that in the case of the murder, the law has provided an adequate sanction—he atones for his crime with his life; but for those who have broken the public faith, who have destroyed national confidence, who have covered their country with falsehood and dishonor, and perhaps involved her in the horrors of war, no punishment is provided but the just execution of a virtuous republic. The patriot may weep over his country's infamy, but the wretches who wrought it, still survive. As well might it be said that Congress are not bound to guarantee the republicanism of the states and to protect every citizen against foreign oppression, because no specific remedy has been appointed.

But let it be remembered that human ingenuity has not yet devised a mode of accountability for those who exercise the sovereign functions of government. The wise framers of our constitution could not anticipate that the people's servants would have as inducement or a wish to transcend the limits of their delegated powers; and if they had foreseen such an event, they could not have provided a remedy: They left it where it belongs—at the fountain head of all power and all right—in the hands of men entitled to freedom and determined to be free.

And now, fellow citizens, I think my promise is fulfilled: I think it has been shown that, according to the principles of the federal constitution, and the nature and spirit of our republican institutions, Congress have no power to impose any condition whatsoever upon a state in the formation of its constitution, and that the treaty by which this territory was ceded from France to the United States, guarantees to us the right of making our own constitution, in all its parts. The subject presents many points of great importance, and of vital interest to every citizen. I have endeavored to confine myself to such points as seemed most to require explanation, entirely omitting many interesting topics, lest the discussion should be too much amplified to be properly attended to. Principles have been quoted, which from the revolution to this day have stood as landmarks for the American politician, and to depart from which has always been considered destructive of political liberty; and arguments have been urged sound and strong to themselves, and well they have been employed by an abler pen, absolutely irresistible. Yet still I believe the argument unanswerable—certainly it yet stands unanswered; for, although several writers have appeared nominally on the other side of the question, yet not one of them has attempted to support the right of Congress to make the constitution of a state, by any thing like a regular train of reasoning. They have principally written on the general principle of domestic slavery—whether it be "right or wrong public or impolitic"—questions very proper to be discussed when our convention is in session, but being totally irrelevant to the present subject, I do not now feel disposed to spend my time upon them.

Besides, the majority of the writers nominally on the other side of the question (to say nothing of a total departure from the subject) have made themselves intangible, by descending below the reach of argument to a style of sneering, and vulgar ribaldry, which no man will use who can use a better, and in which I hope I shall never be their rival. I have too much respect for those whom I address, and for myself to use or to combat such a style.

To you, my fellow citizens, it cannot be material by what trade or profession I live—read my arguments; if they are bad condemn them; if they are good approve and act upon them—I put it to your judgment.

HAMPDEN.

NO. V.
To the People of Missouri.

FELLOW CITIZENS,
When I undertook to prove that Congress have no power to make any part of your Constitution, a general outline was given of the course intended to be pursued in the argument. After considering the subject as it is affected by the constitution itself, and by the fundamental principles of our state and federal governments, and having demonstrated, I think most clearly, the non-existence of any such power, I come to consider our rights as guaranteed by the treaty of cession. As I consider the case as settled at the commencement of this series, clearly made out, on constitutional principles, this number would have been dispensed with, but for the pledge that has been given the pub-