

Complaints of the Constitution

Directions: Read the following letter written by Thomas Jefferson to James Madison. In it, Jefferson discusses his frustrations with the Constitution. Answer the questions that follow.

To James Madison

Paris Dec. 20. 1787.

Dear Sir

I like much the general idea of framing a government which should go on of itself peaceably, without needing continual recurrence to the state legislatures. I like the organization of the government into Legislative, Judiciary and Executive. I like the power given the Legislature to levy taxes.... am much pleased too with the substitution of the method of voting by persons, instead of that of voting by states.

I will now add what I do not like. First the omission of a bill of rights providing clearly and without the aid of sophisms for freedom of religion, freedom of the press, protection against standing armies, restriction against monopolies, the eternal and unremitting force of the habeas corpus laws, and trials by jury in all matters of fact triable by the laws of the land.... Let me add that a bill of rights is what the people are entitled to against every government on earth, general or particular, and what no just government should refuse, or rest on inference.

The second feature I dislike, and greatly dislike, is that abandonment in every instance of the necessity of rotation in office, and most particularly in the case of the President. Experience concurs with reason in concluding that the first magistrate will always be re-elected if the constitution permits it. He is then an officer for life.... If once elected, and at a second or third election outvoted by one or two votes, he will pretend false votes, foul play, hold possession of the reins of government, be supported by the states voting for him, especially if they are the central ones lying in a compact body themselves and separating their opponents: and they will be aided by one nation of Europe, while the majority are aided by another. The election of a President of America some years hence will be much more interesting to certain nations of Europe than ever the election of a king of Poland was...An incapacity to be elected a second time would have been the only effectual preventative. The power of removing him every fourth year by the vote of the people is a power which will not be exercised.

I have thus told you freely what I like and dislike: merely as a matter of curiosity for I know your own judgment has been formed on all these points after having heard every thing which could be urged on them. I own I am not a friend to a very energetic government. It is always oppressive....

Dear Sir your affectionate friend & servant,

Th: Jefferson

"From Thomas Jefferson to James Madison, 20 December 1787," *Founders Online*, National Archives, accessed April 11, 2019, <https://founders.archives.gov/documents/Jefferson/01-12-02-0454>. [Original source: *The Papers of Thomas Jefferson*, vol. 12, 7 August 1787–31 March 1788, ed. Julian P. Boyd. Princeton: Princeton University Press, 1955, pp. 438–443.]

1. What does Thomas Jefferson approve of in the Constitution?

1. What are his concerns about the Constitution?

1. How is Thomas Jefferson concerned foreign countries will interfere with American politics?

Exit Ticket

Now that you have learned about the discussions surrounding the Constitution and the addition of the Bill of Rights, write a response to Thomas Jefferson. As James Madison, explain to Thomas Jefferson why his concerns about the Constitution are not valid.

To Thomas Jefferson

Dear Sir,

Dear Sir your affectionate friend & servant,

James Madison